



LOWER PLATTE SOUTH natural resources district

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BOARD OF DIRECTORS' MEETING DECEMBER 20, 2023

The Board of Directors of the Lower Platte South Natural Resources District met at the Lower Platte South NRD Office on Wednesday, December 20, 2023 at 2:00 p.m. Directors participating were Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Lewis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum. Landis called the meeting to order at 2:00 p.m.

Landis welcomed those in attendance, and the pledge of allegiance was recited. He noted that the public meetings law is posted in the room and that carrying concealed weapons is prohibited at board meetings and on District property. He requested all cell phones be put on silent mode. He reminded everyone a recording of the meeting will be on the NRD website. Landis 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

17 Directors were present upon roll call. Schutz arrived after roll call.

ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING

Landis reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on December 7, 2023.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES

Landis stated that a request for an excused absence was received from Luke Peterson for the December 20, 2023 Board of Directors meeting.

It was moved by Landis and seconded by Lamberty to approve the request for an excused absence from Luke Peterson for the December 20, 2023 Board of Directors meeting. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Nolte, Peterson, Ruth and Schutz

ITEM 4. ADOPT AGENDA

It was moved by Eagan and seconded by Seacrest to adopt the Agenda. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Nolte, Peterson and Ruth

ITEM 5. APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES

It was moved by Stevens and seconded by Green to approve the Minutes of the November 15, 2023 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Lewis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: Andersen

NAY: None

NOT PRESENT: Nolte, Peterson and Ruth

ITEM 6. RECOGNITION OF EMPLOYMENT ANNIVERSARY AND NEW NRD EMPLOYEE.

General Manager Mike Sousek recognized Ariana Kennedy, Resources Conservationist, for 25 years of service. He announced Chris Barber as the new Administration & Finance Manager.

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

Johnson stated that the Finance & Planning Subcommittee met on December 12, 2023. She stated that the financial reports for the period July 1, 2023 through November 30, 2023 had been distributed.

It was moved by Johnson and seconded by Andersen to approve the financial reports for the period of July 1, 2023 through November 30, 2023 and publish the expenditures for November 2023.

Mike Sousek, General Manager, Chris Barber, Administration & Finance Manager, Will Inselman, Resources Coordinator and Dick Ehrman, Water Resources Coordinator, answered questions of the Board regarding the Financials.

The motion was approved.

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Nolte, Peterson and Ruth

Johnson moved the Finance & Planning Subcommittee's recommendation that the Board of Directors commit to entering into a contingent purchase agreement consistent with the draft agreement presented to the Board with Solidago with final purchase agreement to be entered into once Solidago has a contract to secure the said property.

It was moved by Johnson and seconded by Andersen to amend the motion by replacing the wording with "approval of contingent purchase agreement for real estate from Solidago". The motion was approved.

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

ABSTAIN: None

NAY: Hellerich

NOT PRESENT: Nolte, Peterson and Ruth

Mike Sousek, General Manager, answered questions of the Board regarding the property and purchase agreement.

The amended motion for approval of contingent purchase agreement for real estate from Solidago was approved.

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

ABSTAIN: None

NAY: Green and Hellerich

NOT PRESENT: Nolte, Peterson and Ruth

Johnson moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve the BRIC Grant Agreement between Nebraska Emergency Management Agency and the Lower Platte South NRD for the Lower Platte South NRD Multi-Jurisdictional Hazard Mitigation Plan update and have the General Manager sign said agreement. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Nolte, Peterson and Ruth

ITEM 8. LRE WATER PRESENTATION OF HYDRO ASSESSMENT REPORT

Dick Ehrman, Water Resources Coordinator, Dave Hume and Jon Mohr from LRE Water gave a presentation on the Hydro Assessment Report developed by LRE Water.

ITEM 9. NEBRASKA NATURAL RESOURCES COMMISSION (NRC) REPORT

Tom Mountford gave a report on the activities of the Nebraska Natural Resources Commission.

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

Landis stated that the Executive Subcommittee met on December 11, 2023 and also prior to the Board of Directors meeting.

Landis moved the Executive Subcommittee's recommendation that the Board of Directors approve the General Manager sign a license agreement with Ethan Homan for property located at 32017 Alvo Road, Murdock, NE 68407.

Corey Wasserburger, Legal Counsel, answered questions of the Board regarding the license agreement.

It was moved by Stevens and seconded by Johnson to table the item for one month. The motion failed.

AYE: Aldridge, Baker, Jacobson, Schutz, and Stevens

ABSTAIN: Landis

NAY: Andersen, Eagan, Green, Hellerich, Johnson, Lamberty, Lewis, Seacrest, Sinclair, Spangler, Vogel and Yoakum

NOT PRESENT: Nolte, Peterson and Ruth

The original motion to approve the General Manager to sign the license agreement with Ethan Homan for property located at 32017 Alvo Road, Murdock, NE 68407 was approved.

AYE: Aldridge, Andersen, Eagan, Green, Hellerich, Johnson, Lamberty, Landis, Lewis, Schutz, Seacrest, Sinclair, Spangler and Vogel

ABSTAIN: None

NAY: Baker, Jacobson and Stevens

NOT PRESENT: Nolte, Peterson, Ruth and Yoakum

Landis moved the Executive Subcommittee's recommendation that the Board of Directors accept the resignation letter from Director Ron Nolte and to instruct staff to begin the process of notifying the public of the vacancy and advertising to fill the vacancy.

Mike Sousek, General Manager, answered questions of the Board regarding filling the vacancy.

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

VOTING "PRESENT": Aldridge

ABSTAIN: None

NAY: None

NOT PRESENT: Hellerich, Lewis, Nolte, Peterson and Ruth

Landis moved the Executive Subcommittee's recommendation that the Board of Directors accept the changes to Personnel Policy #6.

Mike Sousek, General Manager answered questions of the Board regarding changes to Personnel Policy #6.

The motion was passed.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

Landis moved the Executive Subcommittee's recommendation that the Board of Directors accept the changes to Personnel Policy #20.

Mike Sousek, General Manager answered questions of the Board regarding changes to Personnel Policy #20.

The motion was passed.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

Landis moved the Executive Subcommittee's recommendation that the Board of Directors accept the changes to Personnel Policy #21.

Mike Sousek, General Manager answered questions of the Board regarding changes to Personnel Policy #21.

The motion was passed.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

Landis moved the Executive Subcommittee's recommendation that the Board of Directors accept the changes to Personnel Policy #47.

Mike Sousek, General Manager answered questions of the Board regarding changes to Personnel Policy #47.

The motion was passed.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

Landis moved the Executive Subcommittee's recommendation that the Board of Directors accept the changes to Personnel Policy #53.

Mike Sousek, General Manager answered questions of the Board regarding changes to Personnel Policy #53.

It was moved by Aldridge and seconded by Baker to strike 2 hours with regard to giving blood and replace it with 4 hours. The motion was passed.

AYE: Aldridge, Baker, Green, Hellerich, Johnson, Lamberty, Schutz, Seacrest, Sinclair and Yoakum

ABSTAIN: None

NAY: Andersen, Eagan, Jacobson, Landis, Spangler, Stevens and Vogel

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

The motion to accept changes to Personnel Policy #53 as amended was passed.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

Landis moved the Executive Subcommittee's recommendation that the Board of Directors direct staff to not contest the quiet title action and to stipulate that title to the JAVA parcels be quieted to the City of Lincoln.

Corey Wasserburger, Legal Counsel, answered questions of the Board regarding the JAVA land parcels and lawsuit with the City of Lincoln.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

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

Yoakum stated that the Urban Subcommittee met on December 13, 2023.

Five bids were received for the Lincoln Youth Complex Creek Pipe Replacement Project.

Contractor	Bid
GeoSurfaces	\$164,800.00
K2 Construction	\$170,000.00
Global Earthwork & Underground	\$188,000.00
Ray Lipsey, Inc.	\$232,690.00
H.R. Bookstrom Construction	\$300,000.00

Yoakum moved the Urban Subcommittee's recommendation that the Board of Directors approve the bid of \$188,000 by Global Earthwork & Underground for the Lincoln Youth Complex Creek Pipe Replacement Project.

Drew Ratkovec, Stormwater / Watershed Specialist, answered questions of the Board regarding the bids for the Lincoln Youth Complex Creek Pipe Replacement Project

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

Three bids were received for the Deadmans Run Bank Repair Project.

Contractor	Bid
K2 Construction	\$124,695.50
Mount Farm Drainage	\$128,372.85
H.R. Bookstrom Construction	\$196,543.00

Yoakum moved the Urban Subcommittee's recommendation that the Board of Directors approve the bid of \$128,372.85 by Mount Farm Drainage for the Deadmans Run Bank Repair Project.

Drew Ratkovec, Stormwater / Watershed Specialist, answered questions of the Board regarding the bids for the Deadmans Run Bank Repair Project.

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

ITEM 12. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Schutz stated that the Recreation, Forestry & Wildlife Subcommittee met on December 11, 2023.

Two bids were received for the fencing projects on Cottontail WMA, Little Salt Springs WMA and Oak Creek Trail.

Contractor	Bid
Morrissey Enterprises	\$24,573.00
Rock Creek Ventures LLC	\$46,046.50

Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the bid from Morrissey Enterprises LLC to install a new fence on Cottontail; and remove existing fence and install new fence on Little Salt Creek Springs WMA and Oak Creek Trail in the amount not to exceed \$24,573. The motion was approved.

Will Inselman, Resources Coordinator, answered questions of the directors regarding the fencing projects.

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors authorize the General Manager to approve the Right-of-Way Contract Easements with the City of Lincoln for a permanent easement, temporary easement, replacing (3) metal signs and replacing (3) steel bollards on the MoPac East Trail at 98th Street in the amount of \$7,860. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: None

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

ITEM 13. ITEMS REQUIRING CLOSED SESSION

It was moved by Andersen and seconded by Yoakum that the Board of Directors go into closed session at 4:25 p.m. to discuss litigation which is imminent as evidenced by the communication of a claim. The motion was approved.

AYE: Andersen, Baker, Eagan, Green, Hellerich, Jacobson, Johnson, Lamberty, Landis, Schutz, Seacrest, Sinclair, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Lewis, Nolte, Peterson and Ruth

It was moved by Vogel and seconded by Andersen to return to open session at 5:26 p.m. The motion was approved.

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Lewis, Nolte, Peterson, Ruth and Sinclair

It was moved by Johnson and seconded by Eagan that the Board of Directors accept the recommendations of Director Vogel regarding litigation. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Green, Hellerich, Johnson, Lamberty, Landis, Schutz, Seacrest, Spangler, Vogel and Yoakum

ABSTAIN: None

NAY: Jacobson and Stevens

NOT PRESENT: Lewis, Nolte, Peterson, Ruth and Sinclair

ITEM 14. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS (NARD) REPORT

Tom Green reminded Directors of the NARD Legislative Conference scheduled for January 23rd & 24th, 2024.

ITEM 15. NOMINATING COMMITTEE ANNOUNCEMENT

Chair Landis announced that he has appointed Don Jacobson (Chair), Christine Lamberty and Tom Green as the nominating committee for officers in 2024.

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.

There being no other business, the meeting was adjourned at 5:32 p.m. The undersigned, the Secretary of the Lower Platte South Natural Resources District (the "District"), hereby certifies that the foregoing is a true and correct copy of the minutes of the meeting of the Board of Directors of the District held on December 20, 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.

Lisa Lewis, Secretary

/dr