

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska
April 14, 2022
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 April 14, 2022 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.

County Clerk Fischer 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 Creighton News 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 March 31, 2022 meeting were read. Chairman Mackeprang approved the March 31, 2022 meeting minutes as read.

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 \$451,368.68 are listed at the end of these proceedings.

Motion by Supr. Miller, seconded by Supr. Liska to place on file the Clerk of District Court March Fee Report. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Schlote to place on file the Keybank N.A. Standby Letter of Credit Services #S322191 for the Elkhorn Ridge Wind LLC project. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Sokol, Jr., seconded by Supr. Miller to place on file the County Sheriff's Quarterly Report of Fees Collected from January 1 through March 31, 2022. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Schlote, seconded by Supr. Borgmann to place on file the Receipts Revenue List from March 31 through April 13, 2022. By roll call vote. Ayes all Districts. Nays none. Motion carried.

There was no public comment on agenda items.

Public comment on non-agenda items was given by Chairman Mackeprang with concerns of avian flu in the State and precautions the Michael's Foods plant is taking.

Chairman Mackeprang moves the Board recess for Board of Equalization at 10:02 a.m.

The Knox County Board of Supervisors reconvened at 10:22 a.m. with all members present.

Hwy. Supt. Barta met with the Board on the following: 1. Motion by Supr. Sokol, Jr., seconded by Supr. Miller to accept the report brought by Knox County Highway Superintendent Barta for the vacation and abandonment of approximately the North 1,550 feet of 521 Avenue between the E1/2NW1/4 and the W1/2NW1/4 from the North Quarter Corner and the driveway of current owner Terry and Geri Swett in Section 11, T31N, R7W of the 6th P.M., Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Absent was none. Motion carried.

Supr. Sokol, Jr. made a motion, seconded by Supr. Miller that the following Road Resolution be published in the Verdigre Eagle newspaper on April 21 and 28 and May 5, 2022. Also, a copy of said Resolution be sent by certified mail to current adjoining landowners namely Terry and Geri Swett, Chauncey Wilkens; JATY LLC, and Steve and Deann Grovjohn.

The date of hearing on this matter being set for Thursday, May 12, 2022 at 10:30 A.M. By roll call vote. Ayes all Districts. Nays none. Absent was none. Motion carried.

RESOLUTION #2022 - 08

WHEREAS, pursuant to the provisions of Section 39-1722, Nebraska Revised Statutes (Re-issue of 2004) the County Board of Supervisors of Knox County, Nebraska, on the 10th day of March, 2022 directed the County Highway Superintendent to make a study of the use of a portion of a platted Bohemia Township road described as follows: Approximately the North 1,550 feet of 521 Avenue between the E1/2NW1/4 and the W1/2NW1/4 from the North Quarter Corner and the driveway of current owner Terry and Geri Swett in Section 11, T31N, R7W of the 6th P.M., Knox County, Nebraska

WHEREAS, the Highway Superintendent must conduct a study of vacating and abandoning the above-mentioned portion of 521 Avenue in Bohemia Township, Knox County, Nebraska, and

WHEREAS, on April 14, 2022, County Highway Superintendent did file his report in writing as to such road, containing a recommendation that said portion of 521 Avenue in Bohemia Township be vacated and abandoned, and

BE IT, THEREFORE RESOLVED, by the County Board of Supervisors of Knox County that a public hearing be had as provided in Section 39-1724, Nebraska Revised Statutes (Re-issue of 2004), in the Supervisors' Meeting Room in the Courthouse at Center, Nebraska on the 12th day of May 2022 at the hour of 10:30 A.M. for the

purpose of determining if the approximately North 1,550 feet of 521 Avenue between the E1/2NW1/4 and the W1/2NW1/4 from the North Quarter Corner and the driveway of current owner Terry and Geri Swett in Section 11, T31N, R7W of the 6th P.M., Knox County, Nebraska be vacated and abandoned.

Passed, approved and adopted this 14th day of April 2022.

ATTEST: (Seal)

COUNTY BOARD OF SUPERVISORS
OF KNOX COUNTY, NEBRASKA

Joann M. Fischer /s/
Knox County Clerk

By: Kevin D. Mackeprang /s/
Chairman

Hwy. Supt. Barta continued with the following: 2. Discussion was held on the ER-54(25) project reimbursement (CJ Slide repairs). The Board reviewed a draft of a letter from County Attorney Thomas to Jodi Gibson, NDOT Local Assistance Division of the Nebraska Dept. of Transportation regarding the ER-54 (25) project, past slide repairs and the percentage of 90% the State should reimburse Knox County as per 1964 and 1968 agreements. The ER-54(25) project is to be funded by Emergency Relief Federal dollars which is a different type of reimbursement funding. Motion by Supr. O'Connor, seconded by Supr. Liska to adopt **Resolution #2022 – 09** authorizing the Nebraska Department of Transportation to act on behalf of Knox County to administer Emergency Relief Federal funds to reimburse Knox County \$209,971.09 which is 80% of the costs for making repairs to Project #ER-54(25) Control #323789 DDIR Site C54-01 (CJ Slide) noting the County is not waiving its right to 90% payment of the costs of slide repairs as per 1964 and 1968 agreements by accepting 80%, reimbursement via NDOT, of Emergency Relief Federal dollars on the CJ slide and in fact, Knox County requests NDOT to reimburse Knox County the other 10% of \$26,246.39 as noted in a letter from County Attorney Thomas in behalf of Knox County to the Nebraska Department of Transportation. By roll call vote. Ayes all Districts. Nays none. Motion carried.

**Resolution
For Emergency Relief Program-Emergency/Permanent Repairs**

**Knox County
Resolution #2022 – 09
Project No. ER-54(25)
Control No. 32378
DDIR Site: C54-01**

Whereas: Certain transportation facilities have been designated as being eligible for Federal assistance from the Department of Transportation through the Emergency Relief Program (ER) of the Federal Highway Administration (FHWA); and

Whereas: Major highways and bridges in Nebraska that are part of the Federal-Aid highway system suffered widespread serious damage as a result of flooding beginning on March 12, 2019 (Disaster # NE19) and were in need of emergency or temporary repair, or restoration; and

Whereas: The Nebraska Department of Transportation, as a recipient of the previously described Federal assistance, is charged with oversight of the expenditures of said funds; and

Whereas: The County has completed all repair work on an eligible Federal-Aid route to restore essential traffic.

Whereas: The project has met all contract provisions as required by 23 CFR Part 633A; met the Davis-Bacon wage requirements; and abided by the Disadvantaged Business Enterprises (DBE) requirements, American with Disability Act (ADA) requirements, "Buy America" Provisions, FHWA 1273 and prohibitions against the use of convict labor (23 U.S.C. 114); and

Whereas: The State has completed the required NEPA document, along with resource agency concurrences, and no new right of way (ROW) was needed for completing permanent repairs; and

Whereas: The total permanent repairs reimbursement is \$209,971.09 and no further costs relating to this project will be incurred or submitted to the State.

Be It Resolved: That the Nebraska Department of Transportation is hereby requested to act on behalf of Knox County to administer Federal funds.

Be It Further Resolved: That the Chairman of the County Board is authorized to sign this Resolution on behalf of said Board.

Adopted this 14th day of April, 2022, at Center, NE

By Board of Supervisors of Knox County, Nebraska.

Kevin D. Mackeprang /s/
Chairman

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

Board Member Supr. O'Connor, seconded by Supr.

Moved the adoption of said Resolution
Roll Call: 7 Yes 0 Nay
Resolution adopted, signed and billed as adopted

Hwy. Supt. Barta continued with the following: 3. At 10:33 a.m., the advertised asphalt bid opening was held. Knox County reserves the right to reject any and all bids and further reserves the right to accept any bid that best serves the County's needs. One bid received was from **Jebro Inc., Sioux City IA** – MC70 price per gallon - \$4.56; MC250 per gallon - \$4.17; MC3000 price per gallon - \$3.93; CRS-2 price per gallon (estimated gallons 7,500+) delivered to Creighton - \$3.50; Demurrage charge \$160 per hour after one and a half hours, \$100 cancellation fee; \$100 pumping fee each time County requests a pump during placement of orders; returned loads subject to \$400 return fee. Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to accept the oil bid from **Jebro Inc., Sioux City IA** as submitted. By roll call vote. Ayes all Districts. Nays none. Motion carried; 4. Walton Bridge FEMA project update; 5. April 25, 2022 will be the Plan-In-Hand Center West Federal Aid Program meeting; 6. Santee-Lindy Road Paving Project update. The Santee Sioux Tribe is applying for a RAISE grant which is part of the Infrastructure Bill. Supr. Liska and Hwy. Supt. Barta signed letters of support of the application; 7. An old generator and other shed items were sold at the Hartington Consignment Sale recently; 8. Discussed renting a John Deere tractor to pull the pulverizer; 9. Concrete is being placed on two entry ways of the Cedar Ridge Campground onto the Rec Road and repairing some of the oil mat that was broken up turning into the subdivision; 10. Cleaning ditches was being done and the materials were hauled to build up turnoffs along a County oil road near Crofton; 11. Mobile business radios were being placed in the County trucks.

Librarians from Wausa, Niobrara, Verdigre, Bloomfield and Creighton met with the Board with annual reports of activities and what the County funds were used for at each of the six libraries in Knox County. The Board expressed their gratitude for the work the librarians have done for their communities and the County. Motion by Supr. Sokol, Jr., seconded by Supr. Schlote to approve a cost-sharing of \$4,750 to each of the six Knox County libraries with the funds to be paid from the Inheritance Fund. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Schlote, seconded by Supr. Sokol, Jr. to approve Administrative Plat Application P0188 Brian Zimmerer for a five-acre lot split in the NW1/4NE1/4 of Section 22, T29N, R4W of the 6th P.M., Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried.

County Attorney Thomas updated the Board on the history of the Rec Road, the CJ Slide, and the number of State recreational park areas along the Rec Road. The Lewis and Clark Lake area is the eleventh most visited area in Nebraska. Discussed was conveying this information to the Nebraska Game and Parks and the County should do traffic counts during the summer of the entry ways into the State Park areas along the Rec Road.

Mike Crosley with the Santee Sioux Tribe met with the Board regarding a portion of 893 Road. Also present were Hill Township Board members Randy Hanson and Gary Eckmann, County Attorney Thomas, and Hwy. Supt. Barta. Discussion was held on reopening a one-mile portion of 893 RD (Platted Road # 719) between Sections 2, 3, 10 and 11, T32N, R4W, landowner compensation, cost of a bridge or culvert on Hobo Creek, and regrading. Motion by Supr. O'Connor, seconded by Supr. Liska to adopt **Resolution #2022 - 10** directing Hwy. Supt. Barta to conduct a study for the re-opening of a one-mile portion of 893 Road (platted #719 Road) between Sections 2, 3, 10 and 11 in T32N, R4W. By roll call vote. Ayes all Districts. Nays none. Motion carried.

RESOLUTION #2022 - 10

WHEREAS the Hill Township Board requested the vacation and abandonment of portions of 893 Road (Platted Road #719) being the one-mile portion between Sections 3 and 10 in 1990 and the one-half mile portion between the SW1/4 of Section 2 and the NW1/4 of Section 11 in 2011, and

WHEREAS the one-mile portion of 893 Road (Platted Road #719) was finalized and vacated/abandoned on December 27, 1990 by the Knox County Board of Supervisors, and

WHEREAS the one-half mile portion of 893 Road (Platted Road #719) was finalized and vacated/abandoned on March 8, 2012 by the Knox County Board of Supervisors, and

WHEREAS the vacated/abandoned portions of road were allocated one-half to each adjoining landowner at the time of finalization, and

WHEREAS the Santee Sioux Nation requests that portions of 893 Road (Platted Road #719) being the one-half mile portion between the SW1/4 of Section 2 and the NW1/4 of Section 11 as well as the one-half mile portion between the SE1/4 of Section 3 and the NE1/4 of Section 10, all in T32N, R4W of the 6th P.M., Knox County, Nebraska be re-opened to the public, and

BE IT THEREFORE RESOLVED, the Knox County Board of Supervisors directs Highway Superintendent Kevin R. Barta to conduct a study for the re-opening of 893 Road (Platted Road #719) being the one-half mile portion between the SW1/4 of Section 2 and the NW1/4 of Section 11 as well as the one-half mile portion between the SE1/4 of Section 3 and the NE1/4 of Section 10, all in T32N, R4W of the 6th P.M., Knox County, Nebraska.

Dated this 14th day of April 2022.

KNOX COUNTY BOARD OF SUPERVISORS

Kevin D. Mackeprang /s/ _____

Martin J. O'Connor /s/ _____

Patrick J. Liska /s/ _____

Kevin D. Mackeprang, District #5, Chairman

Martin J. O'Connor, District #1

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

James J. Borgmann /s/

James J. Borgmann, District #7

ATTEST: (Seal)

Joann M. Fischer /s/

Knox County Clerk

Officials' updates were: 1. Economic Development Director Hanvey updated the Board on LB1023 that passed by the Legislature recently; 2. County Treasurer Ebel informed the Board that her part-time employee will be going full-time effective May 1, 2022.

Motion by Supr. O'Connor, seconded by Supr. Borgmann to go into executive session at 11:44 a.m. for job evaluation of a Road employee. By roll call vote. Ayes all Districts. Nays none. Motion carried. Chairman Mackeprang reiterated the executive session will be held on job evaluation of a Road employee. The Board came out of executive session at 12:05 p.m.

Motion by Supr. Borgmann, seconded by Supr. Miller to close at 12:05 p.m. the executive session held on job evaluation of a Road employee. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Miller, seconded by Supr. Sokol, Jr. to go into executive session at 12:06 p.m. so as to protect the reputation of an individual when discussing personnel. By roll call vote. Ayes all Districts. Nays none. 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 of executive session at 12:45 p.m.

Motion by Supr. Miller, seconded by Supr. Sokol, Jr. to close at 12:45 p.m. the executive session held on personnel. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Officials' updates continued with the following: 3. SLFRF Administrator Nix updated the Board on the ARPA funds and expenses; 4. County Clerk Fischer updated the Board on the upcoming Primary Election and presented information of voting history from past elections.

GENERAL FUND. Salaries, 189,594.17; Applied Connective Technologies, IT contracts, 2,688.60; Bloomfield Auto Parts, weed supplies, 36.14; Bob Barker Company Inc., supplies, 337.53; Classic Carpet Care, mop/towel rent, 48.00; Collector of Internal Revenue, Social Security County pays, 14,397.19; County of Knox Employee Benefit Account HealthCare Solutions Group Inc., insurance County pays, 30,545.00; Crofton Journal/Niobrara Tribune, publishing, 891.95; DAS State Accounting-Central Finance, backup, 243.76; Dollar General, jail supplies, 116.00; Eakes Office Solutions, copier agreement/paper, 733.37; EcoWater Systems, bottled water, 598.00; Election Systems & Software, election programming, 6,000.83; Fire Protection Services LLC, fire alarm inspection, 640.00; Gragert's, jail food, 2,087.44; Great Plains Communications, phone/internet, 1,356.94; Heartland Counseling Services, training, 101.21; Heartland Heating & Air Conditioning Inc., quarterly billing, 1,428.00; Holly Wortmann, meeting expense, 38.61; Hometown Leasing, copier lease, 76.18; Jedlicka's Hardware Hank, paint, 188.95; Jones Automotive, parts, 3.16; Julie Dather, meeting expense, 21.06; Kari Nilson, meeting expense, 12.87; Knox County Register of Deeds, recording, 16.00; Kristine Kumm, mileage, 9.36; The Lincoln National Life Ins. Co., insurance County pays, 275.94; Liz Doerr, mileage/postage, 72.33; Madison County Sheriff, paper fees/house inmate, 56.00; Megan Hanefeldt, mileage/supplies/parking, 229.45; Microfilm Imaging Systems, scanner rent, 40.50; MIPS, computer program, 514.38; Moody Motor Company, repairs, 220.50; N&B Gas Company, propane, 643.50; NACO, registration, 75.00; NACT, registration, 125.00; North Central Public Power District, electricity, 2,036.45; Northeast Nebraska News Co., publishing, 145.45; O'Neill shopper, publishing, 49.00; Omaha World Herald, subscription, 364.00; Pitney Bowes, postage meter lease, 159.57; Principal Life Insurance Co., insurance County pays, 2,106.54; Quill Corporation, supplies, 154.68; R&K Motor Parts, oil/filter, 183.62; Rebekah Jessen, meeting expense, 15.21; Retirement Plans Division of Ameritas, retirement County pays, 12,758.16; Schumacher Elevator Co., annual contract, 2,612.83; Sharla Hanzlik, meeting expense, 25.74; Telebeep, pagers, 64.17; Thomson Reuters West, law books, 568.00; Tim Albrecht, replace door knob an lock, 75.00; University of Nebraska, computer bundle, 1,946.43; US Cellular, cell phones, 365.78; Village of Center, water/sewer/garbage, 375.00.

ROAD FUND. Salaries, 71,127.61; Backus Sand & Gravel, gravel, 7,396.96; Bauer Built Inc., tires, 8,064.04; Big Red Mini Mart, gas, 171.74; Black Hills Energy, heating fuel, 94.95; Bloomfield Auto Parts, fluid/filters/shop supplies, 240.72; Bohemian One Stop, gas, 1,223.72; Carhart Lumber Co., shop supplies, 25.99; Cedar-Knox Public Power District, electricity, 225.68; City of Bloomfield, water, 25.00; C-Mart, gas, 171.95; Collector of Internal Revenue, Social Security County pays, 5,350.59; Cornhusker International Trucks Inc., repairs, 2,446.22; County of Knox Employee Benefit Acct. c/o Healthcare Solutions Group Inc., insurance County pays, 12,810.00; Dan Vakoc, rental, 500.00; Dollar General, shop supplies, 9.95; Downtown Auto Service, battery, 149.28; Farmer's Pride, propane/diesel, 6,688.37; Great Plains Communications, phone, 537.41; Grossenburg Implement Inc., oil filter, 54.98; Herbert Feed & Grain Co., diesel/grass seed, 1,952.90; Jedlicka's Hardware Hank, shop supplies, 206.18; Kathleen Fritz, reimburse title fees, 20.00; Kayton International, shop supplies/repairs/acetylene, 333.61; Kimball Midwest, repairs, 213.51; Larry Pilar, prior service, 21.00; Lincoln National Life Ins. Co., insurance County pays, 107.28; Marlene Moeller, rental, 500.00; Missouri Valley Shopper, publishing, 196.48; N&B Gas Co., propane, 908.25; Nebraska Public Power District, electricity, 83.46; North Central Public Power District, electricity, 383.37; Northeast Nebraska News Company, publishing, 23.83; Orrin Pospisil, rental,

500.00; K&S Door Co. Inc., dba Overhead Door Co. of Norfolk, door, 1,183.20; Pitzer Digital LLC, publishing, 7.66; Powerplan, repairs, 546.93; Principal Life Insurance Co., insurance County pays, 761.94; R&K Motor Parts, repairs/oil/filters/shop tools, 2,818.82; RDO Truck Centers, repairs, 3,460.00; Retirement Plans Div. of Ameritas, retirement County pays, 4,662.75; Schreier Lumber, building repair, 773.03; State of Nebraska Motor Fuel Division, diesel tax, 571.00; Verdigre Farm Service, diesel/gas/fluids/repairs, 5,012.90; Vic's Service LLC, gas, 257.87; Village of Center, water/sewer, 38.00; Village of Niobrara, water/sewer, 39.25; Village of Verdigre, water/sewer/garbage, 85.04; West Hodson Lumber & Concrete Co., shop supplies, 2.25.

HIGHWAY BRIDGE BUYBACK FUND. JEO Consulting Group Inc., engineer fees, 3,000.00.

CHILD SUPPORT FUND. Great Plains Communications, phone/internet, 51.35; Hometown Leasing, copier lease, 156.69; Microfilm Imaging Systems Inc., scanner rent, 81.00.

ROD PRESERVATION/MODERNIZATION FUND. MIPS, computer program, 435.66.

COVID AMERICAN RESCUE PLAN ACT FUND. Salaries, 3,110.63.

C&C DEVELOPMENT FUND. Salaries, 4,600.22; Collector of Internal Revenue, Social Security County pays, 343.87; Great Plains Communications, phone/internet, 51.35; Lincoln National Life Insurance Co., insurance County pays, 5.96; Principal Life Insurance Co., insurance County pays, 44.82; Retirement Plans Div. of Ameritas, retirement County pays, 286.56; Stacy Miller, reimburse meals, 61.18.

INHERITANCE FUND. Carhart Lumber Co., carpet tiles, 11,621.38; Doerr & Klein P.C. court appointed attorney, 3,341.17; Rodney W. Smith, public defender contract, 2,083.33.

911 EMERGENCY FUND. Great Plains Communications, phone/internet, 105.08.

911 WIRELESS SERVICE FUND. Great Plains Communications, phone/internet, 534.21.

TOTALS

General Fund	278,468.55
Road Fund	142,985.67
Highway Bridge Buyback Fund	3,000.00
Child Support Fund	289.04
ROD Pres./Mod. Fund	435.66
Covid American Rescue Plan Act	3,110.63
C&C Development Fund	5,393.96
Inheritance Fund	17,045.88
911 Emergency Fund	105.08
911 Wireless Service Fund	534.21
Total	<u>\$451,368.68</u>

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 1:03 p.m. on April 14, 2022 until Thursday, April 28, 2022 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
