

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

June 13, 2024

Ty Lucas
North Platte City Council
211 West Third Street
North Platte, NE 69101

Re: C-2 Potential Conflict of Interest Statement

Dear Mr. Lucas,

This will acknowledge receipt of a Potential Conflict of Interest Statement ("Statement"), which you filed by e-mail with the Nebraska Accountability and Disclosure Commission ("NADC") on Tuesday, June 11, 2024.

You are a member of the North Platte City Council. You are also a Director and a shareholder of NebraskaLand Bank. You are a minority shareholder with the Bank, with a stock value exceeding \$10,000.

In view of your position with the Bank, it appears that it is a business with which you are associated, as defined in §49-1408 of the Nebraska Political Accountability and Disclosure Act ("NPADA").

In your Statement, you note that Mark and Mendy Oettinger and their son Kadin Oettinger are customers of the Bank, and they have several businesses which have a "banking history" with the Bank. In addition, the Bank provides personal banking services to them.

Your Statement notes that on Tuesday, June 18, 2024, several matters will come before the North Platte City Council relating to "Stonebridge, LLC", which is an entity in which Mark and Kadin Oettinger are financially involved. You further note that if these matters are approved, the Oettingers will likely seek financial assistance from the Bank in order to undertake a project which you have described in your Statement.

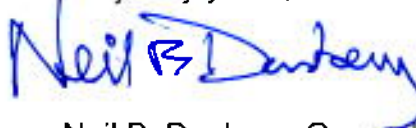
The NPADA provides, at §49-1499.03(2)(a) of the NPADA, that if you (as an elected City Council Member) are required to, "take any action or make any decision in the discharge of [your] official duties that may cause financial benefit or detriment to [you], a member of your immediate family, or a business with which [you are] associated," then you should, as you have done, prepare and file with the NADC a written statement describing the matter.

As we have noted above, the Bank is a business with which you are associated. It would appear that the Bank may receive a financial benefit (or detriment) based upon the outcome of the three matters which will be voted upon on June 18th. In view of this, we conclude that you should abstain from voting upon those three matters as described in your Statement which relate to Stonebridge, L.L.C.

In addressing your Statement, we are relying upon our understanding, as we have expressed it in this letter, of the accuracy and completeness of information and facts which you have provided in your subject Statement and in our subsequent telephone call. If our expressed understanding of these facts is incorrect or incomplete, please advise us immediately.

Thank you for your filing of the subject Statement. Please contact me directly if you have any questions concerning this opinion.

Very truly yours,

A handwritten signature in blue ink that reads "Neil B. Danberg". The signature is stylized, with the first letters of the first and last names being prominent.

Neil B. Danberg, General Counsel

S

Hunter, Dave

From: Ty Lucas <TLucas@nlmb.com>
Sent: Tuesday, June 11, 2024 7:01 AM
To: NADC
Subject: Review request
Attachments: Lucas ltr to NADC North Platte City Council 6.1.pdf

RECEIVED

JUN 11 2024

NEBRASKA ACCOUNTABILITY
and
DISCLOSURE COMMISSION

You don't often get email from tlucas@nlmb.com. [Learn why this is important](#)

Dear NADC,

I would appreciate it if you could review this letter and provide an opinion on this matter.

Thank you,

Ty Lucas
North Platte City Council Member

NOTE: The information contained in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorized.

6/11/2024

Nebraska Accountability and Disclosure Commission

nadc@nebraska.gov

RE: Ty Lucas, North Platte City Council

Dear NADC,

I am a member of the North Platte City Council. I continue to have a business affiliation with NebraskaLand Bank. I am a salaried employee, am on the Board of Directors, and remain as a minority shareholder with a stock value that exceeds \$10,000.

NebraskaLand Bank provides ongoing financing and depository services to Mark and Mendy Oettinger of North Platte. They are owners in Pals Brewing Co / Otter Investments /Oettinger Farms who have banking history with our Bank, along with typical personal banking. Their son, Kadin Oettinger, also does personal banking with our Bank.

Mark and Kadin Oettinger, on behalf of Stonebridge, LLC have or will request three items from the North Platte City Council:

- 1) Amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map amending certain lands from Residential Low Density Single Family to Commercial.
- 2) Rezone certain lands from a A-1 Transitional Agricultural District to a B-2 Business Highway Commercial District.
- 3) Annexation of a portion of their Land. (it abuts City limits)

At this point in time, they have explained to the North Platte Planning Commission and City Council of a desire to potentially start a Marine Boat Repair and Sales Shop on a portion of a piece of land they have owned for several years. If the requested items are not approved, they intend to seek another lot in town to build this shop. They have not requested any economic development incentives from the City of North Platte.

The North Platte Planning Commission has reviewed their request and has recommended approval to the North Platte City Council.

The Oettingers have sought NebraskaLand Bank's assistance in reviewing the initial possible financial feasibility of this project but have not made any type of loan application or request. If these items are approved, it appears likely that they will proceed with their proposed project sometime within the next 1-2 years. If they would opt to proceed with this project, it is likely that they would request a construction and term real estate loan to finance a portion of the

expenses for the facility and site work from NebraskaLand Bank. It is unknown whether they will offer this subject property as collateral or if they will offer other collateral to the Bank for the potential loan. They could also seek financing from any other local Bank of their choice.

I would appreciate your opinion on whether I have a potential conflict of interest on this matter if I was to vote on the requested comprehensive plan change, potential rezoning and potential annexation request.

I would appreciate your immediate review of this matter because this item will likely appear on the City Council agenda on June 18, 2024. My phone number is (308) 520-2254 and email is tlucas@nlhb.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Lucas', is written over the word 'Sincerely,'.

Ty Lucas
City Council, Ward 2 North Platte