

## COUNTY BOARD OF SUPERVISORS MEETING MINUTES

The Clay County Board of Supervisors met at the Courthouse, Clay Center, Nebraska on August 13, 2024 at 9:00 A.M., as per public notice given in the Clay County News on August 7, 2024 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. 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 and presided with roll call showing the following present: Scott Bitterman, Eric Samuelson, Glen Becker, Jim Pavelka, Ivan Fintel and L. Wayne Johnson; absent: Richard Shaw.

All present stood for the Pledge of Allegiance.

Minutes of the meeting held July 30, 2024 were provided to the board members prior to the meeting. Motion by Fintel and seconded by Pavelka to approve the minutes of the meeting held July 30, 2024. Upon roll call, the vote was as follows: Aye: Bitterman, Samuelson, Pavelka, Fintel and Johnson; Abstain: Becker; Nay: None. Motion carried.

Laurie Kohmetscher was present during public input to notify the Board that the 50-year celebration of the Health Department had around 125 attendees.

Thomas Roemmich, II, Highway Superintendent presented his roads report. A renewal lease with NMC CAT was presented. Motion by Fintel and seconded by Pavelka to approve the lease agreement with NMC Cat for a skid steer and mini excavator and authorize the Chairman to sign the same. Upon roll call, the vote was as follows: Aye: Samuelson, Becker, Pavelka, Fintel, Bitterman and Johnson; Nay: None. Motion carried.

An easement request was presented from Black Hills Nebraska Gas, LLC to construct and bury a 2" HDPE cable/line from the SE ¼ of Section 22-7-5 crossing Road X to the SW ¼ of Section 23-7-5. Motion by Bitterman and seconded by Fintel to approve the easement request as presented. Upon roll call, the vote was as follows: Aye: Becker, Pavelka, Fintel, Bitterman, Samuelson and Johnson; Nay: None. Motion carried.

Easement requests from Trailblazer CO2 Pipeline, LLC were discussed. The Board would like to do more research on the project and reconsider the easements at a later date.

Robin Gilbert, Clay County Treasurer, provided her report on distress warrants returned from the Sheriff's Office.

Motion by Fintel and seconded by Pavelka to open the Public Hearing at 9:30 A.M. on the Conditional Use Permit of Industrial Tower West, LLC. Upon roll call, the vote was as follows: Aye: Pavelka, Fintel, Bitterman, Samuelson, Becker and Johnson; Nay: None. Motion carried.

The following were present: Barb Barnett, Zoning Administrator and Rick on behalf of Industrial Tower West, LLC. Barnett presented the Recommendation to the Governing Body from the Clay County Joint Planning and Zoning Commission. Said recommendation is for APPROVAL of Industrial Tower West, LLC Conditional Use Permit for a 150 foot tall self-supporting wireless telecommunications tower, shelter, generator, and buried fuel tank and fencing located in part of the NW ¼ of Section 10-7-8 in Inland Township, Clay County, Nebraska, zoned as AG. All parties present had discussion on concerns regarding this project. The Board asked for verification of the location of the proposed tower and Clay County's possible use of the tower for emergency services communications.

Motion by Samuelson and seconded by Bitterman to close the Public Hearing at 9:58 A.M. Upon roll call, the vote was as follows: Aye: Fintel, Bitterman, Samuelson, Becker, Pavelka and Johnson; Nay: None. Motion carried.

Motion by Bitterman and seconded by Becker to approve the Conditional Use Permit of Industrial Tower West, LLC as recommended by the Clay County Joint Planning and Zoning Commission with the added condition that Clay County may require an appropriate space, for its operational emergency services communication equipment at no cost to the County, as negotiated between the tower owner and the County Board of Supervisors. And, if the tower is utilized for Clay County's emergency services equipment, they shall also allow Clay County access, and a limited space for ground equipment, if needed. The County may be charged for a one-time engineering assessment/study fee, as needed. All negotiations shall be between Clay County Board of Supervisors and the tower owner. Upon roll call, the vote was as follows: Aye: Bitterman, Samuelson, Becker, Pavelka, Fintel and Johnson; Nay: None. Motion carried.

Motion by Fintel and seconded by Bitterman to open the budget hearing and budget summary hearing for the Fiscal Year 2024-2025 for School Creek Township at 10:00 A.M. Upon roll call, the vote was as follows: Aye: Samuelson, Becker, Pavelka, Fintel, Bitterman and Johnson; Nay: None. Motion carried.

Representatives from Applied Connective presented quotes for upgraded security options for the Clay County Courthouse.

Chairman Johnson asked the Board if there were any questions or concerns regard the Fiscal Year 2024-2025 budget of School Creek Township, as prepared by Cindy Johnson. Nothing noted.

Motion by Fintel and seconded by Samuelson to close the budget hearing and budget summary hearing of School Creek Township at 10:28 A.M. Upon roll call, the vote was as follows: Aye: Becker, Pavelka, Fintel, Bitterman, Samuelson and Johnson; Nay: None. Motion carried.

Motion by Bitterman and seconded by Becker to approve the Fiscal Year 2024-2025 School Creek Township budget as the audit waiver and to increase the budget request by an additional 1% allowance. Upon roll call, the vote was as follows: Aye: Pavelka, Fintel, Bitterman, Samuelson, Becker and Johnson; Nay: None. Motion carried.

Motion by Becker and seconded by Fintel to approve and adopt the 2024-2025 School Creek Township budget for the fiscal year. Upon roll call, the vote was as follows: Aye: Fintel, Bitterman, Samuelson, Becker, Pavelka and Johnson; Nay: None. Motion carried.

Review of quotes from Applied Connective for security options for Clay County continued. Motion by Bitterman and seconded by Johnson to approve the quote to enhance the security of the Courthouse with a Door Access Control system as presented. Upon roll call, the vote was as follows: Aye: Bitterman, Pavelka and Johnson; Nay: Samuelson, Becker and Fintel. The motion has failed to receive sufficient votes for passage.

Motion by Becker and seconded by Fintel to approve the quote to upgrade the duress alert system as presented. Upon roll call, the vote was as follows: Aye: Samuelson, Becker, Pavelka, Fintel, Bitterman and Johnson; Nay: None. Motion carried.

Motion by Fintel and seconded by Bitterman to approve the quote to upgrade the camera security system as presented. Upon roll call, the vote was as follows: Aye: Becker, Pavelka, Fintel, Bitterman, Samuelson and Johnson; Nay: None. Motion carried.

Aaron Semm, security consultant with SEI was present to review a quote to handle all services for the fire protection of the Courthouse which would allow the Board to reduce the number of vendors that oversee the fire protection services. Motion by Pavelka and seconded by Becker to approve the quote for services as presented. Upon roll call, the vote was as follows: Aye: Pavelka, Fintel, Bitterman, Samuelson, Becker and Johnson; Nay: None. Motion carried.

The Fee Reports were sent to the Board prior to the meeting. Motion by Fintel and seconded by Samuelson to approve the fee reports for the following county officials for the month of July 2024: County Clerk \$8,231.33; County Court \$5,719.21; Clerk of District Court \$5,956.81; County Health Department \$8,760.12 and County Treasurer receipts numbered 24070001 through 24070056 in the amount of \$599,550.10. Upon roll call, the vote was as follows: Fintel, Bitterman, Samuelson, Becker, Pavelka and Johnson; Nay: None. Motion carried. A note will be placed in the records that the July Fee Reports were not received by the Clay County Sheriff.

A renewal Maintenance Agreement from MMC Contractors was presented. Motion by Bitterman and seconded by Samuelson to approve the Maintenance Agreement in the amount of \$5,436.00 which shall become effective upon the date of acceptance and shall remain in effect for one year. Upon roll call, the vote was as follows: Aye: Bitterman, Samuelson, Becker, Pavelka, Fintel and Johnson; Nay: None. Motion carried.

Resolution #24-07 to submit to the Voters the Question of Discontinuance of Township Organization and the Creation of Ballot Language was discussed. Motion by Fintel and seconded by Bitterman to adopt Resolution #24-07 as presented. Upon roll call, the vote was as follows: Aye: Samuelson, Becker, Pavelka, Fintel, Bitterman and Johnson; Nay: None. Motion carried (Resolution is on file in the Clerk's Office).

Motion by Becker and seconded by Fintel to adjourn this meeting at 12:06 P.M.; next regular meeting scheduled for August 20, 2024. Upon roll call, the vote was as follows: Aye: Becker, Pavelka, Fintel, Bitterman, Samuelson and Johnson; Nay: None. Motion carried.