

October 2, 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. Commissioner Hewgley 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 Weems, seconded by Wuehler to approve the minutes regarding the Lincoln County Board of Commissioners meeting held on September 25, 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 Wuehler, seconded by Hewgley to authorize the Chairman to sign the 2023 audit letter concerning litigation, unasserted claims and assessments. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Weems to adopt Resolution No. 2023-24 authorizing the foreclosure and sale of "B" Tax Sale certificates and directing the County Attorney to commence foreclosure. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Following discussion there was no action taken on authorizing the inland port authority committee to engage in initial conversations with West Central Nebraska Development District, and other potential local stakeholders regarding federal grant opportunities for funding potential multimodal rail and road infrastructure projects in Lincoln County. West Central Nebraska Development District Director, Amber Kuskie, will be invited to a County Board meeting.

The Lincoln County Board of Commissioners recessed at 9:22 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.

Motion by Wuehler, seconded by Weems to approve the minutes regarding the Lincoln County Board of Equalization meeting held on September 25, 2023. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

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

The Lincoln County Board of Equalization adjourned at 9:24 A.M. and the Lincoln County Board of Commissioners reconvened.

Corporal Tom Courter, Lincoln County Sheriff's Office, told board members that rather than separate applications for each campaign there will now be one annual application for Nebraska Office of Highway Safety grants. This will streamline the process and reduce applications.

Motion by Wuehler, seconded by Hewgley to authorize the Chairman to sign the STEP (Special Traffic Enforcement Program) application to the NDOT Highway Safety Office for the Lincoln County Sheriff's Office in the amount of \$40,000.00. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Weems, seconded by Wuehler to set October 23, 2023, at 10:00 A.M. as the date to accept bids for two (2) new $\frac{3}{4}$ ton 4-wheel drive pickup trucks for Lincoln County Department of Roads. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Wuehler, seconded by Hewgley to declare the county's surplus personal property in the Lincoln County Department of Roads to be surplus property, which is obsolete or unusable by the county as follows: 1979 Ford Dump Truck, 1981 Ford Dump Truck & KATO Generator. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Hewgley to authorize the sale of the surplus personal property which are obsolete or unusable by the county, by means (ways) allowed under Neb. Reb. Stat. §23-3115 by an online auction service. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

The County Board Rules sub-committee met and discussed giving all sub-committees a time on each agenda to present information and activity to the full County Board of Commissioners.

Motion by Hewgley, seconded by Wuehler to approve adding a time on the agenda for committee reports at the end of each meeting following hearing concerns. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

The following planning commission items:

Planning Director, Judy Clark, summarized the item before the County Board to consider action on a resolution for an amendment to the Lincoln County Nebraska Zoning Regulations Article 8 Section 8.12-8.12.06 Solar Energy and answered questions.

The public hearing to consider action on a resolution for an amendment to the Lincoln County Nebraska Zoning Regulations Article 8 Section 8.12-8.12.06 Solar Energy was opened at 10:12 A.M. Chairman Woodruff turned it over to Deputy County Attorney, Tyler Volkmer, to run the public hearing.

Exhibit #1 was the Lincoln County, Nebraska Comprehensive Development Plan Update 2011-2030.

The following individuals gave testimony on the solar energy amendments: Lara Klein, David Huebner, Tory Copeland, Gene Tacey, Melanie Coffman (presented Exhibit #2), Landon Fear, Rick Windham, Alex Chandler representing Invenergy, Tammy Dugger, Jim Hoaglund, Donna Tryon, Travis Griebel, Peggy Orr, Duane McClain, Levi Fisher, Cathy Grauerholz, and Sharon Ecker.

Commissioner Bruns (Exhibit #3) presented results from his survey on solar energy.

Motion by Hewgley, seconded by Bruns to close the public hearing at 11:22 A.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Deputy County Attorney, Tyler Volkmer, reported that a resolution had not been prepared.

Board members stated they had received lots of information today and asked for clarification on their options following the public hearing.

Volkmer stated there is multiple options, they can accept it as is, send it back to the Planning Commission, make changes, etc.

Commissioner Weems commented that the Planning Commission does a lot of the heavy lifting and had much to consider on the proposed changes to the regulations. He asked if it would be possible to get assistance from the Planning Director and Planning Commission.

Commissioner Bruns asked if another public hearing would be required if it went back to the Planning Commission.

Volkmer responded in the affirmative.

Commissioner Bruns asked if the County Board makes changes to the solar energy regulations, would another public hearing be required.

Volkmer replied no.

Commissioner Bruns asked if we had decommissioning regulations for solar energy.

Clark responded not at this time. This will add the stipulation concerning regulations for decommission.

Commissioner Bruns then asked if the county requires a power purchase agreement now and questioned if the county had the authority to require one.

Clark said the county did not require a power purchase agreement. Volkmer said the county cannot legally require that.

Commissioner Bruns questioned if the regulations differentiated between solar flat plate collectors and solar furnaces.

Clark commented that the regulations did not differentiate.

Commissioner Woodruff asked about setback requirements.

Clark replied that the Planning Commission could look at those.

Commissioner Wuehler stated that she would like more time for additional research.

Commissioner Bruns suggested tabling this item for one month. He personally had three items he would like to discuss. He suggested the use of an informal committee to bring information and recommendations back to the County Board.

Commissioner Wuehler asked that the email received from Ed Rieker be accepted as Exhibit #4.

Commissioner Weems commented that he is not opposed to an informal committee, but it should include the Planning Director and a planning commission member. The planning committee includes Commissioners Bruns and Hewgley.

Commissioner Wuehler stated she wanted all the county board members to be part of the process.

Commissioner Bruns suggested work sessions with the planning staff and committee.

Commissioner Woodruff accepted all exhibits (#1 -#4).

Motion by Bruns, seconded by Hewgley to table definitive action for one month on an amendment to the Lincoln County Nebraska Zoning Regulations Article 8 Section 8.12-8.12.06 Solar Energy and schedule work sessions after regular business meetings and discuss and consider action on solar energy at the November 6, 2023, Commissioners meeting. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

The County Board recessed at 11:43 A.M. and reconvened at 11:53 P.M.

A public hearing was opened at 12:10 P.M. concerning action on a resolution for an amendment to the Lincoln County Nebraska Zoning Regulations Article 2 Sections 2.03 Definitions and Article 8 Sections 8.07-8.08.06 Small Wind Energy Systems and Commercial/Utility Grade Wind Energy Systems. Chairman Woodruff turned the public hearing over to Deputy County Attorney, Tyler Volkmer.

Planning Director, Judy Clark, summarized the item before the County Board to consider action on a resolution for an amendment to the Lincoln County Nebraska Zoning Regulations Article 2 Sections 2.03 Definitions and Article 8 Sections 8.07-8.08.06 Small Wind Energy Systems and Commercial/Utility Grade Wind Energy Systems.

The following individuals gave testimony on the amendments concerning wind energy: Ron Roberts, Julie Drenna representing RWE (Exhibits 5, 6, & 7), Daryl Meyer (Exhibit 8), Peggy Pap (Exhibit #9), Rick Windham, Jim Hoaglund, Tory Copeland, Ann Manning, Robert Burns, Richard Reimer, David Huebner, Merrial Rhoades (Exhibit #10), Duane McClain, Mark Loostrom, Carleigh Houghtling representing Invenergy, John Childears, Cathy Grauerholz, Rhonette Markgraf, Shawn Boyle, Jim Eickler representing RWE, Brynn Sharp, Levi Fisher, Sharon Ecker, Alex Chandler representing Invenergy, Dan Estermann, Julie Drenna representing RWE spoke again, & Peggy Pap.

Commissioner Bruns asked for Exhibit # 11 from Nebraska Game & Parks to be added to the record as well as Exhibit #12 an article published by State Senator Mike Jacobsen. Commissioner Bruns then presented his survey results (Exhibit #3) concerning wind energy.

Previously accepted Exhibits #1, #2 & #4 also pertained to wind energy.

Commissioner Wuehler requested that the information from the Center for Rural Affairs be accepted (Exhibit #13).

Chairman Woodruff accepted all exhibits (#1 - #13).

Motion by Bruns, seconded by Wuehler to close the public hearing at 2:33 P.M. Upon roll call vote Hewgley, Weems, Wuehler, Bruns and Woodruff voted "aye". Nays, none.

Motion by Bruns, seconded by Wuehler to table definitive action for one month on an amendment to the Lincoln County Nebraska Zoning Regulations Article 2 Sections 2.03 Definitions and Article 8 Sections 8.07-8.08.06 Small Wind Energy Systems and Commercial/Utility Grade Wind Energy Systems and schedule work sessions to review information and testimony after regular business meetings and discuss and consider action on wind energy and solar energy at the November 6, 2023, Commissioners meeting. 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 | ALL SAFE INDUSTRIES INC | eq | 850.23 |
| | AMAZON CAPITAL SERVICES | ex | 54.72 |
| | BEAR COMMERCIAL FLOOR CARE | agree | 1600 |
| | BERRECKMAN & BAZATA PC LLO | se | 6964 |
| | BROWNS SHOE FIT | ex | 208.21 |
| | BUFFALO COUNTY SHERIFF | se | 12 |
| | CAPITAL BUSINESS SYSTEMS INC | se | 107.12 |
| | CAPITAL ONE | su | 296.92 |
| | DAS STATE ACCOUNTING | contr | 204.3 |
| | CHARLES J BOETTCHER D.D.S | se | 2111 |
| | COLFER,WOOD,LYONS & WOOD LAWYERS | se | 1476.51 |
| | COMMERICAL INVESTMENT SERVICES | rt | 450 |
| | DORIS BURBY RMR | se | 34 |
| | DOUGLAS COUNTY SHERIFF | se | 74.38 |
| | DR DEB'S EXPRESS MEDICAL CARE | se | 3923 |
| | DXP ENTERPRISES, INC | eq | 1067 |
| | EAKES OFFICE SOLUTIONS | su | 735.99 |
| | ECCA | se | 50 |
| | FIRST CONCORD BENEFITS GROUP LLC | ins | 175 |
| | GUYNAN MACHINE & STEEL | se | 90.84 |
| | ICS JAIL SUPPLIES INC | su | 140.92 |
| | IDEAL LINEN SUPPLY | su | 222.49 |
| | JABLONSKI PHYSICS SERVICES | se | 1125 |
| | JASEN RUDOLPH | se | 1556.25 |
| | LANCASTER COUNTY SHERIFF | se | 99.6 |
| | LINCOLN CO JAIL PETTY CASH | eq | 20 |
| | LINDEMEIER LAW OFFICE | contr | 10443.34 |
| | MARLA HAINES | se | 102.07 |
| | MAXIMUS INC | contr | 3400 |
| | MENARDS | se | 614.83 |
| | MICAELA WUEHLER | reimb | 105.54 |
| | MIDWEST DOOR AND HARDWARE | se | 2313 |
| | MUNICIPAL LIGHT & WATER | se | 11564.97 |
| | NATALIE HOFFMANN | se | 175 |
| | NORTH PLATTE TELEGRAPH | se | 54.04 |
| | NORTHWESTERN PUBLIC SERVICE | se | 73.97 |
| | NORTHWESTERN PUBLIC SERVICE | se | 23.13 |
| | PENN EMBLEM COMPANY | ex | 26.41 |
| | PIP PRINTING | su | 482.27 |
| | PLATTE VALLEY WEED MNGMNT AREA | dues | 300 |

| | | | |
|---------|------------------------------------|-------|----------|
| | REBECCA J ROSSELL | reimb | 7.03 |
| | REBECCA SCHROEDER PH D | se | 800 |
| | REGIONAL WEST MEDICAL CENTER | se | 538.3 |
| | SEWARD COUNTY SHERIFF | se | 38.56 |
| | SNELL SERVICES INC | se | 2002.5 |
| | SOFTWARE UNLIMITED | eq | 2407.9 |
| | SQUEEGEE CLEAN WINDOW CLEANING | se | 572 |
| | STAPLES BUSINESS CREDIT | su | 894.37 |
| | SUMMIT FOOD SERVICE | se | 5794.44 |
| | THE HOME DEPOT PRO | su | 812.62 |
| | TWIN RIVERS TRANSFER | se | 658 |
| | US CELLULAR | se | 88.96 |
| | VAN DIEST SUPPLY COMPANY | se | 2072 |
| | VERIZON | se | 1240.05 |
| | WEST CENTRAL NE AREA AGING AGY | se | 23754.08 |
| | WEST CENTRAL NE DEVELOPMENT | se | 2730 |
| | WHITETAIL SCREEN PRINT | se | 106 |
| ROADS | AKRS EQUIPMENT | z | 21.72 |
| | ALS LOCK & SAFE | se | 17.3 |
| | BOMGAARS | su | 109.98 |
| | CAR QUEST OF NORTH PLATTE | su | 552.7 |
| | CONSOLIDATED TELEPHONE | se | 614.26 |
| | CROELL INC | su | 4312.38 |
| | CROELL | su | 261 |
| | DAWSON PUB PR DIST | se | 50.34 |
| | FLAT WATER TOOLS | se | 420 |
| | IDEAL LINEN SUPPLY | su | 39.97 |
| | INLAND TRUCK PARTS CO | se | 145.5 |
| | LINE-X OF NORTH PLATTE | su | 599 |
| | MENTZER OIL CO | su | 468.5 |
| | MILLER USED TIRE WAREHOUSE | su | 1640 |
| | MURPHY TRACTOR & EQUIPMENT | se | 1564.67 |
| | NMC EXCHANGE LLC | se | 5198.8 |
| | PAULSENS INC | su | 407.7 |
| | RS HYDRAULIC SOLUTIONS | se | 38.79 |
| | SUTHERLAND FARM AND AUTO SUPPLY | su | 84.73 |
| | WESTERN ENGINEERING CO INC | se | 2680123 |
| LDGNG | VISIT NORTH PLATTE | se | 113540.9 |
| IMPRVMT | VISIT NORTH PLATTE | se | 113540.9 |
| ARPA | NE INTRNTNL PRT OF THE PLNS AUTHTY | su | 75000 |
| P&M | EAKES OFFICE SOLUTIONS | se | 193.66 |
| SELF | FIRST CONCORD BENEFITS GROUP LLC | ins | 1578.57 |
| PYRL | SEPTEMBER | | 939958 |

The meeting was adjourned at 2:49 P.M.

Advance notice and the agenda for the October 2, 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 29, 2023; and was also emailed to the media on September 29, 2023.

The agenda for the meetings to be held on Monday, October 9, 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