



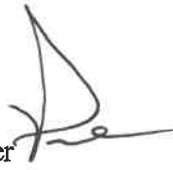
## LOWER PLATTE SOUTH natural resources district

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)

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Agenda Item #10

### Memorandum

**Date:** July 14, 2021  
**To:** Each Director  
**From:** Paul D. Zillig, General Manager   
**Subject:** Executive Subcommittee Meeting Minutes

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The Executive Subcommittee met at noon on Tuesday, July 13, 2021 via video/teleconference. Directors participating were Deborah Eagan, Chelsea Johnson, David Landis, Bob Andersen and Luke Peterson. Others participating included Steve Seglin, Corey Wasserburger, Kristin Buntemyer, Nathan Kuhlman, David Potter and myself.

Chair Eagan called the meeting to order, welcomed those in attendance and moved to the agenda item concerning the proposed change in the date for the August Board Meeting. I reported that the Finance & Planning Subcommittee was recommending the August Board Meeting be moved back to Thursday, August 26<sup>th</sup> in accordance with the FY 2022 Budget schedule. It was moved by Andersen, seconded by Landis, and unanimously approved by the Subcommittee to **recommend the Board of Directors approve to change the August Board Meeting to Thursday, August 26, 2021 starting at 7:00 pm.**

The next item on the agenda was to review the complaint to the Attorney General by Director Gary Aldridge alleging a violation of the Open Meetings Act with respect to certain votes taken at the April 21<sup>st</sup> NRD Board Meeting. I reported that a copy of the complaint had been provided to all of the Directors, a copy is attached. Wasserburger reported that the complaint centered around a number of votes by Director Ron Nolte where his audio connection to the virtual meeting was limited and he was only able to communicate via visual means (thumbs up). All the motions/votes that relied on Nolte's visual indication are highlighted on the attached copy of the April 21, 2021 Board of Directors Meeting Minutes. NRD Legal Counsel is preparing a response to the Attorney General, the response is due July 21<sup>st</sup>.

Wasserburger reported that a lack of court cases limits the degree of certainty as to the validity of Nolte's votes. He felt the Board should take steps to re-affirm the Board's vote and ensure the action taken by the Board is not in question.

The Subcommittee discussed the complaint, that it needed to be resolved, that the Board desires to follow the Open Meetings Act, and that there was disappointment that the matter wasn't brought directly to the Board to resolve. It was moved by Landis, seconded by Andersen, and unanimously

approved by the Subcommittee **that the Board of Directors re-vote on the motions from Agenda items #7b, #7c, #8a, #8b, #8c, #9a, and #10a from the April 21, 2021 NRD Board of Directors Meeting.**

There being no further business the meeting adjourned at 12:50 pm.

PDZ/pz

pc: Steve Seglin  
Corey Wasserburger



STATE OF NEBRASKA  
**Office of the Attorney General**

2115 STATE CAPITOL BUILDING  
LINCOLN, NE 68509-8920  
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**DOUGLAS J. PETERSON**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

June 21, 2021

Via email at [deagan.nrd@outlook.com](mailto:deagan.nrd@outlook.com)  
Deborah Eagan, Chairperson  
Lower Platte South NRD Board of Directors  
3125 Portia Street  
P.O. Box 83581  
Lincoln, NE 68521-3581

RE: *File No. 21-M-118; Lower Platte South Natural Resources District; Gary Aldridge, Complainant*

Dear Ms. Eagan:

It is our understanding that you serve as chairperson of the Lower Platte South Natural Resources District Board of Directors ("Board"). This office has enforcement authority over the Nebraska Open Meetings Act ("Act"), Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014, Cum. Supp. 2020), amended 2021 Neb. Laws LB 83, §§ 11-14. We recently received a complaint alleging a violation of the Act with respect to certain votes taken at a Board meeting held on April 21, 2021, from Board member Gary Aldridge. A copy of Mr. Aldridge's complaint is enclosed with this letter.

When we receive a complaint of this nature, our normal practice is to contact the public body involved and request a response to the complaint from that body before we make a determination as to whether any further action by this office is appropriate. Consequently, we would request a response to the enclosed complaint from the Board. So that we may deal with this matter expeditiously, we would request a response from the Board no later than July 21, 2021. Thank you for your cooperation.

Sincerely,

DOUGLAS J. PETERSON  
Attorney General

Leslie S. Donley  
Assistant Attorney General

Enclosure  
49-2722-29

7112 S. 45  
Lincoln, NE. 68516

Doug Peterson  
Attorney General – Nebraska  
2115 State Capitol  
Lincoln, NE. 68509

Department of Justice  
JUN 18 2021  
State of Nebraska

16 June 2021

IN RE: Open Meetings Act-probable and/or possible improper action by a political subdivision of Nebraska.

#### INTRODUCTION

The Nebraska Open Meetings Act 84 NRS 1413(2) 'Meetings; minutes; roll call vote; secret ballot; when.' stipulates that 'action taken on any question or motion . . . shall be by roll call vote. . . the requirements of a roll call vote or *viva voce* shall be satisfied by a . . . an electronic voting device. . '

'Shall' as used is mandatory; not discretionary.

A person of reasonable intelligence would conclude: a vote 'shall be by' (1) 'a roll call vote or *viva voce* vote', or (2) 'by a public body which utilizes an electronic . . . device'. Any other method of voting by a political subdivision would be contrary to state statute.

**Recent action by Lower Platte South NRD, a political subdivision, is contrary to, and may be a violation of state statute.**

Case law suggests 'The Legislature has granted standing to . . . its citizens for the . . . purpose of challenging meetings allegedly in violation of the Open Meetings Act.

The burden to demonstrate that certain action(s) are improper or inappropriate or contrary to law does not rest upon the public or citizens.

Rather the burden to demonstrate that certain action(s) is legitimate or permitted

or allowed rests upon the governing body of a political subdivision.

### RECITAL

A Natural Resources District (NRD) is created and defined in state statute – 2 NRS 3201 *et. seq.* Creation and definition by state statute makes the NRD a political subdivision of Nebraska

As a political subdivision the NRD functions as a public body - 84 NRS 1400(1)(a). A NRD must then abide all appropriate provision of the Open Meetings Act – AKA: 84 NRS 1408 *et. seq.*

Governance is placed in a ‘board of directors’ 2 NRS 3213. The board for LPSNRD is 21 members. The Board has a regular or monthly meeting on the third Wednesday of each month (Operating Policies. C-11: Regular, Special, and Emergency Board Meetings).

A ‘regular’ meeting of Directors for LPSNRD was conducted on 21 April 2021. A quorum of the LPSNRD Board was present.

Because of SARS-CoV-2, and executive action, political subdivisions are allowed to meet by teleconference. The 21 April 2021 meeting was a teleconference (Zoom).

For a meeting by teleconference, each Director determines and/or decides the means, method and/or manner of participation. I choose, and, have always used, telephonic attendance. As such I have audio contact/communications w/o video.

The 21 April 2021 meeting, was defined by, and subject to, all provisions, procedures and limitations of 84 NRS 1408 *et. seq.*: ‘Open Meetings Act’.

An audio recording of this meeting is on the LPSNRD website. An Agenda (exhibit A attached) for/of the meeting was approved by the Board.

Violation 84NRS1413(2)

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Chair Debra Eagan conducted the meeting. Various LPSNRD staff attended. Legal counsel for LPSNRD, Johnson, Flodman, Guenzel, was present.

For LPSNRD, a roll call vote by *vive voce* of Directors is the manner used to act on, decide, and/or dispose of each/any agenda item. LPSNRD does not utilize 'an electronic voting device'.

State statute - 84 NRD 1413 (2) 'Meetings; minutes; roll call vote; secret ballot; when.' - speaks to, or, defines how a public body 'shall' vote: 'Any action taken on any question . . . shall be by roll call vote . . . in open session. . . and the record shall state how each member voted.

The requirement of a 'roll call or *viva voce* vote . . .', was, I believe, disregarded.

*Viva voce* (latin) = 'with living voice' and/or 'by word of mouth'.

'*Viva voce*' (the words) are embedded four times in Nebraska law, rule, or regulation. 1) Nebraska State Constitution. Article III – 11. Legislative journal; vote *viva voce*; open doors; committee votes. 2) 16 NRS 503. Contracts; concurrence of majority of city council required; vote of mayor; record. 3) 17 NRS 616. Ordinances; contracts; appointments; vote; record. 4) 84 NRS 1413.(2) Meetings; minutes; roll call vote; secret ballot; when.

ALL require that a vote on the record be *viva voce*, i.e. by voice and aloud.

During the 21 April 2021 meeting one Director had equipment failure. Because of equipment issues, this Director was not able to communicate by voice, i.e. by *viva voce*, during some Board votes.

Ron Nolte, a Director for sub-district 2, elected in CY 2020 and seated in CY 2021 had equipment and/or audio problems during this meeting. I attach NO wrong to this Director; the procedure of vote, not the person, is here the issue.

Violation 84NRS1413(2)

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Nolte is heard voting *vive voce* several times during the meeting. At approx. 45 minutes after start, thru the rest of the meeting, until Nolte is recorded as absent, having departed the meeting, Nolte is no longer heard *vive voce*.

Nolte is encouraged to vote by gesture. Gesture by thumbs, or nod, or wink, or a word written on paper is not *vive voce*. A vote by some means other than *vive voce* is contrary to state statute.

From the 21 April 2021 Board meeting captured recording w/time on agenda and response:

0:52. by Chair Eagan. 'As a reminder, we are taping this meeting. A recording is accessible on the NRD website.'

Agenda #7. Report of the Executive Subcommittee and consideration of recommendations: (Eagan) b. Consideration of the Annual Operational Agreement with the Natural Resources Conversation Service . . .(NRCS, USDA)

45:02 by Eagan. 'Hearing none, let's call the roll please'

45:16. by staff. 'Nolte'.

45:23 by staff. 'Nolte' called by name twice. no response.

45:30. by staff. 'I'll come back'

46:15. by staff. 'Nolte' called by name again.

46:20. by staff. 'Ron if you can hear us just do a thumbs up'.

46:38 by Eagan. 'Looks like you're unmuted. Go ahead and say YES or NO'.

46:56. by staff. 'Ron. can you hear me?'

47:02. by staff. 'I think they are having some mic issues there Donna'.

47:07. by Staff. 'O.K.'

47:09. by Eagan. 'Do thumbs up if you say YES. Thumbs down if you say NO. and I cant see your face or hand'

Nolte is NOT heard on the NRD website recording.

47:33. by staff. 'O.K. motion carried.'

47:36. by Eagan. 'Thank you'

Violation 84NRS1413(2)

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Agenda #7. C. Consideration of the Memorandum of Agreement with NACD.  
roll call vote.

47:38. by Eagan. 'The next item Dave Potter reported . . .'

48:12. by Eagan. 'We are asking the Board to recommend the Board of Directors  
approve the memorandum of agreement . .'

47:42. by Eagan. 'let's call the roll'

48:50 by staff. 'Nolte'

NO response by *vive voce*

48:56. by staff. 'O.K. YES.'

'Agenda #8. Report of the Information & Education Subcommittee and  
consideration of recommendations: (Landis) a. Consideration of a Advertising  
Agreement . . .'

52:32. by Landis. 'If there are no questions we can vote on the motion'

Discussion

1:11:57 by Eagan. 'Any other questions or discussion'

1:12:00 by Eagan. 'Please call the roll'

1:12:04. by staff. 'Nolte'

NO response by *vive voce*

1:12:09 by staff. 'got it'

From 45 minutes after meeting start until 3:31:57 when Nolte is recorded in the 21  
April 2021 meeting minutes as absent Nolte is called, does not respond *vive voce*,  
but is recorded in the minutes (true and correct copy attached) as voting.

The gestures used by Nolte are recorded as *vive voce* vote on the record. Others  
may offer an explanation for this action. 84 NRS 1413(2) does NOT allow or  
recognize hand gestures as a legitimate method of voting.

My opinion: this violates provisions and/or requirements of 84NRS1413 (2).  
Meetings; 'Any action taken on any question or motion . . shall be by roll call vote  
. . in open session, and the record shall state how each member voted . . The



Violation 84NRS1413(2)

Page 6

requirements of a . . .roll call or *viva voce* vote shall be satisfied by a public body which utilizes an electronic voting device . . .'

Statute is clear. 'action taken . . .shall be by roll call vote of the public body . . .' and 'the requirements of a 'roll call or *viva voce* vote shall be satisfied by a public body that utilizes an electronic voting device. . .'. (emphasis added)

No party at the meeting objected to hand signal voting. This is troubling.

LB 83 (Flood) was introduced, passed, and agreed to by the Governor. LB 83 is a bill for an act relating to virtual conferencing. It amends certain statutes including 84 NRS 1413. **84 NRS 1413(2) is unchanged in any way by LB 83.**

This submission then is two issues then:

(1)w/respect to 84 NRS 1413(2) IS the action above, i.e. hand gestures as a method of voting, contrary to the requirement in the Open Meetings Act that requires a roll call vote by '*vive voce*', and,

(2) w/respect to LB 83 (an act relating to virtual conferencing) should the office of attorney general use the vote by gesture @LPSNRD on 21 April 2021 to reinforce and/or remind ALL political subdivisions that the Open Meetinga Act is unchanged about the requirement of a roll call vote by '*vive voce*'.

That anyone attended and failed to object at such time to what may be a Violation of the Open Meetings Act is not and shall not be a defense.

#### SUMMARY

- \* LPSNRD is a political subdivision of state government, and
- \* LPSNRD is subject to all privileges, conditions, limitations, restrictions of 84 NRS 1408 *et. seq.* AKA Open Meetings Act, and
- \* LPSNRD held a regular Board meeting on 21 April 2021, and
- \* A quorum of the Board was present, and

Violation 84NRS 1413(2)

Page 7

- \* Legal counsel, i.e., FlodmanGuenzel was present, and
- \* At this regular meeting on 21 April 2021 an Agenda was approved by the Board, and
- \* LPSNRD staff captured the meeting by audio and this audio was posted on the LPSNRD web site, and
- \* A Director experienced equipment failure during the meeting, and
- \* Because of this audio failure the Director was unable to vote by voice i.e. '*viva voce*' - aloud during some agenda motions, and
- \* the Director was encouraged to vote by gesture, and
- \* The Director with equipment failure, to vote, used gestures or hand signals 6 times during the meeting, and
- \* The gestures or hand signals were recorded as voting '*vive voce*', by voice, 6 times during the meeting, (exhibit B attached) and
- \* Legal counsel did not advise and/or inform the LPSNRD Board or staff that a vote that is not *vive voce* by a Board member is contrary to law, rule, or regulation

I let others decide if this action and conduct is a misapplication, misunderstanding or misinterpretation of statute. The action, if flawed, may not be a fatal flaw. It is nevertheless troubling and troublesome.

Now this matter is presented to the Nebraska Attorney General and the Lancaster County Attorney for consideration. Each 'shall enforce the Open Meetings Act'.

gary aldrige

w/attachments

cc/Lancaster County Attorney  
Counsel for Discipline  
Accountability Disclosure  
ACLU  
US Attorney – Nebraska  
US DOJ



# LOWER PLATTE SOUTH

natural resources district

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A

## REVISED AGENDA

LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT

BOARD OF DIRECTORS MEETING

APRIL 21, 2021, 7:00 PM

EXEC ORDER 20-36, Video/teleconferencing

1901

- Call Meeting to Order
- Welcome
- Pledge of Allegiance
- Public Meeting Law Poster, Silence Cell Phones and Prohibition of Concealed Weapons
- Public Comments on Non-Agenda Items

1903

1. Roll Call of Directors.

1905

2. Publication of Legal Notice of Meeting.

3. Consideration of Directors' absences. [ACTION]

1906

4. Adopt Agenda [ACTION]

1907

- 5. Approval of Board of Directors Meeting Minutes.
  - a. March Board of Directors Meeting Minutes. [ACTION]
  - b. March Special Board of Directors Meeting Minutes. [ACTION]

- 6. Report of the Finance and Planning Subcommittee and consideration of recommendations: (Andersen)
  - a. Financial Report, July 1, 2020 through March 31, 2021 and publication of expenditures for March 2021. [ACTION]

- 7. Report of the Executive Subcommittee and consideration of recommendations: (Egan)
  - a. Consideration of Salary adjustments for FY 2022. [ACTION]
  - b. Consideration of the Annual Operational Agreement with the Natural Resources Conservation Service, United States Department of Agriculture (NRCS, USDA). [ACTION]
  - c. Consideration of the Memorandum of Agreement with the National Association of Conservation Districts (NACD) for the FY 2021 Technical Assistance funds. [ACTION]

A 2

1952 8.

Report of the Information & Education Subcommittee and consideration of recommendations: (Landis)

- a. Consideration of an Advertising Agreement with the Lincoln Journal Star for print and digital ads. [ACTION]
- b. Consideration of an Advertising Agreement with the Lincoln Journal Star to print, insert, and deliver the Know Your NRD Newsletter. [ACTION]
- c. Consideration of television advertising contract. [ACTION]

2037 9.

Report of the Land Resources Subcommittee and consideration of recommendations: (Hellerich)

- a. Consideration of Surface Water Quality Best Management Practices (BMP) cost-share applications. [ACTION]

10.

Report of the Urban Subcommittee and consideration of recommendations: (Green)

- a. Consideration of the Fiscal Year 2021 – 2022 Work Plan for the City of Lincoln / NRD Interlocal Agreement on Stormwater Management. [ACTION]

2045

11.

Report of the Water Resources Subcommittee and consideration of recommendations: (Ruth)

- a. *Monolith Well Permit Application review for OC2 Well 2 and 3. [NO ACTION]*
- b. *Consideration of a Variance Request on Groundwater Rules & Regulations, Rule 2, (c) (i) (A) (2-5) for both OC2 Well 2 and OC2 Well 3. [ACTION]*

12.

Nebraska Association of Resources Districts (NARD) Report. (Peterson) [NO ACTION]

13.

Permit and program approvals. [NO ACTION]

14.

Schedule of upcoming events and activities. [NO ACTION]

15.

For information only. [NO ACTION]

Adjourn

**\*\*Revisions shown in red bold italic\*\***



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### BOARD OF DIRECTORS' MEETING April 21, 2021

The Board of Directors of the Lower Platte South Natural Resources District met virtually via video / teleconference on Wednesday, April 21, 2021 at 7:00 p.m. Directors participating were Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, 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 on the NRD Website. 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.

Nineteen Directors were present upon roll call. Schutz arrived after 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 April 8, 2021.

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

Eagan stated that there were no requests for excused absences received for the April 21, 2021 Board of Directors Meeting.

#### ITEM 4. ADOPT AGENDA

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

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

**NAY:** None

**NOT PRESENT:** Jacobson and Schutz

#### ITEM 5. APPROVAL OF MINUTES OF MARCH 17, 2021 BOARD OF DIRECTORS MEETING AND MARCH 24, 2021 SPECIAL BOARD OF DIRECTORS MEETING.

It was moved by Hellerich and seconded by Stevens to approve the minutes of the March 17, 2021 Board of Directors Meeting. The motion was approved.

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

It was moved by Barrett and seconded by Stevens to approve the minutes of the March 24, 2021 Special Board of Directors Meeting. The motion was approved.

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

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

Andersen reported that the Finance & Planning Subcommittee did not meet prior to the Board Meeting.

Andersen stated that the financial reports for the period July 1, 2020 through March 31, 2021 had been distributed.

Paul Zillig, General Manager answered questions of the Board regarding the financial reports.

It was moved by Andersen and seconded by Landis to approve the financial reports for the period of July 1, 2020 through March 31, 2021 and publish the General Expenditures for March 2021. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum  
NAY: Aldridge  
NOT PRESENT: Jacobson and Schutz

It was moved by Andersen and seconded by Yoakum to publish the expenditures for Directors Aldridge, Amen, Andersen, Barrett, Eagan, Green, Hellerich and Jacobson for March 2021. The motion was approved.

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

It was moved by Andersen and seconded by Seacrest to publish the expenditures for Directors B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte and Peterson for March 2021. The motion was approved.

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

B

It was moved by Andersen and seconded by Landis to publish the expenditures for Directors Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum for March 2021. The motion was approved.

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

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

Eagan stated that the Executive Subcommittee met on April 14, 2021.

Paul Zillig, General Manager, answered questions of the Board regarding the salary increase.

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors approve for FY 2022 at 2.0% salary increase for all qualified employees and an additional \$19,000 for merit to be determined by the General Manager. The motion was approved.

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

Paul Zillig, General Manager, answered questions of the Board regarding the Annual Operational Agreement with NRCS.

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors approve the FY 2022 Annual Operational Agreement with the USDA Natural Resources Conservation Service. The motion was approved.

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

NOLTE  
IS NOT  
HEARD  
HOWEVER

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors approve the Memorandum of Agreement with the National Association of Conservation Districts (NACD) for FY 2021 Technical Assistance Funds. The motion was approved.

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



**ITEM 8. REPORT OF THE INFORMATION & EDUCATION SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS**

Landis stated that the Information & Education Subcommittee met on April 7, 2021.

Paul Zillig, General Manager, and Mike Mascoe, Public Information Specialist answered questions regarding Lower Platte South NRD advertising and Newsletter.

Landis moved the Information & Education Subcommittee's recommendation that the Board of Directors approve the proposed Agreement from the Lincoln Journal Star for advertising at a cost not to exceed \$17,988, pending review by legal counsel. The motion was approved.

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

NAY: Aldridge and C. Johnson

NOT PRESENT: Jacobson

Landis moved the Information & Education Subcommittee's recommendation that the Board of Directors approve the proposed Agreement from Lincoln Journal Star for printing and distribution of three newsletters at a cost not to exceed \$47,970 pending approval by legal counsel. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson

Landis moved the Information & Education Subcommittee's recommendation that the Board of Directors approve the proposed Agreement from Firespring for television airtime at a cost not to exceed \$20,000, pending approval by legal counsel. The motion was approved.

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

NOT VOTING: Peterson

NAY: Aldridge, C. Johnson, Schutz and Spangler

NOT PRESENT: Jacobson

**ITEM 9. REPORT OF THE LAND RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS**

Hellerich stated that the Land Resources Subcommittee did not meet prior to the Board Meeting. He indicated that 26 cost-share assistance applications for Fiscal Year 2022 were received. All applications are for installing conservation measures on cropland and qualify for the Summer Conservation Program.

It was moved by Hellerich and seconded by Andersen to approve the 26 identified surface water quality best management practices cost-share applications for the District's Summer Conservation Program totaling \$370,536. The motion was approved.



B

County	Applicant Name	Sec	Tw	Rng	Practice	Amount	Targeted Area
BU	Arnold Vandenberg	25	13	4	Terraces	\$22,500.00	Meadowlark Lake
CA	Danny Bornemeier	12	10	10	Terraces	\$15,000.00	
CA	Randy Bornemeier	15	10	10	Terraces	\$17,500.00	
CA	Thomas Dorr	1	10	10	Terraces w/ Grassed Waterways	\$8,349.00	
CA	John Oehlerking	22	10	10	Terraces	\$17,160.00	
CA	Lake Family Farm Trust	3	10	10	Terraces	\$17,500.00	
CA	Kenneth Ahrens	29 / 33	11	12	Terraces	\$17,500.00	
CA	Tanner Bornemeier	27	11	10	Terraces	\$17,500.00	
CA	Oak N Ridge	10	12	13	Terraces	\$17,500.00	
LA	Marvin W. Mainke	20	7	5	Terraces	\$15,000.00	
LA	Lavina Schwaninger	21	7	6	Terraces	\$4,118.00	
LA	Brad Braunsroth	16	8	5	Terraces	\$17,500.00	
LA	Gary Aerts	25	11	5	Terraces	\$11,000.00	
LA	Wilma Sundeen	26	11	8	Terraces	\$17,500.00	
LA	Duane & Irene Family Lt. Partnership	26	11	8	Terraces	\$5,561.00	
LA	School District #161	9	12	6	Grassed Waterways	\$5,686.00	
LA	Mark Masek	9	12	6	Grassed Waterways	\$1,422.00	
LA	Captain Agnew LLC	11	12	7	Terraces	\$14,994.00	
LA	John W. Spader	9	12	8	Terraces	\$11,280.00	
LA	Ramon Johnson	9	12	8	Terraces	\$13,000.00	
OT	Rodney Ruhge	5	9	12	Terraces	\$11,742.00	
OT	Barbara Meyer	9	9	12	Terraces	\$17,500.00	
OT	Jay Farms, Inc.	24	9	13	Terraces	\$17,500.00	
SA	Darlene A. Stanek	19	13	6	Terraces	\$17,500.00	
SE	Larry Schildt	2	10	4	Terraces	\$17,658.00	Pawnee Lake
SE	Richard Hain	5	12	4	Terraces	\$21,066.00	Branched Oak Lake
<b>TOTAL</b>						<b>\$570,596.00</b>	

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum  
 NAY: Schutz  
 NOT PRESENT: Jacobson

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

Green stated that the Urban Subcommittee met on April 15, 2021.

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Fiscal Year 2021 - 2022 Work Plan for the Interlocal Agreement on Stormwater Management with the City of Lincoln. The motion was approved.

1:40:10  
 1:43:08  
 Call 11:00 H

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

1:44:00  
 -AST  
 vote

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

Ruth stated that the Water Resources Subcommittee met on April 20, 2021.

Ruth moved the Water Resources Subcommittee's recommendation that the Board of Directors grant a variance to Monolith Nebraska LLC for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(3) ("aquifer test"), and Section C, Rule 2(c)(i)(A)(5) ("hydrogeologic analysis report"), and deny the variance request for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(2) ("accurate static water level measurement"), and Section C, Rule 2(c)(i)(A)(4) ("water quality samples").

Paul Zillig, LPSNRD General Manager; Dick Ehrman, LPSNRD Water Resources Specialist; Corey Wasserburger, LPSNRD General Counsel; Amy Ostermeyer, Monolith; Dave Hume, LRE Water; Brian Dunnigan and Jim Schneider with Olsson addressed the Board and answered questions.

It was moved by Stevens and seconded by Barrett to divide the question and take up each half separately. The motion was approved.

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

NAY: Spangler

NOT PRESENT: Jacobson and Nolte → *Called 3:31:40 I don't see Nolte  
3:51:57 goes pass Nolte I's Row still here*

The first half of the divided question that the Water Resources Subcommittee's recommendation that the Board of Directors grant a variance to Monolith Nebraska LLC for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(3) ("aquifer test"), and Section C, Rule 2(c)(i)(A)(5) ("hydrogeologic analysis report") was approved.

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

NAY: None

NOT PRESENT: Jacobson and Nolte

It was moved by Stevens and seconded by Hellerich to table the second part of the divided question (Water Resources Subcommittee's recommendation that the Board of Directors deny the Monolith Nebraska LLC variance request for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(2) ("accurate static water level measurement"), and Section C, Rule 2(c)(i)(A)(4) ("water quality samples") until the next monthly Board Meeting. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson and Nolte

**ITEM 12. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS (NARD) REPORT**

Luke Peterson, NARD Representative for the Lower Platte South NRD stated that he had no report on NARD activities this month but that there would be a report in May.

B

**ITEM 13. PERMIT AND PROGRAM APPROVALS**

A report of permit and program approvals was distributed.

**ITEM 14. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.**

A schedule of upcoming events and activities was mailed out.

**ITEM 15. FOR INFORMATION ONLY.**

Various memos were mailed out.

General Manager Paul Zillig reminded Directors that there are several subcommittee meetings coming up and that two (Platte River and Information & Education) were in person meetings. He reminded Directors to check to see if their upcoming meeting is a Zoom or in-person meeting.

There being no other business, the meeting was adjourned at 10:42 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 21, 2021, 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



# 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)

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## BOARD OF DIRECTORS' MEETING April 21, 2021

The Board of Directors of the Lower Platte South Natural Resources District met virtually via video / teleconference on Wednesday, April 21, 2021 at 7:00 p.m. Directors participating were Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, 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 on the NRD Website. 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.

Nineteen Directors were present upon roll call. Schutz arrived after 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 April 8, 2021.

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

Eagan stated that there were no requests for excused absences received for the April 21, 2021 Board of Directors Meeting.

### ITEM 4. ADOPT AGENDA

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

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

NAY: None

NOT PRESENT: Jacobson and Schutz

### ITEM 5. APPROVAL OF MINUTES OF MARCH 17, 2021 BOARD OF DIRECTORS MEETING AND MARCH 24, 2021 SPECIAL BOARD OF DIRECTORS MEETING.

It was moved by Hellerich and seconded by Stevens to approve the minutes of the March 17, 2021 Board of Directors Meeting. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson and Schutz

It was moved by Barrett and seconded by Stevens to approve the minutes of the March 24, 2021 Special Board of Directors Meeting. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson and Schutz

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

Andersen reported that the Finance & Planning Subcommittee did not meet prior to the Board Meeting.

Andersen stated that the financial reports for the period July 1, 2020 through March 31, 2021 had been distributed.

Paul Zillig, General Manager answered questions of the Board regarding the financial reports.

It was moved by Andersen and seconded by Landis to approve the financial reports for the period of July 1, 2020 through March 31, 2021 and publish the General Expenditures for March 2021. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Jacobson and Schutz

It was moved by Andersen and seconded by Yoakum to publish the expenditures for Directors Aldridge, Amen, Andersen, Barrett, Eagan, Green, Hellerich and Jacobson for March 2021. The motion was approved.

AYE: Aldridge, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: Andersen, Barrett, Eagan, Green and Hellerich

NAY: None

NOT PRESENT: Jacobson

It was moved by Andersen and seconded by Seacrest to publish the expenditures for Directors B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte and Peterson for March 2021. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Nolte, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

Abstain: B. Johnson, C. Johnson, Lamberty, Landis, Lewis and Peterson

NAY: None

NOT PRESENT: Jacobson

It was moved by Andersen and seconded by Landis to publish the expenditures for Directors Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum for March 2021. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte and Peterson

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

NAY: None

NOT PRESENT: Jacobson

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

Eagan stated that the Executive Subcommittee met on April 14, 2021.

Paul Zillig, General Manager, answered questions of the Board regarding the salary increase.

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors approve for FY 2022 at 2.0% salary increase for all qualified employees and an additional \$19,000 for merit to be determined by the General Manager. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson

Paul Zillig, General Manager, answered questions of the Board regarding the Annual Operational Agreement with NRCS.

7b/10b

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors approve the FY 2022 Annual Operational Agreement with the USDA Natural Resources Conservation Service. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson

7c/10c

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors approve the Memorandum of Agreement with the National Association of Conservation Districts (NACD) for FY 2021 Technical Assistance Funds. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson



ITEM 8. REPORT OF THE INFORMATION & EDUCATION SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Landis stated that the Information & Education Subcommittee met on April 7, 2021.

Paul Zillig, General Manager, and Mike Mascoe, Public Information Specialist answered questions regarding Lower Platte South NRD advertising and Newsletter.

8a/10d

Landis moved the Information & Education Subcommittee's recommendation that the Board of Directors approve the proposed Agreement from the Lincoln Journal Star for advertising at a cost not to exceed \$17,988, pending review by legal counsel. The motion was approved.

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

NAY: Aldridge and C. Johnson

NOT PRESENT: Jacobson

8b/10e

Landis moved the Information & Education Subcommittee's recommendation that the Board of Directors approve the proposed Agreement from Lincoln Journal Star for printing and distribution of three newsletters at a cost not to exceed \$47,970 pending approval by legal counsel. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson

8c/10f

Landis moved the Information & Education Subcommittee's recommendation that the Board of Directors approve the proposed Agreement from Firespring for television airtime at a cost not to exceed \$20,000, pending approval by legal counsel. The motion was approved.

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

NOT VOTING: Peterson

NAY: Aldridge, C. Johnson, Schutz and Spangler

NOT PRESENT: Jacobson

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

Hellerich stated that the Land Resources Subcommittee did not meet prior to the Board Meeting. He indicated that 26 cost-share assistance applications for Fiscal Year 2022 were received. All applications are for installing conservation measures on cropland and qualify for the Summer Conservation Program.

9a/10g

It was moved by Hellerich and seconded by Andersen to approve the 26 identified surface water quality best management practices cost-share applications for the District's Summer Conservation Program totaling \$370,536. The motion was approved.

County	Applicant Name	Sec	Twn	Rng	Practice	Amount	Targeted Area
BU	Arnold Vandenberg	25	13	4	Terraces	\$22,500.00	Meadowlark Lake
CA	Danny Bornemeier	12	10	10	Terraces	\$15,000.00	
CA	Randy Bornemeier	15	10	10	Terraces	\$17,500.00	
CA	Thomas Dorr	1	10	10	Terraces w/ Grassed Waterways	\$8,349.00	
CA	John Oehlerking	22	10	10	Terraces	\$17,160.00	
CA	Lake Family Farm Trust	3	10	10	Terraces	\$17,500.00	
CA	Kenneth Ahrens	29 / 33	11	12	Terraces	\$17,500.00	
CA	Tanner Bornemeier	27	11	10	Terraces	\$17,500.00	
CA	Oak N Ridge	10	12	13	Terraces	\$17,500.00	
LA	Marvin W. Meinke	20	7	5	Terraces	\$15,000.00	
LA	Lavina Schwaninger	21	7	6	Terraces	\$4,118.00	
LA	Brad Braunsroth	16	8	5	Terraces	\$17,500.00	
LA	Gary Aerts	25	11	5	Terraces	\$11,000.00	
LA	Wilma Sundeen	26	11	8	Terraces	\$17,500.00	
LA	Duane & Irene Family Lt. Partnership	26	11	8	Terraces	\$5,561.00	
LA	School District #161	9	12	6	Grassed Waterways	\$5,686.00	
LA	Mark Masek	9	12	6	Grassed Waterways	\$1,422.00	
LA	Captain Agnew LLC	11	12	7	Terraces	\$14,994.00	
LA	John W. Spader	9	12	8	Terraces	\$11,280.00	
LA	Ramon Johnson	9	12	8	Terraces	\$13,000.00	
OT	Rodney Ruhge	5	9	12	Terraces	\$11,742.00	
OT	Barbara Meyer	9	9	12	Terraces	\$17,500.00	
OT	Jay Farms, Inc.	24	9	13	Terraces	\$17,500.00	
SA	Darlene A. Stank	19	13	6	Terraces	\$17,500.00	
SE	Larry Schildt	2	10	4	Terraces	\$17,658.00	Pawnee Lake
SE	Richard Hain	5	12	4	Terraces	\$21,066.00	Branched Oak Lake
					<b>TOTAL</b>	<b>\$370,536.00</b>	

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

NAY: Schutz

NOT PRESENT: Jacobson

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

Green stated that the Urban Subcommittee met on April 15, 2021.

109/10h

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Fiscal Year 2021 – 2022 Work Plan for the Interlocal Agreement on Stormwater Management, with the City of Lincoln. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson



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

Ruth stated that the Water Resources Subcommittee met on April 20, 2021.

Ruth moved the Water Resources Subcommittee's recommendation that the Board of Directors grant a variance to Monolith Nebraska LLC for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(3) ("aquifer test"), and Section C, Rule 2(c)(i)(A)(5) ("hydrogeologic analysis report"), and deny the variance request for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(2) ("accurate static water level measurement"), and Section C, Rule 2(c)(i)(A)(4) ("water quality samples").

Paul Zillig, LPSNRD General Manager; Dick Ehrman, LPSNRD Water Resources Specialist; Corey Wasserburger, LPSNRD General Counsel; Amy Ostermeyer, Monolith; Dave Hume, LRE Water; Brian Dunnigan and Jim Schneider with Olsson addressed the Board and answered questions.

It was moved by Stevens and seconded by Barrett to divide the question and take up each half separately. The motion was approved.

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

NAY: Spangler

NOT PRESENT: Jacobson and Nolte

The first half of the divided question that the Water Resources Subcommittee's recommendation that the Board of Directors grant a variance to Monolith Nebraska LLC for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(3) ("aquifer test"), and Section C, Rule 2(c)(i)(A)(5) ("hydrogeologic analysis report") was approved.

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

NAY: None

NOT PRESENT: Jacobson and Nolte

It was moved by Stevens and seconded by Hellerich to table the second part of the divided question (Water Resources Subcommittee's recommendation that the Board of Directors deny the Monolith Nebraska LLC variance request for proposed wells OC2 #2 (LPSP-210423) and OC2 #3 (LPSP-210422), specifically Section C, Rule 2(c)(i)(A)(2) ("accurate static water level measurement"), and Section C, Rule 2(c)(i)(A)(4) ("water quality samples") until the next monthly Board Meeting. The motion was approved.

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

NAY: None

NOT PRESENT: Jacobson and Nolte

ITEM 12. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS (NARD) REPORT

Luke Peterson, NARD Representative for the Lower Platte South NRD stated that he had no report on NARD activities this month but that there would be a report in May.

ITEM 13. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 14. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 15. FOR INFORMATION ONLY.

Various memos were mailed out.

General Manager Paul Zillig reminded Directors that there are several subcommittee meetings coming up and that two (Platte River and Information & Education) were in person meetings. He reminded Directors to check to see if their upcoming meeting is a Zoom or in-person meeting.

There being no other business, the meeting was adjourned at 10:42 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 21, 2021, 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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Chelsea Johnson, Secretary

/dr