



Clay County Board Minutes



COUNTY BOARD OF SUPERVISORS

Courthouse, Clay Center, Nebraska, May 19, 2020 at 9:00 A.M.

The Clay County Board of Supervisors met May 19, 2020, as per public notice given in the Clay County News on May 13, 2020. A copy of the proof of publication is on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting. Pursuant to "Executive Order No. 20-03 Coronavirus Public Meetings Requirement Limited Waiver", the County Board will be conducting their meetings by video-conference or by telephone conferencing or by conferencing by other electronic communication so long as there is made available at such meeting access to members of the public and to members of the media. The waiver shall apply to all public governing body meetings that occur effective March 17, 2020 through May 31, 2020." This meeting was held via WebEx. Instructions to join the meeting through audio and/or video were published in the advanced notice of this meeting. Chairman Fintel presided with roll call showing the following present Bitterman, Samuelson, Pavelka, Schmidt, Johnson, Shaw and Fintel. Minutes of the meeting held April 28, 2020 were mailed to the board members. All of the proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Ivan Fintel stated that the open meeting law act is posted on the Clay County website on the Public Notice page.

Motion by Samuelson and seconded by Johnson to approve the minutes of the meeting held April 28, 2020 as mailed. On roll call, yea: Samuelson, Pavelka, Schmidt, Johnson, Shaw, Bitterman and Fintel. Motion carried.

All information being discussed was emailed to the Board prior to the meeting and available to the public upon request.

During Public Input, Brenda Hansen, County Assessor asked the Board if they had thought about how they were going to conduct protest hearings. The appraiser is available on July 17th to meet if needed. Because of the size of the county, we are not required to hold face to face meetings for protests. Phone calls could be an option. This will be discussed more.

Thomas Roemmich II, Highway Superintendent reported on road work. The weight limit signs on asphalt roads have been taken down. The first round of mowing asphalt road ditches has been completed. They will be checked to see if they need it again before Memorial Day. Replacing two fracture critical bridges was discussed. Tom would like to replace the motor grader in Harvard this year.

Motion by Schmidt and seconded by Pavelka to advertise for motor grader bids; bids to be opened July 14, 2020 at 9:15 A.M. On roll call, yea: Pavelka, Schmidt, Johnson, Shaw, Bitterman, Samuelson and Fintel. Motion carried.

The Agreement between Clay County and Van Kirk Bros. Contracting for Clay County Box Culverts 2020; Engineer Project #020-0243 and the Notice to Proceed were



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emailed to the Highway Superintendent and the County Attorney as well as the Board of Supervisors. Authorization to sign the documents is needed.

Motion by Bitterman and seconded by Shaw to authorize the chairman to sign the Agreement and the Notice to Proceed for Clay County Box Culverts 2020; Engineer's Project #020-0243 between Clay County and Van Kirk Bros. Contracting. On roll call, yea: Schmidt, Johnson, Shaw, Bitterman, Samuelson, Pavelka and Fintel. Motion carried.

Motion by Shaw and seconded by Samuelson to open the public hearing at 9:13 A.M. for a water easement to transfer water from Fairfield to Edgar. On roll call, yea: Johnson, Shaw, Bitterman, Samuelson, Pavelka, Schmidt and Fintel. Motion carried.

Tom Roemmich II, Highway Supt. was present. It was asked if there was anyone on for public comment; nothing was heard. No written comments or objections were received. Since there were no comments, other business was taken care of.

Several easements had been sent to the Board for their review. These were discussed with the Highway Superintendent.

Motion by Bitterman and seconded by Pavelka to approve the request from Glenwood Telephone to bury a fiber optic cable occupying county right of way beginning in the NE $\frac{1}{4}$ of Section 2-7-5 going north on the west side of Road Y for 1045' boring under Road 319 then bore Road Y heading east on Road 319 for 1 mile on the north side in SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 36-8-5 to Road Z aka Clay/Fillmore county line. On roll call, yea: Shaw, Bitterman, Samuelson, Pavelka, Schmidt, Johnson and Fintel. Motion carried. (map filed with request)

Motion by Bitterman and seconded by Johnson to approve the easement requested by Jason Friesen to install an electrical line across Road M from SW $\frac{1}{4}$ Sec.25-T8N-R5W to SE $\frac{1}{4}$ Sec. 26-T8N-R7W to power a pivot. On roll call, yea: Bitterman, Samuelson, Pavelka, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Motion by Bitterman and seconded by Schmidt to approve the easement request from Black Hills Energy to install a natural gas pipeline in Sections 23, 24, 25 and 26 School Creek Township. On roll call, yea: Samuelson, Pavelka, Schmidt, Johnson, Shaw, Bitterman and Fintel. Motion carried. (complete legal descriptions and maps filed with request)

Motion by Johnson and seconded by Pavelka to approve the easement requested by Tall Grass Energy to install an electrical line across Road Z from SE $\frac{1}{4}$ Sec.13-T7N-R5W to SW $\frac{1}{4}$ Sec. 18-T7N-R4W Fillmore County to supply electricity to a metering site. On roll call, yea: Pavelka, Schmidt, Johnson, Shaw, Bitterman, Samuelson and Fintel. Motion carried.

Motion by Schmidt and seconded by Bitterman to close the public hearing at 9:21 A.M. On roll call, yea: Schmidt, Johnson, Shaw, Bitterman, Samuelson, Pavelka and Fintel. Motion carried.



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Motion by Johnson and seconded by Shaw to approve the easement for the City of Edgar for a water line running from Fairfield to Edgar on the north side of the railroad tracks and parallel to the railroad tracks. On roll call, yea: Johnson, Shaw, Bitterman, Samuelson, Pavelka, Schmidt and Fintel. Motion carried.

Ted Griess, County Attorney was present for the closed session. The Board members and Ted attended the executive session; the meeting was closed to everyone else.

Motion by Johnson and seconded by Samuelson to enter into an executive session at 9:29 A.M. for the purpose of discussing a pending lawsuit and claim. On roll call, yea: Bitterman, Samuelson, Pavelka, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Chairman Fintel announced the board was going into closed session.

Motion by Pavelka and seconded by Schmidt to go out of executive session and resume regular session at 9:42 A.M. On roll call, yea: Bitterman, Samuelson, Pavelka, Schmidt, Johnson, Shaw and Fintel. Motion carried.

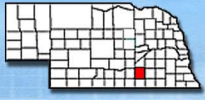
The fee reports were emailed to the Board prior to this meeting. Motion by Shaw and seconded by Samuelson to accept the fee reports for the following county officials for the month of April 2020: County Clerk, \$16,565.00, County Court, \$3,874.01, Clerk of District Court, \$7,366.60, Sheriff, \$844.69 and County Treasurer receipts 20040001 thru 20040047 in the amount of \$325,670.12. On roll call, yea: Samuelson, Pavelka, Schmidt, Johnson, Shaw, Bitterman and Fintel. Motion carried.

The subgroup application from BlueCross BlueShield was discussed. There is no premium increase for the health or dental insurance. There are also no benefit changes. After discussion it was decided to keep everything the same as last year.

Motion by Shaw and seconded by Bitterman to authorize the County Clerk to sign the BlueCross BlueShield Subgroup Application keeping the \$1500.00 deductible for the Health Insurance and Option 3 Premier for the Dental Insurance. On roll call, yea: Pavelka, Schmidt, Johnson, Shaw, Bitterman, Samuelson and Fintel. Motion carried.

Shannon Kreci, director of the Central Nebraska Child Advocacy Center sent information and budget request prior to this meeting. CNCAC provided forensic interviews to 280 children within the 10 counties. Funds will help continue to provide quality forensic interviews, advocacy, referral services, court preparation, forensic medical exams, wellness exams and case management to children in the 10 counties. The request for financial assistance is based on the 2013 US Census, which places Clay County in a Tier 4 out of five tiers, at a rate of \$5,500. The financial assistance continues to be essential in providing valuable services to child victims of abuse, sexual assault, those removed from a drug endangered environment, those recovered from a kidnapping and/or witness of a violent crime.

Motion by Shaw and seconded by Bitterman to accept the budget request of Central Nebraska Child Advocacy Center in the amount of \$5,500.00 for fiscal year 2020-2021. On roll call, yea: Schmidt, Johnson, Shaw, Bitterman, Samuelson, Pavelka and Fintel. Motion carried.



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Casey Muzic, executive director Midland Area Agency on Aging sent information and budget request for the agency. The requested funding is the same amount as last year. The \$1598.00 membership fee is used in combination with federal and state funds for the operation of the Area Agency on Aging administrative office. This fee also provides for regional services including Senior Legal Aid and Care Advocacy Services in Clay County. The Senior Service budget request is for \$3,000.00 for the senior meal services. Both requests are the same as last year.

Motion by Bitterman and seconded by Shaw to accept the budget request of Midland Area Agency on Aging for fiscal year 2020-2021 in the amount of \$1598.00 for membership and to budget \$3000.00 for the commodity and meal distribution programs. On roll call, yea: Johnson, Shaw, Bitterman, Samuelson, Pavelka, Schmidt and Fintel. Motion carried.

Region 3 Behavioral Health Services is asking for a one time match increase to help with a shortfall due to increased demand and utilization for those seeking help to address mental health and substance abuse problems. Events such as the flooding in 2019, a downturn in the agricultural community and COVID 19 have contributed to the increased utilization of services.

Motion by Shaw and seconded by Schmidt to accept the one time match increase request of Region 3 Behavioral Health Services in the amount of \$2,288.92. On roll call, yea: Shaw, Bitterman, Samuelson, Pavelka, Schmidt, Johnson and Fintel. Motion carried.

It was noted at this time that several callers who wanted to give input during the public hearing were not able to join the meeting at that time. The County Attorney was consulted and the Board was advised if they wanted to allow comments that they could rescind the motion and continue the conversation at the next meeting.

Motion by Johnson and seconded by Shaw to rescind the previous motion approving the water transfer from Fairfield to Edgar and continue discussion on May 26, 2020 at 10:00 A.M. (the next meeting of the Board of Supervisors). On roll call, yea: Bitterman, Samuelson, Pavelka, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Robin Gilbert, County Treasurer sent information and resolutions concerning new security pledges and releases of security pledges.

Motion by Bitterman and seconded by Shaw to adopt Resolution #20-14 for release of security pledge CUSIP #3130AHBS1 for \$500,000.00 through Waypoint Bank, Clay Center, NE acting as a depositor for Clay County and authorize the chairman to sign. On roll call, yea: Samuelson, Pavelka, Schmidt, Johnson, Shaw, Bitterman and Fintel. Motion carried. (Resolution on file in Clerk's office.)

Motion by Schmidt and seconded by Bitterman to adopt Resolution #20-15 for a new security pledge CUSIP #31418DMC3 for \$800,000.00 through Waypoint Bank, Clay Center, NE acting as a depositor for Clay County and authorize the chairman to sign.



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On roll call, yea: Pavelka, Schmidt, Johnson, Shaw, Bitterman, Samuelson and Fintel.
Motion carried. (Resolution on file in Clerk's office.)

Motion by Pavelka and seconded by Bitterman to adopt Resolution #20-16 for security pledges CUSIP #317153FV1 for \$365,000.00, CUSIP #417460JY9 for \$40,000.00, CUSIP #3130AJF79 for \$3,700,000.00, CUSIP #731301DM6 for \$255,000.00 and CUSIP #09888PDK5 for \$750,000.00 through Cornerstone Bank, Clay Center, NE acting as a depositor for Clay County and authorize the chairman to sign. On roll call, yea: Schmidt, Johnson, Shaw, Bitterman, Samuelson, Pavelka and Fintel. Motion carried. (Resolution on file in Clerk's office.)

Motion by Shaw and seconded by Johnson to adopt Resolution #20-17 for release of security pledge CUSIP #3130AJF79 for \$3,700,000.00, CUSIP #731301DM6 for \$255,000.00 and CUSIP #09888PDK5 for \$750,000.00 through Cornerstone Bank, Clay Center, NE acting as a depositor for Clay County and authorize the chairman to sign. On roll call, yea: Johnson, Shaw, Bitterman, Samuelson, Pavelka, Schmidt and Fintel. Motion carried. (Resolution on file in Clerk's office.)

The County Clerk asked if a Board member and the EM would be available to discuss with the elected officials the process for allowing public access inside the offices. Supervisors Fintel and Johnson said they were available. Tim Lewis, EM is also available. That discussion will be held this afternoon.

Motion by Shaw and seconded by Bitterman to adjourn this meeting at 10:36 AM; next meeting scheduled for May 26, 2020. On roll call, yea: Shaw, Bitterman, Samuelson, Pavelka, Schmidt, Johnson and Fintel. Motion carried.

Deb Karnatz, County Clerk

Ivan Fintel, Chairman