

## PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska  
April 27, 2023  
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 27, 2023 at 9:30 a.m. Present were Supervisors Martin J. O'Connor District #1, Patrick J. Liska District #2, David L. Pierce 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 Wausa Gazette newspaper, as shown by the Affidavit of Publication attached to these minutes.

Notice of this meeting was simultaneously given to all members and a copy of their acknowledgment and receipt of notice and agenda is attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was opened to the attendance of the public.

The minutes of the April 12, 2023 meeting were read and approved by Chairman Mackeprang.

Correspondence reviewed was: 1.) Cedar County Transit quarterly report of Knox County rider statistics showing there were 115 Knox County residents who used the Cedar County Transit between January 1 and March 31, 2023; 2.) Letter from Northeast Nebraska Economic Development District with appreciation of continued support of regional economic development efforts in Northeast Nebraska.

Economic Development Director Hanvey and Visit Knox County Director Miller met with the Board on the recommendation of the Visitor's Committee for distribution of Visitor's Promo funds. Motion by Supr. O'Connor, seconded by Supr. Pierce to approve the following Visitor's Promo funds for special events as per the recommendation of the Visitor's Committee: Crofton Community Club \$1,000; Creighton Area Chamber of Commerce \$1,000; Center Improvement Club \$500; Wausa Swedish Smorgasbord/Wausa Community Club \$1,000; Harm & Tulley's Event Center \$500; Niobrara Promoters \$1,000; Winnetoon BBQ Committee \$500; Verdigre Improvement Club \$1,000; Lewis & Clark SRA \$1,000; Shannon Trail Promoters \$300; Bloomfield Community Club \$1,000; Knox County Ag Society \$1,500; and Niobrara State Park \$1,000. By roll call vote. Ayes all Districts. Nays none. Motion carried.

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 \$603,801.50 are listed at the end of these proceedings.

Chairman Mackeprang moves the Board recess at 10:00 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:38 a.m. with all members present.

The agenda item on the possible reopening of a Hill Township Road scheduled at 1:30 p.m. at this meeting was rescheduled to the May 25, 2023 meeting and no action was taken at this time.

Deputy County Clerk Nix discussed with the Board the Cybersecurity Grant process. A Teams' presentation was given by Applied Connective Technologies technician Matt Childress on the application for the grant funds of \$9,000 for Knox County, the County pay 10% for the proposal, policies, and procedures already in place, recovery procedures, and extension of work already being done.

Chairman Mackeprang opened at 10:59 a.m. a public hearing on the Riverpoint Bay Subdivision Preliminary Plat. Placed into record were letters of opposition received before April 27, 2023 from Elizabeth Bigley, Jeff and Julie Hartung, Vince and Cindy Jenness, Miron and Louise Jenness, Barbara Beye Lyle, Michael and Raejean Mattison, Jim and Lanita Recob, Tom and Sherri Sobotka, and Tom Sobotka. Read into record was a letter of opposition received from Shawn and Jennifer Weber via email at 10:56 a.m. on April 27, 2023. Russ Wilcox with Riverpoint Bay, LLC gave a presentation of the Preliminary Plat of Riverpoint Bay Subdivision being a proposed residential development in the Southwest Quarter of Section 15 and the North half of the Northwest Quarter of Section 22, and Lots 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 115 and 116, Merchant Hills, a subdivision of part of the Southwest Quarter of Section 15, all in T33N, R2W of the 6<sup>th</sup> P.M., Knox County Nebraska. Information presented was: proposing twenty-nine three-acre lots and ten smaller lots; all lots to have septic storage tanks; a self-storage building would provide storage for the people in the development; the development could bring a \$10 million taxable valuation; proposing to allow internet providers to place a tower for better internet service in the area, drainage plan in place, boat docking at Weigand Area, Home Owners Association (HOA), HOA to deal with traffic and enforcement of operation of ATVs in the subdivision, building roads in the subdivision to County specifications, fire safety and space available for fire tankers, upcoming STARWARS development, and rural water. Cedar Knox Rural Water Project submitted a letter of approval of an Engineering Application submitted by Riverpoint Bay LLC not to exceed 42 individual water service connections or 42 Benefit Units for a single connection. Sherry and Tom Sobotka, Julie Hartung, Jim Recob, Gene Langenfeld, Hwy. Supt. Barta and Board members spoke during the public hearing regarding traffic in the area and ingress and egress onto the Rec Road, dust control, law enforcement, safety issues, landslides and damaged homes, HOA issues, engineering, the plat submitted is only a preliminary plat, and issues existed in the area prior to the submission of the preliminary plat. The Board thanked the people for attending the public hearing.

Chairman Mackeprang closed the public hearing at 11:36 a.m. The Board, Zoning Advisor Doerr, and Zoning Administrator Jelinek discussed possible special rules for roads, water hook ups, bonding, and covenants. Supr. O'Connor read a letter he composed about his experiences of living and raising a family in that area, and many of the issues voiced by the people who submitted testimony and gave testimony during the public hearing.

Motion by Supr. O'Connor, seconded by Supr. Liska to not accept the Preliminary Plat of Riverpoint Bay Subdivision. By roll call vote. Ayes Districts #1, #2, and #3. Nays Districts #4, #5, #6, and #7. Motion failed.

Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to accept the Preliminary Plat of Riverpoint Bay Subdivision. By roll call vote. Ayes Districts #4, #5, #6, and #7. Nays Districts #1, #2, and #3. Motion carried.

Heidi Borg, Agriculture Liaison for Congressman Adrian Smith gave an update on Committee matters, SNAP, the 2023 Farm Bill and federal subsidies on crop insurance within the Farm Bill, E15 fuel update, Social Security changes, IRS workforce increase and tax issues.

Chairman Mackeprang moves the Board recess at 12:30 p.m. for lunch.

The Knox County Board of Supervisors reconvened at 12:55 p.m. with all members present.

The Board made a quarterly visit to the Knox County Jail as per Nebraska Revised Statute 47-109.

Weed Supt. Banks met with the Board on the following: 1.) Motion by Supr. Liska, seconded by Supr. Schlote to authorize Chairman Mackeprang to sign the Reports and Requirements for the year 2022 addressing inspections, office evaluation, county reports and continuing education of Weed Supt. Banks, noting that Weed Supt. Banks received a perfect score. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2.) Currently Weed Supt. Banks is Chairman of the Northeast Weed Management Area (NWMA) which includes seven area counties. There are funds available that will need to be spent by June 30, 2023 and will be used for biocontrol bugs, youth education at a rendezvous at the Niobrara State Park, and a youth camp at Yankton. Weed Supt. Banks said that he wants to leave the NWMA and join the Nebraska Weed Management Area Coalition (NEWMAC) that includes counties west of Knox County. More information will be shared in the future by Weed Supt. Banks; 3.) Discussion was held on 10-Day Individual Notices that are issued when landowners are given sufficient time to control noxious weeds, and nothing is done by the landowner. If the County must control the noxious weeds after the notice is issued, the costs for the control activities shall be at the expense of the owner of the property and shall become a lien against the property as a special assessment levied on the date of control. Also discussed was the 15-Day Individual Notice which is like the 10-Day Individual Notice however the penalty associated with the 15-Day Individual Notice is a fine of \$100 per day for each day of noncompliance up to a maximum of \$1,500. Weed Supt. Banks informed the Board that the 10-Day Individual Notice is his choice of notice. There is a property that is severely infested with leafy spurge that is not being controlled even after notification to the land manager and the renter. A letter is being sent to the property owner's son to inform them of the penalty if a 10-Day Individual Notice is issued and the County would have to spray the property if the landowner does not control the leafy spurge after being issued the 10-Day notice. Further discussion was held on aerial spraying, costs, and assessment filed as a lien against the property through special assessment with the taxes.

Hwy. Supt. Barta met with the Board on the following: 1.) Discussed was the proposed construction of a mechanic's shop at the Center County Yard with an estimated cost of \$635,805 for a 80 ft. x 150 ft. x 21.5 ft 6 inch building with additional costs for heating and plumbing, possibly researching costs for an 80 ft. x 100 ft. or 80 ft. x 120 ft. building, and uses of the building. No action was taken; 2.) Discussed was researching costs for a new dump truck/snowplow for the Crofton County Shed; 3.) Filling open positions at the Bloomfield, Crofton and Wausa County Sheds was discussed. One person has been hired for the Bloomfield County Shed and will start mid-May; 4.) Bridge project updates; 5.) The 1971 International Hydro 1066 tractor and the 1999 Dodge pickup that were declared surplus property were sold on April 24, 2023 at a consignment sale in Hartington. The tractor brought \$19,500 and the pickup brought \$750; 6.) Fence posts were damaged when snow was pushed with a County loader. The County will purchase replacement posts; 7.) Discussed was a safety grant available through NDOT that has two options of use being replacement of stop signs and posts, or adding "Stop Ahead" signs, replacing stop signs, and replacing the posts with posts that would have reflective tape affixed to them. Hwy. Supt. Barta is interested in the second option and will apply for the grant. Like-kind service being installing the signs would be the County's cost towards the grant; 8.) Plans for the Rec Road were discussed which included a bond, engineering, attempt to give the road back to the State, widening the road, additional traffic because of added subdivisions and the STARWARS plans. Hwy. Supt. Barta said he will contact Mainelli Wagner and Associates.

Emergency Manager/Zoning Administrator Jelinek met with the Board regarding the progress of the updating of the Tri-County Hazard Mitigation plans. Motion by Supr. Liska, seconded by Supr. Borgmann to adopt **Resolution #2023 - 05** approving the most recent FEMA-approved version of the Tri-County Hazard Mitigation Plan 2023. By roll call vote. Ayes all Districts. Nays none. Motion carried.

#### **RESOLUTION #2023 - 05**

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

**WHEREAS**, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by Antelope, Holt, and Knox Counties, known as the Tri-County area, in Nebraska with assistance from JEO Consulting Group, Inc.

**WHEREAS**, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the counties and participating jurisdictions located within the planning boundary by identifying the hazards that affect Knox County and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

**WHEREAS**, FEMA regulations require documentation that the plan has been formally adopted by the governing body of Knox County in the form of a resolution and further requesting approval of the plan at the Federal Level; and

**NOW, THEREFORE**, the governing body of Knox County does herewith adopt the most recent and FEMA approved version of the Tri-County Hazard Mitigation Plan 2023 in its entirety;

PASSED AND APPROVED this 27<sup>th</sup> day of April, 2023.

ATTEST: (Seal)

COUNTY BOARD OF SUPERVISORS  
OF KNOX COUNTY, NEBRASKA

Joann M. Fischer /s/  
Knox County Clerk

By: Kevin D. Mackeprang /s/  
Chairman

Sheriff Henery met with the Board on the following: 1.) Motion by Supr. Borgmann, seconded by Supr. O'Connor to approve an Interlocal Law Enforcement Agreement between Knox County and Boyd County for one year beginning March 1, 2023 for providing personnel backup and such other assistance as either party may require in time of emergency or other time of need. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2.) Discussed interlocal law enforcement agreement renewal with Wausa Village; 3.) Head Jailer Donna Hays was recognized at an April 20 Annual

Spring Conference in Kearney and was presented with the Nebraska Correctional Administrators and Managers Association "Excellence in Corrections Award"; 4.) Sheriff Henery said he is still in need of one deputy and two dispatchers.

Motion by Supr. Schlote, seconded by Supr. Sokol, Jr. to place on file the Receipts Revenue List of April 11 through April 25, 2023. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Pierce, seconded by Supr. Borgmann to adopt **Resolution #2023 – 06** declaring the 2008 Husqvarna Zero Turn Mower is no longer surplus property and will not be sold at this time as it is being used at the Center County Yard. By roll call vote. Ayes all Districts. Nays none. Motion carried.

### **RESOLUTION #2023 - 06**

#### **DECLARED SURPLUS PROPERTY MOBILE EQUIPMENT NO LONGER FOR SALE**

**WHEREAS**, Knox County owns mobile equipment which has a value of five thousand dollars or more which is not usable by the County and/or obsolete; and

**WHEREAS**, the Knox County Board of Supervisors adopted at their April 12, 2023 regular meeting Resolution #2023 – 04 declaring a 1999 Dodge Ram 1500 Pickup, a 1971 International Hydro 1066 Tractor, a 2006 Jayco 26 Ft. Travel Trailer, and a 2008 Husqvarna Zero Turn Mower were surplus mobile equipment to be sold, and

**WHEREAS**, the 2008 Husqvarna Zero Turn Mower is now needed for use at the Center County Yard, and

**NOW THEREFORE BE IT RESOLVED BY THE KNOX COUNTY BOARD OF SUPERVISORS** that the 2008 Husqvarna Zero Turn Mower is declared to be no longer surplus property and will not be sold at this time.

**DATED this 27<sup>th</sup> day of April 2023.**

ATTEST: (Seal)

COUNTY BOARD OF SUPERVISORS  
OF KNOX COUNTY, NEBRASKA

Joann M. Fischer /s/  
Knox County Clerk

By: Kevin D. Mackeprang /s/  
Chairman

Motion by Supr. O'Connor, seconded by Supr. Sokol, Jr. to approve a Special Designated Liquor License for Camp Missouri LLC (CJ's at the Lake) for a special event at the Lewis and Clark SRA (Weigand) on June 3, 2023 from 5:30 p.m. through 10:00 p.m. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Updates by Officials were given by the following: 1.) County Assessor McManigal said that there are over six hundred personal property schedules not filed yet. The deadline is Monday, May 1. Also, she received a letter from an attorney regarding a property boundary issue that has one landowner requesting back taxes be refunded from 2006 to present on a 20-acre tract that is in question; 2.) Deputy County Clerk Nix updated the Board on an alert received from the National Association of Counties that Senator Rick Scott (R-Fla.) offered an amendment that would require the U.S. Treasury Secretary to identify and transfer unobligated funds from the American Rescue Plan Act's (ARPA) Coronavirus State and Local Fiscal Recovery Fund (SLFRF) to the administrator of the Federal Emergency Management Agency. County Clerk Fischer and Deputy County Clerk Nix submitted testimony to Senators Deb Fischer and Pete Ricketts regarding "Claw Back" of ARPA funding.

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

**GENERAL FUND.** Alcohol Countermeasure Systems Inc., solution bottles, 129.80; Armscor Cartridge Inc., ammo, 1,530.43; Beth Rudloff, reimbursement for floor nozzle, 105.90; Boarders Inn & Suites, lodging, 285.00; Bomgaars, key/hooks, 20.23; CenturyLink, long distance, 79.93; Classic Carpet Care, mop/towel rent, 48.00; Crofton Journal/Niobrara Tribune, publishing, 247.17; DAS State Accounting-Central Finance, radios/backup, 282.88; DAS State Accounting-Central Finance, teletype, 448.00; Denise Albrecht, witness fee/mileage, 55.00; Dollar General, jail supplies, 83.20; Eakes Office Solutions, paper, 64.95; Fairfield Inn, lodging, 559.80; First National Bank Omaha, gas/supplies/meals/postage; 4,342.59; JEO Consulting Group Inc., hazard mitigation, 3,703.15; Jones Automotive, sheriff pickup additions, 702.29; Knox County Treasurer, transfer from General Fund to Road Fund, 80,026.68; Loffler, printer contract, 310.48; Lois Kumm, jail food, 56.00; Moody Motor Company, repairs, 919.10; NACVSO, dues, 50.00; Northeast Nebraska News Company, publishing, 43.50; NPZA, dues, 40.00; Platte Valley Communications, radio equipment, 22,223.00; Quill Corporation, office supplies, 422.26; The Scarlet Hotel, lodging, 161.00; Thomsen Reuters West, law books, 299.00; Vic's Service LLC, gas, 31.80.

**ROAD FUND.** Bazile Creek Power Sports, mower, 4,950.00; Black Hills Energy, heating fuel, 359.98; Bloomfield Auto Parts, repairs, 52.03; Bomgaars, shop supplies/tank/pump, 1,686.28; Cedar-Knox Public Power District, electricity, 288.34; CHS Wausa, diesel/propane, 3,638.65; C-Mart LLC, gas, 147.51; Creighton 59 LLC, gas, 479.80; Crofton Journal/Niobrara Tribune, publishing, 144.48; First National Bank Omaha, book cases/supplies, 454.20; Freeman Oil Co., diesel, 1,728.00; Herbert Feed & Grain, diesel, 4,028.85; Jonny Dodge Chrysler Jeep Inc. repairs, 739.20; Lawson Products, shop supplies, 407.64; LCL Truck Equipment Inc., repairs, 461.40; Mainelli Wagner & Associates Inc., engineer fees, 11,167.50; Medical Enterprises Inc., drug test, 75.00; Nebraska Public Power District, electricity, 260.95; NMC Inc., repairs, 827.95; Northeast Nebraska News Company, publishing, 79.01; Pease General Store, shop supplies, 45.22; Russ Crosley, garbage, 46.00; Schaefer Grain & Feed Co., road salt, 2,132.00; Vic's Service LLC, gas/tire repair, 332.60; Willow Creek Sand & Gravel, gravel/haul, 44,306.97.

**HIGHWAY BRIDGE BUYBACK FUND.** Dixon Construction Co. Inc., bridge contract, 60,562.50.

**FLOWAGE EASEMENT ROAD FUND.** Dixon Construction Co. Inc., bridge contract, 23,394.87.

**CHILD SUPPORT FUND.** CenturyLink, long distance, 5.00.

**VISITOR'S PROMO FUND.** Bloomfield Community Club, promo grant, 1,000.00; Center Community Club, promo grant, 500.00; Creighton Chamber of Commerce, promo grant, 1,000.00; Crofton Community Club, promo grant, 1,000.00; CTM Medi Group Inc., marketing, 2,280.00; First National Bank Omaha, meals, 87.35; Friends of the Missouri

River, membership, 125.00; Harm & Tulleys Event Center, promo grant, 500.00; Knox County Ag Society, promo grant, 1,500.00; Lewis & Clark SRA, promo grant, 1,000.00; Niobrara Promoters, promo grant, 1,000.00; Niobrara State Park, promo grant, 1,000.00; Shannon Trail Promoters, promo grant, 300.00; Verdigre Improvement Club, promo grant, 1,000.00; Wausa Community Club, promo grant, 1,000.00; Winnetoon BBQ, promo grant, 500.00.

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

**COVID AMERICAN RESCUE PLAN ACT FUND.** Scott Ober Construction LLC, payment on garage/storage building, 2,000.00.

**ECONOMIC DEVELOPMENT FUND.** NENEDD, admin fees, 915.00.

**C&C DEVELOPMENT FUND.** CenturyLink, long distance, 5.00; Crofton Community Club, Crofton bucks, 330.00; First National Bank Omaha, subscriptions/travel/supplies/meals, 1,556.39; News Channel Nebraska, marketing, 200.00; Niobrara Promoters, Niobrara bucks, 160.00; Rowan Productions, video, 225.00; Wausa Community Club, Wausa bucks, 170.00.

**INHERITANCE FUND.** Bloomfield Public Library, cost sharing, 5,000.00; Creighton Public Library, cost sharing, 5,000.00; Eastern Township Library, cost sharing; 5,000.00; Highway Signing Inc., bridge contract, 40,675.00; Lincoln township Library, cost sharing, 5,000.00; Mainelli Wagner & Associates Inc., engineer fees, 4,435.00; Niobrara Public Library, cost sharing, 5,000.00; Theisen Construction, bridge contract, 210,906.82; Verdigre Public Library, cost sharing, 5,000.00.

**911 WIRELESS SERVICE HOLDING FUND.** City of Norfolk, network, 173.97.

TOTALS

General Fund	\$117,271.14
Road Fund	78,839.56
Highway Bridge Buyback Fund	60,562.50
Flowage Easement Road Fund	23,394.87
Child Support Fund	5.00
Visitor's Promo Fund	13,792.35
Visitor's Improvement Fund	183.90
Covid ARPA Fund	20,000.00
Economic Development Fund	915.00
C&C Development Fund	2,646.39
Inheritance Fund	286,016.82
911 Wireless Service Holding Fund	<u>173.97</u>
Total	\$603,801.50

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 2:42 p.m. on April 27, 2023 until 9:30 a.m. on Thursday, May 11, 2023 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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