

# PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska  
November 12, 2020  
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 November 12, 2020 at 9:30 a.m. Present were Supervisors Martin J. O'Connor District #1, Patrick J. Liska District #2, James Sokol, Jr. District #4, Kevin D. Mackeprang District #5, Danny R. Schlote District #6, and James J. Borgmann District #7. Absent was Supervisor Virgil H. Miller District #3. Chairman Mackeprang presiding.

Supervisor Sokol, Jr. led the Board in the Pledge of Allegiance.

Chairman Mackeprang 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 Niobrara Tribune 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 29, 2020 meeting were read and approved by Chairman Mackeprang.

Motion by Supr. O'Connor, seconded by Supr. Schlote that all claims, audited and approved for payment by the Claims Committee, be allowed subject to delinquent personal taxes. By roll call vote. Ayes Districts #1 #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried. Claims totaling \$489,052.18 are listed at the end of these proceedings.

Chairman Mackeprang moves the Board recess at 10:00 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:12 a.m. with all members present.

Hwy. Supt. Barta met with the Board on the following: 1. Jason Muhle with KEA Contractors met with the Board regarding the workdays on the Ray Stark bridge project. The company went over the contracted workdays by twenty days with a cost according to the agreement of \$300 per day for a total of \$6,000 of liquidated damages. Hwy. Supt. Barta said that the final payment is due and needs to be adjusted because of the twenty days liquidated damages. Mr. Muhle said that they started the project early in March but there was idle time while waiting for the girders to be built. There was a delay in the girders being built because of the COVID-19 issues at the plant, and once the girders were made, there was a thirty-day wait period before they can be used plus his own crew had COVID-19 issues after the girders arrived. Also, KEA Contractors were billed for nice working days according to the agreement even though they were not able to work on the project due to the delay in getting the girder. The construction company worked ninety-nine days and were idle forty-one days. Hwy. Supt. Barta said that the engineer was not there for forty-one days so that was a cost savings. Hwy. Supt. Barta said the construction crew were exceptional workers always keeping the area picked up and that local traffic was able to get through. Discussion was held on due diligence to complete the project as well as Mike Crosley with the Santee Sioux Nation said that there wasn't a problem with the BIA on the overage of workdays and the County could decide about the charges. Motion by Supr. Schlote, seconded by Supr. Sokol, Jr. to deduct \$3,000 from the final payment to KEA Contractors for going over the agreed workdays on construction of the Ray Stark Bridge in Harrison Township noting that the total amount of overage was actually twenty days and would have been a cost of \$300 per day according to the agreement with KEA Contractors, Knox County and the BIA. By roll call vote. Ayes Districts #1, #2, #4, #6 and #7. Nays District #5. Absent was District #3. Motion carried; 2. CJ slide project update; 3. Electrical bids will be opened at the next meeting for wiring of the new shed at the Creighton Yard; 4. ER Project update. A bid opening for new approach guard rail will be held at the next meeting; 5. FEMA bridge project updates; 6. Approximately \$351,000 will be received from the USDA for six EWP rock projects; 7. Truck repairs; 8. Bridge inspections of 148 bridges has been completed; 9. A quote from Gutter Monkeys of Pierce in the amount of \$1717.46 was received for installing gutters on the new shed at the Creighton Yard; 10. Discussed a guard rail knocked off by Wausa.

Motion by Supr. O'Connor, seconded by Supr. Sokol, Jr. to go into executive session at 10:38 a.m. so as to protect the reputation of an individual while discussing a HIPAA matter. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried. Chairman Mackeprang reiterated that the executive session will be held on a HIPAA matter. The Board came out of executive session at 11:07 a.m.

Motion by Supr. Sokol, Jr., seconded by Supr. Schlote to close at 11:07 a.m. the executive session held on a HIPAA matter. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

Jeannie and Jim Mackey of the Hideout Bar and Grill met with the Board on renewal of the prisoner food contract. Discussion was held on low prisoner count due to COVID-19, better communication is needed between the Sheriff's Office and the Mackeys, menus will be reviewed by a licensed dietitian, request to change the guaranteed costs to three days instead of two days which will be mute once the prisoners come back from Santee and increased food costs. Motion by Supr. Liska, seconded by Supr. Borgmann to renew the prisoner food contract with Jeannie and Jim Mackey dba The Hideout Bar and Grill for one year until November 1, 2021 with an increase to \$20 per prisoner per day and a guarantee of two prisoners per day. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

At 11:17 a.m., Chairman Mackeprang opened the advertised public hearing on an Amendment to the Future Land Use Map in the Comprehensive Plan and the advertised public hearing on an Amendment to the Zoning Regulations and Zoning Map for the Lake Area Overlay District. Discussion was held on changes to the land use map and the AGT areas. Chairman Mackeprang closed the open public hearing for the Amendment to the Future Land Use Map at 11:22 a.m. There was no one present in opposition. Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to approve the Future Land Use Map in the Comprehensive Plan. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

Consultant Keith Marvin was called to discuss the Overlay District, proposed changes in the Lake Area to include any new residential or commercial uses to determine the existing slope and plasticity of the land and if the existing slope is 20% to 29%, the applicant to provide Knox County with engineering data indicating how the new structure will address the slope of the property, no structure to be constructed on slopes of 30% or greater unless suitable engineering designs show conditions, need to work with new subdivisions to eliminate dead vegetation throughout the development, and new developments as well as a development going through replatting shall be required to have two points of ingress and egress unless otherwise determined by the County Highway Superintendent and County Board that it isn't feasible, questioned if there should be requirement that buyer and seller must exchange slope information, the slope matter only pertains to the lake area at this time, who will monitor or enforce the need for a plasticity study or will the matter be one of advisement, and adding the question to the building permit form. Chairman Mackeprang closed the open public hearing on the Amendment to the Zoning Regulations and Map for the Lake Area Overlay District at 11:42 a.m. There was no one present in opposition. Motion by Supr. O'Connor, seconded by Supr. Liska to table the issue of the Amendment to the Zoning Regulations and Zoning Map for the Lake Area Overlay District until the next meeting for further discussion, proposed revisions to the Amendment to be sent to Consultant Keith Marvin and to hold another public hearing in the near future. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

Ed Knott and Justin Niewohner with Applied Connective Technologies were present to discuss updating the security camera system. The present cameras can be used and then replaced when needed with more updated cameras and there would be a higher resolution recorder installed. Discussion ensued on additional cameras needed, customizing the program to fit the County's needs, keeping the recordings, maintenance agreement of fixed costs for replacement of a camera that may fail, quarterly reviews, firm updates and access control to keep codes that would also include the automatic locking of the east and south doors in the Courthouse. Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to approve the proposals of Applied Connective Technologies for security camera updates and recording, to contract for quarterly reviews, firm updates and access control to keep codes for the camera system as well as the automatic locking programs of the east and south doors in the Courthouse with the cost to be \$3,750 annually for the Managed Security Service and Maintenance Agreement: Premium Level and \$28,667.41 for the updated security camera system. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Borgmann to place on file the Knox County Treasurer's Certification that fourteen Distress Warrants in the amount of \$3,791.63 that includes interest and distress warrant fee were delivered to the County Sheriff for collection. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

Motion by Supr. Sokol, Jr., seconded by Supr. Schlote to place on file the Clerk of the District Court October Fee Report. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

Motion by Supr. Liska, seconded by Supr. Sokol, Jr. to authorize Region 11 Emergency Manager Bobbi Risor to send Requests for Procurement for renewal/update to the Tri-County Mitigation Plan for 2022. By roll call vote. Ayes Districts #1, #2, #4, #5, #6 and #7. Nays none. Absent was District #3. Motion carried.

Discussion was held on the COVID-19 procedures on the Courthouse Complex. The current procedures will continue.

Sheriff Henery updated the Board on the following: 1. Discussed Sheriff Henery's request to have the State Auditor's Office come to the Courthouse to review the procedure to address Court fees and funds; 2. Update of the large fire north of Center and thanked Emergency Manager Hintz for her assistance with food and water for the firefighters.

Public comment on agenda items was given by Supr. Sokol, Jr. who said that the prisoner food contract should include that all jail standards will be met and that any future increases may warrant an advertising for bids.

Public comment on non-agenda items was given by Supr. O'Connor to discuss in the future a request of a raise schedule for the Deputy County Attorney.

Public comment on non-agenda items was given by Chairman Mackeprang who reminded the Board that NIRMA is holding a webinar on Thursday, November 19, covering a recent Nebraska Supreme Court decision addressing tree cutting by county road departments, litigation involving county zoning decisions, handi-bus operations and ADA considerations for seat belt uses, recent developments related to law enforcement, and considerations public officials must keep in mind when entering into contractual agreements.

**GENERAL FUND.** Salaries, 175,018.28; Applied Connective Technologies, email setup/quarterly IT, 5,054.60; Bloomfield Medical Clinic, medical treatment, 235.00; Carhart Lumber, plexi glass, 228.87; Carlson Home & Auto Inc., weed tire repair, 28.65; Classic Carpet Care, mop/towel rent, 40.00; Clerk of District Court, filing fee, 33.00; Collector of Internal Revenue, Social Security County pays, 13,416.24; County of Knox Employee Benefit Account HealthCare Solutions Group Inc., insurance County pays, 29,750.00; CVSOAN, dues, 110.00; DataSpec Inc., subscription, 449.00; Ecowater Systems, bottled water, 240.00; F & M State Bank, ACH file fees, 240.00; Great Plains Communications, phone/internet, 1,485.72; Hide Out Bar & Grill, prisoner board, 992.00; Holly Wortmann, board expense, 112.13; Hometown Leasing, copier lease, 76.18; Independent Pest Management LLC, pest control, 270.00; Jo Ann P. Knori, prior

service, 20.00; Knox County Register of Deeds, recording fee, 22.00; Knox County Sheriff, service fees, 61.41; Laura Hintz, firefighter meals, 218.64; The Lincoln National Life Ins. Co., insurance County pays, 260.15; Liz Doerr, mileage/postage, 35.68; Megan Hanefeldt, mileage/meals/registration, 274.40; Microfilm Imaging Systems, scanner rent, 40.50; MIPS, computer program, 1,621.90; NACO, registrations, 625.00; NetCom Inc., radio install, 2,537.00; North Central Public Power District, electricity, 1,864.16; Northeast Nebraska News Co., publishing, 775.98; Pitzer Digital, publishing, 660.00; Platte Valley Communications Inc., radios, 1,330.00; Principal Life Insurance Co., insurance County pays, 1,896.40; Quill Corp., office supplies, 451.74; R.S. Technologies Inc., subscription, 500.00; Retirement Plans Division of Ameritas, retirement County pays, 11,809.75; Tauber Plumbing LLC, jail repairs, 163.03; Telebeep, pager, 64.17; University of Nebraska- Lincoln, supplies, 60.00; U.S. Cellular, cell phones, 161.62; US Cellular, cell phones, 242.94; Verdigre Eagle, publishing, 474.75; Village of Center, water/sewer/garbage, 759.00; Wholesale Supply Company Inc., supplies, 382.10.

**ROAD FUND.** Salaries, 66,179.14; B's Enterprises Inc., signs, 4,726.00; Big Red Mini Mart, gas, 109.81; Bloomfield Medical Clinic, drug test, 40.00; Bohemian One Stop, gas, 498.81; Burns Lumber Co, LLC, ash gro, 3,166.51; ; City of Bloomfield, water, 25.00; City of Creighton, water/sewer/garbage, 153.91; C-Mart, gas, 116.41; Collector of Internal Revenue, Social Security County pays, 5,006.90; Cornhusker International Trucks Inc., repairs, 414.88; County of Knox Employee Benefit Acct. c/o Healthcare Solutions Group Inc., insurance County pays, 11,900.00; Dollar General, shop supplies, 22.25; Farmer's Pride, diesel, 2,993.36; Great Plains Communications, phone, 599.39; Grossenburg Implement Inc., repairs/filters, 433.86; J & K Auto, gas, 41.00; Jedlicka's Hardware Hank, shop supplies, 90.46; Larry Pilar, prior service, 21.00; Lincoln National Life Ins. Co., insurance County pays, 113.24; North Central Public Power District, electricity, 315.64; Pease General Store, shop supplies, 36.96; Powerplan, repairs, 2,185.34; Principal Life Insurance Co., insurance County pays, 775.80; R&K Motor Parts, repairs/filters/oil/shop tools, 637.29; Retirement Plans Div. of Ameritas, retirement County pays, 4,310.84; Rose Equipment Inc., repairs, 516.30; Straight-Line Striping Inc., centerline striping, 17,195.20; Sucha Repair, oil, 395.12; U.S. Cellular, cell phones, 398.40; Village of Verdigre, water/sewer/garbage, 85.04; West Henson Lumber & Concrete Co., shop tools, 193.48.

**FLOWAGE EASEMENT ROAD FUND.** Husker Engineering dba Husker Grading, equipment rental, 60,443.50; Mainelli Wagner & Associates Inc., engineer fees, 11,024.60.

**CHILD SUPPORT FUND.** First National Bank Omaha, subscription, 158.14; Great Plains Communications, phone/internet, 50.95; Microfilm Imaging Systems Inc., scanner rent, 81.00; Postmaster, postage, 925.00; Quill Corporation, office supplies, 183.99.

**VISITOR'S PROMO FUND.** Salaries, 1,027.56.

**ROD PRESERVATION/MODERNIZATION FUND.** Microfilm Imaging Systems Inc., scanner rent, 55.00; MIPS, computer program, 267.29.

**C&C DEVELOPMENT FUND.** Salaries, 3,041.67; Collector of Internal Revenue, Social Security County pays, 224.63; County of Knox Employee Benefit Acct. c/o Healthcare Solutions Group Inc., insurance County pays, 850.00; Creighton Chamber of Commerce, Creighton bucks, 50.00; Great Plains Communications, phone/internet, 50.95; Lincoln National Life Ins. Co., insurance County pays, 5.96; Principal Life Insurance Co., insurance County pays, 43.10; Retirement Plans Div. of Ameritas, retirement County pays, 205.31; US Cellular, cell phone, 129.46.

**INHERITANCE FUND.** Doerr & Klein P.C., court appointed attorney, 898.28; Mainelli Wagner & Associates Inc., engineer fees, 24,673.10; Rodney W. Smith, public defender contract, 2,083.33.

**911 EMERGENCY FUND.** Great Plains Communications, phone/internet, 168.33; Three River Telco, phone, 28.78.

**911 WIRELESS SERVICE FUND.** Salaries, 2,674.72; Great Plains Communications, phone/internet, 725.57; Three River Telco, phone, 192.63.

TOTALS

General Fund	255,091.99
Road Fund	123,697.34
Flowage Easement Road Fund	71,468.10
Child Support Fund	1,399.08
Visitor's Promo Fund	1,027.56
ROD Pres./Mod. Fund	322.29
C&C Development Fund	4,601.08
Inheritance Fund	27,654.71
911 Emergency Fund	197.11
911 Wireless Service Fund	<u>3,592.92</u>
Total	\$489,052.18

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 12:35 p.m. on November 12, 2020 until Tuesday, November 24, 2020 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 \_\_\_\_\_  
Kevin D. Mackeprang, Chairman

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