

BOARD OF COMMISSIONERS MINUTES

April 9, 2019

The Cherry County Board of Commissioners met in regular session on April 9, 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, Martin DeNaeyer, and James Ward, and Cherry County Clerk Brittny Petersen. The Open Meetings Act Poster was acknowledged by Chairman Storer and the Pledge of Allegiance was recited.

The regular meeting minutes from March 26, 2019 were read. Commissioner DeNaeyer moved to approve the minutes as read. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-aye. Commissioner Ward-aye. The motion carried.

The Board of Corrections meeting minutes from March 26, 2019 were read. Commissioner Storer moved to approve the minutes as read. Commissioner DeNaeyer seconded the motion. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Ward-aye. Commissioner Storer-aye. The motion carried.

The Board reviewed two Requests to Occupy County Right-of Way from Consolidated Telephone Co. Commissioner DeNaeyer moved to grant permission for Consolidated Telephone Co. to occupy the County Right-of-Way to bury fiber-optic / communications cable at Canvasback Road and Highway 83 west one mile to Viaero Cell Drive and from Tim Burney's drive on the Brownlee Road northwest 7.5 miles to Highway 97 and authorize Chairman Storer to sign the Requests. Commissioner Ward seconded the motion. Roll call vote was taken. Commissioner Ward-aye. Commissioner Storer-aye. Commissioner DeNaeyer-aye. The motion carried.

Commissioner Storer moved to approve the contract renewal with APC Management Contract for New Generation Apartments and to authorize Commissioner DeNaeyer to sign as KPCC Housing Corp. President. Commissioner DeNaeyer seconded the motion. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-aye. Commissioner Ward-abstain. The motion carried.

Commissioner DeNaeyer moved to appoint Joshua Krueger to the KPCC Housing Corp. Board of Directors to fill the position vacated by Thomas Elliott. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Ward-aye. Commissioner Storer-aye. The motion carried.

At 10:30 AM, as advertised in the Valentine Midland News, Chairman Storer opened the public hearing regarding CUP Application #005-18 submitted by USCOC dba US Cellular.

Cherry County Zoning Administrator Jessica Coyle informed the Board that at the Cherry County Planning Commission's February 26, 2019 meeting the Planning Commission had voted 6-0 to recommend approval of CUP Application #005-18. The CUP Application, Planning Commission meeting minutes, and written testimony were previously provided by Administrator Coyle to the Board at their March 12, 2019 meeting. Administrator Coyle restated that there was no opposition from adjacent landowners regarding the application.

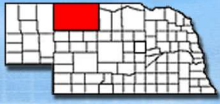
Chad Skinner and Matt Sandoz appeared at the public hearing on behalf of the applicant, US Cellular. They informed the Board that FAA clearance had been obtained, the lease with the current landowner, and a Cattle County Easement were all in place for the proposed communications tower.

No one from the public offered testimony in support of or opposition to CUP Application # 005-18.

At 10:43AM Chairman Storer closed the public hearing.

Commissioner DeNaeyer moved to adopt Zoning Resolution #Z-76 approving Conditional Use Permit #005-18 USCOC dba US Cellular. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner Ward-aye. Commissioner Storer-aye. Commissioner DeNaeyer-aye. The motion carried.

The Board discussed proposals for Cherry County annual audit services from Ritterbush & Piotrowski, Romans, Wiemer & Associates, and Contryman Associates P.C. Clerk Petersen stated that all feedback received from other Nebraska Counties who have employed the previously mentioned firms has been positive. Commissioner Ward moved to accept the one-year engagement proposal from Contryman Associates, P.C. for audit services to be provided to Cherry County for fiscal year ending June 30, 2019.



Cherry County Board Minutes



Commissioner DeNaeyer seconded the motion. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-aye. Commissioner Ward-aye. The motion carried.

At 11:00 AM, with notices posted up in three public places on April 4, 2019 by the Cherry County Clerk, Chairman Storer opened the public hearing regarding CUP Application #002-19 submitted by Cherry County Communications.

Zoning Administrator Coyle provided the Board with CUP Application #002-19 and Cherry County Planning Commission meeting minutes from April 2, 2019. Administrator Coyle stated that the Planning Commission had voted 6-0 to recommend approval of CUP Application #002-19 and that there was no opposition from adjacent landowners regarding the application.

No one from the public offered testimony in support of or opposition to CUP Application # 002-19.

At 11:05 AM Chairman Storer closed the public hearing.

Commissioner Storer moved to adopt Zoning Resolution #Z-77 approving Conditional Use Permit #002-19 Cherry County Communications. Commissioner Ward seconded the motion. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Ward-aye. Commissioner Storer-aye. The motion carried.

Commissioner DeNaeyer moved to set the public hearing time, date, and location regarding a proposed amendment by citizen Wayne Eatinger to Cherry County Zoning Regulations for April 30, 2019 at 3:00 PM in the Court Room of the Cherry County Courthouse. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner Ward-aye. Commissioner Storer-aye. Commissioner DeNaeyer-aye. The motion carried.

Commissioner Storer moved to set the public hearing time, date, and location regarding a proposed amendment by citizen William Weller to Cherry County Zoning Regulations for April 30, 2019 at 3:30 PM in the Court Room of the Cherry County Courthouse. Commissioner Ward seconded the motion. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-aye. Commissioner Ward-aye. The motion carried.

Cherry County Sheriff Rusty Osburn provided an update regarding FEMA disaster relief. Sheriff Osburn has met with the FEMA representative for public assistance assigned to Cherry County and stated that there are currently no definitive numbers for damages related to the March 2019 disaster, but that Cherry County has met the public assistance threshold required by FEMA. No Board action was taken.

The Board reviewed a Thomas County Planning Commission Notice of Public Hearing on Amendment to Zoning Regulations & Meeting regarding a proposed amendment to the AGR District. No Board action was required.

The Board reviewed the fund balance from the Cherry County Treasurer for March 2019, the Clerk of the District Court fee report from March 2019, the Cherry County Hospital Board of Trustees meeting minutes from January 29, 2019, and the Cherry County Hospital balance sheets from February 2019.

The Board reviewed correspondence regarding a damaged road near Merriman located in Cherry County. The Board stated, as informed by the County Surveyor, that the road in question is not a County road and that the repair of County roads is a priority.

The Board recessed for lunch from 12:00 PM to 1:00 PM.

At 1:00 PM the Board received comments from the public.

At 1:35 PM Commissioner Storer moved to enter Executive Session for the purpose of forming a legal strategy and the discussion of potential litigation with the Board of Commissioners, Cherry County Attorney Eric Scott, Cherry County Zoning Administrator Jessica Coyle, and Cherry County Clerk Brittny Petersen to be present. Commissioner Ward seconded the motion. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Ward-aye. Commissioner Storer-aye. The motion carried.

At 2:55 PM it was the consensus of the Board to return to open session.

Commissioner Ward moved to authorize the Cherry County Zoning Administrator to proceed with the investigation and any appropriate legal action against all parties involved in current Zoning Regulation violations. The Zoning Administrator is authorized to retain such assistance, including outside professional services, as she may see fit. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner Ward-aye. Commissioner Storer-aye. Commissioner DeNaeyer-aye. The motion carried.

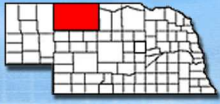
Commissioner DeNaeyer moved to approve claims as presented. Commissioner Ward seconded the motion. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-aye. Commissioner Ward-aye. The motion carried.

April 9, 2019 CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	65,765.95	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of			\$
			65,765.95

GENERAL

Action Communications	Services	\$522.00
Ameritas Life Insurance/Retirement	Withholding/Retirement	\$223.73
Berry Creek Enterprises LLC	Supplies	\$714.00
Black Hills Chemical	Supplies	\$521.42
Bob Barker Company Inc	Supplies	\$62.02
Bomgaars	Services	\$4.13
Randall R Borer	Services	\$50.00
Buckle's Fuel Service	Fuel	\$73.72
Aisha Carr	Services	\$4,262.23
CBM Managed Services	County Jail Food Service	\$8,086.56
Centurylink	Telephone Service	\$199.17
Centurylink	Telephone Service	\$1,210.70
Cherry County Clinic	Services	\$153.01
Cherry County Court	Court Fees	\$537.00
Cherry County Hospital	Services	\$168.00
Cherry County Sheriff	Services	\$418.14
Cherry County Treasurer	Bank Fees	\$5.00
CHS	Services	\$5,206.22
Clearly Communications	Telephone Service	\$286.07
Cody Oil Company	Fuel	\$55.97
Comfort Inn	Lodging	\$299.85
Cooperative Extension Division	Dues/Training	\$225.00
Jessica Coyle	Reimbursement	\$321.35
DAS State Accounting 6506	Services	\$448.00
DAS State Accounting 6507	Services	\$257.70
EFTPS	Withholding/Retirement	\$304.28
Encartele Inc	Supplies	\$1,280.00
Pat Greenough	Reimbursement	\$100.00
Elise Hamling	Reimbursement	\$198.11
Kathy Hammond	Reimbursement	\$220.40
Hollie Hanna	Services	\$52.20
Heart City Drug	Supplies	\$66.79
Heartland Paper Company	Supplies	\$207.28
Henderson's IGA	Supplies	\$598.85
Sharon Hesse	Reimbursement	\$304.36
Interstate Battery System	Supplies	\$140.00
Johnson Law Office	Clerical Salary/Rent/Telephone/Equipment	\$3,846.23
KBR Rural Public Power District	Services	\$166.70
William F Marshall	Reimbursement	\$75.00
McCormick Eye Clinic	Services	\$34.00
Microfilm Imaging Systems	Services	\$136.00
Midwest Radar & Equipment	Services	\$160.00



Cherry County Board Minutes



Mips Inc	Services	\$1,335.37
Sharon Moreland	Services	\$83.52
Nebraska Department of Revenue	Withholding/Retirement	\$13.00
NDOR, Property Assessment Division	Dues/Training	\$75.00
Nebraska Institute Forensic Science	Services	\$2,000.00
Nebraska Planning & Zoning Assn	Dues/Training	\$190.00
Nebraska Safety and Fire Equipment Inc	Supplies	\$126.88
Neofunds by Neopost	Supplies	\$800.00
NK Waste Management Inc	Services	\$184.00
Office Products Center	Office Supplies	\$225.95
Paper Tiger Shredding	Services	\$99.40
Brittney Petersen	Reimbursement	\$212.28
Petty Cash	Reimbursement	\$180.00
Platte Valley Communications Inc	Services	\$4,634.95
PREMA	Utilities	\$278.19
Presto-X	Services	\$73.00
Pronto Parts Company	Services	\$19.40
Quill Corporation	Supplies	\$271.88
Reese Inc	Supplies/Services	\$134.95
Region 4 Behavioral Health System	Services	\$2,626.00
Ron's Quik Lube	Services	\$150.10
Kimberly Rousey-Goodwin	Gross Salary	\$1,988.67
Sandhill Oil Company	Fuel	\$481.54
Sandoz Chapel of the Pines Inc	Services	\$767.20
Eric Scott	Clerical Salary/Travel Expenses	\$4,039.57
Scotty's Ranchland Foods LLC	Supplies	\$731.72
Cardmember Services	Services	\$127.93
Shopko Pharmacy	Supplies	\$130.99
David Stoeger	Reimbursement	\$9.41
Stuntcams	Supplies	\$1,677.00
Sundance Enterprises	Services	\$170.12
Tax Valuation Inc	Services	\$500.00
Three River Telco	Services	\$36.04
True Value Hardware	Supplies	\$67.40
U-Save Pharmacy	Supplies	\$509.40
Bankcard Processing Center	Services	\$23.00
UNL-Lincoln	Services	\$1,200.00
UNL ITS Communications	Services	\$16.28
US Cellular	Telephone Service	\$69.18
US Cellular	Telephone Service	\$55.84
Valentine Midland News	Publishing Services	\$402.82
Valentine Office Supply	Office Supplies	\$546.47
City of Valentine	Utilities	\$4,444.91
Viaero Wireless	Telephone Service	\$237.30
Ward Plumbing and Heating LLC	Services	\$378.92
Gary Weaver	Reimbursement	\$55.00
Wex Bank	Fuel	\$1,362.39
Dallas Wyckoff	Reimbursement	\$76.42
	TOTAL	\$66,020.58
	Adjustment for employees' share of withholdings	(\$254.63)
	NET TOTAL	\$65,765.95

Claims were presented in the amount of \$ **102,492.79** .

and disallowed in the amount of

\$

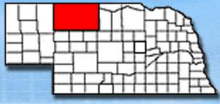
-

A warrant was ordered drawn on the Road Fund in the amount of

\$

102,492.79**ROAD**

Andersen & Sons NAPA Auto Parts	Services	\$173.00
Andy's Glass Shop	Services	\$30.00
Ashby Lumber Co	Supplies	\$12.50
B&S Auto Repair/Brian Hopper	Services	\$5,666.77
Bacon Repair	Services	\$3,613.19
Bill Barner	Services	\$700.00
Bluetarp Financial Inc	Services	\$389.99
Bomgaars	Supplies	\$1,289.35
Buckles Fuel Service	Fuel	\$7,216.80
CHS	Services	\$5,951.80
Cody Oil Company	Supplies	\$2,654.05
Consolidated Telephone	Telephone Services	\$270.19
Croell Inc	Services	\$121.16
Custer Public Power District	Services	\$246.54
D/W Machine & Manufacturing Co	Services	\$63.80
Dale's Tire & Retreading Inc	Services	\$2,400.00
Danielski Farms Inc	Supplies	\$3,682.56
DAS State Accounting	Services	\$27.70
Dooley Oil Inc	Services	\$46.61
The General Store Inc	Supplies	\$51.98
Great Plains Communications	Telephone Services	\$263.78
Hinn's Gordon Auto Supply	Services	\$318.18
Huskerland Communications	Services	\$154.98
Inland Truck Parts Company	Services	\$196.11
Interstate Battery System	Services	\$887.70
KBR Rural Public Power District	Utilities	\$679.81
Kimball Midwest	Services	\$352.57
Knapp Electric Inc	Services	\$27.21
Kohler Trailer Sales	Services	\$189.00
L&L Gravel	Services	\$17,000.00
Lawson Products Inc	Supplies	\$1.65
Light & Siren	Services	\$1,358.00
Martin Auto Parts II Inc	Supplies	\$61.08
Martin Marietta Materials Inc	Services	\$3,605.85
Brent McIntosh	Services	\$2,500.00
Menards	Supplies	\$90.27
Village of Merriman	Services	\$11.25
Mips Inc	Services	\$180.00
Mullen Auto & Diesel	Services	\$101.66
Village of Mullen	Services	\$129.00
Murphy Tractor & Equipment Company	Services	\$12,500.00
Neal Oil & Auto Center Inc	Services	\$250.00
Nebraska Machinery Company/NMC Inc	Services	\$7,003.52
Nebraska Motor Fuels Division	Services	\$1,602.00
Nebraska Public Power District	Utilities	\$290.08
Nebraska Truck Center	Services	\$84.06
Neofunds by Neopost	Supplies	\$150.00
Office Products Center	Supplies	\$392.64
Parts Company	Supplies	\$229.55
Perrett Construction LTD	Services	\$1,105.12
Pit Stall	Services	\$244.00
Powerplan	Services	\$556.34
Prema	Services	\$67.13
Reese Inc	Services	\$1,948.40
Sandhill Oil Company Inc	Supplies	\$3,551.86



Cherry County Board Minutes



Schneider Auto	Services	\$63.95
Security First Bank	Services	\$7,094.52
Unitech Inc	Supplies	\$924.50
US Cellular	Services	\$76.24
City of Valentine	Services	\$1,769.43
Journal Entry	Duplicate Claim#19030564	-\$126.64
NET TOTAL		\$102,492.79

Claims were presented in the amount of	\$	6,806.85	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Visitor Promotion Fund in the amount of			\$ 6,806.85

VISITOR PROMOTION

Cherry County Visitors Promo Board	Utilities/Telephone/Postage/Mileage	\$947.97
Hoefs Skidloader Work LLC	Services	\$200.00
L&J K Lawn (John Michalek)	Services	\$131.00
Outlaw Trail Scenic Byway	Services	\$100.00
Ron Lower Construction	Services	\$114.00
Stec Electric LLC	Services	\$2,392.50
Valentine Chamber of Commerce	Salary/Wages/Insurance/Taxes	\$2,863.00
Valentine Office Supply	Supplies	\$58.38
TOTAL		\$ 6,806.85

Claims were presented in the amount of	\$	958.38	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Register of Deeds P&M Fund in the amount of			\$ 958.38

REGISTER OF DEEDS P&M

Marathon Press	Supplies	\$418.38
Tri State Binders	Supplies	\$540.00
TOTAL		\$958.38

Claims were presented in the amount of	\$	44,244.87	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Health Insurance Claim Fund in the amount of			\$ 44,244.87

EMPLOYEE HEALTH INSURANCE CLAIM

Cherry County Clerk	Employee Health Insurance Claims	\$44,244.87
TOTAL		\$44,244.87

Claims were presented in the amount of	\$	7,810.83	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Bookmobile Fund in the amount of			\$ 7,810.83

BOOKMOBILE

Valentine Public Library	Bookmobile	\$7,810.83
TOTAL		\$ 7,810.83

Claims were presented in the amount of	\$	296.06	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Emergency Management Fund in the amount of			\$ 296.06

EMERGENCY MANAGEMENT

Century Link	Telephone	155.43
Neofund by Neopost	Supplies	\$50.00
Valentine Midland News	Services	\$90.63
TOTAL		\$296.06

Claims were presented in the amount of	\$	272.62	.	
and disallowed in the amount of	\$	-	.	
A warrant was ordered drawn on the 911 Emergency Services Fund in the amount of			\$	272.62
911 EMERGENCY SERVICES				
US Cellular		Data Services		\$272.62
		TOTAL		\$272.62

END

With no further business to come before the Board, Chairman Storer declared the meeting adjourned at 3:55 PM.

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.