



LOWER PLATTE SOUTH natural resources district

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BOARD OF DIRECTORS' MEETING SEPTEMBER 18, 2024

The Board of Directors of the Lower Platte South Natural Resources District met at the Lower Platte South NRD Office on Wednesday September 18, 2024 at 7:00 p.m. Directors participating were Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum. Andersen called the meeting to order at 7:00 p.m.

Andersen welcomed those in attendance, and the pledge of allegiance was recited. He noted that the public meetings law is posted at the entrance to the room. He requested all cell phones be put on silent mode. He reminded everyone a recording of the meeting will be on the NRD website. Andersen 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 the public to speak to non-agenda items was given.

ITEM 1. ROLL CALL OF DIRECTORS

19 Directors were present upon roll call.

ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING

Andersen reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on September 5, 2024.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES

Andersen stated that there were requests for excused absences from Tom Green and Dave Landis for the September 18, 2024 Board of Directors meeting.

It was moved by Stevens and seconded by Yoakum to accept the requests for excused absences from Tom Green and Dave Landis for the September 18, 2024 Board of Directors meeting. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

Mike Sousek, General Manager, recognized Maclane Scott, Water Resources Technician and Drew Ratkovec, Projects Coordinator for 5 years of service with the NRD.

ITEM 4. ADOPT AGENDA

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

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

ITEM 5. APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES

It was moved by Ruth and seconded by Stevens to approve the Minutes of the August 21, 2024 Board of Director's Meeting. The motion was approved.

AYE: Aldridge, Andersen, Baker, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens and Vogel

ABSTAIN: Eagan and Yoakum

NAY: None

NOT PRESENT: Green and Landis

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

Johnson stated that the Finance & Planning Subcommittee met on September 11, 2024.

Johnson stated that the financial reports for the period July 1, 2024 through August 31, 2024 had been distributed.

It was moved by Johnson and seconded by Eagan to approve the financial reports for the period of July 1, 2024 through August 31, 2024 and publish the expenditures for August 2024.

Mike Sousek, General Manager, answered questions of the Board regarding the financial reports.

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

Johnson moved the Finance & Planning Subcommittee's recommendation that the Board of Directors adopt the corrected FY2025 budget which contains a total budget of \$36,179,448 requiring a property tax request of \$10,974,438.

Mike Sousek, General Manager, and Corey Wasserburger, Legal Counsel, answered questions of the Board regarding the corrected budget.

The motion was approved.

AYE: Andersen, Baker, Eagan, Hellerich, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge, Hawkins, Jacobson and Spangler

NOT PRESENT: Green and Landis

Johnson moved the Finance & Planning Subcommittee's recommendation that the Board of Directors have Vice Chair Bob Andersen sign the property tax resolution which includes a property tax request of \$10,974,437.80 and sets the property tax levy at \$0.022524. The motion was approved.

AYE: Andersen, Baker, Eagan, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

Voting "Present": Aldridge

NAY: Hawkins

NOT PRESENT: Green and Landis

Johnson moved the Finance & Planning Subcommittee's recommendation that the Board of Directors accept the bid of \$1,055 from Franklin and Cynthia Robbins for the excess property (house) located at 2180 Arbor Road and have the General Manager sign a sale contract with Franklin and Cynthia Robbins. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

Johnson moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve that the staff is allowed to purchase a vehicle directly off a car lot that meets the minimum specifications of the District in an amount not to exceed \$45,104 and forgo normal bidding processes.

It was moved by Yoakum and seconded by Spangler to amend the motion by adding "for this vehicle only" after normal bidding processes. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

The amended motion to approve that the staff is allowed to purchase a vehicle directly off a car lot that meets the minimum specifications of the District in an amount not to exceed \$45,104 and forgo normal bidding processes for this vehicle only was approved.

AYE: Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Green and Landis

Johnson moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve that the General Manager sign a lease agreement for a 2024 John Deere 325G Compact Track Loader with severe duty forest package for a term of 3 years at a cost of \$22,460.88 annually.

Mike Sousek, General Manager, David Potter, Assistant General Manager, and Will Inselman, Resources Coordinator, answered questions of the Board regarding the track loader and staff requirements for the machinery.

The motion was approved.

AYE: Andersen, Baker, Eagan, Hawkins, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Stevens, Vogel and Yoakum

ABSTAIN: Jacobson

NAY: Aldridge, Hellerich and Spangler

NOT PRESENT: Green and Landis

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

Andersen stated that there was one item for the Executive Subcommittee and it would be considered later in the meeting during closed session.

ITEM 8. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Lamberty stated that the Recreation, Forestry & Wildlife Subcommittee met on September 12, 2024.

It was moved by Lamberty and seconded by Stevens to authorize the General Manager to sign a temporary construction easement on the MoPac Trail near 202nd Street for the construction of a water main with the Sanitary and Improvement District No. 12 of Cass County.

Mike Sousek, General Manager, and Will Inselman, Resources Coordinator, answered questions of the Board regarding the temporary easement.

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

Lamberty stated that Agenda Item 8b would be before the Board at the October Board Meeting. Corey Wasserburger, Legal Counsel, explained why the item could not be heard at this meeting due to an error on the agenda not being found in time to revise the agenda.

Lamberty moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the Community Forestry application from The Preserve Owners Association with a total project cost of \$13,085.00. with the NRD share not to exceed \$6,542.50.

Will Inselman, Resources Coordinator, and Aaron Clare, District Forester, answered questions of the Board regarding the application.

The motion was approved.

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

Seacrest stated that the Water Resources Subcommittee met on September 12, 2024.

Seacrest stated that the first item is a report on the 2023 Annual Integrated Management Plan Report.

David Potter, Assistant General Manager, Dick Ehrman, Water Resources Coordinator, and Madaline Johnson from the Nebraska Department of Natural Resources gave a presentation on the 2023 Annual Integrated Management Plan Report and answered questions of the Board.

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors accept the 2023 Annual Integrated Management Plan Report. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the new rates for groundwater program best management practices cost-share effective immediately. The motion was approved.

AYE: Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

VOTING "PRESENT": Aldridge

NAY: None

NOT PRESENT: Green and Landis

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the professional services agreement of \$40,598.00 by Houston Engineering, Inc. for the Weeping Water 5K Rehabilitation.

Drew Ratkovec, Project Coordinator, answered questions of the Board regarding the Weeping Water 5K Rehabilitation project.

The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement proposal of \$76,000.00 by Hazard Engineering for the Upper Salt 18-8 and 38-3 Rehabilitation. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Green and Landis

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

Jacobson stated that the Land Resources Subcommittee did not meet prior to the Board meeting.

Jacobson stated that there were fifteen applications for fall surface water quality BMP cost-share. He stated that all were reviewed by the review groups and met the criteria for the Cost-Share Program.

| Applicant Name | SEC | TWN | RNG | County | Practice | Amount | Targeted Area |
|----------------------------------|-----|-----|-----|-----------|----------|-------------|---------------|
| Merle Backemeyer | 18 | 10 | 10 | Cass | Terraces | \$6,705.00 | |
| Puls Farms LLC | 34 | 12 | 12 | Cass | Terraces | \$15,000.00 | |
| Sharon Hansen | 13 | 11 | 11 | Cass | Terraces | \$15,000.00 | |
| LeMar Vogler | 3 | 11 | 11 | Cass | Terraces | \$15,000.00 | |
| William J. Wegener | 36 | 12 | 11 | Cass | Terraces | \$15,000.00 | |
| Larry Vogler | 3 | 10 | 12 | Cass | Terraces | \$15,000.00 | |
| Roger & David Lambert | 4 | 10 | 8 | Lancaster | Terraces | \$7,000.00 | |
| Cardwell Ranch II, LLC | 16 | 8 | 6 | Lancaster | Terraces | \$12,500.00 | |
| Roger Bruner | 20 | 10 | 5 | Lancaster | Terraces | \$12,500.00 | |
| Deanna Pulse | 11 | 10 | 4 | Seward | Terraces | \$75,660.00 | Twin Lakes |
| Carol A. Schildt Revocable Trust | 10 | 10 | 4 | Seward | Terraces | \$6,034.00 | Twin Lakes |
| Debra Troyer | 9 | 10 | 4 | Seward | Terraces | \$40,558.00 | Twin Lakes |
| Ardath Hartmann | 9 | 10 | 4 | Seward | Terraces | \$16,000.00 | Twin Lakes |
| Larry G. Schildt Trust | 3 | 10 | 4 | Seward | Terraces | \$20,830.00 | Twin Lakes |
| Gregory A. Greves | 28 | 13 | 7 | Saunders | Terraces | \$15,000.00 | |

It was moved by Jacobson and seconded by Vogel to approve the fifteen identified cost-share applications totaling an amount of \$287,787.00. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Stevens, Vogel and Yoakum

ABSTAIN: Spangler

NAY: None

NOT PRESENT: Green and Landis

ITEM 11. REPORT OF THE MOPAC EAST – LIED CONNECTOR SUBCOMMITTEE

Ray Stevens reported on the subcommittee meeting of the MoPac East – Lied Connector Subcommittee. He

discussed public open houses held and stated that the Subcommittee will be recommending going forward with Route D for the connector trail. Will Inselman, Resources Coordinator answered questions of the Board regarding the public information meetings and the route options.

ITEM 12. ITEMS REQUIRING CLOSED SESSION

Andersen stated that Agenda Item 7a, Consideration of proposed settlement agreement on Lohmeier v. LPSNRD would be discussed in closed session.

It was moved by Johnson and seconded by Ruth to go into closed session at 8:38 p.m. in order to protect the public interest during discussion of pending litigation in the Lohmeier v. LPSNRD matter. The motion was approved.

AYE: Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Green, Landis and Ruth

It was moved by Johnson and seconded by Hellerich to return to open session at 9:10 p.m. The motion was approved.

AYE: Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Lewis, Osborn, Peterson, Ruth, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge and Spangler

NOT PRESENT: Green and Landis

It was moved by Stevens and seconded by Eagan to follow the direction of Director Vogel with regard to the Lohmeier v. LPSNRD litigation matter. The motion was approved.

AYE: Aldridge, Andersen, Baker, Eagan, Hawkins, Hellerich, Jacobson, Johnson, Lamberty, Osborn, Peterson, Ruth, Schutz, Seacrest, Spangler, Vogel and Yoakum

ABSTAIN: Lewis

NAY: Stevens

NOT PRESENT: Green and Landis

ITEM 13. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS (NARD) REPORT

Mike Sousek, General Manager, reminded the Board that the NARD Annual Conference is being held September 22nd – 24th in Kearney.

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 9:12 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 September 18, 2024 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