

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska  
August 12, 2021  
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 Thursday, August 12, 2021 at 9:30 a.m. Present were, Supervisors Martin J. O'Connor District #1, Virgil H. Miller District #3, Kevin D. Mackeprang District #5, Danny R. Schlote District #6, and James J. Borgmann District #7. Absent were Supervisors Patrick J. Liska District #2 and James Sokol, Jr. District #4. Chairman Mackeprang presiding.

Chairman Mackeprang 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 Bloomfield Monitor 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 July 29, 2021 meeting were read and approved by Chairman Mackeprang with the addition that at least eleven State Senators will also be attending with Governor Ricketts on August 25 to tour the economic development area under LB 406.

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 Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried. Claims totaling \$800,735.40 are listed at the end of these proceedings.

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

Motion by Supr. Schlote, seconded by Supr. Borgmann to accept the Special Designated Liquor License Application that was approved by Knox County Clerk Fischer for Center Improvement Club for a special event on August 28, 2021 at The Barn At God's Country. By roll call vote. Ayes Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried.

Chairman Mackeprang moves the Board recess at 9:57 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:16 a.m. with all members present except District #2 and District #4.

Hwy. Supt. Barta met with the Board on the following: 1. Bridge Crew update; 2. Oil Crew update; 3. FEMA Prischman bridge project update; 4. Discussion was held on making a new driveway into the Creighton County Yard. The new driveway could be put on the west side onto the County road and used by truck traffic. The current driveway would be left as is for pickup traffic; 5. Motion by Supr. Borgmann, seconded by Supr. O'Connor to adopt **Resolution #22-2021** where the Chairman of the Knox County Board of Supervisors is authorized and designated to execute all documents necessary or proper on subordinate conditions on the Verdigre North Federal Aid Bridge project and Knox County will use all reasonable efforts to comply with all material requirements as set forth in the Restoration Agreement between the United States, with the material terms of the Indemnification and Resource Protection Agreement to be executed by Knox County, and, that the Warranty Easement Deed in "Exhibit A" will remain in full force and effect subject only to the rights of Knox County acquired under the County Road Project Instrument and the Temporary Construction Easement as modified by the Subordination Conditions. By roll call vote. Ayes Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried.

**RESOLUTION #2021 - 22**

**WHEREAS**, a historic bridge known as the Verdigre North Federal Aid Bridge Project, BRO-7054(19), CN 31821 located on 885 Road across the Verdigre Creek will be replaced, and

**WHEREAS**, Knox County, Nebraska, has three permanent easements for road and bridge purposes covering 2.33 acres recorded on July 23, 2019 at Deed Book 145, pages 444-447, pages 448-451, and pages 452-455, and

**WHEREAS**, Knox County needs to transfer these three easements back to Duane R. Liska and Peggy S. Liska, in order to obtain the same property in fee, that is, absolute ownership, in order to meet requirements of the Wetlands Reserve Program, and as administered by the Nation Resource Conservation Services (NRCS) of the Unites States Department of Agriculture, and

**WHEREAS**, the Chairman of the Knox County Board of Supervisors is authorized and directed to make, execute, and deliver a quitclaim deed to those three easements to Duane R. Liska and Peggy S. Liska, husband and wife, and

**WHEREAS**, the County of Knox, a political subdivision of the State of Nebraska, also referred to as Knox County, with assistance from the Nebraska Department of Transportation (hereinafter referred to as NDOT) will acquire in fee title, a 2.33-acre part of the property from Liskas needed to construct, operate and maintain the new County road bridge replacing the obsolete existing county road bridge, and

**WHEREAS**, to complete construction of the Project, Knox County will also acquire from the Liskas a temporary construction easement and slope easement of 1.19 acres, for temporary use during construction, in addition to the 2.33 acres acquired in fee but located within the 468.10 acres described in a Wetland Reserve Program easement deed recorded in Book 133, pages 201-219 of the Deed Records of Knox County, and

**WHEREAS**, Knox County needs the consent of the Liskas and the United States to acquire fee ownership of the 2.33 acres and modification of the Wetlands Reserve Program Warranty Deed Easements, and

**WHEREAS**, Knox County needs to agree to the subordination conditions of the United States to obtain the consent of the United States, and

**THEREFORE, BE IT RESOLVED**, that the Chairman of the Knox County Board of Supervisors is authorized and designated to execute all documents necessary or proper to the following subordinate conditions:

- a. Knox County's fee acquisition for County Road right-of-way, as set forth in the County Road Project Instrument and the Temporary Construction Easement, is comprised of a fee acquisition for County Road right-of-way and a temporary construction workspace.
- b. The fee acquisition for County Road right-of-way granted to Knox County by the Liskas as filed of record and referenced above, is an approximate 85 feet wide permanent servitude to be used as a County road right-of-way.
- c. The United States subordinates the Wetlands Reserve Program easement, as provided in the Warranty Easement Deed, to the fee acquisition for County Road right-of-way of Knox County no greater than what is described in those instruments, a strip of land 85 feet wide, being situated in that certain lot, tract or parcel of land situated in Section 17, Township 31 North, Range 6 West, West of the 6<sup>th</sup> Principal Meridian, Knox County, Nebraska and marked as "Exhibit B" and incorporated herein as though set forth word by word.
- d. Furthermore, Knox County's aforesaid temporary construction workspace will be limited to the are as described in "Exhibit C".
- e. The sole purpose of the subordination by the United States, as set forth in this Subordination Agreement, is to allow Knox County to construct, reconstruct, operate, maintain, inspect, repair, or replace a County bridge and connecting roadway.
- f. The aforesaid County bridge and connecting roadway shall be constructed so as not to materially interfere with the rights, title, and interests that the United States acquired under the Warranty Easement Deed.
- g. After completion of the construction phase of the aforesaid County bridge and connecting roadway, Knox County shall only have the rights of ingress and egress over and across lands under aforesaid right-of-way.
- h. Knox County shall only use the aforesaid temporary construction workspace during the construction phase of the aforesaid County bridge and connecting roadway project.
- i. Knox County agrees to reasonably repair any damages which may arise to vegetative cover resulting from the construction, maintenance and operation of it's the aforesaid roadway and bridge.
- j. Knox County recognizes the Rights of the United States including the right to impound water over the right-of-way, and

**BE IT FURTHER RESOLVED**, that Knox County will use all reasonable efforts to comply with all material requirements as set forth in the Restoration Agreement between the United States and with the material terms of the Indemnification and Resource Protection Agreement to be executed by Knox County, and

**BE IT FURTHER RESOLVED**, that the Warranty Easement Deed in "Exhibit A" will remain in full force and effect subject only to the rights of Knox County acquired under the County Road Project Instrument and the Temporary Construction Easement as modified by the Subordination Conditions.

Dated this 12<sup>th</sup> day of August, 2021.

KNOX COUNTY BOARD OF SUPERVISORS

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

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

Absent  
Patrick J. Liska, District #2

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

Absent  
James Sokol, Jr., District #4

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

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

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

Hwy. Supt. Barta continued with the following: 6. Discussion was held on leave without pay. Some employees are taking leave without pay while they have accrued vacation time and/or sick time. NIRMA presented a personnel workshop recently where they said it was not permissible to have employees taking time without pay if they have accrued vacation/sick time or PTO. The Personnel/Handbook Committee will be meeting in September to review personnel matters that need to be added or changed to the Knox County Personnel System and Knox County Employee Handbook; 7. A recent meeting on LB 406 was held and a study will be done in this area along with other tourism areas in the State.

Governor Ricketts will be here flying into the Creighton Airport on August 25 to tour Knox County. State senators and other entity representatives will be touring Knox County.

Zoning Administrator Doerr met with the Board on the following: 1. Motion by Supr. O'Connor, seconded by Supr. Miller to place on file the July Zoning Permits Report. By roll call vote. Ayes Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried; 2. Update on the August 10, 2021 Planning Commission meeting. Discussion was held on campground regulations and public hearings; 3. Chairman Mackeprang opened at 10:44 a.m. a public hearing on Conditional Use Permit Application #CU0044 submitted by Lazy U LLC for construction of a campground, walking trails, disc golf and fishing for recreation on 400 acres near the Niobrara River. Present were Jeff Uhlir and Troy Uhlir. Discussed were concerns about campers in the area when it would be rifle hunting season, however, the Uhlirs would like to allow campers in the campground into the fall and winter if necessary. The Board and the Uhlirs discussed the proposed resolution and possibly deleting number eight of the conditions on the Resolution draft that said the campground will be open April 1 until October 31. Chairman Mackeprang closed the public hearing at 11:01 a.m. Motion by Supr. Miller, seconded by Supr. Borgmann to approve Conditional Use Permit Application #CU0044 Lazy U LLC for construction of a campground, walking trails, disc golf and fishing for recreation on 400 acres and to adopt **Resolution #2021 – 23** noting that condition number eight on the Resolution draft that said the campground will be open April 1 until October 31 be deleted and not part of the adopted Resolution. By roll call vote. Ayes Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried.

### RESOLUTION #2021 – 23

**WHEREAS,** Lazy U LLC has applied for Conditional Use Permit #CU0044 to construct a 30 RV site campground, walking trails, disc golf, and fishing for recreation on the East Half of the East Half (E1/2E1/2) of Section Ten (10), Township Thirty-two (32) North,; and West Half of the Northwest Quarter (W1/2NW1/4) and Southwest Quarter (SW1/4) of Section Eleven (11), Township Thirty-two (32) North, all in Range Eight (8) West of the 6<sup>th</sup> P.M., Knox County, Nebraska

**WHEREAS,** the Knox County Planning Commission has given public notice and held a public hearing on July 13, 2021, and

**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. All access drives and parking areas shall be surfaced with gravel, asphalt or other material to free the site of mud.
3. The campground shall be compliant with all Nebraska Department of Environment and Energy (septic and NPDES stormwater prevention), and Nebraska Health & Human Services standards.
4. 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.
5. No porches, decks, additions, or storage sheds, etc. will be allowed until such time that the Zoning Regulations are amended to allow it.
6. One business sign up to 80 square feet shall be placed at the right of way and shall include the 911 address.
7. A Zoning permit is required before constructing the bath house or camper storage building. If the camper storage building is not constructed within five years of approval of the Conditional Use Permit, a review of the permit by the Planning Commission is required.

**THEREFORE, BE IT RESOLVED BY THE KNOX COUNTY BOARD OF SUPERVISORS** that the Lazy U LLC Conditional Use Permit #CU0044 be approved.

Dated this 12<sup>th</sup> day of August, 2021.

### KNOX COUNTY BOARD OF SUPERVISORS

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

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

Absent  
Patrick J. Liska, District #2

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

Absent  
James Sokol, Jr., District #4

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

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

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

Nick Antrobus and Jared Smith with Colonial Life insurance presented information about dental insurance with a vision rider. They will present premium costs after reviewing the County's current dental/vision policy information and enrollment.

Emergency Manager Hintz presented a map showing the levels of drought in Knox County.

Discussion was held on COVID procedures on the Courthouse campus and it was decided to continue with the current procedures where social distancing should be done and wearing masks is optional.

There were no Committee updates.

Official updates were given as follows: 1. SLFRF Administrator Krista Nix updated the Board on the additional economic development grant that is available and options for use of the funds; 2. Deputy County Attorney Holecek informed the Board of the new truancy plan she has been working on with the school superintendents. Also, Madison County is applying for a grant that would help pay part of the County Attorney's Administrative Assistant's wages; 3. Zoning Administrator Doerr told the Board that her replacement in Antelope County has resigned after working a short time so Mrs. Doerr is back to assisting Antelope County until they find another person; 4. Chief Deputy Henery informed the Board of COVID grants available through the State that would help replace equipment and laptops in the Sheriff's Department.

There was no public comment on agenda items nor on non-agenda items.

Motion by Supr. Borgmann, seconded by Supr. O'Connor to adopt **Resolution #2021-24** authorizing Chairman Mackeprang to sign the County Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards. By roll call vote. Ayes Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried.

**RESOLUTION  
SIGNING OF THE COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
2021**

**Resolution No. 2021 - 24**

**Whereas:** State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include the resolution of the governing body of the county authorizing the signing of the certification.

**Be it resolved** that the County Board Chairperson of Knox County is hereby authorized to sign the County Annual Certification of Program Compliance.

Adopted this 12<sup>th</sup> day of August, 2021 at Center, Nebraska.

County Board Members

Kevin D. Mackeprang /s/  
Danny R. Schlote /s/

Martin J. O'Connor /s/  
James J. Borgmann /s/

Virgil H. Miller /s/

County Board Member Supr. Borgmann  
Moved the adoption of said

resolution

ATTEST: (Seal)

Motion

Joann M. Fischer /s/

Absent

(Signature of Clerk)

adopted.

Member Supr. O'Connor Seconded the

Roll Call: 5 Yes 0 No 0 Abstained 2

Resolution adopted, signed and billed as

Motion by Supr. O'Connor, seconded by Supr. Borgmann to go into executive session at 11:42 a.m. so as to protect the reputation of an individual when discussing personnel. By roll call vote. Ayes Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried. Chairman Mackeprang reiterated the executive session will be held so as to protect the reputation of an individual when discussing personnel. The Board came out at 12:02 p.m.

Motion by Supr. Schlote, seconded by Supr. Miller to close at 12:02 p.m. the executive session held on personnel. By roll call vote. Ayes Districts #1, #3, #5, #6 and #7. Nays none. Absent were Districts #2 and #4. Motion carried.

**GENERAL FUND.** Salaries, 185,226.82; Applied Connective Technologies, quarterly IT/email/ upgrades, 4,939.60; Bloomfield Tire & Oil LLC, tire repair, 25.00; Clerk of District Court, court costs, 71.00; Collector of Internal Revenue, Social Security County pays, 14,426.71; Consolidated Management Company, meals, 101.19; County of Knox Employees Benefit Account dba HealthCare Solutions Group, Inc., insurance County pays, 30,625.00; Creighton 59 LLC, mower gas, 18.01; Creston Fertilizer Co., chemicals, 1,766.64; DAS State Accounting-Central Finance, radios/backup, 440.38; Dollar General, jail supplies, 30.50; Eakes Office Solutions, copier agreement/office supplies/paper, 856.04; Eco Water Systems, bottled water, 468.00; Gragert's, prisoner food, 860.92; Great Plains Communications, phone/internet & tower phone, 1,297.61; Hometown Leasing, office equipment, 76.18; JoAnn P. Knori, prior service, 20.00; Knox County Fair Board, fair entrance, 40.00; Kristine Kumm, travel expense, 21.28; Landmark Surveying Associates, surveyor fee, 2,864.70; The Lincoln National Life Insurance Company, insurance County pays, 260.15; Liz Doerr, mileage/postage,

137.72; Marvin Planning Consultants, comprehensive plan and regulations, 200.00; Megan Hanefeldt, travel expense, 370.72; Microfilm Imaging Systems, scanner rent, 40.50; MIPS, computer programming, 681.16; Moody Motor Co. Inc., repairs, 838.45; Nebraska Law Enforcement Training Center, training, 250.00; Norfolk Daily News, subscription, 211.00; North Central Public Power District, electricity & tower electricity, 3,184.74; Northeast Nebraska News Co., publishing, 105.07; NSA, registration, 100.00; Pitzer Digital, publishing, 14.79; Postmaster, postage, 990.00; Principal Life Insurance Company, insurance County pays, 1,896.40; Quill, supplies, 746.44; Retirement Plans Division of Ameritas, retirement County pays, 12,771.16; Telebeep, pagers, 64.17; U.S. Cellular, cell phone, 210.12; U.S. Cellular, cell phones, 375.49; Verdigre Eagle, publishing, 447.31; Village of Center, water/sewer/garbage, 975.00.

**ROAD FUND.** Salaries, 76,654.19; A&D Service, tire repair, 214.50; Bauer Built Inc., repairs, 595.89; Big Red Mini Mart, gas, 175.09; Bloomfield Auto Parts, repairs/oil/filters, 242.18; Bohemian One Stop, gas, 691.56; Bonnie Jennings, clay, 450.00; Carhart Lumber Co., shop supplies, 67.62; City of Bloomfield, water, 25.00; C-Mart, gas, 242.52; Collector of Internal Revenue, Social Security County pays, 5,777.36; Cornhusker International Trucks Inc., repairs, 7,922.65; County of Knox Employee Benefit Acct. % Health Care Solutions Group, Inc., insurance County pays, 11,375.00; Creighton 59 LLC, gas, 326.16; Dustin Crosley, mileage, 287.28; Farmer's Pride, diesel, 3,503.35; Great Plains Communications, phone, 544.63; Grossenburg Implement, Inc., filters/fluids/repairs/equipment rental, 2,698.71; Hefner Hardware, shop supplies, 59.06; Herbert Feed & Grain Co., diesel, 3,584.89; Hrbek Construction, equipment rental/asphalt/haul, 11,990.00; Jebro Inc., mc3000/mc250, 103,270.07; Jedlicka's Hardware Hank, shop supplies, 23.96; Kayton International, repairs, 555.90; Larry Pilar, prior service, 21.00; Lincoln National Life Insurance Company, insurance County pays, 119.20; Nebraska Public Power District, electricity, 42.93; North Central Public Power District, electricity, 306.51; Pease General Store, shop supplies, 40.75; Powerplan, repairs, 977.70; Principal Life Insurance Company, insurance County pays, 818.90; Retirement Plans Division of Ameritas, retirement County pays, 4,944.28; Riverside Hydraulics Inc., repairs, 178.87; Roger's Auto Repair, oxygen/acetylene, 157.00; Spencer quarries Inc., red rock, 2,144.52; Sucha Repair, repairs/shop supplies, 239.16; U.S. Cellular, phone, 634.56; Vakoc Excavating LLC, sand, 1,500.00; Verdigre Farm Service, diesel/shop supplies/fluid, 3,047.02; Village of Center, water/sewer, 38.00; Village of Niobrara, water/sewer, 38.44; Village of Verdigre, water/sewer/garbage, 85.04; West Hodson Lumber & Concrete Co., shop supplies/mailbox post, 29.43.

**FLOWAGE EASEMENT ROAD FUND.** Dixon Construction Co., bridge contract, 266,482.79.

**CHILD SUPPORT FUND.** Great Plains Communications, phone/internet, 51.12; Hometown Leasing, copier lease, 156.69; Microfilm Imaging Systems Inc., scanner rent, 81.00.

**VISITOR'S PROMO FUND.** Salaries, 1,423.17.

**ROD PRESERVATION & MODERNIZATION FUND.** Microfilm Imaging Systems Inc., scanner rent, 55.00; MIPS, microfilming/computer programming, 268.88.

**COVID AMERICAN RESCUE PLAN ACT FUND.** Salaries, 3,520.00.

**C & C DEVELOPMENT FUND.** Salaries, 3,458.33; Collector of Internal Revenue, Social Security County pays, 256.51; County of Knox Employee Benefit Account %HealthCare Solutions Group, Inc., insurance County pays, 875.00; Craig Schroeder, leadership speaker, 804.76; Great Plains Communications, phone/internet, 51.12; The Lincoln National Life Insurance Company, insurance County pays, 5.96; NENEDD, registration, 15.00; Principal Life Insurance Company, insurance County pays, 43.10; Retirement Plans Division of Ameritas, retirement County pays, 233.44; Stacy Miller, gas, 14.52; U.S. Cellular, cell phone, 155.88.

**INHERITANCE FUND.** Fitzgerald, Vetter, Temple, Bartell & Henderson, court appointed attorney, 1,562.88; Rodney W. Smith, public defender contract, 2,083.33.

**911 EMERGENCY FUND.** CenturyLink, phone, 6.03; Great Plains Communications, phone/internet, 109.53.

**911 WIRELESS SERVICE FUND.** Salaries, 2,771.48; Great Plains Communications, phone/internet, 563.03.

**TOTALS**

General Fund	269,045.97
Road Fund	246,640.88
Flowage Easement Road Fund	266,482.79
Child Support Fund	288.81
Visitor's Promo Fund	1,423.17
ROD Preservation & Modernization Fund	323.88
Covid American Rescue Plan Act Fund	3,520.00
C & C Development Fund	5,913.62
Inheritance Fund	3,646.21
911 Emergency Fund	115.56
911 Wireless Service Fund	<u>3,334.51</u>
Total	\$800,735.40

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 12:05 p.m. on August 12, 2021 until Tuesday, August 17, 2021 for a special budget meeting and until Thursday, August 26, 2021 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

By \_\_\_\_\_  
Kevin D. Mackeprang, Chairman

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

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