

# Cherry County Board Minutes



## BOARD OF COMMISSIONERS MINUTES December 28, 2021

The Cherry County Board of Commissioners convened in regular session on December 28, 2021 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice in the Valentine Midland News every week, with the agenda being on file in the office of the County Clerk. The meeting was called to order at 10:03 AM by Chairman Storer. Roll call was taken. Present for the meeting were Cherry County Commissioners Tanya Storer, Martin DeNaeyer, James Ward, and Cherry County Clerk Brittney Petersen. The Open Meetings Act Poster was acknowledged by Chairman Storer and the Pledge of Allegiance was recited.

The Board of Commissioners meeting minutes from December 14, 2021 were read. DeNaeyer moved and Ward seconded to approve the minutes as corrected. Roll call vote: Aye – Storer, DeNaeyer, Ward. The motion carried.

The Board of Corrections meeting minutes from December 14, 2021 were read. Ward moved and DeNaeyer seconded to approve the minutes as corrected. Roll call vote: Aye – DeNaeyer, Ward, Storer. The motion carried.

Freddy Pika, NIC Nebraska Business Development Manager, met with the Board and Cherry County Road Secretary Kay Reese via Zoom to demo road reporting software. Changes made since the last demo, assigned role capabilities and access, road district specific email report notifications, export capabilities, and database storage were discussed.

At 11:16 AM, as advertised in the Valentine Midland News on December 15, 2021 and December 22, 2021, Chairman Storer opened the public hearing regarding CUP #002/21 The Prairie Club – Homestead Cabin and Guesthouses. Cherry County Zoning Administrator Jessica Coyle stated that the application is complete, the Planning Commission had voted unanimously to recommend approval, there were no comments from the public at the Planning Commission's public hearing, all adjacent landowners had been notified, and the notice of public hearing was properly advertised in the Valentine Midland News. Roger Brashear, General Manager of The Prairie Club, spoke on behalf of the applicant regarding the construction of a Homestead Cabin and an 8-plex of guesthouses. There were no comments from the public in support of or opposition to the application. At 11:27 AM Chairman Storer closed the public hearing.

Storer moved and Ward seconded to adopt Resolution #Z-87 approving CUP #002/21 The Prairie Club – Homestead Cabin and Guesthouses. Roll call vote: Aye – Ward, Storer, DeNaeyer. The motion carried.

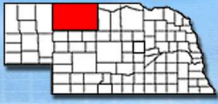
Cherry County Emergency Management Director Gary Weaver met with the Board to discuss his upcoming retirement date and the plans for filling his position. Dispatch radio console funding and 911 PSAP funding were also discussed.

Cherry County Highway Superintendent Lloyd Smith discussed a proposal for the new and reconstruction of Smith Falls Road based on 90/10 cost share for said project with the Nebraska Game and Parks Commission and Cherry County respectively. The Board requested clarification concerning restrictions on the county's 10 percent match and road maintenance responsibility once the project is complete.

Storer moved and Ward seconded to appoint Elsie Witt to represent Cherry County on the Northeast Nebraska Area Agency on Aging Advisory Board to a three-year term set to expire on January 1, 2025. Roll call vote: Aye – Storer, DeNaeyer, Ward. The motion carried.

Storer moved and DeNaeyer moved to reappoint Beth Jones to the Sawyer Memorial Library Board to a five-year term set to expire on December 31, 2026. Roll call vote: Aye – DeNaeyer, Ward, Storer. The motion carried.

Options for responding to two opioid litigation settlement agreements entered into by the Attorney General against a manufacturer and several distributors of prescription opioid drugs were discussed by the Board. DeNaeyer moved and Ward seconded to choose option 1. "Sign on" to both of these agreements using the forms provided by the National Administrator and thereby make your county eligible to receive its direct share and potentially receive additional funds from Nebraska's Opioid Recovery Fund. Roll call vote: Aye – Ward, Storer, DeNaeyer. The motion carried.



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Superintendent Smith stated that he confirmed with Paul Kieper at NDOT that STP funds can be used for the county's 10 percent share of the previously discussed Smith Falls Road project. The Board then spoke with Mr. Kieper via telephone to further discuss the project. After execution of a maintenance agreement and based on traffic counts, it was confirmed that maintenance costs have the potential to be shared with the state since the county would retain ownership of said road.

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

At 1:30 PM, as advertised in the Valentine Midland News on December 8, 2021, Chairman Storer opened the public hearing concerning an application to the Nebraska Department of Economic Development (NDED) for a Community Development Block Grant (CDBG) sought by Niobrara Valley Vineyards.

Carla Kimball and Judy Petersen, both from Central Nebraska Economic Development District, discussed the grant amount, project description, and the grant process submission and funding schedule. It was confirmed that the grant is federally funded through U.S. Department of Housing and Urban Development (HUD) and administered through NDED. Items that require Board approval were reviewed and include: Certification of Chief Elected Official for Application, County Cost Share Documentation, Resolution Authorizing Chief Elected Official to Sign an Application for CDBG Funds, Applicant's Statement of Assurances and Certifications, Citizen Participation Plan, Residential Anti-Displacement & Relocation Assistance Plan, Waiver of Procurement Process Request, Four-Factor Analysis Assessing Limited English Proficiency and Language Assistance Plan, and the CDBG Tourism Development Grant Application. A Memorandum of Understanding between the State of Nebraska, Department of Economic Development; Cherry County, Nebraska; and Niobrara Valley Vineyards was presented during the hearing.

Greg Nollette spoke on behalf of Niobrara Valley Vineyards in favor of the application. Public testimony from Sheila Higin and Carolyn Semin were received in favor of the application. No verbal or written testimony from the public was received in opposition to the application.

At 2:11 PM Chairman Storer closed the public hearing.

Ward moved and Storer seconded to table the agenda item regarding Cherry County Tourism – Niobrara Valley Vineyards Community Development Block Grant (CDBG) Application until 1:30 PM on January 11, 2022 pending review by the Cherry County Attorney. Roll call vote: Aye – Storer, DeNaeyer, Ward. The motion carried.

At 2:27 PM, as advertised, the Board recessed from regular session to convene as a Board of Equalization. At 2:40 PM the Board returned to regular session.

At 2:41 PM, as advertised, the Board recessed from regular session to convene as a Board of Corrections. At 2:42 PM the Board returned to regular session.

Superintendent Smith presented an agreement for highway superintendent services for review. Ward moved and DeNaeyer seconded to appoint Lloyd Smith as the Cherry County Highway Superintendent for 2022 and enter into a one-year agreement as set forth. Roll call vote: Aye – Storer, DeNaeyer, Ward. The motion carried.

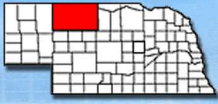
It was a consensus of the Board to proceed with the Smith Falls State Park Proposal from Nebraska Game & Parks for the development of a program agreement for Smith Falls Road.

Superintendent Smith reported on the progress concerning the repair of Mogle Bridge as relayed by Gregg Perrett, owner of Perrett Construction, and a bid received from Perrett Construction for additional repairs to said bridge.

Cherry County Road Superintendent Kent Lopez reported regarding the purchase of road materials, trucking costs, road department job openings, and machinery maintenance records.

Several Cherry County elected officials met with the Board to discuss salaries for 2023-2026 elected positions. No Board action was taken on the agenda item regarding 2023-2026 Elected Officials Salary Resolution.

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



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December 30, 2021

## CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of \$ **205,842.20** .  
 and disallowed in the amount of \$ - .  
 A warrant was ordered drawn on the General Fund in the amount of **\$ 205,842.20**

### GENERAL

AFLAC	Withholdings/Insurance	\$2,106.17
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$14,214.08
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$2,534.76
Cherry County Health Account	Health Claims Funding	\$38,101.58
Colonial Life	Supplemental Insurance Premiums	\$3,967.63
EFTPS	Withholdings/Taxes	\$25,096.00
Legal Shield	Services	\$27.90
MassMutual	Withholdings/Retirement	\$100.00
Meritain Health	Health Insurance Premiums	\$15,450.58
NE Department of Revenue	Withholdings/Taxes	\$3,731.32
Eric Scott	Clerical Salary/Rent/Telephone/Equipment	\$8,401.83
Vision Service Plan	Withholdings/Insurance	\$503.70
General Fund Payroll	Gross Wages & Salaries	\$123,603.51
	<b>GROSS TOTAL</b>	<b>\$237,839.06</b>
	Adjustment for employees' share of withholdings	(\$31,996.86)
	<b>NET TOTAL</b>	<b>\$205,842.20</b>

Claims were presented in the amount of \$ **102,463.53** .  
 and disallowed in the amount of \$ - .  
 A warrant was ordered drawn on the Road Fund in the amount of **\$ 102,463.53**

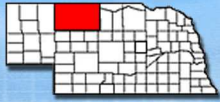
### ROAD

AFLAC	Withholdings/Insurance	\$1,626.84
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$6,854.38
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$1,202.64
Assurity Life Insurance Company	Withholdings/Insurance	\$14.50
Cherry County Health Account	Health Claim Funding	\$20,732.26
Colonial Life	Supplemental Insurance Premiums	\$2,519.70
EFTPS	Taxes/Withholdings	\$12,820.97
Legal Shield	Services	\$110.65
MassMutual	Withholdings/Retirement	\$300.00
Meritain Health	Health Insurance Premiums	\$8,018.86
NE Department of Revenue	Taxes/Withholdings	\$1,850.95
Vision Service Plan	Withholdings/Insurance	\$215.01
Road Fund Payroll	Gross Wages & Salaries	\$63,509.44
	<b>GROSS TOTAL</b>	<b>\$119,776.20</b>
	Adjustment for employees' share of withholdings	(\$17,312.67)
	<b>NET TOTAL</b>	<b>\$102,463.53</b>

Claims were presented in the amount of \$ **5,282.49** .  
 and disallowed in the amount of \$ - .  
 A warrant was ordered drawn on the Visitor Promotion Fund in the amount of **\$ 5,282.49**

### Visitor Promotion Fund

AFLAC	Withholdings/Insurance	97.37
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Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$414.65
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$54.28
EFTPS	Taxes/Withholdings	\$942.91
NE Department of Revenue	Taxes/Withholdings	\$108.19
Vision Service Plan	Withholdings/Insurance	\$28.17
Visitor Promotion Fund Payroll	Gross Wages & Salaries	\$4,686.76
	GROSS TOTAL	\$6,332.33
	Adjustment for employees' share of withholdings	(\$1,049.84)
	NET TOTAL	\$5,282.49

Claims were presented in the amount of	\$	15,814.88	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Health Claims Fund in the amount of			\$ 15,814.88

## HEALTH CLAIMS FUND

Cherry County Clerk	Health Insurance Claims	\$15,814.88
	TOTAL	\$15,814.88

Claims were presented in the amount of	\$	7,610.68	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Emergency Management Fund in the amount of			\$ 7,610.68

## EMERGENCY MANAGEMENT

Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$545.78
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$108.56
Cherry County Health Account	Health Claim Funding	\$1,490.28
Colonial Life	Supplemental Insurance Premiums	\$132.38
EFTPS	Taxes/Withholdings	\$1,073.75
Meritain Health	Health Insurance Premiums	\$495.62
NE Department of Revenue	Taxes/Withholdings	\$146.51
Vision Service Plan	Withholdings/Insurance	\$17.09
Emergency Management Fund Payroll	Gross Wages & Salaries	\$4,851.33
	GROSS TOTAL	\$8,861.30
	Adjustment for employees' share of withholdings	(\$1,250.62)
	NET TOTAL	\$7,610.68

Claims were presented in the amount of	\$	10,000.00	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Inheritance Tax Fund in the amount of			\$ 10,000.00

## INHERITANCE TAX

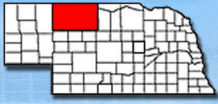
Cherry County Treasurer	Fund Transfer	\$10,000.00
	TOTAL	\$10,000.00

Storer moved and Ward seconded to approve the "Deemed Final" Certificate for the Authorization of Taxable Limited Tax County Road Refunding Bonds, Series 2022. Roll call vote: Aye – Ward, Storer, DeNaeyer. The motion carried.

Storer moved and Ward seconded to approve the draft of 2020-2021 Cherry County Financial Statements as received from Contryman Associates, P.C. Roll call vote: Aye – Storer, DeNaeyer, Ward. The motion carried.

At 5:22 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 EQUALIZATION MINUTES December 28, 2021

The Cherry County Board of Commissioners convened as a Board of Equalization on December 28, 2021 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published December 8, 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 2:27 PM by Chairman Storer. Roll call was taken. Present for the meeting were Cherry County Commissioners Tanya Storer, Martin DeNaeyer, James Ward, Cherry County Clerk Brittny Petersen, Cherry County Treasurer Kathy Hammond, Cherry County Assessor Betty Daugherty, and Cherry County Deputy Assessor Jacqueline Moreland. The Open Meetings Act Poster was acknowledged by Chairman Storer.

Treasurer Hammond presented an Application for Exemption from Motor Vehicle Taxes by Qualifying Nonprofit Organizations (Form 457) received from Middle Niobrara NRD. DeNaeyer moved and Storer seconded to approve Middle Niobrara NRD's Application for Exemption as recommended and presented by Treasurer Hammond. Roll call vote: Aye – DeNaeyer, Ward, Storer. The motion carried.

Assessor Daugherty and Deputy Assessor Moreland provided information regarding a tax list correction to correct an IOLL that should have been inactivated in 2021. Ward moved and DeNaeyer seconded to approve Tax List Correction #2021-2 Property ID: 160648585 as presented by Assessor Daugherty and authorize the Chairman to sign said correction. Roll call vote: Aye – Ward, Storer, DeNaeyer. The motion carried.

Assessor Daugherty informed the Board of a MIPS programming error that led to errors on the 2021 real property tax list and corrective measures taken.

At 2:40 PM, with no further business to come before the Board, Chairman Storer declared the meeting adjourned.

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## BOARD OF CORRECTIONS MINUTES December 28, 2021

The Cherry County Board of Commissioners met as a Board of Corrections on December 28, 2021 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published December 8, 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 2:41 PM by Chairman Storer. Roll call was taken. Present for the meeting were Cherry County Commissioners Tanya Storer, Martin DeNaeyer, James Ward, and Cherry County Clerk Brittny Petersen. The Open Meetings Act Poster was acknowledged by Chairman Storer.

No Board action was taken.

At 2:42 PM Chairman Storer declared the meeting adjourned.

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