

COUNTY BOARD OF SUPERVISORS MEETING MINUTES

The Clay County Board of Supervisors met at the Courthouse, Clay Center, Nebraska on February 18, 2025 at 9:00 A.M., as per public notice given in the Clay County News on February 12, 2025 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, James Pavelka, Jesse Mohnike, Richard Shaw and L. Wayne Johnson.

All present stood for the Pledge of Allegiance.

The all present remained standing for a moment of silence for the tragic loss of Nebraska Highway State Trooper Kyle McAcy.

Minutes of the meeting held January 11, 2025 were provided to the board members prior to the meeting. Motion by Pavelka and seconded by Mohnike to approve the minutes of the meeting held January 11, 2025. Upon roll call, the vote was as follows: Aye: Bitterman, Samuelson, Becker, Pavelka, Mohnike, Shaw and Johnson; Nay: None. Motion carried.

There was no public input.

Thomas Roemmich II, Highway Superintendent provided a report on the roads.

Motion by Pavelka and seconded by Bitterman to open gravel bids at 9:15 A.M. Upon roll call, the vote was as follows: Aye: Bitterman, Samuelson, Becker, Pavelka, Mohnike, Shaw and Johnson; Nay: None. Motion carried.

A representative from Deweese Sand & Gravel was present. The bids received were:

Overland Sand & Gravel:

PROJECT #1-9,000 cu. yds. more or less, for Leicester, Harvard, Inland, and Lynn Townships. Delivered for Clay County. No bid.

PROJECT #2-9,000 cu. yds. more or less, for Eldorado, Lewis, School Creek and Sutton Townships. Delivered for Clay County. No bid.

PROJECT #3-9,000 cu. yds. more or less, for Glenvil, Lone Tree, Spring Ranch, and Fairfield Townships. Delivered for Clay County. No bid.

PROJECT #4-9,000 cu. yds. more or less, for Marshall, Sheridan, Edgar, and Logan Townships. Delivered for Clay County. No bid.

PROJECT #5-36,000 cu. yds. more or less, for the entire Clay County. Delivered for Clay County. No bid.

Bid for Class "A" gravel loaded in County trucks at the pit site for the sum of:

Clay County Pit: no bid

Buffalo County Pit: no bid

Hall County Pit: no bid

Thayer County Pit: no bid

Merrick / Platte County Pit: \$23.29 per cu. yd.

Island Landhandlers:

PROJECT #1-9,000 cu. yds. more or less, for Leicester, Harvard, Inland, and Lynn Townships. Delivered for Clay County. No bid.

PROJECT #2-9,000 cu. yds. more or less, for Eldorado, Lewis, School Creek and Sutton Townships. Delivered for Clay County. No bid.

PROJECT #3-9,000 cu. yds. more or less, for Glenvil, Lone Tree, Spring Ranch, and Fairfield Townships. Delivered for Clay County. No bid.

PROJECT #4-9,000 cu. yds. more or less, for Marshall, Sheridan, Edgar, and Logan Townships. Delivered for Clay County. No bid.

PROJECT #5-36,000 cu. yds. more or less, for the entire Clay County. Delivered for Clay County. No bid.

Bid for Class "A" gravel loaded in County trucks at the pit site for the sum of:

Clay County Pit: no bid

Buffalo County Pit: no bid

Hall County Pit: \$18.90 per cu. yd. / \$14.00 per Ton

Thayer County Pit: no bid

Merrick County Pit: \$23.29 per cu. yd.

Mid-Nebraska Aggregate:

PROJECT #1-9,000 cu. yds. more or less, for Leicester, Harvard, Inland, and Lynn Townships. Delivered for Clay County for the sum of \$22.00 per cu. yd.

PROJECT #2-9,000 cu. yds. more or less, for Eldorado, Lewis, School Creek and Sutton Townships. Delivered for Clay County for the sum of \$23.50 per cu. yd.

PROJECT #3-9,000 cu. yds. more or less, for Glenvil, Lone Tree, Spring Ranch, and Fairfield Townships. Delivered for Clay County for the sum of \$25.00 per cu. yd.

PROJECT #4-9,000 cu. yds. more or less, for Marshall, Sheridan, Edgar, and Logan Townships. Delivered for Clay County for the sum of \$30.50 per cu. yd.

PROJECT #5-36,000 cu. yds., more or less, for the entire Clay County. Delivered for Clay County. No bid.

Bid for Class "A" gravel loaded in County trucks at the pit site for the sum of:

Clay County Pit: no bid

Buffalo County Pit: \$13.50 per cu. yd.

Hall County Pit: \$14.50 per cu. yd.

Thayer County Pit: no bid

Merrick County Pit: no bid

Deweese Sand & Gravel Inc:

PROJECT #1-9,000 cu. yds. more or less, for Leicester, Harvard, Inland, and Lynn Townships. Delivered for Clay County for the sum of \$22.60 per cu. yd.

PROJECT #2-9,000 cu. yds. more or less, for Eldorado, Lewis, School Creek and Sutton Townships. Delivered for Clay County for the sum of \$26.67 per cu. yd.

PROJECT #3-9,000 cu. yds. more or less, for Glenvil, Lone Tree, Spring Ranch, and Fairfield Townships. Delivered for Clay County for the sum of \$24.75 per cu. yd.

PROJECT #4-9,000 cu. yds. more or less, for Marshall, Sheridan, Edgar, and Logan Townships. Delivered for Clay County for the sum of \$28.80 per cu. yd.

PROJECT #5-36,000 cu. yds. more or less, for the entire Clay County. Delivered for Clay County – no bid.

Bid for Class "A" gravel loaded in County trucks at the pit site for the sum of:

Clay County Pit: \$17.00 per cu. yd.

Buffalo County Pit: no bid

Hall County Pit: \$13.75 per cu. yd.

Thayer County Pit: no bid

Merrick County Pit: no bid

Nuckolls County Pit: \$15.25 per cu. yd.

Motion by Pavelka and seconded by Mohnike to accept all bids received to supply gravel to Clay County from March 15, 2025 through March 15, 2026; with the option to purchase from either company. Upon roll call, the vote was as follows: Aye: Samuelson, Becker, Pavelka, Mohnike, Shaw, Bitterman and Johnson; Nay: None. Motion carried.

Jeff Franklin, County Sheriff, provided his monthly report.

Jennifer Fleischer, County Attorney, was unable to attend the meeting.

The Board discussed the Conservation Easement Application of Wetlands America. The following statement was read by L. Wayne Johnson, Board Chairman of the Clay County Supervisors:

“Following the public hearing on January 21, 2025, it was obvious of all county citizens who spoke, that they were totally opposed to the approval of the conditional use permit that would transfer a conservation easement from Wetland America Trust to another buyer of the property consisting of 102 acres in Section Two (2), Township Five (5) North, Range Six (6) West of the 6th P.M., Clay County, Nebraska.

The Clay County Board of Supervisors have the exclusive authority to approve or deny any conditional use permit within our boundaries by Nebraska State Statute 76-2,112 and may consider all provisions in Sections 521,703.03, 704.01, 706.

I submit to you that approving this “perpetual or permanent” conservation easement does not serve in the public’s best interest.

Other factors in Section 704.01 state if it negatively impacts abutting properties. Which I believe it does.

Lastly, in a Resolution passed by this body in September of 2011, it states “we should not approve any conservation easement that...I quote “limits future economic development in the county”. Again, which no-one can say it won’t for eternity, which is the life of this perpetual easement.

If the Wetland America Trust was to resubmit an application with a conservation easement containing a ten (10) year life to it, or any kind of term limit, I as the Board Chairman would reconsider my position; however, as for this current application before us, I would recommend to the Board of Supervisors that we deny this request AS SUBMITTED.”

There was no public comment. Motion by Pavelka and seconded by Shaw to deny the Conservation Easement Application of Wetlands America. Upon roll call, the vote was as follows: Aye: Becker, Pavelka, Mohnike, Shaw, Bitterman, Samuelson and Johnson; Nay: None. Motion carried.

The Board had a zoom meeting with Jeff Schreier of the Nebraska State Auditor’s Office to discuss the upcoming changes to budget processes for the Fiscal Year 2025-2026 and Clay County’s processes for levy and budget.

Robin Gilbert, County Treasurer, presented the Board with a request for payment of claims of School Creek Township. Motion by Bitterman and seconded by Mohnike to approve the claims as presented: Clay County Roads Department: 2024 Road Maintenance \$3,000.00; 40ft24” culvert/band \$1,797.45; Trucking-hauling of gravel \$1,600.00; 308 yards of gravel \$6,179.29; and authorize the Treasurer to pay from the appropriate funds. Upon roll call, the vote was as follows: Aye: Bitterman, Samuelson, Becker, Pavelka, Mohnike, Shaw and Johnson; Nay: None. Motion carried.

Motion by Samuelson and seconded by Shaw to adjourn this meeting at 10:59 A.M; next regular meeting scheduled for February 25, 2025. Upon roll call, the vote was as follows: Aye: Bitterman, Samuelson, Becker, Pavelka, Mohnike, Shaw and Johnson; Nay: None. Motion carried.

Cassie Aksamit, County Clerk

L. Wayne Johnson, Chairman