

BOARD OF COMMISSIONERS MINUTES

February 8, 2021

The Cherry County Board of Commissioners met in regular session on February 8, 2021 at 10:00 AM in the Sheriff's Conference Room of the Cherry County Courthouse, as per notice published every Wednesday 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 10:05 AM by Chairman Storer. Roll call was taken. Present for the meeting were Cherry County Commissioners Tanya Storer, Martin DeNaeyer, James Ward, and Deputy Cherry County Clerk Elise Hamling. The Pledge of Allegiance was recited and the location of the Nebraska Open Meetings Act was acknowledged by Chairman Storer.

The Board of Commissioners regular meeting minutes from January 26, 2021 were read. Ward moved and DeNaeyer seconded to approve the minutes as corrected. Roll call vote: Aye – Ward, DeNaeyer, Storer. The motion carried.

The Board of Corrections meeting minutes from January 26, 2021 were read. DeNaeyer moved and Ward seconded to approve the minutes as read. Roll call vote: Aye – DeNaeyer, Storer, Ward. The motion carried.

County Road Superintendent Kent Lopez and Cherry County Emergency Manager Gary Weaver met with the Board to discuss a recent meeting with Natalie Calderone, a NEMA engineer who provided guidance to Cherry County in the appeal process for Disaster Funding Reimbursement applications for projects #102106 and #102112. As project # 113568 had previously been discussed, it was not appealed with NEMA as the full project cost had been granted. Superintendent Lopez and Manager Weaver believe the instruction received was constructive and should positively impact appeal outcomes. The Board discussed the potential or additional audit requirements regarding allocation of disaster relief funds and when they were received.

Clerk of the District Court Lorana Eggert met with the Board to discuss introduced legislative bill LB102. Clerk Eggert outlined the potential implications of this bill regarding Cherry County District Court and shared that the Nebraska Association of the Clerks of the District Court officially oppose the bill and believe that it is the first step in the direction of diminishing local control of the court system. Clerk Eggert provided information regarding case volume and potential repercussions of increasing the breadth of the state-controlled court system. Clerk Eggert requested a letter of support for the Cherry County District Court office from the Board that opposes LB102. It was the consensus of the Board to place such a letter on the next regular meeting agenda.

At 11:00 PM, as advertised, Chairman Storer opened the public hearing regarding Conditional Use Permit Application CUP-004/20 Shane Daniels Amendment to Conservation Easement to be located in all or part of Sections 9, 10, 11, 13, 14, 15, 16, 21, 22, 23 and 24 of Township 27N, Range 31W of the 6th PM.

Applicant Shane Daniels provided information about the application and that it was for the purpose of building an additional home on their ranch as children have moved back and need a home. Mr. Daniels communicated that he was unaware of the length of time to anticipate when submitting a Conditional Use Permit Application, as the home has already been built.

Approximately 2 members of the public spoke in regard to this applicant along with approximately 3 who had come to speak on behalf of the applicant. No written testimony was provided for the Board's consideration.

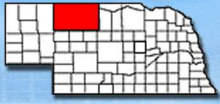
Applicant Daniels expressed a need for this type of application process to have a more transparent timeline. Commissioner Storer noted the need for thoroughness on the part of the Board as easements are held for public interest and they must ensure that all of these easements align with the land use plan for the County.

At 11:15 AM Chairman Storer closed the public hearing.

Commissioner DeNaeyer moved and Storer seconded to adopt Zoning Resolution #Z-84 CUP 004/20 Shane Daniels Amendment to Conservation Easement. Roll call vote: Ayes – Storer, Ward, DeNaeyer. The motion carried.

The Board discussed CUP 003/20 as submitted by Bow & Arrow Ranch LLC for a Conservation Easement. Commissioner Storer noted the minimal discussion by the Planning Commission when discussing the additional information that had been sent back for review. Commissioner DeNaeyer had confirmed with PC Member John Lee that the discussion and vote information which was passed along by Zoning Administrator Jessica Coyle was accurate of the meeting.

Commissioner Ward shared considerations regarding the potential to restrict land use to adjoining neighbors and the shift of the primary use of the land to become conservation rather than agriculture. Commissioner Storer noted the conservation of the burying



Cherry County Board Minutes



beetle engages the Endangered Species Act which has significant unforeseeable ramifications that could be present for generations beyond those making the decision now.

The Board expressed the need to invite experts with unbiased knowledge to offer regarding the understanding and practicalities of Endangered Species Act as well as someone familiar with perpetual conservation easements.

Preston Smith, Wildwood Environmental Credit Company, and representative of Applicant Tom Davis, noted the knowledge of all interested parties that perpetuity is difficult to plan for and all attempts at thoroughness have been made by the Applicant/Landowner, Tom Davis, Wildwood and the Nature Conservancy and that the intent is for this land within the easement to continue to be utilized as agricultural grazing pasture, as it was before.

Susan Beel, representing Bow & Arrow LLC and Carl from the Nebraska Land Trust noted the intent to foster natural resources and keep the land in private ownership and in the tax base.

Commissioner DeNaeyer explained the likeness between provisions of the Endangered Species Act enforcement and of the legal obligation of a landowner who has noxious weeds present on their property to eradicate such weeds.

The Board discussed many concerns with the parties present such as: the rights of adjoining property owners, the potential implications regarding the enforcement of the Endangered Species Act, the control and monitoring of these conserved species, the potential for increased populations and the potential for the contractual agreement between the landowner and the easement owner to become muddled and shift the main use, purpose and management of the land over time.

Commissioner DeNaeyer noted that no neighbors have provided any opposition during the application process for this easement.

Commissioner Storer stated that they cannot act on the unapproved minutes provided to them from the Planning Commission meeting as they are currently unapproved.

Storer moved and Ward seconded to table action regarding Zoning Resolution #Z-83 pending the Planning & Zoning formal approval of minutes and to gather more information from experts on the Endangered Species Act. Roll call vote: Ayes – Ward, Storer. Nay – DeNaeyer. The motion carried.

At 12:25 PM to 1:08 PM the Board reviewed claims and had lunch delivered.

No comments from the public were received during the allotted time.

The Board, along with Sheriff Rusty Osburn, Jail Administrator Sharon Hesse, Valentine Police Chief Dana Miller and Cherry County Communications Director Gary Weaver, discussed the current function of the dispatch phone system and the answering of non-emergency calls, volume challenges and potential solutions. Administrator Hesse shared some upcoming additional workload requirements for dispatchers to be considered. It was the consensus of the Board to appoint Director Weaver to work with the phone company representative to create an in-house 911 notification system.

Sheriff Osburn discussed the purchase of in-car video cameras for the sheriff vehicles. Mr. Osburn shared that the cameras are fully reimbursable expenses through grant funding by the Nebraska Highway Safety Department. The purchase would be approved for the grant funding prior to any purchase being made by Cherry County. No board action was taken.

The Board discussed the Region 4 Behavioral Health System Interlocal Agreement, noting that the signing portion of the document is in a resolution format. The Resolution will be allotted a number for recording and placed on their February 23 agenda for adoption.

Storer moved and Ward seconded to enter into the Region 4 Behavioral Health System Interlocal Agreement. Roll call vote: Ayes – DeNaeyer, Storer, Ward. The motion carried.

County Highway Superintendent Lloyd Smith discussed the 2021 Fracture Critical Bridge Inspections with the Board. Mr. Smith shared that he had confirmed with County Attorney Eric Scott that quotes for such professional services are not required. The Board

requested that Superintendent Smith acquire quotes to consider at the February 23rd meeting. Commissioner Ward moved and Storer seconded to table the agenda item until they have reviewed quotes for service. Roll call vote: Ayes: Storer, Ward, DeNaeyer. The motion carried.

Commissioner Ward shared that Governor Pete Ricketts had announced that Nebraska is currently in the green category for COVID-19 Risk Level Status and discussed his thoughts on removing the signs regarding traffic flow in the Cherry County Courthouse. The County Treasurer, Assessor and District Court Clerk shared their experiences with the traffic movement throughout the courthouse. Treasurer Hammond made note that should anyone has accessibility issues in entering the courthouse they are welcome to call the Treasurer's Office and they can offer additional assistance. No Board action was taken.

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

The Board returned to regular session at 3:56 PM.

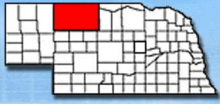
Storer moved and DeNaeyer seconded to approve claims. Roll call vote: Aye – Storer, Ward, DeNaeyer. The motion carried.

February 8, 2021 CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	84,394.40	.	
and disallowed in the amount of	\$	-	.	
A warrant was ordered drawn on the General Fund in the amount of			\$	84,394.40

GENERAL

Advanced Radiology of Grand Island	Services	\$434.95
Amazon Capital Services, Inc	Supplies	\$39.98
Applied Connective Technologies	Services	\$3,131.00
Black Hills Chemical	Supplies	\$185.48
Blue Raven Services	Services	\$1,943.20
Bomgaars	Supplies	\$19.98
Brown County Treasurer	Services	\$1,696.64
Clint Burney	Services	\$35.65
Carrot Top Industries	Services	\$126.82
Central Plains	Services	\$7,485.00
Centurylink	Telephone Service	\$367.48
Centurlink	Telephone Service	\$1,712.31
Cherry County Court	Court Fees	\$521.23
Cherry County District Court	Court Fees	\$144.00
Cherry County Hospital	Services	\$14,861.54
Cherry County Sheriff	Services	\$20.50
Cherry County Treasurer	Bank Fees	\$5.00
Clearly Communications	Telephone Service	\$277.87
Consolidated Management Company	Services	\$334.42
Cummins Sales and Service	Services	\$385.31
DAS State Accounting 6506	Services	\$448.00
DAS State Accounting 6507	Services	\$224.70
Election Systems & Software	Supplies	\$1,685.32
Firstnet/AT&T Mobility	Telephone Service	\$609.95
Galls LLC	Services	\$685.38
Grafix Shoppe	Supplies	\$509.98
Pat Greenough	Reimbursement	\$100.00
Heart City Drug	Supplies	\$50.64
Edward Heinert	Reimbursement	\$21.85



Cherry County Board Minutes



Henderson's IGA	Supplies	\$25.65
Johnson Law Office	Clerical Salary/Rent/Telephone/Equipment	\$4,034.65
Journal Entry	Vendor Correction	-\$59.00
Journal Entry	Refund	-\$410.24
KBR Rural Public Power	Services	\$79.79
Angie Lincoln	Reimbursement	\$23.00
Loup Basin RC&D Council	Services	\$200.00
Marco Technologies	Services	\$202.53
William F Marshall	Reimbursement	\$50.00
Michelle McNare	Reimbursement	\$64.40
MIPS	Services	\$1,368.37
Microfilm	Services	\$80.00
Nebraska Clerks District Court Assn	Dues/Fees/Training	\$50.00
Nebraska Weed Control Assn	Dues/Fees/Training	\$125.00
Niobrara Valley Consultants	Services	\$975.00
NK Waste Management Inc	Services	\$184.00
Office Products	Supplies	\$2,408.45
Orthomedics	Supplies	\$11.73
Outback Screenprinting	Supplies	\$447.40
Petty Cash	Reimbursement	\$7.10
Pit Stall	Services	\$379.86
Platte Valley Communications	Services	\$1,861.97
Platte Valley Medical Clinic	Services	\$77.55
Prema	Services	\$159.54
Presto X	Services	\$81.00
Quadient Leasing	Services	\$1,320.09
Quadient Finance USA	Services	\$950.00
Radiology Services PC	Services	\$333.38
Ramada By Wyndham	Lodging	\$59.00
Reese Inc	Services	\$1,286.45
Region IV	Services	\$2,626.00
Ron's Quik Lube	Services	\$235.40
Brittany Running Bear	Reimbursement	\$7.38
Sandhill Oil Company	Fuel	\$3,052.30
Sandoz Chapel of the Pines	Services	\$392.50
Eric Scott	Clerical Salary/Rent/Telephone/Equipment	\$8,362.38
Cardmember Services	Supplies	\$114.46
Nick Simmons	Reimbursement	\$69.00
Elior Inc, Summit Food Service	Services	\$5,532.99
Sundance Enterprises	Services	\$37.99
Sunset Law Enforcement	Services	\$365.50
Tehrani Motors	Services	\$225.00
Three River Telco	Services	\$28.34
Tony's Tire & Auto Repair	Services	\$840.00
Aaron Torres	Reimbursement	\$25.14
True Value Hardware	Supplies	\$37.44
Uniform & Accessories Warehouse	Supplies	\$145.89
UNL Extension Coop	Services	\$225.00
UNL Panhandle Research & Extension	Services	\$580.00
US Cellular	Services	\$70.17
Valentine Midland News	Publishing Services	\$1,695.90
City of Valentine	Utilities	\$3,604.99
Ward Plumbing & Heating LLC	Services	\$379.74
Wex Bank	Fuel	\$1,300.04

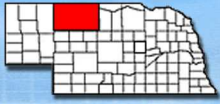
TOTAL**\$84,394.40**

Claims were presented in the amount of \$ 139,759.04 .
 and disallowed in the amount of \$ - .

A warrant was ordered drawn on the Road Fund in the amount of \$ 139,759.04

ROAD

Bacon Repair	Services	\$2,088.59
Bomgaars	Supplies	\$832.32
Boyd's Network Solutions	Services	\$6,831.50
Douglas Boyer	Reimbursement	\$14.40
Buckles Fuel Service	Services	\$8,807.64
Jordan Buechle	Reimbursement	\$18.92
Butchs HVAC	Services	\$230.00
Call's Garage Inc	Services	\$6.67
Cherry County Implement	Services	\$274.62
Cody Oil	Services	\$1,767.05
Consolidated Telephone	Telephone Service	\$194.07
Croell Inc	Services	\$195.82
Custer Public Power District	Services	\$181.70
D/W Machine & Manufacturing	Services	\$1,928.00
Danielski Farms Inc	Services	\$407.04
DAS State Accounting 6507	Services	\$27.70
Dooley Oil Inc	Services	\$432.43
Garrett Enterprises Inc	Services	\$3,751.89
Randy Graeff	Reimbursement	\$20.01
Great Plains Communications	Telephone Service	\$213.90
Handyman Hardware	Services	\$51.37
Hometown Lumber & Construction LLC	Supplies	\$245.10
Interstate Battery System	Services	\$908.45
JM Parts and Equipment	Services	\$30.56
J&J Trailer Sales	Services	\$306.00
KBR Rural Public Power District	Utilities	\$566.63
KL Wood & Company LLC	Services	\$32,748.80
Kohler Trailer Sales	Services	\$15,765.60
Kustom Rock Crushing	Services	\$7,520.00
Lawson Products Inc	Services	\$50.74
Martin Marietta Materials	Supplies	\$7,666.05
Mathis Equipment	Services	\$204.66
MCT Trucking	Services	\$2,808.00
Medical Enterprises Inc	Services	\$110.00
Menards	Supplies	\$77.67
Village of Merriman	Services	\$60.83
Mips Inc	Services	\$180.00
Modern Farm Equipment Corporation	Services	\$4,500.00
Village of Mullen	Services	\$129.00
Neal Oil & Auto Center	Services	\$418.50
Nebraska Machinery Company/NMC Inc	Services	\$535.52
Nebraska Public Power District	Services	\$159.12
NK Waste Management Inc	Services	\$230.00
Office Products Center	Supplies	\$23.99
The Parts Company	Services	\$1,867.97
Perrett Construction LTD	Services	\$1,496.12
Pit Stall	Services	\$382.99
Powerplan	Services	\$1,097.60
Prema	Services	\$62.95
Rager Trucking	Services	\$1,500.00
Reese Inc	Services	\$2,567.44
Reimers Well Drilling	Services	\$93.12



Cherry County Board Minutes



Sandhill Oil Company Inc	Fuel	\$10,135.59
Security First Bank	Services	\$3,985.21
Stern Oil	Services	\$6,504.30
Stuart Concrete	Services	\$384.50
Tehrani Motor Company	Services	\$373.16
Titan Machinery	Services	\$19.48
US Cellular	Services	\$69.23
Valentine Midland News	Publishing Services	\$56.00
City of Valentine	Services	\$1,268.51
Ward Plumbing & Heating	Services	\$109.00
Welder Manufacturing	Services	\$5.75
Westover Electric	Services	\$4,259.26
	TOTAL	\$139,759.04

Claims were presented in the amount of \$ 3,725.09 .
and disallowed in the amount of .
A warrant was ordered drawn on the Visitor Promotion Fund in the amount of \$ 3,725.09

VISITOR PROMOTION

Centurylink	Services	\$225.75
Cherry Street Rentals LLC	Services	\$780.00
Hollman Media, LLC	Services	\$360.00
Kimball County Treasurer	Services	\$1,250.00
NK Waste Management	Services	\$84.00
NRG Media LLC/Broadcast	Services	\$590.00
Valentine Rotary Club	Dues/Fees/Training	\$84.00
City of Valentine	Services	\$351.34
	TOTAL	\$3,725.09

Claims were presented in the amount of \$ 10,366.03 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Health Insurance Claims Fund in the amount of \$ 10,366.03

EMPLOYEE HEALTH INSURANCE CLAIMS

Cherry County Clerk	Health Insurance Claims	\$ 10,366.03
	TOTAL	\$ 10,366.03

Claims were presented in the amount of \$ 8,220.73 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Bookmobile Fund in the amount of \$ 8,220.73

BOOKMOBILE

Valentine Public Library	Bookmobile	\$8,220.73
	TOTAL	\$ 8,220.73

Claims were presented in the amount of \$ 379.72 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Emergency Management Fund in the amount of \$ 379.72

EMERGENCY MANAGEMENT

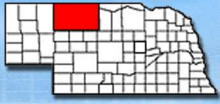
Centurylink	Services	\$237.60
Office Products	Supplies	\$92.12
Quadient Finance USA	Services	\$50.00
	TOTAL	\$379.72

Claims were presented in the amount of \$ 4,068.00 .
and disallowed in the amount of \$ - .

A warrant was ordered drawn on the Inheritance Tax Fund in the amount of	\$	4,068.00
INHERITANCE TAX		
Houghton Bradford Whitted PC	Services	\$4,068.00
	TOTAL	\$4,068.00

At 4:45 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.



Cherry County Board Minutes



BOARD OF CORRECTIONS MINUTES February 8, 2021

The Cherry County Board of Commissioners met as a Board of Corrections on February 8, 2021 in the Sheriff's Conference Room of the Cherry County Courthouse, as per notice published February 3, 2021 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, James Ward, Cherry County Deputy Clerk Elise Hamling, and Justice Center Administrator Sharon Hesse. The location of the Nebraska Open Meetings Act was acknowledged by Chairman Storer.

The Board of Corrections meeting minutes from January 23, 2020 were read and approved during the regular session.

The Board invited Shandie Buechle, Security First Bank, to offer information regarding options for a Justice Center Petty Cash system for use during inmate transfers. Fees, uses, security limits, function and accountability processes were discussed. The Board requested the daily limit be \$200 with the ability to change to \$1,500 if necessary upon approval by authorized account signers.

Ward moved and DeNaeyer seconded to create a \$1,500 Justice Center Petty Cash Account at Security First Bank with Administrator Sharon Hesse and one Commissioner to be authorized signers on the account. Roll call vote: Ayes – Ward, DeNaeyer, Storer. The motion carried.

The Board discussed the current demand on the Summit Foods Contract regarding volume of meals provided to inmates and average inmate population.

Storer moved and DeNaeyer seconded to authorize Administrator Hesse to sign the Summit Foods Contract Renewal with Amendment 10. Roll call vote: Ayes – DeNaeyer, Storer, Ward. The motion carried.

At 3:55 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.