



# LOWER PLATTE SOUTH

## natural resources district

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### BOARD OF DIRECTORS' MEETING December 13, 2017

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday December 13, 2017 at 2:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Aldridge, Amen, Andersen, Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Steinkruger, Stevens, Svoboda and Wilson. Stevens called the meeting to order at 2:00 p.m.

Stevens welcomed those in attendance. 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.

Stevens asked if there were any NRD Board candidates present, Luke Peterson, candidate for Subdistrict #7, addressed the Board.

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

20 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 November 29, 2017.

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

Stevens stated the there was a request for an excused absence from Greg Osborn for the December 13, 2017 Board of Directors meeting.

It was moved by Landis and seconded by Svoboda to approve the request for an excused absence from Greg Osborn for the December 13, 2017 Board of Directors meeting. The motion was approved.

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

NAY: None

NOT PRESENT: Osborn

#### ITEM 4. ADOPT TENTATIVE AGENDA

It was moved by DeKalb and seconded by Svoboda to adopt the Revised Agenda. The motion was approved.

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

ABSTAIN: Wilson

NAY: None

NOT PRESENT: Osborn

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

It was moved by Spangler and seconded by Landis to approve the minutes of the November 15, 2017 Board of Directors Meeting. The motion was approved.

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

ABSTAIN: Wilson

NAY: None

NOT PRESENT: Osborn

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

Kerkman stated that the Finance and Planning Subcommittee met just prior to the Board meeting. He indicated that the financial reports for the period July 1, 2017 through November 30, 2017 had been distributed.

It was moved by Kerkman and seconded by Andersen to approve the financial reports for the period of July 1, 2017 through November 30, 2017 and to publish the approved expenditures for November 2017, except that each director who has per diem and/or reimbursement of expenses included in such financial reports, abstains from voting for the approval of his or her own per diem and/or expense reimbursement. The motion was approved.

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

NOT VOTING: Aldridge

NAY: None

NOT PRESENT: Osborn

Kerkman moved the Finance and Planning Subcommittee's recommendation that the Board of Directors accept the proposal from Badger Body for a ground water sampling truck box in the amount of \$17,806. The motion was approved.

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

NAY: None

NOT PRESENT: Osborn

Kerkman also reported that the Director's Planning Retreat will be held February 23 – 24, 2018.

ITEM 7. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Schmidt stated that the Recreation, Forestry & Wildlife Subcommittee met on December 6, 2017. Nicole Fleck-Tooze with the Lincoln Parks & Recreation Department addressed the Board regarding the Prairie Corridor on Haines Branch Project.

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors enter into the 20 year Interlocal Cooperation Agreement with the City of Lincoln for the Prairie Corridor on Haines Branch Project. The motion was approved.

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

NOT VOTING: Aldridge

NAY: None

NOT PRESENT: Osborn

Schmidt stated that Agenda Item 7(b) pertaining to the Wilcox property would be heard in Closed Session later in the meeting.

ITEM 8. REPORT OF THE EXECUTIVE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Stevens stated that the Executive Subcommittee met on December 6, 2017.

Stevens moved the Executive Subcommittee's recommendation that the Board of Directors holding the March 2018 Board of Directors Meeting on Wednesday, March 14<sup>th</sup> beginning at 2:00 p.m. in the NRD Office in Lincoln. The motion was approved.

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

NAY: None

NOT PRESENT: Osborn

Stevens moved the Executive Subcommittee's recommendation that the Board of Directors approve proposed changes to Operating Policies G-5.3.f – Competitive Bidding and new policy C-21 – Use of District Resources.

It was moved by Spangler and seconded by Jacobson to amend the motion pertaining to Operating Policy C-21 – Use of District Resources by striking the word "for" in the fourth paragraph and adding "if the use is" and striking the word "purposes" in that same paragraph so that the sentence reads ". . .employees if the use is incidental or de minimis". And adding the word "for" in the fifth paragraph so that it reads ". . . campaigning for or against the nomination . . .". The motion was approved.

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

NAY: None

NOT PRESENT: Osborn

The main motion to approve proposed changes to Operating Policies G-5.3.f and new policy C-21 - Use of District Resources as amended was approved.

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

NAY: None

NOT PRESENT: Osborn

Stevens moved the Executive Subcommittee's recommendation that the Board of Directors approve proposed changes to Personnel Policies #38: E-Mail Internet Usage and #40: Employee Use of District Equipment and Facilities Prohibited.

It was moved by Ruth and seconded by Landis to amend the motion pertaining to Operating Policy C-21 – Use of District Resources by striking the word “for” in the fourth paragraph and adding “if the use is” and striking the word “purposes” in that same paragraph so that the sentence reads “. . .employees if the use is incidental or de minimis”. And adding the word “for” in the fifth paragraph so that it reads “. . . campaigning for or against the nomination . . . “. The motion was approved.

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

NAY: None

NOT PRESENT: Osborn

The main motion to approve proposed changes to Personnel Policies #38: E-Mail Internet Usage and #40: Employee Use of District Equipment and Facilities Prohibited as amended was approved.

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

NAY: None

NOT PRESENT: Osborn

Stevens moved the Executive Subcommittee's recommendation that the Board of Directors authorize the General Manager to hire a third Conservation Technician and authorization to fill the position upon receiving approval of the NACD Technical Assistance Grant. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Osborn

#### ITEM 9. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

DeKalb stated that the Urban Subcommittee met on December 7, 2017. He stated that there will be no action on Items (a) – Community Assistance Program request from the Preserve Home Owner Association for the Preserve on Antelope Creek Dam Project; (b) – Community Assistance Program request from the Willow Point Home Owners Association for the Salt Creek Bank Stabilization Project and (e) – Consideration of an engineering services contract for Salt Creek Levee – O&M Manual Addendums. He further stated that Item (c) would be heard in closed session later in the meeting.

Devin Biesecker, District Engineer, answered questions of the Board.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Engineering Services Agreement, Task Order #4 – Haines Branch Tieback Area Levee Evaluation and O&M Manual Addendum with JEO for an hourly rate, not to exceed \$69,925, pending legal counsel review. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Osborn

ITEM 10. APPOINTMENT OF AD-HOC NOMINATION SUBCOMMITTEE FOR 2018 OFFICERS AND NARD REPRESENTATIVES

Chair Stevens stated that he had appointed Landis, Jacobson and Wilson to make up the Ad-Hoc Nomination Subcommittee for 2018 Officers and NARD Representatives with Landis as Chair.

ITEM 11. CONSIDERATION OF AGENDA ITEMS REQUIRING CLOSED SESSION

It was moved by Spangler and seconded by DeKalb that the Board of Directors go into closed session at 3:10 p.m. to protect the public interest and develop strategy with respect to negotiations related to the acquisition of the Wilcox property and for easements required from the landowner of the South Salt Creek MP Project #3. The motion was approved.

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

NAY: None

NOT PRESENT: Osborn

It was moved by Svoboda and seconded by DeKalb to return to Open Session at 3:59 p.m. The motion was approved.

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

NAY: None

NOT PRESENT: Landis and Osborn

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

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors accept the Lower Platte South Natural Resources District's appraisal of the Wilcox property and authorize staff to negotiate as directed by the Board of Directors and General Manager to acquire the Wilcox property located in Sections 17 and 18, Township-8-North, Range-7-East, Lancaster County, Nebraska. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, DeKalb, Eagan, Jacobson, C. Johnson, Schmidt, Spangler, Steinkruger, Stevens, Svoboda and Wilson

NAY: Barrett, Hellerich, B. Johnson, Kerkman and Ruth

NOT PRESENT: Landis and Osborn

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors accept the Lower Platte South Natural Resources District's appraisal of the property and authorize staff to negotiate as directed by the Board of Directors and General Manager to acquire the necessary easements located on Lot 77 in the SW ¼ of Section 2, Township-9-North, Range-6-East, Lancaster County, Nebraska for the construction and maintenance of South Salt Creek Watershed Master Plan CIP #3. The motion was approved.

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

NAY: None

NOT PRESENT: Landis and Osborn

ITEM 11. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 12. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was sent out.

ITEM 13. FOR INFORMATION ONLY.

Various memos were sent out.

General Manager Zillig gave an outline of upcoming events relating to 2018 subcommittee assignments and reminded Directors of the upcoming Legislative Conference.

Director Amen gave a review of the Natural Resources Commission approval of applications for funding through the Water Sustainability Fund.

There being no other business, the meeting was adjourned at 4:18 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 December 13, 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.

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Deborah Eagan, Secretary

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