

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska
September 6, 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 Wednesday, September 6, 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.

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 Niobrara Tribune 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 August 23, 2023 meeting were approved by Chairman Mackeprang as read.

Motion by Supr. O'Connor, seconded by Supr. Liska 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 \$334,248.19 are listed at the end of these proceedings.

Motion by Supr. Schlote, seconded by Supr. Borgmann to place on file the Receipts Revenue List of August 22 through September 1, 2023. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Sokol, Jr., seconded by Supr. Pierce to place on file the Clerk of District Court August 2023 Fee Report. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Pierce, seconded by Supr. Sokol, Jr. to accept the resignation of Bridge Crew employee Mike Kucera from the Safety Committee and to appoint Bridge Crew employee Chris Rohrer to the Safety Committee. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Borgmann, seconded by Supr. O'Connor to adopt **Resolution #2023 - 20** acknowledging fees charged by the Knox County Assessor; Clerk/Register of Deeds/Election Commissioner; Clerk of District Court; and Sheriff for the Fiscal Year 2023/2024. By roll call vote. Ayes all Districts. Nays none. Motion carried.

RESOLUTION #2023 - 20

WHEREAS, many fees are set by Nebraska statutes however copy fees, finger printing fees and work release fees are not, and

WHEREAS, various offices within the Knox County Courthouse collect copy fees along with the County Sheriff's Office collects fees for finger printing plus work release of prisoners, and

WHEREAS, the fees collected are remitted to the Knox County Treasurer, and

BE IT THEREFORE RESOLVED that the Knox County Board of Supervisors acknowledges the following fees are charged by the listed offices for Fiscal Year 2023/2024:

Knox County Assessor – Regular copies – 50 cents per page; Colored aerial maps – if landowner - \$0; if not landowner - \$2.00 per page.

Knox County Clerk, Register of Deeds and Election Commissioner – In office - 50 cents per black/white or color copy; Emailed, faxed or mailed copies - \$1.00 each page; Certified copies - \$1.50 per page; Knox County Plat Books - \$27.00 each and \$5 to mail plat books.

Knox County Clerk of District Court – General photocopies - black/white – 50 cents per page; color – 50 cents per page; Certified copies – 25 cents per page and \$1.00 for seal; Authenticated copies – 25 cents per page and \$3.00 for seal; (\$1.00 seal of Clerk of District Court attesting original document; \$1.00 seal of Judge attesting Clerk of District Court is the Clerk of District Court; and \$1.00 seal of Clerk of District Court attesting Judge is the Judge).

Knox County Sheriff – Copies - \$2.00 per page; Finger Printing fee - \$5; Work Release fee - \$35.00 per day.

Dated this 6th day of September 2023.

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

Patrick J. Liska /s/
Patrick J. Liska, District #2

David L. Pierce /s/
David L. Pierce, District #3

James Sokol, Jr. /s/
James Sokol, Jr., District #4

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

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

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

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

The Knox County Board of Supervisors reconvened at 10:11 a.m. with all members present.

Hwy. Supt. Barta met with the Board on the following: 1.) Oil Crew update; 2.) Bridge Crew update; 3.) An agreement will be presented at the next meeting regarding stop signs; 4.) Several signs including a stop sign were stolen west of Verdigre; 5.) An infrastructure meeting was held in Kearney covering the new Federal grant money available for transportation. Discussion was held on possibly partnering with other area counties for joint projects.

Officials' update was given on the following: 1.) Discussion was held on the upcoming Joint Public Hearing that will be held on September 20, 2023 at 6:00 p.m. at The Barn at God's Country located north of Center; 2.) County Clerk Fischer informed the Board of a vaccination clinic to be held by North Central District Health Department in the Basement Conference Room on September 27, 2023 from 12:00 p.m. through 2:00 p.m. Flu shots and other vaccinations will be available. Also, the Northeast District NACO Fall Workshop will be held on Friday, September 15, 2023 at the Lifelong Learning Center at the Northeast Community College in Norfolk; 3.) County Treasurer Ebel said that over \$7.7 million in taxes were collected recently. Distribution of the taxes will be made to different entities and nearly \$2 million will stay at the County level; 4.) County Clerk Fischer and the Board discussed requirement of scheduled time of work for eligibility to continue coverage of health, dental/vision and life insurance; 5.) Supr. Sokol, Jr. updated the Board on the progress of the new storage/garage building and repair to the front sidewalk; 6.) Deputy County Clerk Nix updated the Board on the public hearings to be held on September 20, 2023 at 9:00 a.m. for the 2023/2024 Knox County Budget and the 2023 Final Tax Request.

At 10:45 a.m., a Microsoft Teams meeting was held with Attorney Ryan Cwach who represents Herrick Township. Also present via Microsoft Teams was SID #1 Board of Trustees Chairperson Lisa Timmerman as well as in person at the Board meeting were Herrick Township Board members Joyce Woodbury and Kathleen Peschel. The matter of discussion was regarding a petition from Herrick Township to the Board of Supervisors for assistance in asphaltting the entrance road into Kohles Acres. The road in question is a township road and a bid in the amount of \$216,000 was submitted to the Herrick Township Board by Knife River Midwest, LLC to mill and replace the road using hot mix asphalt at a 6-inch depth. Discussion ensued on Herrick Township budget and levy, township levy limits, options, a report from the County Attorney's Office regarding the petition for assistance, ground asphalt that has been placed on the road by the Herrick Township Board, concerns that other townships would request assistance, and if work is done by the County the township would have to repay the County for the expenses.

At 11:15 a.m., Chairman Mackeprang opened the advertised public hearing on Conditional Use Permit Application #CU2301 Toy Shed Storage, LLC.

At 11:15 a.m., Chairman Mackeprang opened the advertised public hearing on Subdivision/Replat Preliminary Plat Application #P2308 Middle East Landing.

Discussion continued on the Herrick Township petition for road repair assistance. Supr. Sokol, Jr. said the work the County could do to fix the entrance would not be the same product or work that Knife River Midwest, LLC would provide as the County uses cold mix asphalt as well as the costs by the County would need to be repaid. Supr. Pierce said that it is hard to spend money in one township and not others so the County would need to be reimbursed if it does the work. Supr. Borgmann echoed those opinions. An agreement would have to be made for repayment and that the township would have to maintain the entrance road after the County would oil the road if approved. Motion by Supr. Sokol, Jr., seconded by Supr. Borgmann to make a study with the Herrick Township Board of asphaltting the Kohles Acres entrance road and included in the study would be an agreement for repayment by the Herrick Township Board to Knox County for asphaltting the entrance road. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Emergency Manager/Zoning Administrator Jelinek met with the Board on the following: 1.) Rob Ganz was present for the Middle East Landing Replat hearing. The Planning Commission approved the replat at their March 14, 2023 meeting. The replat of the lots in the Middle East Landing subdivision also included vacating Svatos Road and expanding lots. The vacated road would be replaced with an easement by the adjoining landowners in the subdivision. Also, there is a road that is not maintained at this time but could be used as another exit or could be maintained in the future. Chairman Mackeprang closed the public hearing at 11:32 a.m. There was no one present in opposition. Motion by Supr. Sokol, Jr., seconded by Supr. Liska to approve Final Plat of Replat of Middle East Landing Subdivision located in the NE1/4SE1/4 of Section 18, T33N, R7W of the 6th P.M., Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2.) The Planning Commission approved the Conditional Use Permit Application #CU2301 for Toy Shed Storage LLC to construct a fifth 20-unit storage building in the N1/2N1/2NE1/4 of Section 23, T33N, R2W. Chairman Mackeprang closed the public hearing at 11:35 a.m. No one was present in opposition. Motion by Supr. O'Connor, seconded by Supr. Pierce to approve Conditional Use Permit Application #CU2301 Toy Shed Storage, LLC for construction of a 20-unit storage building in the N1/2N1/2NE1/4 of Section 23, T33N, R2W of the 6th P.M., Knox County, Nebraska. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Angie O'Connor with Avera presented the 2023 health screening results from the Avera Onsite Wellness Program that was held on June 21, 2023. There were forty-eight participants in this year's onsite wellness program.

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

Chairman Mackeprang moves the Board recess at 12:00 p.m. for lunch.

The Knox County Board of Supervisors reconvened at 12:58 p.m. with all members present.

At 12:58 p.m., Chairman Mackeprang opened the advertised public hearing on the Final Plat of Riverpoint Bay Subdivision located in Sections 15 and 22, T33N, R2W of the 6th P.M., Knox County, Nebraska. Emergency Manager/Zoning Administrator Jelinek gave information regarding the Final Plat including public control, standards, Lots 501-509 to be smaller in size, storage buildings, Planning Commission vote to recommend the Preliminary Plat to the Board with the condition that no storage buildings be constructed or allowed north of Road 54C in the proposed subdivision, a Planned Agreement, water quantity addressed as per letter from Cedar Knox Rural Water, law enforcement, and leach field concerns. Letters entered into testimony were from Russ Wilcox, CEB LLC, Shawn Weber, Gaylene Barr, and Jeff and Julie Hartung. Deputy County Attorney Jensen presented a Planned Unit Development Agreement addressing concerns about assumed zoning violations and said there are no zoning violations as the Board can agree to commercial uses north of Hwy. 54C that would not violate the zoning regulations. Lots 502-506 would have no construction without prior approval from the Board of Supervisors as these lots have leach fields located on them. The developer would have to draft a development plan on those lots and come back to the Board to see how this can be resolved. The Agreement will review slope, plasticity and more when construction is to begin.

Developer Russ Wilcox updated the Board on the proposed development that will not have over forty units (houses), there are nine lots where the residential houses will be smaller in size, the houses will be built before any storage units, the

proposed storage units will be handled by the HOA, Class 5 Injection well that is located on Lot 502, however the permit with DEE expired prior to Mr. Wilcox purchasing the property, other leach fields may not be Class 5 Injection wells, other documents were not filed by the previous owner, still seeking answers on how to fix the issue, and there are twenty-eight full lots that conform as that area is zoned residential. Chairman Mackeprang allowed three minutes to each individual from the public to speak if they wanted. Seven individuals spoke during the open public hearing regarding expired DEE permits, traffic impact, request limiting the number of units to twenty, road conditions, law enforcement, leach fields, empty lots will not be sold as the developer will be constructing the houses before selling with the purchasers having a choice of three house designs.

Chairman Mackeprang closed the public hearing at 1:35 p.m. and then allowed discussion by the Board. As Supr. O'Connor lives in that area, he gave a personal report about law enforcement, increased traffic, fire concerns, landslides and structure damage, road conditions, increased number of people in the area with campgrounds, and that he does not feel the subdivision is in the best interest of the people. Deputy County Attorney Jensen reiterated to the Board that the Planned Development Agreement covered anything approved at this meeting and would not allow development on Lots 502-506 as it is noted those areas are affected by drain fields plus any lot that is developed will have to have a building permit issued that will make sure the lot is specific.

Motion by Supr. O'Connor, seconded by Supr. Pierce to not approve the Final Plat of Riverpoint Bay Subdivision in Sections 15 and 22, T33N, R2W of the 6th P.M., Knox County, Nebraska. By roll call vote. Ayes Districts #1, #2 and #3. Nays Districts #4, #5, #6 and #7. Motion failed.

Motion by Supr. Schlote, seconded by Supr. Sokol, Jr. to approve the Final Plat of Riverpoint Bay Subdivision in Sections 15 and 22, T33N, R2W of the 6th P.M., Knox County, Nebraska with the condition that no storage units be allowed or constructed in the subdivision. By roll call vote. Ayes Districts #4, #5, #6 and #7. Nays Districts #1, #2, and #3. Motion carried.

GENERAL FUND. Salaries, 97,361.82; Amy Johnson, mileage, 94.98; Bob Barker Company, jail supplies, 72.75; Bomgaars, supplies, 7.99; Bonnie R. Cash, prior service, 9.00; Cathleen Sue Stark, prior service, 12.00; CenturyLink, long distance, 28.07; Collector of Internal Revenue, Social Security County pays, 7,300.90; Comfort Inn, lodging, 689.70; County of Knox Employee Benefit Account HealthCare Solutions Group Inc., insurance County pays, 20,491.24; Connie J. Janecek, prior service, 15.00; Creston Fertilizer, weed spray, 1,225.88; Crofton Journal/Niobrara Tribune, publishing, 423.01; DAS State Accounting-Central Finance, teletype, 448.00; Diane L. Eckert, prior service, 36.00; Eakes Office Solutions, copier contract/paper/janitor supplies, 629.33; Election Systems & Software, program flash, 152.67; First National Bank Omaha, gas/postage/supplies/meals, 5,798.02; Floor Maintenance & Paper Supply, janitor supplies, 493.46; Great Plains Communications, phone/internet/fax, 1,563.95; Hanna LK Jensen, reimburse registration/mileage, 303.45; Independent Pest Management, pest control, 395.00; Jacquelyn E. Meier, prior service, 21.00; James F. Janecek, prior service, 21.00; Jo Ann Eisenbeiss, prior service, 45.00; Karen K. Riesberg, prior service, 21.00; Kristine Kumm, mileage, 239.14; Landmark Surveying, survey fees, 874.80; The Lincoln National Life Ins. Co., insurance County pays, 147.96; Laura Hintz, prior service, 15.00; Loffler, printer contract, 355.82; Lois Colwell, prior service, 27.00; Megan Hanefeldt, mileage, 51.12; Microfilm Imaging Systems, scanner rent, 40.50; MIPS, computer programs, 961.30; Monica J. McManigal, reimburse gas/meals, 195.95; NACO, registration, 160.00; Principal Life Insurance Co., insurance County pays, 1,120.50; Quill Corporation, supplies, 685.08; Retirement Plans Division of Ameritas, retirement County pays, 6,626.92; Rohrer Welding, weld wheels, 20.00; Software Unlimited Corp., software, 2,108.04; Virginia Buerman, prior service, 27.00.

ROAD FUND. Salaries, 39,344.41; Bomgaars, shop supplies, 727.63; Bruce Hagge, prior service, 24.00; Bruce Peters, prior service, 24.00; Carhart Lumber Co., shop supplies, 18.29; City of Bloomfield, water, 25.00; Collector of Internal Revenue, Social Security County pays, 2,903.23; County of Knox Employee Benefit Acct. c/o Healthcare Solutions Group Inc., insurance County pays, 9,857.68; First National Bank Omaha, phone cases, 67.45; Freeman Oil Company LLC, diesel, 1,480.10; Grossenburg Implement Inc., repairs/equipment rental, 5,684.39; Herbert Feed & Grain Co., diesel/gasoline, 2,925.48; Jebro Inc., road oil, 55,550.46; Kayton International, skid loader rental, 3,040.00; Larry Pilar, prior service, 21.00; Lincoln National Life Ins. Co., insurance County pays, 59.60; Marc Mastalir, prior service, 21.00; Nebraska Public Power District, electricity, 43.57; Principal Life Insurance Co., insurance County pays, 425.79; Retirement Plans Div. of Ameritas, retirement County pays, 2,596.68; Rose Equipment Inc., repairs, 2,000.88; Santee Utility Commission, garbage, 65.00; Willow Creek Sand & Gravel, gravel/haul, 34,995.41.

CHILD SUPPORT FUND. CenturyLink, long distance, 1.76; Great Plains Communications, phone/internet/fax, 115.78; Hometown Leasing, copier lease, 164.44; Microfilm Imaging Systems Inc., scanner rent, 81.00; Postmaster, postage, 308.80.

VISITOR'S PROMO FUND. Salaries, 1,613.10; Associations Inc., marketing, 400.00; Flagship Publishing Inc., marketing, 553.00.

VISITOR'S IMPROVEMENT FUND. First National Bank Omaha, internet, 173.90.

ROD PRESERVATION/MODERNIZATION FUND. MIPS, computer program, 275.39; Mobile Binders, repair books, 4,800.00.

COUNTY WELLNESS FUND. Name Redacted, reimburse deductible, 250.00.

COVID ARPA FUND. McCormick Tree Trimming, remove trees around storage building, 1,314.25.

ECONOMIC DEVELOPMENT FUND. NENEDD, admin fees, 361.25.

C&C DEVELOPMENT FUND. Salaries, 1,867.67; CenturyLink, long distance, 1.76; Collector of Internal Revenue, Social Security County pays, 138.85; First National Bank Omaha, dues/gas/meals, 499.34; Great Plains Communications, phone/internet/fax, 90.94; Lincoln National Life Insurance Co., insurance County pays, 2.98; Principal Life Insurance Co., insurance County pays, 22.41; Retirement Plans Div. of Ameritas, retirement County pays, 113.41.

INHERITANCE FUND. Cedar County Transit, contract, 2,000.00; Egley Fullner, Montag, Morland & Easland, court appointed attorney, 1,290.44; Jarecki, Strope & Petersen P.C., court appointed attorney, 627.00; Rodney W. Smith, public defender contract, 2,083.33.

KENO FUND. First National Bank Omaha, postage, 17.45.

911 EMERGENCY FUND. City of Norfolk, networking, 44.74; First National Bank Omaha, supplies, 90.47; Great Plains Communications, phone/internet, 233.60; OPTK Networks, networking, 228.44; Three River Telco, phone, 66.42.

911 WIRELESS SERVICE FUND. City of Norfolk, networking, 104.38; Great Plains Communications, phone/internet, 406.46; OPTK Networks, networking, 533.04; Three River Telco, phone, 154.99.

TOTALS

General Fund	\$151,316.35
Road Fund	161,901.05
Child Support Fund	671.78
Visitor's Promo Fund	2,566.10
Visitor's Improvement Fund	173.90
ROD Pres./Mod. Fund	5,075.39
County Wellness Fund	250.00
Covid ARPA Fund	1,314.25
Economic Development Fund	361.25
C & C Development Fund	2,737.36
Inheritance Fund	6,000.77
Keno Fund	17.45
911 Emergency Fund	663.67
911 Wireless Service Fund	1,198.87
Total	\$334,248.19

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 2:21 p.m. on Wednesday, September 6, 2023 until 9:00 a.m. on Wednesday, September 20, 2023 for a 2023/2024 Budget public hearing, a 2023 Final Tax Public Hearing and a regular meeting that will follow the Budget and Final Tax public hearings.

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
