



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

BOARD OF DIRECTORS' MEETING JANUARY 18, 2023

The Board of Directors of the Lower Platte South Natural Resources District met at the Lower Platte South NRD Office on Wednesday, January 18, 2023 at 2:00 p.m. Directors participating were Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum. Eagan called the meeting to order at 2:00 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 and on District property. 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 provide their name on the sign-in sheet and which agenda item they wished to speak on. An opportunity for public present to speak to non-agenda items was given.

ITEM 1. ROLL CALL OF DIRECTORS

Sixteen 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 January 6, 2022.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES

Eagan stated that there were requests for excused absences from Anthony Schutz and Stacie Sinclair for the January 18, 2023 Board of Directors meeting.

It was moved by Eagan and seconded by Landis to accept the requests for excused absences from Anthony Schutz and Stacie Sinclair for the January 18, 2023 Board of Directors meeting. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

ITEM 4. ADOPT AGENDA

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

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

ITEM 5. APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES

It was moved by Vogel and seconded by Lamberty to approve the Minutes of the December 14, 2022 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

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

Andersen stated that the Finance & Planning Subcommittee met on January 18, 2023, just prior to the Board meeting.

Andersen stated that the financial reports for the period July 1, 2022 through December 31, 2022 had been distributed.

It was moved by Andersen and seconded by Stevens to approve the financial reports for the period of July 1, 2022 through December 31, 2022 and publish the "Expenditures without Director's expenditures" for December 2022. The motion was approved.

AYE: Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

Pass: Aldridge

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

It was moved by Andersen and seconded by Seacrest to publish the "Director Group 1" (Aldridge, Andersen, Barrett, Eagan, Green, Hellerich and Jacobson) expenditures for December 2022. The motion was approved.

AYE: Aldridge, Baker, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum
ABSTAIN: Andersen, Eagan, Green and Jacobson

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

It was moved by Andersen and seconded by Landis to publish the "Director Group 2" (B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte and Peterson) expenditures for December 2022. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: Johnson, Lamberty, Landis and Lewis

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

It was moved by Andersen and seconded by Baker to publish the "Director Group 3" (Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum) expenditures for December 2022. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis and Lewis

ABSTAIN: Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

Andersen moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve the budget overrun in budget code 470012, special practices.

David Potter, Assistant General Manager, answered questions of the Board regarding the budget overrun.

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

Andersen moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve the engagement letter with HBE LLC for assistance with the preparation of the Nebraska General Budget Form. The motion was approved.

AYE: Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NOT VOTING: Aldridge

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

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

Eagan stated that the Executive Subcommittee met on January 17, 2023. She stated that there were no action items to be considered.

Eagan gave a report on the Magee Dam License Agreement. General Manager Paul Zillig answered questions regarding the agreement.

Eagan stated that Mueller Robak LLC was present to give a legislative update. Kristen Hassebrook, Matt Schaefer and Tim Hruza were present from Mueller Robak and Hassebrook addressed the Board. Zillig answered question of the Board regarding the District's legislative bill process.

ITEM 8. REPORT OF THE GM SEARCH COMMITTEE

Eagan outlined the timeline for the application and hiring process for a new General Manager.

It was moved by Eagan and seconded by Andersen that the Board of Directors adopt the procedure and schedule for the selection of a new General Manager: to publish notice of vacancy and solicitation of applications beginning on January 19, 2023 and closing of applications on February 23rd; the GM Search Committee would review applications, selection applicants for interview and conduct interviews before March 24th; and to present a recommended candidate and recommended hiring package to the Board of Directors for an interview for consideration at a Special Board Meeting on April 5, 2023 at 7:00 p.m. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

ITEM 9. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Seacrest stated that the Water Resources met on January 11, 2023.

Seacrest read a letter from Director Gary Hellerich to the Board.

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the proposed revisions to the Groundwater Rules and Regulations, and direct staff to provide public notice of the approved revisions as required by statute with the revised regulations to take effect on March 1, 2023, pending legal counsel review. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the Village of Davey to be reimbursed for 100% of the cost of a standard well decommissioning, and in addition reimburse the Village for 50% of the difference in cost between a standard decommissioning and an "advanced well decommissioning".

Zillig answered questions of the Board regarding the Village of Davey request.

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

Seacrest gave a report on the Dwight-Valparaiso-Brainard Special Management Area irrigation allocation violation. Zillig answered questions of the Board regarding the proposed violation.

ITEM 10. REPORT OF THE LAND RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Vogel stated that the Land Resources Subcommittee met on January 9, 2023.

Vogel moved the Land Resources Subcommittee's recommendation that the Board of Directors approve the 2023 LPSNRD Average Costs for the Surface Water Quality BMP Cost-Share Program. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

ITEM 11. REPORT OF THE RECREATION, FORSTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Lamberty stated that the Recreation, Forestry & Wildlife Subcommittee met on January 17, 2023.

Lamberty moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the agreement with Pheasants Forever for the Safety Corners Pollinator Program and authorize the General Manager to approve program applications.

Paul Zillig, General Manager, answered questions of the Board regarding the Safety Corners Pollinator Program.

The motion was approved.

AYE: Aldridge, Andersen, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Baker, Hellerich, Nolte, Peterson, Schutz and Sinclair

Three bids were received for the Prairie Corridor at Haines Branch Bobcat Prairie WMA Grassland Restoration Seeding Project.

Contractor	Bid
Diversity Farms, Inc.	\$36,464.04
Prairie Legacy, Inc.	\$40,595.00
Prairie Plains Resource Institute	\$69,000.00

Lamberty moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the low bid from Diversity Farms, Inc. of \$36,464.40 for the Prairie Corridor at Haines Branch Bobcat Prairie WMA Grassland Restoration Seeding Project.

Zillig answered questions of the Board regarding the Prairie Corridor at Haines Branch Bobcat Prairie WMA Grassland Restoration Seeding Project.

It was moved by Vogel and seconded by Ruth that the agenda item be tabled until the next meeting at which time additional missing information will need to be provided to the Board of Directors. The motion was approved.

AYE: Andersen, Baker, Eagan, Johnson, Landis, Lewis, Ruth, Seacrest, Vogel and Yoakum

NOT VOTING: Aldridge and Green

NAY: Jacobson, Lamberty, Spangler and Stevens

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

General Counsel Cory Wasserburger answered questions of the Board regarding rules of Order.

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

Green stated that the Urban Subcommittee met on January 12, 2023.

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement with Intuition and Logic, in an amount not to exceed \$11,370 for the Stream Stability Design Review of the Deadmans Run Flood Reduction Project. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Nolte, Peterson, Schutz and Sinclair

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Community Assistance Program application request for the storm sewer replacement project from Lincoln Meadows HOA, at a cost-share amount of 50% of the total cost of \$71,768.41, not to exceed \$35,884.20, pending legal counsel review.

Paul Zillig, General Manager, and Mike Murren, Project Coordinator,

AYE: Aldridge, Andersen, Baker, Eagan, Green, Lamberty, Landis, Lewis, Ruth, Seacrest, Stevens and Yoakum

NAY: Jacobson, Spangler and Vogel

NOT PRESENT: Hellerich, Johnson, Nolte, Peterson, Schutz and Sinclair

ITEM 13. ITEMS REQUIRING CLOSED SESSION

Corey Wasserburger, Legal Counsel, briefed the Board on the issues to be discussed in closed session.

It was moved by Lamberty and seconded by Seacrest that the Board of Directors go into closed session at 4:06 p.m. to protect the public interest and develop strategy with respect to negotiations for the South Salt Creek Master Plan Project #6 Stream Stabilization Project. The motion was approved.

AYE: Andersen, Baker, Eagan, Green, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Hellerich, Jacobson, Johnson, Nolte, Peterson, Schutz and Sinclair

It was moved by Stevens and seconded by Landis to return to open session at 4:12 p.m. The motion was approved.

AYE: Andersen, Baker, Eagan, Green, Jacobson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Hellerich, Johnson, Nolte, Peterson, Schutz and Sinclair

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the counteroffer from Ronald and Judeen Oelling for a permanent easement for construction and future operations and to draft easement documents for the South Salt Creek #6 Watershed Master Plan Project, pending legal counsel review. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Jacobson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Hellerich, Johnson, Nolte, Peterson, Schutz and Sinclair

Mike Murren, Projects Coordinator introduced Drew Ratkovec as the new Stormwater / Watershed Specialist.

ITEM 14. REPORT OF NOMINATION SUBCOMMITTEE AND ELECTION OF NRD OFFICERS AND NARD REPRESENTATIVES FOR 2023

Jacobson stated that the Nominating Subcommittee, consisting of Jacobson, Lamberty and Green, submitted the following slate of nominees for NRD officers and NARD Representative and Alternate for 2023

Chair	David Landis
Vice-Chair	Bob Andersen
Treasurer	Chelsea Johnson
Secretary	Lisa Lewis
NARD Representative	Tom Green
NARD Alternate	John Yoakum

Cory Wasserburger, General Counsel, conducted the election for the office of Chair. The subcommittee nomination of Landis for Chair was placed on the floor. No other nominations were submitted.

Landis was elected Chair on a secret ballot receiving 14 votes with 7 absent.

Wasserburger conducted the election for the office of Vice-Chair. The subcommittee nomination of Andersen for Vice-Chair was placed on the floor. No other nominations were submitted.

Andersen was elected Vice-Chair on a secret ballot receiving 13 votes with 8 absent. Wasserburger conducted the election for the office of Treasurer. The subcommittee nomination of Johnson for Treasurer was placed on the floor. No other nominations were submitted.

Johnson was elected Treasurer on a secret ballot receiving 14 votes with 7 absent.

Wasserburger conducted the election for the office of Secretary. The subcommittee nomination of Lewis for Secretary was placed on the floor. No other nominations were submitted.

Lewis was elected Secretary on a secret ballot receiving 14 votes with 7 absent.

Wasserburger conducted the election for the office of NARD Representative. The subcommittee nomination of Green for NARD Representative was placed on the floor. No other nominations were submitted.

Green was elected NARD Representative on a secret ballot receiving 14 with 7 absent.

Wasserburger conducted the election for the office of NARD Alternate. The subcommittee nomination of Yoakum for NARD Alternate was placed on the floor. No other nominations were submitted.

Yoakum was elected NARD Alternate on a secret ballot receiving 13 votes with 8 absent.

It was moved by Jacobson and seconded by Stevens to approve the Business Authorization Resolution with Union Bank & Trust authorizing Treasurer – Chelsea Johnson, Treasurer’s Designee – Robert Andersen, and Assistant Treasurer – Paul Zillig as Agents for the District. The motion was approved.

AYE: Baker, Eagan, Green, Jacobson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum
ABSTAIN: Andersen
NAY: None
NOT PRESENT: Aldridge, Johnson, Hellerich, Nolte, Peterson, Schutz and Sinclair

It was moved by Jacobson and seconded by Stevens to authorize continuing under agreement with NPAIT/PMA and designate Paul Zillig, General Manager / Assistant Treasurer and Kristin Buntmeyer, Administration & Finance Manager as the Authorized Representatives with Full Rights and Chelsea Johnson – Treasurer, Robert Andersen – Treasurer’s Director Designate, as Authorized Representatives with Limited Rights. The motion was approved.

AYE: Baker, Eagan, Green, Jacobson, Johnson, Lamberty, Landis, Lewis, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum
ABSTAIN: Andersen
NAY: None
NOT PRESENT: Aldridge, Hellerich, Nolte, Peterson, Schutz and Sinclair

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

Tom Green thanked the Board for voting him as NARD Representation.

Directors were reminded that the NARD Legislative Conference is being held on January 24 & 25, 2023 and that the NARD Washington DC trip will be in March, 2023.

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.

ITEM 19. RECOGNITION OF OUTGOING CHAIR DEBORAH EAGAN

Newly elected Chair David Landis recognized Deborah Eagan for her work as Chair of the Lower Platte South NRD for the past two years.

There being no other business, the meeting was adjourned at 4:35 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 January 18, 2023 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