

September 18, 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 Hewgley, seconded by Weems to approve the minutes regarding the Lincoln County Board of Commissioners meeting held on September 11, 2023. Upon roll call vote Hewgley, Weems, Wuehler, and Woodruff voted "aye". Nays, none. Bruns abstained.

Motion by Wuehler, seconded by Hewgley 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 Weems, seconded by Wuehler to receive and order filed the fee report submitted by the County Sheriff for \$5640.02. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Hewgley, seconded by Bruns to adopt Resolution No. 2023-18 for the 2023/2024 cash-in-lieu option for the Lincoln County health insurance program in the amount of \$400.00 per month. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Weems to authorize the Highway Supt. to sign the Annual Certification for Buy Back funds from July 1, 2022 – June 30, 2023, to the State of Nebraska Department of Roads. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Weems, seconded by Wuehler to authorize the Chairman to sign the right-of-way application submitted by Great Plains Communications. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Weems to authorize the Chairman to sign the right-of-way application submitted by ATC Communications. 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.

Deputy County Assessor, Pat Collins appeared along with County Treasurer, Alex Gurciullo.

Motion by Weems, seconded by Wuehler to approve the minutes regarding the Lincoln County Board of Equalization meeting held on September 11, 2023. Upon roll call vote Hewgley, Weems, Wuehler, and Woodruff voted "aye". Nays, none. Bruns abstained.

No certificates of correction or refund submitted by the County Assessor.

Motion by Hewgley, seconded by Wuehler to approve the motor vehicle tax exemption application submitted by American National Red Cross as recommended for approval by the County Treasurer. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Weems to approve the motor vehicle tax exemption application submitted by West Central District Health Department as recommended for approval by the County Treasurer. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Weems, seconded by Hewgley to approve the motor vehicle tax exemption application submitted by First Church of the Nazarene as recommended for approval by the County Treasurer. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Wuehler to approve the motor vehicle tax exemption application submitted by Great Plains Health as recommended for approval by the County Treasurer. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

The Lincoln County Board of Equalization adjourned at 9:20 A.M. and the Lincoln County Board of Commissioners reconvened.

Planning Director, Judy Clark explained the proposed amendment to the Lincoln County Nebraska Land Use Map amending certain land from Agricultural Protection to Residential Acreage. The property is located at 22468 North Cattle Growers Road and described as lying in the NE  $\frac{1}{4}$  W  $\frac{1}{2}$  and SE  $\frac{1}{4}$  of Section 27, Township 16 N, Range 29 W of the 6th P.M., Lincoln County, Nebraska. The amendment would allow for construction of a multi-family residential dwelling that has already begun construction.

A public hearing was opened at 9:34 A.M. on the above stated proposed amendment to the Lincoln County Nebraska Land Use Map.

Jeff Smith, a neighboring property owner, expressed concerns about the expansion of the feeding operation and environmental concerns.

Commissioner Woodruff asked if he had a residence on this property.

Smith replied that he had planned to build there and had done some work, but the building permit was pulled after the feeding operation was approved.

Duane McClain, property owner who lives within two miles of the site, voiced his approval for the amendment.

Motion by Bruns, seconded by Hewgley to close the public hearing at 9:41 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Wuehler to approve an amendment to the Lincoln County Nebraska Land Use Map amending certain land from Agricultural Protection to Residential Acreage located at 22468 North Cattle Growers Road on property described as lying in the NE  $\frac{1}{4}$  W  $\frac{1}{2}$  and SE  $\frac{1}{4}$  of Section 27, Township 16N, Range 29W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska, more particularly described on the map attached to the meeting materials.

Commissioner Weems stated he had questions on the process. If the county is serious about taking the process in order, how do we make this work.

Clark responded that it does happen quite often out in the county. Education is needed for anyone involved in building process.

Commissioner Bruns commented that the county has regulations for a reason and asked what could be done to make the regulations known to the public.

Clark feels that larger fines would help address the issue.

Upon roll call vote Hewgley, Wuehler, Bruns and Woodruff voted "aye". Weems voted "nay". Motion carried.

A public hearing was opened at 9:52 A.M. on an application by Steve and Tricia Scholz to rezone certain land from an A-1 Agricultural District to an R-2 Urban Residential District on property located at 22468 North Cattle Growers Road and described as lying in the NE  $\frac{1}{4}$  W  $\frac{1}{2}$  and SE  $\frac{1}{4}$  of Section 27, Township 16 N, Range 29 W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska.

Commissioner Woodruff accepted Exhibit 1 which is a complete copy of the Lincoln County Nebraska Comprehensive Development Plan Update 2011 to 2030.

Duane McClain commented that Lincoln County has been designated as a Livestock Friendly county where the county would be receptive to items that work in tandem with this designation. It is public knowledge that additional housing is needed in the county.

Steve Scholz, applicant, reported that he had purchased this building a couple of years ago for a different purpose, but his employees need family housing units. It was decided to update this building for residential use.

Commissioner Bruns asked if this would cause an increase in traffic at this location.

Scholz replied that it would not.

Motion by Hewgley, seconded by Bruns to approve to close the public hearing at 10:03 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Hewgley, seconded by Wuehler to adopt Resolution No. 2023-20, which approves the rezoning application by Steve and Tricia Scholz to rezone certain land from an A-1 Agricultural District to an R-2 Urban Residential District on property located at 22468 North Cattle Growers Road and described as lying in the NE  $\frac{1}{4}$  W  $\frac{1}{2}$  and SE  $\frac{1}{4}$  of Section 27, Township 16N, Range 29W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska, more particularly described on the map attached to the meeting materials.

Commissioner Weems again commented that we need to change the process and push back in the rural areas on non-compliance.

Upon roll call vote Hewgley, Wuehler, Bruns and Woodruff voted "aye". Weems voted "nay". Motion carried.

A public hearing was opened at 10:07 A.M. to consider action on an application by Steve and Tricia Scholz for a conditional use permit to allow a multi-family residential structure to house agricultural workers on property located at 22468 North Cattle Growers Road and described as lying in the NE  $\frac{1}{4}$  W  $\frac{1}{2}$  and SE  $\frac{1}{4}$  of Section 27, Township 16 N, Range 29 W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska.

Judy Clark, County Planning Director, read the review comments from the Planning Commission.

Commissioner Woodruff accepted Exhibit 1 which is a complete copy of the Lincoln County Nebraska Comprehensive Development Plan Update 2011 to 2030.

Duane McClain voiced support for the application as the applicant does need employees and housing for them. He would like to see more of these multi-family units be considered.

Steve Scholz, applicant, stated there is a housing crunch and manufactured housing is not his first choice. He would rather have multi-family units.

Commissioner Weems asked if Scholz had future plans for expansion and expressed concern about what might happen to these multi-family units in the future.

Scholz responded that he has no plan to expand further and that he does have a succession plan in place, which is to continue as a family operation.

Commissioner Weems commented that this is not personal, but about the planning and zoning process and adhering to those regulations.

Scholz reported that the unit would be approximately 5000 square feet with two levels and would be used primarily for employee's families.

Commissioner Wuehler questioned what would happen to the project if the County Board does not approve the application.

Clark replied that he would have to tear it down, move it or use it as an agricultural building but it would then have to be rezoned back to agricultural to be in compliance.

Motion by Bruns, seconded by Wuehler to close the public hearing at 10:19 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Bruns to approve the conditional use application by Steve and Tricia Scholz for a conditional use permit to allow a multi-family residential structure to house agricultural workers on property located at 22468 North Cattle Growers Road and described as lying in the NE  $\frac{1}{4}$  W  $\frac{1}{2}$  and SE  $\frac{1}{4}$  of Section 27, Township 16N, Range 29W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska, more particularly described on the map attached to meeting materials, and all elements of the application are complied with based on the following actual findings, to wit: 1. The application complies with current Lincoln County Zoning Regulations. 2. The application complies with current Lincoln County Subdivision Regulations. 3. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map.

Commissioner Bruns commented that the applicant did respond promptly to remedy the situation but noted the County Board may not be as lenient in the future concerning the planning and zoning regulations.

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

No action was taken on a lease for a skid steer for the Lincoln County Building and Grounds Department. The item was tabled for a more detailed lease.

Vince Dugan, Chairman of the Nebraska International Port of the Plains port authority appeared to discuss a loan from the Lincoln County ARPA funds to the Nebraska International Port of the Plains port authority.

Dugan stated the loan is needed to engage an attorney to help them organize and structure and to also engage a consultant to assist them in the process.

Commissioner Hewgley asked where the startup funds were from the State of Nebraska.

Dugan replied that they need to submit an application for funding to the state, but what concerns him is moving with a degree of speed, but also proceeding carefully. Other states are forming inland ports and we want to be ready.

Commissioner Bruns reported that the State has now expanded allowable uses for the port authority funds. However, the port authority needs to have a 5-Year Plan and by-laws to apply for the funds.

Commissioner Woodruff questioned if they could go to a financial institution for the funding.

Commissioner Bruns reported that it could be up to two years before revenue is coming in for the port authority to make loan payments. The initial ARPA funds earmarked for the port authority was in the amount of 5.2 million.

Dugan did not feel a financial institution would look favorably at this type of loan. They are requesting a loan of \$75,000 from the ARPA funds.

Commissioner Hewgley asked if loan terms had been discussed and there had not been any discussion on this topic.

Commissioner Weems commented that there had been discussion that it would be beneficial to travel to other port authorities for information and education and this would also need funding.

Commissioner Wuehler asked if there were other entities that could help with these expenses.

Commissioner Bruns responded that at this time that was not an option. The only "seed" funding available is the ARPA funds.

Motion by Bruns, seconded by Hewgley to approve the Deputy County Attorney to draft a loan document for the County Board to review and consider at an upcoming meeting to loan \$75,000 in ARPA funds to the Nebraska International Port of the Plains port authority with no interest and repayment of the loan once the port authority is bringing in

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

Highway Supt., Jason Schultz, reported that the Stop Sign program would pay for 139 signs to be installed in the next year if approved.

Motion by Wuehler, seconded by Weems to adopt signing Resolution No. 2023-19 to authorize the Chairman to sign the agreement concerning the Statewide Stop Sign Program with the Nebraska Department of Transportation. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted “aye”. Nays, none.

Update by Brandon Myers, Region 51 Emergency Management Director, concerning the evacuation on September 14, 2023, due to a chemical fire at the UPRR facility.

County Board members would like to meet with stakeholders involved as there was a breakdown in response and communication with the railroad.

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

County Board conducted a Budget Work Session to finalize the 2023/2024 Lincoln County Budget.

County Board conducted a quarterly inspection of the Lincoln County Detention Center.

Approve the following claims for payment. Motion carried.

FUND	NAME		AMOUNT
GENERAL	ACE HARDWARE	prts	184.42
	ACME PRINTING COMPANY	su	65.97
	ALL SAFE INDUSTRIES INC	reimb	2465.26
	ALLO COMMUNICATIONS	se	235.89
	LINDEMEIER LAW OFFICE	se	975
	AMAZON CAPITAL SERVICES	su	58.97
	BOB BARKER COMPANY	su	270.18
	BRENDA AUFDENKAMP	mi	728.34
	C DURHAM LAW OFFICE	se	1376
	CAITLYN JACOBSON	reimb	34.52
	CAPITAL BUSINESS SYSTEMS INC	cont	999.98
	CENTURY LINK	se	586.26
	CENTURY LINK	se	351.8
	CHARITY FARLEY	mi	83.84
	CHARTER COMMUNICATION	se	155.2
	CHEVAS SHAW	se	7139.6
	CITY OF GRAND ISLAND	reimb	299.38
	CITY OF NORTH PLATTE	reimb	68832.99

CLERK OF DIST COURT	se	590
COMMERICAL INVESTMENT SERVICES	se	32.06
DEPT OF AGRI & NATURAL RESOURCES	se	3550
EAKES OFFICE SOLUTION	su	1908.86
GALLS AN ARAMARK COMPANY	su	102.74
GLADSTONE INC	se	1075.2
GR-EMERGENCY VEHICLE OUTFITTERS	eq	880
HENRY VOGT	mi	170.3
J C AUTO WASH	se	8.37
JOHNSON CONTROLS	se	437.52
JUSTICE WORKS LLC	se	200
JUSTIN GOSNELL	mi	11.93
JUSTIN ROBERTS	mi	5.9
LINDEMEIER LAW OFFICE	se	1600
LAUREN BERGNER	reimb	57.48
LINCOLN COUNTY COURT	fee	22
LYNN FREDERICK	mi	3.28
MARK MC KEONE	se	2525
MENARDS	su	377.55
MEYER CREATIVE	su	1105.32
MIDWEST CONNECT	pstg	295.76
NACO	conf	205
NATALIE HOFFMANN	se	675
NORTH PLATTE HARDWARE LLC	su	8.99
NORTHWESTERN PUBLIC SERVICE	se	1519.17
O'REIILY AUTO PARTS	su	12.79
OFFICE SERVICES, INC	su	4.58
PATHOLOGY SERVICES	se	330.68
POPLAR STREET CAR WASH	se	67.25
PRODIGY SOLUTIONS INC	su	7641.88
REBECCA J ROSSELL	mi	297.37
ROSENBERG INSURANCE INC	fee	30
SECRETARY OF STATE	trng	180
SHERIFFS PETTY CASH FUND	pstg	46.2
SHRED IT USA	se	98.62
SUMMIT FOOD SERVICE	se	11145.84
TENDER HEARTS VETERINARY CENTER	se	241.65
TONY JOHNSON	mi	24.89
TYLER TECHNOLOGIES INC	se	389.59
U S BANK	su	195.89
U S BANK	su	170.8
U S BANK	su	366.01
U S BANK	su	3473.27



	U S BANK	su	15.04
	U S BANK	su	60.03
	U S BANK	su	73.05
	U S BANK	su	98.26
	U S BANK	su	5.89
	U S BANK	su	2059.31
	U S BANK	su	639.62
	U S BANK	su	1080.45
	U S BANK	su	222.39
	U SAVE PHARMACY	se	23.8
	UNIVERSITY OF NEBRASKA-LINCOLN	reg	190
	UNIVERSITY OF NEBRASKA	rt	850
	VICTORIA HERVEY	se	5369.6
	WASH TIME CARWASH	se	129
	WESTFIELD PHARMACY	su	5023.15
ROADS	A T & T	se	50.83
	ALS LOCK & SAFE	se	17.3
	BLACK HILLS ENERGY	se	46.48
	BOMGAARS	su	173.7
	CROELL	su	3709.44
	CROELL	su	643.8
	DAWSON TIRE & WHEEL	rep	78.5
	GARRETT TIRE	se	235.95
	IDEAL LINEN SUPPLY	su	39.97
	KELLY SUPPLY COMPANY	rep	12.9
	LARRYS GLASS	eq	423.8
	MC COOK PUBLIC POWER	se	78.5
	MENTZER OIL CO	eq/rep	2052.4
	MIDWEST ELECTRIC MEMB CORP	se	92.09
	MILLER USED TIRE WAREHOUSE	rep	229
	NMC EXCHANGE LLC	eq/rep	3169.66
	PAULSENS INC	se	10443.11
	SUTHERLAND FARM & AUTO SUPPLY	eq rep	21.58
	TWIN VALLEY COMMUNICATION	eq rep	215
SELF	FIRST CONCORD BENEFITS GROUP LLC	ins	2921.84
ARPA	LINCOLN COUNTY WEED CONTROL	se	385.15
ARPA	WAYNE DOWHOWER CONST INC	se	98893.38
INHRTNC	BACON,VINTON & VENTEICHER LLC	rfnd	5330.99
BUILDING	CITY OF NORTH PLATTE	fee	325
P&M	EAKES OFFICE SOLUTION	su	242.9

The meeting was adjourned at 1:00 P.M.

Advance notice and the agenda for the September 18, 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 September 15, 2023; and was also emailed to the media on September 15, 2023.

The agenda for the meetings to be held on Monday, September 25, 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