

PROCEEDINGS OF THE KNOX COUNTY BOARD OF SUPERVISORS

Center, Nebraska
December 23, 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 Monday, December 23, 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, Danny R. Schlote District #6 and James J. Borgmann District #7. Absent was Supervisor Kevin D. Mackeprang District #5. Chairman Sokol, Jr. presiding.

Supervisor Borgmann 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 Verdigre Eagle 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.

Supr. O'Connor read the minutes of the December 11, 2024 meeting as County Clerk Fischer was detained. Chairman Sokol, Jr. approved the minutes of the December 11, 2024 meeting.

Correspondence reviewed was the following: 1.) A copy of a letter from the Nebraska Dept. of Environment and Energy addressed to Mark Miller/Epic Land and Cattle, LLC-Herzog Feedlot regarding a modified Construction and Operating Permit for phased livestock waste control facilities; 2.) Letter from State of Nebraska Board of Engineers and Architects informing the Board that the architecture (A-2159) and professional engineering (E-9749) licenses of Tobias (Toby) S. Gay of Columbus, Nebraska were revoked.

Chairman Sokol, Jr. opened the public comment session at 9:45 a.m.

Motion by Supr. Schlote, 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 Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried. Claims totaling \$450,278.24 are listed at the end of these proceedings.

Chairman Sokol, Jr. closed the public comment session at 10:01 a.m. No one gave public comment.

Chairman Sokol, Jr. moved the Board recess at 10:02 a.m. for Board of Equalization.

The Knox County Board of Supervisors reconvened at 10:08 a.m. with all members present except Supervisor Kevin D. Mackeprang District #5.

Motion by Supr. Liska, seconded by Supr. Schlote to place on file the Receipts Revenue List of December 9 – 19, 2024. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

Motion by Supr. Liska, seconded by Supr. Borgmann to place on file the County Treasurer's Certificate of Pledged Securities. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

Motion by Supr. Schlote, seconded by Supr. Pierce to place on file the Resolutions by Board of Directors of Depository Banks and Securities. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

Motion by Supr. Liska, seconded by Supr. O'Connor to place on file the Official Bond and Oath for Herrick Township Clerk Joyce Woodbury. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Borgmann to place on file the Official Bond and Oath for North Frankfort Township Clerk Thomas L. Sobotka. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

Motion by Supr. O'Connor, seconded by Supr. Borgmann to adopt **Resolution #2024 – 38** to hire attorney David D. Begley as Special County Attorney to file a lawsuit against NIRMA in order to resolve the insurance policy coverage issue arising regarding the North Fork Wind LLC etal vs Knox County, etal lawsuit and to authorize Chairman Sokol, Jr. to sign the Hourly Fee Agreement between Elder Law and Estate Planning of Nebraska, David D. Begley, P.C., L.L.O. with respect to the NIRMA insurance coverage dispute and lawsuit. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

RESOLUTION #2024 – 38

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");

WHEREAS, the County of Knox purchased from the Nebraska Intergovernmental Risk Management Association ("NIRMA") an insurance policy to provide coverage for lawsuits against its public officials;

WHEREAS, the County of Knox has made demand upon NIRMA to pay Special County Attorney David D. Begley's fees in the Lawsuit, but after an appeal hearing NIRMA has refused to pay the attorney's fees of the Special County Attorney;

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

WHEREAS, the County of Knox deems it necessary and in its best interests to employ attorney David D. Begley as Special County Attorney in order to file a lawsuit against NIRMA with respect to the insurance policy coverage issue;

WHEREAS, the Chairman is hereby authorized to enter into an hourly fee agreement with attorney David D. Begley for his reasonable compensation with respect to the Lawsuit;

NOW, THEREFORE, BE IT RESOLVED BY THE KNOX COUNTY BOARD OF SUPERVISORS, that the County of Knox, pursuant to Neb. Rev. Stat. §23-1203, employs attorney David D. Begley as Special County Attorney to file a lawsuit against NIRMA in order to resolve the insurance policy coverage issue arising regarding the Lawsuit.

DATED this 23rd day of December, 2024.

COUNTY OF KNOX
James Sokol, Jr. /s/
By James Sokol, Jr., Chairman

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

Hwy. Supt. Barta met with the Board on the following: 1.) Update on the recent NACO Conference; 2.) Recap of the Center West bridge project. Motion by Supr. Pierce, seconded by Supr. Liska to adopt **Resolution #2024 – 39** providing for the construction of the Center West Federal Aid County Project and authorizing the Knox County Chairperson to sign future contract(s) with the low bidder being Herbst Construction, Inc., LeMars IA for the work on the Center West Federal Aid County Project. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

RESOLUTIN #2024 – 39

WHEREAS, there has been signed by the COUNTY OF KNOX on the 27th of February, 2020, and the State on the 5th day of March, 2020, an agreement providing for the construction of a Federal Aid County Project at the following location: CENTER WEST, and

WHEREAS, in the above agreement, the County has pledged sufficient funds to finance its share of the cost of the construction of this project identified as BRO-7054(22), and

WHEREAS, the above mentioned agreement provided that the County will pay costs as set forth in the agreement, and

WHEREAS, the State, on behalf of the County received bids for the construction of this project based on the final plans and specifications on December 12, 2024, at which time 9 bid(s) were received for the construction of the proposed work, and

WHEREAS, the following Contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

HERBST CONSTRUCTION, INC., LE MARS, IA 51031-0728

GRADING, CULVERT, SEEDING, BRIDGE AT STATION 28+70, GUARDRAIL, GENERAL ITEMS:
\$2,034,034.00

NOW THEREFORE, in consideration of above facts, the KNOX COUNTY BOARD OF SUPERVISORS, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the County hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Board hereby concurs in the selection of the above mentioned Contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Board hereby approves of the final plans and specifications that were used in the bidding process for this project.
4. The Board hereby authorizes the Board Chairperson to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the County using State's standard contract signing process, including when applicable, an electronic or digital signing process such as DocuSign®.

DATED this 23rd DAY OF DECEMBER, A.D. 2024

KNOX COUNTY BOARD OF SUPERVISORS
James Sokol, Jr. /s/
(Chairperson)

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

Board Member Supr. Pierce
Moved the adoption of said resolution,
seconded by Supr. Liska
Roll Call: 6 yea, 0 nay, 1 absent.
Resolution adopted, signed and billed as
adopted.

Hwy. Supt. Barta continued with the following: 3.) Knox County was not selected in Round Nine of the County Bridge Match Program; 4.) NIRMA will conduct a sign audit January 6 and 7, 2025; 5.) January 14, 2025 will be a bridge inspection training; 6.) The State will be reviewing 120 bridges, the qualifying inspections and work done with a grading process to follow the review; 7.) Hwy. Supt. Barta and Deputy County Attorney Jensen discussed with the Board the recent meeting with Attorney David Domina regarding the Lazy Rivers Acres area; 8.) Update on the Heimes/Jansen lawsuit that has now been RULED by the District Court Judge.

Officials' update was given by the following: 1.) Sheriff Henery discussed the recent NACO Conference where plans by NACO are to push for the licensing of UTVs with the licensing fees to be used towards the replacement of inheritance tax revenue to Counties; 2.) County Clerk Fischer asked the Board about continuance of professional counseling for employees.

Newly appointed Emergency Manager Austin Taylor updated the Board on current work and research of new projects.

A telephone conference with held with Extension Educator Megan Hanefeldt regarding the appointment of Justin Avery of Center to the Knox County Extension Board, replacing Scott Ruzicka whose position termed out. Motion by Supr. Pierce, seconded by Supr. Liska to appoint Justin Avery of Center to the District Three position on the Knox County Extension Board for a three-year term. By roll call vote. Ayes Districts #1, #2, #3, #4, #6 and #7. Nays none. Absent was District #5. Motion carried.

Motion by Supr. Liska, seconded by Supr. Pierce to go into closed session at 10:47 a.m. on pending litigation namely the North Fork Wind, LLC, etal v 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 v Knox County, etal lawsuit. The Board came out of closed session at 11:22 a.m.

Motion by Supr. Schlote, seconded by Supr. Pierce to close at 11:22 a.m. the closed session held on pending litigation namely the North Fork Wind, LLC, etal v 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.

In recognition of many years of service to Knox County, Chairman Sokol, Jr. presented plaques to outgoing District #2 Supervisor Patrick J. Liska, County Attorney John Thomas who will be stepping back from being County Attorney and retiring Veterans Service Officer Gary Jones. Following the adjournment of the meeting, a luncheon for the honorees along with their families and friends, County Officials, and employees was held in the Basement Conference Room.

GENERAL FUND. Salaries, 98,640.36; Bloomfield Dental Clinic, medical treatment, 476.00; Clerk of District Court, filing fees, 36.00; Collector of Internal Revenue, Social Security County pays, 7,535.15; County of Knox Employee Benefit c/o Healthcare Solutions Group Inc., insurance County pays, 34,370.00; Creighton 59 LLC, gas, 109.79; DAS State Accounting-Central Finance, backup, 472.00; Dollar General, jail supplies, 17.50; Farmers Pride, tower propane, 200.05; Flock Group Inc., license plate readers, 9,450.00; Great Plains Communications, tower internet, 64.52; Knox County Treasurer, transfer from General Fund to Road Fund, 128,971.78; KV Electric, repairs/heater, 924.33; Landmark Surveying, survey fees, 3,400.00; Lincoln National Life Insurance Co., insurance County pays, 139.01; Lois Kumm, jail food, 26.00; MIPS Inc., programming, 878.86; MIPS Inc., freight, 90.60; Moody Motor Company, repairs, 169.24; NACO, registrations, 350.00; Nebraska Weed Control Association, registration, 150.00; Pitzer Digital, publishing, 512.49; Principal Life Insurance Company, insurance County pays, 1,096.51; Quill Corporation, office supplies, 333.29; Retirement Plans Div. of Ameritas, retirement County pays, 6,923.16; U-Save Pharmacy, meds, 39.58; Verdigre FFA Alumni, table rent, 50.00; Village of Center, water/sewer/garbage, 480.00.

ROAD FUND. Salaries, 39,338.98; Ag & Industrial Equipment, repairs, 50.63; Art's Garbage, garbage, 18.00; Black Hills Energy, heating fuel, 147.56; Bloomfield Auto Parts, repairs, 85.49; Bruce Hagge, prior service, 24.00; Bruce Peters, prior service, 24.00; Cedar-Knox Public Power District, electricity, 187.85; Cmart LLC, gas, 80.38; Collector of Internal Revenue, Social Security County pays, 2,961.70; County of Kox Employee Benefit c/o Healthcare Solutions Group Inc., insurance County pays, 12,290.00; Creighton 59 LLC, gas, 304.83; Freeman Oil CO LLC, diesel, 873.14; Herbert Feed & Grain Co., diesel/oil, 8,063.43; Hrbek Construction, equipment rental, 1,980.00; J&J Sanitation, garbage, 49.00; Kayton International Inc., equipment rental, 6,984.00; Lincoln National Life Insurance Company, insurance County pays, 56.62; LTL Holdings Inc., gas, 165.90; Marc Mastalir, prior service, 21.00; Medical Enterprises Inc., drug test, 35.00; Nebraska Public Power District, electricity, 200.24; Pitzer Digital, publishing, 108.00; Principal Life Insurance Company, insurance County pays, 419.94; Reading Truck Equipment LLC, repairs, 2,375.38; Retirement Plans Div. of Ameritas, retirement County pays, 2,599.70; Russ Crosley, garbage, 46.00; Schaefer Grain & Feed Co., road salt, 4,454.10; Scott Grim, prior service, 30.00; Truck Center Companies, repairs, 203.47; Vakoc Excavating LLC, gravel, 39,396.05; Village of Center, water/sewer, 34.00.

CHILD SUPPORT FUND. Postmaster, postage, 1327.20.

VISITOR'S PROMO FUND. Southeast South Dakota Tourism Assn, advertising, 962.00.

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

COUNTY WELLNESS FUND. Avera Sacred Heart Hospital, wellness, 8,936.92; Name Redacted, reimburse deductible, 250.00.

C&C DEVELOPMENT FUND. Salaries, 1,767.62; Beth Rudloff, leadership meal, 70.00.

INHERITANCE FUND. Brogan Lamml PC, court appointed attorney, 2,297.55; Egley Fullner, Montag, Morland & Easland PC, court appointed attorney, 2,460.10; Elder Law and Estate Planning, special county attorney, 8,978.40; Jamie Miller Legal Services LLC, court appointed attorney, 1,417.52; Mark D Albin, court appointed attorney, 1,230.40.

KENO FUND. J&J Sanitation, deer dumpsters, 526.92.

911 EMERGENCY FUND. City of Norfolk, networking, 44.74.

911 WIRELESS SERVICE FUND. City of Norfolk, networking, 104.38.

TOTALS

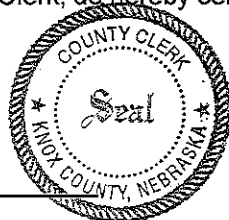
General Fund	\$295,906.22
Road Fund	123,608.39
Child Support Fund	1,327.20
Visitor's Promo Fund	962.00
ROD Pres/Mod Fund	389.88
County Wellness Fund	9,186.92
C & C Development Fund	1,837.62
Inheritance Fund	16,383.97
Keno Fund	526.92
911 Emergency Fund	44.74
911 Wireless Service Fund	104.38
Total	\$450,278.24

Chairman Sokol, Jr. adjourned the Knox County Board of Supervisors at 11:30 a.m. on Monday, December 23, 2024 until Thursday, January 9, 2025 at 9:00 a.m. for a statutory reorganizational 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
