



## LOWER PLATTE SOUTH natural resources district

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### BOARD OF DIRECTORS' MEETING January 18, 2017

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, January 18, 2017 at 2:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Aldridge, Amen, Barrett, Bolte, DeKalb, Eagan, Hall, Hellerich, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Stevens Svoboda, Wilson 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.

General Council Steve Seglin gave the Oath of Office to Larry Hall, Jeremie Kerkman, Greg Osborn, Milt Schmidt and Ray Stevens

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

Twenty Directors were present upon roll call. Landis arrived after roll call.

#### 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 January 10, 2017.

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

Osborn stated that there were no requests for excused absences received.

#### ITEM 4. ADOPT TENTATIVE AGENDA

It was moved by Zimmerman and seconded by Svoboda to adopt the Revised Agenda. The motion was approved.

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

NAY: None

NOT PRESENT: Landis

ITEM 5. APPROVE MINUTES OF DECEMBER 14, 2016 BOARD OF DIRECTORS MEETING.

It was moved by Eagan and seconded by Bolte to approve the minutes of the December 14, 2016 Board of Directors Meeting. The motion was approved.

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

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

Stevens stated that the Finance and Planning Subcommittee met just prior to the Board meeting. He indicated that the financial reports for the period July 1, 2016 through December 31, 2016 had been distributed.

It was moved by Stevens and seconded by Jacobson to approve the financial reports for the period of July 1, 2016 through December 31, 2016 and publish the expenditures for December 2016. The motion was approved.

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

Stevens moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve the budget expenditure overrun in Account 470012 Special Practices with funds of \$26,115 from Account 470010 Surface Water Quality Practices. The motion was approved.

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

ITEM 7. REPORT OF THE INTEGRATED MANAGEMENT SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Kerkman stated that the Integrated Management Subcommittee met just prior to the Board Meeting.

Kerkman moved the Integrated Management Subcommittee's recommendation that the Board of Directors approve the Nebraska Water Sustainability Fund Grant Award Agreement for Application No. 4151 – Lower Platte River Drought Contingency Plan in the amount of \$195,000. The motion was approved.

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

ITEM 8. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Jacobson stated that the Water Resources Subcommittee met just prior to the Board Meeting.

Katie Cameron, Eastern Nebraska Water Resources Assessment (ENWRA) Coordinator answered questions of the Board.

It was moved by Jacobson and seconded by Stevens that the Board of Directors authorize the General Manager to sign Nebraska Department of Natural Resources Water Sustainability Fund (WSF) Grant Contract #4164 on behalf of the Eastern Nebraska Water Resources Assessment to receive the \$247,437.60 in state granted funds (60%) pending the execution of an Interlocal Agreement between participating NRDs for securing \$164,958.40 in local match funds (40%) and agreements with the University of Nebraska Conservation & Survey and U.S. Geological Survey for accomplishing the Nebraska GeoCloud WSF Contract #4164 grant scope. The motion was approved

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

Jacobson stated that item 8(b) would be considered in closed session.

ITEM 9. REPORT ON 2017 LEGISLATIVE BILLS AND AUTHORIZATION OF EXECUTIVE SUBCOMMITTEE TO ESTABLISH POSITIONS.

General Manager Paul Zillig gave a report on Legislative Bills introduced during the 2017 Legislative Session.

It was moved by DeKalb and seconded by Bolte that the Board of Directors authorize the Executive Subcommittee to establish this Board's position on the Legislative Bills. The motion was approved.

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

ITEM 10. REPORT OF NOMINATION SUBCOMMITTEE AND ELECTION OF NRD OFFICERS AND NARD REPRESENTATIONS FOR 2017

Jacobson stated that the Nominating Subcommittee submitted the following slate of nominees for NRD officers and NARD Representative and Alternate for 2017

Chair	Ray Stevens
Vice-Chair	Larry Ruth
Treasurer	Jeremie Kerkman
Secretary	Deborah Eagan
NARD Representative	Milt Schmidt
NARD Alternate	Larry Zimmerman

General Counsel Seglin conducted the election for the office of Chair. The subcommittee nomination of Stevens for Chair was placed on the floor. No other nominations were submitted. Stevens was elected Chair on a secret ballot receiving 21 votes.

Seglin conducted the election for the office of Vice-Chair. The subcommittee nomination of Ruth for Vice-Chair was placed on the floor. No other nominations were submitted. Ruth was elected Vice-Chair on a secret ballot receiving 21 votes.

Seglin conducted the election for the office of Treasurer. The subcommittee nomination of Kerkman for Treasurer was placed on the floor. No other nominations were submitted. Kerkman was elected Treasurer on a secret ballot receiving 21 votes.

Seglin conducted the election for the office of Secretary. The subcommittee nomination of Eagan for Secretary was placed on the floor. No other nominations were submitted. Eagan was elected Secretary on a secret ballot receiving 21 votes.

Seglin conducted the election for the office of NARD Representative. The subcommittee nomination of Schmidt for NARD Representative was placed on the floor. No other nominations were submitted. Schmidt was elected NARD Representative on a secret ballot receiving 21 votes.

Seglin conducted the election for the office of NARD Alternate. The subcommittee nomination of Zimmerman for NARD Alternate was placed on the floor. Zimmerman was elected NARD Alternate on a secret ballot receiving 21 votes.

It was moved by Jacobson and seconded by Svoboda to authorize Jeremie Kerkman, as treasurer and his designee to sign District financial documents and to authorize the General Manager to sign the bank resolutions. The motion was approved

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

NAY: None

NOT PRESENT: None

ITEM 10.1 CONSIDERATION OF ITEMS REQUIRING CLOSED SESSION

It was moved by Jacobson and seconded by Svoboda 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 preparing a settlement with B-D Construction for delays in completing the 168<sup>th</sup> & Pioneers / Havlat Road Structure Project.

The motion was approved.

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

NAY: None

NOT PRESENT: Spangler

It was moved by Jacobson and seconded by DeKalb to return to open session at 3:35 p.m. The motion was approved.

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

NAY: None

NOT PRESENT: None

It was moved by Jacobson and seconded by Zimmerman that the Board of Directors approve the subcommittee recommendation concerning damages for delays in completing the 168<sup>th</sup> & Pioneers / Havlat Road Structure. The motion was approved

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

ABSTAIN: Aldridge and Hellerich

NAY: None

NOT PRESENT: None

ITEM 11. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 12. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 13. FOR INFORMATION ONLY.

Various memos were mailed out.

There being no other business, the meeting was adjourned at 4:05 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 January 18, 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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Milt Schmidt, Secretary

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