



# LOWER PLATTE SOUTH natural resources district

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## BOARD OF DIRECTORS' MEETING June 15, 2022

The Board of Directors of the Lower Platte South Natural Resources District met at the Lower Platte South NRD Office on Wednesday, June 15, 2022 at 6:00 p.m. Directors participating were Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum. Eagan called the meeting to order at 6:00 p.m.

Eagan welcomed those in attendance, and the pledge of allegiance was recited. She noted that the public meetings law is posted in the room and that carrying concealed weapons is prohibited at board meetings. She requested all cell phones be put on silent mode. She reminded everyone a recording of the meeting will be on the NRD website. Eagan requested anyone wishing to speak on an agenda item to give their name and which agenda item they wished to speak on. An opportunity for public present to speak to non-agenda items was given. No one wished to speak on non-agenda items.

### ITEM 1. ROLL CALL OF DIRECTORS.

Eighteen Directors were present upon roll call. Aldridge arrived after roll call.

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

Eagan reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on June 3, 2022.

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

Eagan stated that a request for an excused absence was received from Larry Ruth for the June 15, 2022 Board of Directors meeting.

It was moved by Eagan and seconded by Landis to approve the request for an excused absence from Larry Ruth for the June 15, 2022 Board of Directors meeting. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Aldridge, Ruth and Spangler

### ITEM 4. ADOPT AGENDA.

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

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Aldridge, Ruth and Spangler

ITEM 5. APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES.

It was moved by Eagan and seconded by Seacrest to approve the Minutes of the May 18, 2022 Board of Directors Meeting. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens and Vogel

ABSTAIN: Yoakum

NAY: None

NOT PRESENT: Aldridge, Ruth and Spangler

ITEM 6. Recognition of Employment Anniversaries.

Chair Eagan announced that Jay Seaton, District Forester, is recognized for ten years of service to the District. She stated that Seaton was not able to attend the meeting and would be formally recognized at another meeting.

General Manager Paul Zillig introduced new employees Will Inselman, Resources Coordinator, and Mark Lindemann, District Engineer.

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

Andersen stated that the financial reports for the period July 1, 2021 through May 31, 2022 had been distributed. Paul Zillig, General Manager, answered questions of the Board regarding the financial reports.

It was moved by Andersen and seconded by Jacobson to approve the financial reports for the period of July 1, 2021 through May 31, 2022 and publish the for May 2022. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Aldridge, Ruth and Spangler

Andersen reported on Draft #1 of the FY23 Budget and the Budget process.

General Manager Paul Zillig presented Draft #1 of the Fiscal Year 2023 Budget. He answered questions of the Board regarding the proposed budget.

ITEM 8. REPORT OF THE EXECUTIVE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Eagan stated that the Executive Subcommittee met on June 9, 2022.

It was moved by Eagan and seconded by Yoakum that the Board of Directors approve Operating Policy C:22 Code of Conduct. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Ruth and Spangler

It was moved by Eagan and seconded by Landis that the Board of Directors approve the Consent to Contract Assignment from FYRA Engineering, LLC to Houston Engineering, Inc. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Ruth and Spangler

It was moved by Eagan and seconded by Peterson that the Board of Directors approve the Resolution and Participation Agreement to restate the NARD 414(h) "retirement" plan. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Ruth and Spangler

It was moved by Eagan and seconded by Peterson that the Board of Directors approve the Resolution and Participation Agreement to restate the NARD 457 "deferred compensation" plan. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Ruth and Spangler

It was moved by Eagan and seconded by Yoakum that the Board of Directors approve a one-time \$2,000 inflation adjustment payment to all full-time employees and \$1,000 payment to all part-time employees, to be paid in July 2022. The motion was approved.

General Counsel Corey Wasserburger answered questions of the Board regarding parliamentary procedure.

It was moved by Stevens and seconded by C. Johnson to call the question. The motion was approved with a 2/3rds majority.

AYE: Andersen, Barrett, Hellerich, Jacobson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Seacrest, Stevens, and Yoakum

NAY: Aldridge, Eagan, Green, B. Johnson, Schutz and Vogel

NOT PRESENT: Ruth and Spangler

The original motion to approve a one-time \$2,000 inflation adjustment payment to all full-time employees and \$1,000 payment to all part-time employees to be paid in July 2022 was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Ruth and Spangler

Corey Wasserburger and Steve Seglin answered questions of the Board regarding the General Manager's Employment Agreement.

It was moved by Eagan and seconded by Landis that the Board of Directors authorize the Chair to enter into an amendment to the current Employment Agreement with the General Manager to extend the agreement for an additional 3 years, increase the salary \$6,000 per year and require a 6 month notice to the District to terminate the agreement. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Ruth and Spangler

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

Seacrest stated that the Water Resources Subcommittee met on June 2, 2022.

Andrew Spader representing Beverly Ragusa Living Trust / David Hladik, tenant answered questions of the Board regarding the variance request.

Seacrest moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the Resolution approving Variance Request #016 submitted by the Beverly Ragusa Living Trust. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Ruth and Spangler

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

Schutz stated that the Recreation, Forestry & Wildlife Subcommittee met on June 13, 2022.

Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve a 50% cost-share with the Village of Valparaiso on the remaining amount to complete the gazebo, not to exceed \$14,000, through the Community Assistance Program. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Ruth and Spangler

ITEM 11. REPORT OF THE PLATTE RIVER SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Vogel stated that the Platte River Subcommittee met on June 13, 2022.

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

Vogel moved the Platte River Subcommittee's recommendation that the Board of Directors agree to provide equal funding with Papio-Missouri River NRD for the Platte River Railroad Obstruction Evaluation, not to exceed \$8,815 of Lower Platte South NRD cost. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge and Nolte

NOT PRESENT: Ruth and Spangler

ITEM 12. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Green stated that the Urban Subcommittee met on June 13, 2022.

General Manager Paul Zillig answered questions of the Board regarding ordinances relating to Homeowners Association projects.

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve the Pine Lake Homeowners Association Board's request for 50% cost-share assistance for watershed analysis and outlet structure evaluation and design at a cost, not to exceed \$49,500 of NRD cost, for the Pine Lake Watershed Rehabilitation Project. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Aldridge, Ruth and Spangler

Tracy Zayac, Stormwater / Watershed Specialist, Paul Zillig, General Manager and Mark Palmer from Olsson answered questions of the Board regarding the easement exchange.

Green moved the Urban Subcommittee's recommendation that the Board of Directors authorize the exchange of access easements with Matodol, LLC for Stevens Creek Master Plan Project #17 in the Wandering Creek Subdivision near 98<sup>th</sup> & Van Dorn. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Aldridge, Ruth and Spangler

Paul Zillig, General Manager, answered questions of the Board regarding the Salt Creek project.

Green moved the Urban Subcommittee's recommendation that the Board of Directors approve Amendment #1 to the Engineering Services Agreement with JEO for the geotechnical evaluation, permitting, design, bidding and advertising for streambank stabilization measures for Salt Creek from 10<sup>th</sup> to 13<sup>th</sup> Streets, at a cost not to exceed \$45,855. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Schutz, Seacrest, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Aldridge, Ruth and Spangler

ITEM 13. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS (NARD) REPORT.

Luke Peterson gave a report of NARD activities highlighting the Basin Tour.

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.

Various memos were mailed out.

Paul Zillig reminded the Board of the upcoming event at Wildwood Lake on Thursday, June 23, 2022 and invited all directors to attend.

There being no other business, the meeting was adjourned at 8:04 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 June 15, 2022, 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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Chelsea Johnson, Secretary

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