

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska  
July 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 July 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.

Supr. 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 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 June 30, 2022 meeting were read. Chairman Mackeprang approved the June 30, 2022 minutes as read.

Motion by Supr. O'Connor, seconded by Supr. Schlote that all claims except Claim #22070099 payable to Niobrara State Park, 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 \$824,432.00 are listed at the end of these proceedings.

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

The Knox County Board of Supervisors reconvened at 10:20 a.m. with all members present

Hwy. Supt. Barta met with the Board on the following: 1. Walton Bridge update. Change Order #2 in the amount of \$27,051.94 was presented by Herbst Construction for unforeseen additional removal of obstructions from the Bent #2 location. Also presented was a request for an additional \$15,956.20 for the installation of an additional thirteen pipes above and beyond the five pipes shown in the project plans as Herbst Construction said the initial design of the Access Crossing was not sufficient for the creek width and flow of Verdigris Creek. Ramsey Robertson with Mainelli Wagner and Associates was present to give information on the two items. Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to approve Change Order #2 to Herbst Construction in the amount of \$27,051.94 for extra work performed to remove unforeseen obstructions from the Bent #2 location on the Walton Bridge project and to further deny the additional cost of \$15,956.20 for thirteen additional pipes as requested by Herbst Construction. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. At 10:36 a.m., Chairman Mackeprang opened the advertised public hearing for the vacation and abandonment of a 1.1-mile portion of 547 Avenue in Frankfort Township. Discussion was held on the proposed portion of road and bridge to be vacated/abandoned, a Private Road Agreement and Perpetual and Reciprocal Easement for Access was signed by Mark N. Keck and Judy K. Keck, Lois J. Keck, Barry Mischke, and David N. Kramer and Marilyn K. Kramer for the portion of road and the bridge, unauthorized parties that take place on this part of the road, and the number of people going into that area with four-wheelers. Steve Wieseler, Delbert Jansen, and Melvin Jansen said they decline an easement as they have other ways to access their properties in that area. Chairman Mackeprang closed the Public Hearing at 10:53 A.M. for vacation and abandonment of the following 1.1-mile portion of 547 Avenue (Platted Road #835 and Platted Road #257) located in Frankfort Township, Knox County, Nebraska described as follows: A 1.1-mile portion of 547 Avenue (Platted Road #835 and Platted Road #257) between the SE1/4SE1/4 of Section 19, the NE1/4NE1/4 of Section 30, the NW1/4 of Section 29 and across the SW1/4 of Section 20, all in Township 33 North, Range 2 West of the 6<sup>th</sup> P.M., Knox County, Nebraska. Also present were Frankfort Twp. Clerk Mark Keck, David Kramer, Barry Mischke, Melvin Jansen, Delbert Jansen, Steve Wieseler, County Attorney Thomas, and Terry Heimes. It was then moved by Supr. O'Connor, seconded by Supr. Schlote that the publisher's affidavit of publishing notice herein, be filed with these minutes and as part of this record. By roll call vote. Ayes all Districts. Nays none. Motion carried.

It was moved by Supr. O'Connor, seconded by Supr. Schlote to adopt **Resolution #2022 - 19** to vacate and abandon a portion of 547 Avenue (Platted Road #835 and Platted Road #257) in Frankfort Township, Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried.

**RESOLUTION #2022 – 19**

**WHEREAS**, upon the public hearing duly held, after proper notice given, it appears that it would be in the public interest to require the vacation and abandonment of the following portion of 547 Avenue (Platted Road #835 and Platted Road #257) located in Frankfort Township, Knox County, Nebraska described as follows:

A 1.1-mile portion of 547 Avenue (Platted Road #835 and Platted Road #257) between the SE1/4SE1/4 of Section 19, the NE1/4NE1/4 of Section 30, the NW1/4 of Section 29 and across the SW1/4 of Section 20, all in Township 33 North, Range 2 West of the 6<sup>th</sup> P.M., Knox County, Nebraska, and

**WHEREAS**, Highway Superintendent Barta filed a study for the vacation and abandonment of the above-described portion of 547 Avenue on June 9, 2022 and such study shows a requirement of a perpetual easement that must be signed by the current landowners along this section of road so landowners will be allowed to have access to property along the road, and

**WHEREAS** a Private Road Agreement And Perpetual And Reciprocal Easement For Access was drafted and signed by Mark N. Keck and Judy K. Keck, husband and wife; Lois J. Keck, a single person; David N. Kramer and Marilyn K. Kramer, husband and wife; and Barry Mischke, a single person and is attached to this Resolution, and

**BE IT, FURTHER, RESOLVED**, that the County Clerk mail a copy of this Resolution to each member of the Township Board of Frankfort Township in Knox County, by certified mail, filing her receipts therefore as part of this record.

Passed and approved this 14<sup>th</sup> day of July 2022.

ATTEST: (Seal)

Joann M. Fischer /s/  
Knox County Clerk

COUNTY BOARD OF SUPERVISORS  
OF KNOX COUNTY, NEBRASKA

By: Kevin D. Mackeprang /s/  
Chairman

Terry Heimes met with the Board regarding Road #732 in Frankfort Township. Mr. Heimes purchased property adjoining this road which has not been regularly maintained and he asked if the road was still open to which Hwy. Supt. Barta said it was. Discussion was held on the following: establishment of the fence line, fencing on the boundary line, Mr. Heimes had a survey made of the road area, Jansens' had put a new fence on north side, fence on south side has posts and wire, a gate and lock is presently on the road area and needs to be removed as it is still an open road, Frankfort Twp. Clerk Keck said the Township Board thought the road was abandoned, questioned if there is an abandonment clause if the road is not maintained, County Attorney Thomas said more is being learned as to where the fence should be if the road deviates from the section line and is vacated/abandoned as well as there had been a case determined many years ago that the landowners own on a straight line regardless of the curve in the road and that the road doesn't change the owner on north and south sides, County Attorney Thomas said it is not the business of the Board of Supervisors to say where the fence will be but is a situation for the Township Board and the adjoining landowners, the road could be vacated/abandoned and Mr. Heimes said he would give the Jansens an easement, and Mr. Heimes said he will fence on his south border and his north border.

Cedar County Transit manager Nikki Pinkelman and Bill Bivin and Katie Olsen with the Nebraska Dept. of Transportation presented an update on the Cedar/Knox County transit grant that will expire in January 2023. Discussion was held on public comment, number of Knox County residents using the service, future plans, and what to do once the grant ends. Mrs. Pinkelman will present proposed costs to the Board at a future meeting.

Economic Development Director Harvey met with the Board on the following: 1. Niobrara State Park submitted a Visitor's Improvement application requesting funds to build, staff and promote a professional disc golf course. The Visitor's Committee recommended approving the application in the amount of \$10,000. Motion by Supr. Sokol, Jr., seconded by Supr. Liska to approve a Visitor's Improvement grant application in the amount of \$10,000 for buildings, staffing and promoting a professional disc golf course. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. The previous Visitor's Improvement application from the Village of Niobrara will be amended as it is not feasible to construct a public bathroom at the area boat dock until it is determined where the new boat dock will actually be built so they would like to use the grant funds towards playground equipment.

Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann, that Claim #22070099 payable to Niobrara State Park in the amount of \$10,000, 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.

Supervisor O'Connor left at 11:50 a.m.

Motion by Supr. Sokol, Jr., seconded by Supr. Schlote to go into executive session at 11:51 a.m. so as to protect the reputation of an individual when discussion personnel. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried. Chairman Mackeprang reiterated that the executive session will be held so as to protect the reputation of an individual. The Board came out of executive session at 12:06 p.m.

Motion by Supr. Borgmann, seconded by Supr. Miller to close at 12:06 p.m. the executive session held on personnel. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to set the wage for full-time Visit Knox County Director Stacy Miller at \$16.50 per hour as recommended by the Visitor's Committee and the next wage review for increase to be held in June 2023 and further the insurance benefits for Mrs. Miller will be paid from the General Fund. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Chairman Mackeprang moves the Board recess at 12:12 p.m. for lunch.

The Knox County Board of Supervisors reconvened at 12:46 p.m. with all members present except Supr. O'Connor, District #1.

Hwy. Supt. Barta continued with the following: 3. The rental crane is here and added to the risk management insurance. Parts for the County's crane have not arrived; 4. Oil Crew update; 5. The bid opening for the Weigand Bridge and Shoofly will be held at the July 28, 2022 meeting; 6. For safety measures, Mechanic Crosley requested purchasing a Lawson D.O.T. Parker hydraulic hose fitting kit in the amount of \$1,582.90 and a Dump Brace in the amount of \$999. The Board agreed the purchases were necessary for safety reasons.

Chairman Mackeprang moves the Board recess at 1:00 p.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 2:00 p.m. with all members present except Supr. O'Connor District #1.

Discussion was held on starting wages. Motion by Supr. Sokol, Jr., seconded by Supr. Liska to set the starting wage for Category 1 employees except appointed officials at \$16.00 per hour and the starting wage for Category 2 and Category 3 employees will be based on experience. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Zoning Administrator Doerr met with the Board on the following: 1. Motion by Supr. Liska, seconded by Supr. Sokol, Jr. to approve Administrative Plat Application #P0191 Laurie Stout for a five-acre tract spit in the SW1/4SW1/4 of Section 19, T32N, R3W of the 6<sup>th</sup> P.M., Knox County, Nebraska. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried; 2. Motion by Supr. Borgmann, seconded by Supr. Miller to place on file the June Permits Report. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried; 3. Update on the recent Planning Commission meeting.

Chairman Mackeprang moves the Board recess at 2:36 p.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 3:30 p.m. with all members present except Supr. O'Connor District #1.

There was no public comment on agenda items.

Public comment on non-agenda items was given by Emergency Manager Hintz who said that the Santee Sioux Tribe will mow the grass around the Lindy Tower.

Motion by Supr. Miller, seconded by Supr. Schlote to place on file the Receipts Revenue List for June 30 through July 13, 2022. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

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

Motion by Supr. Schlote, seconded by Supr. Liska to adopt **Resolution #2022 – 20** for the transfer of funds through the claims process from the General Fund to the Road Fund in the amount of \$117,281.31 in July and in August to cover incurred expenses in the Road Fund until the 2022/2023 budget is set. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

### **RESOLUTION #2022 – 20**

WHEREAS, due to Section 39-1904 of the Nebraska Revised Statutes, the 2022-2023 County Road budget does not include a property tax dollar request, and

WHEREAS, the 2022-2023 Knox County budget will not be adopted until September 2022, and

WHEREAS, transfers are needed from the Knox County General Fund to the Knox County Road Fund until the 2022-2023 budget is adopted to cover incurred expenses for July and August, and

NOW, THEREFORE BE IT RESOLVED by the Knox County Board of Supervisors that the Knox County Clerk is hereby directed to transfer through the claims process \$117,281.31 in July 2022 and \$117,281.31 in August 2022 from the Knox County General Fund to the Knox County Road Fund to cover the incurred expenses for July and August, and

THEREFORE, BE IT FURTHER RESOLVED that the total transfer from the Knox County General Fund to the Knox County Road Fund that will be adopted in the 2022/2023 Knox County Budget will be reduced by the \$234,562.62 and the remaining balance of the 2022/2023 total transfer to be prorated accordingly from September 2022 through June 2023.

Dated this 14<sup>th</sup> day of July 2022.

### KNOX COUNTY BOARD OF SUPERVISORS

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

Absent  
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

Motion by Supr. Liska, seconded by Supr. Miller to place on file the Knox County Treasurer's Semi-Annual Report of Collections, Disbursements and Balances for Six Months Ending June 30, 2022 and further that there were no unpaid claims against Knox County as of June 30, 2022. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Motion by Supr. Borgmann, seconded by Supr. Miller to place on file the Knox County Sheriff's Quarterly Report of Fees Collected between April 1 and June 30, 2022. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Motion by Supr. Sokol, Jr., seconded by Supr. Liska to appoint Mechanic Jeremy Crosley to the Knox County Employee Handbook Committee. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Motion by Supr. Miller, seconded by Supr. Schlote to add to the agenda by emergency action a Deed of Reconveyance for release of a portion of collateral for Knox County Reuse Loan #6872423. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Motion by Supr. Sokol, Jr., seconded by Supr. Miller to authorize Chairman Mackeprang to sign a Deed of Reconveyance for release of a portion of collateral for Knox County Reuse Loan #6872423. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays none. Absent was District #1. Motion carried.

Officials' update was given by County Clerk Fischer on the approved legislative bills that go into effect July 21, 2022. Chairman Mackeprang gave an update on the recent Planning Commission meeting he attended.

**GENERAL FUND.** Salaries, 183,313.11; Antelope County Sheriff Department, house inmates, 1,480.00; Applied Connective Technologies, programming/backup, 5,891.71; Art Kathol Appliance Inc., install faucet, 889.73; Bloomfield Dental Clinic, dental treatment for inmate, 1,002.00; Bloomfield Pharmacy, meds, 190.00; Bruce Hagge dba Hagge Glass, repair door closer, 50.00; C-Mart, weed gas, 115.70; Collector of Internal Revenue, Social Security County pays, 14,002.91; County of Knox Employee Benefit Account HealthCare Solutions Group Inc., insurance County pays, 29,280.00; Dollar General, jail supplies, 41.00; Eakes Office Solutions, copier agreement, 584.23; EcoWater Systems, bottled water, 682.50; Grafix Shoppe; graphics, 235.89; Gragert's, jail food, 933.77; Great Plains Communications, phone/internet, 1,404.38; Hefner Hardware, paint/tape, 35.98; Hometown Leasing, copier lease, 76.18; Kitchens by Kristen, sheriff desks, 3,525.00; Knox County Register of Deeds, record DOR, 10.00; Knox County Sheriff, service fees, 150.82; KV Electric, replace light and bulbs, 128.68; The Lincoln National Life Ins. Co., insurance County pays, 269.98; Liz Doerr, mileage, 21.65; Madison County Sheriff, house inmate, 50.00; Megan Hanefeldt, mileage, 78.40; Microfilm Imaging Systems, scanner rent, 40.50; MIPS, computer program, 683.65; NACO, registration, 270.00; Northeast Nebraska Area Agency on Aging, FY 2023 match, 6,556.00; Nebraska Public Health Environmental Lab, blood test, 105.00; North Central Public Power District, electricity, 2,266.95; Northeast Nebraska News Co., publishing, 252.66; Pitney Bowes, meter lease, 159.57; Pitzer Digital, publishing, 404.96; Principal Life Insurance Co., insurance County pays, 2,058.88; R&K Motor parts, oil/filter, 65.15; Retirement Plans Division of Ameritas, retirement County pays, 12,396.59; Roger Vech dba Vech Construction, install flooring; 3,040.00; Telebeep, pagers, 106.95; US Cellular, cell phones, 191.02; Verdigre Eagle, publishing, 176.90; Village of Center, water/sewer/garbage, 962.00.

**ROAD FUND.** Salaries, 71,640.21; B's Enterprises Inc., patch material/signs, 4,096.00; Backus Sand & Gravel, gravel, 1,037.92; Big Red Mini Mart, gas, 176.05; Black Hills Energy, heating fuel, 78.93; Carhart Lumber Co., shop supplies, 50.79; City of Bloomfield, water, 25.00; City of Creighton, water/sewer/garbage, 161.50; C-Mart, gas, 592.18; Collector of Internal Revenue, Social Security County pays, 5,389.78; Cornhusker International Trucks Inc., repairs, 2,228.19; Country Market, shop supplies, 27.45; County of Knox Employee Benefit Acct. c/o Healthcare Solutions Group Inc., insurance County pays, 12,810.00; Dollar General, shop supplies, 40.60; Farmer's Pride, diesel, 2,988.27; Freeman Oil Company LLC, diesel, 5,302.00; Great Plains Communications, phone, 534.29; Hefner Hardware, shop supplies, 179.63; Herbert Feed & Grain Co., diesel, 6,717.67; Hrbek Construction, equipment rental, 5,000.00; Jacob Dendinger, equipment rental, 523.68; Jebro Inc., asphaltic, 139,777.86; Kayton International, repairs/diesel/def/shop supplies, 969.79; Key Sanitation, garbage, 60.00; Larry Pilar, prior service, 21.00; Lincoln National Life Ins. Co., insurance county pays, 107.28; North Central Public Power District, electricity, 275.30; Powerplan, repairs, 459.73; Principal Life Insurance Co., insurance County pays, 761.94; R&K Motor Parts, repairs/shop tools, 860.76; RDO Truck Centers, repairs, 93.05; Retirement Plans Div. of Ameritas, retirement County pays, 4,697.34; Schreier Lumber Company, shop supplies, 4.90; State of Nebraska Motor Fuel Division, diesel tax, 1,671.00; Sucha Repair, shop supplies, 483.98; U.S. Cellular, cell phones, 412.25; Vakoc Excavating LLC, gravel/haul, 5,230.19; Village of Center, water/sewer, 34.00; Village of Niobrara, water/sewer, 38.63; Village of Verdigre, water/sewer/garbage, 77.39; Willow Creek Sand & Gravel, gravel/haul, 25,226.90.

**FLOWAGE EASEMENT ROAD FUND.** Herbst Construction Inc., bridge contract, 1,200.00; John Prouty Construction Inc., dirt contract, 158,253.66.

**CHILD SUPPORT FUND.** Great Plains Communications, phone/internet, 54.13; Hometown Leasing, copier lease, 160.38; Microfilm Imaging Systems Inc., scanner rent, 81.00.

**VISITOR'S IMPROVEMENT FUND.** Niobrara State Park, improvement grant funds, 10,000.00.

**ROD PRESERVATION/MODERNIZATION FUND.** MIPS, computer program, 274.06.

**COVID AMERICAN RESCUE PLAN ACT FUND.** Salaries, 3,487.50.

**C&C DEVELOPMENT FUND.** Salaries, 5,356.98; Collector of Internal Revenue, Social Security County pays, 401.76; Great Plains Communications, phone/internet, 54.13; Lincoln National Life Insurance Co., insurance County pays, 5.96; Nebraska Travel Association, dues, 300.00; Principal Life Insurance Co., insurance County pays, 44.82; Retirement Plans Div. of Ameritas, retirement County pays, 337.64; Stacy Miller, reimburse shirts, 59.98; US Cellular, cell phone, 161.62.

**INHERITANCE FUND.** B's Enterprises Inc., culverts/band, 58,367.76; Brogan Lamlli P.C., court appointed attorney, 299.56; Carhart Lumber Company, sheriff flooring, 3,299.39; Galyen Boettcher Baier P.C., court appointed attorney, 603.51; Jarecki Sharp & Petersen, court appointed attorney, 741.00; Joseph Smith, special court appointed attorney, 3,120.71; 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	\$ 274,180.40
Road Fund	300,863.43
Flowage Easement Road Fund	159,453.66
Child Support Fund	295.51
Visitor's Improvement Fund	10,000.00
ROD Pres./Mod. Fund	274.06
Covid American Rescue Plan Act Fund	3,487.50
C&C Development Fund	6,722.89
Inheritance Fund	68,515.26
911 Emergency Fund	105.08
911 Wireless Service Fund	<u>534.21</u>
Total	\$ 824,432.00

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 3:52 p.m. on July 14, 2022, until Thursday, July 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

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