



## LOWER PLATTE SOUTH natural resources district

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### BOARD OF DIRECTORS' MEETING

June 16, 2021

The Board of Directors of the Lower Platte South Natural Resources District met virtually via video / teleconference and in-person at the Lower Platte South NRD Office on Wednesday, June 16, 2021 at 6:04 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 6:04 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.

David Hahn addressed the Board regarding illegal camping under the Salt Creek Bridge along West "O" Street. General Manager Paul Zillig responded to Hahn's questions.

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

21 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 June 4, 2021.

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

Eagan stated that there were no requests for excused absences.

#### ITEM 4. ADOPT AGENDA

It was moved by Barrett and seconded by Landis 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 MINUTES OF MAY 19, 2021 BOARD OF DIRECTORS MEETING

It was moved by Landis and seconded by Hellerich to approve the minutes of the May 19, 2021 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, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum  
NAY: None  
NOT PRESENT: None

ITEM 6. RECOGNITION OF EMPLOYMENT ANNIVERSARIES

General Manager Paul Zillig recognized Al Langdale, Operations and Maintenance Coordinator for 35 years of service to the NRD.

ITEM 7. REPORT OF THE FINANCE AND PLANNING SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Andersen reported that the Finance & Planning Subcommittee met on June 9, 2021.

Andersen stated that the financial reports for the period July 1, 2020 through May 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 Hellerich to approve the financial reports for the period of July 1, 2020 through May 31, 2021 and publish the General Expenditures for May 2021. 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

Andersen moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve the overruns for Postage – 437001 and Machinery & Equipment – 765010. 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, gave a presentation of Draft #1 of the Fiscal Year 2022 Budget and answered questions of the Board. There were no questions or comments from the public.

ITEM 8. REPORT OF THE PLATTE RIVER SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Jacobson reported that the Platte River Subcommittee met on June 14, 2021.

Jacobson moved the Platte River Subcommittee's recommendation that the Board of Directors approve the Cooperative Assistance Agreement between the Lower Platte South NRD and the Nebraska Land Trust that allows for an additional three-year District commitment in the amount of \$30,000 per year, commencing in Fiscal Year 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

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

Spangler stated that the Recreation, Forestry & Wildlife Subcommittee met on June 7, 2021.

Dan Schulz, Resources Coordinator, Paul Zillig, General Manager, and Nicole Fleck-Tooze with the Solidago Conservancy addressed the Board and answered questions from Directors regarding the Solidago Conservancy and the proposed Agreement.

Spangler moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors authorize the General Manager to approve the final Agreement between the Lower Platte South NRD and the Solidago Conservancy for Cooperative Assistance, pending legal counsel review. The motion was approved.

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

ABSTAIN: Stevens

NAY: Hellerich

NOT PRESENT: None

Dan Schulz, Resources Coordinator, and Paul Zillig, General Manager answered questions from the Board regarding the RTSD Interlocal Agreement for the Rosa Parks Way Trail Project.

Spangler moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors authorize the General Manager to approve the amendments to the Interlocal Agreement with Railroad Transportation Safety District (RTSD) for the Rosa Parks Way Trail Project, amending the Interlocal Agreement to extend the term of the Agreement approximately two years and revised the budget and finance provisions to increase the RTSD portion to 50%, not to exceed \$172,154.68 with \$50,000 paid this Fiscal Year (June) and the remainder to be paid upon the completion of the project, pending legal counsel review. 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

NOT VOTING: Aldridge

NAY: None

NOT PRESENT: None

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

Green stated that the Urban Subcommittee met on June 10, 2021.

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve Amendment #1 to the Professional Services Agreement between FYRA Engineering and the Lower Platte South NRD, in an amount not to exceed \$10,963, for additional services for the Salt Creek Levee Penetrations Repair – STA 347+15R Project. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Schutz

Jared Nelson, District Engineer, answered question from the Board regarding the additional services.

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve Amendment #1 to the Professional Services Agreement between FYRA Engineering and the Lower Platte South NRD, in an amount not to exceed \$12,476, for additional services for the Salt Creek Levee Penetrations Repair – 4 Pipes Project. The motion was approved.

AYE: 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: Aldridge

NOT PRESENT: None

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

Ruth stated that the Water Resources Subcommittee met on June 14, 2021.

Mike Sotak from FYRA Engineering answered questions of the Board.

Ruth moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement with FYRA Engineering for the Upper Salt 4-A Spillway Rehabilitation Project at a cost not to exceed \$16,160. 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  
NAY: None  
NOT PRESENT: Schutz

Mike Murren, Project Coordinator, answered questions of the Board regarding the contract modification.

Ruth moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the approval of Modification #5 to the Oak-Middle 82-B Watershed Rehabilitation Project contract with Goes Construction of Talmage, Nebraska for an additional \$85,585 and an additional 14 extra working days to complete the work omitted from the estimated quantities. The motion was approved.

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

ITEM 11. REPORT OF THE EXECUTIVE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Eagan stated that the Executive Subcommittee met on June 15, 2021.

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors return to holding "in-person" Board Meetings, beginning in July 2021, with the location to be determined by the NRD Chair. 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: Spangler  
NOT PRESENT: None

Paul Zillig, General Manager, gave his report on the investigation concerning inappropriate remarks by Director Aldridge to a District employee.

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors adopt the attached Resolution of the Board of Directors of the Lower Platte South NRD. 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 13. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS (NARD) REPORT

Luke Peterson, NARD Representative for the Lower Platte South NRD gave a report on upcoming NARD activities. He also reported on the Papio-Missouri River NRD Basin Tour in Omaha.

ITEM 14. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 15. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 16. FOR INFORMATION ONLY.

Various memos were mailed out.

There being no other business, the meeting was adjourned at 8:22 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 June 16, 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

## **RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT**

**WHEREAS**, the Lower Platte South Natural Resources District (the "District") is a political Subdivision of the State of Nebraska; and

**WHEREAS**, Gary Aldridge is a Director of the District ("Director Aldridge"); and

**WHEREAS**, on May 5, 2021, prior to a meeting of the District's Information and Education Subcommittee, Director Aldridge made an inappropriate comment to an employee of the District (the "Employee"); and

**WHEREAS**, on May 5, 2021, the employee filed a written complaint with the General Manager of the District (the "General Manager"); and

**WHEREAS**, the General Manager conducted an investigation of the complaint, which substantiated the allegations of the Employee; and

**WHEREAS**, the Chair of the Board of Directors of the District (the "Chair") and General Manager met with Director Aldridge on May 14, 2021, to discuss the complaint; and

**WHEREAS**, at the meeting on May 14, 2021, Director Aldridge stated that he had no recollection of making the comment, but did not deny the substance of the complaint and later apologized in a letter to the Employee; and

**WHEREAS**, on May 20, 2021, the Chair removed Director Aldridge from his appointment to the Information and Education Subcommittee, which is the same subcommittee to which the Employee is assigned.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors of the Lower Platte South Natural Resources District finds that there is due cause to censure Director Aldridge for his conduct on May 5, 2021, and hereby censures him for making an inappropriate comment to a District employee, which comment the Board of Directors of the District deems as having the potential to create a hostile work environment; and

**BE IT FURTHER RESOLVED**, that the Board further declares that it will not condone or tolerate such conduct from Director Aldridge or from any other Director or employee of the District, as such conduct is inconsistent with the District's commitment to maintaining an inclusive, non-threatening workplace environment

Adopted by the Board of Directors of the Lower Platte South Natural Resources District on June 16, 2021, and executed by the Board's authorized representative.

  
Deborah Eagan, Chair

Attest:

  
Paul Zillig, General Manager