

## PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska  
November 15, 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, November 15, 2023 at 9:30 a.m. Present were Supervisors Martin J. O'Connor District #1, 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 Patrick J. Liska District #2. Chairman Mackeprang presiding.

Supr. O'Connor 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 November 1, 2023 meeting were approved by Chairman Mackeprang as read with the correction that the roll call vote for the adoption of Resolution #2023-31 and the reappointment of Highway Superintendent Kevin R. Barta was Ayes Districts #2, #3, #4, #5, #6 and #7, Nays none, Absent was District #1, Motion carried.

Correspondence reviewed was: 1.) Letter from Nebraska DEE regarding Jessen Feedlot Concentrated Animal Feeding Operation.

Public comment on agenda items was given by Sean Lawler with National Grid Renewables along with members of his team. Mr. Lawler informed the Board that lease amendments are being obtained for the North Fork Wind project. Information was given about the project along with other projects in Nebraska, recycling of turbine blades, suggested changes to the Zoning regulations, setback considerations and decommissioning.

Motion by Supr. O'Connor, seconded by Supr. Pierce that all claims, audited and approved for payment by the Claims Committee, be allowed subject to delinquent personal taxes. By roll call vote. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried. Claims totaling \$316,400.68 are listed at the end of these proceedings.

Chairman Mackeprang moves the Board recess at 10:30 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:44 a.m. with all members present except Supervisor Patrick J. Liska District #2.

Hwy. Supt. Barta met with the Board on the following: 1.) Bridge Crew update; 2.) The approach to the Weigand Bridge will be repaired by the contractor soon. Barricades will be set to close the road during the repair time; 3.) Inspection of sixty bridges is being done; 4.) Update on the Shaw bridge project. Work is slated to begin in early January. Discussion was held on placing culverts for a shoe fly while the bridge is being constructed; 5.) Discussed County Employee Volunteer hours. Recently a county employee answered a call to transport a patient which took the entire workday. The employee had called Hwy. Supt. Barta and Supr. Borgmann before making the transport noting that there were no other drivers available at the time. While many employee volunteer hours are used fighting fires or answering EMT calls locally, the Board said that in this instance the employee volunteer hours for the transport were acceptable, but it should not become a habit; 6.) A patrol operator requested a radio for the patrol; 7.) Oil Crew update; 8.) Supr. O'Connor and Hwy. Supt. Barta updated the Board on a driveway dispute; 9.) Update on aftermath of the Heimes/Jansen court ruling.

At 11:03 a.m., Chairman Mackeprang opened the advertised public hearing on updated Zoning regulations. Nine people were present during the hearing and Consultant Keith Marvin was present via teleconference. Discussed were the following: ~~lot minimum size changing from one-half acre to one acre corrected 02/21/2024~~ one-half acre minimum lot size to remain for previously platted subdivisions; plan development; chart upgrades; change the first line under 4.15.06 to two acres instead of three acres that would be for transition in the commercial corridor in the lake area; proposed changes to the wind section with clarification and waivers; recommendations that FAA and NDA permits not be a part of the Conditional Use Permit process for wind turbines as these permits are required at construction; solar projects and energy storage that requires batteries.

Chairman Mackeprang closed the public hearing at 12:03 p.m. Motion by Supr. Sokol, Jr., seconded by Supr. O'Connor to adopt **Resolution #2023 – 32** approving the updated Zoning Regulations contingent upon changes regarding minimum acres for single dwelling tracts in the commercial corridor, wind project setbacks, waivers and FAA and NDA permits, solar projects. By roll call vote. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried.

### **RESOLUTION #2023 – 32 COUNTY OF KNOX, NEBRASKA ZONING REGULATIONS RESOLUTION**

A resolution, consistent with the Comprehensive Development Plan, adopted for the purpose of promoting health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the County of Knox, Nebraska, to regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, including tents, cabins, house trailers, and automobile trailers; the percentage of lot areas which may be occupied, building setback lines; size of yards, courts, and other open spaces; the density of population; the uses of buildings; and the uses of the land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses; to divide the County into districts of such number, shape, and area as may be best suited to carry out the purposes of this resolution to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of non-farm buildings or structures, and the use, conditions of use or occupancy of land in the unincorporated areas of the County; to provide for the adoption of a zoning map; to provide for a board of adjustment, its members, powers, and duties; to provide for off-street parking and loading area requirements; to provide for conditional uses by conditional use permit; to provide for the proper subdivision and development of land, as provided in the Subdivision Regulations; to provide for non-conforming uses, to provide for the administration and the enforcement of these provisions, and for the violations of its provisions and the prescribed penalties, and including among others such specific purposes as:

1. Developing both urban and non-urban areas.
2. Lessening congestion in the streets or roads.
3. Reducing the waste of excessive amounts of roads.
4. Securing safety from fire and other dangers.
5. Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters.
6. Providing adequate light and air.
7. Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement.
8. Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements.
9. Protecting the tax base.
10. Protecting property against blight and depreciation.
11. Securing economy in governmental expenditures.
12. Fostering the County's agriculture, recreation, and other industries.
13. Encouraging the most appropriate use of land in the County; and
14. Preserving, protecting, and enhancing historic buildings, places, and districts, all in accordance with the comprehensive plan.

WHEREAS Nebraska Revised Reissued Statutes, 1943, Sections 23-114 through 23-114.05 and 23-164 through 23-174.06 as amended, empowers the County to adopt a zoning and subdivision resolution and to provide for its administration, enforcement, and amendment; and

WHEREAS, the County Board of Supervisors of the County of Knox, Nebraska deems it in the interest of the public health, safety, morals, convenience, order, prosperity, and welfare of said County and its present and future residents; and

WHEREAS, the County Board of Supervisors of the County of Knox, Nebraska has adopted a Comprehensive Development Plan pursuant to Neb. R. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Knox County Comprehensive Development Plan, 2020, as amended; and

WHEREAS, the Planning Commission of the County of Knox, Nebraska has recommended the division of the unincorporated areas of the County into districts and recommended regulations pertaining to such districts consistent with the adopted Comprehensive Development Plan based on a future land use plan designed to lessen congestion on roads and highways, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to conserve agricultural land and values, to facilitate sewerage, schools, parks, and other public needs; and

WHEREAS, the Planning Commission of the County of Knox, Nebraska has given reasonable consideration, among other things, to the prevailing agricultural and rural characteristics now predominant in the County, to the character of the districts and their peculiar suitability for the particular permitted uses, with a reasonable understanding of the objective to conserve the value of lands and improvements while encouraging the development of the most appropriate uses of land throughout the County; and

WHEREAS, the Planning Commission of the County of Knox, Nebraska has made a preliminary report, held public hearings, submitted its recommended final report to the County Board of Supervisors; and the County Board of Supervisors have given due public notice of hearings relating to the Comprehensive Development Plan, to the zoning districts, regulations, subdivision regulations, and restrictions, and has held such public hearing; and

WHEREAS, The County Board of Supervisors of the County of Knox, Nebraska have deemed it necessary to adopt the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations, and restrictions for the purpose of the conservation of the existing rural agricultural developments and land uses, of providing for the harmonious development and orderly expansion of urban areas radiating outwardly from existing rural communities, for the orderly extension and planned arrangements of county roads, utilities, for adequate sanitary facilities, for safe and health drinking water, and for reducing flood damage potentials; and

WHEREAS, the requirements of Neb. R.R.S. 1943, Section s 23-114 through 23-124.05, Sections 23-164 through 23-174, and Section 23-174.02, as amended, with regard to the recommendations of the Planning Commission, the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations and restrictions and the subsequent action of the County Board of Supervisors have been met;

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF KNOX, NEBRASKA: That the Zoning and Subdivision Regulations are hereby adopted and shall be administered and enforced by the Zoning Administrator of Knox County, Nebraska.

COUNTY BOARD OF SUPERVISORS  
KNOX COUNTY, NEBRASKA

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

Martin J. O'Connor /s/  
Martin J. O'Connor, District #1

Absent  
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/  
Joann M. Fischer, Knox County Clerk

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

Motion by Supr. Pierce, seconded by Supr. Schlote to approve Administrative Plat Application #P2316 Daniel J. Jessen for an 8.87-acre tract split in the SE1/4NE1/4 of Section 23, T31N, R3W of the 6<sup>th</sup> P.M., Knox County, Nebraska. By roll call vote. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried.

Insurance Agent Jeff Hammer met with the Board on renewal of the 90 Degree Benefits health insurance and the dental/vision insurance with Principal Insurance Company. Mr. Hammer's recommendation was that the Board leave the 2024 premiums the same as the 2023 premiums as the renewal rate proposed by 90 Degree Benefits was slightly less than this year's rates. Motion by Supr. Schlote, seconded by Supr. Borgmann to set the 2024 90 Degree Benefits Health Insurance premiums and the dental/vision insurance premiums with Principal Insurance Company the same as they were in 2023, and the opt-out health insurance stipend to remain at \$375 per month. By roll call vote. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried.

Discussion was held on the balance of the health insurance premiums/claims checking account and possibly moving part of the balance to the County Wellness Fund. More research will be done.

Chairman Mackeprang moves the Board recess for lunch at 12:25 p.m.

The Knox County Board of Supervisors reconvened at 1:17 p.m. with all members present except Supervisor Patrick J. Liska District #2.

Motion by Supr. Borgmann, seconded by Supr. Schlote to place on file the Receipts Revenue List of October 31 – November 13, 2023. By roll call vote. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried.

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

Motion by Supr. O'Connor, seconded by Supr. Borgmann to accept the resignation of North Frankfort Township Clerk Dean Wieseler and the appointment of Tom Sobotka as North Frankfort Township Clerk. By roll call. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Schlote to place on file the officials' bond of North Frankfort Township Clerk Tom Sobotka. By roll call vote. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried.

Motion by Supr. Schlote, seconded by Supr. Borgmann to place on file the Final Audit Report of Fiscal Year ending June 30, 2023. Ayes Districts #1, #3, #4, #5, #6 and #7. Nays none. Absent was District #2. Motion carried.

A number of counties, including Knox County, received letters from the Nebraska State Auditor's Office stating that they will be dropping many of the counties for whom they conduct annual audits. Discussion ensued on finding an auditor for FY 2023/2024. More research will be done.

County Clerk Fischer updated the Board on the Operation Green Light Project that was observed by Knox County recently. The project was well received.

Committees' update was given by Supr. Sokol, Jr. where the Building and Grounds' Committee had discussed purchasing a van to replace a vehicle in the County's fleet. Also discussed was the storage building that should be constructed soon.

Officials' updates were given by the following: 1.) County Clerk Fischer updated the Board on the Crofton City Recall election that was held on November 14. Also presented was information on recent issues with mail in five states that contained a suspicious substance indicating the presence of fentanyl. Candidates for the 2024 Primary Election can begin filing January 5, 2024; 2.) Emergency Manager/Zoning Administrator Jelinek informed the Board that the Planning Commission had approved a Conditional Use Permit for Verizon to construct a cell tower south of Center. The Board will hold a public hearing on the application on December 12. Also, the Board was asked if they wanted a wall map like the maps purchased for the fire departments and the Sheriff's Office with the addition of the Supervisor district boundaries shown. The Board said they would appreciate it and would place it in the Boardroom; 3.) County Assessor McManigal said that notification needs to be made to the State when new towers are constructed.

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

**GENERAL FUND.** Adjusted Salaries, 104,467.51; Applied Connective Technologies, IT/Phone, 4,630.43; Bohemian One Stop, gas, 20.15; Collector of Internal Revenue, Social Security County pays, 8,163.14; Crofton Journal/Niobrara Tribune, publishing, 19.64; Eakes Office Solutions, copier agreement/supplies, 1,512.78; Ecowater, bottled water, 318.50; Elections Systems & Software, ballots/coding, 171.54; Elite Court Reporting, court reporting, 600.85; Gragert's, jail food/supplies, 1,217.09; Great Plains Communications, internet at Lindy tower, 672.75; Hanna LK Jensen, mileage, 424.84; Knox County Sheriff, service fees, 6.00; Kristine Kumm, mileage, 34.73; Madison County Sheriff, mental health board, 29.65; Madison County District Court, mental health board, 50.00; MIPS, computer program, 961.30; NACO, dues, 2,132.85; NACO, registration, 450.00; NACVSO, dues, 50.00; Nebraska Weed Control Association, dues, 210.00; Nebraska Sheriffs' Association, dues, 470.00; North Central Public Power District, Lindy Tower electricity, 42.13; Northeast Nebraska News Co., publishing, 183.34; NSA/POAN, dues, 20.00; Pitzer Digital, publishing, 144.00; Platte Valley Communications, tower repairs, 2,412.08; Quill Corporation, supplies, 112.18; R&K Motor Parts, filter/oil, 138.46; Retirement Plans Division of Ameritas, retirement County pays, 7,574.37; R.S. Technologies, support/hosting, 500.00; Rhonda Surface, reimburse janitor supplies, 47.90; Steven Banks, reimburse dues, 15.00; US Cellular, cell phones, 183.98; US Cellular, cell phones, 460.50; Verdigre Farm Service, gas, 240.80; Verizon, hot spot, 40.01; Vic's Service, tires, 413.50; Village of Center, water/sewer/garbage, 516.00.

**ROAD FUND.** Adjusted Salaries, 40,747.11; Art's Garbage, garbage, 18.00; B's Enterprises Inc., signs, 288.00; Bauer Built Inc., tires, 6,266.70; Big Red Mini Mart, gas, 87.36; Bloomfield Auto Parts, shop supplies, 144.87; Bohemian One Stop, gas, 936.09; Carhart Lumber Company, bridge materials, 75.00; CHS Wausa, diesel/gas, 2,739.04; City of Bloomfield, water, 25.00; City of Creighton, water/sewer, 128.55; C-Mart, gas, 197.05; Collector of Internal Revenue, Social Security County pays, 3,127.67; Cornhusker International Trucks Inc., repairs, 7,240.09; Creighton 59 LLC, gas, 407.56; Crofton Lumber, shop supplies, 12.89; Farmer's Pride, diesel, 7,941.90; Freeman Oil Co. Inc., diesel, 2,073.50; Herbert Feed & Grain, diesel, 7,170.18; J&J Sanitation, garbage, 49.00; Jedlicka's Hardware Hank, shop supplies, 195.37; Joel Suhr, clay, 150.00; Kayton International Inc., skid loader rent, 2,500.00; Kenneth Dine, reimburse HAZMAT, 101.50; Kevin Barta, mileage, 55.00; Kimball Midwest, shop supplies, 232.48; LTL Holdings Inc., gas, 207.00; Nebraska Public Power District, electricity, 37.59; Powerplan, repairs, 776.54; R&K Motor Parts, repairs, 1,546.35; Retirement Plans Div. of Ameritas, retirement County pays, 2,816.27; Russ Crosley, garbage, 46.00; Santee Utility Commission, garbage, 65.00; Schaefer Grain & Feed Co., road salt, 6,737.64; Schreier Lumber, shop supplies, 17.15; Spencer Quarries Inc., red rock, 729.82; Sucha Repair, repairs, 37.16; Truck Center Companies, repairs, 6,191.85; US Cellular, cell phones, 619.57; Vakoc Excavating LLC, gravel/haul, 32,186.91; Verdigre Farm Service, diesel/gas/supplies/grass seed, 7,501.35; Vic's Service

LLC, gas, 225.11; Village of Niobrara, water/sewer, 43.25; Village of Verdigre, water/sewer/garbage, 87.39; Village of Wausa, water/sewer/garbage, 188.45; Willow Creek Sand & Gravel, gravel/haul, 25,573.77.

**CHILD SUPPORT FUND.** Hometown Leasing, copier lease, 164.44; Microfilm Imaging Systems Inc., scanner rent, 81.00.

**VISITOR'S PROMO FUND.** Salaries, 1,614.51; CTM Media Group Inc., visitor program, 200.00; Northeast Nebraska RC&D, grant funds, 200.00.

**ROD PRES/MOD FUND.** MIPS INC., computer program, 275.39.

**COUNTY WELLNESS FUND.** Avera Sacred Heart Hospital, wellness, 90.00; Name Redacted, reimburse deductible, 250.00.

**C&C DEVELOPMENT FUND.** Salaries, 1,786.77; Collector of Internal Revenue, Social Security County pays, 138.85; NEDA Executive Director, dues, 150.00; Retirement Plans Div. of Ameritas, retirement County pays, 113.41; US Cellular, cell phones, 122.32.

**INHERITANCE FUND.** Brogan Lamml P.C., court appointed attorney, 457.42.

**KENO FUND.** Art's Garbage Service, deer dumpsters, 235.00; City of Creighton, keno proceeds, 72.01; County Wide Directory LLC, maps, 1,295.00; J&J Sanitation, deer dumpsters, 191.00.

**911 EMERGENCY FUND.** OPTK Networks, networking, 228.44.

**911 WIRELESS SERVICE FUND.** OPTK Networks, networking, 533.04.

TOTALS

General Fund	\$139,658.00
Road Fund	168,544.08
Child Support Fund	245.44
Visitor's Promo Fund	2,014.51
ROD Pres/Mod Fund	275.39
County Wellness Fund	340.00
C & C Development Fund	2,311.35
Inheritance Fund	457.42
Keno Fund	1,793.01
911 Emergency Fund	228.44
911 Wireless Service Fund	533.04
<b>Total</b>	<b>\$316,400.68</b>

Chairman Mackeprang adjourned the Knox County Board of Supervisors at 1:49 p.m. on Wednesday, November 15, 2023 until Wednesday, November 29, 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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