

# PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska  
October 31, 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 October 31, 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. Schlote 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 October 10, 2019 meeting were read. Chairman Sokol, Jr. approved the October 10, 2019 meeting minutes as read.

Correspondence reviewed was: 1. Letter from Nebraska Dept. of Transportation showing 9.68 miles of N-121 will be improved in 2021;

Motion by Supr. O'Connor, seconded by Supr. Borgmann 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 \$329,282.34 are listed at the end of these proceedings.

Motion by Supr. Mackeprang, seconded by Supr. Miller to accept and place on file the revised 2019 Knox County Grievance Board List. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Schlote, seconded by Supr. Liska to place on file the County Sheriff's Quarterly Report of Fees Collected between July 1 and September 30, 2019. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Chairman Sokol, Jr. moves the Board recess at 9:57 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:17 a.m. with all members present.

Hwy. Supt. Barta met with the Board on the following: 1. Motion by Supr. Miller, seconded by Supr. Borgmann to authorize Chairman Sokol, Jr. to sign the contract between Knox County and North Construction, LLC for the Verdel Southwest Bank stabilization, ER-BS010920 project (Pischelville Bridge). By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. Motion by Supr. Borgmann, seconded by Supr. Miller to authorize Chairman Sokol, Jr. to sign the Consultant Work Order on BRO-7054(22) Verdigre North Federal Aid Bridge Project. By roll call vote. Ayes all Districts. Nays none. Motion carried; 3. Oil crew update; 4. Bridge crew update; 5. Bridge inspection is being done; 6. Dirt will be hauled in next week to the "CJ's" slide; 7. Culvert in Peoria Township is silted in so dredging will need to be done; 8. A County gravel truck was pulling out onto the highway when air was lost for the operation of the trailer gate, allowing rocks to be scattered on the highway for a two to three mile stretch before it was noticed. Several windshields were reported to be damaged and the Board instructed Hwy. Supt. to pay for the replacements as reported; 9. A culvert north of Center is rusted and after the flood, the bottom was pushed up and is holding back water. Options are being considered for repair; 10. Bid letting will be held for the "Ray Stark" bridge.

Sheriff Henery met with the Board on the following: 1. Motion by Supr. O'Connor, seconded by Supr. Miller to authorize Chairman Sokol, Jr. to sign the Prisoner Feed Agreement with Jim and Jeannie Mackey dba The Hideout Bar and Grill in Center as they had the low bid in the bidding process and that the contract runs from November 1, 2019 through October 31, 2020. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. Two reports of missing people were received in one week. One person was located, and Leroy Doerr of Creighton remains missing. Discussion was held on use of rescue dogs and drones supplied by Yankton Search and Rescue and drones supplied by other entities were used in the search for Mr. Doerr along with many volunteers and many other groups and entities. The case remains open.

Cost sharing had been done in the past with Yankton Search and Rescue for their services for search/rescue and the Board considered the continuation of the cost sharing. Motion by Supr. O'Connor, seconded by Supr. Liska to continue with a cost sharing of \$4,000 to the Yankton Search and Rescue with an annual review every November 1. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Hwy. Supt. Barta continued with the following: 11. Discussed replacement of the Walton Bridge. This is now an EWP project due to the flooding in March; 12. Discussion ensued on the flooding of the Ponca Creek in the Lazy River Acres area. A meeting was held recently with the Corps, Fish and Wildlife representatives, Senator Tim Gragert, Engineer Mark Mainelli, Supr. Liska, Hwy. Supt. Barta and others. A number of options were discussed including conducting a study to build a dike, dredging out the road, and looking for the option that is less impactful. Rock has been hauled in along the road. Also discussed by the Board was improving the township "goat" road to the west of Lazy River Acres. Hwy. Supt. Barta will research study costs.

At 10:59 a.m., Chairman Sokol, Jr. opened an advertised public hearing on a reuse loan application submitted by Samantha Holecek of Holecek Law Office, LLC. Jeff Christensen with NENEDD and Samantha Holecek were present to answer questions about the loan conditions.

Chairman Sokol, Jr. closed the open public hearing at 11:08 a.m. There was no one present in opposition. Motion by Supr. Borgmann, seconded by Supr. Mackeprang to approve a \$13,300 reuse loan to Samantha Holecek of Holecek Law Office LLC with the terms to be a ten-year loan at 3.5% interest. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Clerk of District Court Fischer met with the Board on the following: 1. Motion by Supr. Mackeprang, seconded by Supr. Miller to approve a contract with Maximus for cost allocation reimbursement. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. Report of updating of the sound system in the Courtroom. The Board reviewed a quote in the amount of \$5,793.70 from Midwest Music Center in Norfolk NE for equipment to improve the audio sound and video capabilities in the Courtroom. Motion by Supr. Mackeprang, seconded by Supr. Miller to approve the quote from Midwest Music Center in Norfolk NE in the amount of \$5,793.70 for equipment to update the audio system and video capabilities in the Courtroom and the cost to be paid from the Child Support Fund. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Philip Jensen with Great Plains Communications met with the Board regarding a bundle pack and doubling the standard internet access service with bandwidth into the Courthouse from a 50x50 Mbps to 100x100Mbps. New fiber optic was installed in 2016 and the current contract would expire November 2020. Along with the increase of access, the cost will drop from \$1,120 per month to \$670 per month. Motion by Supr. Borgmann, seconded by Supr. Mackeprang to authorize Chairman Sokol, Jr. to sign the Service Order for the new five-year Service Agreement with Great Plains Communications for increasing the standard internet access and approve the PRI Bundle in the total amount of \$670 per month starting November 12, 2019. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Discussion of the employee handbook draft and the personnel system draft was held. Pam Bourne, personnel attorney working with NIRMA, had sent information regarding pre-employment drug testing and drug testing of regular employees other than those in safety sensitive positions. County Attorney Thomas and other officials are reviewing the drafts.

Chairman Sokol, Jr. moves the Board recess at 12:04 p.m. for lunch.

The Knox County Board of Supervisors reconvened at 12:47 p.m. with all members present.

Larry Vortherms with Avera met with the Board to present information on the public transit services available through Avera. They charge 50 cents per mile for non-Medicaid day trips and attempt to provide the services as soon as possible. There is no cost to Medicaid patients.

Zoning Administrator Doerr met with the Board on the following: 1. Motion by Supr. Schlote, seconded by Supr. Mackeprang to approve Administrative Plat Application for Neil Clausen on a boundary adjustment of a 5-acre tract in the N1/2SW1/4 of Section 22, T29N, R2W of the 6<sup>th</sup> P.M., Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. Motion by Supr. Miller, seconded by Supr. Liska to place on file the September 23, 2019 Planning Commission meeting minutes. By roll call vote. Ayes all Districts. Nays none. Motion carried; 3. A public hearing will be held at the next meeting for change of zoning classification from AGT to AGP for an area north of Crofton; 4. No application has been submitted yet from James Coburn for development in the Devils Nest however Zoning Administrator Doerr has spoken to Mr. Coburn's engineer.

Kelly Hanvey, newly appointed Knox County Economic Development Director, met with the Board to thank the Board and Sheriff Henery for the experience she received while holding the position as Administrative Assistant in the Sheriff's Office and looks forward to her new position as Economic Development Director. Justine Wagner is the new Administrative Assistant in the Sheriff's Office.

Motion by Supr. O'Connor, seconded by Supr. Schlote to place on file the Certification from the County Treasurer that 26 Distress Warrants totaling \$8,598.83 including interest and fees were delivered to the Knox County Sheriff for collection. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Discussion was held on replacing the 2006 Chrysler Town and Country van that is used by officials and employees driving to training. The Board instructed County Clerk Fischer to check with area dealers to see what is available to replace the van.

Deputy County Attorney Holecek met with the Board on the following: 1. A letter was received where Kevin A. Malone had been retained as legal counsel in the case of County of Knox v. McKesson Corp., etal in the opioid case but has requested to withdraw from the case as David Domina has been handling the case exclusively as lead counsel. County Attorney Thomas had no objection to the withdrawal; 2. Update on the National Opiate Prescription Litigation MDL #2804. Several drug companies named in the case have filed for bankruptcy; 3. Knox County was part of the Class Action Lawsuit to recover PILT underpayments between 2015 and 2017 and judgment was approved so Knox County was awarded \$1,549 less attorney fees leaving a balance of \$1,031 that was received; 4. SID #2 case is now in the hands of the judge.

Assessor McManigal and the Board discussed valuation changes on the properties that were granted valuation reductions for one year through the Form 425 damaged valuation process earlier this year.

Motion by Supr. Liska, seconded by Supr. Borgmann that the receipts be accepted and placed on file. By roll call vote. Ayes all Districts. Nays none. Motion carried. Receipts totaled \$434,623.58.

#20188 – Knox County Register of Deeds, recording fees & documentary stamp tax, 5,155.37; #20189 – State of Nebraska, highway allocation, 218,441.26; #20190 – Northern Ponca Housing Authority, in lieu of tax, 1,262.17; #20191 – Commercial State Bank, interest, 1,283.02; #20192 – Pierce County Treasurer, tax collection – Sch. 13 Gen & Capi, 29.14; #20193 – Virgil Miller, used culvert, 428.00; #20194 – Knox County Sheriff, inmate commissary, 102.25;

#20195 – Midwest Bank, interest, 3,125.48; #20196 – Cedar County Treasurer, tax collection – Crofton Fire Gen & Sink & Wausa Fire Gen, 12,210.32; #20197 – NENEDD, Downtown Service loan payoff, 32,021.54; #20198 – NENEDD, October 2019 business loan payments, 51,744.20; #20199 – Knox County Attorney, non-sufficient fund check processing fee, 10.00; #20200 – Knox County Sheriff, auto inspection fees, 300.00; #20201 – Knox County Clerk, marriage license, 34.00; #20202 – State of Nebraska, scrap tire collection grant, 12,780.27; #20203 – Terry Sund, culvert, 68.00; #20204 – NIRMA, replace battery charger at Niobrara shop, 399.95; #20205 – Commercial State Bank, interest, 650.30; #20206 – Farmers & Merchants State Bank, interest, 708.13; #20207 – State of Nebraska, 3<sup>rd</sup> quarter name plate tax for Crofton Bluffs, 36,939.00; #20208 – Cedar Knox Rural Water Project, overpayment to SID #1, 508.99; #20209 – Krista Kohles & David Fricke, inheritance tax for Elsie Fricke Estate, 2,988.34; #20210 – Camp Missouri LLC dba CJ's at the Lake, liquor license, occupational tax & publishing reimbursement, 338.25; #20211 – Brendan Titrud PR, inheritance tax-Steven Titrud Estate, 7,103.59; #20212 – Smith, Currie & Hancock LLP, PILT class action lawsuit net proceeds, 1,031.00; #20213 – State of Nebraska, fines collected by State of Nebraska, 4,200.00; #20214 – State of Nebraska, lodging tax, 5,462.97; #20215 – Knox County Zoning, sign permit, 80.00; #20216 – Knox County Clerk, marriage license, 34.00; #20217 – Donald Hanzlik, culvert, 480.00; #20218 – Knox County Clerk, marriage license, 34.00; #20219 – Samantha Holecek dba Holecek Law Firm, loan application fee, 200.00; #20220 – Commercial State Bank, interest, 222.60; #20221 – Knox County Sheriff, title inspections, 170.00; #20222 – Knox County Zoning, building permits, 161.00; #20223 – NIRMA, workman's comp, 971.42; #20224 – NIRMA, replace diesel/bulk tank at Niobrara shed, 870.00; #20225 – Kent Pavlik, plank, 72.00; #20226 – Lyle Fischer, multi-plate from Zerbe Culvert, 2,000.00; #20227 – Brunswick State Bank, interest, 945.21; #20228 – Midwest Bank, interest, 10,001.54; #20229 – Knox County Zoning, plat application, 100.00; #20230 – Knox County Sheriff, 911 surcharges, 35.02; #20231 – State of Nebraska, November 2019 rent, 2,205.00; #20232 – Great Plains Communications, 911 surcharges, 9,226.25; #20233 – BIA, BIA reimbursement for housing inmates, 7,490.00.

Motion by Supr. O'Connor, seconded by Supr. Miller to go into executive session at 1:34 p.m. to review General Assistance Application #4-2019. By roll call vote. Ayes all Districts. Nays none. Motion carried. Chairman Sokol, Jr. reiterated that the executive session will be held on review of General Assistance Application #4-2019. The Board came out at 1:43 p.m.

Motion by Supr. Liska, seconded by Supr. Schlote to close at 1:43 p.m. the executive session that was held on General Assistance Application #4-2019. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Mackeprang, seconded by Supr. Borgmann to deny General Assistance Application #4-2019. By roll call vote. Ayes all Districts. Nays none. Motion carried.

There was no public comment on agenda items.

There was no public comment on non-agenda items.

**GENERAL FUND.** Andy White, witness fee/mileage, 62.00; Antelope County Sheriff, house inmate, 1,200.00; Big John Mfg. Co. Inc., weed repairs, 1,349.41; Big Timber Tree Service, use of boom truck, 75.00; Bloomfield Auto Parts, parts, 42.73; Bohemian One Stop, gas, 79.15; Bomgaars, antifreeze/markers, 127.75; Butch's Body Shop, tow vehicle, 165.00; Cedar County Sheriff Office, service fees, 53.08; CenturyLink, long distance, 100.89; Classic Rentals, mop/towel rental, 28.00; Comfort Inn, lodging, 594.00; Consolidated Management Company, meals, 21.17; Pitzer Digital, publishing, 381.94; Creighton 59 Express, gas, 28.56; Crofton Journal/Niobrara Tribune, publishing, 490.44; Dan Henery, reimburse meal, 27.60; DAS State Accounting-Central Finance, backup, 121.88; DAS State Accounting-Central Finance, teletype, 448.00; Dean Wilken, meeting/mileage, 47.62; Dollar General, supplies, 206.85; Eakes Office Solutions, copier agreement, 172.45; First National Bank Omaha, gas/supplies/hot spot/postage, 2,381.17; Fred Steffen, meeting/mileage, 67.92; Greg Kuhlman, meeting/mileage, 52.84; Hampton Inn Kearney, lodging, 314.85; Independent Pest Management, pest control, 387.50; Jim Kotrous, meeting/mileage, 43.56; Knox County Register of Deeds, recording, 10.00; Knox County Sheriff, paper fees, 256.48; Knox County Treasurer, transfer from General Fund to Road Fund, 94,682.45; Mobile Binders, books & repairs, 2,175.00; Ohiya casino & Resort, meals, 71.92; Pitzer Digital, publishing, 261.60; PowerTech, generator, 9,372.01; Quill Corporation, office supplies, 479.30; Robert Larsen, meeting/mileage, 35.44; Robert Ganz, meeting/mileage, 37.76; Verdigre Farm Service LLC, gas, 42.24; Wholesale Supply Co. Inc., janitor supplies, 553.25.

**ROAD FUND.** Ag & Industrial Equipment, building repair, 29.96; B's Enterprises Inc., posts/blades, 27,850.00; Backus Sand & Gravel, gravel, 1,060.54; Big Red Mini Mart, gas, 146.00; Black Hills Energy, heating fuel, 63.82; Bloomfield Auto Parts, repairs/filters/supplement, 77.43; Bomgaars, shop supplies/shop tools/def/ice melt, 2,798.73; Brody Chemical, tar remover, 2,126.41; Burns Lumber Co. LLC, concrete, 821.05; Cedar Knox PPD, electricity, 80.40; Country Market, shop supplies, 28.74; Farmer's Pride, diesel, 6,888.28; First National Bank Omaha, repairs, 907.75; Herbert Feed & Grain Co., diesel/seed, 8,003.78; Hrbek Construction, equipment rental, 5,642.50; Husker Steel, steel, 2,763.75; Jebro Inc., mc3000 & 250, 103,929.97; Kent Hamilton, mileage, 43.00; Kimball Midwest, shop supplies, 279.89; Larry Moeller, sand, 1,240.00; LCL Truck Equipment Inc., repairs, 278.41; Main Street Grocery, shop supplies, 15.66; Medical Enterprises Inc., drug test, 110.00; Nebraska Public Power District, electricity, 147.69; NMC Exchange LLC, repairs, 172.67; Russ Crosley, garbage, 46.00; Vic's Service LLC, gas/shop tools/repair, 1,407.23; Village of Wausa, water/sewer/garbage, 140.85; Warren Garage Door Inc., door repair, 485.00; Willow Creek Sand & Gravel, gravel/haul, 19,955.87.

**FLOWAGE EASEMENT ROAD FUND.** B's Enterprises Inc., culverts, 11,500.00; Hrbek Construction, equipment rental/dirt/haul, 7,660.00.

**CHILD SUPPORT FUND.** CenturyLink, long distance, 6.31; Microfilm Imaging Systems Inc., scanner rent, 81.00.

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

**C & C DEVELOPMENT FUND.** CenturyLink, long distance, 6.31; Cheryl Trzcinski, leadership, 243.71; First National Bank Omaha, travel/training/ leadership, 180.12; Hanna Keelan, housing study, 4,000.00; Holt County independent, publishing, 32.40; NHRRF, leadership, 84.25.

**911 EMERGENCY FUND.** CenturyLink, phone, 6.75; CenturyLink, phone, 80.20; Three River Telco, phone, 42.07.

**911 WIRELSS SERVICE FUND.** CenturyLink, phone, 341.89; Three River Telco, phone, 179.34.

**SHERIFF COMMISSARY FUND.** Dollar General, commissary, 30.50.

TOTALS

General Fund	117,048.81
Road Fund	187,541.38
Flowage Easement Road Fund	19,160.00
Child Support Fund	87.31
Visitor's Improvement Fund	217.30
C & C Development Fund	4,546.79
911 Emergency Fund	129.02
911 Wireless Service Fund	521.23
Sheriff Commissary Fund	<u>30.50</u>
Total	\$329,282.34

Chairman Sokol, Jr. adjourned the Knox County Board of Supervisors at 1:45 p.m. on October 31, 2019 until Thursday, November 14, 2019 at 9:30 a.m. for a regular meeting.

I, Joann M. Fischer, 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

\_\_\_\_\_  
Joann M. Fischer, Knox County Clerk

By \_\_\_\_\_  
James Sokol, Jr., Chairman

\*\*\*\*\*