



## LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581 | P: 402.476.2729 • F: 402.476.6454 | [www.lpsnrd.org](http://www.lpsnrd.org)

---

### BOARD OF DIRECTORS' MEETING

April 19, 2017

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, April 19, 2017 at 7:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman. Stevens called the meeting to order at 7:00 p.m.

A moment of silence was observed for Larry Hall, a Director in Subdistrict #8, who passed away late last month.

Stevens welcomed those in attendance, and the pledge of allegiance was recited. He noted that the public meetings law is posted in the room and that carrying concealed weapons is prohibited at board meetings. He requested all cell phones be put on silent mode. He offered an opportunity for public present to speak to non-agenda items.

Tom Green, candidate for the vacancy in Subdistrict #8 was introduced.

Stevens stated that Steve Seglin was not able to make the meeting and introduced Bill Kutilek of Crosby Guenzel LLP as his fill-in.

#### ITEM 1. ROLL CALL OF DIRECTORS.

19 Directors were present upon roll call.

#### ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING.

Stevens reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on April 7, 2017.

#### ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES.

Stevens stated that a request for excused an absence for the February 15, 2017 Board of Directors meeting was received from Karen Amen and for the April 19, 2017 Board of Directors meeting from Greg Osborn.

It was moved by Jacobson and seconded by Zimmerman to approve the requests for excused absences from Karen Amen for the February 15, 2017 Board of Directors meeting and Greg Osborn for the April 19, 2017 Board of Directors meeting. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT PRESENT: Osborn

ITEM 4. ADOPT TENTATIVE AGENDA

Stevens announced that Item 8(f) would be moved to the bottom of the Agenda and would be heard between Items #13 and #14.

It was moved by Jacobson and seconded by Spangler to adopt the Revised Agenda. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT PRESENT: Osborn

ITEM 5. APPROVE MINUTES OF MARCH 15, 2017 BOARD OF DIRECTORS MEETING.

It was moved by Zimmerman and seconded by Bolte to approve the minutes of the March 15, 2017 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

ABSTAIN: Svoboda

NOT PRESENT: Osborn

ITEM 6. REPORT OF THE FINANCE AND PLANNING SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Kerkman stated that the Finance and Planning Subcommittee did not meet prior to the Board meeting. He indicated that the financial reports for the period July 1, 2016 through March 31, 2017 had been distributed.

It was moved by Aldridge to divide the question. The motion failed for lack of second.

It was moved by Kerkman and seconded by Jacobson to approve the financial reports for the period of July 1, 2016 through March 31, 2017 and publish the expenditures for March 2017. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT VOTING: Aldridge

NOT PRESENT: Osborn

ITEM 7. REPORT OF THE EXECUTIVE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Stevens stated that the Executive Subcommittee met on April 5, 2017.

General Manager Paul Zillig briefed the Board on the request to purchase NRD Wetland credits. Dan Schulz, Resources Coordinator, answered questions of the Board. Cody Unstad of Felsburg, Holt & Ulevig addressed the Board.

Stevens moved the Executive Subcommittee's recommendation that the Board of Directors authorize selling 0.2736 total credits from the NRD's Blue Heron Wetland Bank for \$20,000 to Saunders County for the Prague South Bridge Replacement Project, dependent upon legal counsel review. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, B. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: Jacobson and C. Johnson

NOT PRESENT: Osborn

Stevens moved the Executive Subcommittee's recommendation that the Board of Directors approve supporting the 2020 North American Envirothon and contribute three annual payments to the NARD, not to exceed \$17,300. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT PRESENT: Osborn

ITEM 8. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Jacobson stated that the Water Resources Subcommittee met on March 8, 2017.

Katie Cameron, Eastern Nebraska Water Resources Assessment (ENWRA) Coordinator answered questions of the Board.

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the District General Manager to sign the Joint Funding Agreement (JFA) to provide the U.S. Geological Survey (USGS) \$128,000 for airborne electromagnetic data integration and bedrock mapping technical assistance and reporting under the Nebraska GeoCloud Water Sustainability Fund (WSF) Grant Contract #4164. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT VOTING: Aldridge

NOT PRESENT: Osborn

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the District General Manager to sign the Eastern Nebraska Water Resources Assessment (ENWRA) Interlocal Agreement Amendment #5 renewing the District's annual dues of \$30,000 and operations with 6 member NRDs for the next 5 fiscal years, pending legal counsel review. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT VOTING: Aldridge

NOT PRESENT: Osborn

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the District General Manager to sign the Cooperative Agreement proving the University of Nebraska Conservation & Survey Division (UNL CSD) 60 percent (%) of the salary and benefits plus operating costs for the ENWRA Coordinator Position for the next 3 Fiscal Years, pending legal counsel review. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT VOTING: Aldridge

NOT PRESENT: Osborn

Devin Biesecker, District Engineer, gave the Board background on the material and process to do the repairs.

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors set-a-side District Policy G-5: Competitive Bidding, and approve the proposal from Peerless Compaction Grouting, Inc. dba Uretek ICR Heartland of Johnston, Iowa for repairs of Upper Salt 3-A, including the 3% bonding coverage, at a cost not to exceed \$19,000, pending legal counsel review. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: Aldridge

NOT PRESENT: Osborn

Nathan Kuhlman, IS Administrator, and Dick Ehrman, Water Resources Specialist, answered questions of the Board.

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the professional services contract with The Phoenix Web Group to improve groundwater data management at a cost not to exceed \$70,000, pending legal counsel review. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: Aldridge

NOT PRESENT: Osborn

ITEM 9. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Schmidt stated that the Recreation, Forestry & Wildlife Subcommittee met on April 12, 2017. He further indicated that item 9(e) would be heard in Closed Session.

Julie Ogden, JEO Consulting Group, Inc., addressed the Board and answered questions.

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the resolution authorizing the General Manager to sign Supplemental Agreement No. 2 between the Lower Platte South Natural Resources District and JEO Consulting Group, Inc. for additional engineering services for the Lincoln Rosa Parks Way Trail project with the District's share not to exceed \$9,971.38. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman  
NAY: Aldridge  
NOT PRESENT: Osborn

Paul Zillig, General Manager, and Dan Schulz, Resources Coordinator, answered questions of the Board.

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of approve the request to place a community bulletin board sign on the Oak Creek Trailhead property in Valparaiso subject to legal counsel review and coordination with District staff on location of the sign. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman  
NAY: None  
NOT PRESENT: Osborn

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the Rural to Urban Trails Interlocal Agreement with the City of Lincoln including Stevens' changes to the agreement subject to legal counsel review. The motion was approved.

AYE: Aldridge, Amen, Barrett, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Svoboda, Wilson and Zimmerman  
NAY: Bolte and Stevens  
NOT PRESENT: Osborn

Dan Schulz gave a report on the offer to sell Salt Creek floodplain property to the District near Roca, Nebraska adjacent to the Homestead Trail Corridor.

ITEM 10. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

DeKalb stated that the Urban Subcommittee met on April 13, 2017.

Tom Beckinus, Apples Way, LLC, and Tim Gerkin, Clark Enerson, answered questions of the Board.

DeKalb moved the Urban Subcommittee’s recommendation that the Board of Directors grant preliminary approval of the Conservation Easement modifications so that Apples Way LLC can move forward on the preliminary plat design and a more formal grading / drainage plan that will require NRD and City release of existing conservation and approval of a new conservation easement. The motion was approved

AYE: Aldridge, Amen, Bolte, DeKalb, Eagan, Hellerich, B. Johnson, Kerkman, Ruth, Schmidt, Stevens, Svoboda, Wilson and Zimmerman  
 NAY: Barrett, Jacobson and Spangler  
 ABSTAIN: C. Johnson and Landis  
 NOT PRESENT: Osborn

DeKalb moved the Urban Subcommittee’s recommendation that the Board of Directors approve the City of Ashland’s Community Assistance Program application for 50% cost-share assistance on the Ashland Drainage Evaluation, at an NRD cost of not to exceed \$5,250. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman  
 NAY: None  
 NOT PRESENT: Osborn

ITEM 11. REPORT OF THE LAND RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Spangler stated that the Land Resources Subcommittee met on April 19, 2017.

Spangler moved the Land Resources Subcommittee’s recommendation that the Board of Directors approve the surface water quality cost-share applications.

County	First Name	Practice	\$ Requested	Notes
Cass	Chester E. Bornemeier Credit Trust	Planting	\$ 1,610	Special Practices
Cass	Lenis Grauf	Terraces	\$ 15,000	SCP
Cass	LNAP Properties LLC	Terraces	\$ 15,000	SCP
Cass	MT Heimes LLC	Terraces	\$ 15,000	SCP
Cass	Plattsmouth Airport Authority	Terraces	\$ 15,000	SCP
Butler	Chris Zetocha	Terraces	\$ 12,758	SCP
Lancaster	Diane Bevacqua	Terraces	\$ 15,000	SCP
Lancaster	David Drevo	Basins	\$ 6,402	SCP
Lancaster	M. Joe French	Terraces	\$ 15,000	SCP
Lancaster	Nancy Kunz	Terraces	\$ 15,000	SCP
Lancaster	Marvin Mueller, Jr.	Terraces	\$ 20,000	SCP + Targeted (Stevens Creek)
Lancaster	Thomas G. Schleich Generation Skipping Irr. Trust	Terraces	\$ 15,000	SCP
		<b>TOTAL</b>	<b>\$160,770</b>	

The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT PRESENT: Aldridge and Osborn

ITEM 12. REPORT OF INFORMATION & EDUCATION SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Eagan stated that the Information & Education Subcommittee met on April 19, 2017.

Eagan moved the Information & Education Subcommittee's recommendation that the Board of Directors authorize the General Manager to negotiate and approve an advertising contract with the Lincoln Journal Star for an amount of \$6,000 for digital and impressions and \$12,000 for print ads in an amount not to exceed \$18,000 pending legal counsel review. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: Aldridge, C. Johnson and Kerkman

NOT PRESENT: Osborn

ITEM 13. REPORT OF THE INTEGRATED MANAGEMENT PLANNING SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Ruth stated that the Integrated Management Planning Subcommittee met on April 17, 2017.

Jim Schneider, Olsson Associates, addressed the Board.

Ruth moved the Integrated Management planning Subcommittee's recommendation that the Board of Directors approve to support the Conjunctive Management Analysis Tool (CMAT) Project and participate in the project at the point it is cost effective depending on involvement of other NRDs. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: Aldridge

NOT PRESENT: Osborn

ITEM 8(f) HEARING TO CONSIDER WHETHER THE OPERATORS OF THE RAGUSA TRUST PROPERTY LOCATED IN THE DWIGHT-VALPARAISO-BRAINARD SPECIAL MANAGEMENT AREA VIOLATED SECTION R, RULE 2(c)(iii) OF THE DISTRICT'S RULES BY PUMPING MORE GROUND WATER THAN THE DISTRICT'S ALLOCATION ALLOWS

The hearing was called to order at 8:47 p.m. by Chairman Stevens who was the hearing officer. Bill Kutilek of Crosby Guenzel LLP represented the NRD at the Hearing.

Ryan Rezac, LPSNRD Water Resources Compliance Specialist, Doug Hanson, Farm Manager of property and Dave Hladik, tenant were sworn in and presented testimony.

The hearing was closed at 9:29 p.m.

It was moved by Hellerich and seconded by Zimmerman that the Board of Directors acknowledge that they have considered that Ragusa/Hladik in 2011 applied for an the NRD certified 125.7 irrigated acres for Parcel ID 000054000; that NRD rules as of 2013 limited irrigation to no more than 30 inches/acre/3 year period for gravity irrigation; that Ragusa/Hladik applied only 24.37 inches/acre during the last 3 year period on Parcel ID 000054000; and therefore no penalty accrues to Ragusa/Hladik for exceeding the allocation on the west portion of Parcel ID 000054000 that is irrigated from Well #G0696999, due to the total water pumped on Parcel ID 000054000 did not exceed the allocation limit of 30 inches/acre for the last three years. The motion failed.

AYE: Barrett, Hellerich, Kerkman, Svoboda and Zimmerman

NAY: Aldridge, Amen, Bolte, DeKalb, Eagan, Jacobson, B. Johnson, C. Johnson, Landis, Ruth, Schmidt, Spangler, Stevens and Wilson

NOT PRESENT: Osborn

It was moved by DeKalb and seconded by Barrett that the Board of Directors find there is a violation based on current rule language and staff interpretation, that there appears to be a need for clarification to rules as written / adopted and given that discrepancy of need for clarification that no penalty be applied for this violation at this time provided that the applicant will follow the rules as currently adopted and in the future as approved or amended. The motion and second were withdrawn.

It was moved by DeKalb and seconded by Landis that the Board of Directors, based on the current Rules and Regulations, find that there has been a violation. The motion was approved.

AYE: Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda and Wilson

NAY: Hellerich and Zimmerman

NOT PRESENT: Osborn

#### ITEM 14            CONSIDERATION OF ITEMS REQUIRING CLOSED SESSION

It was moved by Schmidt and seconded by Spangler that the Board of Directors go into closed session at 10:10 p.m. to protect the public interest and develop strategy with respect to negotiations related to the acquisition of a conservation easement for the Prairie Corridor on Haines Branch. The motion was approved.

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT PRESENT: Aldridge and Osborn

It was moved by Landis and seconded by Spangler to return to open session at 10:27 p.m. The motion was approved.



AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, Svoboda, Wilson and Zimmerman

NAY: None

NOT PRESENT: Aldridge and Osborn

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors reject the Honvlez counter offer and direct staff to continue negotiations based on the subcommittee's direction. The motion was approved

AYE: Amen, Barrett, Bolte, DeKalb, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens Svoboda, Wilson and Zimmerman

ABSTAIN: Hellerich

NAY: None

NOT PRESENT: Aldridge and Osborn

ITEM 15. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 16. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was sent out.

ITEM 17. FOR INFORMATION ONLY.

Various memos were sent out.

There being no other business, the meeting was adjourned at 10:30 p.m. The undersigned, the duly elected and acting Secretary of the Lower Platte South Natural Resources District (the "District"), hereby certifies that the foregoing is a true and correct copy of the minutes of the meeting of the Board of Directors of the District held on April 19, 2017, that all of the matters and subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the above minutes were in written form and available for public inspection within ten working days or prior to the next convened meeting, whichever occurred earlier; and, that reasonable efforts were made to provide all news media requesting notification of the meeting and of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Deborah Eagan, Secretary

/dr