

**MINUTES: April 11, 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 (arrived 8:05am), Winkler and Murdoch. Others present: Chris Perrone-County Attorney, Gerri Draper-County Clerk

CONVENE – BOARD OF EQUALIZATION

1. Discuss/Action- Motor Vehicle Exemptions- YMCA of Lincoln; (1) 2014 E350, (1) 2009 EZ Loader 2WHL Boat Trailer, (1) 1987 ASVE Canoe #1066949, (1) 1987 ASVE Canoe #1066950, (1) Ford DRW Super Duty F450, (1) 2009 TITA 4-wheel 18”

MOTION: Sharp moved, Boyle seconded to approve motor vehicle exemption as requested. Motion carried 4-0, DeGarmo late arrival

8:01am CONVENE BOARD OF COMMISSIONERS

CONSENT AGENDA: Previous Meeting Minutes, Claims, Payroll/Time Balance Reports and Fees: County Clerk-Misc. \$1,564.40; Zoning-Misc. \$12,954.67; Register of Deeds-Preservation \$1,550.00, State DOC Stamps \$33,326.20, CO General DOC Stamps 4 9,520.55, CO General \$ 9,695.50; Dist. Court Clerk- Misc. \$8,136.00; Sheriff- Mileage \$2,249.72, Services \$2,048.69

MOTION: Winkler moved, Boyle seconded to approve consent agenda as prepared. Motion carried 4-0, DeGarmo late arrival

GENERAL CLAIMS: Amazon Capital Services \$1,134.19 (sup) American Heart Association \$258.50 (sup) Ameritas Life Insurance Corp \$31,942.82 (ins) Village of Avoca \$63.00 (srv) Betterway Tire & Auto \$222.00 (srv) Black Hills Energy \$468.95 (srv) Bob Barker Company \$285.00 (sup) Bomgaars \$175.38 (sup) Boundtree Medical LLC \$1,844.85 (sup) Linda Brouhard \$60.00 (reimb) Lawrence Carlsson MD \$2,500.00 (srv) Kari Casey \$19.65 (reimb) Cash-Wa Distributing \$1,304.40 (srv) Cass County Historical Society \$3,500.00 (srv) Cass County Public Defender \$710.44 (srv) Cass County Sheriff Civil Process Division \$1,076.49 (srv) Cass County Sheriff \$35.63 (reimb) Cassgram \$26.00 (srv) David Chebatoris \$874.00 (srv) Chemsearch \$472.48 (srv) Clerk of the District Court \$360.00 (srv) Comdata Corporation \$1,695.55 (srv) Cassie Cox \$60.00 (reimb) DAS Central Finance \$1,144.49 (srv) Dollar General \$29.80 (sup) Geri Draper \$60.00 (reimb) Eakes Office Solutions \$121.85 (sup) Harold Ehmke \$15.00 (ret) Village of Elmwood \$61.37 (srv) Encartele Inc \$3,000.00 (srv) Fairfield Inn & Suites \$279.90 (srv) Eugene Farris \$9.00 (ret) Ferguson Facilities Supply \$28.45 (srv) First State Bank Nebraska \$31,655.13 (tax) First State Bank Nebraska \$2,960.00 (srv) Taylor Fleischman \$60.00 (reimb) Travis J Frye \$60.00 (reimb) Fusselman-Allen-Harvey Funeral Home \$250.00 (srv) Deloris H Gall \$21.00 (ret) Galls LLC \$35.91 (srv) Gary Gross Truck & Accessories \$5,800.00 (srv) Grainger \$470.56 (sup) Great Plains Uniforms LLC \$139.50 (sup) Village of Greenwood \$184.15 (srv) Tammy J Hetherington \$142.20 (srv) Hometown Leasing \$1,817.92 (srv) Mike Jensen \$60.00 (reimb) Justice Data Solutions Inc \$3,100.00 (srv) Legal & Liability Risk Management \$850.00 (srv) Village of Manley \$63.00 (srv) Matheson Tri-Gas Inc \$520.12 (sup) Brandon McClane \$60.00 (reimb) Brook N McConnaughey \$60.00 (reimb) My Central Supply \$401.46 (sup) Meeske Ace Hardware \$84.71 (sup) Meeske Auto Parts \$488.42 (sup) Menards Capital One Trade Credit \$266.36 (sup) Metlife Life Ins Co \$177.12 (ins) MIPS Inc \$5,975.28 (srv) Linn Moore \$60.00 (reimb) Mullenax Auto Supply Inc \$689.00 (sup) Nebraska State Fire School \$300.00 (srv) Nebraska.gov \$42.50 (srv) Todd O’Connor \$60.00 (reimb) Omaha Public Power District \$553.10 (srv) Omaha World Herald \$394.60 (srv) H.S.A. Optum Bank \$2,200.00 (ins) Oxen Technology \$217.50 (srv) Paper Tiger Shredding Inc \$178.00 (srv) Perfection Auto Repair \$64.50 (srv) Pitney Bowes Inc \$614.16 (srv) Pitney Bowes Reserve Account \$50,000.00 (srv) City of Plattsmouth \$310.10 (srv) Sandra Prall \$131.77 (reimb) Quality Glass & Mirror \$200.00 (srv) Quality Signs \$15.00 (srv) Quik Dump Refuse Inc \$36.91 (srv) Quill Corporation \$77.47 (sup) Ricoh USA Inc \$137.23 (srv) Rural Water Dist #1 \$38.00 (srv) Software Unlimited \$256.00 (srv) Jennifer Sommer \$1,725.00 (srv) Staples Business Credit \$184.44 (sup) William Sterrett \$60.00 (reimb) Suburban Newspapers Inc \$84.37 (srv) Summit Food Service LLC \$4,539.94 (srv) The Home Depot Pro \$374.49 (sup) Leonard Thorne \$60.00 (reimb) United Healthcare \$74,588.95 (ins) US Bank \$496.72 (srv) US Bank Equipment Finance \$1,320.00 (srv) Verizon \$672.35 (srv) Verizon Wireless Services LLC \$50.00 (srv) Warren Wade \$19.00 (ret) Weathertap.com \$773.05 (srv) Sandra Weyers \$60.00 (reimb) Jeb Wika \$60.00 (reimb) Windstream Communications \$13,271.14 (srv) Woodhouse Ford South Inc \$178.83 (srv) Zelle LLC \$4,628.31 (srv) CLAIMS: \$277,220.57; PAYROLL: \$368,062.04; TOTAL: \$645,282.61 ROADS: Ace Irrigation & Mfg \$24,713.10 Aramark \$475.76 (sup) Caterpillar Financial Services Corp \$2,766.30 (srv) Contech Engineered Solutions \$89,474.25 (sup) Eakes Office Solutions \$121.96 (sup) Haney Shoe Stores Inc \$527.99 (sup) Hometown Leasing \$144.54 (srv) Hotsy Equipment Co \$2,088.38 (sup) KEA Constructors LLC \$180,902.07 (srv) Martin Marietta \$100,481.55 (sup) Meeske Ace Hardware \$31.96 (sup) Meeske Auto Parts \$989.98 (srv) Menards \$57.77 (sup) Michael Todd & Co \$522.51 (sup) Mill Creek Auto Parts \$127.26 (srv) MIPS Inc \$145.45 (srv) Nebraska Snow Equipment \$257.23 (srv) NMC Inc \$8,422.14 (srv) Pomp’s Tire Service Inc \$700.66 (sup) Sapp Bros Inc \$16,331.05 (sup) Syracuse Iron Works \$5.57 (sup) US Bank Voyager Fleet Systems \$2,203.21 (sup) CLAIMS: \$431,491.69; PAYROLL: \$66,461.22; TOTAL: \$497,952.91 COMMUNICATION TOWER: The Center for Municipal Solutions \$3,275.00 TOTAL: \$3,275.00 VISITOR PROMOTION: PAYROLL: \$1,149.00 TOTAL: \$1,149.00 OVERALL GRAND TOTAL: \$1,146,896.77

1. Regular Agenda:

MOTION: Boyle moved, Winkler seconded to approve agenda as prepared. Motion carried 4-0, DeGarmo late arrival

2. Past Meetings Attended by Commissioners:

- Sharp: None
- Boyle: None
- DeGarmo: None
- Winkler: Cass County Museum Tour
- Murdoch: None

Sandy Weyers gave an update on fire at Lake Waconda. Weyers expressed thanks to all volunteer fire departments that provided assistance. And noted NEMA was on site and has applied for a grant from FEMA that may assist with county costs est. \$25,000. Weyers also gave a partial finance report as of 4/7/23 \$206,879.00 cost does not include food or National Guard Aircraft. Weyers expects the cost to double with final cost not be known for several weeks.

**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- March 12<sup>th</sup> & 19<sup>th</sup>

**3A. Bid Opening- Hauling 2023**

BIDDER	Hauling for surfacing (truck only <20tons)	Hauling for surfacing (truck & pup>+tons)	Hauling Rip-Rap (Various sizes)
Westover Rock and Sand Weeping Water	\$.25 (\$5.25 min)	\$.22 (\$3.50 min)	\$.25 (\$5.50 min side-dump only)
Wessels Trucking Weeping Water	\$.18 (\$5.00 min)	\$.16 (\$4.00 min)	\$.19 (\$5.00 min)

**3B. Bid Opening- Aggregate 2023**

BIDDER	PRICE:
Martin Marietta Sand and Gravel-WW Add .80 cents per ton effective 7/1/2023	Weeping Water/Springfield crusher run \$18.45, clean Stone \$24.45, rip-rap \$41.24
Whetrock Inc./Splitt Quarries- Union	Lateral rock \$20.50, clean rock \$20.50, crusher run \$16.50, rip-rap \$35.00

Others present: Mike Jensen-Zoning Administrator. Published: Sarpy County Times- March 29<sup>th</sup>; Cassgram March 31<sup>st</sup> & April 7<sup>th</sup>

**3C. PH. Conditional Use Permit # CU-2023-0003 – Applicant; BV Builders – Property Owner, Sherwood Forest Animal Sanctuary, LLC –Bliss Barn Event Center - 13620 A Street, Avoca, NE – Legal Description: E1/2 SW1/4 & SE1/4 W of RR EXC LT1 & PT LT2 & TL18, 20 & 21 25-10-11 – Event Center, Large**

Jensen gave overview of permit noting Planning Commission recommended approval by an 8-0 vote. Jensen introduced Bryce Nolde with BV Builders-representative for Bliss Barn Event Center to answer any questions. Chair asked for questions from the board, questions regarding: Has applicant been in contact with the Village of Avoca, roadway within the property, decimal levels, operation times and liquor license. With no further questions from the board, Chair asked for comments from the audience hearing none Chair moved to next item.

**3D. PH. Conditional Use Permit # CU-2023-0002 – Property owner, SLR, LLC – Elk View Ranch & Campground – 16494 292nd Street, Ashland, NE – Legal Description: N1/2 NE1/4 EXC TL7 & HWY 16-12-10 – Campground**

Jensen gave overview of permit noting Planning Commission recommended approval by an 8-0 vote. Jensen introduced applicant Nate Peterson-applicant to answer any questions. Chair asked for questions from the board, questions regarding: Odor/smell, fencing, signage and access road. With no further questions from the board, Chair asked for comments from the audience hearing from 3 regarding concerns on access roads, hearing no further comments the Chair moved to next item.

**3E. PH. Conditional Use Permit # 11462 – Ash Grove Cement – Rickey L Bond, LE, owner – 10617 Mynard Road, Louisville, NE – parcel 130155330 - Legal description: NW1/4, Part of NE1/4, Part of SW1/4 33-12-12 Mining**

Jensen gave overview of permit noting Planning Commission recommended approval by a 5-2 vote. Jensen introduced Jim Lang – Attorney representing Ash Grove Cement, John Dale, James Fowler, Kelly Prinkki-Ash Grove and Eric Beiermann- Olsson to answer any questions. Chair asked for questions from the board, questions raised regarding: road – speed & width required, hours of operation, material being mined, in house hauling or contractor being used, property lines, estimated daily trucks, hauling route and cost to county for road updates due to request and possible use of ARPA funds. With no further questions from the board, Chair asked for comments from the audience, hearing from 4 regarding hours of operation, traffic concerns, trees/vegetation on berms and equipment lighting.

CLOSE Public Hearing 10:02am: MOTION: DeGarmo moved, Murdoch seconded. Motion carried 5-0

PH MOTIONS:

**3A. Bid Opening- Hauling 2023**

MOTION: Murdoch moved, Sharp seconded to accept all bids as received from Wessels Trucking and Westover Rock and Sand, chair authorized to sign contracts. Motion carried 5-0

**3B. Bid Opening- Aggregate 2023**

MOTION: Sharp moved, Winkler seconded to accept all bids as received from Martin Marietta Sand and Gravel and Whetrock Inc. /Splitt Quarries, chair is authorized to sign contracts. Board also authorizes Thorne to retain the option to go to the open market as needed for aggregate. Motion carried 5-0

**3C. PH. Conditional Use Permit # CU-2023-0003 – Applicant; BV Builders – Property Owner, Sherwood Forest Animal Sanctuary, LLC –Bliss Barn Event Center - 13620 A Street, Avoca, NE – Legal Description: E1/2 SW1/4 & SE1/4 W of RR EXC LT1 & PT LT2 & TL18, 20 & 21 25-10-11 – Event Center, Large**

MOTION: Sharp moved, Murdoch seconded to approve conditional use permit #CU 2020-0003 as presented. Motion carried 5-0

**3D. PH. Conditional Use Permit # CU-2023-0002 – Property owner, SLR, LLC – Elk View Ranch & Campground – 16494 292nd Street, Ashland, NE – Legal Description: N1/2 NE1/4 EXC TL7 & HWY 16-12-10 – Campground**

MOTION: Winkler moved, Sharp seconded to approve conditional use permit #CU 2022-0002 with the following amendments; add second entrance or turn around to the North and no guest ATV/UTV’s will be allowed. Motion carried 5-0

**3E. PH. Conditional Use Permit # 11462 – Ash Grove Cement – Rickey L Bond, LE, owner – 10617 Mynard Road, Louisville, NE – parcel 130155330 - Legal description: NW1/4, Part of NE1/4, Part of SW1/4 33-12-12 Mining**

MOTION: Winkler moved, Boyle seconded to approve conditional use permit #11462 with the following amendments: no out of state export of raw clay material, all contractors equipment is required to comply will all state laws and regulations, no hauling on 108<sup>th</sup> Street and Mynard Road until required work is completed, remove trees from tops of berms. Motion carried 5-0

4. Litigation & Legal Matters-Christopher Perrone, County Attorney: None scheduled

5. Road Matters-Lenny Thorne, Highway Superintendent:

5A. Discuss/Action- Approve Painting Contract with Sarpy County

Thorne, gave overview of contract est. miles 154 est. gallons of paint and est. cost \$100,000.00

MOTION: Winkler moved, DeGarmo seconded to authorize Thorne to enter into painting contract with Sarpy County. Motion carried 5-0

6. New Business & Unfinished Business:

6A. Discuss/Action- Roger Johnson-SID #5, Consider authorizing Board of Trustees of SID #5 to purchase a lot in the District for the purpose of storm water management (tabled 3/14/23)

Johnson addressed the board and provided map of parcel in question.

MOTION: Murdoch moved, Sharp seconded to approve SID #5 request to purchase Parcel #130068489. Motion carried 5-0

6B. Discuss/Action- County Burial Assistance Request (CBA) 2023-04

MOTION: Sharp moved, Boyle seconded to approve CBA request 2023-04; authorize clerk to process payment of \$1,000. Motion carried 5-0

6C. Discuss/Action- Adopt Cass County Zoning Regulations (as amended 3/28/23)

MOTION: Murdoch moved, Winkler seconded to amend Section 4.21 Fees (pg. 58) items Q (Conditional Use Large Wind Energy Conversion System) and S (Conditional Use Commercial Solar) to be \$5,000, plus an escrow account may need to be set up; to be determined later in the Conditional Use Permit (CUP). Motion carried 5-0

MOTION: Murdoch moved, Winkler seconded to amend Section 5.06 Land Use Categories Matrix (pg. 64) Agricultural Farm Services add P (Permitted) under Commercial AG. Motion carried 5-0

MOTION: Murdoch moved, Sharp seconded to remove the C (Conditional Use) from TA; Section 5.06 Land Use Categories Matrix; Utilities and Waste Disposal; Commercial Solar Conversion Systems (pg. 68) and remove 8.21.05 Commercial Solar Conversion Systems (CSCS) (pg. 219) in the February 2023 Zoning Regulations. Motion failed 2-3, DeGarmo, Boyle and Winkler voting no

MOTION: Murdoch moved, Winkler seconded to amend Article 7: Conditional Use Permits; Section 7.03 Public Hearing (pg. 162); to read "and mailed notices to all property owners within 1 mile of the project site at least one time within 10 days prior to such hearing, to include all registered airports within a 10 mile radius of the project". Motion carried 5-0

6D. Discuss/Action- Cindy Fenton-Treasurer, unsold property taxes; requesting authorization to place parcels on county sale

MOTION: Sharp moved, Murdoch seconded to authorize treasurer to place parcels (as presented) on county sale. Motion carried 5-0

Other Business Matters/Public Input & Comments: County Clerk notified the board that she received a notice from the State Auditor's office that they will not be renewing the contract to perform the county audit beginning 2023.

11:24am ADJOURN AS CASS COUNTY BOARD OF COMMISSIONERS: MOTION: Sharp moved, Boyle 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 11<sup>th</sup> day of April, 2023.

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 11<sup>th</sup> 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*