

# LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT



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## BOARD OF DIRECTORS' MEETING September 21, 2016

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, September 21, 2016 at 7:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Amen, Barrett, Bleed, Bohac, 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 7:00 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.

Cory Schmidt, the new Lancaster County NRCA District Conservationist, introduced himself to the Board.

Stan and Dorothy Matzke, Chuck & Jan Matzke and John Matzke presented a historical picture of Salt-Wahoo Watershed Visionaries in 1950 to the Board of Directors along with historical data. Stan and Chuck Matzke addressed the Board.

Gary Aldridge and Don Olson addressed the Board.

### ITEM 1. ROLL CALL OF DIRECTORS.

Twenty Directors were present upon roll call. Director Christensen was sworn in later in the meeting.

### 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 September 11, 2016.

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

Osborn stated there were no requests for excused absences for the September 21, 2016 Board meeting.

### ITEM 4. ADOPT REVISED AGENDA

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

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

NAY: None

NOT PRESENT: None



ITEM 5. APPROVE MINUTES OF AUGUST 17, 2016 BOARD OF DIRECTORS MEETING.

It was moved by Stevens and seconded by Bolte to approve the minutes of the August 17, 2016 Board of Directors Meeting. The motion was approved.

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

ABSTAIN: Bohac

NAY: None

NOT PRESENT: None

ITEM 6. REPORT OF THE EXECUTIVE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Osborn stated that the Executive Subcommittee met on September 15, 2016.

Osborn moved the Executive Subcommittee's recommendation that the Board of Directors approve the Agreement with Cline Williams Wright Johnson & Oldfather, LLP and Mark Christensen.

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

NAY: None

NOT PRESENT: None

Mark Christensen was given the Oath of Office by Legal Counsel Steve Seglin.

Osborn moved the Executive Subcommittee's recommendation that the Board of Directors approve the Representation Agreement with Lower Platte North, Papio-Missouri River NRD and Water Strategies LLC pending legal counsel review. The motion was approved.

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

NAY: None

NOT PRESENT: None

Osborn moved the Executive Subcommittee's recommendation that the Board of Directors approve changing the December Board of Directors Meeting from Wednesday, December 21, 2016 at 2:00 p.m. to Wednesday, December 14, 2016 starting at 2:00 p.m. The motion was approved.

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

NAY: Bohac and Landis

NOT PRESENT: None

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

Stevens stated that the Finance and Planning Subcommittee met on September 19, 2016. He indicated that the financial reports for the period July 1, 2016 through August 31, 2016 had been distributed.

It was moved by Stevens and seconded by Svoboda to approve the financial reports for the period of July 1, 2016 through August 30, 2016 and publish the expenditures for August 2016. The motion was approved.

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

NAY: None

NOT PRESENT: None

Stevens moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve the July 1, 2016 – June 30, 2021 Long Range Implementation Plan. The motion was approved

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

NAY: None

NOT PRESENT: None

Stevens moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve the final reconciliation of JAVA Operating Expenses for Fiscal Year 2015 – 2016 and authorize payment of \$28,608 to JAVA, utilizing NRD funds from the cash reserve. The motion was approved.

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

NAY: None

NOT PRESENT: None

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

Zimmerman stated that the Land Resources Subcommittee met on September 19, 2016.

Cory Schmidt, Lancaster County NRCS and Kyle Hauschild, LPSNRD Stormwater Specialist, answered questions of the Board.

Zimmerman moved the Land Resources Subcommittee's recommendation that the Board of Directors authorize holding a public hearing to receive comments on the proposed modifications to Appendices A, C and D of the Lower Platte South NRD Erosion and Sediment Control Program pertaining to Statutes, Rules & Regulations and Suitable Practices. The motion was approved.

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

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

Zimmerman moved the Land Resources Subcommittee’s recommendation that the Board of Directors approve the Section 319 Water Quality Management Plan Agreement with the Nebraska Department of Environmental Quality. The motion was approved.

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

Zimmerman stated that the following surface water quality best management practice applications are up for approval.

CO	Name	Terrace System	Grassed Water Ways	Requested Amount	Targeted Area
LA	Don White (10-11-5)	X		\$ 10,000	
LA	Mary Ann Sedlak RT (9-12-5)	X		\$ 10,000	
SA	Stanley A. Johnson RT (33-13-7)		X	\$ 10,000	
SA	Carolyn Schnell RT (35-13-7)		X	\$8,751	
LA	Stephen Schlite (34-12-6)	Convert Crop Ground to Grass		\$1,209	Special Practices
LA	Mary Ann Sedlak (9-12-5)	X		\$9,420	Wildwood
LA	Kenneth & Rosalie Seemann (5-12-5)	X		\$20,000	Wildwood
<b>TOTAL</b>				<b>\$38,751</b>	

Zimmerman moved the Land Resources Subcommittee’s recommendation that the Board of Directors approve the seven identified applications totaling \$38,751. The motion was approved

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

ITEM 9. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Bohac stated that the Recreation, Forestry & Wildlife Subcommittee met on September 13, 2016.

Bohac moved the Recreation, Forestry & Wildlife Subcommittee’s recommendation that the Board of Directors release the approximate 1.54 acres of farmstead with the Sabatka / Powers Conservation Easement.

It was moved by Johnson and seconded by Barrett to amend the motion to add "in exchange for \$1,212". The motion and second were withdrawn

It was moved by Johnson and seconded by DeKalb to amend the motion to add "with compensation of \$385".

Director Zimmerman called the question. The motion was approved.

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

Crystal Powers addressed the Board.

The motion to amend by Johnson and seconded by DeKalb to add "with compensation of \$385 was approved.

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

The amended motion to release the approximate 1.54 acres of the farmstead within the Sabatka / Powers Conservation Easement with compensation of \$385 was approved.

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

ITEM 10. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

DeKalb stated that the Urban Subcommittee met on September 20, 2016.

DeKalb reported that bids were received for the construction of the Lynn Creek Gabion Basket and Eroded Bank Repairs.

Bidder	Bid
Pat Thomas Construction	\$77,355.00
Nemaha Landscape	\$160,216.50 – unresponsive bidder

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors accept the low bid of \$77,365.00 from Pat Thomas Construction for the Lynn Creek Gabion Basket and Eroded Bank Repair project pending legal counsel review. The motion was approved.

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

ITEM 11. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Jacobson stated that the Water Resources Subcommittee met on September 14, 2016.

Don Olson addressed the Board

Jacobson moved the Water Resources Subcommittee recommendation that the Board of Directors determine that the runoff was "de minimis" and not a violation of the NRD Rules and Regulations or a violation of the NRD's April 22, 2015 Cease and Desist Order against Benes Service Company. The motion was approved.

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

NAY: Christensen

NOT PRESENT: None

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the Joint Funding Agreement with USGS for the operation and computation of records for 15 stream gages at a cost not to exceed \$114,665 . The motion was approved.

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

NAY: None

NOT PRESENT: None

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the General Manager to enter into an Agreement for the continued development and support of the Water Resources Database with Phoenix Web Group, in an amount of \$70,000, subject to legal counsel review. The motion was approved.

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

NAY: None

NOT PRESENT: None

Jacobson moved the Water Resources Subcommittee's recommendation that the Board of Directors set-a-side District Policy G-5: Competitive Bidding and approve the proposal for \$23,980 from Hartman Construction Company of Seward for repairs to Oak-Middle Watershed Structure 81-A. The motion was approved.

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

NAY: None

NOT PRESENT: None

Chair Osborn recognized Gary Hellerich, candidate in Subdistrict #1 to the Board.



ITEM 12. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 13. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 14. FOR INFORMATION ONLY.

Various memos were mailed out.

There being no other business, the meeting was adjourned at 8:53 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 21, 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.

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Milt Schmidt, Secretary

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