

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska
December 31, 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 December 31, 2020 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 Mackeprang presiding.

Supervisor Schlote 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 Wausa Gazette 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 December 10, 2020 meeting were read and approved by Chairman Mackeprang.

Correspondence reviewed was: 1. Letter from Davis Brown Law Firm regarding payment to Circle A Construction, Inc.; 2. NIRMA letter regarding a NIRMA ASSIST grant application submitted by Hwy. Supt. Barta that was approved for flashing barricade lights and hi-visibility sweatshirts; 3. NIRMA letter regarding a NIRMA ASSIST grant application submitted by Chief Deputy Daniel Henery that was approved for bullet-resistant vests.

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 \$240,109.08 are listed at the end of these proceedings.

Chairman Mackeprang moves the Board recess at 9:58 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:09 a.m. with all members present.

Hwy. Supt. Barta met with the Board on the following: 1. Update on NIRMA ASSIST grant application that was approved for flashing barricade lights and hi-visibility sweatshirts; 2. Update on ER-BS-10920 Verdell Southwest Guardrail project. An estimate of \$36,200 was received but negotiated to \$32,000 with the break down as \$10,000 mobilization, \$14,000 guardrail, and \$8,000 road maintaining. The project costs will be reimbursed through ER project funds; 3. CJ slide update. The project is completed and the final bill is mandated to be paid to a loan company; 4. Equipment repairs; 5. Letters were sent to twelve landowners who have fences or cattle panels attached to bridges; 6. The One and Six Year Road Hearing will be held on February 11, 2021 at 10:30 a.m.; 7. Safety inspections will be held in March or April; 8. Job evaluations of Road employees will be held on January 28, 2021 at 1:00 p.m.; 9. Discussed possible bridge replacement vs. repair on a bridge on a Lincoln Township minimum maintenance road; 10. Discussed mowing roads and equipment; 11. Bridge buyback program application approvals will be announced via webinar; 12. HIPAA update; 13. The new maintainer is in Sioux City and may be delivered here next week;

Motion by Supr. Sokol, Jr., seconded by Supr. Schlote to reappoint Supr. Virgil Miller as Knox County's Representative to the Northeast Nebraska Area Agency on Aging's Governing Board. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Schlote, seconded by Supr. Borgmann to adopt **Resolution #2020 – 35** authorizing Knox County to enter into an agreement for the participation in Region 4 Behavioral Health System under the Interlocal Cooperation Act of the State of Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried.

RESOLUTION #2020 - 35

Whereas, LB302 passed by the 1974 Legislature of the State of Nebraska created the Nebraska Comprehensive Community Mental Health Services Act forming Regional Mental Health authorities.

Whereas, Knox County, Nebraska does participate in said Region 4 Behavioral Health System, the designated regional mental health authority within northeast Nebraska.

Be it therefore resolved that the Chairperson of the Knox County Board of Supervisors be and hereby is authorized to enter into an agreement for the participation in Region 4 Behavioral Health System under the Interlocal Cooperation Act of the State of Nebraska.

Passed and approved this 31st day of December 2020.

Knox County Board of Supervisors

Kevin D. Mackeprang /s/
Chairperson

ATTEST: (Seal)
Joann M. Fischer /s/
County Clerk

Motion by Supr. O'Connor, seconded by Supr. Liska to place on file the County Treasurer's Certificate of Pledged Securities ending December 31, 2020. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Borgmann, seconded by Supr. Sokol, Jr. to place on file the Resolutions by Board of Directors of Depository Banks and Resolutions Approving Depository and Securities for Bank of Hartington, Brunswick State Bank, Commercial State Bank, Farmers & Merchants State Bank, Madison County Bank and Midwest Bank, and Application for Investments of Funds for Nebraska Public Agency Investment Trust (NPAIT) and Union Bank & Trust. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Extension Educator Megan Hanefeldt met with the Board on the following: 1. Motion by Supr. Borgmann, seconded by Supr. Liska to place on file the Knox County Extension programming and financial summaries for 2020. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. Long time Extension Office Manager Mary Ketelsen who is retiring effective January 1, 2021 was recognized for her many years of service to Knox County. Extension Board President Holly Wortmann presented her with a bouquet of flowers from the Extension Board and Supr. Sokol, Jr. presented her a clock from Knox County. A walk-through cake and coffee reception was held in the Annex #1 meeting room after the meeting.

Motion by Supr. Liska, seconded by Supr. Sokol, Jr. to accept and place on file the resignation of Hill Township Chairman Melvin Barger and the appointment of Jeffrey M. Barger as Hill Township Chairman. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Sokol, Jr., seconded by Supr. Liska to accept and place on file the acknowledgment of death of Hill Township Treasurer Marlin Kumm, the change of office of Randy Hanson from Hill Township Clerk to Hill Township Treasurer and the appointment of Gary Eckmann as Hill Township Clerk. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Schlote, seconded by Supr. Miller to place on file the surety bonds of \$250 for Hill Township Clerk Gary Eckmann and \$2,000 for Hill Township Treasurer Randy Hanson. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Zoning Administrator Doerr met with the Board on the following: 1. Motion by Supr. Miller, seconded by Supr. Borgmann to place on file the October 13, 2020 Planning Commission meeting minutes. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. Motion by Supr. Schlote, seconded by Supr. Borgmann to approve Administrative Plat Application #P0166 Craig Steffen of a five-acre tract split in the NW1/4NW1/4 of Section 21, T31N, R2W of the 6th P.M., Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried; 3. There will be no Planning Commission meeting in January.

Motion by Supr. Schlote, seconded by Supr. Sokol, Jr. to place on file the Receipts Revenue Listing Report from December 10, 2020 through December 31, 2020. By roll call vote. Ayes all Districts. Nays none. Motion carried.

County Attorney Thomas updated the Board on the Supreme Court ruling on the Harts v County of Knox case. Also discussed was Board options, the Planning Commission will need to work through some of these items, changes will need to be determined so Consultant Keith Marvin can add them to the Comprehensive Plans, and process for issuing impact easements in the future.

Chairman Mackeprang opened at 11:00 a.m. an advertised public hearing for the amendment of Zoning Regulations and the Zoning Map for the Lake Area Overlay District. Chairman Mackeprang closed the public hearing at 11:04 a.m. There was no public present in opposition. Motion by Supr. O'Connor, seconded by Supr. Miller to adopt **Resolution #2020 – 36** approving Section 4.15 LA Lake Area Overlay District amendment to the Zoning Regulations and to approve the Zoning Map for the Lake Area Overlay District. By roll call vote. Ayes all Districts. Nays none. Motion carried.

RESOLUTION #2020 - 36

WHEREAS, the duly appointed Planning Commission of Knox County, Nebraska, with the assistance of its consultant Marvin Planning Consultants, has prepared an amendment to the Zoning Regulations and Subdivision Regulations, for Knox County, Nebraska; and

WHEREAS, the Planning Commission has reviewed the amendment and the zoning map of the Lake Area Overlay District and make recommendation to the Knox County Board of Supervisors for approval;

THEREFORE BE IT RESOLVED BY THE KNOX COUNTY BOARD OF SUPERVISORS, THAT THE FOLLOWING AMENDMENT AND ZONING MAP FOR THE LAKE AREA OVERLAY DISTRICT BE APPROVED AND ADOPTED:

Section 4.15 LA Lake Area Overlay District

4.15.1 Intent:

Knox County has established this overlay for the purpose of guiding future development as a planned area. In addition, Knox County desires to ensure proper construction in key parts of the overlay area in order to protect the future value of construction of new structures as well as nearby existing structures.

GEORGRAPHIC AREA:

The LA Overlay District shall apply to those areas in the northern portions of Knox County near Lewis and Clark Lake from near Devils Point to the Gavins Point Dam. See the Future Land Use and Official

Zoning Maps for actual location.

4.15.2 Permitted Uses:

The following principal uses are permitted in the LA District.

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.

4.15.3 Conditional Uses:

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the LA Overland District as recommended by the Planning Commission and approved by the County Board of Supervisors.

1. All conditional uses contained in the underlying base zoning district unless specifically noted in these regulations.
2. Mixed uses within a development provided the development is accompanied by a Planned Unit Development.

4.15.4 Accessory Uses:

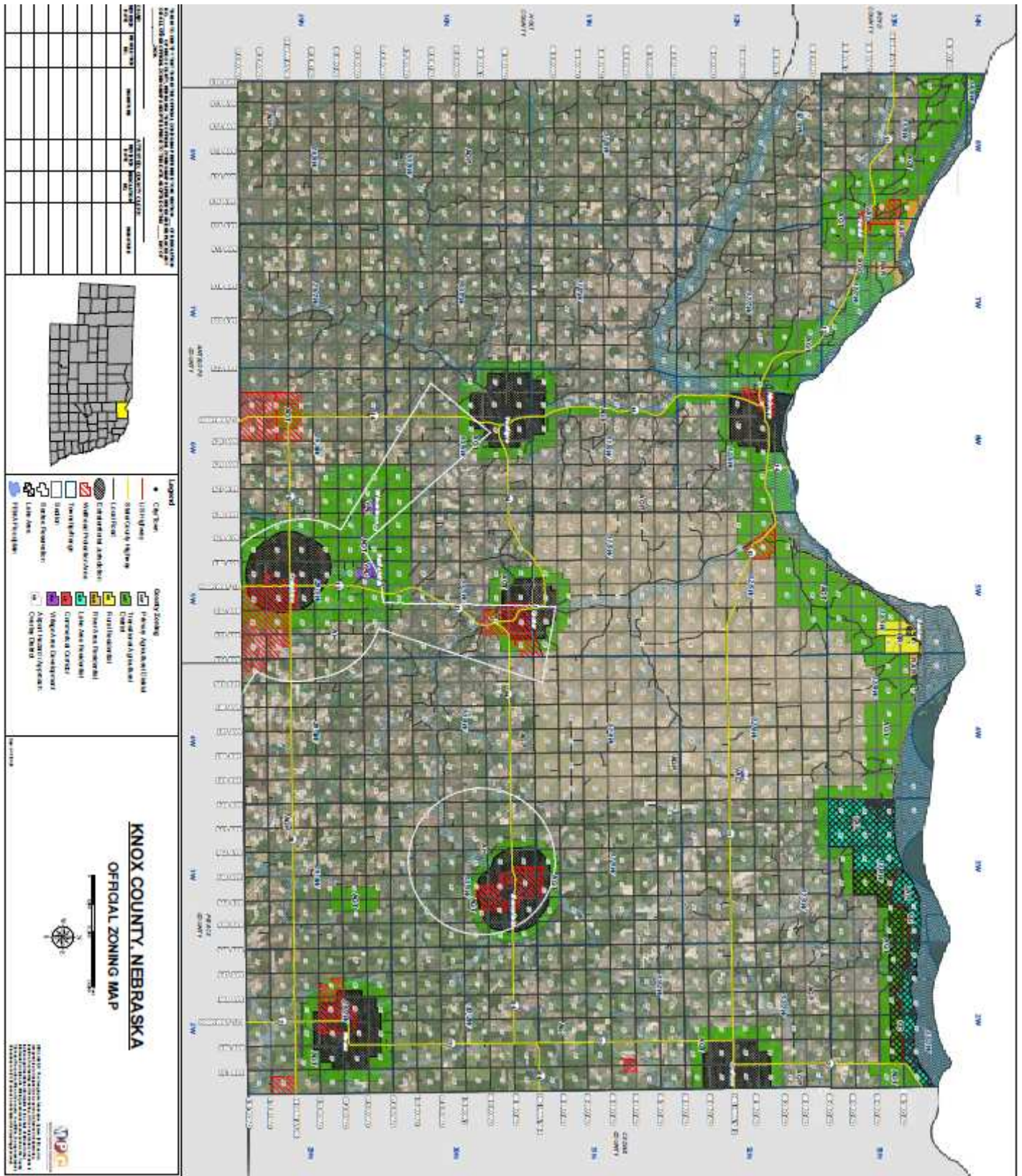
The following Accessory uses are allowed as follows:

1. All accessory uses contained in the underlying base zoning district unless specifically noted in these regulations.

4.15.5 Special Criteria:

The following special criteria are established for the protection of specific future investments within the Knox County Lake Area:

1. Any new residential or commercial uses shall determine the existing slope and plasticity of the land.
 - a. If the existing slope is 20% to 29%, the applicant should provide Knox County with engineering data indicating how the new structure will address the slope of the property, if available.
 - b. If the plasticity is considered either medium or high, the applicant should provide Knox County with engineering data of how the structure will address the existing soil conditions, if available.
 - c. Structures constructed on slopes of 30% or greater, should supply suitable engineering designs indicating:
 - i. The soil is not in a condition which promotes future landslides.
 - ii. The new structure will be engineered to be anchored to the slope and will not slide down the slope.
 - iii. The new structures construction and location will not jeopardize any existing structures down slope or adjacent to the new structure.
 - iv. Engineering data should be supplied if available.
 - d. Any required engineering design shall be sealed by a civil engineer.
2. Any new commercial development shall locate along the south side of Highway 54C.
3. New commercial uses may be allowed within some areas as a mixed-use development; however, any mixed-use development shall be processed as a planned unit development as found in this Resolution.
4. Mobile home and Recreational Vehicle Parks shall be located a minimum of 300 feet from any existing residential development. These facilities shall be screened from residential uses/developments and roadways by either natural landscape or newly planted vegetative screen.
5. New developments within this overlay district should determine with Knox County any roadway improvements needed, as well as the anticipated daily trips in and out of the development.
6. If individual wells and septic systems are to be used in new developments/subdivisions, the develop shall show how they will mitigate existing soil conditions.
7. If individual wells and septic systems are not possible, together, then the development/subdivision shall either create a centralized water system or hook into the rural water district.
8. The minimum lot size within this overlay district shall be ½ acre unless soil conditions dictate larger lots.
9. New subdivisions and developments and/or the Homeowners Association shall be required to eliminate dead vegetation throughout the development.
10. New developments, as well as developments 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 this is not feasible.



Dated this 31st day of December, 2020.

KNOX COUNTY BOARD OF SUPERVISORS

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

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

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

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

ATTEST: (Seal)
Joann M. Fischer /s/
Knox County Clerk

There was no public comment on agenda items

Public comment on non-agenda items was given by Supr. O'Connor and Hwy. Supt. Barta on requests for additional ingress and egress for the new campgrounds at Wolf Run and tracts being sold in the lake area.

Public comment on non-agenda items was given by Supr. O'Connor, Zoning Administrator Doerr and County Assessor McManigal about a recent two-hour Zoom meeting with Consultant Keith Marvin on updates to campground and lake area regulations in the Comprehensive Plans. Supr. O'Connor, Zoning Administrator Doerr, Planning Commission member Doug de Shazer, County Assessor McManigal, Deputy County Assessor Beckmann and Mr. Marvin reviewed the campground regulations and proposed changes.

Public comment on non-agenda items was given by Chairman Mackeprang who informed the Board that Knox County received \$117,547.03 from the Nebraska Coronavirus Relief Fund for reimbursement of COVID-19 payroll/fringe benefits expenses from March through May 2020. Deputy County Clerk Surface had submitted the application on behalf of Knox County. More applications are being submitted for reimbursement of additional payroll/fringe benefits for the period after May and for reimbursement of COVID personal protective equipment costs.

Chairman Mackeprang opened at 11:19 a.m. the advertised public hearing on Conditional Use Permit #CU0041 to amend #CU0029 and to amend Resolution #2017-33 David Hoffman. The original Conditional Use Permit was for the construction of two two-unit condominiums to be built on Lot 3, Hideaway Estates. One condominium was constructed however Mr. Hoffman wants to amend the condominium declarations to reflect that it will now be a single-family dwelling and one two-unit condominium. Discussion ensued on who would own the ground under the single-family dwelling, changes to the condominium declaration and what would happen if the single-family dwelling was to be sold separately in the future. Mr. Hoffman was called to ask him about some of the Board's concerns. The public hearing will remain open and the matter is tabled until Thursday, January 14, 2021 at 11:00 a.m. for further research and information.

Chairman Mackeprang opened at 11:45 a.m. the advertised public hearing for Conditional Use Permit Application #CU0040 John D. and Jody K. Aschoff to construct Phase 2 to Wolf Run RV Resort in the SE1/4SE1/4 of Section 18, T33N, R2W of the 6th P.M., Knox County, Nebraska. Discussion was held on the additional campground area layout. Chairman Mackeprang closed the public hearing at 11:56 a.m. There was no one present in opposition. Motion by Supr. O'Connor, seconded by Supr. Borgmann to adopt **Resolution #2020 – 37** approving Conditional Use Permit Application #CU0040 for Wolf Run RV Resort (John D. and Jody K. Aschoff) to add Phase 2 (34 RV sites) to the Wolf Run RV Resort on part of the SE1/4SE1/4 of Section 18, T33N, R2W of the 6th P.M., Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried.

RESOLUTION #2020 - 37

WHEREAS, Wolf Run RV Resort (John D. & Jodi K. Aschoff) have applied for Conditional Use Permit #CU0040 to add phase 2 (34 RV sites) to the Wolf run RV Resort on part of the Southeast Quarter of the Southeast Quarter of Section 18, Township 33 North, Range 2 West of the 6th P.M., Knox County, Nebraska.

WHEREAS, the Knox County Planning Commission has given public notice and held a public hearing on December 8, 2020

WHEREAS, the Knox County Planning Commission has found that the application complies with the Knox County Zoning Regulations, and hereby makes a recommendation to approve the permit with the following conditions:

1. Each campsite shall be plainly marked with a map of such numbers provided to the Zoning Administrator.
2. Each campsite shall have two parking stalls.
3. All access drives and parking areas shall be surfaced with gravel, asphalt or other material to free the site of mud.
4. The campground shall be compliant with all Nebraska Department of Environment and Energy and Nebraska Health & Human Services standards.
5. All campers shall be licensed and road ready. Any campers stored on site after 4 months shall be in a stored state with slideouts slid in.
6. No porches, decks, additions or storage sheds, etc. will be allowed until such time that the Zoning Regulations are amended to allow it.

THEREFORE, BE IT RESOLVED BY THE KNOX COUNTY BOARD OF SUPERVISORS that the Wolf Run RV Resort (John D. & Jody K. Aschoff) Conditional Use Permit #CU0040 be approved.

Dated this 31st day of December, 2020.

KNOX COUNTY BOARD OF SUPERVISORS

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

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

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

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

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

ATTEST: (Seal)

Joann M. Fischer /s/
Knox County Clerk

Emergency Manager Hintz updated the Board on the Hazard Mitigation Grant. Also discussed was the COVID-19 vaccine, the health departments are in charge of the process, and the new strain of the coronavirus making its way into the United States. (Corrected 1-14-2021)

County Clerk Fischer updated the Board on the Family First Coronavirus Response Act (FFCRA) that mandated emergency paid sick leave and emergency paid family and medical leave. FFCRA expired December 31, 2020, however, the Act allows employers that were covered by FFCRA to encourage employees to be honest and stay home for COVID-19 related reasons by voluntarily offering the eighty (80) hours of emergency paid sick leave made under the FFCRA for any employees that have not used this benefit. In this scenario, public employers would assume the entire cost of the program, including the emergency paid sick leave benefits and to require employer's portion of the Social Security tax. Employers are still encouraged to follow CDC guidelines to control the spread of COVID-19, including asking employees to stay home if they are experiencing symptoms of COVID-19, if they have tested positive for COVID-19, or if they have had close contact (i.e., within six feet for a total of fifteen minutes or more) with someone who has COVID-19). Motion by Supr. Sokol, Jr., seconded by Supr. Liska to extend the current Emergency Paid Sick Leave with the current conditions set out by the Federal Government and NIRMA until March 31, 2021 noting that this is an extension and to be used by employees who have not used the Emergency Paid Sick Leave benefit. By roll call vote. Ayes all Districts. Nays none. Motion carried.

GENERAL FUND. Albin Law Office, mental health board, 256.50; Applied Connective Technologies, web cameras/security camera agreement, 4,075.00; CenturyLink, long distance, 111.96; Classic Carpet Care, mop/towel rent, 43.00; Crofton Journal/Niobrara Tribune, publishing, 513.97; DAS State Accounting-Central Finance, backup, 121.88; DAS State Accounting-Central Finance, teletype, 448.00; David A. Arens, meeting/mileage, 65.25; Dean Wilken, meeting/mileage, 47.43; Doug DeShazer, meeting/mileage, 59.50; Eakes Office Solutions, copier agreement, 192.00; First National Bank Omaha, gas/supplies/hot spot/postage, 2,592.22; Independent Pest Management, pest control, 75.00; James Egley, mental health board, 67.25; Jim Kotrous, meeting/mileage, 43.40; Keith Nielsen, meeting/mileage, 40.53; Knox County Treasurer, transfer to road, 133,069.47; Landmark Surveying, survey fees/markers, 2,348.82; Madison County Sheriff, mental health board, 23.15; Madison County District Court, mental health board, 50.00; Melanie Smith, mental health board, 67.25; Midwest Radar & Equipment, supplies, 120.00; Nebraska State Fire Marshal, elevator inspection, 120.00; Neil Clausen, meeting/mileage, 57.20; Pitney Bowes, postage meter supplies, 339.96; Quill Corporation, office supplies, 407.58; R&K Motor Parts, van oil/windshield wash fluid, 26.14; Robert Ganz, meeting/mileage, 37.65; Ryan Stover, mental health board, 92.25; US Cellular, cell phones, 56.31; US Cellular, cell phones, 314.16; Val Olson, mental health board, 50.00; Verdigre Eagle, publishing, 153.50; Verdigre Farm Service, gas, 16.52

ROAD FUND. Ag & Industrial Equipment, building repair, 399.13; Avera Medical Group, drug screen, 50.00; Bazile Creek Power Sports, blades, 50.00; Black Hills Energy, heating fuel, 82.02; Bomgaars, shop supplies/tordon/grease/misc./shop tools, 1,509.16; Cedar County Treasurer, equipment rental, 2,944.81; Cedar Knox PPD, electricity, 190.99; CHS Wausa, diesel, 889.64; First National Bank Omaha, repairs/misc., 646.65; Grossenburg Implement Inc, equipment rental, 2,466.00; Herbert Feed & Grain Co., diesel, 4,624.55; Kayton International, equipment rental, 5,105.00; Linn Post & Pipe Inc., shop supplies, 26.00; Nebraska Public Power District, electricity, 174.13; Mainelli Wagner & Associates Inc., engineer fees, 730.00; R&K Motor Parts, repairs/filters/oil/shop supplies, 1,847.50; Rohrer Welding, repairs, 157.08; Russ Crosley, garbage, 46.00; Schaefer Grain & Feed Co., road salt, 5,281.98; US Cellular, cell phones, 171.86; Vakoc Excavating LLC, gravel/haul, 34,092.24; Verdigre Eagle, publishing, 37.52; Verdigre Farm Service, gas/diesel/fluids/repair, 1,580.48; Vic's Service LLC, gas/tire repair/DEF, 569.99; Willow Creek Sand & Gravel, gravel/haul, 12,457.37.

FLOWAGE EASEMENT ROAD FUND. Mainelli Wagner & Associates, engineer fees, 11,563.52; Vakoc Excavating LLC, equipment rental, 2,150.00.

CHILD SUPPORT FUND. CenturyLink, long distance, 7.00; First National Bank Omaha, supplies, 44.97; Hometown Leasing, copier lease, 125.93.

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

ECONOMIC DEVELOPMENT FUND. NENEDD, admin fees, 54.65.

C&C DEVELOPMENT FUND. CenturyLink, long distance, 7.00; First National Bank Omaha, postage/travel/youth programs/subscriptions, 309.68; Katie Vakoc, promo video, 30.00; Stacy Miller, mileage, 69.59; US Cellular, cell phone, 53.24.

INHERITANCE FUND. Fitzgerald, Vetter, Temple, Bartell & Henderson, court appointed attorney, 2,375.20.

911 EMERGENCY FUND. CenturyLink, phone, 55.28; Three River Telco, phone, 57.57.

911 WIRELESS SERVICE FUND. CenturyLink, phone, 369.95; Three River Telco, phone, 385.25.

TOTALS	
General Fund	146,102.85
Road Fund	76,130.10
Flowage Easement Road Fund	13,713.52
Child Support Fund	177.90
Visitor's Promo Fund	217.30
Economic Development Fund	54.65
C&C Development Fund	469.51
Inheritance Fund	2,375.20
911 Emergency Fund	112.85
911 Wireless Service Fund	<u>755.20</u>
Total	\$240,109.08

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 12:00 p.m. on December 31, 2020 until Thursday, January 7, 2021 where there may be a possible quorum for the swearing-in of elected officials and until Thursday, January 14, 2021 at 9:30 a.m. for a reorganizational 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
