



LOWER PLATTE SOUTH natural resources district

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BOARD OF DIRECTORS' MEETING August 17, 2022

The Board of Directors of the Lower Platte South Natural Resources District met at the Lower Platte South NRD Office on Wednesday, August 17, 2022 at 7:00 p.m. Directors participating were Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum. Eagan called the meeting to order at 7:00 p.m.

Eagan welcomed those in attendance, and the pledge of allegiance was recited. She noted that the public meetings law is posted in the room and that carrying concealed weapons is prohibited at board meetings. She requested all cell phones be put on silent mode. She reminded everyone a recording of the meeting will be on the NRD website. Eagan requested anyone wishing to speak on an agenda item to give their name and which agenda item they wished to speak on. An opportunity for public present to speak to non-agenda items was given. No one wished to speak on non-agenda items.

ITEM 1. ROLL CALL OF DIRECTORS.

Twenty-one Directors were present upon roll call.

ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING.

Eagan reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on August 4, 2022.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES.

Eagan stated that there were no requests for excuses absences.

ITEM 4. ADOPT AGENDA.

It was moved by Landis and seconded by Yoakum to adopt the Agenda. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

ITEM 5. APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES.

It was moved by Yoakum and seconded by Jacobson to approve the Minutes of the July 20, 2022 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: Schutz

NAY: None

NOT PRESENT: None

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

Andersen stated that the Finance & Planning Subcommittee met on August 10, 2022. He indicated that Agenda Item 6(d) would be heard in closed session later in the meeting.

Andersen stated that the financial reports for the period July 1, 2022 through July 31, 2022 had been distributed. Paul Zillig, General Manager, Kristin Buntmeyer, Administration & Finance Manager, answered questions of the Board regarding the financial reports.

It was moved by Andersen and seconded by Stevens to approve the financial reports for the period of July 1, 2022 through July 31, 2022 and publish the General Expenditures for July 2022. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

Paul Zillig, General Manager, answered questions of the Board regarding the proposed budget.

Andersen moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve the Resolution adopting the final budget for FY 2023 totaling \$36,684,328.00 with a property tax request of \$10,156,870.00.

It was moved by Vogel and seconded by B. Johnson to amend the budget to increase funding to the Salt Creek Floodplain Resiliency Sinking Fund by \$400,000 and to increase the requested property tax by \$400,000. General Counsel Wasserburger stated that it was out of order to reintroduce an amendment that had been voted down in a previous meeting. The motion was withdrawn.

It was moved by Vogel and seconded by B. Johnson to amend the budget to increase funding to the Salt Creek Floodplain Resiliency Sinking Fund by \$300,000 and to increase the requested property tax by \$300,000. The motion failed

AYE: Barrett, Green, Hellerich, B. Johnson, Landis, Peterson, Schutz, Vogel and Yoakum

NAY: Aldridge, Andersen, Eagan, Jacobson, C. Johnson, Lamberty, Lewis, Nolte, Ruth, Seacrest, Spangler, and Stevens

NOT PRESENT: None

The original motion to approve the Resolution adopting the final budget for FY 2023 totaling \$36,684,328.00 with a property tax request of \$10,156,870.00 passed.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Aldridge and B. Johnson

NOT PRESENT: None

Andersen moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve the proposal from Transit Works for the purchase of GPS Survey Equipment in the amount of \$32,644.00. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum
 NAY: None
 NOT PRESENT: None

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

Eagan stated that the Executive Subcommittee met on August 10, 2022.

Eagan moved the Executive Subcommittee’s recommendation that the Board of Directors approve the 2022 Technical Assistance Memorandum of Agreement with the National Association of Conservation Districts (NACD), pending legal counsel review. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum
 NAY: None
 NOT PRESENT: C. Johnson

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

Hellerich stated that there were 50 cost-share application for installing water quality improvement practices. He stated that the Land Resources Subcommittee met on August 9, 2022.

Hellerich moved the Land Resources Subcommittee’s recommendation that the Board of Directors approve the 50 identified Fall cost-share applications totaling an amount of \$790,320.00.

| Applicant Name | County | Amount Requested | |
|-----------------------------------|--------|------------------|--|
| Harvey Bornemeier | Cass | \$12,328 | |
| Gary A. Bornemeier | Cass | \$12,500 | |
| Brad J. Backemeyer | Cass | \$12,500 | |
| Jane Heine | Cass | \$9,567 | |
| Harvey Mills | Cass | \$12,500 | |
| Leon Bose | Cass | \$2,496 | |
| Geraldine M. Stubbendick | Cass | \$12,500 | |
| GMR Family Farms LLC | Cass | \$12,500 | |
| Rick D. Nolte | Cass | \$12,500 | |
| Perkins Palmer Farms LLC | Cass | \$12,500 | |
| Straub - Perkins-Palmer Farms LLC | Cass | \$12,500 | |
| Perkins-Garrett-Palmer Farms LLC | Cass | \$12,500 | |
| Ted & Karen Ent LLC | Cass | \$12,500 | |
| Wayne R. Stock, Inc. | Cass | \$12,500 | |
| Luetchens Family LLC | Cass | \$12,500 | |
| Jack Gilbert | Cass | \$12,500 | |

| Applicant Name | County | Amount Requested | |
|---|-----------|------------------|----------------|
| Roger Gaebel | Cass | \$4,992 | |
| Mark & Nancy Luetchens | Cass | \$12,500 | |
| James Mayfield | Cass | \$12,427 | |
| Kathleen Cople | Cass | \$12,500 | |
| LeMar Vogler | Cass | \$9,900 | |
| Don Schlichtemeier | Cass | \$10,469 | |
| Oak N Ridge | Cass | \$12,500 | |
| James Meisinger | Cass | \$12,500 | |
| Mark Meisinger | Cass | \$12,500 | |
| Ronald Nolte | Cass | \$12,500 | |
| Thomas Sullivan | Lancaster | \$12,500 | |
| Nebraska Public Power District | Lancaster | \$12,500 | |
| Nancy L. Kunz Revocable Trust | Lancaster | \$12,500 | |
| Percy P. Krueger Family Revocable Trust | Lancaster | \$12,500 | |
| Charlene Brown | Lancaster | \$12,500 | |
| Roger L. Byrne | Lancaster | \$8,650 | |
| Paulsen Family Living Trust | Lancaster | \$12,500 | |
| Lumir Novak | Seward | \$12,500 | |
| Marcia Bauer & Thomas Riggs | Lancaster | \$12,500 | |
| Larry G. Schildt Revocable Trust | Seward | \$85,420 | Twin Lakes 319 |
| Gilbert Woebbecke | Seward | \$55,130 | Twin Lakes 319 |
| Kenneth Schultz | Seward | \$44,880 | Twin Lakes 319 |
| Paula Wehling | Seward | \$8,376 | Twin Lakes 319 |
| Jason Radford | Seward | \$51,622 | Twin Lakes 319 |
| Thomas L. Sieck Revocable Trust | Seward | \$18,700 | Twin Lakes 319 |
| Roger Bruner | Lancaster | \$12,500 | |
| Marvin Hall | Lancaster | \$12,500 | |
| Maahs Limited. | Lancaster | \$17,500 | Stevens Creek |
| Rick Erickson Revocable Trust | Lancaster | \$12,500 | |
| Lynn Neujahr | Lancaster | \$12,500 | |
| Robert Kunasek | Seward | \$12,863 | Branched Oak |
| Alan D. Hansen | Lancaster | \$12,500 | |
| Janeane O'Donnell | Lancaster | \$12,500 | |
| Grant Fiedler | Lancaster | \$12,500 | |

The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: Nolte

NAY: None

NOT PRESENT: None

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

Schutz stated that the Recreation, Forestry & Wildlife Subcommittee met on August 11, 2022.

Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the changes to the guidelines and price increase for seedlings for the FY2023 Conservation Forestry Program. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the changes to the program rules for the FY 2023 Landscape Tree Cost-Share Program. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

ITEM 10. REPORT OF THE INTEGRATED MANAGEMENT SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Lewis stated that the Integrated Management Subcommittee met on August 8, 2022.

David Potter, Assistant General Manager, Dick Ehrman, Water Resources Coordinator, Madeline Johnson with NE Department of Natural Resources and Ryan Kelly with the NE Department of Natural Resources presented the 2021 Annual Integrated Management Plan Report to the Board of Directors.

Lewis moved the Integrated Management Subcommittee's recommendation that the Board of Directors accept the 2021 Annual Integrated Management Plan Report. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Spangler

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

Seacrest stated that the Water Resources Subcommittee met on August 11, 2022.

Paul Zillig, General Manager and Mike Sotak with Houston Engineering answered questions of the Board regarding the repairs to Upper Salt 16-A and Upper Salt 27-A.

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement with Houston Eng. / DBA FYRA, Inc. for engineering services to design, permitting, bidding and providing construction oversight of the Upper Salt 16-A / Killdeer and Upper Salt 27-A watershed dams rehabilitation projects at a cost not to exceed \$74,706.00. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

ITEM 12. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Green stated that the Urban Subcommittee met on August 15, 2022.

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Fourth Amendment to the Permanent Easement (Waterford Estates Dam) to add 0.24 acres. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement with JEO Consulting Group for the 2023 (Salt Creek Levee) Biennial SWIF Update Report, in an amount not to exceed \$28,280.00. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement with JEO Consulting Group, in an amount not to exceed \$38,035.00 for engineering services on the Salt Creek Levee Pipe Removal Project near UNL's Innovation Campus (STA 289+30 R). The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

Green moved the Urban Subcommittee’s recommendation that the Board of Directors approve the Agreement with Ronald and Iveta Wilson for a temporary easement for construction access and staging – Antelope Creek 40th to Scott Avenue Project, pending legal review of descriptions.

It was moved by Green and seconded by Stevens to amend the subcommittee motion by removing “approve the” and adding “authorize the General Manager to approve an”. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

The amended motion to authorize the General Manager to approve an Agreement with Ronald and Iveta Wilson for a temporary easement for construction access and staging – Antelope Creek 40th to Scott Avenue Project, pending legal review of descriptions was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

ITEM 13. REPORT OF THE INFORMATION & EDUCATION SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Yoakum stated that the Information & Education Subcommittee met on August 15, 2022.

Yoakum moved the Information & Education Subcommittee’s recommendation that the Board of Directors approve the Agreement with the City of Lincoln Parks and Recreation Department for the Pioneers Park Nature Center School Tour Program and authorize the General Manager to approve the renewal of the Agreement for up to three years. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

Yoakum moved the Information & Education Subcommittee’s recommendation that the Board of Directors approve the Agreement with the City of Lincoln Parks and Recreation Department for the Pioneers Park Nature Center Prairie Immersion Program and authorize the General Manager to approve the renewal of the Agreement for up to three years. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: None

McKenzie Barry, Environmental Education / Communications Specialist, answered questions of the Board regarding Prairie Immersion.

Yoakum moved the Information & Education Subcommittee's recommendation that the Board of Directors approve financial support to Spring Creek Prairie Audubon Center for the Prairie Immersion Program. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum
NAY: None
NOT PRESENT: None

ITEM 14. CONSIDERATION OF AGENDA ITEMS REQUIRING CLOSED SESSION.

Paul Zillig, General Manager, Al Langdale, Operation and Maintenance Coordinator and Cory Wasserburger, General Counsel, answered questions of the Board regarding the property and the procedure for closed session.

Andersen moved the Finance & Planning Subcommittee's recommendation that the Board of Directors authorize the General Manager to make an offer to purchase the 6201 Fulton Avenue property in an amount to be determined by the Board guidance. The motion passed.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum
NAY: Aldridge
NOT PRESENT: None

It was moved by Andersen and seconded by Landis to move that the Board of Directors go into closed session at 9:05 p.m. to protect the public interest concerning negotiations to purchase a storage building / maintenance facility at 6201 Fulton Avenue, Lincoln, NE. The motion was approved

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum
NAY: Aldridge
NOT PRESENT: None

It was moved by C. Johnson and seconded by Landis to return to Open Session at 9:32 p.m. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum
NAY: Aldridge
NOT PRESENT: None

Andersen moved the Finance & Planning Subcommittee's recommendation that the Board of Directors authorize negotiations to purchase 6201 Fulton Avenue property in accordance with Director Steven's guidance. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum
NAY: Aldridge
NOT PRESENT: None

ITEM 15. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS (NARD) REPORT.

Luke Peterson stated that he had no report this month.

ITEM 16. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 17. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 18. FOR INFORMATION ONLY.

Various memos were mailed out.

Chair Eagan announced that an event would be held at the Capitol celebrating the 100 millionth tree being planted on September 2, 2022. She indicated that those Directors wishing to attend should let staff know. She further reminded Directors of the upcoming 50th Anniversary Open House on August 24th at the NRD office from 3:30 – 5:30.

There being no other business, the meeting was adjourned at 9:43 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 August 17, 2022, 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.

Chelsea Johnson, Secretary

/dr