



LOWER PLATTE SOUTH natural resources district

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BOARD OF DIRECTORS' MEETING July 22, 2020

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, July 22, 2020 at 7:00 p.m., at the Lancaster County Extension Office, 444 Cherrycreek Road, Lincoln, Nebraska. Directors present were Aldridge, Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Steinkruger and Stevens. Ruth called the meeting to order at 7:00 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 and NRD candidates to introduce themselves.

Leroy Sievers, Candidate for Subdistrict #4, introduced himself to the Board.

ITEM 1. ROLL CALL OF DIRECTORS.

Sixteen Directors were present upon roll call. Schutz arrived at 7:24 p.m.

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 July 9, 2020.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES.

Ruth stated that requests for excused absences were received from David Landis for the June 17, 2020 Board of Directors meeting and from Vern Barrett, Bruce Johnson, Mark Spangler and Sarah Wilson for the July 22, 2020 Board of Directors meeting.

It was moved by Schmidt and seconded by DeKalb to approve the requests for excused absences from David Landis for the June 17, 2020 Board of Directors meeting and from Vern Barrett, Bruce Johnson, Mark Spangler and Sarah Wilson for the July 22, 2020 Board of Directors meeting. The motion was approved.

AYE: Aldridge, Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Jacobson, Osborn, Peterson, Ruth, Schmidt, Steinkruger and Stevens

ABSTAIN: Landis

NAY: None

NOT PRESENT: Barrett, B. Johnson, C. Johnson, Schutz, Spangler and Wilson

ITEM 4. ADOPT REVISED AGENDA

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

AYE: Aldridge, Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Jacobson, Landis, Osborn, Peterson, Ruth, Schmidt, Steinkruger and Stevens

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, C. Johnson, Schutz, Spangler and Wilson

ITEM 5. APPROVE MINUTES OF JUNE 17, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Hellerich and seconded by Stevens to approve the minutes of the June 17, 2020 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Landis, Osborn, Peterson, Ruth, Schmidt, Steinkruger and Stevens

ABSTAIN: Jacobson

NAY: None

NOT PRESENT: Barrett, B. Johnson, C. Johnson, Schutz, Spangler and Wilson

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

Steinkruger reported that the Finance & Planning Subcommittee met on July 14, 2020. He stated that the financial reports for the period July 1, 2019 through June 30, 2020 had been distributed.

Paul Zillig, General Manager, and Donna Reid, District Office Secretary, answered questions of the Board regarding the financial reports.

It was moved by Steinkruger and seconded by Stevens to approve the financial reports for the period of July 1, 2019 through June 30, 2020 and publish the General Expenditures for June 30, 2020. The motion was approved.

AYE: Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Jacobson, Landis, Osborn, Peterson, Ruth, Schmidt, Steinkruger and Stevens

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Barrett, B. Johnson, C. Johnson, Schutz, Spangler and Wilson

It was moved by Steinkruger and seconded by Osborn to publish the expenditures for Directors Aldridge, Amen, Andersen, Barrett, DeKalb, Eagan and Green for June, 2020. The motion was approved.

AYE: Aldridge, Hellerich, Jacobson, Landis, Osborn, Peterson, Ruth, Schmidt, Steinkruger and Stevens
ABSTAIN: Amen, Andersen, DeKalb, Eagan and Green
NAY: None
NOT PRESENT: Barrett, B. Johnson, C. Johnson, Schutz, Spangler and Wilson

It was moved by Steinkruger and seconded by Andersen to publish the expenditures for Directors Hellerich, Jacobson, B. Johnson, C. Johnson, Landis, Osborn and Peterson for June 2020. The motion was approved.

AYE: Aldridge, Amen, Andersen, DeKalb, Eagan, Green, Jacobson, Ruth, Schmidt, Steinkruger and Stevens
ABSTAIN: Hellerich, Landis, Osborn and Peterson
NAY: None
NOT PRESENT: Barrett, B. Johnson, C. Johnson, Schutz, Spangler and Wilson

It was moved by Steinkruger and seconded by Osborn to publish the expenditures for Directors Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson for June 2020. The motion was approved.

AYE: Aldridge, Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Jacobson, Landis, Osborn and Peterson,
ABSTAIN: Ruth, Schmidt, Steinkruger and Stevens
NAY: None
NOT PRESENT: Barrett, B. Johnson, C. Johnson, Schutz, Spangler and Wilson

Paul Zillig, General Manager, and Mike Mascoe, Public Information Specialist, answered questions of the Board regarding the FY2021 Budget.

Steinkruger informed the Board that three letters from the public had been received regarding the FY2021 Budget.

Steinkruger moved the Finance and Planning Subcommittee's recommendation that the Board of Directors give tentative approval of Draft #2 of the FY 2021 Lower Platte South NRD Budget totaling \$33,498,532, and publicize and present the Budget at a public hearing.

It was moved by Aldridge to amend Draft #2 budget Item 421023 – NRD Calendars from \$300 to \$0. The motion died for lack of a second.

The original motion to give tentative approval of Draft #2 of the FY 2021 Lower Platte South NRD Budget totaling \$33,498,532, and publicize and present the Budget at a public hearing was approved.

AYE: Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Steinkruger and Stevens
ABSTAIN: None
NAY: Aldridge
NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

Steinkruger stated that there was a budget overrun of \$4,067 in Budget Code 447150 – Section 404 Permitting. He indicated that the Finance & Planning Subcommittee recommended that the overrun come from the cash reserve.

Steinkruger moved the Finance and Planning Subcommittee’s recommendation that the Board of Directors approve the expenditure and utilize \$4,067 in funds from the cash reserve. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

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

Ruth stated that the Executive Subcommittee met on July 17, 2020. He reported that the subcommittee discussed how to streamline Board Meetings in the future and will consider using a consent agenda in the future.

Ruth stated that item 7(b) would be heard in closed session, Corey Wasserburger, legal counsel, gave an overview of the situation that would be heard in closed session.

Ruth moved the Executive Subcommittee’s recommendation that the Board of Directors support amended bills in the current Legislative Session that would allow NRD Boards to meet via video / teleconferencing. The motion was approved.

AYE: Amen, Andersen, DeKalb, Eagan, Hellerich, C. Johnson, Osborn, Peterson, Ruth, Schmidt, Schutz, Steinkruger and Stevens

ABSTAIN: Green and Landis

NAY: Aldridge and Jacobson

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

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

Hellerich asked Paul Zillig, General Manager, to give a report on the Department of Transportation’s proposed solution to erosion problems at Hwy 79 and West Rock Creek Road.

Hellerich stated that the Land Resources Subcommittee did not meet prior to the Board Meeting. He reported that there is one application before the Board for approval. It is for terraces and meets the qualifications for the summer cost-share program. He indicated that the application has been reviewed by the Eastern Review Group.

Paul Zillig, General Manager, and David Potter, Assistant General Manager, answered questions of the Board.

Name	County	Section	Township	Range	Practice	Amount
E. Jeanne Lambert	Saunders	6	12	9	Terraces	\$9,270

It was moved by Hellerich and seconded by DeKalb that the Board of Directors approve the Summer Surface Water Best Management Practices cost-share application from E. Jeanne Lambert for a total amount of \$9,270. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

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

Schutz stated that the Recreation, Forestry & Wildlife Subcommittee met on July 14, 2020.

Schutz moved the Recreation, Forestry & Wildlife Subcommittee’s recommendation that the Board of Directors approve the Mentored Hunt Agreement between the Lower Platte South NRD and the Nebraska Game and Parks Commission for mentored archery hunting on the Warner Community Wetland Management Area provided that the Agreement is changed to add an “s” to Resource in every Lower Platte South Natural Resource District written in the agreement. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

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

DeKalb stated that the Urban Subcommittee met on July 16, 2020.

Paul Zillig, General Manager, answered questions of the Board regarding Item (a) – Antelope Creek Pipe Replacement Agreement and Item (c) Community Assistance Program Application – Louisville.

DeKalb moved the Urban Subcommittee’s recommendation that the Board of Directors approve Amendment #2 to the Professional Services Agreement with JEO, for additional construction phase services for the Antelope Creek Pipe Replacement project, at a cost not to exceed \$3,500, pending legal counsel review. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Amendment to the Professional Services Agreement with FYRA, for additional surveying services, for the Deadmans Run Flood Reduction Project – Phase 1 Survey, at a cost not to exceed \$1,477, pending legal counsel review. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Community Assistance Program cost-share request from the City of Louisville, for Phase 2, for the Mill Creek Bank Stabilization project, at a cost-share amount of 50% of the total cost of \$76,878, not to exceed \$38,439 NRD funds. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Community Assistance Program cost-share request from Foreman Ridge HOA, for the Foreman Ridge HOA Pond Outlet Works – Phase 1, at a cost-share amount of 50% of the total cost of \$22,300, not to exceed \$11,150 NRD Funds. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Landis, Spangler and Wilson

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Rain-Ready Landscapes Project cost-share request from Brenda Wacker, for the Brenda Wacker Rain Garden Project, at a cost-share amount of 50% of the total cost of \$1,381, not to exceed \$691 NRD funds, pending legal counsel review. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

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

Andersen stated that the Water Resources Subcommittee met on July 15, 2020 and gave a report on the subcommittee's Action and non-action items.

Paul Zillig, General Manager, answered questions regarding the Upper Salt 3-A / Southwest 2nd Street Realignment Project and Professional Services Agreement for repairs to Upper Salt 6-1.

Andersen stated that two bids were received for the Upper Salt 3-A project.

Contractor	Location	Bid Amount
Van Kirk Bros Contracting	Sutton, NE	\$1,826,113.75
Commercial Contractors	Lincoln, NE	\$2,094,254.15

Andersen moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the low bid from Van Kirk Bros. Contracting of Sutton, Nebraska in the amount of \$1,826,113.75 for the Rehabilitation of Floodwater Structure Upper Salt 3-A / SW 2nd Street Road Realignment Project. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

Andersen moved the Water Resources Subcommittee's recommendation that the Board of Directors authorize the General Manager to approve an engineering services agreement with FYRA Engineering for the design, permitting, bidding, and construction phases for the repair of Upper Salt 6-1 at a cost not to exceed \$21,538, pending legal counsel review. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

Andersen moved the Water Resources Subcommittee's recommendation that the Board of Directors approve Modification No. 1 to EA Engineering & Sciences Groundwater Verification Study contract at an additional cost of \$18,900. The motion was approved.

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

ITEM 12. REPORT OF THE INTEGRATED MANAGEMENT SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Andersen stated that the Integrated Management Subcommittee met on July 15, 2020.

Andersen moved the Integrated Management Subcommittee's recommendation that the Board of Directors approve the professional services agreement with HDR in the amount of \$39,723 for the Lower Platte River Consortium Drought Workshop, subject to legal counsel review. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

ITEM 13. CONSIDERATION OF AGENDA ITEMS REQUIRING CLOSED SESSION

It was moved by Eagan and seconded by Landis to go into closed session at 9:03 p.m. to protect the public interest concerning potential litigation due to damages to District Infrastructure. The motion was approved

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilsons

It was moved by Eagan and seconded by Osborn to return to open session at 9:15 p.m. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors authorize legal counsel to initiate litigation to resolve the District's claim for damages relating to the sloughing of the south bank of Deadman's Run located near 70th and "O" Street. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, B. Johnson, Spangler and Wilson

ITEM 14. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 15. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 16. FOR INFORMATION ONLY.

Milt Schmidt gave a report on the NARD office situation and possibilities of locations for their new office.

There being no other business, the meeting was adjourned at 9:19 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 July 22, 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.

Donna Reid, Acting Secretary

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