

August 14, 2023
North Platte, Nebraska

Meeting of the Lincoln County Board of Commissioners. Present were Commissioners Joe Hewgley, Kent Weems, Micaela Wuehler, Chris Bruns, Jerry Woodruff and County Clerk, Rebecca Rossell. Weems offered prayer. Woodruff called the meeting to order at 9:00 A.M.

Chairman Woodruff announced the Open Meeting Act with amendments is posted for public review and the county board will comply with the open meeting requirements.

Motion by Bruns, seconded by Wuehler to approve the minutes regarding the Lincoln County Board of Commissioners meeting held on August 7, 2023. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Hewgley, seconded by Weems to receive and order filed the treasurer's receipts. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Hewgley, seconded by Wuehler to receive and order filed the fee reports submitted by the Register of Deeds and County Sheriff. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Hewgley to approve and authorize the Chairman to sign the special designated liquor permit submitted by GL Concepts LLC dba Good Life on the Bricks for a wedding reception to be held at Harbor Lights on September 2, 2023. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Hewgley to approve and authorize the Chairman to sign a right-of-way permit submitted by Hershey Coop Telephone Company. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Wuehler to approve and authorize the Chairman to sign a right-of-way permit submitted by Dawson Public Power District. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

The Lincoln County Board of Commissioners recessed at 9:15 A.M. and the Lincoln County Board of Equalization convened.

Chairman Woodruff announced the Open Meeting Act with amendments is posted for public review and the county board will comply with the open meeting requirements.

County Assessor, Julie Stenger appeared along with Alex Gurciullo, County Treasurer.

Motion by Weems, seconded by Hewgley to approve the minutes regarding the Lincoln County Board of Equalization meeting held on August 7, 2023. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Hewgley, seconded by Bruns to approve and authorize the Chairman to sign the certificates of correction or refund as submitted by the County Assessor on personal property. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Hewgley, seconded by Wuehler to approve and authorize the Chairman to sign the certificates of correction or refund as submitted by the County Assessor on real property. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Hewgley to approve the motor vehicle tax exemption applications as submitted by the North Platte Opportunity Center as recommended by the County Treasurer. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Weems, seconded by Bruns to approve property valuation changes notice numbered 2023-017 as submitted by the County Assessor as the mobile home was moved off site prior to January 1, 2023. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

The Lincoln County Board of Equalization adjourned at 9:26 A.M. and the Lincoln County Board of Commissioners reconvened.

Motion by Weems, seconded by Bruns to approve the re-appointment of Lincoln County Planning Commission Members Brent Roggow, Zack Eickhoff and Aaron Edwards for three-year terms. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Hewgley to approve the re-appointment of Frank Fleecs and Jon McNeel to the Lincoln County Board of Adjustment for three-year terms. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Planning Director, Judy Clark, reported the Planning Commission recommends approval of the request to accept the roads in Prairie View Acres 2nd Subdivision. She noted that Mill Road was not included in the request.

Commissioner Hewgley asked if they were paved or gravel.

Clark stated it was paved.

Commissioner Hewgley then asked if they met the thickness that is required now.

Highway Supt. Schultz reported he is satisfied with the report issued by TC Engineering, and they did borings that support acceptance.

Commissioner Weems stated that this request would be consistent with former roads that were accepted.

Deputy County Attorney, Tyler Volkmer, replied yes.

Motion by Wuehler, seconded by Bruns to approve the request by Prairie View Acres 2nd Subdivision Homeowners' Association Inc. to accept dedication and adoption of Sagebrush Drive, Old Barn Road, Sagebrush Trail, and Windmill Road, part of Prairie View Acres 2nd Subdivision to be dedicated to Lincoln County. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Clark reported that the Planning Commission had denied the application by Danny Carlyle on the conditional use permit.

Commissioner Woodruff asked why planning denied the permit.

Clark responded that they did not feel it was the most appropriate use of the land and it would be better to subdivide the property.

A public hearing was opened at 9:42 A.M. to receive comments on an application by Danny Carlyle for a conditional use permit to allow a 2nd dwelling on property located at 20095 E. Marcia Avenue north of Maxwell, Nebraska in an A-1 Agricultural District on property described as Lot 1 Carlyle Replat, Lincoln County, Nebraska.

No comments were received.

Motion by Bruns, seconded by Wuehler to close the public hearing at 9:43 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Weems to deny of the conditional use application by Danny Carlyle for a conditional use permit to allow a 2nd dwelling on property located at 20095 E. Marcia Avenue north of Maxwell, Nebraska in an A-1 Agricultural District on property described as Lot 1 Carlyle Replat, Lincoln County, Nebraska., because said conditional use application does not meet the minimum standards stated in Section 5.04 Article 5 of the Lincoln County Zoning Regulations based on the following factual findings, to wit:

The applicant has not met the following requirements in Article 5 Sec. 5.04 of the Minimum Standards of the Lincoln County Zoning Regulations - #3 of Article 5 Section 5.04 Minimum Standards of the Lincoln County Zoning Regulations the use shall be in harmony with the character of the area and most appropriate use of the land. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

A public hearing was opened at 9:50 A.M. on an application to receive comments on an application by Tallgrass Energy, lessee, and North Platte Livestock Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in an A-1 Agricultural District on property described as lying in the NW ¼ of Section 23, Township 10 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska.

Lincoln County Highway Supt., Jason Schultz stated that the roads are in fairly good condition.

Commissioner Bruns asked Austin Bruhn of Tallgrass Energy to describe the structures.

Bruhn replied that the equipment will be in one facility which is a bunker that will be fenced.

Schultz questioned how much truck traffic there would be during construction.

Bruhn estimated about 15 total trucks per day at the peak with an estimated project length of 3 months. He stated he would be willing to do a pre-construction meeting with the Highway Supt.

Shultz responded that he thought that would be a good idea.

Brian Glos, Deputy Highway Supt., asked how much truck traffic there would be after construction.

Bruhn did not know.

Motion by Bruns, seconded by Hewgley to close the public hearing at 9:54 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Commissioner Hewgley questioned maintenance of the road during the construction process and any possible liability issues.

Bruhn reported they will have equipment and do what is needed to maintain the road.

Motion by Bruns, seconded by Weems to approve the conditional use application by Tallgrass Energy, lessee, and North Platte Livestock Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in an A-1 Agricultural District on property described as lying in the NW ¼ of Section 23, Township 10 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska., and all elements of the application are complied with based on the following additional requirements:

1. The applicant is required to have a pre-construction and post-construction meeting with the Lincoln County Dept. of Roads.

2. The applicant will maintain the road in good condition during project construction.

Based on the following factual findings, to wit:

1. The application complies with current Lincoln County Zoning Regulations.
 2. The application complies with current Lincoln County Subdivision Regulations.
- The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

A public hearing was opened at 10:04 A.M. to receive comments on an application by Tallgrass Energy, lessee, and Oppliger Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in an A-1 Agricultural District on property described as lying in the NW ¼ of Section 13, Township 10 N, Range 33 W of the 6th P.M., Lincoln County, Nebraska.

Clark stated this is a similar project in a different location. The Planning Commission required no additional conditions and recommended approval.

Commissioner Woodruff asked the Highway Supt. if he had any issues with this application.

Schultz replied no.

Motion by Bruns, seconded by Wuehler to close the public hearing at 10:06 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Weems, seconded by Bruns to approve the conditional use application by Tallgrass Energy, lessee, and Oppliger Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in an A-1 Agricultural District on property described as lying in the NW ¼ of Section 13, Township 10 N, Range 33 W of the 6th P.M., Lincoln County, Nebraska, and all elements of the application are complied with no additional conditions.

Based on the following factual findings, to wit:

3. The application complies with current Lincoln County Zoning Regulations.
4. The application complies with current Lincoln County Subdivision Regulations.
5. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

A public hearing was opened at 10:11 A.M. to receive comments on a resolution for an amendment to Lincoln County Nebraska Zoning Regulations Article 2 Section 2.03 Definitions and Article 8 to add Sections 8.15 through 8.15.02 Crypto Mining and Data Centers.

Clark explained the reason for the proposed amendment.

Motion by Bruns, seconded by Weems to close the public hearing at 10:12 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

No action was taken. A resolution will be a future agenda item.

Motion by Bruns, seconded by Hewgley to postpone the public hearing on amendments to Lincoln County Zoning Regulations Article 8 Section 8.12 through 8.12.06 solar energy to October 2, 2023, at 10:00 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Hewgley to postpone the public hearing on amendments to Lincoln County Zoning Regulations Article 2 Section 2.03 Definitions and Article 8 Section 8.07 through 8.08.06 Small Wind Energy Systems & Commercial/Utility Grade Wind Energy Systems to October 2, 2023, at 10:00 A.M. following the solar energy hearing. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Hewgley, seconded by Bruns to go into closed session at 10:20 A.M. to discuss strategy with respect to imminent litigation. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Weems, seconded by Wuehler to go into open session at 10:41 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

The following bids were received for a multi-purpose building for Region 51 Emergency Management and other county offices: Wayne Dowhower Construction - \$409,200; Ackerman General Contracting - \$402,615.72 with two alternative add-ons (painting \$9753 and sealed concrete \$21,370); RKG Construction LLC- Kearney, NE - \$436,736.00.

No action was taken. Bids will be reviewed by Building & Grounds committee, Brandon Myers, and legal counsel.

A public hearing was opened at 10:53 A.M. on application DEAM, LLC dba Axes & Aces for a Class C liquor license located at 675 E North Lake Road, North Platte, NE.

Brian Schimek, applicant of record, appeared to answer questions and highlighted plans for the establishment.

Sheriff Kramer stated he had no objections to the application.

Schimek told the board there will be three indoor pickleball courts, golf simulators and axe throwing along with a bar and grill.

Commissioner Weems noted for the record that the applicant has submitted the application with all the necessary information to the Nebraska Liquor Control Commission.

Motion by Bruns, seconded by Weems to close the public hearing at 11:01 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Weems to send a favorable recommendation to the Nebraska Liquor Control Commission on the application DEAM, LLC dba Axes & Aces for a Class C liquor license located at 675 E North Lake Road, North Platte, NE. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Informal bids were received from Budke Power Sports – 1) 2023 Polaris Sportsman 450 - \$8598 2) 2023 Yamaha Grizzly - \$12,997 3) 2023 Yamaha Grizzly - \$12,997 and from Lewis Motor Sports - 1) 2022 Suzuki King Quad 500 - \$9093 each 2) 2023 Suzuki Quad 500 - \$9414 each 3) 2023 Suzuki King Quad 500 - \$8863 each 4) 2023 Suzuki King Quad 750 - \$9778 each 5) 2023 Polaris Sportsman 450EPS - \$8025 each.

Motion by Weems, seconded by Bruns to approve the purchase of two red 2023 Suzuki King Quad 500 Special Edition EPS 4-wheelers from Lewis Motor Sports for a total cost of \$17,726 for the Lincoln County Predator Control Department.

Commissioner Wuehler speculated about the need to also purchase utility trailers to haul the 4-wheelers.

Commissioner Weems responded that down the road he feels we will need to purchase trailers.

Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Discussion was held concerning Lincoln County Predator and Pest Control Firearms policy. They will have to pass proficiency training on each firearm through the Lincoln County Sheriff's Office.

Motion by Bruns, seconded by Weems to approve and authorize the Chairman to sign the Lincoln County Predator and Pest Control Firearms Policy. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Discussion was held on the courthouse generator project and courthouse closing dates for project installation.

The switch will not be received in time for the scheduled September 1-4, 2023, installation date. So, the new date for installation will be November 10-12, 2023, over the Veterans Day holiday weekend.

The building and grounds department and electrical company are still going to work on getting cement poured, and getting vaults, and conduit completed while the weather is still warm.

Motion by Bruns, seconded by Wuehler to reverse the decision to close the courthouse at noon on September 1, 2023, and have it open to the public. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Weems to set August 28, 2023, at 9:30 A.M. as the date to accept bids for two used transport vehicles for the Lincoln County Detention Center. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Hear concerns from Elected Officials, Department Heads, or their representative.

Approved the following claims as presented for payment. Motion carried.

FUND	NAME		AMOUNT
GENERAL	ACE HARDWARE	su	402.87
	ALS LOCK & SAFE	su	3.46
	LINDEMEIER LAW OFFICE	se	262.5
	ANDERSON KLEIN SWAN & BREWSTER	se	461.5
	ANDREW VAN VELSON	se	65.7
	BLACK HILLS STAGE LINES	se	310.37
	BOOKER BOYER	mi	26.2
	BROUILLETTE DUGAN & TROSHYNSKI	se	8391.79
	C DURHAM LAW OFFICE	se	1337.5
	CAPITAL BUSINESS SYSTEMS INC	se	604.33
	CDW GOVERNMENT INC	su	214.01
	CENTURY LINK	se	585.75
	CENTURY LINK	se	351.8
	CERVELLE CONSULTING SERVICES INC	se	1650
	CHARLES J BOETTCHER D.D.S	se	1350
	SPECTRUM	se	265.18
	CHI HEALTH GOOD SAMARITAN	se	186.4
	COLFER, WOOD, LYONS & WOOD LAWYERS	se	2164.84
	COMMERICAL INVESTMENT SERVICES	se	14.57
	CULLIGAN	se	75.72
	DJ AUTOMOTIVE & TRANSMISSIONS LLC	se	2514.79
	DR DEB'S EXPRESS MEDICAL CARE	contr	2500
	DUNDY COUNTY TREASURER	reimb	1177.69
	DXP ENTERPRISES, INC	reimb	1811.57
	EAKES OFFICE SOLUTION	su	709.78
	EAKES OFFICE SOLUTIONS	su	434.44
	ECCA	se	50
	FAIR LAW OFFICE PC LLO	se	4887.5
	FUTURITY	lic	4000
	GREAT PLAINS HOMECARE EQ	se	14
	HITCHCOCK COUNTY TREASURER	reimb	2752.73

HOME DEPOT PRO	su	438.01
HOMETOWN LEASING	contr	65.05
IDEAL LINEN SUPPLY	se	226.4
JASEN RUDOLPH	se	3005
JUSTICE WORKS LLC	su	200
JUSTIN GOSNELL	mi	11.93
JUSTIN ROBERTS	mi	5.9
LINDEMEIER LAW OFFICE	se	3170
MALCOM, NELSEN & WINDRUM	se	6385.1
MARC	su	138.63
MARK MC KEONE	se	3409.5
MENARDS	su	736.67
MENTZER I-80 SOUTH LLC	su	48.41
MENTZER OIL CO	fuel	684
MEYER CREATIVE	se	392.81
MICROFILM IMAGING SYSTEMS INC	eq	2420
MIDWEST CONNECT	se	50.16
MIPS INC	su	2864.44
MOTOROLA SOLUTIONS INC	se	141
NATALIE HOFFMANN	se	257.5
NE SAFETY & FIRE EQUIP INC	se	1837
NKC TIRE/MCWHORTER'S TIRE	su	80
NORTH PLATTE FIRE DEPARTMENT	reimb	4457
NORTH PLATTE HARDWARE LLC	su	107.11
NORTH PLATTE TELEGRAPH	se	822.73
NORTHWESTERN PUBLIC SERVICE	se	23.61
NORTHWESTERN PUBLIC SERVICE	se	1624.67
OHD, LLLP	reimb	1215
PEDERSON LAW OFFICE	se	2187.5
PLATTE VALLEY COMMUNICATION	se	400
PRODIGY SOLUTIONS INC	su	7851.79
REBECCA SCHROEDER PH D	se	1500
ROSENBERG INSURANCE INC	se	40
SCHABEN SANITATION	se	1075.7
SHERWIN-WILLIAMS	su	123.56
SHRED IT USA	se	49.31
TANIA M FOX	se	150.5
THYSSENKRUPP ELEVATOR CORP	se	1739.44
TONY JOHNSON	mi	24.89
U S BANK	se	407.5
U S BANK	se	282.35
U S BANK	se	2508.96
U S BANK	se	175.47

	U S BANK	se	16.76
	U S BANK	se	106.02
	U S POSTMASTER	prmt	310
	U S POSTMASTER	se	910
	U SAVE PHARMACY	su	10.9
	UNIVERSITY OF NEBRASKA-LINCOLN	mi/fee	137.65
	VERIZON	se	242.27
	WESTFIELD PHARMACY	su	5272.22
	WEX BANK	su	472.83
ROADS	CAR QUEST OF NORTH PLATTE	re/su	210.31
	B&C TOOLS LLC	su	209.95
	CROELL INC	su	8032.3
	CROELL	su	323.35
	DAWSON PUBLIC POWER	se	207.21
	FASTENAL COMPANY	su	33.69
	IDEAL LINEN SUPPLY	su	85.69
	KELLY SUPPLY COMPANY	rep	11.03
	MAINELLI WAGNER & ASSOCIATES INC.	eng	642.5
	MAXWELLS KAWASAKI	se	356.99
	MIDWEST ELECTRIC MEMB CORP	se	91.96
	MIDWEST PETROLEUM EQUIPMENT	rep	307.29
	NE TRUCK CENTER INC	rep	1476.66
	PAULSENS INC	su	13423.75
	RDO TRUCK CENTER CO.	rep	170.84
	ROCKMOUNT RESEARCH AND ALLOYS INC	su	488.54
	TITAN MACHINERY	rep	248.54
	4 D REPAIR	rep	325
M & P	EAKES	su	51.5
SELF	FIRST CONCORD BENEFITS GROUP LLC	ins	1809.37

A Lincoln County 2023/2024 budget work session was held.

The meeting was adjourned at 12:45 P.M.

Advance notice and the agenda for the August 14, 2023, board meetings were sent to the county board and all others requesting the same. Advance public notice (includes agenda) of the Lincoln County Board of Commissioners meeting and the Lincoln County Board of Equalization meeting was posted at the Lincoln County Courthouse, City Hall, and the Lincoln County website on August 11, 2023; and was also emailed to the media on August 11, 2023.

The agenda for the meetings to be held on Monday, August 21, 2023, will be kept continually current and open for inspection at the office of the Lincoln County Clerk. The regular meeting of the Lincoln County Board of Commissioners will be at the

Lincoln County Courthouse in the Commissioners Room at 9:00 A.M. The regular meeting of the Lincoln County Board of Equalization will be at the Lincoln County Courthouse in the Commissioners Room at 9:15 A.M.

Rebecca J. Rossell
Lincoln County Clerk