



## LOWER PLATTE SOUTH natural resources district

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### BOARD OF DIRECTORS' MEETING February 15, 2017

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, February 15, 2017 at 2:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman. Stevens called the meeting to order at 2:00 p.m.

Stevens 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.

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

Eighteen Directors were present upon roll call.

#### ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING.

Stevens reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on February 3, 2017.

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

Stevens stated there is a request for excused an absences from Bruce Johnson for the February 15, 2017 Board of Directors meeting.

It was moved by Zimmerman and seconded by Jacobson to approve the request for an excused absence from Bruce Johnson for the February 15, 2017 Board of Directors meeting. The motion was approved

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

#### ITEM 4. ADOPT TENTATIVE AGENDA

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



AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

ITEM 5. APPROVE MINUTES OF JANUARY 18, 2017 BOARD OF DIRECTORS MEETING.

It was moved by Barrett and seconded by Bolte to approve the minutes of the January 18, 2017 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

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

Kerkman stated that the Finance and Planning Subcommittee did not meet prior to the Board meeting. He indicated that the financial reports for the period July 1, 2016 through January 31, 2017 had been distributed.

It was moved by Kerkman and seconded by Osborn to approve the financial reports for the period of July 1, 2016 through January 31, 2017 and publish the expenditures for January 2017. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

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

Stevens stated that the Executive Subcommittee met on January 26, 2017. He indicated that item 7(c) would be taken up in closed session.

General Manager Paul Zillig reported on the positions taken by the Executive Subcommittee on legislative bills of interest to the NRD and of the status of those bills.

Stevens stated that no action was required as the Board gave the Executive Subcommittee authority to determine the NRD positions unless a director wished to reconsider a position.

Stevens moved the Executive Subcommittee's recommendation that the Board of Directors appoint Greg Osborn to serve in place of the currently-seated Chair on the Board of the Lower Platte River Basin Water Management Coalition. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

ITEM 8. REPORT OF THE INFORMATION & EDUCATION SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Eagan stated that the Information & Education Subcommittee met on February 7, 2017.

McKenzie Barry, Environmental Education Specialist, answered questions of the Board.

Eagan moved the Information & Education Subcommittee's recommendation that the Board of Directors approve the outdoor classroom grant request from St. John the Baptist School in Plattsmouth in the amount of \$2,000. The motion was approved

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

Mike Mascoe, Public Information Specialist, answered questions of the Board.

Eagan moved the Information & Education Subcommittee's recommendation that the Board of Directors approve a contract with the Lincoln Journal Star for the printing and distribution of the NRD newsletter in the amount of \$48,724.86. The motion was approved.

AYE: Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT VOTING: Aldridge, C. Johnson

NOT PRESENT: Amen, B. Johnson and Svoboda

Eagan moved the Information & Education Subcommittee's recommendation that the Board of Directors approve a contract with Firespring for television ads on local broadcast and cable stations in the amount of \$30,210. The motion was approved.

AYE: Barrett, Bolte, DeKalb, Eagan, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: Aldridge, Hall and Kerkman

NOT PRESENT: Amen, B. Johnson and Svoboda

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

Spangler stated that the Land Resources Subcommittee met on February 9, 2017.

Spangler moved the Land Resources Subcommittee's recommendation that the Board of Directors approve the farm pond applications for Bill and Kim Wendeln at a 60% cost-share not to exceed \$14,400 and for Dwight Munderloh/Gretchen Kruse at 60% cost-share not to exceed \$17,400. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman  
NAY: None  
NOT PRESENT: Amen, B. Johnson and Svoboda

Spangler moved the Land Resources Subcommittee's recommendation that the Board of Directors approve the surface water quality cost-share applications for Wesley Winter and Thomas Schaefer in the amount totaling \$3,246.10. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman  
NAY: None  
NOT PRESENT: Amen, B. Johnson and Svoboda

Spangler moved the Land Resources Subcommittee's recommendation that the Board of Directors approve the updated 2017 LPSNRD Average Costs for the Surface Water Quality BMP Cost-Share Program. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman  
NAY: None  
NOT PRESENT: Amen, B. Johnson and Svoboda

ITEM 10. REPORT OF RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Schmidt stated that the Recreation, Forestry & Wildlife Subcommittee met on February 8, 2017. He reported that Item 10(a) will be taken up in closed session.

Dan Schulz, Resources Coordinator, answered questions of the Board.

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors accept the seeding proposal from Prairie Plains Resource Institute for \$13,305 to complete the Allen tract and Norder tract high diversity local ecotype grassland plantings and submit reimbursement requests for Allen terrace removal and the Allen and Norder seedings in the amount of \$12,342.50. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman  
NAY: None  
NOT PRESENT: Amen, B. Johnson and Svoboda

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors accept the high diversity local ecotype seeding proposal from Prairie Plains Resource Institute for \$15,295 to complete the Stiefel Conservation Easement planting and submit to the City of Lincoln a request for reimbursement. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

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

DeKalb stated that the Urban Subcommittee met just prior to the Board Meeting.

Devin Biesecker, District Engineer, answered questions of the Board.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the engineering services agreement with JEO Consulting Group, Inc. for Task Order No. 1 – Amendment #2 for services for the Salt Creek Levee – Middle Creek Tie-Back Levee Project, at a cost not to exceed \$54,934 for this amendment. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

ITEM 12. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Jacobson stated that the Water Resources Subcommittee met on February 9, 2017.

Paul Zillig, General Manager, answered questions of the Board.

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors set-aside District Policy G-5: Competitive Bidding and approve the proposal from Yost Excavating for repairs to Upper Salt Watershed Structure 13-A. The motion was approved.

AYE: Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: Aldridge

NOT PRESENT: Amen, B. Johnson and Svoboda

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the application from Wiles Development LLC to expand and certify irrigated acres in the Hydrologically Connected Area (HCA) totaling 39.1 acres in Section 12, T-12-N, R-13-E. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the District General Manager to sign the Interlocal Agreement as one of ten NRDs participating in the Nebraska GeoCloud Water Sustainability (WSF) Grant #4164 which will provide up to \$10,200 of District funds as local match toward the Nebraska GeoCloud Water Sustainability Fund (WSF) project #4164. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

Katie Cameron, ENWRA Project Coordinator, answered questions of the Board.

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the District General Manager to sign the University of Nebraska Conservation and Survey Division, School of Natural Resources (CSD) Cooperative Agreement which will provide funding from participating Districts, the Water Sustainability Fund (WSF) and ENWRA, of not more than \$264,014 to the CSD toward Nebraska GeoCloud WSF Project, pending completion of legal reviews. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the General Manager to enter into, on behalf of the Eastern Nebraska Water Resources Assessment (ENWRA), an agreement with the U.S. Geological Survey (USGS) to provide \$20,000 in ENWRA funds for the evaluation of recharge data in eastern Nebraska, subject to legal counsel review. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

Craig Matulka, Operation/Maintenance Technician, answered questions of the Board.

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors approve 50% cost-share assistance with Saunders County for the repairs to the Palm, Marshalek and Zetocha Road Structures, with the cost to the NRD not to exceed \$10,500. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

Dick Ehrman, Water Resources Specialist, answered questions of the Board.

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors direct staff to negotiate with the landowner the sale of the Orchard monitoring well, the negotiated terms of the proposed sale would be reviewed by the Subcommittee and be dependent upon approval by the NRD Board of Directors. The motion was approved.

AYE: Aldridge, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT PRESENT: Amen, B. Johnson and Svoboda

Jacobson stated that no action was required on item 12(h) at this time.

#### ITEM 13            CONSIDERATION OF ITEMS REQUIRING CLOSED SESSION

It was moved by Schmidt and seconded by Zimmerman that the Board of Directors go into closed session at 3:20 p.m. to protect the public interest and develop strategy with respect to negotiations for the Honvlez Conservation Easement in the Prairie Corridor along Haines Branch and to review legal counsel advice on emails and per diem. The motion was approved.

AYE: Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT VOTING: Aldridge

NOT PRESENT: Amen, B. Johnson and Svoboda

It was moved by DeKalb and seconded by Jacobson to return to open session at 4:10 p.m. The motion was approved.

AYE: Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens, Wilson and Zimmerman

NAY: None

NOT VOTING: Aldridge

NOT PRESENT: Amen, B. Johnson and Svoboda

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors authorize staff to begin negotiations on the Honvlez Conservation Easement by offering the appraised value. The motion was approved

AYE: Barrett, Bolte, DeKalb, Eagan, Hall, Jacobson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens and Wilson

NAY: Hellerich, Osborn and Zimmerman

NOT VOTING; Aldridge

NOT PRESENT: Amen, B. Johnson and Svoboda

ITEM 14. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 15. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

David Potter, Assistant General Manager, addressed the Board regarding the Lower Platte River Corridor Alliance meeting/retreat and a survey being performed by JEO.

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 4:22 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 February 15, 2017, 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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Deborah Eagan, Secretary

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