

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska
June 27, 2019
9:30 a.m.

A regular meeting of the Knox County Board of Supervisors was held in the Boardroom at the Knox County Courthouse in Center, Nebraska on the date of June 27, 2019 at 9:30 a.m. Present were Supervisors Martin J. O'Connor District #1, Patrick J. Liska District #2, Virgil H. Miller District #3, James Sokol, Jr. District #4, Kevin D. Mackeprang District #5, Danny R. Schlote District #6 and James J. Borgmann District #7. Absent was none. Chairman Sokol, Jr. presiding.

Supr. Borgmann led the Board in the Pledge of Allegiance.

Chairman Sokol, Jr. announced to the public that a copy of the Public Open Meeting Act was posted in the Boardroom.

Notice of the meeting was given in advance thereof by publication in the Crofton Journal newspaper, as shown by the Affidavit of Publication attached to these minutes.

Notice of this meeting was simultaneously given to all members and a copy of their acknowledgment and receipt of notice and agenda is attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was opened to the attendance of the public.

The minutes of the June 13, 2019 meeting were read. Chairman Sokol, Jr. approved the June 13, 2019 meeting minutes as read with the correction in regard to the letter written to the Knox County Board of Supervisors from Stratton, DeLay, Doelle, Carlson & Buettner, PC, L.L.O., Norfolk, NE, regarding SID #2 and the repair of the Devils Nest Bridge, to add that County Attorney Thomas responded to Tom DeLay stating the following: That "road" is not a county road and the "Devil's Nest Bridge" is not maintained by the County. If you and yours want to file a mandamus or other action, the County will cooperate on procedural matters, waive service of process, and otherwise try to get to a decision on the merits.

Correspondence reviewed was: 1. Letter from the Secretary of the Interior, Washington, to notify Knox County that they will receive a payment of \$41,305 under the Payments in Lieu of Taxes (PILT) program for 2019; 2. Local Project Monthly Status Update on Project Number BRO-7054(19) Verdigre North.

Motion by Supr. O'Connor, seconded by Supr. Liska that all claims, audited and approved for payment by the Claims Committee be allowed subject to delinquent personal taxes. By roll call vote. Ayes all Districts. Nays none. Motion carried. Claims totaling \$689,317.91 are listed at the end of these proceedings.

Motion by Supr. Schlote, seconded by Supr. Miller to accept and place on file the Certificate of Pledged Securities from Cathy Stark, Knox County Treasurer. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Mackeprang to approve the 2019 Knox County Grievance Board List with the following members: Steven Banks, Kevin Barta, James Borgmann, Liz Doerr, Joann Fischer, Matthew Fischer, Don Henery, Laura Hintz, Gary Jones, Patrick Liska, Kevin Mackeprang, Monica McManigal, Virgil Miller, Martin O'Connor, Dan Schlote, Michael Skroch, James Sokol, Jr., Cathy Stark, and John Thomas. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Liska, seconded by Supr. Borgmann to appoint the following people to the Employee Handbook Review Committee to review updates and recommend changes to the Knox County Personnel System/Joint Employee Handbook: Kevin Mackeprang - Supr. District #5, Rhonda Surface - Deputy County Clerk, Katie Fritz - Highway Superintendent Office Manager, Joann Fischer - Knox County Clerk, and Don Henery - Knox County Sheriff. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Chairman Sokol, Jr. moves the Board recess at 10:00 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:35 a.m. with all members present.

A group of people representing the Lazy River Acres area were present to discuss with the Board the Ponca Creek and Lazy River Acres flooding. Several people expressed their appreciation for the Board's time and for the Resolution that the Board adopted at their May 30, 2019 meeting imploring the Nebraska Department of Transportation to incorporate, into the project to raise or rebuild Highway 12 west of Niobrara, the issue of continuing sedimentation of the Ponca Creek and the Missouri River by Verdell. The Resolution is resonating with other agencies and discussions are pending involving liability and the sedimentation that has been building up for years. Also emphasized by the group was the continuing problem with access into the Lazy River Acres area, the concern about emergency response and public safety, the need to rebuild and redesign the intersection at Rayder Swanson Road, the importance of keeping the Blue Moon Resort business operating, continued pursuit of support and access to funds, the urgency of the situation, and not to forget about what is happening at Lazy River Acres. Discussion was held on putting in culverts, digging out the south side of the bridge so the water has some place to go, dredging out sedimentation and debris under the bridge for a temporary fix so that the pressure would be off of the west side of the road and the water could go back into the channel, keeping the water from going north, and who has the responsibility for the land and what happens to it. Hwy. Supt. Barta will look into getting a long reach excavator to remove the sedimentation and debris and check with the appropriate state and federal agencies that are in charge of the land to see what can be done.

Kevin Barta, Hwy. Supt., met with the Board on the following: 1. Oil Crew update, they are behind two to three weeks because of the weather and emergency road repairs; 2. Bridge Crew update; 3. Discussed quote from Plumbing and Electric Service, Hartington, NE, in the amount of \$29,077.50 regarding tiling projects for numerous soft spots and one road slide caused by springs on the Lindy-Santee Road with tiling to take place on both sides of the road except for

the slide where only one side of the road will be tiled. Motion by Supr. Liska, seconded by Supr. O'Connor to accept the quote from Plumbing and Electric Service, Hartington, NE, for tiling projects on both sides of the Lindy-Santee Road except for the slide where only one side of the road will be tiled, in the amount of \$29,077.50. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Megan Hanefeldt, Economic Development Director, met with the Board on the following: 1. Discussion has taken place between Knox County Economic Development and the Village of Center on what options are available to update the Center Hall after a Center Community Survey was taken earlier this spring. Possible options are to remodel the existing Center Hall or to build a new building, which would require more space. In order to know if building a new building would be an option, Mrs. Hanefeldt, asked for the Board's input as to whether the County would be willing to let the village utilize the storage building space that the County owns to the south of the Center Hall. Discussion was held on current and potential uses of a new building, an interlocal cooperation agreement, what to do with the contents that are currently being stored in the County building and the need for continued storage, sharing storage space with the Village or if the County would build a new storage building, grant funding opportunities available through the Department of Economic Development, and if the County would be expected to help financially with a new village building. The Board was in agreement that they would be willing to consider giving up the County storage building and Mrs. Hanefeldt may proceed with getting more information and proposals about the feasibility of a new building and report back to the Board at a future date; 2. Discussed an email from Jeff Christensen, Northeast Nebraska Economic Development District, about waiving the annual service fee due in July for Loan #6872424 and the need to document that this fee will be waived together with the payments. Motion by Supr. Liska, seconded by Supr. Miller to waive the annual service fee for Loan #6872424 due in July. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Hwy. Supt. Barta continued with the following: 4. Tractor lease from Grossenburg Impl. in Bloomfield was discussed and Hwy. Supt. Barta will report back when he has more information; 5. Progress on repairs to the Niobrara County Shed and the Verdigre County Shed with input from Supervisors Liska and Miller; 6. Concrete work is done on the Rayder Swanson road into Lazy River Acres and the road is open to traffic. Hwy. Supt. Barta will follow up on the suggestions discussed earlier with the group from the Lazy River Acres area and continue to talk with the Corps about what they will allow the County to do to maintain this road; 7. A slide on the Rec Road is getting worse and Hwy. Supt. Barta was directed by County Attorney Thomas to get an estimate from Vakoc Construction on the cost of repairs so an agreement can be made with the State of Nebraska; 8. Discussed the proposal from Antelope County for a culvert that washed out during the flood on the Knox and Antelope County line and that Knox County is obligated to pay 50% of the cost; 9. Scott Eisenhauer, representing the Knox County Cattlemen, had called Hwy. Supt. Barta to inform him that the Knox County Cattlemen received a large donation for flood relief and the money will be distributed by their organization to each of the townships in the County; 10. Informed the Board about the remaining road budget and cash on hand.

Liz Doerr, Zoning Administrator, met with the Board on the following: 1. Motion by Supr. Schlote, seconded by Supervisor Mackeprang to place on file the Planning Commission minutes from May 21, 2019. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. John Aschoff's campground application will be on the agenda for the next meeting; 3. Keith Marvin is continuing to work on the comprehensive plan and has maps showing areas prone to landslides; 4. Greg Blomberg and Dennis Tilton, SID #2 Board Members, informed Zoning Administrator Doerr about the development in the Devils Nest subdivision and questioned when building permits are needed. Zoning Administrator Doerr is aware of the activity and is working with the developer to get the proper permits.

Laura Hintz, Emergency Manager, updated the Board on the following: 1. Schedule for the week of July 6th to 13th; 2. Flooding and ongoing meetings with FEMA; 3. Hazard Mitigation Grant and projects that qualify; 4. Discussed land designations in the area surrounding Lazy River Acres.

County Attorney, John Thomas, met with the Board on the following: 1. County Attorney Thomas attended and represented the County for the TERC hearings for Jeff Uhlir and Steve Burnette in Lincoln on June 21. He informed the Board that County Assessor McManigal represented her office and the County very well. It may be a couple months before a decision is heard; 2. Tom DeLay on behalf of SID #2 filed documents earlier this week in Knox County District Court regarding election procedures for the SID #2 Board of Trustees. NIRMA will be notified by the County about the lawsuit filed and County Attorney Thomas is researching the case; 3. Discussed the lawsuit that Attorney David Domina is handling for Knox County and several other counties and tribes against the drug companies that promoted opioids. County Attorney Thomas knows of one successful suit so far. 4. Attorney Tom DeLay is representing SID #2 on the Devils Nest Bridge and road and County Attorney Thomas has been in contact with Mr. DeLay. County Attorney Thomas verified with Hwy. Supt. Barta that this road is a private road and not a County road.

A list of donations received for road repairs and improvements in regard to the March flooding that occurred in the County was reviewed. These donations were given in response to a letter sent out to property owners by a concerned group from Knox and Boyd Counties who is planning a Flood Relief Fund Raiser for Knox and Boyd Counties on July 7 at the American Legion Pavilion in Bloomfield. The Board would like to send a letter of thanks to each donator and a letter will be drafted by County Clerk Fischer and presented for the Board's approval at the next meeting. Chairman Sokol, Jr. reminded the Board about the Flood Relief Fund Raiser on July 7 and that it would be good for the Board to be represented there.

After discussion, a motion was made by Supr. Mackeprang, seconded by Supr. Borgmann to adopt **Resolution #2019-07** to transfer budget authority from the General Miscellaneous function within the General Fund Budget to the County Jail function and the County Attorney function within the General Fund due to unforeseen circumstances and proposed expenditures exceeding the budget authority allocated. By roll call vote. Ayes all Districts. Nays None. Motion carried.

RESOLUTION #2019 - 07

WHEREAS, due to unforeseen circumstances, proposed expenditures exceed budget authority allocated for the County Attorney function and the County Jail function within the General Fund Budget, and

WHEREAS, budget authority in the General Miscellaneous function, also an office function of the General Fund Budget, is adequate to allow for transfers to meet current fiscal year expenditures, and

NOW, THEREFORE, BE IT RESOLVED, that an additional one thousand five hundred fifty-four dollars and 79 cents (\$1,554.79) of budget authority is hereby allocated to the County Attorney function and thirty-three thousand two hundred eighty-three dollars and 52 cents (\$33,283.52) of budget authority is hereby allocated to the County Jail function, all from the General Miscellaneous function within the General Fund Budget.

Dated this 27th day of June 2019.

KNOX COUNTY BOARD OF SUPERVISORS

James Sokol, Jr. /s/
James Sokol, Jr., Chairman, District #4

Martin J. O'Connor/s/
Martin J. O'Connor, District #1

Patrick J. Liska /s/
Patrick J. Liska, District #2

Virgil H. Miller /s/
Virgil H. Miller, District #3

Kevin D. Mackeprang /s/
Kevin D. Mackeprang, District #5

Danny R. Schlote /s/
Danny R. Schlote, District 6

James J. Borgmann /s/
James J. Borgmann, District #7

ATTEST: (Seal)
Rhonda K. Surface, Deputy /s/
Deputy County Clerk

Motion by Supr. O'Connor, seconded by Chairman Sokol, Jr. that the receipts totaling \$77,408.22 be accepted and placed on file. By roll call vote. Ayes all Districts. Nays none. Motion carried.

#19929 – Northeast Nebraska Economic Development District, June 2019 loan payments, 4,752.99; #19930 – Knox County Zoning, building permit, 635.00; #19931 – Knox County Clerk, marriage license, 25.00; #19932 – Darrell Hoffman, flood relief donation, 100.00; #19933 – George Balantyne, flood relief donation, 100.00; #19934 – Kelven Brosek, flood relief donation, 1,000.00; #19935 – Debra Buck, flood relief donation, 50.00; #19936 – Richard Hazuka 2nd, flood relief donation, 100.00; #19937 – Linda Holz, flood relief donation, 100.00; #19938 – David L. Wagner, inheritance tax-estate of Vlasta A Wagner, 13,074.73; #19939 – Knox County Clerk, sale of election supplies, 14.00; #19940 – Knox County Zoning, final plat, 250.00; #19941 – Knox County Zoning, building permit, 152.00; #19942 – Register of Deeds, balance due for May 2019 recording, 20.00; #19943 – Union Township, election recovery costs, 100.40; #19944 – Cedar Knox Rural Water Project, refund of overpayment to SID #1, 309.10; #19945 – DOI-Bureau of Land Management, entitlement land – PILT payment, 41,305.00; #19946 – BIA, reimburse housing inmates in May 2019, 8,960.00; #19947 – Kevin Schuessler, flood relief donation, 100.00; #19948 – Kurt Welu, flood relief donation, 100.00; #19949 – NIRMA, reimbursement for roll-off Niobrara County yard, 692.40; #19950 – Knox County Sheriff, inmate commissary, 201.75; #19951 – Midwest Bank, interest, 2,022.74; #19952 – State of Nebraska, lodging tax, 1,841.05; #19953 – Three River, 911 surcharges, 306.00; #19954 – Steve and Wesley Vawser, flood relief donation, 100.00; #19955 – Knox County Clerk, marriage license, 25.00; #19956 – Knox County Courthouse, flood relief donations, 560.00; #19957 – Commercial State Bank, interest, 378.08; #19958 – Knox County Sheriff, 911 surcharges, 32.98.

County Clerk Fischer has set the date for the 2019 Scrap Tire Collection and it will be held on Friday, August 23, 2019, at the Center County Yard.

Public comment on non-agenda items was given by Supr. Schlote who was asked by some patrons about a County transit system that could be centrally located and available to take people to doctor appointments, etc. Cedar County currently has six different transits operating. County Clerk Fischer will contact Cedar County to see how their transit program is set up and report back at a future meeting.

There was no public comment on agenda items.

GENERAL FUND. Amy Johnson, travel expense, 13.92; Bear Graphics Inc., binders, 825.00; Blaser Appraisal, appraisal services, 19,700.00; Bomgaars, paint/mulch/supplies, 117.34; Cathy Stark, mileage, 174.00; Center Garage, oil change, 58.00; Classic Rentals, mop/towel rental, 45.50; Country Creations, board expense, 32.10; Creighton News, publishing, 105.60; Creston Fertilizer Co., weed chemical, 785.30; Crofton Journal/Niobrara Tribune, publishing, 36.32; DAS State Accounting-Central Finance, backup, 121.88; Dean Wilken, meeting/mileage, 47.62; Dollar General, supplies, 91.80; Donald Stoural, mileage, 40.50; ESRI, GIS maintenance, 700.00; First National Bank Omaha, gas/supplies/hot spot/postage, 3,061.65; Greg Kuhlman, meeting/mileage, 52.84; Hagge Glass, windshield, 256.00; Holiday Inn, lodging, 329.85; James Hames, mileage, 112.50; James Scott, mileage, 76.50; Jim Kotrous, meeting/mileage, 43.56; Keith Nielsen, meeting/mileage, 40.66; Laura Nagengast, travel expense, 100.34; LeRoy Buchholz, mileage, 51.75; LeRoy Clausen, mileage, 58.50; Madison County Sheriff, house inmate, 200.00; Mark D. Albin, Attorney at Law, mental health board, 189.75; Mary Ketelsen, reimburse office equipment, 242.64; Michael Skroch dba Landmark Surveying, surveyor fees, 400.00; Monica McManigal, TERC expenses, 561.08; NACO, registration, 250.00; Nebraska County Assessor

Association, dues, 50.00; Netcom, scanner install, 115.00; Office Depot, office supplies, 267.40; One Office Solution, copier contract, 1,215.91; Postmaster, postage, 600.00; Quill Corporation, office supplies, 413.71; Robert Ganz, meeting/mileage, 37.76; Stanton County Treasurer, reimburse lodging, 147.00.

ROAD FUND. B's Enterprises Inc., culvert, 17,230.00; Backus Sand & Gravel, gravel, 1,272.24; Bauer Built Tire, tire/repair, 204.05; Bazile Creek Power Sports, repairs, 180.40; Black Hills Energy, heating fuel, 37.18; Bloomfield Auto Parts, repairs/ shop supplies, 132.88; Bloomfield Medical Clinic PC, drug test, 35.00; Bloomfield Tire & Oil LLC, tire repair/gas, 159.42; Bohemian One Stop, gas, 564.61; Burns Lumber Co. LLC, concrete, 787.05; Carlson Home & Auto Inc., repairs, 127.70; Cedar Knox PPD, electricity, 109.58; Creighton News, publishing, 12.00; Creighton 59 LLC, gas, 153.58; Dan Vakoc, rental agreement, 500.00; Farmer's Pride, diesel, 2,824.31; First National Bank Omaha, gravel/gas, 1,066.66; Freeman Oil Company LLC, diesel, 1,177.20; Grossenburg Implement Inc., repairs/oil/shop supplies/finance charge, 1,882.51; Hagge Glass, repairs, 338.75; Herbert Feed & Grain Co., diesel/oil, 2,181.46; Husker Steel, bridge steel, 132,478.00; Intek Cleaning & Restoration, pressure wash shed, 4,942.45; Jebro Inc., road oil, 136,461.83; Key Sanitation, garbage, 692.40; L.G. Everist Inc., rock, 459.77; Larry Moeller, rental agreement, 500.00; Medical Enterprises Inc., drug tests, 70.00; Nebraska Public Power District, electricity, 155.92; Orrin Pospisil, rental agreement, 500.00; Roger's Auto Repair, repairs, 104.00; Ronald Bourn, gravel/haul, 1,960.00; Russ Crosley, garbage, 46.00; Tim Jessen, equipment rental/mud rock/sand; 8,889.00; Truck Center Companies, repairs, 5,074.06; Vakoc Excavating LLC, sand/gravel/haul, 23,420.90; Vic's Service LLC, fluid/gas, 1,546.99; Willow Creek Sand & Gravel, gravel/haul, 22,101.73.

HIGHWAY BRIDGE BUYBACK FUND. Norfolk Contracting Inc., bridge, 225,829.00.

FLOWAGE EASEMENT FUND. Backus Sand & Gravel, gravel/haul, 2,010.78; Husker Steel, steel, 8,370.00; Kirk Nielsen, loads/haul, 11,360.00; Mainelli Wagner & Associates Inc., engineer fees, 6,534.48.

VISITOR'S IMPROVEMENT FUND. First National Bank Omaha, kiosk internet, 217.30.

ECONOMIC DEVELOPMENT FUND. NENEDD, admin fees, 75.00.

C&C DEVELOPMENT FUND. Blackburn Manufacturing Co., promo/advertising, 239.56; First National Bank Omaha, travel/training/supplies/leadership, 277.99.

INHERITANCE FUND. Cornerstone Mapping, flood imagery, 19,090.00.

911 EMERGENCY FUND. Applied Connective Technologies, serial server, 42.75; CenturyLink, phone, 79.68; First National Bank Omaha, fair/vendor promos, 958.50; Geocom, mapping maintenance, 2,018.75; Special T's & More Inc., screen printing, 937.00.

911 WIRELESS SERVICE FUND. Applied Connective Technologies, serial server, 182.25; CenturyLink, phone, 339.71; Geocom, mapping maintenance, 8,606.25.

TOTALS

General Fund	31,769.28
Road Fund	370,379.63
Highway Bridge Buyback Fund	225,829.00
Flowage Easement Fund	28,275.26
Visitor's Improvement Fund	217.30
Economic Development Fund	75.00
C & C Development Fund	517.55
Inheritance Fund	19,090.00
911 Emergency Fund	4,036.68
911 Wireless Service Fund	9,128.21
Total	<u>\$689,317.91</u>

Chairman Sokol, Jr. adjourned the Knox County Board of Supervisors at 12:35 p.m. on June 27, 2019 until Thursday, July 11, 2019 at 9:30 a.m. for a regular meeting.

I, Rhonda K. Surface, Deputy Knox County Clerk, do hereby certify that the County Board minutes are correct to the best of my knowledge.

ATTEST:

COUNTY BOARD OF SUPERVISORS
OF KNOX COUNTY, NEBRASKA

Rhonda K. Surface, Deputy Knox County Clerk

By _____
James Sokol, Jr., Chairman
