

## PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska  
December 29, 2022  
9:00 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, December 29, 2022 at 9:00 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. Miller 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 Crofton Journal 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 8, 2022 meeting were read and approved by Chairman Mackeprang.

Correspondence reviewed was: 1. Letter from Hwy. Supt. Barta regarding the replacement project at Structure #C005404120P that crosses Bazile Creek on Bazile Street (881 Road) at Center.

Motion by Supr. O'Connor, seconded by Supr. Sokol, Jr., 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 \$604,816.35 are listed at the end of these proceedings.

Discussion was held on setting the 2023 holidays. The Board reviewed a survey of holidays recognized by other Nebraska Counties. Motion by Supr. Sokol, Jr. to observe the same holidays as was observed in 2022 with the exception of adding Juneteenth and not observing Arbor Day. The motion died for a lack of a second. Motion by Supr. Schlote, seconded by Supr. Liska to observe the same holidays as was done in 2022 which will be: 2023 New Year's holiday – January 2; Martin Luther King, Jr. Day – January 16; Presidents' Day – February 20; Memorial Day – May 29; Independence Day – July 4; Labor Day – September 4; Columbus Day/Indigenous People Day – October 9; Veterans' Day – November 10; Thanksgiving Holiday – November 23 and 24, and Christmas – December 25. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Chairman Mackeprang moves the Board recess at 9:37 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 9:46 a.m. with all members present.

Hwy. Supt. Barta met with the Board on the following: 1. NIRMA approved an ASSIST grant of \$5,463.75 to be reimbursed to Knox County for the purchase of roll-up signs, cones, and barricades as well as \$7,800.75 for the purchase of radios; 2. Discussion was held on snow removal and the complications in the areas where the roadsides had not been mowed as well as needing to do dirt work in areas with snow traps.

Sheriff Henery, Hwy. Supt. Barta and the Board discussed severe weather and policy when someone is stranded. Consensus of the Board was that if the road employees can't get through with equipment, then the County's law enforcement deputies should not be expected to travel.

Motion by Supr. Miller, seconded by Supr. Schlote to place on file the Receipts Revenue List of December 7 – 27, 2022. By roll call vote. Ayes all Districts. Nays none. Motion carried.

County Clerk Fischer informed the Board that long-time Deputy County Clerk Rhonda Surface is stepping back as deputy effective January 1, 2023 as she plans in the near future to take more time to spend with family. Mrs. Surface will now become the Senior Office Clerk in the County Clerk's Office and Krista Nix who is also the SLFRF Administrator has been appointed to assume the Deputy County Clerk position effective January 1, 2023. The Board commended Mrs. Surface on her dedication and service to Knox County.

Zoning Administrator Doerr met with the Board on the following: 1. The Board adopted Resolution #2017-36 on December 12, 2017 with conditions approving Conditional Use Permit #CU0031 for Jim Herzog dba H&H Cattle Co. to expand his feedlot from 7,500 animal units to 20,000 animal units in parts of Peoria and Dolphin Townships which approval was made by relying on the impact easements that had been previously recorded. A lawsuit was filed in the Knox County District Court regarding the improperly executed Impact Easement that was filed by Bernadette Tramp. The District Court Judge reversed and vacated the decision approving the permit. Epic Land and Cattle purchased the property in 2018 and the County and Epic Land and Cattle appealed the Court's decision. In 2020, the Nebraska Supreme Court held that the Impact Easement was not valid because the eight children of Mrs. Tramp had not signed it. On December 15, 2022, Arrow Diamond Holdings, LLC, became the owner of the Bernadette Tramp property and filed an Impact Easement to Epic Land and Cattle, LLC which owns and operates the feedlot. This corrected the problem with the original Impact Easement thereby making it possible to reinstate Conditional Use Permit #CU0031. Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to reinstate Conditional Use Permit #CU0031 allowing the expansion of the former H&H Cattle Co. feedlot from 7,500 animal units to 20,000 animal units along with the conditions as originally approved. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2. Motion by Supr. Borgmann, seconded by Supr. Schlote to reappoint Rob Ganz and Travis Barney to another three-year term on the Board of Adjustments. By roll

call vote. Ayes all Districts. Nays none. Motion carried; 3. The Planning Committee will meet on January 10 at which Consultant Keith Marvin will present information via Zoom.

Motion by Supr. Borgmann, seconded by Supr. Miller to approve the 2023 Printing Report where the legal papers will be the Niobrara Tribune and the Wausa Gazette, the Delinquent Tax List will be printed by the Bloomfield Monitor and the Verdigre Eagle, the Creighton News and Crofton Journal will print the County Treasurer's Semi-Annual Report, and notices for road work and bridge and improvements will be published in the newspaper nearest to the project or improvement. 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 Treasurer's Certificate of Pledged Securities. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Liska, seconded by Supr. Schlote to place on file the Resolutions by Board of Directors of Depository Banks and Securities. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Sokol, Jr. to adopt **Resolution #2022 – 49** approving the Knox County Local Emergency Operations Plan (LEOP). By roll call vote. Ayes all Districts. Nays none. Motion carried.

### **RESOLUTION #2022 - 49**

WHEREAS, the Board of Supervisors of Knox County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Knox County, Nebraska; and

WHEREAS, it has been determined that a Knox County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Knox County, and the cities and villages in Knox County, and

WHEREAS, the Board of Supervisors of Knox County, deems it advisable and in the best interest of Knox County to approve said Local Emergency Operations Plan, and

WHEREAS, the acceptance of this Local Emergency Operations Plan supersedes all previous approve Knox County Local Emergency Operations Plans, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Knox County, Nebraska, that the Knox County Local Emergency Operations Plan be, and hereby is, approved.

PASSED AND APPROVED THIS 29<sup>th</sup> DAY OF DECEMBER, 2022.

### 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

There were no candidates who filed for the Dowling Township Board and only one person filed for the Herrick Township Board in the 2022 General Election therefore the Board of Supervisors are statutory responsible for appointing township board members. Motion by Supr. Schlote, seconded by Supr. O'Connor to appoint Scott Hauger and Jody McFarland to the Dowling Township Board with terms that begin on January 5, 2023 and will end in January 2027 and these township board members will need to appoint a third person to their board. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Liska, seconded by Supr. Sokol, Jr. to appoint Roger Palu to the Herrick Township Board with the term that begins on January 5, 2023 and end in January 2027 and Mr. Palu and Joyce Woodbury who was elected to the Herrick Township Board will need to appoint a third person to their board. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Officials' update was given by the following: 1. County Clerk Fischer informed the Board that the Nebraska Department of Environment and Energy (DEE) awarded Knox County \$24,738 from the Waste Reduction and Recycling Incentive Grants Program for a scrap tire collection that will be held on June 14, 2023 at the Center County Yard; 2. County Assessor McManigal informed the Board of an upcoming Zoom program from NACO regarding Broadband; 3. Supr. Schlote gave updates from the NACO December Conference; 4. Chairman Mackeprang updated the Board on the new director of the North Central District Health Department and the need to appoint a "spirited citizen" to represent Knox County on the NCDHD Board of Directors.

At 10:33 A.M., Chairman Mackeprang opened the advertised public hearing for the vacation/abandonment of a 0.8-mile portion of Platted Road #732 in Frankfort Township. Testimony was given by landowners adjoining the 0.08-mile portion of Platted Road #732 as well as information presented by Attorneys Keelan Holloway and Mark Fitzgerald, and by Frankfort Township Board member Duane Guenther. Discussion was held on the need to remove the gates across the open road, a proposal to the Board to "close" the west 0.5-mile portion of Platted Road #732 where only the adjoining landowners would use that portion and vacate/abandon the eastern 0.3-mile portion, the west gate across the road has been there for decades and was installed by an adjoining landowner who was an attorney who has now passed, that there is no statute to address "closing" the road to only select users, the Board is not participating in the boundary dispute between landowners, the request to resolve the matter peacefully, a lawsuit between the Jansen family and Terry Heimes, and Hwy. Supt. Barta's recommendation in the vacation/abandonment study was to leave the road open to the public. Maps and pictures were presented by Attorney Keelan Holloway and landowner Terry Heimes.

Chairman Mackeprang closed the Public Hearing at 11:39 A.M. for vacation and abandonment of the following portion of Platted Road #732 located in Frankfort Township, Knox County, Nebraska described as follows: A .8-mile portion of Platted Road #732 located in the South Half of the North Half of the Northwest Quarter and the South Half of the Northwest Quarter of the Northwest Quarter of Section 19, T33N, R2W of the 6<sup>th</sup> P.M., Knox County, Nebraska. Also present were Keelan Holloway, Mark Fitzgerald, Terry Heimes, Delbert Jansen, Kenneth Jansen, Melvin Jansen, Jonathon Jansen, Al Jansen, Hwy. Supt. Barta, and Deputy County Attorney Jensen. 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 - 50** to not vacate and abandon a portion .8-mile portion of Platted Road #732 in Frankfort Township, Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried.

### **RESOLUTION #2022 - 50**

**WHEREAS**, upon the public hearing duly held, after proper notice given, it appears that it would be in the public interest to not require the vacation and abandonment of the following portion of Platted Road #732 located in Frankfort Township, Knox County, Nebraska and the following portion of Platted Road #732 remain open to the public:

A .8-mile portion of Platted Road #732 located in the South Half of the North Half of the Northwest Quarter (S1/2N1/2NW1/4) and the South Half of the Northwest Quarter of the Northwest Quarter (S1/2NW1/4NW1/4) of Section 19, Township 33 North, Range 2 West of the 6<sup>th</sup> P.M., Knox County, Nebraska, 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 29<sup>th</sup> day of December 2022.

ATTEST: (Seal)

COUNTY BOARD OF SUPERVISORS  
OF KNOX COUNTY, NEBRASKA

Joann M. Fischer /s/  
Knox County Clerk

By: Kevin D. Mackeprang /s/  
Chairman

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

Chairman Mackeprang presented a plaque to retiring Supervisor Virgil Miller who has served Knox County for twenty years, a clock to retiring Emergency Manager Laura Hintz who has served Knox County in various County jobs for forty-nine years, and to retiring Zoning Administrator Liz Doerr who has served Knox County for eighteen years. The Board, family members, and other County officials and employees congratulated the retiring officials. A luncheon followed in the Basement Conference Room.

**GENERAL FUND.** Applied Connective Technologies, monthly IT, 3,337.21; Blue360 Media, law books, 177.94; CenturyLink, long distance, 60.71; Classic Carpet Care, mop/towel rent, 52.00; Comfort Inn, lodging, 109.95; Crofton Journal/Niobrara Tribune, publishing, 780.36; DAS State Accounting-Central Finance, radios/backup, 282.88; DAS State Accounting-Central Finance, teletype, 448.00; Dollar General, jail supplies, 38.20; Eakes Office Solutions, copier agreement, 73.97; Fairfield Inn, lodging, 2,518.95; First National Bank Omaha, gas/supplies/meals; 2,741.73; Floor Maintenance & Paper Supply Co., janitor supplies, 846.41; JEO Consulting Group Inc., hazard mitigation, 11,134.30; Knox County Register of Deeds, recording, 10.00; Knox County Treasurer, transfer to road, 80,026.68; Landmark Surveying Associates, survey fee, 431.34; Matthew Fischer, reimburse lodging, 129.00; National Sheriffs Association, dues, 71.00; Nebraska Sheriffs Association, dues, 30.00; Northeast Nebraska News Co., publishing, 335.44; Physicians Laboratory P.C., autopsy, 2,050.00; Quill Corporation, office supplies, 643.35; Rhonda Surface, janitor supplies, 68.00; Secretary of State, voter ID cards, 20.00; Verdigre Eagle, publishing, 1,427.00; Village of Center, water/sewer/garbage, 355.00.

**ROAD FUND.** Black Hills Energy, heating fuel, 110.97; Bloomfield Auto Parts, shop supplies/repairs, 144.93; Brian Dather, skid loader plate, 100.00; Burns Lumber Co. LLC, ash gro, 1,487.70; Carlson Home & Auto Inc., tire repair, 68.00; Cedar-Knox Public Power District, electricity, 211.88; Chris Rohrer, driving/CDL renewal, 640.00; CHS Wausa,

diesel, 1,587.85; C-Mart LLC, gas, 201.43; Crofton Journal/Niobrara Tribune, publishing, 48.17; Eakes Office Solutions, copier, 4,977.78; First National Bank Omaha, copies/blades, 229.38; Freeman Oil Company LLC, diesel, 2,570.50; Herbert Feed & Grain Co., diesel, 4,791.45; Hrbek Construction, equipment rental/clay rock, 450.00; Kayton International, equipment rental, 4,786.00; Key Sanitation, garbage, 60.00; Lawson Products, shop supplies, 283.90; Linn Post & Pipe Inc., shop supplies, 32.40; Nebraska Public Power District, electricity, 199.25; Pease General Store, shop supplies, 97.29; Russ Crosley, garbage, 46.00; Vakoc Excavating LLC, gravel/haul, 5,832.00; Verdigre Eagle, publishing, 40.50; Verdigre Farm Service, diesel/oil/supplies, 6,998.66; Vic's Service LLC, gas, 344.32; Village of Center, water/sewer, 38.00; Willow Creek Sand & Gravel, gravel, 317.11.

**FLOWAGE EASEMENT ROAD FUND.** Dixon Construction Co., bridge contract, 76,589.00.

**CHILD SUPPORT FUND.** Applied Connective Technologies, courtroom upgrade, 652.50; CenturyLink, long distance, 3.80; First National Bank Omaha, binders, 80.81.

**VISITOR'S PROMO FUND.** Discover Northeast Nebraska, marketing, 900.00.

**VISITOR'S IMPROVEMENT FUND.** First National Bank Omaha, kiosk, 183.90.

**COUNTY INSURANCE FUND.** Name redacted, reimburse deductible, 250.00.

**C&C DEVELOPMENT FUND.** CenturyLink, long distance, 3.80; Crofton Journal/Niobrara Tribune, publishing, 65.00; First National Bank Omaha, dues/gas/meals/supplies, 364.42; Northeast Nebraska News Company, publishing, 48.24; Stacy Miller, Crofton bucks, 15.00; Verdigre Eagle, publishing, 81.00.

**INHERITANCE FUND.** Egley, Fullner, Montag, Morland & Easland P.C., court appointed attorney, 294.50; Jeffrey

M. Doerr, court appointed attorney, 1,900.41; Theisen Construction, bridge contract, 378,090.36.

**911 EMERGENCY FUND.** CenturyLink, phone, 31.90.

**911 WIRELESS SERVICE FUND.** CenturyLink, phone, 366.82.

TOTALS	
General Fund	\$108,199.42
Road Fund	36,695.47
Flowage Easement Road Fund	76,589.00
Child Support Fund	737.11
Visitor's Promo Fund	900.00
Visitor's Improvement Fund	183.90
County Insurance Fund	250.00
C&C Development Fund	577.46
Inheritance Fund	380,285.27
911 Emergency Fund	31.90
911 Wireless Service Fund	<u>366.82</u>
Total	<u>\$604,816.35</u>

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 12:00 p.m. on December 29, 2022 until Thursday, January 5, 2023 where there may be a possible quorum at the swearing in of a newly elected official, the re-elected officials, and their deputies and of appointed officials, and further until January 12, 2023 at 9:30 a.m. for a statutory reorganization 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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