

BOARD OF COMMISSIONERS MINUTES

April 30, 2019

The Cherry County Board of Commissioners met in regular session on April 30, 2019 at 10:00 AM in the Cherry County Courthouse, as per notice in the Valentine Midland News, with the agenda being on file in the office of the County Clerk. The meeting was called to order at 10:00 AM by Chairman Storer. Roll call was taken. Present for the meeting were Cherry County Commissioners Tanya Storer, James Ward, and Cherry County Deputy Clerk Elise Hamling with an excused absence for Commissioner Martin DeNaeyer. The Open Meetings Act Poster was acknowledged by Chairman Storer and the Pledge of Allegiance was recited.

The regular meeting minutes from April 9, 2019 were read. Commissioner Ward moved to approve the minutes as read. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner DeNaeyer-absent. Commissioner Ward-aye. Commissioner Storer-aye. The motion carried.

Commissioner Ward moved to approve claims. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-absent. Commissioner Ward-aye. The motion carried.

Spencer Thomas and Ray Meyer from NOVO benefits addressed the Board regarding the renewal of the Meritain Health insurance, renewal, disclosure form, medical bridge and dental insurance information for 2019-2020.

At 11:10 AM Commissioner DeNaeyer joined the meeting.

The Board reviewed the summary of coverage and usages of the previous plan years and compared them to the proposed coverage for 2019-2020 presented by Spencer and Ray.

Commissioner Storer moved to approve the renewal of the Meritain Health Insurance as presented for 2019-2020. The motion was seconded by Commissioner Ward. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Ward-aye. Commissioner Storer-aye. The motion carried.

County Assessor Betty Daugherty presented information for three personal property tax list corrections. It was a consensus of the Board to approve tax list corrections for 2018 #5-160261287, #6-160648752 and #7-160109256 and to authorize Chairman Storer to sign the corrections as presented by Assessor Daugherty.

Communications Director Gary Weaver discussed the need to proceed with the re-construction of the Emergency Communications tower near Nenzel that was disabled during the March 2019 storm.

Commissioner Ward moved to proceed with the Nenzel Emergency Communications Tower construction pending an agreement with the landowner. Commissioner DeNaeyer seconded the motion. Roll call vote was taken. Commissioner Ward-aye. Commissioner Storer-aye. Commissioner DeNaeyer-aye. The motion carried.

At 1:00 PM, during the allotted time, the Board received comments from the public.

Highway Superintendent Lloyd Smith addressed a concern from some Cherry County residents about the ownership of a roadway within the county. No Board action was required.

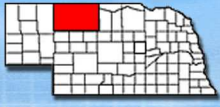
Highway Superintendent Smith also informed the board of some suggestions that had been made to him by the County's Insurance agency, NIRMA. No Board action was required.

At 1:30 PM, as advertised, Chairman Storer opened the public hearing regarding the Valentine Area Solid Waste Agency Local Siting Application.

Background was given by City of Valentine Attorney, Susan Beel. The siting request being considered is for the approval of the siting of a construction and demolition waste disposal area within the existing property.

No public testimony was offered during the hearing.

At 1:45 PM, Chairman Storer closed the public hearing.



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The Board the Sheriff's Quarterly Fee report for January 1, 2019-March 31, 2019.

Building and Grounds Superintendent Pat Greenough informed the Board of maintenance schedules and challenges with the fluid coolers of the Courthouse and proposed ideas for long-term maintenance.

The Board encouraged Superintendent Greenough to research and implement the most reasonable course of action regarding the function and maintenance of the fluid coolers. No formal Board action was required.

At 2:30 PM, as advertised, the Board recessed from regular session to convene as a Board of Corrections.

At 2:55 PM, The Board returned to returned to regular session.

At 2:56 PM, it was the consensus of the Board to move the meeting to the Cherry County Courtroom for the Public Hearings regarding proposed Amendments to the Cherry County Zoning Regulations.

At 3:00 PM, as advertised, Chairman Storer opened the public hearing to consider an amendment, proposed by citizen Wayne Eatinger, to the Cherry County Zoning Regulations.

The Board invited citizen Wayne Eatinger to provide background on the amendment proposal. The proposed amendment would change the current Cherry County Zoning Regulations in section 613.01 to read 'Cherry County prohibits commercial/industrial wind energy conversion systems'. There would also be a change to Section 613.02, Under Section 1. Article A., which would then read 'No wind energy system shall exceed 80 feet'.

Approximately 29 people offered verbal testimony in support of the proposed amendment and approximately 7 offered verbal testimony in opposition. Written testimony submitted to the County Clerk regarding this amendment is on file in the Cherry County Clerk's Office.

During public testimony James Ducey presented a map which visually depicted the opinions on wind energy development of landowners throughout Cherry County and then when asked by the Board to allow them to create a readable version of that submission Mr. Ducey refused to submit a readable version of the map which had been shown in an open meeting of a public body. The version Mr. Ducey did submit is illegible.

At 5:47 PM, as there was no more public testimony to come before the Board, Chairman Storer closed the public hearing.

At 5:48 PM, Chairman Storer opened the public hearing to consider an amendment, proposed by citizen William Weller, to the Cherry County Zoning Regulations.

The Board invited citizen William Weller to provide background on the amendment proposal. The proposed amendment would change the current Cherry County Zoning Regulations in Section 303.42, which defines the term 'Industrial' for the purpose of the document, to read 'Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, mineral extraction or any WECS with a wind turbine(s) height above ground exceeding 100 feet.' The amendment would also affect Section 613 to change 'Commercial or Commercial/Utility' to read 'Industrial' throughout the section.

Approximately 18 people offered verbal testimony in support of the proposed amendment and approximately 2 offered verbal testimony in opposition. Written testimony submitted to the County Clerk regarding this amendment is on file in the Cherry County Clerk's Office.

At 6:48 PM, as there was no more public testimony to come before the Board, Chairman Storer closed the public hearing.

After hearing the testimony of those who spoke at the public hearing, Commissioner Storer stated that according to a Nebraska Supreme Court precedent-setting case, it is unlawful for Cherry County to place a ban on any activity that is legal under the laws of the State of Nebraska and the United States Federal Government.

Commissioner Storer moved to reject the Amendment to the Cherry County Zoning Regulations proposed by Wayne Eatinger which would read: 'Cherry County prohibits commercial/industrial wind energy conversion systems'. The motion was seconded by Commissioner DeNaeyer. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-aye. Commissioner Ward-abstain. The motion carried.

After discussing the need to know the full impact of approving the proposed changes in language to the Cherry County Zoning Regulations prior to making a decision on William Weller's proposed amendment the Board will request further information from the Cherry County Planning Commission as well as have time to do further research on the matter.

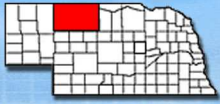
Commissioner Storer moved to table a decision on the Amendment to the Current Cherry County Zoning regulations which was proposed by citizen William Weller. The motion was seconded by Commissioner Ward. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Ward-aye. Commissioner Storer-aye. The motion carried.

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CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	210,591.39	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of			\$
			210,591.39
GENERAL			
AFLAC		Withholdings/Insurance	\$1,455.25
Ameritas Life Insurance/Retirement		Withholdings/Retirement	\$15,477.93
Ameritas Life Insurance/Dental		Withholdings/Insurance	\$2,634.48
Cherry County Health Account		Health Claims Funding	\$35,212.56
Colonial Life		Supplemental Insurance Premiums	\$4,217.37
Credit Management Services		Withholdings/Garnishment	\$389.34
EFTPS		Withholdings/Taxes	\$28,617.32
Legal Shield		Services	\$237.95
MassMutual		Withholdings/Retirement	\$400.00
Meritain Health		Health Insurance Premiums	\$14,562.13
NE Department of Revenue		Withholdings/Taxes	\$4,000.24
Eric A Scott		Clerical Salary/Supplies	\$4,578.00
Vision Service Plan		Withholdings/Insurance	\$543.36
GENERAL FUND PAYROLL		Gross Wages/Salary	\$134,002.84
		GROSS TOTAL	\$246,328.77
Adjustment for employees' share of withholdings		(\$35,737.38)	
		NET TOTAL	\$210,591.39

Claims were presented in the amount of	\$	118,835.64	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Road Fund in the amount of	\$	118,835.64	
ROAD			
AFLAC		Withholdings/Insurance	\$1,718.51
Ameritas Life Insurance/Retirement		Withholdings/Retirement	\$8,860.29
Ameritas Life Insurance/Dental		Withholdings/Insurance	\$1,220.72
Assurity Life Insurance Company		Withholdings/Insurance	\$21.75
Cherry County Health Account		Health Claim Funding	\$17,607.33
Colonial Life		Supplemental Insurance Premiums	\$2,282.74
Credit Management		Withholdings/Garnishment	\$326.47
EFTPS		Taxes/Withholdings	\$17,887.30
Legal Shield		Services	\$229.20
Meritain Health		Health Insurance Premiums	\$6,723.13
NE Department of Revenue		Taxes/Withholdings	\$2,627.73
Panhandle Collection, Inc		Withholdings/Garnishment	\$297.96



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SD Child Support Payment Center	Garnishment	\$433.33
Vision Service Plan	Withholdings/Insurance	\$188.22
ROAD FUND PAYROLL	Gross Wages/Salary	\$81,854.87
	GROSS TOTAL	\$142,279.55
Adjustment for employees' share of withholdings	(\$23,443.91)	
	NET TOTAL	\$118,835.64

Claims were presented in the amount of	\$	61,249.93	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Health Claims Fund in the amount of	\$	61,249.93	
HEALTH CLAIMS FUND			
Cherry County Clerk	Health Insurance Claims	\$61,249.93	
	TOTAL	\$61,249.93	

Claims were presented in the amount of	\$	3,178.52	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Emergency Management Fund in the amount of		\$3,178.52	

EMERGENCY MANAGEMENT			
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$312.57	
EFTPS	Taxes/Withholdings	\$628.06	
NE Department of Revenue	Taxes/Withholdings	\$80.06	
EMERGENCY MANAGEMENT PAYROLL	Gross Salary/Wages	\$2,778.44	
	GROSS TOTAL	\$3,799.13	
Adjustment for employees' share of withholdings	(\$620.61)		
	NET TOTAL	\$3,178.52	

At 7:02 PM, with no further business to come before the Board, Chairman Storer declared the meeting adjourned.

These minutes are not the official record and may be corrected. A copy of the approved official minutes is available to the public in the Cherry County Clerk's Office.

BOARD OF CORRECTIONS MINUTES

April 30, 2019

The Cherry County Board of Commissioners met as a Board of Corrections on April 30, 2019 at 2:30 PM in the Commissioner Meeting Room of the Cherry County Courthouse, as per notice in the Valentine Midland News, with the agenda being on file in the office of the County Clerk. The meeting was called to order at 2:30 PM by Chairman Storer. Roll call was taken. Present for the meeting were Cherry County Commissioners Tanya Storer, Martin DeNaeyer, and James Ward, Cherry County Deputy Clerk Elise Hamling, and Justice Center Administrator Sharon Hesse. The Open Meetings Act Poster was acknowledged by Chairman Storer.

The minutes from the March 26, 2019 Board of Corrections meeting were read and approved at the April 9, 2019 regular Board of Commissioners meeting.

Justice Center administrator informed the Board that the Encartele video visitation equipment had been installed successfully.

Administrator Hesse informed the board of the June 10th, 2019 Jail Standards Inspection date, gave staff number updates, as well as presented some new information regarding the potential for Telehealth doctor visits in the Justice Center in the future. No Board action was required.

At 2:50 PM Chairman Storer declared the meeting adjourned.

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