

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, September 23, 2025.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME, AND PLACE OF MEETING: Wednesday, October 1, 2025, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

IN ATTENDANCE: Dick Campbell, Maribel Cruz, Brett Ebert, Gloria Eddins, Bailey Feit, Cristy Joy, Cindy Ryman Yost, Ben Callahan, Shelli Reid, Laura Tinnerstet, and George Wesselhoft of the Planning Department, media, and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chair Joy called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Chair Joy requested a motion approving the minutes for the regular meeting held September 17, 2025.

Motion for approval of the minutes made by Campbell; seconded by Eddins.

Minutes approved 6-0: Campbell, Cruz, Ebert, Eddins, Feit, and Joy voting "yes". Ball and Rodenburg absent. Ryman Yost abstained.

Chair Joy asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

October 1, 2025

Members present: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost. Ball and Rodenburg absent.

The Consent Agenda consisted of the following item: Special Permit 16004C.

There were no ex parte communications disclosed.

There were no ex parte communications disclosed relating to site visit.

Clerk asked if anyone wanted to speak on the consent item. There was one individual who wanted to testify on Special Permit 16004C. Chair Joy stated that this item will be pulled from the Consent Agenda and moved to public hearing.

Note: This is Final Action on Special Permit 16004C unless appealed by filing a Notice of Appeal with the City Council or County Board within 14 days.

Joy called for **Requests for Deferral**

Clerk stated staff is recommending a 2-week deferral to the October 15, 2025, Planning Commission hearing of item 1.3 Special Permit 25036, in which to allow for the legal description to be revised and reprinted in the Lincoln Journal Star.

Campbell moved to approve the request for deferral; seconded by Eddins.

Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost voting “yes”; Ball and Rodenburg absent.

SPECIAL PERMIT 16004C, FOR THE RENEWAL OF SOIL MINING AND EXCAVATION PERMIT ON PROPERTY GENERALLY LOCATED AT SALTILLO ROAD AND S 68TH CIRCLE.
PUBLIC HEARING: **October 1, 2025**

Members present: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost. Ball and Rodenburg absent.

Staff Recommendation: Conditional Approval

George Wesselhoft, Planning Department, 555 South 10th Street, Lincoln, NE, came forward and introduced the first of two excavation special permits on the agenda. The permit under discussion pertains to a site at the southwest corner of South 68th Circle and Saltillo Road, with Nebraska Highway 2 bordering the south side. The request involves approximately 133 acres, of which 87.61 acres would be disturbed for soil mining activities. Wesselhoft noted that the site was initially granted a special permit in May 2016, followed by a three-year extension in 2018 and another three-year extension in 2022, making this the third renewal request. He explained that the geography of the site has remained essentially unchanged.

Wesselhoft further stated that the LTU watershed has indicated the channel along the east side of the property, adjacent to the excavation area, must be evaluated for minimum flood corridor compliance as a condition of approval, due to updated regulations regarding flood corridors. Wesselhoft noted that the County Engineer supports the renewal of the permit, contingent on an updated road maintenance agreement, truck route, erosion control, and sediment plan, and other updated site plan information. Wesselhoft also mentioned that John Berry from the County Engineer’s Office was present to answer any questions related to this excavation permit

or the following item on the agenda. Wesselhoft concluded his presentation by offering to answer any questions from the Commission.

Applicant-

Mike Eckert, 8535 Executive Woods Dr, Suite 200, Lincoln, NE 68512, came forward and stated that he did not have additional information beyond what Wesselhoft had presented. Eckert reminded the Commission that special permits for mining are the only permits that expire after a three-year period. He noted that the pit in question has been instrumental in the construction of the South Beltway and will now be utilized for the West Beltway project. Eckert confirmed that all conditions for the permit renewal had been met and offered to answer any questions from the Commissioners.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity

Opposition:

Don Miller, 5701 Saltillo Road, Lincoln, NE, came forward and addressed the Commission, expressing opposition to the permit. Miller cited concerns about traffic on Saltillo Road, noting that heavy truck use is damaging the roadway and that trucks frequently use “Jake brakes” (engine braking), which contribute to excessive noise. Miller stated that he had reported these issues several times but received no response. He also expressed concern for the safety of children, noting that the site is located near Standing Bear High School and that the combination of school traffic and heavy trucks poses a problem. Miller concluded by emphasizing that noise and traffic are his primary concerns regarding the permit.

Staff Questions-

Joy asked what the process would be for communicating to the contractors using the site about reducing some of the noise, including “Jake braking.”

Wesselhoft explained that noise concerns would be regulated by the Health Department, while operational issues involving trucks might fall under the road maintenance agreement with the County Engineer.

Joy noted that the east side of the property would be re-evaluated per the request and asked if a new traffic plan would need to be developed.

Wesselhoft confirmed that an updated truck route would be submitted to the County Engineer for review and that the east-side drainage evaluation is a new requirement from LTU watershed comments regarding flood corridors.

Joy asked whether the public testimony being recorded could be utilized by the applicant in their traffic report.

Wesselhoft deferred to John Berry to address the traffic-related questions.

John Berry, Lancaster County Engineering, 444 Cherrycreek Road, Building C, Lincoln, NE, came forward and explained that all borrow sites throughout the county require a road maintenance agreement. He noted that if more than four loads are hauled from any site in a day, the County must be notified so that road superintendents can inspect the roads and ensure they are in good condition.

Berry noted that Saltillo Road is somewhat different because it will be part of a state- and federally funded project in the next few years, so it requires close monitoring. He added that braking is primarily a Health Department concern. If excessive truck traffic causes damage, the County evaluates the road, and the operator must either reimburse the County or include repair provisions in the agreement.

Berry further stated that if operators do not comply with the agreement, the County has the right to shut down operations. He noted that much of this is included in the road maintenance agreement and that he works closely with Eckert, who is aware of the requirements.

Eddins expressed concerns about the new school near the site, noting that when the permit was previously granted, the school was not there. She highlighted that young drivers will now be using Saltillo Road, which is not yet at full capacity, and that traffic is expected to increase dramatically each year. Eddins asked what types of safety measures could be implemented to protect children traveling along the road.

Berry responded that such safety concerns would likely fall under the jurisdiction of the Sheriff's Department. He explained that while the County can monitor the number of loads hauled, it cannot strictly control them. Berry noted that the road maintenance agreement includes requirements for hauling, generally limited to daylight hours, which unfortunately coincides with times when children may be present. Berry added that Saltillo Road is equipped with stop signs, traffic lights, and roundabouts, but controlling all accidents is difficult.

Staff Questions

Eddins asked whether the trucks exceed the four-load-per-day threshold regularly and if it happens continually.

Berry stated that he did not have that information immediately but could check with maintenance staff. He suggested that Eckert might also know and offered to follow up to provide the information.

Feit asked whether Berry's office approves the truck routes, specifically if they are responsible for the trucks choosing Saltillo Road over another road. She noted that South 68th Circle is a dead end on the south side and only connects to Saltillo Road.

Berry explained that there is essentially only one route in and out. Trucks are allowed one driveway and one access point, which is onto South 68th Circle.

Feit then asked whether LTU is involved in reviewing traffic flow in relation to the school, specifically to determine if the road is too busy, or if LTU is not involved in this aspect.

Wesselhoft responded that LTU Engineering had reviewed the site and did not have any concerns.

Chair Joy acknowledged the response and asked if there were any other questions from the Commission, and there were none.

Applicant Rebuttal-

Eckert came forward and stated that many trips from the borrow site will likely travel north on 60th Street or south on 68th Circle to access the beltway, depending on their destination. Eckert noted that Cargo Road and another entrance to Standing Bear on 68th Circle each have roundabouts that serve as traffic calming devices. He emphasized that this is the third renewal for the permit and that previous operations have been conducted under good circumstances, adding that other permits managed by the applicant have also been handled responsibly.

Eckert said he is willing to speak directly with concerned neighbors, provide his contact information, and connect them with Jake Whitefoot, who manages these permits. Eckert also mentioned that Saltillo Road is undergoing a reconstruction design from the 68th/70th Street interchange to the 27th/Jamaica interchange, and that trucks used for hauling pay significant taxes for traveling on public roads. He stressed that the applicant is committed to compliance and noted that the Health Department has enforcement mechanisms in place.

Eckert added that preferred routes can be coordinated with the County, and the applicant is willing to work with officials to identify routes that should be avoided. He acknowledged that hauling is a necessary part of the construction and mining business and emphasized that they aim to address neighbors' concerns through direct communication channels.

Staff Questions-

Ebert asked how much longer the site could be mined. She noted, as Eddins had, that there wasn't a school in the area before and that the surrounding area is becoming less rural. Ebert asked whether the mining operation is expected to continue for another three years or longer.

Eckert responded that it is difficult to say exactly how much longer the site can be mined. He explained that the land is part of the South Beltway Coalition, which will be presenting plans soon with Kent Seacrest. The property owners have directed them to start working on concept plans for urbanization, including the extension of sanitary sewer lines along the railroad tracks by 27th Street, staying on the north side of the beltway. Eckert noted that the site may develop

sooner rather than later because a water main, originally installed for Standing Bear, could be extended to this property.

Eckert indicated that the goal is to have the property stewarded and the water main extended by the 2027–2028 time frame. Based on these plans, he expects that mining will likely cease within the next three years, as the land's development for urban lots and commercial use will make continued mining impractical, and the pit would then move further outward.

SPECIAL PERMIT 16004C
ACTION BY PLANNING COMMISSION

October 1, 2025

Campbell moved to close the public hearing; seconded by Eddins.

Campbell moved to approve Special Permit 16004C; seconded by Joy.

Campbell stated that there are mechanisms available to neighbors if there is loud noise or other disruptive activity from the site. He noted that the site has been in operation for over 10 years and expressed that its continued use for another three years is not inappropriate.

Eddins stated that she is frustrated that the three-year limit on these permits is continually extended, giving neighbors the impression that operations will end in three years when there is no intention of doing so. Eddins suggested that the wording on these permits, not necessarily this one, needs to be adjusted so neighbors understand that mining operations may be ongoing. While she expressed concerns about the school nearby, she believes the issue can be worked out with the owner and hopes that Eckert will follow through with communication. Eddins noted that road damage is less of a concern because the road will be redone, and she trusts that LTU and traffic experts will monitor the site. Eddins emphasized the importance of having a conversation with the neighbors and concluded that, although she is cautious, she will approve the permit, describing her stance as a reluctant yes.

Feit commented that she agreed with Eddins' earlier point about the three-year permit renewals. She noted that one positive aspect of the process is that changes in watershed rules and regulations require the site to come back before the Commission, ensuring that conditions are reviewed and that the site continues to operate safely and appropriately.

Feit added that although the three-year limit can sometimes suggest that operations will conclude quickly, she values the oversight and noted that the site has been a productive use of the land. She also mentioned that, with future development expected in the area, she anticipates that soil mining will eventually come to an end.

Chair Joy stated that she appreciated the testimony provided and the willingness of all parties to work together. She also expressed thanks for the effort to develop solutions that consider the nearby school.

Motion for approval of Special Permit 16004C carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost voting "yes"; Ball and Rodenburg absent.

**SPECIAL PERMIT 25035, TO ALLOW SOIL MINING AND EXCAVATION ON PROPERTY
GENERALLY LOCATED AT W MCKELVIE ROAD AND NW 40TH STREET.
BEFORE PLANNING COMMISSION:**

October 1, 2025

Members present: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost. Ball and Rodenburg absent.

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation-

George Wesselhoft, Planning Department, 555 S. 10th Street, Lincoln, NE, came forward and introduced the request for a soil excavation special permit. He explained that the site is located near the southwest corner of Northwest 40th Street and West McKelvie Road. The property encompasses approximately 190.48 acres, with 20 acres proposed to be disturbed for soil mining activities.

Wesselhoft stated that the mining activity would occur in the northeast part of the property on 20 acres, close to the intersection of the two roads. There will be one access point off Northwest 40th Street. Wesselhoft showed the truck route, noting that trucks will not travel north; instead, they will travel south on Northwest 40th to Highway 34 (Purple Heart Highway). He added that Northwest 40th is a county gravel road leading to Highway 34.

Wesselhoft reported that a water study was completed because of the proximity of private wells. The report found that groundwater levels and nearby wells would not be adversely affected by the excavation. The Health Department reviewed the report, concurred with the findings, and recommended approval.

Finally, Wesselhoft noted that a road maintenance agreement had already been approved the previous month for this project. That agreement covers restoration or maintenance of the physical road, dust control, and other concerns raised in letters submitted about the project. He concluded by stating that John Berry could address any detailed questions regarding the road maintenance agreement.

Applicant-

Joe Brakenhoff, E&A Consulting Group, 2077 N Street, Lincoln, NE, came forward and spoke on behalf of the owner and operator. He stated that the request involves mining topsoil and lean clay for local construction projects, noting that it is not significantly different from the previous application. Brakenhoff said he did not have additional information beyond what Wesselhoft had already presented but offered to answer any questions from the Commission.

Feit asked why the proposed 20 acres of the site had been selected for excavation.

Brackenhoff explained that the area is located at the top of the hill. He stated that borings performed by a geotechnical company identified that area as containing the best quality material for lean clay, which is why the operator selected it as the starting point for mining.

Eddins asked how long the operation is expected to take, noting that the timeline had been discussed during the previous permit.

Brackenhoff responded that the duration depends on the construction projects that come forward and how quickly the material is used. He stated that there is no firm estimate at this time but noted that a lot can happen in three years. Brackenhoff added that in the first phase, approximately 160,000 cubic yards will be excavated, which is far below the 1.4 million cubic yards available, so the timeline will largely depend on project demand.

Eddins acknowledged the response and thanked Brackenhoff.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity

Opposition:

Kurt Eberspacher, 4332 West McKelvie Road, Lincoln, NE, came forward and spoke to the Commission about his concerns regarding the proposed soil excavation project. He stated that his primary concern is dust, noting that the project is roughly six blocks from his home and has already affected the ability to keep windows open.

Eberspacher expressed concern about caution signage, explaining that the project entrance and exit are located on a hill and that vehicles frequently travel at high speeds on nearby roads. He emphasized that existing signage at other project locations would not be sufficient for this site and could result in accidents if not properly addressed.

Eberspacher also raised concerns about noise, referencing the ongoing project to the south of his property, which has been operating for over three years. He noted that machinery noise can be heard from a mile away and that “Jake brakes” add to the disruption.

Eberspacher highlighted the importance of road maintenance, particularly during winter or wet conditions, and stressed that dust control measures will be critical, especially with prevailing south winds. He also pointed out that West McKelvie Road is a school bus route for Malcolm, emphasizing safety concerns with truck traffic.

Eberspacher described current traffic patterns from the existing southern project, noting trucks traveling north and south, as well as turning west on McKelvie Road. He estimated that truck volumes could reach nearly a dozen trucks per hour. Eberspacher stated that he had submitted

written questions previously and summarized that the project will directly affect his property and quality of life in multiple ways. He concluded by asking if the Commission had any questions, and none were raised.

Staff Questions

Eddins asked about the mining operations, specifically whether all of them have the four-truck minimum reporting requirement.

Berry explained that the four-truck limit applies unless the operators report otherwise. He added that, in his experience as County Surveyor over the past five years, all the operations he has dealt with have adhered to the four-load reporting requirement.

Eddins asked where a resident could report if trucks were exceeding the four-load limit, and it seemed like trucks were continuously using the site.

Berry responded that residents could call his office or contact Wesselhoft. He assured that they would reach the appropriate personnel to address the concern.

Eddins confirmed that this was exactly the information she needed.

Feit asked about the placement of caution signs, noting that it is a legitimate concern and asking whether the Commission has any control to ensure that drivers see the signs in time to slow down.

Berry explained that, as part of the project plans, the applicant is required to install signs indicating trucks turning and other traffic warnings. He noted that there are spacing requirements for the signs and confirmed that the County can work with the applicant to ensure proper signage. Berry added that if additional signage is needed, they could accommodate that to address the concern, including considering the hill in the area.

Feit asked Wesselhoft if he was aware of another nearby mining project that had been referenced.

Wesselhoft confirmed that the project was noted in the staff report. He explained that it is a different special permit, SP20014A, located directly south of the current site.

Feit asked about the parcel of land, seeking clarification on whether it was part of the same project area.

Chair Joy noted that it was the same ownership.

Wesselhoft confirmed that the parcels are under similar ownership, though they have separate special permits on different parcels of land.

Eddins asked whether there are requirements for how far apart two different mining operations need to be.

Wesselhoft responded that there are no such requirements.

Eddins acknowledged the response, stating that she didn't think so.

Chair Joy then asked if there were any other questions or comments from the Commission. Hearing none, she invited the applicant to come forward for further discussion.

Applicant Rebuttal:

Eddins asked Brackenhoff whether he had reached out to neighbors prior to the meeting.

Brackenhoff responded that they had sent all neighbors a letter along with an exhibit of the haul route, explaining the project and providing relevant information.

Eddins thanked him for the response.

Ryman Yost asked Brackenhoff about the truck routes, noting that the presentation described trucks traveling south on Northwest 40th to reach the highway. She referenced concerns from neighbors that the previous mining permit to the south had trucks traveling north on McKelvie Road and asked whether that route would change for the current project, closer to the intersection.

Brackenhoff explained that for the previous permit to the south, the haul route also went out to Highway 34. He emphasized that trucks traveling north are not supposed to do so, and that the operator would appreciate knowing about any deviations to correct them. Brackenhoff noted that he hadn't received feedback from neighbors until this application.

Yost added that it can be challenging for citizens to know which office to contact—whether it's the Health Department, LTU, County Engineer, or Planning Department—so concerns may not have reached the correct personnel. She expressed hope that the neighbor is now aware of who to contact to get answers directly and to understand which government office to approach.

Chair Joy thanked the speakers for their clarification and asked if there were any additional questions from the Commission. Hearing none, she noted that all questions appeared to be answered and suggested moving to close the public hearing.

SPECIAL PERMIT 25035

ACTION BY PLANNING COMMISSION:

OCTOBER 1, 2025

Campbell moved to close the public hearing; seconded by Eddins.

Campbell moved to approve Special Permit 25035; seconded by Joy.

Campbell acknowledged that the neighbors' concerns are valid and emphasized the importance of knowing who to contact if issues arise in the area. He noted that the Planning Department can assist in directing residents to the appropriate office for any concerns not already addressed. Campbell concluded by stating that he would be supporting the project.

Feit commented that she is concerned about how close the two projects are to each other. She expressed worry about dust in the air and the loss of good topsoil. Feit stated that she would still vote in favor of the project because it has followed all regulations and safety requirements, and she appreciated that engineers and staff are monitoring the roads and their quality. Feit concluded by emphasizing the importance of protecting topsoil and maintaining air quality, noting that these were her main concerns about the proximity of the projects.

Ryman Yost stated that she would also be voting in support of the project for the same reasons Feit mentioned. She expressed appreciation that the item was pulled from the consent agenda so that the Commission could have a discussion, noting that a neighbor had submitted comments and that another letter with concerns had been received. Ryman Yost valued the opportunity to ask questions and obtain clarification before proceeding with the vote.

Campbell explained that topsoil is stockpiled on-site and returned after clay removal, noting that the underlying soil has not been exposed for many years.

Chair Joy expressed appreciation for the conversation among the Commission members and noted that she agreed with her fellow commissioners. She stated that the process is working well and that it is beneficial for neighbors to have the opportunity to speak about local concerns. Joy also thanked the staff and the applicant for proactively addressing issues. She emphasized the importance of proper signage, noting that the sooner drivers are informed, the safer it is for everyone.

Motion for approval of Special Permit 25035 carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost voting "yes"; Ball and Rodenburg absent.

Campbell moved to adjourn the Planning Commission meeting of October 1, 2025; seconded Eddins.

Motion to adjourn carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost voted "yes." Ball and Rodenburg absent.

There being no further business, the meeting was adjourned at 1:42 pm.