



Clay County Board Minutes



COUNTY BOARD OF SUPERVISORS

Courthouse, Clay Center, Nebraska, December 13, 2022, at 9:00 A.M.

The Clay County Board of Supervisors met December 13, 2022, as per public notice given in the Clay County News on December 7, 2022, 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, Ivan Fintel, Dick Shaw and L. Wayne Johnson. Minutes of the meeting held November 29, 2022, 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 Shaw to approve the minutes of the meeting held November 29, 2022, as mailed. On roll call, yea: Samuelson, Pavelka, Schmidt, Fintel, Shaw, Bitterman and Johnson. Motion carried.

There was no Public Input.

Thomas Roemmich II, Highway Superintendent presented five easements for review and discussion.

Motion by Samuelson and seconded by Schmidt to approve the easement requested by Unite Private Networks to bury fiber optic cable/line from the SE corner of Sec. 12-T7N-R7W, thence North crossing Road 319 to the SE corner of Sec. 36-T8N-R7W and further North approximately 120' to the junction box on the west side of Road N. On roll call, yea: Pavelka, Schmidt, Fintel, Shaw, Bitterman, Samuelson and Johnson. Motion carried.

Motion by Pavelka and seconded by Fintel to approve the easements requested by Randy Harms to install an electrical line across Road L from SW1/4 Sec. 11-T5N-R7W to SE1/4 Sec. 10-T5N-R7W for irrigation; and across Road G from NE1/4 Sec. 1-T5N-R8W to NW1/4 Sec. 6-T5N-R7W for irrigation. On roll call, yea: Schmidt, Fintel, Shaw, Bitterman, Samuelson, Pavelka and Johnson. Motion carried.

Motion by Shaw and seconded by Bitterman to approve the easements requested by Aaron Paus to install an electrical line across Road P from SW1/4 Sec. 16-T5N-R6W to SE1/4 Sec. 17-T5N-R6W for irrigation; and across Road 3065 from SW1/4 Sec. 4-T5N-R7W to NW1/4 Sec. 4-T5N-R7W for irrigation. On roll call, yea: Fintel, Shaw, Bitterman, Samuelson, Pavelka, Schmidt and Johnson. Motion carried.

Tom also presented an Environmental Services Agreement between Clay County, Nebraska and Olsson, Inc for Project No. BRO-7018(26) Deweese Northwest. Motion by Pavelka and seconded by Bitterman to approve and adopt Resolution #22-29 for Signing of the Environmental Services Agreement BK2269 with Olsson, Inc. On roll call, yea: Shaw, Bitterman, Samuelson, Pavelka, Schmidt, Fintel and Johnson. Motion carried. (Resolution on file in the Clerk's Office)



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Motion by Shaw and seconded by Pavelka to approve the Olsson On-Call Professional Service Task Order Agreement, No. BK2269, Project No. BRO-7018(26) Deweese Northwest. On roll call, yea: Bitterman, Samuelson, Pavelka, Schmidt, Fintel, Shaw and Johnson. Motion carried.

No bids on Road X Bridge Project C-18(323).

Motion by Pavelka and seconded by Fintel to approve and adopt Resolution #22-30 to participate in the Nebraska Public Agency Investment Trust (NPAIT) as recommended by the Treasurer. On roll call, yea: Samuelson, Pavelka, Schmidt, Fintel, Shaw, Bitterman and Johnson. Motion carried. (Resolution on file in the Clerk's Office)

The Fee Reports had been emailed to the Board prior to the meeting. Motion by Fintel and seconded by Shaw to approve the fee reports for the following county officials for the month of November 2022: County Clerk \$6,550.50; County Court \$4,698.16; Clerk of District Court \$48,628.20; County Sheriff \$7,850.09 and County Treasurer receipts numbered 22110001 through 22110048 in the amount of \$193,962.87. On roll call, yea: Pavelka, Schmidt, Fintel, Shaw, Bitterman, Samuelson and Johnson. Motion carried.

Recommendation from Barb Barnett, Zoning Administrator, for member re-appointment to serve on the Clay County Joint Planning and Zoning Commission was mailed to the Board. Motion by Schmidt and seconded by Samuelson to re-appoint Mary Lynne Ellis, Dan Baumert and Brett Nunnenkamp to the Clay County Joint Planning and Zoning Commission for a three-year term that will expire on December 31, 2025. On roll call, yea: Schmidt, Fintel, Shaw, Bitterman, Samuelson, Pavelka and Johnson. Motion carried.

Two proposals from Sutton Electric were mailed to the Board. Motion by Shaw and seconded by Bitterman to approve the proposal in the amount of \$780.00 from Sutton Electric, Inc for installation of a light on the flagpole on the roof of the Courthouse. On roll call, yea: Fintel, Shaw, Bitterman, Samuelson, Pavelka, Schmidt and Johnson. Motion carried.

Motion by Shaw and seconded by Bitterman to approve the proposal in the amount of \$770.00 from Sutton Electric, Inc for installation of electric receptacles on the light poles on the East and West sides of the Courthouse. On roll call, yea: Shaw, Bitterman, Samuelson, Pavelka, Schmidt, Fintel and Johnson. Motion carried.

Motion by Fintel and second by Schmidt to open the Public Hearing at 10:00 A.M. on Conditional Use Permit of Cooperative Producers, Inc. (CPI, Inc.). On roll call, yea: Bitterman, Samuelson, Pavelka, Schmidt, Fintel, Shaw and Johnson. Motion carried.

The following were present: Barb Barnett, Zoning Administrator; Thomas Roemmich II, Highway Superintendent; Jeremiah Ochsner, landowner; Tim Johnson, landowner; and Justin Yoesel, CPI representative.

Barnett presented the Recommendation to the Governing Body from the Clay County Joint Planning and Zoning Commission. Said recommendation is for Approval of Cooperative Producers, Inc. (CPI, Inc.) Condition Use Permit for a grain storage facility in Lewis Township.

All parties present had open discussion on concerns regarding this project. The highest concern revolved around the need to make the safety of the roads a priority.

Chairman Johnson reminded those present that this is a State Highway, therefore Clay County would not have jurisdiction over the entrance and/or exit safety measures. Barnett stated that a condition is set on the recommendation that CPI adheres to D.O.T. (Department of Transportation) regulations and recommendations for the entrance of the facility and setback



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distances for structures. T. Roemmich also stated that a traffic study will be done. As of now, there is not a confirmed start date for construction of the project. CPI plans to start this site small in hopes to expand in the future to mimic the Fairmont site. Concerns regarding what would happen if the site were abandoned were discussed. Barnett stated that a condition is set on the recommendation that in the event of cease of operation, for greater than 24 months, it is the responsibility of the landowner to remove un-used structures from the parcel. The Board discussed this with J. Yoesel and it was agreed to amend this condition to state that if needed, CPI could approach the Clay County Board of Supervisors to consider an extension in the timeframe for removal of structures.

Motion by Shaw and second by Bitterman to close Public Hearing at 10:32 A.M. On roll call, yea: Samuelson, Pavelka, Schmidt, Fintel, Shaw, Bitterman and Johnson. Motion carried.

Motion by Fintel and second by Samuelson to approve the Conditional Use Permit of CPI as recommended by the Clay County Joint Planning and Zoning Commission. On roll call, yea: Pavelka, Schmidt, Fintel, Shaw, Bitterman, Samuelson and Johnson. Motion carried.

Bob Stutesman and Lane Ahrens with Integrated Security Solutions (I.S.S.) were present to give an update on the security system and answer any questions from the Board.

Motion by Shaw and seconded by Schmidt to adjourn this meeting at 11:17 A.M.; next regular meeting scheduled for December 20, 2022. On roll call, yea: Schmidt, Fintel, Shaw, Bitterman, Samuelson, Pavelka and Johnson. Motion carried.

Cassie Aksamit, Clay County Clerk

L. Wayne Johnson, Chairman