

**MINUTES: November 8, 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: Chris Perrone-County Attorney, Gerri Draper-County Clerk

CONSENT AGENDA: Previous Meeting Minutes, Claims, Payroll/Time Balance Reports and fees for November 8, 2022.

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

GENERAL CLAIMS: All Copy Products \$25.44 (Srv) Amazon Capital Services \$198.77 (Sup) Douglas J Amen Law \$389.50 (Srv) American Eagle Computer \$298.08 (Sup) American Heart Association \$753.75 (Sup) Ameritas Life Insurance \$2,410.56 (Ins) Ameritas Life Insurance \$29,228.77 (Ins) Back Alley Diner \$959.49 (Sup) Betterway Tire & Auto \$926.80 (Srv) Black Hills Energy \$165.34 (Srv) Bob Barker Company \$1,200.66 (Sup) Bomgaars \$136.97 (Sup) Boundtree Medical \$385.20 (Sup) Carasoft Technology \$10.00 (Srv) Lawrence Carlsson \$2,000.00 (Srv) Cash-Wa Distributing \$1,080.20 (Srv) Cass County Attorney \$20.00 (Srv) Cass County Sheriff \$449.80 (Srv) Cass County Sheriff \$656.54 (Srv) Chemsearch \$472.48 (Srv) Clerk of the District Court \$108.00 (Srv) Consolidated Management \$53.55 (Srv) Percival Culligan Water \$66.50 (Srv) Danko Emergency Equipment \$23.81 (Srv) Das Central Finance \$41.60 (Srv) Kelly Dawson \$46.00 (Reim) Dept of Correctional Services \$903.50 (Srv) Douglas County Sheriff Office \$2,215.00 (Srv) Geri Draper \$47.24 (reim) Eakes Office Solutions \$1,188.37 (Sup) Electronic Engineering \$2,741.28 (Srv) EMS Connect \$72.00 (Srv) ES&S \$11,416.08 (Srv) Eyman Plumbing \$2,011.00 (Srv) Family Physicians of Plattsmouth \$215.00 (Srv) Fireguard \$372.00 (Srv) First State Bank \$31,350.46 (Ins) FP Finance Program \$168.00 (Srv) Futurity IT \$2,300.00 (Srv) Galls \$917.82 (Sup) Grainger \$111.71 (Sup) Great Plains Uniforms \$883.90 (Sup) Gregs Body Shop \$1,000.00 (Srv) H & H Kia \$25,145.00 (Srv) Catrina Harris \$3,322.55 (Srv) Hometown Leasing \$2,701.00 (Srv) Johnson & Pekny \$4,839.96 (Srv) Jones Automotive \$1,134.96 (Srv) JP Cooke Company \$74.65 (Sup) Keckler Oil Company \$51.15 (Srv) Lancaster County Sheriff \$6.00 (Srv) Lincoln Journal Star \$2.52 (Srv) Vicky Lockwood \$39.23 (Reim Dana Long \$322.63 (reim) Village of Manley \$63.00 (Srv) Matheson Tri-Gas \$161.38 (Srv) Meeske Ace Hardware \$37.98 (Sup) Meeske Auto Parts \$8.99 (Sup) Mips \$4,199.58 (Srv) Mullenax Auto Supply \$94.98 (Srv) Ne Law Enforcement Training Center \$75.00 (Srv) Nebraska Medicine \$783.29 (Sup) Nebraska Public Health Environment \$105.00 (Srv) NPPD \$8,945.52 (Srv) Oestmann & Albertsen Law \$109.25 (Srv) Office Warehouse \$295.25 (Sup) Omaha Compound \$582.57 (Sup) OPPD \$643.41 (Srv) Omega Chemical \$598.31 (Sup) H.S.A. \$2,300.00 (Ins) O'Reilly Auto Parts \$9.99 (Sup) Papillion Sanitation \$895.41 (Srv) Pottawattamie County Sheriff \$36.00 (Srv) Thomas Prickett \$446.50 (Srv) Quality Signs \$460.50 (Srv) Quill Corporation \$75.76 (Sup) Reliance Standard Life \$186.00 (Ins) Ricoh USA \$64.59 (Srv) Rock Bluff Restoration \$811.02 (Srv) Rural Water District #3 \$75.00 (Srv) Rural Water District #1 \$38.00 (Srv) Staples Business \$2,424.34 (Sup) Stryker Sales Corporation \$7,038.00 (Srv) Summit Food Service \$9,258.25 (Sup) The Home Depot Pro \$21.48 (Sup) Mary Tilson \$625.00 (Srv) TK Elevator \$488.79 (Srv) Unifirst Corporation \$91.51 (Srv) United Healthcare \$79,648.70 (Ins) US Bank \$7,504.14 (Srv) US Bank Voyager Fleet \$433.26 (Srv) Verizon Wireless \$3,963.56 (Srv) Volitant Technologies \$742.12 (Srv) Wilbur-Ellis Company \$391.45 (Srv) Windstream \$193.26 (Srv) Woods & Aitken \$5,932.50 (Srv) Zelle \$4,640.00 (Srv) Zoom Video Communications \$149.90 (Srv) CLAIMS: \$283,309.36; PAYROLL: \$364,560.44; TOTAL: \$647,869.80 ROADS: Aramark \$468.50 (Srv) Bobcat of Omaha \$2,235.33 (Srv) Bomgaars \$492.48 (Sup) Caterpillar Financial Services \$20,256.00 (Srv) Central Salt \$4,320.00 (Srv) Eakes \$81.04 (Sup) Haney Shoe Stores \$165.99 (sup) Hometown Leasing \$286.76 (Srv) Hotsy Equipment \$266.36 (Srv) Keckler Oil Company \$275.00 (Sup) Mainelli Wagner \$90,450.50 (Srv) Martin Marietta \$55,865.38 (Srv) Meeske Ace Hardware \$65.25 (Sup) Meeske Auto Parts \$631.66 (Sup) Mill Creek Auto Parts \$170.60 (Sup) Millard Lumber \$155.90 (Sup) MIPS \$146.45 (Srv) Murphy Tractor \$373.15 (Srv) Nebraska Iowa Supply Co \$12,371.70 (Sup) Nancy Phillips \$1,350.00 (Srv) Pomp's Tire Service \$8,508.35 (Srv) Safety-Kleen Systems \$762.00 (Srv) Syracuse Iron Works \$83.30 (Srv) Truck Center Companies \$3,060.32 (Srv) US Bank \$935.21 (Srv) Western Sand & Gravel \$244.87 (Sup) CLAIMS: \$204,022.10; PAYROLL: \$64,263.07; TOTAL: \$268,285.17 JUVENILE DIVERSION: TOTAL: \$1,573.60 VISITOR PROMOTION: Omaha Magazine \$2,299.00 (Sup) Carl Reichart \$421.25 (reim) CLAIMS: \$2,720.25; PAYROLL: \$1,149.00; TOTAL: \$3,869.25 RECORD PRESERVATION: MIPS \$278.64 (Srv) TOTAL: \$278.64 FEMA: Motorola Solutions \$17,132.00 (Srv) TOTAL: \$17,132.00 COVID-AMERICAN RESCUE PLAN: Amazon Capital Services \$36,983.31 (Srv) Nebraska Digging \$15,900.00 (Srv) TOTAL: \$52,883.31 INHERITANCE: Cass County Treasurer \$2,000,000.00 TOTAL: \$2,000,000.00 KENO: Nebraska Department of Revenue \$3,919.00 (Srv) TOTAL: \$3,919.00 E911: Nemaha County Sheriff \$96.08 (Srv) TOTAL: \$96.08 TOTAL: OVERALL GRAND TOTAL: \$2,995,906.85

1. Regular Agenda:

MOTION: Henry moved, Murdoch seconded to approve agenda as modified. Motion carried 5-0

2. Past Meetings Attended by Commissioners:

- Sharp: None
- Sommer: Met with several constituents, I.T. meetings with Madison and Adams Counties
- Peterson: Discussions with insurance broker regarding County benefits
- Henry: None
- Murdoch: None

3. Open Public Hearing/Action 8:15am: MOTION: Murdoch moved, Sharp seconded. Motion carried 5-0. Published: Plattsmouth Journal 11/3/22. Others Present: Mike Jensen-Zoning Administrator

3A. PH. CUP # 11308- Riverside RV Park- Joe & Dan Riskowski – 20015 Beach Road, Plattsmouth, NE; Legal Description: L2 EXC S16' & 4A DB138 P263 & TL36R NE1/4 35-13-13 – RV Park.

Jensen gave overview of permit referring board to their meeting packets for exhibits A-E (E was not provided by applicant) reading administrator remarks for the board. The permit was presented to the Planning Commission on 4/11/22, which voted 9-0 to not recommend based on setbacks and general layout; applicant made adjustments to address setback and spacing issues. Application was reviewed before the County Board on 6/7/22; commissioners requested the layout be primarily located on the north end of the parcel. Application was presented again on 8/8/22 to the Planning Commission, which voted

5-0 (4 members absent) to table until 9/12/22 to allow Southpark Townhomes and Riverside RV Park time to prepare mutual agreement; item was again tabled on 9/12/22 due to lack of agreement. Application was brought back to Planning Commission on 10/11/22, which was denied 7-1 due to setbacks were not at 75 feet, no agreement with Southpark Townhomes. Additional concerns raised was one way out on Beach Road.

Dan Riskowski-Owner addressed the board noting various changes have been made regarding the application; reduced lots, dust control, RV registration/licenses -if RV's are left in an excess of 6 months they will be subject to registration license and fencing requirements.

Chair asked for comments from audience with 3 speaking against, areas on concern: Sewer line, fencing, dust control. 1 speaking in favor of application. Hearing no further comments chair asked to move to next public hearing item.

PH. CUP # 11494- The Nebraska Land Trust, Inc.- Waverly Road, Murdock, NE; W1/2 SE1/4 08-11-10 – Conservation Easement.

Jensen gave overview of permit noting the Nebraska Land Trust Conservation Easement application is more of a notification than an application. This application is to notify the County that this landowner wishes to put this parcel on land in Conservation Easement, which must be adopted by Resolution of the Cass County Board of Commissioners. Planning Commission voted to approve by a 7-1 vote

Darrell Stock-Owner and Dave Sands-Nebraska Land Trust appeared to answer question by the board.

Chair asked for comments from audience- after receiving none chair asked for motion to close public hearing.

Close Public Hearing 9:14am: MOTION: Peterson moved, Murdoch seconded. Motion carried 5-0

PH. MOTIONS:

3A. CUP # 11308- Riverside RV Park- Joe & Dan Riskowski – 20015 Beach Road, Plattsmouth, NE; Legal Description: L2 EXC S16' & 4A DB138 P263 & TL36R NE1/4 35-13-13 – RV Park

MOTION: Peterson moved, seconded to table item for 30 days. Motion carried 5-0

Board members asked applicant to address the following items: fencing/natural barrier, 1 water meter, insurance (umbrella policy), 4-wheelers not allowed (golf-carts only), calcium must be applied 3 times per year, no year round RV storage on lake lots (1-4) no RVs can be inhabited after October 1<sup>st</sup>, propane tanks must be removed.

3B. CUP # 11494- The Nebraska Land Trust, Inc.- Waverly Road, Murdock, NE; W1/2 SE1/4 08-11-10 – Conservation Easement. Published: Plattsmouth Journal 11/3/22. Others Present: Mike Jensen-Zoning Administrator

MOTION: Peterson moved, Sharp seconded to approve CUP #11494 as presented. Motion carried 5-0

BREAK 9:15am

4. Litigation & Legal Matters-Chris Perronne, County Attorney: None scheduled

5. Road Matters-Lenny Thorne, Highway Superintendent:

5A. Discuss/Action- RES 2022-25(A) directing the Highway Superintendent to study proposed vacation of a portion of the right-of-way of East Bay Road in the SW1/4 of the SW1/4 of SEC 36-T13N-R13E and a portion of right-of-way of 3<sup>rd</sup> Avenue in the W1/2 of the NW1/4 of Sec 1-T12N-R13E

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

RESOLUTION 2022-25 (A)

WHEREAS, the Cass County Board of Commissioners, pursuant to Section 39-1722 deems it is in the best interest of Cass County to vacate certain county roads as follows:

A portion of the right of way of East Bay Road situated in the SW ¼ of the SW ¼ of Section 36-T13N-R13E, and a portion of the right of way of 3<sup>rd</sup> Avenue situated in the W ½ of the NW ¼ of Section 1-T12NR13E of the 6<sup>th</sup> P.M., Cass County, Nebraska, more fully described as follows:

Referring to the NE Corner of the W ½ of the NW ¼ of said Section 1; thence S87°15'14"W, (assumed bearing), along the North ling of the W1/2 of the NW ¼, a distance of 33.00' to the NE Right of Way Corner of 3<sup>rd</sup> Avenue and the POINT OF BEGINNING; thence N02°58'32"W, a distance of 33.00'; thence S87°15'14"W, parallel with the North line of said W ½ of the NW ¼, a distance of 595.03'; thence S02°44'46"E, a distance of 33.00' to a point on the North line of said W ½ of the NW ¼; thence continuing S02°44'46"E, a distance of 50.09' to a point on the South Right of Way line of Bay Road, (as dedicated on the recorded plat of Schmidts Commercial); thence N87°15'11"E, a distance of 376.53' to a point on the West Right of Way line of 3<sup>rd</sup> Avenue; thence S42°45'38"E, along said West Right of Way line, a distance of 238.87';thence S02°58'28"E, continuing along said West Right of Way lone, a distance of 1782.03' to a point on the North Right of Way line or Oreapolis Road; thence N57°58'28"E, on Right of Way line of Oreapolis Road, a distance of 75.50' to a point on the East Right of Way line 3<sup>rd</sup> Avenue; thence N02°58'32"W, along said East Right of Way line 3<sup>rd</sup> Avenue, a distance of 1978.14' to the POINT OF BEGINNING. Said described tract contains 4.40 Acres, more or less.

The intent of this description is to include all other previously located county roads numbers in the above describes location which may exist but are unknown at this time, if any up to the time said proposed vacation.

NOW THEREFORE BE IT RESOLVED, that the Cass County Highway Superintendent is directed to study said proposed vacation, and

BE IT FUTHER RESOLVED, that the Highway Superintendent shall submit his findings to the Board pursuant to Section 39-1722.

COMPLETE RESOLUTION CAN BE FOUND IN CLERKS VAULT

5B. Discuss/Action- RES 2022-25(B) setting the public hearing date and time as December 6, 2022 at 8:15am regarding the proposed vacation of a portion of the right-of-way of East Bay Road in the SW1/4 of the SW1/4 of SEC 36-T13N-R13E and a portion of right-of-way of 3<sup>rd</sup> Avenue in the W1/2 of the NW1/4 of Sec 1-T12N-R13E

MOTION: Henry moved, Sommer seconded to adopt resolution as prepared setting public hearing date and time as December 6, 2022 at 8:15am. Motion carried 5-0

**RESOLUTION 2022-25(B)**

WHEREAS, the Cass County Board of Commissioners, pursuant to Section 39-1722 adopted resolution #2022-25 (A) directing the Highway Superintendent to study and report on the vacation of 3<sup>rd</sup> Ave and a portion of East Bay his findings are as follows:

To vacate a portion of the right of way of East Bay Road situated in the SW ¼ of the SW ¼ of Section 36-T13N-R13E, and a portion of the right of way of 3<sup>rd</sup> Avenue situated in the W ½ of the NW ¼ of Section 1-T12NR13E of the 6<sup>th</sup> P.M., Cass County, Nebraska, more fully described as follows:

Referring to the NE Corner of the W ½ of the NW ¼ of said Section 1; thence S87°15'14"W, (assumed bearing), along the North ling of the W1/2 of the NW ¼, a distance of 33.00' to the NE Right of Way Corner of 3<sup>rd</sup> Avenue and the POINT OF BEGINNING; thence N02°58'32"W, a distance of 33.00'; thence S87°15'14"W, parallel with the North line of said W ½ of the NW ¼, a distance of 595.03'; thence S02°44'46"E, a distance of 33.00' to a point on the North line of said W ½ of the NW ¼; thence continuing S02°44'46"E, a distance of 50.09' to a point on the South Right of Way line of Bay Road, (as dedicated on the recorded plat of Schmidts Commercial); thence N87°15'11"E, a distance of 376.53' to a point on the West Right of Way line of 3<sup>rd</sup> Avenue; thence S42°45'38"E, along said West Right of Way line, a distance of 238.87';thence S02°58'28"E, continuing along said West Right of Way lone, a distance of 1782.03' to a point on the North Right of Way line or Oreapolis Road; thence N57°58'28"E, on Right of Way line of Oreapolis Road, a distance of 75.50' to a point on the East Right of Way line 3<sup>rd</sup> Avenue; thence N02°58'32"W, along said East Right of Way line 3<sup>rd</sup> Avenue, a distance of 1978.14' to the POINT OF BEGINNING. Said described tract contains 4.40 Acres, more or less.

The intent of this description is to include all other previously located county road numbers in the above describes location which may exist but are unknown at this time, if any up to the time of said proposed vacation.

NOW THEREFORE BE IT RESOLVED, that the Cass County Board of Commissioners will hold a public hearing regarding said vacation December 6<sup>th</sup>, 2022 at 8:15am in room 101 of the Cass County Courthouse.

COMPLETE RESOLUTION CAN BE FOUND IN CLERKS VAULT

5C. Discuss/Action- Approve Skid loader rollover contract with Bobcat

MOTION: Peterson moved, Murdoch seconded to approve rollover contract, authorize Chair to sign. Motion carried 5-0

5D. Discuss/Action- RES 2022-26, Year End Certification of County Highway Superintendent, authorize chair to sign

MOTION: Henry moved, Murdoch seconded to adopt resolution, authorize chair to sign year end certification as required. Motion carried 5-0

**6. New Business & Unfinished Business:**

6A. Discuss/Action- Sean Sommer, Fraternal Order of Police requesting financial assistance for Shop with a Cop Program

MOTION: Henry moved, Murdoch seconded to authorize use of KENO funds in the amount of \$2,500.00 authorizing Clerk to prepare claim. Motion carried 5-0

6B. Discuss/Action- Award Request for Proposal VOIP Telephone System (tabled 10.25.22)

MOTION: Sommer moved, Peterson seconded to award bid to Prime Secure as bid in the amount of \$154,930.24 (length of contract 60 months). Motion carried 5-0

6C. Discuss/Action- Correcting fund number for Coronavirus Response & Relief Supplemental Appropriations (from 2585 to 2581) per State Auditor's Office

MOTION: Peterson moved, Murdoch seconded to approve correction to fund numbers as requested. Motion carried 5-0

6D. Discuss/Action- 2023 Benefits-Supplemental Insurance Coverages

Commissioners approved going to Assurity on 10/25/22- however it did not include all coverages, at the request of the County VESTA complied additional comparisons.

MOTION: Peterson moved, Sommer seconded to approve changing supplement policy carrier to Metlife. Motion carried 5-0

6E. Discuss/Action- Continuous Agenda Item(s): Buildings. none

**7. Other Business Matters/Public Input & Comments: None**

**10:01am ADJOURN AS CASS COUNTY BOARD OF COMMISSIONERS:** MOTION: Sharp moved, Henry 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 8th day of November, 2022.

State of Nebraska)  
County of Cass) <sup>ss.</sup>

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 8th day of November, 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*