



## 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)

---

### BOARD OF DIRECTORS' MEETING November 20, 2019

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, November 20, 2019 at 7:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Aldridge, Amen, Andersen, DeKalb, Eagan, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson. 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.

Paul Zillig introduced Mike Murren as the new NRD Project Coordinator. Murren addressed the Board.

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

Eighteen 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 November 7, 2019.

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

Ruth stated that requests for excused absence were received from Vern Barrett and Tom Green for the November 20, 2019 Board of Directors Meeting.

It was moved by Osborn and seconded by Schmidt to approve the requests for excused absences from Vern Barrett and Tom Green for the November 20, 2019 Board of Directors meeting. The motion was approved.

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

NAY: None

NOT PRESENT: Barrett, Green and B. Johnson

ITEM 4. ADOPT REVISED AGENDA

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

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

NAY: None

NOT PRESENT: Barrett, Green and B. Johnson

ITEM 5. APPROVE MINUTES OCTOBER 16, 2019 BOARD OF DIRECTORS MEETING.

Steinkruger noted that the first motion under Item 6 of the October 16, 2016 minutes was omitted and that the motion "It was moved by Steinkruger and seconded by Andersen to approve the financial reports for the period of July 1, 2019 through September 30, 2019 and publish the General Expenditures for September 2019." has now been included in the minutes.

It was moved by Landis and seconded by Stevens to approve the minutes of the October 16, 2019 Board of Directors Meeting. The motion was approved.

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

ABSTAIN: Spangler

NAY: None

NOT PRESENT: Barrett, Green and B. Johnson

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

Steinkruger reported that the Finance & Planning Subcommittee met just prior to the Board meeting. He stated that the financial reports for the period July 1, 2019 through October 31, 2019 had been distributed.

Paul Zillig, General Manager; Kathy Spence, Administrative Assistant 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 October 31, 2019 and publish the General Expenditures for October 2019. The motion was approved.

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

NAY: None

NOT PRESENT: Barrett, Green and B. Johnson

Steinkruger moved the Finance & Planning Subcommittee's recommendation that the Board of Directors appoint the General Manager to serve as the Administrator of all Lower Platte South NRD accounts invested with the Nebraska Public Agency Investment Trust (NPAIT), beginning on November 26, 2019, until further action has been taken by the Board of Directors. The motion was approved.

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

NAY: Aldridge

NOT PRESENT: Barrett, Green and B. Johnson

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

DeKalb stated that the Urban Subcommittee met on November 13, 2019.

Paul Zillig, General Manager and Jared Nelson, District Engineer answered questions on the Beal Slough Channel Design Project.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement with Intuition & Logic, for the Beal Slough Channel Design Project from 70<sup>th</sup> to Pine Lake Road, in an amount not to exceed \$98,735. The motion was approved.

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

NAY: None

NOT PRESENT: Barrett, Green and B. Johnson

Paul Zillig, General Manager, answered questions from the Board on the Deadmans Run Streambank Repair Project.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the Letter Agreement for Professional Services with Olsson, for the Deadmans Run Bank Repair Project near 70<sup>th</sup> & "O" Street, in an amount not to exceed \$49,500. The motion was approved.

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

NAY: None

NOT PRESENT: Barrett, Green and B. Johnson

Paul Zillig, General Manager and Al Langdale, Operation & Maintenance Coordinator, answered questions from the Board regarding the U.S. Army Corps of Engineers PL 84-99 Salt Creek Levee Repair Projects.

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors authorize the General Manager to negotiate and approve the necessary temporary construction easements for the U.S. Army Corps of Engineer's PL 84-99 repairs to the Salt Creek Levees in Lincoln, pending legal counsel review. The motion was approved.

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

NAY: None

NOT PRESENT: Barrett, Green and B. Johnson

DeKalb moved the Urban Subcommittee’s recommendation that the Board of Directors approve the Professional Services Agreement with Terracon Consultants for the Salt Creek Levee Borrow Site Project, in an amount not to exceed \$26,540, pending legal counsel review. The motion was approved.

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

Paul Zillig, General Manager, Jared Nelson, District Engineer and Steve Seglin, Legal Counsel, answered questions of the Board regarding the Salt Creek Levee Repair Project south of Van Dorn.

DeKalb moved the Urban Subcommittee’s recommendation that the Board of Directors approve the Amendment #1 to the Professional Services Agreement with Benesch for additional environmental services for the Salt Creek Levee Erosion Repair Project near Van Dorn Street Bridge, in an amount not to exceed \$7,750. The motion was approved.

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

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

Hellerich stated that the Land Resources Subcommittee met on November 18, 2019. He reported that one cost-share application for installing water quality improvement practices was received for the NRD’s Fall Conservation Program.

David Potter, Assistant General Manager answered questions of the Board on the application.

Hellerich moved the Land Resources Subcommittee’s recommendation that the Board of approve the cost-share application for Jala LLC in the amount of \$10,000. The motion was approved.

County	Applicant Name	SEC	TWN	RNG	Targeted Area	Practice	Amount
Lancaster	Jala LLC	3	12	8		Terraces	\$10,000.00
						<b>TOTAL</b>	<b>\$10,000.00</b>

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

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

Schutz stated that the Recreation, Forestry & Wildlife subcommittee met on November 4, 2019. Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the Professional Services Agreement with Olsson for design and bidding services to repair the Oak Creek Trail land slide at a cost not to exceed \$25,500.00, subject to legal counsel review. The motion was approved.

AYE: Amen, Andersen, DeKalb, Eagan, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson  
NAY: Aldridge and Hellerich  
NOT PRESENT: Barrett, Green and B. Johnson

ITEM 10. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Andersen stated that the Water Resources Subcommittee met on November 12, 2019.

Paul Zillig, General Manager and Dan Schulz, Resources Coordinator, answered questions of the Board regarding the proposed modifications to the Groundwater Rules & Regulations.

Andersen moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the proposed modifications to the Groundwater Rules & Regulations.

It was moved by Landis and seconded by Schutz to return the stricken language "Public interest shall include consideration of the economic, social and environmental impacts of the proposed new or replacement well and whether and under what conditions other sources of water are available for use proposed for the new or replacement well." Section R, Rule 2(f)(ii) located at the bottom of page 40. The motion was approved.

AYE: Amen, Andersen, DeKalb, Eagan, Hellerich, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Steinkruger, Stevens and Wilson  
NAY: Aldridge, Jacobson and Spangler  
NOT PRESENT: Barrett, Green and B. Johnson

The amended motion to approve the proposed modifications to the Groundwater Rules & Regulations and to return the stricken language "Public interest shall include consideration of the economic, social and environmental impacts of the proposed new or replacement well and whether and under what conditions other sources of water are available for use proposed for the new or replacement well." Section R, Rule 2(f)(ii) located at the bottom of page 40 was approved.

AYE: Amen, Andersen, DeKalb, Eagan, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Spangler, Steinkruger, Stevens and Wilson  
NAY: Aldridge  
NOT PRESENT: Barrett, Green and B. Johnson

Andersen moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the proposed USGS Joint Funding Agreement for Operation of 16 Stream Gages. The motion was approved.

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

Andersen stated that item 10c would need to be considered in closed session.

ITEM 11. CONSIDERATION OF AGENDA ITEMS REQUIRING CLOSED SESSION.

It was moved by Andersen and seconded Jacobson to go into closed session at 8:48 p.m. to protect the public interest and to negotiate landrights pertaining to the Upper Salt Creek 3-A Rehabilitation Project. The motion was approved

AYE: Amen, Andersen, DeKalb, Eagan, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Steinkruger, Stevens and Wilson  
NAY: Aldridge and Spangler  
NOT PRESENT: Barrett, Green and B. Johnson

It was moved by Steinkruger and seconded by Ruth to return to open session at 9:10 p.m. The motion was approved.

AYE: Aldridge, Andersen, DeKalb, Eagan, Hellerich, Jacobson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Steinkruger, Stevens and Wilson  
NAY: Spangler  
NOT PRESENT: Amen, Barrett, Green and B. Johnson

It was moved by Andersen and seconded by Spangler to approve the proposed Memorandum of Understanding for access with Lylester Ranch LLC, in accordance with the guidance from staff. The motion was approved.

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

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.

Milt Schmidt gave an update on NARD activities.

There being no other business, the meeting was adjourned at 9:18 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 November 20, 2019, 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

/dr