



## LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581  
P: 402.476.2729 • F: 402.476.6454 | [www.lpsnrd.org](http://www.lpsnrd.org)

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### BOARD OF DIRECTORS' MEETING February 19, 2020

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, February 19, 2020 at 2:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Aldridge, Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson. Ruth called the meeting to order at 2:00 p.m.

Ruth 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 reminded everyone a recording of the meeting can be found on the NRD website. He offered an opportunity for public present to speak to non-agenda items.

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

Twenty Directors were present upon roll call.

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

Ruth reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on February 6, 2020.

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

Ruth stated that a request for an excused absence was received from Bruce Johnson for the February 19, 2020 Board of Directors meeting.

It was moved by Landis and seconded by Schmidt to approve the request for an excused absence from Bruce Johnson. The motion was approved.

AYE: Aldridge, Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: B. Johnson

#### ITEM 4. ADOPT TENTATIVE AGENDA

It was moved by Stevens and seconded by Hellerich to adopt the Tentative Agenda. The motion was approved.

AYE: Aldridge, Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: B. Johnson

ITEM 5. APPROVE MINUTES OF JANUARY 15, 2019 BOARD OF DIRECTORS MEETING.

It was moved by Osborn and seconded by Stevens to approve the minutes of the January 15, 2019 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Ruth, Schmidt, Schutz, Spangler, Steinkruger and Wilson

ABSTAIN: Peterson and Stevens

NAY: None

NOT PRESENT: B. Johnson

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

Steinkruger stated that the Finance and Planning Subcommittee met on February 18, 2020. He noted that the financial reports for the period July 1, 2019 through January 31, 2020 had been distributed.

Paul Zillig, General Manager, Kathy Spence, Administrative Assistant, McKenzie Barry, Environmental Education / Communications Coordinator and Dan Schulz, Resources Coordinator answered questions of the Board regarding the financial reports.

It was moved by Steinkruger and seconded by Osborn to approve the financial reports for the period of July 1, 2019 through January 31, 2020 and publish the General Expenditures for January 2020. The motion was approved.

AYE: Aldridge, Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: B. Johnson

Steinkruger moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve that \$117,334 comes out of budget code 419186 ENWRA AEM Flights to cover those expenditures in 419175 for the Geophysical Mapping Project. The motion was approved.

AYE: Aldridge, Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: B. Johnson

Steinkruger stated that item 10c Consideration of December 2019 “tabled” Board Meeting agenda item “Consideration of modifications to District financial service providers for specific accounts” that was scheduled to be heard in Closed Session would not need to be heard in Closed Session.

Steinkruger stated that David Spinar of RBC Wealth Management was hired to analyze investment options available to the Lower Platte South NRD. Spinar presented the report that RBC developed on investment options.

Steinkruger stated that the subcommittee directed staff and legal counsel to evaluate investment alternatives to “bridge” the NPAIT investments and NRD checking accounts and report back to the Subcommittee. He stated that the item remains tabled.

David Potter, Assistant General Manager, gave an update on the upcoming Director Planning Retreat.

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

Ruth stated that the Executive Subcommittee met on February 11, 2020 but there wasn't a quorum. Paul Zillig, General Manager, and Steve Seglin, Legal Counsel, answered questions of the Board.

It was moved by Ruth and seconded by Stevens to approve the Engagement Agreement with Johnson Flodman Guenzel & Widger to serve as General Counsel for the NRD. The motion was approved.

AYE: Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: Aldridge

NOT PRESENT: B. Johnson

Ruth stated that the Executive Subcommittee has reviewed the legislative bills and assigned a position to the bills. He stated that no action was required by the Board unless there was a request to change a position.

Gary Aldridge left the meeting at 3:23 p.m.

It was moved by Schutz and seconded by Spangler to change the Lower Platte South NRD position on LB 802 from Monitor to Oppose. The motion was approved

AYE: Amen, Andersen, Barrett, DeKalb, Eagan, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

ABSTAIN: Green

NAY: None

NOT PRESENT: Aldridge and B. Johnson

Larry Ruth gave a report to the Board on General Manager Paul Zillig's performance evaluation.

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

Schutz stated that the Recreation, Forestry & Wildlife Subcommittee met just prior to the Board Meeting.

Dan Schulz, Resources Coordinator, and Paul Zillig, General Manager, answered questions of the Board regarding the Kapke seeding plan.

Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the proposal from Prairie Plains Resources Institute to provide the seed and planting services for the 57.1 acre Kapke tract at a cost not to exceed \$28,550.00. The motion was approved.

AYE: Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: Aldridge and B. Johnson

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

Hellerich stated that the Land Resources Subcommittee met on February 12, 2020.

Hellerich moved the Land Resources Subcommittee's recommendation that the Board of Directors approve the farm pond applications for Leo Benes at a 60% cost-share not to exceed \$19,800.00 and for Bruce Woita at a 60% cost-share not to exceed \$23,268.00. The motion was approved.

AYE: Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: Aldridge and B. Johnson

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

DeKalb stated that the Urban Subcommittee met on February 10, 2020.

Paul Zillig, General Manager, answered questions of the Board regarding the University of Nebraska Agreement for Deadman's Run.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Agreement between the University of Nebraska – Lincoln and the Lower Platte South NRD for the Deadman's Run Flood Reduction Project. The motion was approved.

AYE: Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: Aldridge and B. Johnson

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Agreement between the Nebraska Department of Natural Resources and the Lower Platte South NRD for the Nebraska Water Sustainability Fund Grant Award Agreement for Application No. 5253, for the Deadman's Run Flood Reduction Project, including changes from the District's legal counsel. The motion was approved.

AYE: Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: Aldridge and B. Johnson

Adam Rupe (JEO) and Sophia Custer from the Village of Ceresco addressed the Board regarding the Community Assistance Program application by the Village of Ceresco.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Community Assistance Program application from the Village of Ceresco for the Hobson Branch Stream Stability Project – Phase 1 (Evaluation), in an amount of 50% of the estimated cost, not to exceed \$9,750 in NRD funds, pending legal counsel review. The motion was approved.

AYE: Amen, Andersen, Barrett, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson

NAY: None

NOT PRESENT: Aldridge and B. Johnson

ITEM 11. CONSIDERATION OF AGENDA ITEMS REQUIRING CLOSED SESSION

Ruth stated that there were no items need to be considered in closed session.

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 3:56 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 19, 2020, 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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Donna Reid, Acting Secretary

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