



LOWER PLATTE SOUTH natural resources district

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BOARD OF DIRECTORS' MEETING OCTOBER 19, 2022

The Board of Directors of the Lower Platte South Natural Resources District met at the Lower Platte South NRD Office on Wednesday, October 19, 2022 at 7:00 p.m. Directors participating were Aldridge, Andersen, Barrett, Hellerich, Jacobson, B. Johnson, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum. Vice-Chair Dave Landis called the meeting to order at 7:00 p.m.

Landis welcomed those in attendance, and the pledge of allegiance was recited. A moment of silence was held for the passing of past-director Elaine Hammer. 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. No one wished to speak on non-agenda items.

Candidates currently not on the Board running in the General Election introduced themselves: Melissa Baker (Subdistrict #3), Stacy Sinclair (Subdistrict #5) and Greg Osborn (Subdistrict #5).

ITEM 1. ROLL CALL OF DIRECTORS.

Sixteen Directors were present upon 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 October 6, 2022.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES.

Landis stated that requests for excused absences from Tom Green, Chelsea Johnson and Christine Lamberty for the October 19, 2022 Board of Directors meeting and Bob Andersen for the November 16, 2022 Board of Directors meeting.

It was moved by Hellerich and seconded by Yoakum to accept the requests for excused absences from Tom Green, Chelsea Johnson and Christine Lamberty for the October 19, 2022 Board of Directors meeting and from Bob Andersen for the November 16, 2022 Board of Directors meeting. The motion was approved.

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

ABSTAIN: Andersen

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

ITEM 4. ADOPT AGENDA.

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

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

ITEM 5. APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES

It was moved by Stevens and seconded by Yoakum to approve the Minutes of the September 14, 2022 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Hellerich, Jacobson, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: B. Johnson

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

ITEM 6. RECOGNITION OF DIRECTOR JACOBSON FOR 25 YEARS OF SERVICE TO THE NRD.

Landis and General Manager Paul Zillig recognized Director Don Jacobson for 25 years of service on the Lower Platte South NRD Board of Directors.

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

Andersen stated that the Finance & Planning Subcommittee met on October 11, 2022.

Andersen stated that the financial reports for the period July 1, 2022 through September 30, 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 September 30, 2022 and publish the General Expenditures for September 2022. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Andersen and seconded by Stevens to publish the expenditures for Directors Aldridge, Andersen, Barrett, Eagan, Green, Hellerich and Jacobson for September 2022. The motion was approved.

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

ABSTAIN: Andersen, Barrett, Hellerich and Jacobson

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Andersen and seconded by Stevens to publish the expenditures for Directors B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte and Peterson for September 2022. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Hellerich, Jacobson, B. Johnson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

ABSTAIN: Landis, Lewis and Peterson

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Andersen and seconded by Jacobson to publish the expenditures for Directors Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum for September 2022. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Hellerich, Jacobson, B. Johnson, Landis, Lewis and Peterson

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

A report of the Audit was presented by Rose Pinkman & Kyle Eskens of HBE LLP

Andersen moved the Finance & Planning Subcommittee's recommendation that the Board of Directors accept the June 30, 2022 Fiscal Year 2022 Financial Statements and Independent Auditor's Report. The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

ITEM 8. REPORT OF THE EXECUTIVE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Landis stated that the Executive Subcommittee met on October 4, 2022. He stated that Agenda Item 8(a) would be heard later in the meeting during closed session.

Landis moved the Executive Subcommittee's recommendation that the Board of Directors move the scheduled December Board Meeting to Wednesday, December 14th starting at 2:00 p.m. in the NRD Office. The motion was approved.

AYE: Andersen, Barrett, Hellerich, Jacobson, B. Johnson, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge and Spangler

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

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

Hellerich stated that the Land Resources met by Zoom on October 13, 2022. He reported that nearly all of the Section 319 Grant Funds for the Twin Lakes Watershed Targeted Area had been committed and that the Nebraska Department of Environment and Energy has agreed to provide additional funds so more applications can be approved.

Hellerich moved the Land Resources Subcommittee's recommendation that the Board of Directors approve the Inter-Governmental Agreement Amendment between NDEE and LPSNRD regarding the Twin Lakes Watershed Target Area Implementation Project, subject to legal counsel review. The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

Hellerich reported that there were nine cost-share applications for installing water quality improvement practices.

Hellerich moved the Land Resources Subcommittee's recommendation that the Board of Directors approve the nine identified fall cost-share applications as listed on the attached table, totaling an amount of \$223,764.

Name	County	Amount Requested	Notes
Kevin & Lu Jane Kotera	Butler	\$7,318.00	
Michael Vogt	Cass	\$10,375.00	
Plattsmouth Airport Authority	Cass	\$12,419.00	
J & J Farms	Cass	\$12,500.00	
Dorothy Egger Estate	Lancaster	\$12,500.00	
Sandra K. Maahs Revocable Trust	Lancaster	\$17,500.00	Stevens Creek
Donald J. Furasek	Saunders	\$11,244.00	
Wilma Mook	Seward	\$37,720.00	Twin Lakes 319
Carol A. Schildt Revocable Trust	Seward	\$72,188.00	Twin Lakes 319
	TOTAL	\$223,764.00	

Cory Schmidt, NRCS District Conservationist reported that low soil moisture levels has delayed the construction of conservation practices after harvest, the timeline of projects and answered questions of the Board.

The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

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

Seacrest stated that the Water Resources Subcommittee met on October 17, 2022.

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the October 2022 Joint Funding Agreement with the USGS for operation of 16 stream gages in the Lower Platte South NRD in the amount of \$117,915.

Paul Zillig, General Manager answered questions of the Board regarding the Stream Gage Operation Agreement with USGS.

The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the Professional Services Contract for the Groundwater Database improvements through Phoenix Web Group in the amount not to exceed \$18,070. The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the Lower Platte River Basin Sub-Regional Groundwater Modeling Interlocal Cooperative Agreement and designate Dick Ehrman as the representative and Steve Herdzina as the alternate.

Dick Ehrman, Water Resources Coordinator, answered questions regarding the Groundwater Modeling Interlocal Cooperative Agreement.

The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve Amendment #3 to the Cost Reimbursable Standard Research Agreement #132270 (Vadose Zone Study). The motion was approved.

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

ABSTAIN: Schutz

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

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

Schutz stated that the Recreation, Forestry & Wildlife Subcommittee met on October 18, 2022. He indicated that a quorum was not present and therefore motions would need a second.

It was moved by Schutz and seconded by Yoakum that the Board of Directors approve the Scope of Work Agreement from Olsson, Inc. for the MoPac Wooden Box Culvert Replacement Project, with a total cost not to exceed \$25,650.00, subject to legal counsel review.

Will Inselman, Resources Coordinator, answered questions of the Board regarding the MoPac Trail Wooden Box Culvert Replacement Project.

The motion was approved.

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

NAY: Hellerich

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Schutz and seconded by Seacrest that the Board of Directors approve a 50% cost-share with the City of Lincoln for the remaining match required for their Land and Water Conservation Fund grant – Rock Island Bridge Project, not to exceed \$113,750.00, to be paid in FY 2024 through the Community Assistance Program.

Will Inselman, Resources Coordinator, and Paul Zillig, General Manager, answered questions of the Board regarding the Rock Island Trail Bridge over Salt Creek Project.

The motion was approved.

AYE: Aldridge, Andersen, Barrett, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Stevens and Yoakum

NAY: Hellerich, Jacobson, B. Johnson, Spangler and Vogel

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

Schutz stated that no action was required on Item 11(c).

It was moved by Schutz and seconded by Jacobson that the Board of Directors authorize staff to begin the acquisition of landrights process for a portion of Solidago Conservancy's Melichar-Martens parcel (7616 W. Old Cheney Road) for the Haines Branch Prairie Corridor Project.

Will Inselman, Resources Coordinator, and Paul Zillig, General Manager, answered questions of the Board regarding the Melichar – Marten's parcel in the Haines Branch Prairie Corridor Project.

The motion was passed.

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

NAY: Hellerich

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

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

Mark Lindemann, District Engineer, stated that the Urban Subcommittee met on October 12, 2022. He stated that a quorum was not present and that the motions would need to be made by a Director and would need a second.

Lindeman stated that five bids were received for the Deadmans Run Pipe Replacement Project at 63rd Street.

Contractor	Bid
Nebraska Digging Services, Alvo, NE	\$30,866.90
MTZ Construction LLC, Lincoln, NE	\$39,073.00
H.R. Bookstrom Construction, Inc., Lincoln, NE	\$40,034.00
General Excavating, Lincoln, NE	\$51,828.00
Lincoln-Midwest Infrastructure, Inc., Lincoln, NE	\$73,656.28

It was moved by Yoakum and seconded by Stevens that the Board of Directors approve the low bid of \$30,866.90 by Nebraska Digging Services for the Deadmans Run Pipe Replacement Project at 63rd Street.

Mark Lindemann, District Engineer and Paul Zillig, General Manager answered questions of the Board regarding the Deadmans Run Pipe Replacement Project at 63rd Street.

The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

Lindeman stated that two bids were received for the Antelope Creek Channel Repair Project 40th to Scott Avenue.

Contractor	Bid
Strongties LLC, Ceresco, NE	\$2,953,081.10
H.R. Bookstrom, Lincoln, NE	\$3,328,610.00

It was moved by Yoakum and seconded by Stevens that the Board of Directors approve the low bid of \$2,953,081.10 by Strongties LLC for the Antelope Creek Channel Repair Project from 40th Street to Scott Avenue. The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Lewis and seconded by Andersen that the Board of Directors approve the Professional Services Agreement with Olsson for Construction Observation Services for the Antelope Creek Channel Repair Project at 40th Street to Scott Avenue in an amount not to exceed \$200,167.50. The motion was approved.

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

NAY: None

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Seacrest and seconded by Yoakum that the Board of Directors approve the Professional Services Agreement with JEO Consulting Group, Inc. for the Emergency Action Plan at Station 206+70R, in an amount not to exceed \$6,830.

Mark Lindemann, District Engineer, Paul Zillig, General Manager, Al Langdale, Operation / Maintenance Coordinator and Corey Wasserburger, Legal Counsel answered questions of the Board regarding the Salt Creek Levee Closure Structure Repair – Emergency Action Plan.

The motion was approved.

AYE: Aldridge, Andersen, Barrett, Jacobson, B. Johnson, Landis, Lewis, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Hellerich and Peterson

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Landis and seconded by Steven that the Board of Directors approve the Access Easement Modifications at the Stevens Creek Villas, at no cost, pending legal counsel review.

Lindeman and Paul Zillig, General Manager answered questions of the Board regarding the Salt Creek Watershed Master Plan Project #4 Access Easement Modification.

The motion was approved.

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

NAY: Aldridge and Jacobson

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

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 Andersen and seconded by Stevens that the Board of Directors go into closed session at 9:17 p.m. to protect the public interest concerning the proposed mediated settlement concerning litigation over damages to Deadmans Run near 70th Street. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Yoakum and seconded by Seacrest to return to open session at 9:49 p.m. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

It was moved by Landis and seconded by Hellerich that the Board of Directors approve the tentative Mediated Settlement Memorandum for claims of damages at 7101 Deadmans Run and authorize the General Manager to approve the final Mediated Settlement Agreement as prepared by NRD Legal Counsel. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Hellerich, Jacobson, B. Johnson, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Vogel and Yoakum

NAY: Spangler and Stevens

NOT PRESENT: Eagan, Green, C. Johnson, Lamberty and Nolte

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

Luke Peterson reported on the NARD Annual Conference in Kearney held in September.

ITEM 15. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 16. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 17. FOR INFORMATION ONLY.

Various memos were mailed out.

There being no other business, the meeting was adjourned at 9:57 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 October 19, 2022, that all of the matters and subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the above minutes were in written form and available for public inspection within ten working days or prior to the next convened meeting, whichever occurred earlier; and, that reasonable efforts were made to provide all news media requesting notification of the meeting and of the time and place of said meeting and the subjects to be discussed at said meeting.

Donna Reid, Acting Secretary

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