

MINUTES: April 25, 2023 CASS COUNTY BOARD OF EQUALIZATION AND CASS COUNTY BOARD OF COMMISSIONERS

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

CONVENE – BOARD OF EQUALIZATION

1. Discuss/Action- (Assessor)- Tax List Corrections/Clerical Errors- Parcel #: 130052078, 2021, 2022

MOTION: Sharp moved, Boyle seconded to approve tax corrections for parcel 130052078 as presented. Motion carried 5-0

2. Discuss/Action- (Assessor)- Clerical Errors: List provided by Assessor

MOTION: Boyle moved, Winkler seconded to approve the clerical error list as presented. Motion carried 5-0

3. Discuss/Action (Treasurer)- Motor Vehicle Exemption Application: The Nebraska Masonic Home- (1) 2017 Chrysler Pacifica

MOTION: Sharp moved, DeGarmo seconded to approve motor vehicle exemption application as presented. Motion carried 5-0

8:04am CONVENE BOARD OF COMMISSIONERS

CONSENT AGENDA: Previous Meeting Minutes, Claims, Payroll/Time Balance Reports and Fees

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

GENERAL CLAIMS: Aladtec Inc \$3,799.00 (srv) All Copy Products Inc \$25.44 (srv) Raymond Althouse \$46.31 (srv) Amazon Capital Services \$209.26 (sup) Douglas J Amen Law LLC \$1,305.05 (srv) Ameritas Life Insurance Corp \$31,235.68 (ins) Village of Avoca \$63.00 (srv) Betterway Tire & Auto \$520.46 (srv) Black Hills Energy \$6,734.82 (srv) Bomgaars \$17.45 (sup) Scott Bornemeier LLC \$34.99 (srv) Boundtree Medical LLC \$673.22 (sup) Brian P Harvey Funeral Home \$1,000.00 (srv) Linda Brouhard \$14.80 (reim) Carrot Top Industries \$580.36 (sup) Cash-Wa Distributing \$847.90 (srv) Cass County Court \$1,065.00 (srv) Cass County Extension \$277.58 (srv) Cass County Iowa Sheriff's Office \$32.00 (srv) Cass County Refuse \$223.00 (srv) Cass County Sheriff-Civil Process Division \$222.05 (srv) Cass County Sheriff \$30.00 (reim) Cassgram \$195.00 (srv) Charter Communications \$181.57 (srv) Clerk of the District Court \$317.00 (srv) Clerk of the Supreme Court \$178.00 (srv) Consolidated Management Company \$142.50 (srv) Jim Crofoot \$29.28 (srv) DAS State Accounting \$75.00 (srv) Roger Dennis \$39.10 (srv) Department of Correctional Services \$2,358.12 (srv) Diamond Drugs Inc \$355.65 (srv) Diamond Medical Supply \$81.26 (sup) Dollar General \$14.20 (sup) Douglas County Court-Criminal/Traffic Division \$6.50 (srv) Douglas County Sheriff-Civil Process \$25.59 (srv) Eakes Office Solutions \$3,278.70 (sup) Eastern Nebraska Human Service Agency \$22,738.00 (srv) Electronic Contracting Company \$41.28 (srv) Elite Electric \$5,640.00 (srv) Environmental Systems Research Institute \$25,800.00 (srv) ET's Lawn & Leisure \$173.97 (srv) Family Physicians of Plattsmouth \$39.00 (srv) Steve Felthousen \$33.34 (srv) Ferguson Facilities Supply \$198.35 (srv) First Concord \$460.00 (srv) First State Bank Nebraska \$31,503.17 (tax) FP Finance Program \$168.00 (srv) Frontier Cooperative \$165.00 (srv) Goodwin Tucker Group \$3,582.06 (srv) Government Forms & Supplies \$281.06 (srv) Grainger \$387.26 (sup) Jim Grotrian \$46.44 (srv) Hayes Mechanical LLC \$14,096.55 (srv) Helget Home Care \$2.00 (sup) Tammy J Hetherington \$416.25 (srv) HTBS Credit \$90.83 (sup) Holiday Inn \$249.90 (srv) Hometown Leasing \$971.04 (srv) HRDirect \$385.16 (srv) HyVee \$269.73 (sup) Interstate All Battery Center \$231.00 (sup) Johnson Hardware Company \$196.00 (srv) Jones Automotive Inc \$329.64 (srv) JP Cooke Company \$196.30 (srv) Justice Data Solutions Inc \$250.00 (srv) Kerns Excavating Co Inc \$815.00 (srv) Laerdal Medical Corporation \$1,166.47 (sup) Lancaster County Sheriff's Dept \$22.80 (srv) LG Cleaners Inc \$295.05 (srv) Gerald M Liess \$360.00 (srv) Ruby Mayberry \$23.44 (reim) My Central Supply \$494.53 (sup) Menards \$199.59 (sup) Metlife Life Ins \$357.65 (ins) Mill Creek Auto Parts \$25.47 (srv) Mom's Café \$250.44 (srv) Alan Mueller \$30.72 (srv) NACO \$150.00 (srv) Nebraska Association of County Treasurers \$150.00 (srv) Nebraska Health & Human Services \$372.00 (srv) Nebraska Public Power District \$100.38 (srv) Nebraska Secretary of State \$60.00 (srv) Nebraska Weed Control Association \$175.00 (srv) Office Warehouse \$991.88 (sup) Omaha Public Power District \$1,046.56 (srv) Omaha World Herald \$104.00 (srv) Omega Chemical Co Inc \$1,169.22 (sup) H.S.A. Optum Bank \$2,200.00 (ins) O'Reilly Auto Parts \$18.14 (sup) Otoe County Sheriff Dept \$18.50 (srv) Oxen Technology \$9,244.00 (srv) Papillion Sanitation \$830.16 (srv) Perfection Auto Repair \$116.50 (srv) Physicians Laboratory Services \$2,599.00 (srv) City of Plattsmouth \$555.28 (srv) Positive Concepts \$3,700.00 (sup) Professional Heating & Air Conditioning \$8,987.00 (srv) Quill Corporation \$818.29 (sup) Region 6 Behavioral Health Care \$18,570.42 (srv) Richardson County Sheriff Law Enforcement Center \$100.00 (srv) Ricoh USA Inc \$171.09 (srv) Otoe County Rural Water District #3 \$87.00 (srv) Sarpy County Times \$84.99 (srv) Sarpy County Sheriff Dept \$18.00 (srv) Sarpy County Treasurer-Adult Pretrial Services \$2,025.42 (srv) Secretary of State \$20.00 (srv) Jennifer Sommer \$1,500.00 (srv) Robert Staben \$20.37 (srv) Staples Business Credit \$114.05 (sup) Stericycle Inc \$92.62 (sup) Summit Food Service LLC \$8,987.71 (srv) George Tesar Jr \$45.26 (srv) The Home Depot Pro \$160.96 (sup) Thomson Reuters-West \$1,385.34 (srv) Thyssenkrup Elevator Corp \$742.97 (srv) Mary Tilson \$500.00 (srv) Transunion Risk & Alternative \$75.00 (srv) Unifirst Corporation \$95.75 (srv) United Healthcare \$74,684.08 (ins) US Bank Voyager Fleet System \$10,267.83 (srv) Verizon \$599.58 (srv) Verizon Connect \$129.52 (srv) VSP Vision \$-383.56 (county adjust) Washington County Sheriff \$31.70 (srv) Windstream \$640.58 (srv) CLAIMS: \$323,376.22; PAYROLL: \$366,139.89; TOTAL: \$689,516.11 ROADS: Ace Irrigation & Mfg \$46,962.39 (sup) Allied Oil & Tire Company \$2,967.50 (sup) Aramark \$187.03 (sup) Betterway Tire & Auto \$95.00 (srv) Copple Chevrolet GMC Inc \$63.90 (srv) Frontier Cooperative \$22,846.64 (sup) Helen L Heesch \$1,500.00 (srv) Husker Chem Sales \$11,701.80 (srv) KEA Constructors LLC \$251,242.76 (srv) Keckler Oil Company \$27.20 (sup) Mainelli Wagner & Assoc \$60,420.65 (srv) Mark Meyer Family Farm \$2,100.00 (srv) Martin Marietta \$51,212.15 (sup) Meeske Ace Hardware \$160.26 (sup) Meeske Auto Parts \$1,057.86 (sup) Mill Creek Auto Parts \$78.41 (sup) Murphy Tractor & Equip \$8,756.93 (sup) Neff Towing \$385.00 (srv) NMC Inc \$413.75 (srv) Pavers Inc \$253.45 (sup) Pitney Bowes Global Financial \$122.97 (srv) Rose Equipment \$1,951.20 (sup) Sapp Bros Inc \$15,167.58 (sup) Beverly L Thomas \$1,700.00 (srv) Truck Center Companies \$1,702.46 (srv) Westover Rock & Sand \$48,403.17 (srv) Whetrock Inc \$67,141.81 (sup) Becky Wulf \$2,150.00 (srv) CLAIMS: \$600,771.87; PAYROLL: \$66,396.57; TOTAL: \$667,168.44 COMMUNICATION TOWER: The Center for Municipal Solutions \$3,525.00 (srv) TOTAL: \$3,525.00 VISITOR PROMOTION: Linda Behrns \$54.37 (srv) Nancy Bose \$15.72 (srv) Maly Marketing \$270.00 (srv) Carl E Reichart \$307.85 (reim) Barbara J Slattery \$75.98 (srv) Weeping Water Chamber of Commerce \$367.50 (srv) CLAIMS: \$1,091.42 PAYROLL: \$1,149.00 TOTAL: \$2,240.42 FEMA: Eakes Office Solutions \$503.38 (sup) TOTAL: \$503.38 ARPA: JLC Construction \$137,237.64 (srv) TOTAL: \$137,237.64 INHERITANCE: Cass County Treasurer \$1,000,000.00 (transfer) TOTAL: \$1,000,000.00 KENO: Nebraska Department of Revenue \$4,238.00 (srv) TOTAL: \$4,238.00 E911: Windstream \$684.68 (srv) TOTAL: \$684.68 E911 WIRELESS: Windstream \$1,990.36 TOTAL: \$1,990.36 OVERALL GRAND TOTAL: \$2,507,104.03

1. Regular Agenda:

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

2. Past Meetings Attended by Commissioners:

- Sharp: None
- Boyle: None

- DeGarmo: Met with the Nebraska Game and Parks regarding bike trails
- Winkler: None
- Murdoch: None

3. Public Hearing/Action (8:15am): MOTION: Winkler moved, Boyle seconded. Motion carried 5-0

Other present: Lenny Thorne-Highway Superintendent. Published: Sarpy County Times- 3/12 & 3/19. Clerk noted clerical error was found on Agenda- RES 2023-02B should have read RES 2023-02C.

3A. PH (Roads): RES 2023-02C - Vacate a portion of County Road #249 (Mill Road) between 156th St and 144th St containing Union Pacific Rail Crossing # 433233T and county Bridge #21845 located in T11N R11E Sec 2/11, vacation would start 726' from the centerline of 156th St running east on Mill Road for 206'. This description is to include all other previously located county road numbers, imminent to the above described road, which may exist but are unknown at this time, if any up to the time of said proposed closing

Thorne presented resolution and outlined reason for vacation -NDOT and City of Louisville requested closure of railroad crossing. Board asked Thorne what the traffic count was, under 10. Chair asked for comments from the audience hearing from 2 property owners against the closure siting traffic and maintenance concerns. NDOT representative Tim Weander and Bill Wehling were present to answer questions of both the board and audience members. NDOT noted closure would not happen until construction was completed and traffic was over top, if vacation is approved by Cass County the NDOT project would be scheduled for letting in 2025. Hearing no additional questions Chair moved to the next item.

3B. Bid Opening (Roads): Murray Northwest, C001301635 Deck Replacement. Published: Sarpy County Times- 3/29, 4/5, & 4/12

BIDDER	AMOUNT	Construction Start-End Date
CL Construction, Wahoo NE	\$227,769.17	6/1/23 (or sooner) - 8/31/23
Rutalkn, Avoca NE	\$297,500.00	5/3/23 - 8/31/23

CLOSE Public Hearing 8:40am: MOTION: DeGarmo moved, Boyle seconded. Motion carried 5-0

PH MOTIONS:

3A. PH (Roads): RES 2023-02C - Vacate a portion of County Road #249 (Mill Road) between 156th St and 144th St containing Union Pacific Rail Crossing # 433233T and county Bridge #21845 located in T11N R11E Sec 2/11, vacation would start 726' from the centerline of 156th St running east on Mill Road for 206'. This description is to include all other previously located county road numbers, imminent to the above described road, which may exist but are unknown at this time, if any up to the time of said proposed closing

MOTION: Winkler moved, Boyle seconded to adopt Resolution 2023-02C as prepared. Motion carried 4-1, Murdoch voting no

3B. Bid Opening (Roads): Murray Northwest, C001301635 Deck Replacement

MOTION: Murdoch moved, Winkler seconded to table awarding the bid to allow Thorne to review bids. Motion carried 5-0

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

4A. Discuss/Action- (Possible closed session) Complaint Filed pursuant to N.R.S. 23-114

EXECUTIVE SESSION: Chair stated for the protection of public interest or for the prevention of needless injury to the reputation of an individual, may have a motion to go into executive session to allow board to discuss complaint filed pursuant to N.R.S. 23-114 and to discuss contractual/litigation issues (6C.) before entering closed session. Time of entering closed session was 9:23am

MOTION: Boyle moved, Winkler seconded to enter into executive session to discuss complaint filed pursuant to N.R.S. 23-114 and to discuss contractual/litigation issues (6C.). Motion carried 5-0. Chair reiterated limited subject matter to be addressed: to discuss complaint filed pursuant to N.R.S. 23-114 and to discuss contractual/litigation issues (6C.) before entering closed session. Time of entering closed session was 9:23am

CLOSE EXECUTIVE SESSION:

MOTION: Sharp moved, DeGarmo seconded, to close executive session. Motion carried 5-0. Meeting reconvened in open session at 10:15am. Chair announced that the only topic discussed in closed session was to discuss: complaint filed pursuant to N.R.S. 23-114 and to discuss contractual/litigation issues (6C.). There was no action taken in closed session.

4B. Discuss/Action- Consider action on Complaint filed pursuant to N.R.S. 23-114.

MOTION: Sharp moved, Boyle seconded to take no action/dismiss complaint. Motion carried 4-1, Murdoch voting no

4C. Discussion only- Reconsider CU-2022-0003; Street Media Group - Nebraska LLC (Billboard), notification concerns

Perrone outlined concerns raised. Chair open meeting to comments; hearing from three (3) audience members against the CUP as approved on 12/20/22, stating concerns that the notification was not descriptive enough, size/height, double sided, digital halo.

MOTION: DeGarmo moved, Murdoch seconded to form a committee consisting of two board members (members selected: DeGarmo and Boyle) along with Perrone to work with all involved parties to find a resolution on this matter. Motion carried 4-1, Sharp voting no

4D. Discuss/Action- AG Preservation Easement (hire private counsel). Update given no action taken.

5. Road Matters-Lenny Thorne, Highway Superintendent:

5A. Discuss/Action- Discuss placement of street light at the intersection of Church Rd and Highway 63 and Church Rd and Highway 50. Discussion held no action taken

6. New Business & Unfinished Business:

6A. Action only- Adopt Cass County Zoning Regulations (as amended 4/11/23)

MOTION: DeGarmo moved, Murdoch seconded to adopt the Cass County Zoning Regulations as amended 4/11/23. Motion carried 3-2, Sharp and Murdoch voting no

6B. Discuss/Action- Lauren Stohlman-Lauren Stohlmann Extension Educator and Lead Educator, Extension update. No action taken

6C. Discuss/Action- (Possible closed session) Jennifer Sommer- I.T Consultant, County Fiber Proposal/billing update. Board held executive session for both 4A and 6C. No action taken

6D. Discuss/Action- Geri Draper-County Clerk, update on Clerk/Elections. Draper updated board on the relocation of the Election Office, due to merge of offices the Election Office is being relocated to the Cass County Annex Building. Building repairs will still need to be addressed: upstairs windows, storage areas, doors. Sharp asked that Draper contact the City of Plattsmouth regarding parking in front of Annex Building.

Other Business Matters/Public Input & Comments:

Sheriff-Robert Sorenson addressed the board regarding the hot water storage tank and sewer line replacement at the LEC. The board asked the County Attorney if these items could be declared as an emergency; Perrone stated he believes they would (Jail showers/restrooms are involved).

MOTION: Winkler moved, Sharp seconded to authorize Sorenson to proceed with the repairs, ARPA funds will be used for emergency repairs. Motion carried 5-0

Draper noted that active threat training has been scheduled for employee/department heads for June 7th with NIRMA.

10:33am 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 25th day of April, 2023.

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

Gerri Draper, 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 25th day of April, 2023.

Dale Sharp-Dist. 1, Taylor Boyle-Dist. 2, Alex DeGarmo-Dist. 3, John Winkler-Dist. 4, Duane Murdoch-Dist. 5
Cass County Board of Commissioners