

# BOARD OF COMMISSIONERS MINUTES

## July 25, 2023

The Cherry County Board of Commissioners convened in regular session on July 25, 2023 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 10:00 a.m. by Chairman DeNaeyer. Roll call was taken. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughy, and Cherry County Clerk Brittny Longcor. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer and the Pledge of Allegiance was recited.

The Board of Commissioners meeting minutes from July 11, 2023 were read. McConaughy moved and Nelson seconded to approve the minutes as read. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

The Board of Corrections meeting minutes from July 11, 2023 were read. DeNaeyer moved and Nelson seconded to approve the minutes as read. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

The Board of Equalization meeting minutes from July 11, 2023 were read. McConaughy moved and Nelson seconded to approve the minutes as corrected. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

Sarah Twibell, Mindy Spencer, and Heidi Kuklis from the North Central District Health Department met with the Board to present information regarding the Health Department and the Miles of Smiles Program. Public health services and Miles of Smiles clinics, participation rates, and funding were discussed. DeNaeyer moved and McConaughy seconded to approve funding for the Miles of Smiles Program for a five-year term, for a total of \$2,008.00 per year. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried. The appointment of a Cherry County public-spirited citizen to the Health Department's Board of Directors was also discussed.

Highway Superintendent Lloyd Smith provided information and maps to the Board for two requests to occupy county right-of-way. Nelson moved and McConaughy seconded to approve the Request to Occupy County Right-of-Way by Consolidated Companies Inc. to construct fiber optic line north of Hyannis in southwest Cherry County, according to attached maps. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

Superintendent Smith stated that the request submitted by Larry Turner is a line for a well located on the Keya Paha County Cherry County line. and that he sees no issues with said request. Nelson moved and DeNaeyer seconded to approve the Request to Occupy County Right-of-Way by Larry Turner to construct an electrical line. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

The Board reviewed a Nebraska Department of Economic Development Drawdown Request totaling \$68,346.18 to reimburse Cherry County for a payment to Niobrara Valley Vineyards. McConaughy moved and Nelson seconded to approve the Request for Funds CDBG 21-TD-001. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

Road Supervisor Doug Boyer updated the Board regarding the Kennedy Rd project, updating an excavator in District #1, and oil & windrow prices.

Nelson moved and McConaughy seconded to surplus a 2000 W900 Kenworth Tractor Truck VIN: 1XKWD69X4YR850002, 2005 F350 Ford Tug VIN: 1FDWF36P55EB48813, 12H Caterpillar CBK00663 Motor Grader VIN: 4ZF15212 and remove from surplus a 2014 CL120 Freightliner Truck VIN: 3ALXA7CG4EDFZ2425 and a 1997 160H Caterpillar Motor Grader VIN: 9EJ428. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

Emergency Management Director Matt Sandoz and Deputy Emergency Manager Jessica Coyle updated the Board regarding the McCann Canyon Fire paperwork, 911 PSAP audit, Motorola dispatch consoles project, and Solacom service and training packages.

Zoning Administrator Jessica Coyle updated the Board regarding upcoming Cherry County Planning Commission Open Houses, the Planning Commission’s August 1<sup>st</sup> meeting will be held in the Valentine Public Library Meeting Room, and that no decision had been made regarding CUP #001/23 TK Angus Swine Facility. The Planning Commission Open Houses will be held on August 30<sup>th</sup> at 9:00 a.m. CT in Thedford at the Thomas County Fairgrounds, August 30<sup>th</sup> at 2:00 p.m. CT in Valentine in the Public Library Meeting Room, August 31<sup>st</sup> at 10:00 a.m. CT in Nenzel at the Community Hall, and August 31<sup>st</sup> at 3:00 p.m. CT in Hyannis at the Winter’s Building.

Administrator Coyle previously provided minutes via email to the Board of the Planning Commission’s July 11<sup>th</sup> meeting where the Commission held public hearings and unanimously recommended approval for both CUP #002/23 and CUP #003/23. No public testimony was received regarding either conditional use permit.

DeNaeyer moved and Nelson seconded to set the public hearing for CUP #002/23 Marvin Miller for welding and sharpening bandsaw blades for portable saws etc., also sharpening other tools for farmers and homeowners to be at 11:30 a.m. on August 29, 2023 in the Commissioners’ Meeting Room of the Cherry County Courthouse. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

Nelson moved and McConaughy seconded to set the public hearing for CUP #003/23 James Yoder for manufacturing of portable log cabins and kits to be at 11:45 a.m. on August 29, 2023 in the Commissioners’ Meeting Room of the Cherry County Courthouse. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

Justice Center call-in pay hours utilization and policy were discussed and revenue reports were reviewed.

The Board recessed for lunch from 12:34 p.m. to 1:03 p.m.

Comments from the public were received during the allotted time.

The Board reviewed the Cherry County Hospital Balance Sheets & Financial Report from June 30, 2023.

The Board recessed from regular session to convene as a Board of Corrections from 1:15 p.m. to 1:46 p.m.

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

## July 31, 2023 CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	<b>233,677.03</b>	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of			<b>\$ 233,677.03</b>

**GENERAL FUND**

AFLAC	Withholdings/Insurance	\$2,537.10
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$16,511.68
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$2,714.94
Blue Cross Blue Shield	Health Insurance Funding	\$1,951.00
Cherry County Health Account	Health Claims Funding	\$36,634.96
EFTPS	Withholdings/Taxes	\$30,142.61
HM Life Insurance Company	Health Insurance Funding	\$21,024.31
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding	\$2,750.00

NE Department of Revenue	Withholdings/Taxes	\$4,530.39
Eric Scott Law	Clerical Salary/Rent/Telephone/Equipment	\$4,883.56
Vision Service Plan	Withholdings/Insurance	\$491.95
General Fund Payroll	Gross Wages & Salaries	\$146,498.91
	GROSS TOTAL	\$270,671.41
	Adjustment for employees' share of withholdings	(\$36,994.38)
	NET TOTAL	<b>\$233,677.03</b>

Claims were presented in the amount of \$ **123,192.81** .  
and disallowed in the amount of \$ - .  
A warrant was ordered drawn on the Road Fund in the amount of \$ **123,192.81**

**ROAD FUND**

AFLAC	Withholdings/Insurance	\$1,530.96
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$8,975.65
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$1,172.76
Assurity Life Insurance Company	Withholdings/Insurance	\$14.50
Blue Cross Blue Shield	Health Claim Funding	\$935.00
Cherry County Health Account	Health Claim Funding	\$17,463.58
EFTPS	Taxes/Withholdings	\$16,826.55
HM Life Insurance Company	Health Claim Funding	\$9,924.13
Legal Shield	Services	\$101.70
MassMutual	Withholdings/Retirement	\$300.00
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding	\$1,400.00
NE Department of Revenue	Taxes/Withholdings	\$2,556.26
Vision Service Plan	Withholdings/Insurance	\$212.61
Road Fund Payroll	Gross Wages & Salaries	\$82,405.80
	GROSS TOTAL	\$143,819.50
	Adjustment for employees' share of withholdings	(\$20,626.69)
	NET TOTAL	<b>\$123,192.81</b>

Claims were presented in the amount of \$ **5,713.07** .  
and disallowed in the amount of \$ - .  
A warrant was ordered drawn on the Visitors Promotion Fund in the amount of \$ **5,713.07**

**VISITORS PROMOTION FUND**

AFLAC	Withholdings/Insurance	97.37
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$562.97
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$56.46
EFTPS	Taxes/Withholdings	\$973.64
NE Department of Revenue	Taxes/Withholdings	\$132.56
Vision Service Plan	Withholdings/Insurance	\$31.84
Visitors Promotion Fund Payroll	Gross Wages & Salaries	\$5,004.23
	GROSS TOTAL	\$6,859.07
	Adjustment for employees' share of withholdings	(\$1,146.00)
	NET TOTAL	<b>\$5,713.07</b>

Claims were presented in the amount of \$ **11,271.31** .  
and disallowed in the amount of \$ - .  
A warrant was ordered drawn on the Health Claims Fund in the amount of \$ **11,271.31**

**HEALTH CLAIMS FUND**

Cherry County Clerk	Health Insurance Claims	\$10,894.66
EFTPS Federal Excise Tax	PCORI Fees	\$376.65
	TOTAL	<b>\$11,271.31</b>

Claims were presented in the amount of	\$	<b>10,804.88</b>	.
and disallowed in the amount of	\$	-	
A warrant was ordered drawn on the Emergency Management Fund in the amount of	\$		<b>10,804.88</b>

**EMERGENCY MANAGEMENT FUND**

AFLAC	Withholdings/Insurance	9.43
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$754.23
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$112.92
Blue Cross Blue Shield	Health Claim Funding	\$55.00
Cherry County Health Account	Health Claim Funding	\$1,417.96
EFTPS	Taxes/Withholdings	\$1,546.10
HM Life Insurance Company	Health Claim Funding	\$756.52
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding	\$100.00
NE Department of Revenue	Taxes/Withholdings	\$250.71
Vision Service Plan	Withholdings/Insurance	\$63.68
Emergency Management Fund Payroll	Gross Wages & Salaries	\$7,504.28
	GROSS TOTAL	\$12,570.83
	Adjustment for employees' share of withholdings	(\$1,765.95)
	NET TOTAL	<b>\$10,804.88</b>

The Board recessed from regular session to convene as a Board of Equalization from 2:03 p.m. to 5:25 p.m.

At 5:28 p.m., with no further business to come before the Board, Chairman DeNaeyer 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

## July 25, 2023

The Cherry County Board of Commissioners convened as a Board of Corrections on July 25, 2023 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published July 12, 2023 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 1:15 p.m. by Chairman DeNaeyer. Roll call was taken. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughy, Cherry County Clerk Brittny Longcor, and Cherry County Justice Center Administrator Sharon Hesse. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

New hires, interviews conducted, jail census, extenuating circumstances for one-time call-in pay usage, staff census, 8-hour vs. 12-hour shifts, resuming staff meetings, and the new timeclock system were discussed. The Board stated that standard operating procedures need to be followed regarding the dispatching of Valentine Fire if the Valentine ambulance gets dispatched to a car accident. Administrator Hesse stated that she would send out a memo and have all dispatchers sign it. The Board requested that advertising of employment opportunities continue until the facility is fully staffed.

At 1:46 p.m. Chairman DeNaeyer declared the meeting adjourned.

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# BOARD OF EQUALIZATION MINUTES

## July 25, 2023

The Cherry County Board of Commissioners convened as a Board of Equalization on July 25, 2023 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published July 12, 2023 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 2:03 p.m. by Chairman DeNaeyer. Roll call was taken. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughy, and Cherry County Clerk Brittny Longcor. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

Reports of Destroyed Real Property #425-23-01 - #425-23-04 were filed by Mark Johnson, who was not present. Reports of Destroyed Real Property #425-23-05 - #425-23-13 were filed by Mark Johnson on behalf of Krajieski & Johnson Inc., with no one present on behalf of the company. Clerk Longcor read an email from Assessor Jackie Moreland in which no change in value was recommended and that her recommendation is based on the face that the reports do not refer to any buildings having burned and only indicates loss of use for a year due to forage damage. Guidance from the Nebraska Department of Revenue FAQ #8 "The loss of crop and/or livestock as a result of a calamity is not considered destroyed real property and is not to be considered by a CBOE in making a determination of destroyed real property" was reviewed. At 2:11 p.m. Assessor Moreland joined the meeting. The reports also indicated that trees and fence burned and Assessor Moreland stated that neither are considered real property and that Cherry County doesn't have a green belt assessment category.

DeNaeyer moved and Nelson seconded to deny Reports of Destroyed Real Property #425-23-01 - #425-23-13, based on the Assessor's recommendations and for the current year's assessed values to remain the same. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

\*\*All parcel numbers for the following Property Valuation Protests are recorded in the July 11, 2023 Board of Equalization minutes.

Protest #422-23-53 - #422-23-61 were filed by RKM Investments, with Rowdy Kluender being present. Assessor Moreland recommended assessing the properties for Protests #53-60 based on an income approach due to Section 42 status. Nelson moved and McConaughy seconded to accept the Assessor's recommendations for Protest #53-60. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried. Assessor Moreland recommended accepting a correction from Central Plains Valuation to change the property's condition to fair for Protest #61. DeNaeyer moved and Nelson seconded to accept the Assessor's recommendation for Protest #61. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

Protest #422-23-39 - #422-23-40 were filed by Steven Senseny, who was present. Property values and agricultural vs. residential land classifications for close, similar properties were discussed. Assessor Moreland recommended accepting a correction from Central Plains Valuation for Neighborhood 280 land values, adjusting square feet in the basement, and correcting the sketch for #39. DeNaeyer moved and McConaughy seconded to accept the Assessor's recommendation for Protest #39. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried. Assessor Moreland recommended accepting a correction from Central Plains Valuation for Neighborhood 281 land values for #40. McConaughy moved and DeNaeyer seconded to accept the Assessor's recommendation for Protest #40. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

Protest #422-23-64 was filed by Henry L & Misty Renae Brown, who were present. Assessor Moreland provided a list of mobile homes in Merriman for comparable values. Based on a mobile home of average quality in fair condition, no change in value for Protest #64 was recommended by Assessor Moreland. McConaughy moved and Nelson seconded to accept the Assessor's recommendation of no change in value for Protest #64. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

Protest #422-23-65 - #422-23-66 were filed by Warren & Deborah Jackson, with Warren being present. Assessor Moreland recommended accepting a correction from Central Plains Valuation to correct the basement finish and stated that the property is currently listed 42% higher than assessed value, so no other adjustment to value is recommended for #65. Nelson moved and DeNaeyer seconded to accept the Assessor's recommendation for Protest #65. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried. Assessor Moreland recommended accepting a correction from Central Plains Valuation for Neighborhood 320 land values and no other adjustment to value based on 2022 sale of property for #66. DeNaeyer moved and McConaughy seconded to accept the Assessor's recommendation for Protest #66. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

The Board reviewed the ratio of assessed value to sale price for properties within village limits. Assessor Moreland stated that properties in Cody had received a 60% increase to maintain statutory compliance since the majority of the village property sales were in Cody.

Protest #422-23-41 was filed by Eric & Shannon Ravenscroft. Assessor Moreland recommended accepting an adjustment of the quality to fair. Nelson moved and DeNaeyer seconded to accept the Assessor's recommendation for Protest #41. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

Protest #422-23-01 was filed by Beatrice M. Jones. Assessor Moreland recommended no change in value since the value per square foot is within the range of sales of similar age, quality, and condition homes. McConaughy moved and DeNaeyer seconded to accept the Assessor's recommendation for Protest #01. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

Protest #422-23-06 was filed by Margaret Figert on behalf of owner, Wardens and Vestrymen of St. John's Episcopal Church. Assessor Moreland recommended no change in value and that data was confirmed to be correct on the property's record card. DeNaeyer moved and DeNaeyer seconded to accept the Assessor's recommendation for Protest #06. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

Protest #422-23-11 was filed by Mark Johnson. Assessor Moreland recommended accepting an adjustment to the property's improvement value by removing all buildings except the pole building, but no adjustment to the value of irrigated acres. DeNaeyer moved and Nelson seconded to accept the Assessor's recommendation for Protest #11. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

Protest #422-23-45 & #422-23-47 were filed by Edward Bacon. For #47 Assessor Moreland recommended no change in value because the property is currently valued at low quality & fair condition and has a 25% functional depreciation. McConaughy moved and DeNaeyer seconded to accept the Assessor's recommendation of no change in value for Protest #47. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried. Assessor Moreland recommended accepting an adjustment by Central Plains Valuation to the effective age and condition for #45. Nelson moved and McConaughy seconded to accept the Assessor's recommendation for Protest #45. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

Protest #422-23-51 was filed by Michelle Conine, Trustee. Assessor Moreland recommended accepting an adjustment to remove the wood deck and add an open slab porch. McConaughy moved and DeNaeyer seconded to accept the Assessor's recommendation for Protest #51. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

Protest #422-23-52 was filed Kelly & Linda Grimshaw. Assessor Moreland recommended accepting a correction by Central Plains Valuating to the heating/cooling, adjusting the open slab porch condition to poor, and to fix the sketch. Nelson moved and DeNaeyer seconded to accept the Assessor's recommendation for Protest #52. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

Protest #422-23-62 - #422-23-63 were filed by Phillip R Francke. For #62 Assessor Moreland recommended accepting a correction by Central Plains Valuation to roof covers, no-value building, and open slab porch. Nelson moved and McConaughy seconded to accept the Assessor's recommendation for Protest #62. Roll call vote: Aye – Nelson,

DeNaeyer, McConaughey. The motion carried. Assessor Moreland recommended no change in value for #63 since the building is now correctly valued as a detached garage. McConaughey moved and DeNaeyer seconded to accept the Assessor's recommendation of no change in value for Protest #63. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

Protest #422-23-67 was filed by Vicki H. Carini. Assessor Moreland recommended no change in value per comparison review. DeNaeyer moved and McConaughey seconded to accept the Assessor's recommendation of no change in value for Protest #67. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

Protest #422-23-68 - #422-23-69 were filed by Josh Neill on behalf of Sandhills Townhomes, LP. Assessor Moreland recommended no change in value for either protest since they do not have an active Section 42 designation. DeNaeyer moved and McConaughey seconded to accept the Assessor's recommendation of no change in value for Protest #68-69. Roll call vote: Aye – McConaughey, Nelson, DeNaeyer. The motion carried.

Assessor Moreland presented a report that contained adjustments to property values based upon review by the Assessor's Office. McConaughey moved and Nelson seconded to approve the Overvalued, Undervalued & Omitted Property Report – Jackie. Roll call vote: Aye – Nelson, DeNaeyer, McConaughey. The motion carried.

Assessor Moreland presented a report that contained corrections to property values that occurred during the 2023 revaluation by Central Plains Valuation and an income approach valuation for Section 42 properties. McConaughey moved and Nelson seconded to approve the Overvalued, Undervalued & Omitted Property Report – CPV. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

Deputy Assessor Andrea Andre provided information to the Board regarding a late Homestead Exemption Application filing received from Tonja Critchfield. A letter regarding family medical issues that prevented timely filing and confirmation from the Department of Revenue of eligibility of the application to be considered were discussed. Nelson moved and McConaughey seconded to approve the Homestead Exemption Application late filing due to family medical issues. Roll call vote: Aye – McConaughey, Nelson, DeNaeyer. The motion carried.

Assessor Moreland presented her 3-Year plan of Assessment to the Board and discussed aspects of agricultural, commercial, and residential review and assessment that is planned for years 2023-2025. Information from Lake Mac Assessment for reassessments, EagleView pictometry, and potentially closing the Assessor's Office for all staff to attend the Assessor's Workshop in August were also discussed.

At 5:25 p.m. Chairman DeNaeyer declared the meeting adjourned.

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