

October 23, 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 Keenan, Dwight Porter, Michael Steele, Kimberly Steger, and Kevin Tighe. Absent was Kirk Olson. Also in attendance were Chris Bruns, Tyler Volkmer, Gary Person and Tammy White and members in the audience. Chairman Dugan called the meeting to order at 2:00 p.m.

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

Dugan welcomed everyone to the meeting.

Keenan moved to the approve the minutes of the August 28, 2023, meeting. Steger seconded the motion. Present and voting aye: Dugan, Ellis, Hawks, Keenan, Porter, Steele, Steger, and Tighe. Nays, None. Motion carried.

#### Finance Committee Report:

Steele reported that the \$75,000 loan from the County has been received and deposited in the Hershey State Bank. Checks have been ordered. A copy of the Treasurer Bond invoice of \$468.00 will need paid once checks are received. The D&O will need to be discussed in the future but is now covered under the County. Discussion on number of signors and if it should be executive committee and chairman. Minutes state that Resolution 2023-6 authorized Chairman and Treasurer as signors. The Board would like to have this as agenda item at next meeting to discuss extending signors to executive committee.

Discussion of the board on meeting structure and the difference of a resolution v. verbal action items. Bruns explained the difference and the need for resolutions for items of key actions that need to be in written document form. For example to submit for grant purposes. Other items that can be in verbal motion form. Also that as a public entity, any action of the board will need to be taken in a public meeting and need to be placed on the agenda as an action item that can be taken, either by Resolution or by verbal motion. Resolutions will need to be created prior to meetings and be available for board review and will need to signed by either the Chairman of the Board or the full board.

Steele explained the timing of when to apply for the UEI (SAM) number. Bruns stated it would take a couple weeks to get that number.

Steele stated he will begin bringing a finance report that will need to be placed on the Agenda for approval.

#### Facilities Report:

Hawks contacted Condon signs to replace the sign and a copy of the invoice is provided. The Board agreed that a redesign of the logo would need to be done. Gary Person asked that Hershey Rail Park be added to the signage.

Board discussed how and who to design the logo. A contest was suggested. Possibly through Mid Plains Graphic Design students. Person stated that the Chamber could contribute a scholarship. Steele will contact instructor at college and report back at next meeting.

Bruns provided the Greenbriar building update. Greenbriar is out of the building fully. County will continue to pay utilities, insurance and taxes until a lease is completed between the County and the Inland Port. The Board asked about groundskeeping, maintenance and snow

removal of the property. Bruns mentioned that Hawks can contact Building and Grounds director and Roads Superintendent and that the County should be able to provide those services. Bruns stated that any updates to the building need to be approved by the County until such lease is obtained. Hawks asked about a possible interlocal agreement between the Port and the County for maintenance purposes. Bruns agreed that could happen. Bruns will contact roads superintendent about snow removal.

#### Executive Committee Report:

Dugan stated the executive committee met and interviewed a couple of firms and have recommended two firms. One to create the organizational documents and one that has experience in inland ports. Neither is asking for a retainer and he would like to see the amount previously authorized of up to \$10,000 for attorney fees stay in place.

Steger moved to authorize the Chairman to sign the Engagement Letter with Koley Jessen P.C. L.L.C Attorneys at Law of Omaha, NE for creating organizational documents. Hawks seconded the motion. Keenan mentioned possible conflict as Michael Hupp is a college friend. Present and voting aye: Dugan, Ellis, Hawks, Porter, Steele, Steger, and Tighe. Nays, None. Keenan abstained. Motion carried.

Steele asked if the Board needed an attorney of record to attend Board meetings. Volkmer stated he could continue to attend to advise the board on the open meetings laws.

Dugan discussed the need to hire attorneys that have experience in inland ports. Executive committee interviewed Route Frets White Goss Gentle Rhodes P.C. firm and they recommend signing the engagement letter.

Keenan moved to authorize the Chairman to sign the Engagement Letter with Rouse Frets White Goss Gentle Rhodes P.C. of Kansas City, MO. Hawks seconded the motion. Present and voting aye: Dugan, Ellis, Hawks, Keenan, Porter, Steele, Steger, and Tighe. Nays, None. Motion carried.

#### Meeting format/structure:

Steele discussed the possible meeting format and also the need for a public comment period. He explained how the college set up their agendas. Bruns stated that according to statute, a public entity with non taxing authority does not have to allow public comment unless in a public hearing. He also stated how the Board of Commissioners allow public comment and that it is the prerogative of the Chairman. Any member of the public must state their name and address and sign in prior to speaking.

#### Update from Development Corporation:

Gary Person stated that the Chamber is moving forward with the 5 options to buy totaling 240 acres for the railpark. He will be working with the Village of Hershey to annex in the property and declaring blight and substandard. The chamber has been approached by a smaller project that could help the Board initiate funding. This smaller project could lead to a larger project.

Gary is also working with the UPRR has it was determined that the spur has been deactivated but no infrastructure was removed. Porter stated that it will take a track lease with UP to get the spur activated.

#### New Business

Bruns stated that Thursday there is an invite only transportation stakeholders meeting with West Central Development District to discuss and brainstorm the possibilities for some

grant funding for multimodal transportation projects. He stated one idea is a west interchange to connect port with interstate that will bypass truck traffic through the highway and village.

Steele moved to adjourn at 3:30 p.m. Ellis seconded the motion. Present and voting aye: Dugan, Ellis, Hawks, Keenan, Porter, Steele, Steger, and Tighe. Nays, None. Motion carried.

Advance notice and agenda for the October 23, 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, Village of Hershey and the Lincoln County website on October 19th, 2023, and was also emailed to the media on October 19th, 2023.

The agenda for the meetings to be held on Monday November 27, 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