



LOWER PLATTE SOUTH natural resources district

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BOARD OF DIRECTORS' MEETING

September 16, 2020

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, September 16, 2020 at 7:00 p.m., at the Lancaster Event Center, 4100 N. 84th Street, Lincoln, Nebraska. Directors present were Aldridge, Amen, Andersen, DeKalb, Eagan, Green, Hellerich, Jacobson, B. Johnson, C. Johnson, Landis, Osborn, Peterson, Ruth, Schmidt, Schutz, Steinkruger, Stevens and Wilson. Ruth called the meeting to order at 7:05 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 and Christine Lamberty, Candidate for Subdistrict #8, introduced themselves.

ITEM 1. ROLL CALL OF DIRECTORS.

Eighteen Directors were present upon roll call. Schutz arrived after 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 September 3, 2020.

ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES.

Ruth stated that a request for an excused absence was received from Mark Spangler for the September 16, 2020 Board of Directors meeting.

It was moved by DeKalb and seconded by Eagan to approve the request for excused absence from Mark Spangler for the September 16, 2020 Board of Directors meeting. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, Schutz and Spangler

ITEM 4. ADOPT AGENDA

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

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett and Spangler

ITEM 5. ADOPTION CONSENT AGENDA ITEMS

It was moved by Stevens and seconded by Andersen to adopt the Consent Agenda Items:

6. Approve the Minutes of the August 26, 2022 Board of Directors Meeting.

8. Report of Executive Subcommittee and consideration of recommendations:

- b. Consider extending authorization for Chair to set Board Meetings. (Executive)
"Recommend the Board of Directors authorize the Board Chair to determine regular Board Meeting dates, times and locations through March 31, 2021."
- c. Consider extending authorization for General Manager to set NRD Office Hours. (Executive)
"Recommend the Board of Directors authorize the General Manager authority to change office hours through March 31, 2021."
- d. Consider extending authorization for General Manager to grant temporary leave with pay. (Executive)
"Recommend the Board of Directors authorize the General Manager authority to grant temporary leave from job assignments as necessary to respond to emergency conditions, with pay and benefits through March 31, 2021."

10. Report of Land Resources Subcommittee and consideration of recommendations:

- a. Consideration of Surface Water Quality Best Management Practices (BMP) cost-share applications. (Land Resources)
"Recommendation that the Board of Directors approve the 11 identified cost-share applications totaling an amount of \$114,082."

| Name | County | SEC | TWN | RNG | Practice | Amount | Targeted Area |
|----------------------------------|-----------|-----|-----|-----|-----------------------|-----------|-------------------|
| Jared Moser | Lancaster | 23 | 7 | 5 | Terraces | \$15,000 | SVL (Olive Creek) |
| Larry Dvorak | Lancaster | 22 | 11 | 5 | Terraces | \$10,000 | |
| Ann Marie Novak Estate | Seward | 22 | 9 | 4 | Terraces | \$19,472 | SVL (Conestoga) |
| Aaron VanAndel | Seward | 35 | 10 | 4 | Terraces | \$9,696 | |
| Merle Backemeyer | Cass | 18 | 10 | 10 | Terraces | \$10,000 | |
| Miller Family Trust | Cass | 32 | 10 | 10 | Terraces | \$10,000 | |
| Janet Lambrecht | Cass | 9 | 11 | 9 | Terraces | \$10,000 | |
| Anna Marie Morin Revocable Trust | Cass | 10 | 11 | 9 | Terraces / Grassed WW | \$7,997 | |
| Thomas Murphy | Cass | 11 | 11 | 9 | Grassed Waterways | \$6,234 | |
| John Fritsch | Cass | 30 | 12 | 9 | Terraces / Grassed WW | \$5,683 | |
| Stanley A. Emshoff Living Trust | Otoe | 8 | 9 | 12 | Terraces | \$10,000 | |
| TOTAL | | | | | | \$114,082 | |

12. Report of Water Resources Subcommittee and consideration of recommendations:

- a. Consideration of the annual stream gage operation agreement with the United States Geologic Survey Division. (Water Resources)

"Recommend the Board of Directors approve the October 2020 Joint Funding Agreement with USGS for the operation of 16 stream gages in the Lower Platte South NRD."

The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett and Spangler

ITEM 6. APPROVE MINUTES OF AUGUST 26, 2020 BOARD OF DIRECTORS MEETING.

Included in approved consent agenda items.

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

Steinkruger reported that the Finance & Planning Subcommittee met on September 8, 2020. He stated that the financial reports for the period July 1, 2020 through August 31, 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 Green to approve the financial reports for the period of July 1, 2020 through August 31, 2020 and publish the General Expenditures for August 2020. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett, C. Johnson and Spangler

Paul Zillig, General Manager and Steve Seglin, General Counsel, answered questions regarding the Tax Rate Resolution and the proposed rate of \$10,156,870.00 .

Steinkruger moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve the Resolution to set the FY'21 tax request and file the Budget. The motion was approved.

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Barrett and Spangler

Steinkruger noted that there had been a couple of changes to the LRIP since the subcommittee meeting and that those changes had been forwarded to the Board for review.

It was moved by Steinkruger and seconded by Osborn that the Board of Directors approve the Long Range Implementation Plan for July 1, 2020 through June 30, 2025. The motion was approved.

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

ABSTAIN: None

NOT VOTING: Aldridge

NAY: None

NOT PRESENT: Barrett and Spangler

Cory Schmidt, NRCS District Conservationist, answered questions regarding the GPS Survey Equipment.

Steinkruger moved the Finance and Planning Subcommittee's recommendation that the Board of Directors approve the proposal from Transit Works for the purchase of GPS Survey Equipment in the amount of \$32,690.39. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett and Spangler

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

Ruth stated that the Executive Subcommittee met on September 9, 2020.

Paul Zillig, General Manager, answered questions of the Board with regard to the Real Estate License Agreement with the City of Lincoln.

Ruth moved the Executive Subcommittee's recommendation that the Board of Directors approve the Extension of Real Estate License Agreement with the City of Lincoln for the former Fire Station #10 property at 1440 Adams Street. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett and Spangler

(8b) Consider extending authorization for the Chair to set Board Meetings; (8c) Consider extending authorization for the General Manager to set NRD Office Hours; and (8d) Consider extending authorization for the General Manager to grant temporary leave with pay and benefits were Included in approved consent agenda items.

Corey Wasserburger, General Counsel, gave a review on practical guidelines for Board agenda, meetings and communications.

ITEM 9. REPORT OF INFORMATION & EDUCATION SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Osborn stated that the Information & Education Subcommittee met on September 15, 2020.

Osborn moved the Information & Education Subcommittee's recommendation that the Board of Directors approve one year advertising proposals from Broadcast House and from Alpha Media totaling \$27,934, pending review by legal counsel. The motion was approved.

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

ABSTAIN: None

NAY: Aldridge, B. Johnson, C. Johnson and Steinkruger

NOT PRESENT: Barrett and Spangler

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

(10a) Consideration of Surface Water Quality Best Management Practices (BMP) cost-share applications was Included in approved consent agenda items.

David Potter, Assistant General Manager, and Cory Schmidt, NRCS District Conservationist, gave a report on applications and approvals for the NRD Cover Crop Program and answered questions from the Board.

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

Jacobson stated that the Platte River Subcommittee met on September 2, 2020.

Jacobson moved the Platte River Subcommittee's recommendation that the Board of Directors approve the 50% cost-share assistance on the local share of \$29,283.33, or \$14,641.66 from Lower Platte South NRD for the repairs to the Guard Camp Fuse Plug Levee. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett and Spangler

ITEM 12. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF
RECOMMENDATIONS

Andersen stated that the Water Resources Subcommittee met on September 9, 2020.

(11a) Consideration of the annual stream gauge operation agreement with the United States Geologic Survey Division (USGS) was included in approved consent agenda items.

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

Andersen moved the Water Resources Subcommittee's recommendation that the Board of Directors approve the proposal from LRE Water for Hydrogeologic Consulting Services for the Review of Aquifer Pumping Test Analyses, Groundwater Modeling and other work related to the Monolith Nebraska Well Permit application, pending legal counsel review. The motion was approved.

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

ABSTAIN: None

NAY: None

NOT PRESENT: Barrett and Spangler

ITEM 13. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF
RECOMMENDATIONS

Schutz stated that the Recreation, Forestry & Wildlife Subcommittee met on September 15, 2020.

Paul Zillig, General Manager, answered questions of the Board regarding the Easement and Memorandum of Easement with BNSF Railway Company for the Rosa Parks Trail Underpass.

It was moved by Schutz and seconded by Jacobson that the Board of Directors approve the General Manager to sign the Easement for Bicycle Path / Pedestrian Walkway between Burlington Northern Santa Fe (BNSF), Lower Platte South Natural District and Nebraska Department of Transportation for the Rosa Parks Way Trail project near 1st and J Streets; and pay BNSF an easement fee for use of premises in the amount of \$9,450.00, pay BNSF for Railroad Protective Liability Insurance in the amount of \$11,327.13 and pay BNSF for the processing fee of the Easement in the amount of \$2,000. The motion as approved.

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

ABSTAIN: Aldridge and Hellerich

NAY: None

NOT PRESENT: Barrett and Spangler

Schutz moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors approve the General Manager to sign the Memorandum of Easement between Burlington Northern Santa Fe and the Lower Platte South Natural Resources District for the Rosa Parks Way Trail project near 1st and J Streets. The motion was approved.

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

ABSTAIN: Aldridge, Hellerich and Osborn

NAY: None

NOT PRESENT: Barrett and Spangler

ITEM 14. REPORT OF NARD REPRESENTATIVE

Milt Schmidt, NARD Representative for Lower Platte South NRD, gave a report on upcoming activities of the NARD.

ITEM 15. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

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

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors approve the modification to the UNL-NRD Deadmans Run Flood Reduction Project Agreement to increase the cost to \$2.3M and extend the completion date to December 31, 2022, pending legal counsel review. The motion was approved.

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

ABSTAIN: Schutz

NAY: None

NOT PRESENT: Barrett and Spangler

DeKalb moved the Urban Subcommittee's approve the professional services agreement with JEO, for design and bidding services for up to fourteen pipes for the Antelope Creek Pipe Replacement Project, at a cost not to exceed \$94,490, pending legal counsel review. The motion was approved.

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Barrett and Spangler

DeKalb reported that Item 15c would be heard in closed session.

ITEM 16. CONSIDERATION OF AGENDA ITEMS REQUIRING CLOSED SESSION

It was moved by DeKalb and seconded by Landis to go into closed session at 9:06 p.m. to protect the public interest and to discuss and approve the appraisals and direct staff to begin negotiations of easements and Real Property pertaining to the Beal Slough 70th & Pine Lake Stream Stability Project. The motion was approved

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

ABSTAIN: None

NAY: Aldridge and Hellerich

NOT PRESENT: Barrett, Spangler and Wilson

It was moved by Osborn and seconded by Stevens to return to Open Session at 9:17 p.m. The motion was approved.

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Barrett and Spangler

DeKalb moved the Urban Subcommittee's recommendation that the Board of Directors accept the appraisals for the Gapp and Franklin/Jones properties for the Beal Slough Stream Stability Project 70th – Pine Lake, and authorize staff to negotiate and acquire the interest in the properties in accordance with Director DeKalb's guidance. The motion was approved.

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

ABSTAIN: None

NAY: Aldridge

NOT PRESENT: Barrett and Spangler

ITEM 17. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 18. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was mailed out.

ITEM 19. FOR INFORMATION ONLY.

Various memos were mailed out, including report from District Conservationist and the NACD Summer Report.

There being no other business, the meeting was adjourned at 9:20 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 16, 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.

Bruce Johnson, Secretary

/dr

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RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT

Resolution dated September 16, 2020

WHEREAS, the Board of Directors of the Lower Platte South Natural Resources District ("Board of Directors") is the governing body having the power and authority to develop and adopt an annual budget for the Lower Platte South Natural Resources District ("District") and to certify the amount to be received from personal and real property taxation to fund the adopted budget; and

WHEREAS, the Board of Directors held, as required by law, a special public hearing on September 8, 2020, to hear and consider comments from the public concerning the property tax request for Fiscal Year 2021; and

WHEREAS, notice of the time and place of such special public hearing was published on August 28, 2020, at least five days prior to the date set for hearing, in the Lincoln Journal Star, which is the newspaper of general circulation within the jurisdiction of the District. A copy of the affidavit of publication for the notice of the special public hearing to set final tax request is attached hereto and incorporated herein by this reference; and

WHEREAS, *Neb. Rev. Stat. § 77-1601.02* requires that the District pass by majority vote a resolution setting the property tax request.


NOW THEREFORE BE IT RESOLVED, that the required special public hearing was held on September 8, 2020, and the amount of the District's requested property taxes for Fiscal Year 2021 is set and approved at \$10,156,870.00, which is the same amount as the District's property tax request for Fiscal Year 2020.

BE IT FURTHER RESOLVED, that the Chair of the Board of Directors, Larry Ruth, be and is hereby authorized and directed to file the final adopted Budget along with the other required documents, including a certified copy of this Resolution with the County Clerk of each county which in whole or in part is included within the District, and with the Auditor of Public Accounts, on or before September 20, 2020.

CERTIFICATE

The undersigned, being the duly elected Chair of the Board of Directors of the Lower Platte South Natural Resources District, Larry Ruth, hereby certifies that the above and foregoing is a true and correct copy of a Resolution of the Board of Directors of the Lower Platte South Natural Resources District, adopted and approved at its regular Board of Directors Meeting held on September 16, 2020.

Dated this 16th day of September, 2020.



Larry Ruth, Chair