

# Clay County Board Minutes



## COUNTY BOARD OF SUPERVISORS

Courthouse, Clay Center, Nebraska, July 20, 2021 at 9:00 A.M.

The Clay County Board of Supervisors met July 20, 2021 as per public notice given in the Clay County News on July 14, 2021 a copy of the proof of publication being on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting. Chairman L. Wayne Johnson presided with roll call showing the following present: Scott Bitterman, Eric Samuelson, James Pavelka, Gerald Schmidt, Dick Shaw, Ivan Fintel and L. Wayne Johnson. Minutes of the meeting held July 13, 2021 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, L. Wayne Johnson stated that the open meeting law poster is posted on the west wall in the back of the room. All present stood for the Pledge of Allegiance.

Motion by Fintel and seconded by Bitterman to approve the minutes of the meeting held July 13, 2021 as mailed. On roll call, yea: Samuelson, Pavelka, Schmidt, Shaw, Bitterman and Johnson; abstain: Fintel. Motion carried.

Thomas Roemmich II, Highway Superintendent reported that they were done with the first mile on the Edgar road and will be starting on the second mile. There was a pre-construction meeting with Reece Construction, Co. and the work on the KL bridge will be starting. Landowners have been contacted who were concerned about the Road G vacation. The legal description had been incorrectly given to the County Clerk; there is no opposition to the correct location.

Today's meeting is the next regularly scheduled Board meeting following the public hearing and this Board may now make a decision regarding the vacating of part of Road G. A resolution was presented by the highway superintendent to vacate a part of Road G between Section 1 T7N-R8W and Section 6 T7N-R7W starting at the Northeast Corner of Section 1 thence 1590 feet south to the south side of the BNSF ROW located between Section 1 of Inland Township and Section 6 of Lynn Township.

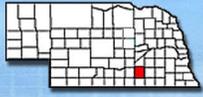
Motion by Shaw and seconded by Schmidt to adopt Resolution #21-20 vacating a part of Road G between Section 1 T7N-R8W and Section 6 T7N-R7W starting at the Northeast Corner of Section 1 thence 1590 feet south to the south side of the BNSF ROW located between Section 1 of Inland Township and Section 6 of Lynn Township and authorize the chairman to sign. On roll call, yea: Pavelka, Schmidt, Fintel, Shaw, Bitterman, Samuelson and Johnson. Motion carried.

### Resolution #21-20

WHEREAS, The section of road known as Road G, starting at the Northeast Corner of Section 1, T7N-R8W, thence 1,590 feet South to the south side of the BNSF Right-of-Way, located between Section 1, T7N-R8W, Inland Township, Clay County, Nebraska, and Section 6, T7N-R7W, Lynn Township, Clay County Nebraska, and is under Clay County's jurisdiction and;

WHEREAS, The BNSF Railroad has requested the section of road and the existing rail line crossing be vacated and a public hearing be held to consider the vacating, and;

WHEREAS, The Highway Supt. reported the road in question is a dirt road that has not been maintained for many years, is overgrown with trees and grass. This section of road is a dead end road, and the road is impassable to the public. This section of road is located entirely



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within the boundaries of the Harvard Marsh owned by the United States Fish and Wildlife, and within the BNSF Railroad Right-of-Way. The vacating of this section of road would not deny any landowners or tenants any access to their adjoining properties. The section would become 100% property of the USFW within their boundaries and BNSF within their Right-of-Way upon vacating. Traffic counts were not taken during this study due to the road being impassable to the public, and;

WHEREAS, A public hearing was held on July 13<sup>th</sup>, 2021,

BE IT RESOLVED by the Clay County Board of Supervisors, in regular session assembled on July 20<sup>th</sup>, 2021, that the County Road described as; Road G, starting at the Northeast Corner of Section 1, T7N-R8W, thence 1,590 feet South to the south side of the BNSF Right-of-Way, located between Section 1, T7N-R8W, Inland Township, Clay County, Nebraska, and Section 6, T7N-R7W, Lynn Township, Clay County Nebraska, is hereby declared to be vacated.

DONE this 20th day of July 2021 at regular session of the Clay County Board of Supervisors.

/s/ L. Wayne Johnson, Chairman

/s/ Deb Karnatz, Clay County Clerk

Tim Lewis, Emergency Manager reported on the sale of the generator and his desire to purchase one that could be used for the Communications Center as well as the Clay County Services Building. He will obtain at least three informal bids and report back to the board. The agreement with Nextlink has not been returned. Tim is also waiting to hear more details about the EMPG grant.

Michael Sindelar, Extension Educator presented the preliminary budget request for the Agriculture Extension office.

John Lyons met with the board to introduce himself to those that he had not met yet. He told a little of his background, presented a six month contract and explained parts of it, and spoke of plans for the office.

Motion by Fintel and seconded by Pavelka to enter into executive session at 10:05 A.M. to discuss personnel issues. On roll call, yea: Schmidt, Fintel, Shaw, Bitterman, Samuelson, Pavelka and Johnson. Motion carried.

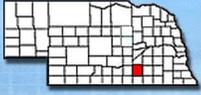
Motion by Samuelson and seconded by Schmidt to go out of executive session at 10:35 A.M. and resume regular session. On roll call, yea: Fintel, Shaw, Bitterman, Samuelson, Pavelka, Schmidt and Johnson. Motion carried.

Motion by Pavelka and seconded by Fintel to approve and authorize the chairman to sign the County Attorney Contract between Clay County and John Lyons for a six month period. On roll call, yea: Shaw, Bitterman, Samuelson, Pavelka, Schmidt, Fintel and Johnson. Motion carried.

Chairman Johnson presented and explained a resolution to endorse the constitutional Sheriffs and Peace Officers Association for the board's consideration. This will be discussed again next week after legal counsel reviews it.

There was no estimate for work on the Service Building to be reviewed at this time.

After the meeting, three of the Board members made the quarterly visit to the jail.



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Motion by Schmidt and seconded by Fintel to adjourn this meeting at 10:51 A.M.; next regular meeting scheduled for July 27, 2021. On roll call, yea: Bitterman, Samuelson, Pavelka, Schmidt, Fintel, Shaw and Johnson. Motion carried.

Deb Karnatz, Clay County Clerk

L. Wayne Johnson, Chairman