

LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT



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BOARD OF DIRECTORS' MEETING December 14, 2016

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, December 14, 2016 at 2:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Stevens, Svoboda and Zimmerman. Osborn called the meeting to order at 2:00 p.m.

Osborn 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. He requested all cell phones be put on silent mode. He offered an opportunity for public present to speak to non-agenda items.

No public addressed the Board

ITEM 1. ROLL CALL OF DIRECTORS.

Eighteen Directors were present upon roll call. Stevens arrived at 4:04 p.m.

ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING.

Osborn reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on December 7, 2016.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES.

Osborn stated a request for excused absence was received from Ray Stevens for the December 14, 2016 Board of Directors meeting.

It was moved by DeKalb and seconded by Svoboda to approve the request for excused absence from Ray Stevens for the December 14, 2016 Board of Directors meeting.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman

NAY: None

NOT PRESENT: Bleed, Bohac and Stevens

ITEM 4. ADOPT TENTATIVE AGENDA

It was moved by Zimmerman and seconded by Bolte to adopt the Tentative Agenda. The motion was approved.



AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

ITEM 5. RECOGNITION OF EMPLOYMENT ANNIVERSARY

General Manager Paul Zillig recognized McKenzie Barry, Environmental Education Specialist for 15 years of service to the Lower Platte South NRD

ITEM 6. RECOGNITION OF DIRECTORS LEAVING THE BOARD

Chair Osborn recognized Ann Bleed, Daryl Bohac, Mark Christensen and Joe Skopp for their time on the Board of Directors of the Lower Platte South NRD

ITEM 7. APPROVE MINUTES OF NOVEMBER 16, 2016 BOARD OF DIRECTORS MEETING.

It was moved by Bolte and seconded by Christensen to approve the minutes of the November 16, 2016 Board of Directors Meeting. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
ABSTAIN: Eagan
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

ITEM 8. REPORT OF THE FINANCE AND PLANNING SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Skopp stated that the Finance and Planning Subcommittee met on December 14, 2016. He indicated that the financial reports for the period July 1, 2016 through November 30, 2016 had been distributed.

Skopp moved the Finance & Planning Subcommittee's recommendation to approve the financial reports for the period of July 1, 2016 through November 30, 2016 and publish the expenditures for November 2016. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

Skopp moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve the budget expenditure overrun in Account 780346 Oak Middle 82-B in the amount of \$280,000 to be covered by the additional \$280,000 in federal funding already received and the budget expenditure overrun in Account 419400 – IMP Planning and Review in the current amount of \$6,543 and the future additional amount of \$44,884 both to be covered by the Cash Reserve. The motion was approved

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

ITEM 7. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATIONS OF RECOMMENDATIONS

DeKalb stated that the Urban Subcommittee met on December 8, 2016.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Community Assistance Program (CAP) cost-share request from the Village of Pleasant Dale to perform a drainage study in an amount of 50% of the total not to exceed \$4,600. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

Ann Post, Counsel for the owners, addressed the Board.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the easement exchange with Marty Fortney on land near 35th & Superior contingent upon Legal Counsel review. The motion was approved

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the engineering services agreement with Intuition and Logic in an amount not to exceed \$141,867.65 for the South Salt Creek Master Plan Capital Improvement Projects #3 and #4. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the easement with the City of Lincoln for the reconstruction of the Salt Creek 10th Street Bridge. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

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

Zimmerman stated that the Land Resources Subcommittee met on December 7, 2016.

Zimmerman moved the Land Resources Subcommittee's recommendation that the Board of Directors approve a Professional Services Agreement with JEO to develop a Section 319 Water Quality Management Plan for the District with a total project amount not to exceed \$250,000. Subject to Legal Counsel review. The motion was approved

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman

NAY: None

NOT PRESENT: Bleed, Bohac and Stevens

David Potter, Assistant General Manager, addressed the Board.

Zimmerman moved the Land Resources Subcommittee's recommendation that the Board of Directors approve amendments to the Summer Conservation Program that would change the work period to May 1st – September 15th, raise added cost-share from 10% to 15% and increase the maximum cost share percentage from 80% to 85%. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman

NAY: None

NOT PRESENT: Bleed, Bohac and Stevens

ITEM 11. REPORT OF THE INFORMATION & EDUCATION SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Eagan stated that the Information & Education Subcommittee met on December 7, 2016.

Eagan moved the Information & Education Subcommittee's recommendation that the Board of Directors approve entering into a Research and Strategic Marketing Contract with Jacht AdLab totaling \$2,000. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp and Spangler

NAY: Svoboda and Zimmerman

NOT PRESENT: Bleed, Bohac and Stevens

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

Osborn stated that the Executive Subcommittee met on December 6, 2016. He stated that Item 12c, Legal Services Engagement Letter would be taken up in closed session.

Osborn moved the Executive Subcommittee's recommendation that the Board of Directors approve the proposed changes to Operating Policies G-2 - Directors Vacancies, F-3 – Bidding, Obligation and Expenditure of District Funds, G-5 – Competitive Bidding, G-4 – Emergency Purchasing and F-7 - Bonding. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

Osborn moved the Executive Subcommittee's recommendation that the Board of Directors approve the changes to Personnel Policies No. 14 – Exempt Employee Listing and No. 22 – Annual Sick Leave, Accumulated Sick Leave and Payment of Sick Leave, effective January 1, 2017.

Tom Malmstrom addressed the Board.

It was moved by Skopp and seconded by Christensen to amend the motion to remove Item 4 – payment of sick leave. The motion was approved.

AYE: Amen, Barrett, Christensen, Hall, Johnson, Kerkman, Landis, Ruth, Skopp, Svoboda and Zimmerman
NAY: Bolte, DeKalb, Eagan, Jacobson, Osborn, Schmidt and Spangler
NOT PRESENT: Bleed, Bohac and Stevens

The amended motion to approve the changes to Personnel Policies #14 – Exempt Employee Listing and #22 – Annual Sick Leave and Accumulated Sick Leave was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

Paul Zillig and David Potter gave a report on the Lower Platte River Corridor Alliance activities.

ITEM 13. REPORT OF THE PLATTE RIVER SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Skopp reported that the Platte River Subcommittee met on December 5, 2016.

Skopp moved the Platte River Subcommittee's recommendation that the Board of Directors, on behalf of the Lower Platte River Corridor Alliance, approve the Agreement with the Nebraska Department of Environmental Quality for 319 funds having a local match of \$17,225 (50%) for the completion of Amendment No. 3 to the LPRCA Water Quality Management Plan. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Stevens

Skopp moved the Platte River Subcommittee's recommendation that the Board of Directors, on behalf of the Lower Platte River Corridor Alliance, approve the Agreement with HDR for Amendment No. 3 to the Water Quality Management Plan in the amount of \$34,450, subject to NE Department of Environmental Quality's authorization of the 319 funds. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac, Landis and Stevens

ITEM 14. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Johnson stated that the Recreation, Forestry & Wildlife subcommittee met on December 12, 2016. He stated that Item 14a, Clement Conservation Easement Appraisal – Prairie Corridor on Haines Branch will be taken up in closed session.

Johnson moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors grant an easement for an overhead power line to the Bornemeier property across MoPac East Conservation Corridor in Elmwood Nebraska. The motion was approved.

AYE: Amen, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Barrett, Bleed, Bohac, Landis and Stevens

Johnson moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the proposal from Mainelli Wagner and Associates, Inc., to provide design, bidding and construction oversight services in an amount not to exceed \$14,500 to repair the drainage structure on the Oak Creek Trail. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac, Landis and Stevens

ITEM 15. CONSIDERATION OF ITEMS REQUIRING CLOSED SESSION

It was moved by Ruth and seconded by Schmidt go into Closed Session at 3:55 p.m. to protect the public interest and develop strategy with respect to negotiations related to the acquisition of a Haines Branch Prairie Corridor Conservation Easement for the Clement property and also to protect the public interest by discussing with its attorney an attorney-client engagement letter. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Osborn, Ruth, Schmidt, Skopp, Spangler, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac, Landis and Stevens

The Chair reminded the Board to limit discussion to only the subject matter of the Closed Session.

It was moved by DeKalb and seconded by Svoboda to return to Open Session at 4:35 p.m. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Osborn, Ruth, Schmidt, Skopp, Spangler, Stevens, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Landis

Johnson moved the Recreation, Forestry and Wildlife Subcommittee's recommendation that the Board of Directors authorize staff to begin, but not finalize, negotiations with the Clements on a Conservation Easement for the Prairie Corridor on Haines Branch Project making an offer of the appraised amount conditional to addressing the items discussed. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Skopp, Spangler, Stevens, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Landis

Osborn moved the Executive Subcommittee's recommendation that the Board of Directors approve the November 29, 2016 Engagement Letter with Crosby Guenzel LLP. The motion was approved.

AYE: Amen, Barrett, Bolte, Christensen, DeKalb, Eagan, Hall, Jacobson, Johnson, Kerkman, Osborn, Ruth, Schmidt, Skopp, Spangler, Stevens, Svoboda and Zimmerman
NAY: None
NOT PRESENT: Bleed, Bohac and Landis

ITEM 16. APPOINTMENT OF AD-HOC NOMINATION SUBCOMMITTEE FOR 2017 OFFICERS AND NARD REPRESENTATIVE

Chair Osborn announced that he had selected the following directors to serve on the Ad-Hoc Nomination Subcommittee for 2017 Officers and NARD Representative. Don Jacobson – Chair, Daryl Bohac and Dick Bolte

ITEM 17. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 18 SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 19. FOR INFORMATION ONLY.

Various memos were mailed out and reports were given.

There being no other business, the meeting was adjourned at 5:00 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 December 14, 2016, 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.

Milt Schmidt, Secretary

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