

CASS COUNTY BOARD OF EQUALIZATION AND BOARD OF COMMISSIONERS MEETING MINUTES: December 19, 2023

8:00am- Call Meeting to Order; Open Meetings Act Notice & Pledge of Allegiance: Members Present: Sharp, Boyle, DeGarmo, Winkler and Murdoch. Others present: Chris Perrone- County Attorney, Gerri Draper- County Clerk

BOARD OF EQUALIZATION

1. Discuss/Action- (Assessor) Tax List Correction(s): No. 273, No. 274, No. 276, No. 277, No. 278, No. 279

MOTION: Sharp moved, Boyle seconded to approve tax list corrections No. 273, No. 274, No. 276, No. 277, No. 278, No. 279 as presented. Motion carried 5-0

8:01am CONVENE BOARD OF COMMISSIONERS

CONSENT AGENDA: Previous Meeting Minutes, Claims, Payroll/Time Balance Reports and Fees: Clerk-Misc. \$70.00; Register of Deeds-Preservation \$1,238.00, State DOC Stamps \$23,970.43, County General DOC Stamps \$6,847.82, County General \$7,833.50; Zoning-Misc. \$13,710.80; District Court Clerk- Misc. \$ 6,237.89; Sheriff-Misc. \$1,974.00, Mileage \$3,250.21

MOTION: Winkler moved, Boyle seconded to approve consent agenda as prepared. Motion carried 5-0

GENERAL CLAIMS: Accelerated Graphx \$3,689.50 (srv) Advanced Cardiovascular Care \$64.00 (srv) All Copy Products Inc \$27.98 (srv) Amazon Capital Services \$225.74 (sup) Douglas J Amen Law LLC \$1,292.00 (srv) American Heart Association \$230.40 (sup) Ameritas Life Insurance Corp \$2,124.08 (ins) Applied Concepts \$2,665.00 (srv) Village of Avoca \$63.00 (srv) B Sharp Towing \$175.00 (srv) United States Treasury \$154.00 (srv) Black Hills Energy \$1,621.85 (srv) Bomgaars \$41.90 (sup) Scott Bornemeier LLC \$34.99 (srv) Boundtree Medical LLC \$669.69 (sup) Lawrence Carlsson MD \$2,500.00 (srv) Cash-Wa Distributing \$817.50 (srv) Cass County Court \$1,035.05 (srv) Cass County Public Defender \$1,117.31 (reim) Cass County Refuse \$288.00 (srv) Cass County Sheriff-Civil Process \$92.50 (srv) Cass County Sheriff \$143.15 (reim) Charter Communications \$363.14 (srv) David Chebatoris \$874.00 (srv) CIOX Health \$417.91 (srv) Clerk of the District Court \$146.00 (srv) Coast to Coast Computer Products \$219.00 (sup) Comdata Corporation \$393.07 (srv) Consolidated Electrical Distributor \$5,442.53 (srv) Control Masters Inc \$29,000.00 (srv) Copple Chevrolet GMC Inc \$454.18 (srv) Percival Culligan Water \$50.00 (sup) DAS State Accounting \$160.00 (srv) Digital-Ally \$23,397.25 (srv) Douglas County Sheriff-Civil Process \$77.92 (srv) Eakes Office Solutions \$69.59 (sup) Eaton Corporation \$5,949.02 (srv) Village of Elmwood \$58.40 (srv) EMS Connect \$84.50 (srv) ES&S \$2,991.40 (srv) Cindy Fenton \$31.83 (reim) Fireguard Inc \$425.32 (srv) First Concord \$115.00 (ins) First State Bank Nebraska \$30,332.71 (tax) Frontier Cooperative \$1,949.47 (sup) Grainger \$154.82 (srv) Gregg Young Chevrolet of Plattsmouth \$260.41 (srv) Rand Group \$66.00 (reim) Hayes Mechanical LLC \$2,143.00 (srv) Henry-Hoscheidt Service Center \$159.39 (srv) Hometown Leasing \$1,825.92 (srv) Horwath Laundry Company \$2,679.98 (srv) HyVee Accounts Receivable \$186.03 (srv) In Force Technology \$5,600.00 (srv) International Code Council \$160.00 (srv) Johnson & Pekny LLC-Gerald Johnson \$76.00 (srv) Johnson & Pekny LLC-Andrea Hardesty \$565.14 (srv) Jones Polygraph Service \$350.00 (srv) Valerie Kochevar RPR, CSR MTDS Reporters \$50.00 (srv) Lancaster County Sheriff's Dept \$246.18 (srv) Gerald M Liess \$420.00 (srv) Mainelli Wagner & Assoc \$4,002.64 (srv) Matheson Tri-Gas Inc \$306.02 (srv) My Central Supply \$493.40 (sup) Meeske Ace Hardware \$115.74 (sup) Meeske Auto Parts \$128.52 (sup) Menards \$81.63 (sup) Menards Capital One Trade Credit \$785.96 (srv) Metlife Life Ins Co \$9,412.47 (ins) MIPS Inc \$6,144.01 (srv) NACO \$150.00 (srv) Nebraska Guardianship Counsel LLC \$6,403.72 (srv) Nebraska Medicine \$4,768.52 (srv) Nebraska Notary Association \$107.00 (sup) Nebraska Public Power District \$91.37 (srv) Nebraska State Bar Association \$450.00 (srv) Nebraska.gov \$8.50 (srv) NEFSMA \$35.00 (srv) NMC Inc \$403.00 (srv) Oestmann & Albertsen Law PC LLO \$90.25 (srv) Office Warehouse \$178.99 (sup) Omaha Public Power District \$42.71 (srv) Omaha World Herald \$451.03 (srv) H.S.A. Optum Bank \$2,250.00 (ins) O'Reilly Auto Parts \$20.90 (srv) Oxen Technology \$7,707.50 (srv) Paper Tiger Shredding Inc \$280.00 (srv) Papillion Sanitation \$724.01 (srv) City of Plattsmouth \$2,731.35 (srv) Thomas Prickett-Reinsch, Slattery, Bear, Minahan & Prickett PC LLO \$256.50 (srv) Quik Dump Refuse Inc \$73.82 (srv) Quill Corporation \$31.99 (sup) Ricoh USA Inc \$339.12 (srv) Rock Bluff Restoration \$147.20 (srv) Otoe County Rural Water Dist #3 \$81.00 (srv) Rural Water Dist #1 \$38.00 (srv) Sam's Club \$569.25 (sup) Sarpy County Treasurer \$2,343.86 (srv) Mirissa Scholting \$60.00 (srv) Secretary of State \$20.00 (srv) Stericycle Inc \$97.25 (srv) Summit Food Service LLC \$15,278.33 (srv) The Home Depot Pro \$161.79 (sup) Thomson Reuters-West \$1,413.05 (srv) Titan Energy Systems \$702.50 (srv) TK Elevator Corporation \$520.76 (srv) TMN Reporting LLC \$713.65 (srv) Bobie Touchstone \$4,756.00 (srv) Transunion Risk & Alternative \$75.00 (srv) Unifirst Corporation \$165.59 (srv) United Healthcare \$71,962.00 (ins) US Bank \$44.81 (srv) US Bank Voyager Fleet \$9,293.32 (sup) Verizon \$1,311.05 (srv) Vesta Voluntary Specialists Inc \$478.51 (srv) VSP Vision -\$188.71 (county adjust) Windstream \$13,819.30 (srv) Xtra Mile Mowing \$120.00 (srv) Zelle LLC \$5,573.36 (srv) CLAIMS: \$347,509.25; PAYROLL: \$350,419.11; TOTAL: \$697,928.36 ROADS: Allied Oil & Tire Company \$3,673.50 (sup) Eakes Office Solutions \$54.17 (sup) Frontier Cooperative \$1,615.90 (sup) Haney Shoes Stores Inc \$360.00 (sup) Keckler Oil Company \$927.80 (sup) Martin Marietta \$16,217.61 (sup) Meeske Ace Hardware \$275.98 (sup) Meeske Auto Parts \$2,014.16 (sup) Mill Creek Auto Parts \$162.65 (srv) NMC Inc \$307.21 (srv) Pomp's Tire Service Inc \$878.86 (sup) Rose Equipment \$8,001.00 (sup) TEC Equipment \$1,758.50 (srv) Truck Center Companies \$2,577.58 (srv) US Bank Voyager Fleet \$1,422.78 (sup) Whetrock Inc \$20,679.29 (sup) CLAIMS: \$60,929.99; PAYROLL: \$67,160.13; TOTAL: \$128,090.12 ROAD SINKING: Mainelli Wagner & Assoc \$16,477.45 (srv) TOTAL: \$16,477.45 HIWAY BUYBACK: Mainelli Wagner & Assoc \$2,553.14 (srv) TOTAL: \$2,553.14 VISITOR PROMOTION: Cass County Agricultural Society \$2,500.00 (srv) Village of Manley \$858.75 (srv) Neb Lutheran Outdoor Ministries \$2,500.00 (srv) Nebraska Trail Foundation \$1,543.05 (srv) Omaha Sports Commission \$2,464.15 (srv) Carl E Reichart \$260.89 (reim) CLAIMS: \$10,126.84 PAYROLL: \$1,183.50 TOTAL: \$11,310.34 VISITOR IMPROVEMENT: Cass County Agricultural Society \$8,000.00 (srv) The Lofte Community Theatre \$35,000.00 (srv) Maly Marketing \$680.00 (srv) Miles Partnership LLLP \$800.00 (srv) Strategic Air Command & Aerospace Museum \$5,500.00 (srv) TOTAL: \$49,980.00 RECORD PRESERVATION: MIPS \$278.64 (srv) TOTAL: \$278.64 FEMA: Central Body Company \$1,530.18 (srv) Comdata Corporation \$301.00 (srv) TOTAL: \$1,831.18 COVID-AMERICAN RESCUE PLAN: Prime Secured \$8,870.77 (srv) TOTAL: \$8,870.77 E911: Eaton Coporation \$787.29 (srv) Windstream \$1,176.88 (srv) TOTAL: \$1,964.17 E911 WIRELESS: Eaton Corporation \$2,791.28 (srv) Windstream \$1,503.71 (srv) TOTAL: \$4,294.99 OVERALL GRAND TOTAL: \$923,579.16

1. Regular Agenda:

MOTION: Winkler moved, DeGarmo seconded to approve agenda as prepared. Motion carried 5-0

2. Past Meetings Attended by Commissioners:

- Sharp: None
- Boyle: Attended annual NACO conference
- DeGarmo: Attended annual NACO conference
- Winkler: Attended annual NACO conference
- Murdoch: None

3. Public Hearing/Action (8:17am): MOTION: Boyle moved, DeGarmo seconded. Motion carried 5-0. Published: December 13 & 15 Cassgram and County website. Others present: Mike Jensen-Zoning Administrator

1.) Zoning- Language clarification on Section 4.11 and strikeout of AG Preservation Easements

Jensen presented his Board of Commissioners Staff Report noting: On November 7, 2023 board members unanimously ordered change to Section 4.11 to allow for accessory structures on parcels more than 20 acres without the requirement of a primary residence. Stating on December 11, 2023 the Planning Commission recommended approval with a 5-0 vote that Section 4.11, include Exception "A" - to not apply to AG, TA, and RA parcels more than 20 acres, accessory buildings in these districts are strictly for storage of agricultural equipment and livestock.

AG Preservation Easements strikeouts: the Planning Commission recommended with a 4-1 vote to strike out the following items: Section-5.07.01 – Residential Acreage Cluster Developments – the entire section; Section 5.08.01-Residential Acreage Development and Cluster Development – all of "A"; Section 5.08.07-Residential Acreage Development – strike out Deed Restriction line in "A"; Section 5.12.5- strike entire section; Section 5.12.6 – amend "A" to eliminate Deed Restriction line.

2.) Zoning- Administrative Subdivision 5-acre lot in 17-11-10

Jensen presented his Board of Commissioners Staff Report noting: this is an Administrative Subdivision located in the NE ¼ of SEC 17-11-10, this is a 5-acre split on the south side of Waverly road in an 80-acre agriculturally zoned parcel. Stating on December 11, 2023 the Planning Commission recommended with a 5-0 vote to approve the Administrative Subdivision of a 5-acre lot in the NE ¼ of the NE ¼ of SEC 17-11-10.

Chair asked for comments from the audience, hearing none, he asked for a motion to close the public hearing.

Close Public Hearing (8:27am): MOTION: DeGarmo moved, Boyle seconded. Motion carried 5-0

PH MOTIONS:

1.) Zoning- Language clarification on Section 4.11 and strikeout of AG Preservation Easements

MOTION: Winkler moved, Sharp seconded to approve the language clarifications in Section 4.11 and strikeout of AG Preservation Easements as presented, with the removal of the County Attorneys legal opinion (exhibit "A"). Motion carried 5-0

2.) Zoning- Administrative Subdivision 5-acre lot in 17-11-10

MOTION: Boyle moved, Sharp seconded to approve the administrative subdivision as presented. Motion carried 5-0

4. Litigation & Legal Matters-Christopher Perrone, County Attorney:

4A. Discuss/Action- TORT Claim filed by Dornan Law Team

MOTION: Winkler moved, Boyle seconded to take no action and forward to NIRMA. Motion carried 5-0

5. Road Matters-Lenny Thorne, Highway Superintendent:

5A. Discuss/Action- Approve NDEE Tire Grant and authorize Jerry Fleischman to sign and administer grant

Thorne stated the grant was approved for 400 tons of tires, Roads Department will work with Keep Cass County Beautiful

MOTION: Murdoch moved, Boyle seconded to approve NDEE Tire Grant and authorize Jerry Fleishman to sign/administer grant as necessary. Motion carried 5-0

6. New Business & Unfinished Business:

6A. Discuss/Action- Vicky McNealy-SENCA, review/approve proposed budget and schedule for Cass County Transit, authorize chair to sign agreement between SENCA and Cass County for County Transit Program

McNealy outlined 18 month proposed budget and proposed scheduled for January -June 30, 2024, estimated county match cost of \$1,100 per month. SENCA will be responsible for the administration of the program, KENO funds will be used for county match costs (annual billing).

MOTION: Sharp moved, Boyle seconded to approve proposed budget/schedule, and authorize the chair to sign agreement as presented. Motion carried 5-0

6B. Discuss/Action- Approve amended 2024 Claims & Payroll Dates (approved 12/5/23)

MOTION: Murdoch moved, Boyle seconded to approve amended 2024 claims/payroll schedule. Motion carried 5-0

6C. Discuss/Action- Jon Cannon- Executive Director, Nebraska Association of County Official's (NACO), NACO updates Update given no action taken.

Other Business Matters/Public Input & Comments: None

9:18am ADJOURN: MOTION: Sharp moved, DeGarmo seconded. Motion carried 5-0

I, Gerri Draper, the undersigned Clerk of Cass County, Nebraska do hereby certify the above minutes were taken by me, and are true and correct to the best of my knowledge and are part of the official records of this office. I therefore set my hand and affix the County Seal this 19th day of December, 2023.

State of Nebraska)
County of Cass) ^{ss.}

Gerri Draper, Cass County Clerk

We, the undersigned Board of Commissioners of Cass County, Nebraska do hereby certify the above minutes are true and correct to the best of our knowledge, and are part of the official records of the Cass County Clerk's Office. We therefore set our hands this 19th day of December, 2023.

Dale Sharp-District 1 Commissioner
Taylor Boyle-District 2 Commissioner
Alexander DeGarmo-District 3 Commissioner

John Winkler-District 4 Commissioner
Duane Murdoch-District 5 Commissioner