

July 31, 2023
Hershey, Nebraska

Meeting of the Nebraska International Port of the Plains Board of Directors. Present was Vincent Dugan, LeAnn Ellis, James Hawks, J. Patrick Kennan, Kirk Olson, Dwight Porter, Michael Steele, Kimberly Steger, Kevin Tighe, Chris Bruns, Kent Weems, Tyler Volkmer, Gary Person and Tammy White. County Commissioner Chris Bruns called the meeting to order at 2:20 p.m.

Bruns announced that the Open Meeting Act with amendments is posted for public review and Board of Directors will comply with the open meeting requirements.

Judge Volkmer administered the oath to the members of the Board of Directors.

Introductions of the Board of Directors.

Bruns and Volkmer gave a review of the overall inland port project and the Lincoln County Board of Commissioners Resolution 2022-28. Discussed were 5 members are needed to make a quorum, not a tax levying entity, have the ability to bond, need to meet monthly and no member of the Board of Directors can benefit financially personally.

Volkmer reviewed the Open Meetings Act and that the Board of Directors are obligated to abide by the act. Steele asked about a public comment period. Volkmer stated that it was up to the Board to allow public comment and how long.

Motion by Dugan, seconded by Hawks to adopt Roberts Rules as the rules of procedure and order. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted "aye". Nays, None. Motion carried.

Election of Officers:

Ellis moved to nominate Dugan as Chairman. Dugan accepted the nomination. Keenan seconded the motion. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted "aye". Nays, None. Motion carried.

Dugan assumed the leadership of Chairman of the meeting.

Dugan moved to nominate Keenan as Vice Chairman. Steele seconded the motion. Keenan accepted the nomination. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted "aye". Nays, None. Motion carried.

Dugan moved to nominate Steger as Secretary. Steger accepted the nomination. Hawks seconded the motion. Discussion: Dugan suggested hiring a paid professional to carry out the obligation of taking minutes and preparing Board for the meetings. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted "aye". Nays, None. Motion carried.

Board agreed to allow Steger to solicit someone to be a paid position to take minutes and prepare packets for the Board meetings.

Steger moved to nominate Steele at Treasurer. Steele accepted the nomination. Keenan seconded the motion. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Chairman: Vince Dugan
Vice Chairman: J. Patrick Keenan
Secretary: Kim Steger
Treasurer: Michael Steele

Board discussion on obtaining a FEIN number, annual audits, annual organizational meeting and terms of the officers. Bruns stated the terms are for one year.

Dugan authorized Steele to begin the necessary filing to obtain the FEIN number.

The Board of Directors and guests toured the facility.

Creation of Committees: Discussion from board members on the need for committees and each member being appointed. After discussion, Keenan moved to create a Finance Committee, Safety/Facilities Committee, Executive Committee and for each committee to have a minimum of 3 members maximum of 4 for a term of one year. Olson seconded the motion. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Chairman Dugan appointed the following members to committees:

Finance: Michael Steele, Kevin Tighe, Jim Hawks
Executive: Vince Dugan, Pat Keenan, Dwight Porter, Kim Steger
Safety/Facilities: LeAnn Ellis, Kirk Olson, Jim Hawks

Keenan moved to adopt Resolution 2023-1 indicating the Board shall adhere to all applicable Nebraska laws, Lincoln County Resolution 2022-28, and any future rules, regulations or bylaws adopted by the Board. Ellis seconded the motion. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Keenan moved to adopt Resolution 2023-2 designating Kim Steger to be the person responsible for posting regularly-scheduled and special Board meeting notices. Steele seconded. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Hawks moved to adopt Resolution 2023-3 designating Village of Hershey office, Lincoln County Courthouse, North Platte City Hall and the Lincoln County website to post calendar and individual meeting notice of regularly-scheduled and special meeting notices. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Steger moved to adopt Resolution 2023-4 and designate the North Platte Telegraph as the designated newspaper of general circulation within the jurisdiction in which the Nebraska International Port of the Plains shall publish all legally required notices and information. Keenan

seconded. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Hawks moved to adopt Resolution 2023-5 setting the 4th Monday of the Month at 2:00 p.m. at Inland Port building as the regular board meetings. Ellis seconded. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

The Board discussed setting the annual meeting at the next meeting and it was determined that the inland port fiscal year would be July 1 – June 30.

The Board discussed the need for an annual audit of accounts and finances and would want to include that in the by-laws.

Board discussion on selecting depositories for Nebraska International Port of the Plains.

Chairman Dugan moved item no. 23 on the Agenda up to discuss and this is part of reason for selecting depositories.

Bruns discussed the possible funding opportunities for the port. The DED has a subaccount for Port Authorities of \$5 million for two years but the money has not been authorized yet to the ports. There are two ports getting established in Nebraska. The funding is still in the Governors office and meeting will be taking place to encourage that the money get allocated soon. There will be an application process that the Inland Port Board will need to complete. There is also discussion that there could be legislation to increase the funding to \$50 million. Bruns discussed the agenda item today on the County Commissioners Agenda regarding the possibility of the County Board to loan the inland port start up monies until the governor releases the start up monies. Those monies would need to be repaid and would need to be used for bonding the Treasurer, insurance and funding site visits for Inland Port Board members. Bruns is anticipating \$50,000 could be requested to cover initial costs. Bruns discussed the National infrastructure and Jobs Act Discretionary funding that could be applied for and applying for other grants that have earmarked funds-investment funding. The potential income from Transloading, intermodal, and short-line freight movement operation on the district’s real lines. The County can apply for transportation funding to benefit the port authority.

The Board discussed the need to submit an RFP for depositories to allow all banks the opportunity to become a depository of the inland port. The Board discussed the need to approve a depository today to get an account established if the County would loan start up monies soon.

Hawks moved to adopt Resolution 2023-6 designating Hershey State Bank as a depository, authorizing the Chairman and Treasurer as signors and to utilize RFP for any qualified institutions in Lincoln County. RFP will be placed on the next month agenda. Keenan seconded. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Steger moved to adopt Resolution 2023-7 to bond the Board Treasurer and others as designated by the Board. Kennan seconded. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Tanner Pattera with HUB was present to discuss bonding the treasurer. The Inland Port is currently under the County's policy for general liability, public officials insurance and errors and omissions for the facility and board members.

Keenan moved to authorize Steele to submit an application to HUB for a bond at a cost of up to \$1,000 for a minimum \$250,000 bond. Hawks seconded. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted "aye". Nays, None. Motion carried.

Board discussed submitting application to County Board of Commissioners requesting a loan to start up costs.

Keenan moved to authorize the Chairman to request a maximum of \$75,000 from the County Board of Commissioners and said funds to be deposited in the Hershey State Bank. Steele seconded the motion. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted "aye". Nays, None. Motion carried.

Steele will apply for a FEIN number.

Board members signed non-disclosure agreements with the North Platte Area Chamber and Development Corporation.

Presentation by Lyndon Ricks, a partner with Michael Best & Friedrich LLP, concerning legal and consulting services for the inland port authorities.

Dugan stated this board needs to move quickly and get ahead due to product delays. Board discussed hiring a consultant soon and CEO. The port will need to decide the direction of the port, it could be intermodal, transload. Inland ports relieve the congestion at the ports. Keenan stated with a consultant hired that is versed in inland ports, this port shouldn't have to reinvent the wheel so to speak and be able to get moving quickly and get established. The need for a consultant who is well versed in ports similar to Hershey's that has access to rail and interstate access. Board agreed to pursue a consultant as a high priority.

Board discussed potential site visits to various Inland Ports throughout the nation. Board agreed to wait to get a consultant hired that can recommend similar sites to the Board.

Chairman moved No. 28 up on the agenda.

Discussion on creating bylaws. Board agreed to wait for the hiring of a consultant.

Gary Person of the North Platte Area Chamber and Development Corporation presented the overall rail park development plan. The rail park has been in the works for 3 ½ years. The entire 300-acre rail park is within the inland port's 400 designated acres. There is a \$30 million grant from the state that has a 2-1 cost match on the first \$2.5 million: then a 5-1 cost match on the remaining expenditures up to the \$30 million limitation of state funding. The County's \$4.75 million contribution towards the purchase of Greenbrier was submitted in the Chamber & Development's annual report to the State of Nebraska in hopes it will also qualify for cost match. Person said they will find out sometime in late August or September. Person said counting all expenditures over the past two years, including the Greenbrier purchase it is hoped

there is now \$17.8 in escrow at the State to draw on in the future. The Chamber must be careful on the draw downs and can only be in \$5 million increments because the draw down must be spent within one year with 100% going towards infrastructure. The one exception is \$3 million that can be used as an enticement for an anchor industry. The Chamber Development Corporation must be the owner and developer of the rail park to qualify for the state match funds, as written in the Rural Projects Act.

Ellis moved to go into closed session to discuss ongoing real estate negotiations with potential economic development anchor projects looking at locating with the port district. Steele seconded the motion. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Dugan stated the Board was going into closed session at 5:37 p.m. for the purpose of ongoing real estate negotiations with potential economic development anchor projects looking at locating with the port district and asked that the Board members and Gary Person, Tyler Volkmer, Kent Weems, Chris Bruns and Tammy White stay in the meeting.

Steele moved to come out of closed session at 5:55 p.m. Steger seconded. Upon roll call vote, Dugan, Ellis, Hawks, Keenan, Olson, Porter, Steele, Steger, and Tighe voted “aye”. Nays, None. Motion carried.

Dugan stated the Board to come out of closed session and will abide by the open meetings laws which are posted at the entrance of the room.

Dugan adjourned the meeting at 6:00 p.m.

Advance notice and agenda for the July 31, 2023, inland port board meetings were sent to the Inland Port Board members and all others requesting the same. Advance public notice (includes agenda) of the Nebraska International Port of the Plains Board of Directors meeting was posted at the Lincoln County Courthouse, City Hall and the Lincoln County website on July 31, 2023, and was also emailed to the media on July 28, 2023.

The agenda for the meetings to be held on Monday August 28, 2023, will be kept continually current and open for inspection at the office of the Lincoln County Board Assistant. The regular meeting of the Nebraska International Port of the Plains Board of Directors will be at the port’s headquarters facility in the board room at 18610 W Highway 30, Hershey, NE 69143 at 2:00 p.m.

Submitted by:
Tammy White
County Board Assistant