

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska
November 13, 2024
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 13, 2024 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 Sokol, Jr. presiding.

Chairman Sokol, Jr. led the Board in the Pledge of Allegiance.

Chairman Sokol, Jr. 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 Bloomfield Monitor 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.

County Clerk Fischer read the October 30, 2024 meeting minutes. Chairman Sokol, Jr. approved the minutes of the October 30, 2024 meeting.

The public comment session was opened at 9:45 a.m.

Motion by Supr. Schlote, 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 all Districts. Nays none. Motion carried. A full list of claims totaling \$282,205.73 are listed at the end of these proceedings.

Motion by Supr. Borgmann, seconded by Supr. Mackeprang to place on file the October 28 – November 8, 2024 Receipts Revenue List. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Mackeprang, seconded by Supr. Pierce to approve the cancellation of Check #24060196 payable to Overhead Door Company of Sioux City, Iowa in the amount of \$788.00 paid from the Road Fund. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Schlote to place on file the County Treasurer's Report of two Distress Warrants delivered to the County Sheriff for collection in the total amount of \$1,920.15 and such report shows that the County Sheriff has collected the total amount due. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Mackeprang, seconded by Supr. Borgmann to place on file the Clerk of District Court October 2024 Fee Report. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Liska, seconded by Supr. Pierce to reappoint Highway Superintendent Kevin R. Barta, License #S-1109, Class A, employee of Knox County, with a beginning date of January 1, 2025 and to adopt **Resolution #2024 – 34** authorizing Chairman Sokol, Jr. to sign the Year-End Certification of County Highway Superintendent Form for Determining Incentive Payment in Calendar Year 2024. By roll call vote. Ayes all Districts. Nays none. Motion carried.

**RESOLUTION
SIGNING OF THE
YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT
2024**

Resolution No. 2024 – 34

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 detail the requirements that must be met in order for a county to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31st of each year) the appointment(s) of the County Highway Superintendent(s) to the NDOT using the Year-End Certification of County Highway Superintendent form; and

Whereas: The NDOT requires that such certification shall also include a copy of the documentation of the county highway superintendent's appointment, i.e., meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable) and Class of License (if applicable), the type of appointment, i.e., employed or under contract (consultant, or interlocal agreement with another county and/or incorporated municipality), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Be it resolved that the County Board Chairperson of Knox County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form(s).

Adopted this 13th day of November, 2024 at Center, Nebraska.

County Board Members

Kevin Mackeprang /s/

Danny R. Schlote /s/

David L. Pierce /s/

James Sokol, Jr. /s/

Martin J. O'Connor /s/

James Borgmann /s/

Patrick J. Liska /s/

County Board Member Supr. Liska

Moved the adoption of said resolution

Member Supr. Pierce Seconded the Motion

Roll Call: 7 Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted

Attest: (Seal)

Joann M. Fischer /s/

(Signature of Clerk)

Motion by Supr. Pierce, seconded by Supr. Borgmann to change the last meeting date in December to Monday, December 23, 2024 and the first meeting date in January 2025 to Thursday, January 9, 2025. By roll call vote. Ayes all Districts. Nays none. Motion carried.

The public comment session was closed at 10:02 a.m. No one gave public comment.

Chairman Sokol, Jr. moves the Board recess at 10:03 a.m. for Board of Equalization.

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

Emergency Manager/Zoning Administrator Jelinek met with the Board on the following: 1.) Motion by Supr. Schlote, seconded by Supr. Borgmann to place on file the October Permits Report. By roll call vote. Ayes all Districts. Nays none. Motion carried; 2.) Motion by Supr. O'Connor, seconded by Supr. Liska to approve Administrative Plat Application #P2412 Gary Hoebelheinrich for a zoning boundary adjustment of Lots 105 and 106, The Timbers subdivision. By roll call vote. Ayes all Districts. Nays none. Motion carried; 3.) Discussion was held on the Herzog Modification of a DEE Permit. Present were feedlot owners Mark and Laura Miller as well as Andy Scholting with Nutrient Advisors. Discussed were permits, not modifying the 20,000 head limit on the permit, additional area being considered but not additional cattle, the property is titled as under one name but the permit has a different name, and location of the holding pond. County Attorney Thomas informed the Board that the County doesn't have control over DEE (formerly DEQ) and the County is limited to zoning on agricultural land as well as limiting animal unit numbers but not building of structures. Mr. Scholting said there will be no animals on the property in question as the pens are located elsewhere and the DEE inspects all phases of the project to be sure it is built to the approved plans; 4.) Discussed Emergency Manager position. Selected applicants will be interviewed on November 27, 2024; 5.) The Planning Commission approved a Conditional Use Permit for Brenna Pahl of Bazile Mills for the expansion of her daycare. A public hearing will be held on December 11, 2024; 6.) Discussed disposal of surplus equipment.

Discussion ensued on trapping in road ditches, regarding safety and statutes. Motion by Supr. O'Connor, seconded by Supr. Schlote to adopt **Resolution #2024 – 35** prohibiting trapping in County and Township road right-of-ways. By roll call vote. Ayes all Districts. Nays none. Motion carried.

RESOLUTION #2024 – 35

Whereas, Nebraska Revised Statute §37-513(2)(a) states "Any county may adopt a resolution having the force and effect of law to prohibit the trapping of wildlife in the county road right-of-way or in a certain area of the right-of-way as designated by the county", and

Whereas, Nebraska Revised Statute §37-513(2)(c) also states "For purposes of this subsection, county road right-of-way means the area which has been designated a part of the county road system and which has not been vacated pursuant to law", and

Whereas, the Knox County Board of Supervisors' February 26, 2009 meeting minutes show that the Board approved sending a letter to then Senator Cap Dierks stating that the Knox County Board of Supervisors' supported the adoption of LB 5 that would allow trapping in road right of ways with the roll call vote as follows: Ayes Districts #2, #5, #6 and #7, Nays Districts #1 and #3. Absent was District 4, and

Whereas, concerns have been brought to the attention of the current Knox County Board of Supervisors for the safety of the public and the county road employees who may enter the county road right-of-way and be unaware of traps in such county road right-of-way, and

Be It Therefore Resolved, the Knox County Board of Supervisors, as per Nebraska Revised Statute §37-513(2)(a) have the force and effect of law, and, do hereby prohibit the trapping of wildlife in the county and township road right-of-ways in Knox County.

Dated this 13th day of November 2024.

KNOX COUNTY BOARD OF SUPERVISORS

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

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

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

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

Discussion was held on legal representation for Supr. Kevin Mackeprang in the North Fork Wind LLC lawsuit. As Supr. Mackeprang has a contract with North Fork Wind LLC but still named in the lawsuit, it was recommended he find his own legal representation. County Attorney Thomas was present and told the Board that he cannot represent Supr. Mackeprang. Supr. Mackeprang retained Attorney Julie M. Ryan with Abrahams Kaslow & Cassman LLP of Omaha. Motion by Supr. Borgmann, seconded by Chairman Sokol, Jr. to adopt **Resolution #2024 – 36** approving the retainer of Attorney Julie M. Ryan of Abrahams Kaslow & Cassman LLP of Omaha and to approve the retainer fee of \$3,000 and an hourly rate at the current rate of \$260 per hour for legal fees and expenses. By roll call vote. Ayes all Districts. Nays none. Motion carried.

RESOLUTION #2024 – 36

WHEREAS, The County of Knox, its Supervisors, and members of the Knox County Planning Commission have been named as defendants, in their official capacities, in a certain case currently pending in the United States District Court for the District of Nebraska at 4:24-cv-03150 ("the Lawsuit"); and

WHEREAS, Neb. Rev. Stat. §23-1203 confers authority upon the County of Knox to employ additional counsel in civil matters as it may deem necessary; and

WHEREAS, the County of Knox deemed it necessary and in its best interests to employ attorney David D. Begley as Special County Attorney for the Lawsuit, and

WHEREAS, Kevin D. Mackeprang, Supervisor for District #5 ("Supervisor Mackeprang") in Knox County has a conflict of interest as he has a contract with North Fork Wind, LLC on personal real estate, and

WHEREAS, Supervisor Mackeprang has been advised to seek legal counsel to represent him in the Lawsuit and has engaged Attorney Julie M. Ryan with Abrahams Kaslow & Cassman LLP ("AK&C") of Omaha, and

WHEREAS, the Chairman of the Knox County Board of Supervisors was authorized to enter into an hourly fee agreement with Attorney David D. Begley for his reasonable compensation with respect to the Lawsuit, and

WHEREAS, Attorney Julie M. Ryan's letter of engagement (such letter of engagement is attached to this Resolution) states that her current hourly rate for this engagement is \$260 with an anticipated increase in the hourly rate effective January 1, 2025, noting that adjustments are made from time to time, and

WHEREAS, a request was made in the letter of engagement that a \$3,000 retainer fee be paid to AK&C within thirty days from November 8, 2024, with the right for AK&C to apply such amounts to payment of legal fees and expenses at any time after the legal fees or expenses have been incurred, and

BE IT THEREFORE, RESOLVED, the County of Knox will pay Abrahams Kaslow & Cassman LLP a retainer fee of \$3,000 with the addition of an hourly rate and all legal fees and expenses incurred in the representation of Supervisor Mackeprang in the case currently pending in the United States District Court for the District of Nebraska at 4:24-cv-03150.

Dated this 13th day of November 2024.

KNOX COUNTY BOARD OF SUPERVISORS

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

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

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

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

County Attorney Thomas met with the Board regarding his letter of resignation. County Attorney Thomas will resign as County Attorney effective December 31, 2024 and recommends the appointment of current Deputy County Attorney Hanna Knox Jensen to fill his unexpired term as the Knox County Attorney. Also discussed was retaining County Attorney Thomas as an assistant to assist with the upcoming trials, the wage for being assistant to be the current rate Mrs. Jensen is currently receiving, which is 40% of the County Attorney's wage, and possibly staying on as assistant for two years. After discussion, motion by Supr. O'Connor, seconded by Supr. Borgmann to accept the resignation of County Attorney John Thomas effective December 31, 2024, and to accept the recommendation and to appoint Deputy County Attorney Hanna Knox Jensen as the Knox County Attorney to fill the unexpired term of Knox County Attorney John Thomas effective January 1, 2025. By roll call vote. Ayes all Districts. Nays none. Motion carried.

Motion by Supr. Mackeprang, seconded by Supr. Pierce to retain John Thomas as an assistant to Hanna Knox Jensen after she is sworn in as the Knox County Attorney to fill the unexpired term, the wage for being assistant to be the current deputy wage of 40% of the County Attorney's wage, Mr. Thomas to receive an health insurance opt-out stipend beginning January 1, 2025 and that Mr. Thomas can retain his current dental/vision insurance, life insurance and any other enrollments that he currently has as of December 31, 2024. By roll call vote. Ayes Districts #2, #3, #4, #5, #6 and #7. Nays District #1. Motion carried.

Committee updates were as follows: 1.) Chairman Sokol, Jr. informed the Board discussion was held on having the roof inspected; 2.) Supr. Mackeprang said the Region IV meetings take place on Wednesdays so is a conflict with the Board meetings.

Officials' updates were given as follows: 1.) Sheriff Henery said that one applicant has accepted a job offer as dispatcher/jailer and another one will start in December. Also, a retired State patrolman will be interviewed to fill a deputy position; 2.) Review of the law enforcement billing to Crofton City; 3.) County Clerk Fischer updated the Board on the successful Operation Green Light Project. Also, an update on the 2024 General Election process; 4.) County Treasurer Ebel said revenues are very slow coming in and officials should curb spending.

Hwy. Supt. Barta met with the Board on the following: 1.) Bridge Crew update; 2.) Center line striping has been completed; 3.) Bridge inspections have been completed and the information now must be entered on the computer; 4.) Discussed repairs to the District #2 truck; 5.) The driveway has been completed to the Crofton Fire rural location.

Supr. Mackeprang left the meeting at 11:31 a.m.

Motion by Supr. Borgmann, seconded by Supr. Liska to go into closed session at 11:31 a.m. to discuss pending litigation on the North Fork Wind, LLC, etal vs Knox County etal lawsuit. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried. Chairman Sokol, Jr. reiterated the closed session will be held on pending litigation namely the North Fork Wind, LLC, etal vs Knox County, etal lawsuit. The Board came out of closed session at 12:03 p.m.

Motion by Supr. Pierce, seconded by Supr. Liska to close at 12:03 p.m. the closed session held on pending litigation namely the North Fork Wind, LLC, etal vs Knox County, etal lawsuit. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was district #5. Motion carried.

GENERAL FUND. Salaries, 102,754.54; Antelope County Sheriff, house inmate/medical treatment, 2,520.00; Applied Connective Technologies, it costs, 9,561.76; Big Red Mini Mart, gas, 45.61; Bloomfield Pharmacy, medication, 14.80; Classic Carpet Care, mop rental, 45.00; Cmart LLC, gas, 65.57; Collector of Internal Revenue, Social Security County pays, 7,862.31; County of Knox Employee Benefit c/o Healthcare Solutions Group Inc., insurance County pays, 24,431.45; CVSOAN, dues, 100.00; D&L Tire LLC, tires, 981.96; David Arens, mileage correction, 6.30; Dean Wilken, mileage correction, 3.51; Des Moines Stamp Mfg. Co., stamps, 83.00; Doug DeShazer, mileage correction, 3.60; Eakes Office Solutions, copier agreement/janitor supplies, 531.03; Ecowater, bottled water, 598.00; Election Systems & Software Inc., election ballots, 3,070.50; Farmers & Merchants State Bank, stop check fee, 30.00; Gragert's Grocery, jail food, 1,017.49; Great Plains Communications, phone/internet/fax, 1,691.04; Greg D Kuhlman, mileage correction, 3.60; Holt County Independent, publishing, 164.30; Jim Kotrous, mileage correction, 2.88; Keith Nielsen, mileage correction, 2.43; Kelly Hanvey, reimburse dues, 50.00; Kenneth R. Tusha DDS, prisoner medical treatment, 903.00; Knox County Sheriff, paper fees, 2.00; Kristine Tramp, mileage, 69.68; Lincoln National Life Insurance Co., insurance County pays, 144.98; Microfilm Imaging Systems, scanner rent, 40.50; MIPS Inc., computer program, 878.86; N&B Gas Company, propane, 585.20; NACO, dues, 2,174.00; Nebraska Sheriff's Association, memberships, 530.00; Neil Clausen, mileage correction, 5.04; North Central Public Power District, electricity, 1,852.72; O'Neill Shopper, publishing, 244.20; Pitzer Digital, publishing, 2,296.08; Platte Valley Communications, radio repair, 237.70; Principal Life Insurance Company, insurance County pays, 1,098.09; Quill Corporation, office supplies, 113.82; R.S. Technologies Inc., program subscription, 500.00; Retirement Plans Division of Ameritas, retirement County pays, 7,235.86; Robert D Larsen, mileage correction, 1.35; Robert Ganz, mileage correction, 1.98; Tri County Abstract & Title, title searches, 718.00; U-Save Pharmacy, medication, 59.37; US Cellular, cell phones, 185.75; US Cellular, cell phones, 465.20; Verdigre Farm Service, gas, 162.14; Willie's Service, oil change, 52.33; Yankton Daily Press & Dakotan, publishing, 416.90.

ROAD FUND. Salaries, 37,686.17; Art's Garbage, garbage, 18.00; B's Enterprises Inc., asphalt patch mix, 924.00; Big Red Mini Mart, gas 79.95; Bohemian One Stop, gas, 886.04; Central Valley Ag, equipment rental, 600.00; City of Creighton, water/sewer, 138.87; Clark's Rentals Inc., equipment rental, 845.00; Cmart, gas, 283.20; Cmart LLC, gas, 152.54; Collector of Internal Revenue, Social Security County pays, 2,836.83; Cornhusker International Trucks inc., repairs, 238.52; County of Knox Employee Benefit c/o Healthcare Solutions Group Inc., insurance County pays, 10,497.68; Creighton 59 LLC, gas, 386.78; Crowne Plaza Kearney, lodging, 123.95; Fairfield Inn & Suites, lodging, 247.90; Farmers Pride, propane/diesel, 5,126.24; Frevert Excavating LLC, equipment rental, 3,400.00; Great Plains Communications, phone, 201.62; Hefner Hardware, shop supplies, 64.98; Herbert Feed & Grain Co., diesel, 1,860.00; Husker Steel, steel, 939.00; J&J Sanitation, garbage, 49.00; Jebro Inc., crs-2, 5,051.63; Kayton International Inc., equipment rental/repairs, 2,538.35; Lincoln National Life Insurance Co., insurance County pays, 56.62; Linn Post & Pipe Inc., repairs, 38.09; LTL Holdings Inc., gas, 193.33; N&B Gas Company, propane, 308.00; Nebraska Public Power District, electricity, 39.10; North Central Public Power District, electricity, 238.32; Principal Life Insurance Company, insurance County pays, 403.38; Retirement Plans Div. of Ameritas, retirement County pays, 2,488.12; Rohrer Welding, repairs, 424.35; Sucha Repair, filters/repairs, 820.93; US Cellular, cell phones, 543.24; Verdigre Farm Service, gas/diesel, 3,777.79; Village of Niobrara, water/sewer, 43.25; Village of Verdigre, water/sewer/garbage, 77.00.

CHILD SUPPORT FUND. Great Plains Communication, phone/internet/fax, 168.40; Maximus Inc., cost allocation, 1,250.00; Microfilm Imaging Systems Inc., scanner rent, 81.00.

ROD PRES/MOD FUND. MIPS Inc., computer program, 389.88.

COUNTY STOP PROGRAM FUND. Kustom Signals Inc., signals, 900.00.

ECONOMIC DEVELOPMENT FUND. NENEDD, admin fees, 1,870.00.

C&C DEVELOPMENT FUND. Salaries, 1,751.20; Great Plains Communication, phone/internet/fax, 61.96; US Cellular, cell phone, 61.15.

INHERITANCE FUND. Cedar County Transit, public transit, 2,100.00; Copple Rockey Schlecht Mason PC LLO, court appointed attorney, 805.22; Jamie Miller Legal Services LLC, court appointed attorney, 6,731.88; Rodney W. Smith, public defender contract, 2,083.33; Stratton DeLay Doele Carlson, court appointed attorney, 294.50.

KENO FUND. City of Creighton, lottery proceeds, 640.98.

911 EMERGENCY FUND. City of Norfolk, networking, 44.74; Great Plains Communications, phone/internet, 234.56; 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	\$176,615.43
Road Fund	84,627.77
Child Support Fund	1,499.40
ROD Pres/Mod Fund	389.88
County Stop Program Fund	900.00
Economic Development Fund	1,870.00
C&C Development Fund	1,874.31
Inheritance Fund	12,014.93
Keno Fund	640.98
911 Emergency Fund	574.16
911 Wireless Service Fund	1,198.87
Total	\$282,205.73

Chairman Sokol, Jr. adjourned the Knox County Board of Supervisors at 12:03 p.m. on November 13, 2024 until Wednesday, November 27, 2024 at 9:30 a.m. for a regular meeting.

I, Joann M. Fischer, Knox County Clerk, do hereby certify that the County Board of Supervisors' minutes are correct to the best of my knowledge.

ATTEST:

Joann M. Fischer

Joann M. Fischer, Knox County Clerk



COUNTY BOARD OF SUPERVISORS
OF KNOX COUNTY, NEBRASKA

By *James Sokol, Jr.*

James Sokol, Jr., Chairman
