

MINUTES: May 10, 2022 CASS COUNTY BOARD OF EQUALIZATION AND CASS COUNTY BOARD OF COMMISSIONERS

Notice of the meeting was given in advance by publication in the Plattsmouth Journal and online at [Cass County, NE Webpage](#). Agenda was made available for public inspection at the office of the Cass County Clerk.

8:00am Call Meeting to Order; Open Meetings Act Notice & Pledge of Allegiance: Members Present: Sharp, Sommer, Peterson, Henry and Murdoch. Others present: Colin Palm-County Attorney, Gerri Draper-County Clerk

CONVENE- BOARD OF EQUALIZATION- Teresa Salinger, County Assessor:

1. Discuss/Action- Tax Corrections Parcel(s): 130026476-2021; 1303980000-2020; 130398426-2021; 130396372 2021; 130396372

MOTION: Sharp moved, Peterson seconded to approve tax corrections as presented. Motion carried 5-0

8:02am CONVENE – BOARD OF COMMISSIONERS

CONSENT AGENDA: Previous Meeting Minutes, Claims, Payroll/Time Balance Reports and fees: Fees- County Clerk Misc. \$1,689.55; Zoning- Misc. \$12,747.02; Register of Deeds- Preservation \$2,512.00, State DOC Stamps \$36,530.54. CO General DOC Stamps \$10,435.96, CO General \$15,834.00; District Court Misc. \$3,858.96; Sheriff Mileage \$2,752.08, Commission \$2,197.79.

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

GENERAL CLAIMS: Aladtec Inc \$3,213.00 (srv) All Copy Products Inc \$23.13 (srv) Amazon Capital Services \$15.33 (sup) American Heart Association \$384.65 (sup) Ameritas Life Insurance Corp \$32,097.73 (ins) Anderson Ford \$117,804.00 (srv) Betterway Tire & Auto \$1,345.00 (srv) Bishop Business \$32.45 (srv) Black Hills Energy \$109.54 (srv) Bomgaars \$91.30 (sup) Boundtree Medical LLC \$281.98 (sup) Linda Brouhard \$60.00 (reim) William Brueggemann \$60.00 (reim) Burr Farms Machinery Inc \$190.00 (srv) Lawrence Carlsson MD \$2,000.00 (srv) Kari Casey \$41.32 (reim) Cash-Wa Distributing \$1,047.85 (srv) Cass County Extension \$282.29 (srv) Cass County Historical Society \$2,500.00 (srv) Cass County Mutual Aid Assn \$50.00 (srv) Cass County Sheriff-Civil Process Division \$371.24 (srv) Cass County Sheriff \$110.50 (reim) Cassgram \$78.00 (srv) Chemsearch \$472.48 (srv) Kristin Christensen \$22.06 (srv) CNA Surety \$40.00 (srv) Comdata Corporation \$949.86 (srv) Conner Psychology Services PC \$150.00 (srv) Copple Chevrolet GMC Inc \$212.19 (srv) Crawford Supply Company \$508.64 (srv) Percival Culligan Water \$43.75 (sup) DAS Central Finance \$1,144.49 (srv) DAS State Accounting \$90.72 (srv) Datashield Corporation \$55.00 (srv) Dept of Revenue-Property Assessment Division \$615.00 (srv) Geri Draper \$60.00 (reim) Eakes Office Solutions \$1,923.39 (sup) Harold Ehmke \$15.00 (ret) Electronic Contracting Company \$187.00 (srv) EMS Connect \$72.00 (srv) Encartele Inc \$3,000.00 (srv) ES&S \$9,389.17 (srv) Express Diagnostics International \$130.92 (sup) Eugene Farris \$9.00 (ret) Intervention/Assessment Staff Secure \$1,921.70 (srv) Fireguard Inc \$166.50 (srv) First State Bank Nebraska \$31,865.77 (tax) First State Bank Nebraska \$3,242.66 (srv) Taylor Fleischman \$60.00 (reim) FP Finance Program \$73.50 (srv) Frontier Cooperative \$825.46 (srv) Travis J Frye \$69.44 (reim) Deloris H Gall \$21.00 (ret) Galls LLC \$243.77 (srv) Graham Tire \$878.58 (srv) Grainger \$311.04 (sup) Catrina Harris \$1,376.55 (srv) Hometown Leasing \$2,096.46 (srv) Horwath Laundry Company \$1,532.85 (srv) Hyvee Accounts Receivable \$420.90 (srv) Interstate All Battery Center \$158.40 (srv) Mike Jensen \$60.00 (reim) Johnson & Pekny LLC-Lisa Gonzalez \$3,616.90 (srv) Jones Automotive Inc \$110.00 (srv) Jones Polygraph Service \$1,050.00 (srv) Keefe Supply Company \$390.63 (srv) Ryan Lee \$129.01 (reim) Matthew Bender & Co Inc \$648.46 (srv) Gerald M Liess \$550.00 (srv) Lincoln Journal Star \$6.74 (srv) Kristin M Lynch \$300.00 (srv) Marshall County Sheriff's Office \$35.00 (srv) Matheson Tri-Gas Inc \$254.99 (srv) Maximus Inc \$2,600.00 (srv) MIPS Inc \$5,662.37 (srv) Linn Moore \$91.69 (reim) Mullenax Auto Supply Inc \$10.07 (sup) NACO \$35.00 (srv) NE County Attorneys Assoc \$2,296.00 (srv) Nebraska Notary Association \$100.00 (srv) Nebraska Public Health Environmental \$420.00 (srv) Nebraska Public Power District \$7,754.22 (srv) Nebraska.gov \$25.50 (srv) No Wait Inside LLC \$174.00 (srv) Todd O'Connor \$60.00 (reim) Office Depot \$100.96 (sup) Office Warehouse \$2,811.00 (sup) Omaha Public Power District \$143.44 (srv) Omega Chemical Co Inc \$536.42 (srv) HSA – Optum Bank \$2,450.00 (ins) Oxen Technology \$816.50 (srv) Colin Palm \$60.00 (reim) Paper Tiger Shredding Inc \$308.91 (srv) Papillion Sanitation \$419.44 (srv) Perfection Auto Repair \$348.67 (srv) City of Plattsmouth \$989.26 (srv) Thomas Prickett \$1,111.50 (srv) Quality Signs \$780.00 (srv) Quill Corporation \$109.26 (srv) Reliance Standard Life Ins Co \$176.00 (ins) Ricoh USA Inc \$137.23 (srv) Rock Bluff Construction \$5,000.00 (srv) Otoe County Rural Water District #3 \$45.00 (srv) Rural Water Dist #1 \$41.50 (srv) Sam's Club \$17.57 (srv) Secretary of State \$100.00 (srv) E Michael Slattery \$108.72 (srv) SOE Software \$2,894.00 (srv) Jennifer Sommer \$39.12 (reim) Standard & Associates Inc \$398.73 (srv) Staples Business Credit \$842.49 (sup) William Sterrett \$60.00 (reim) Stop n Shop \$2,083.26 (srv) Summit Food Services LLC \$8,486.57 (srv) The Center for Municipal Solutions \$2,375.00 (srv) The Home Depot Pro \$122.28 (sup) Leonard Thorne \$60.00 (reim) Thyssenkrupp Elevator Corp \$742.97 (srv) Mary Tilson \$540.74 (srv) Transunion Risk & Alternative \$75.00 (srv) Unifirst Corporation \$304.66 (srv) United Healthcare \$77,846.12 (ins) US Bank \$8,462.39 (srv) US Bank Equipment Finance \$1,419.00 (srv) US Bank Voyager Fleet Systems \$12,440.43 (srv) Verizon \$506.05 (srv) Voss Lighting \$28.40 (srv) Warren Wade \$19.00 (ret) Sandra Weyers \$60.00 (reim) Windstream \$534.18 (srv) Zelle LLC \$4,631.04 (srv) CLAIMS: \$394,507.95; PAYROLL: \$377,095.29; TOTAL: \$771,603.24 ROADS: Aramark \$460.84 (sup) Village of Avoca \$63.00 (srv) Black Hills Energy \$208.21 (srv) Bobcat of Omaha \$33.45 (srv) Bomgaars \$49.99 (sup) Cass County Refuse \$167.85 (srv) Caterpillar Financial Services Corp \$20,256.00 (srv) Frontier Cooperative \$37,548.92 (srv) Galvin Glass \$810.04 (srv) Village of Greenwood \$161.82 (srv) Hometown Leasing \$279.54 (srv) Keckler Oil Company \$147.07 (srv) Martin Marietta \$95,665.75 (srv) Meeske Auto Parts \$285.71 (srv) Metal Culverts \$106,103.65 (srv) MIPS Inc \$142.18 (srv) Murphy Tractor & Equip \$332.56 (srv) Omaha Public Power District \$145.72 (srv) Quik Dump Refuse Inc \$34.18 (srv) RDO Truck Center Co \$6,117.77 (srv) Otoe County Rural Water District #3 \$45.00 (srv) Schemmer \$1,395.00 (srv) US Bank \$49.77 (srv) US Bank Voyager Fleet Systems \$2,843.60 (srv) CLAIMS: \$273,347.62; PAYROLL: \$58,011.86; TOTAL: \$331,359.48 JUVENILE DIVERSION: TOTAL: \$1,445.50 VISITOR PROMOTION: Carl Reichart \$154.14 (reim) CLAIMS: \$154.14 PAYROLL: \$1,105.00 TOTAL: \$1259.14 RECORD PRESERVATION: MIPS Inc \$276.64 (srv) TOTAL: \$276.64 FEMA: Motorola Solutions \$2,044.00 (srv) Weathertap.com \$773.05 (srv) TOTAL: \$2,817.05 COVID-AMERICAN RESCUE PLAN: RW Engineering & Surveying Inc \$1,892.50 (srv) TOTAL: \$1,892.50 E911: Nebraska Public Power District \$171.61 (srv) Omaha Public Power District \$166.21 (srv) TOTAL: \$337.82 OVERALL GRAND TOTAL: \$1,110,991.17

1. Current/Regular Agenda:

MOTION: Henry moved, Sharp seconded to approve current agenda as prepared. Motion carried 5-0

2. Past Meetings Attended by Commissioners:

- Sharp: None
- Sommer: None
- Peterson: None
- Henry: None
- Murdoch: None

3. Open Public Hearing/Action 8:34am: MOTION: Sharp moved, Peterson seconded. Motion carried 5-0

Published: Plattsmouth Journal April 28, 2022

3A. CUP #11304 Tri City Signs- Parcel 130104760- 13014 238th St., Greenwood, NE; Legal Description-TL7 NW1/4, NW1/4 35-12-09-Sign

Jensen outlined application noting: that it meets Zoning Regulations section 7.03, pg. 54, use matrix under accessory, article 8, supplemental regulations section 8.04 subsection K and 8.05 section 3.02 definition of terms pg. 33-34, Planning Commission recommended approval with a 9-0 vote on April 11, 2022; then referring board to exhibits. Tim Marchese –owner tri-city signs appeared to outline request and answer any questions by the board. Receiving no comments the chair announced the board would move to the next item.

3B. CUP #11306 Hainlie LLC.- Greenwood RV Campground, owner Bob Luebbe-12515 238th St., Greenwood; Legal Description- FRAC L1 EXC HWY SE1/2, NE1/4 34-12-09; RV Campground

Jensen outlined application noting: that it meets Zoning Regulations section 7.03. pg. 53, parks and open space and section 8.07 recreational vehicle park/campground. Planning Commission recommended approval with 9-0 vote on April 11, 2022; then referring board to exhibits. Bob Luebbe- owner appeared to outline request and answer any question by the board-noting maximum capacity would be 89 RVs; Luebbe also presented an addendum for consideration that would allow the campground to store unoccupied RVs (not to exceed the max capacity). Receiving no comments the chair asked for motion to close the public hearing.

Close Public Hearing 8:47am: MOTION: Peterson moved, Sommer seconded. Motion carried 5-0

3A. CUP #11304 Tri City Signs- Parcel 130104760- 13014 238th St., Greenwood, NE; Legal Description-TL7 NW1/4, NW1/4 35-12-09-Sign

MOTION: Murdoch moved, Sharp seconded to approve condition use permit #11304 as presented. Motion carried 4-1, Henry voting no

3B. CUP #11306 Hainlie LLC.- Greenwood RV Campground, owner Bob Luebbe-12515 238th St., Greenwood; Legal Description- FRAC L1 EXC HWY SE1/2, NE1/4 34-12-09; RV Campground

MOTION: Sharp moved, Murdoch seconded to approve conditional use permit #11306 as presented. Motion carried 5-0. Palm noted the addendum would need to be brought before the planning commission/board for consideration at a later date.

4. Litigation & Legal Matters-S. Colin Palm, County Attorney: None scheduled

5. Road Matters-Lenny Thorne, Highway Superintendent:

5A. Discuss/Action- Scenic Drive Bridge #13710P Design updates with Jeff Wagner- Mainelli Wagner & Associates Wagner and Thorne gave update on new design stating the next step for this project would be to prepare right-of-way documents

MOTION: Sharp moved, Murdoch seconded to proceed with the project with the updated design as presented. Motion carried 5-0

5B. Discuss/Action- Approve rollover contracts with Bobcat on Skid Steer and Mini Excavator

MOTION: Sharp moved, Sommer seconded to approve rollover contracts with Bobcat; one-time surcharge will be included to each contract: (Skid Steer \$2,490.00) total cost \$7,740.00 and (Mini Excavator \$2,463.00) total cost \$7,463.00. Motion carried 5-0

6. New Business & Unfinished Business:

6A. Discuss/Action- Javier Fernandez, OPPDs CEO, introduction and provide update on Power with Purpose. No action taken.

6B. Discuss/Action- CUP #11278 Tincher Investments, Co, Inc.; Young Road-Plattsmouth; Subdivision Preliminary Plat

Jensen stated application was updated from a 26 to 24 lot subdivision due to the shortened cul-de-sac of 600' however additional clerical issues were still being worked out, and requested that the item be tabled until the next board meeting.

MOTION: Henry moved, Murdoch seconded to table item until the May 24, 2022 meeting. Motion carried 5-0

6C. Discussion only- Brad Lamb-Chief Deputy, Communications Project- radio communications with Douglas, Sarpy, Mills Iowa, Fremont Iowa, and Lincoln/Lancaster County

Lamb, Nicole Kingston-Motorola Solutions and Kathie Hansel-Electronic Engineering appeared to discuss proposal noting an estimated equipment/service cost of \$171,469.00 and post warranty/SUAll cost of \$2,796.00.

Chairman asked Lamb to add proposed amount to the 2022-2023 budget proposal. Contract/Agreement will need to be brought back for legal review prior to board approval.

6D. Discuss/Action- Mowing of the Belmont Cemetery 2022

MOTION: Peterson moved, Sharp seconded to hire K & B Lawn Service costing \$175 on a biweekly basis. Motion carried 5-0

6E. Discuss/Action- RES 2022-10; Time To Talk Week Proclamation – May 21-27, 2022

MOTION: Peterson moved, Sharp seconded to adopt resolution -Time to Talk Week Proclamation May 21-27, 2022.
Motion carried 5-0

6F. Discussion only- Emergency Management & Sue Krogman- NEMA, ENRIN project proposal

MOTION: Peterson moved, Sommer seconded to tabled item until May 24, 2022. Motion carried 5-0

6G. Discuss/Action- Direct Zoning Administrator/Planning Commission to review Zoning Regulations, to include solar regulations

Discussion held between board members and Colin Palm-County Attorney, with Palm advising the board for clarification purposes it would be best if motions were drafted or typed in resolution form. Chair verified with members of the Board with all being in agreement that Palm would draft resolutions.

BREAK: 9:20am

MOTION: Murdoch moved, Sharp seconded to adopt resolution 2022-06 as prepared. Motion carried 5-0

RESOLUTION 2022-06

- (1) WHEREAS, The County Board hereby resolves that the Zoning Administrator shall review all regulations, to include but not be limited to solar and wind energy regulations, in order to identify any recommended changes, identify any inconsistencies, and make recommendations on how to resolve/eliminate such inconsistencies to the Planning Commission within 90 days from the date this motion is approved; and
- (2) The Planning Commission shall consider any recommended changes or revisions made to it by the Zoning Administrator, and/or consider any additional revisions to the regulations, if necessary, within 180 days from the date this motion is approved, and by following the process for amendment to the regulations outlined in Article 11; and
- (3) The Planning Commission shall provide its written recommendations on each and every proposed amendment, to include whether the commission believes the amendment should be approved, disapproved, or with other suggestions to the Board and the reasons therefore, within 270 days from the date this motion is approved.

MOTION: Murdoch moved, Sharp seconded to adopt resolution 2022-07 as prepared. Motion carried 5-0

RESOLUTION 2022-07

- (1) WHEREAS, The County Board has resolved to consider changes to the zoning regulations. The Board fully supports immediate consideration of a new engineering firm to participate in such review and hereby demands a request for proposals (RFP) for such a firm. The Planning Commission shall consider all options, to include recommending the hiring of additional experts if necessary, in support of the intent of this resolution to complete a full review of the current zoning regulations, and make recommendations to the Board to best satisfy the Board's intent for such review.

6H. Discuss/Action- Propose moratorium on applications or permits for Commercial Solar Conversion Systems and Wind Energy Conversion Systems

Palm again advised the board for clarification purposes it would be best if motions were drafted or typed in resolution form, Chair verified with members of the Board with all being in agreement that Palm would draft resolution

BREAK 10:30am

MOTION: Murdoch moved, Sharp seconded to adopt resolution 2022-08 as prepared. Motion carried 5-0

RESOLUTION 2022-08 (was read into the record by the Chairman of the Board)

- (1) WHEREAS, the County Board hereby imposes a moratorium on the County Zoning Administrator, County Planning Commission, and County Board accepting or acting on any application for Commercial Solar Conversion Systems or Wind Energy Conversion Systems for 270 days from the date this motion is approved, or until such time that the current zoning regulations (passed by the County Board on August 3, 2021) are fully reviewed and amended, if necessary, whichever date is sooner, in order to address inconsistencies contained therein.
- (2) The moratorium shall apply to any previously submitted partial application until such time as the application is amended and a complete application is submitted to the Zoning Administrator, in compliance with the zoning regulations, after which time the Board shall decide how to proceed with such amended application.

7. Public Input & Comments: None

10:35am ADJOURN AS CASS COUNTY BOARD OF COMMISSIONERS: MOTION: Murdoch moved, Peterson 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 10th day of May, 2022.

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 10th day of May, 2022.

Dale Sharp-Dist. 1, Jennifer Sommer-Dist. 2, James Peterson-Dist. 3, Dan Henry-Dist. 4, Duane Murdoch-Dist. 5
Cass County Board of Commissioners