

**LOWER PLATTE NORTH NRD MINUTES**  
**BOARD MEETING**  
**August 8, 2016**

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 6:00 p.m. at Lower Platte North NRD, Wahoo, NE on Monday, August 8, 2016.

**1. NOTICE OF MEETING**

The advanced notice of our August 8, 2016 board meeting was published on July 21, 2016 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Chair Hannah informed those present that a copy of the "Open Meeting Act" is posted for public viewing.

Pledge of Allegiance

**2. ROLL CALL - INTRODUCTIONS**

**DIRECTORS PRESENT AND CONSTITUTING A QUORUM:**

Birkel	Clausen	Feala
Gibney	Hagerbaumer	Hilger
Kavan	McDermott	Meduna
Olson	Pollard	Ruzicka
Saalfeld	Sabatka	Seier
Sobota	Veskerna	Hannah

**DIRECTORS ABSENT**

Bailey

**STAFF AND GUESTS:**

Miyoshi	Mountford	Murren
Breunig	Heimann	Angle
TePoel	Gottschalk	

Legal Counsel Lausterer

Sign in sheet attached to original minutes.

**3. APPROVAL OF AGENDA**

**4. COMMENTS - ADVISORS/GUESTS/DIRECTORS**

**a. Guest Comments**

**b. NRCS Report**

Mark Walkenhorst gave the NRCS/NRD August report.

**c. NARD Report**

Hilger reported on the Annual NARD Fall Conference September 25-27, 2016 to be held in Kearny at the Younes Conference Center.

**d. NRC Report**

None

**e. Managers Report**

Manager Miyoshi reviewed his written report.

**f. Education Program**

Rod DeBuhr, Upper Big Blue updated the board prior to Board Meeting on their Engineering department.

**5. APPROVAL OF MINUTES**

Ruzicka made the motion, seconded by Feala, to approve the minutes from the July 11, 2016 Board Meeting. Motion carried on consent agenda.

**6. REPORT OF STANDING COMMITTEES**

**A. EXECUTIVE COMMITTEE REPORT**

**1. Meetings**

**a. Pending**

**1. NARD Fall Conference – Update Given**

**2. Management Items**

**a. Director Absences – None**

**b. Monthly Education Program – Update Given**

**c. November Board Meeting**

Ruzicka made the motion, seconded by Feala, to conduct the November Board Meeting in Newman Grove with a presentation from the Shell Creek Group at 3:15 p.m. and Board Meeting start time set for 3:45 p.m. Motion carried on consent agenda.

**d. LARM Renewal Coverage Proposal and Resolution**

Sabatka made the motion, seconded by McDermott, to approve the League Association of Risk Management 2016-2017 Resolution and authorize management to sign, selecting the 180 day and 2 year commitment option that will result in a 4% premium reduction. Motion carried all members present voting aye.

**e. NARD Annual Membership Dues**

Saalfeld made the motion, seconded by Pollard, to pay NARD \$24,754.64 for our fiscal year 2016-2017 membership dues. Motion carried all members present voting aye.

**f. NARD Resolutions – Update Given**

**g. Lickteig Property**

Ruzicka made the motion, seconded Olson, to honor the terms of the Lickteig agreement and purchase the 120 acre Dave Lickteig property according to the terms of the settlement agreement and authorize Manager Miyoshi to sign all necessary documents for the transaction. Motion carried all members present voting aye.

**h. Visioning a Future for LPNNRD – Update Given**

**i. Washington DC Representation**

Birkel made the motion, seconded by Meduna, to approve entering to an agreement with Water Strategies to represent Lower Platte North, Lower Platte South and Papio-Missouri River NRDs. Motion carried all members present voting aye.

**j. Termination Policy – Update given**

**k. Parliamentary Procedure – Update Given**

**3. Equipment - None**

**4. Personnel**

**a. Dodge County Field Assistant**

Ruzicka made the motion, seconded by Feala, to declare a vacancy for the Dodge County NRCS/NRD Field Office Assistant position and to advertise and fill the position. Motion carried on consent agenda.

**b. Personnel Sub-Committee Minutes 7-22-16 – Update Given**

**c. Accounting Position**

Olson made the motion, seconded by Ruzicka, to accept and authorize Management to sign HBE 360 contract proposal to fill our accounting needs after review by Legal Counsel.

Birkel made the motion, seconded by Meduna, to table motion until next month so staff can obtain a quote from Kruse-Schumacher-Smejkal & Brockhaus PC out of Columbus. Motion carried.

AYE: Birkel, Clausen, Gibney, Hagerbaumer, Hilger, Kavan, Meduna, Ruzicka, Saalfeld, Seier, Sobota, Veskerna

NAY: Feala, McDermott, Olson, Pollard, Sabatka, Hannah

**d. Engineer Position**

Meduna made the motion, seconded by Hilger, to put together a job description for a Civil Engineer within 30 days for the Personnel Sub-Committee to review.

Olson made the motion, seconded by Gibney, to table the motion until the Directors have more definitive information in hand. Motion failed.

AYE: Gibney, McDermott, Olson, Pollard, Sabatka, Seier

NAY: Birkel, Clausen, Feala, Hagerbaumer, Hilger, Kavan, Meduna, Ruzicka, Saalfeld, Sobota, Veskerna, Hannah

The original motion carried.

AYE: Birkel, Clausen, Feala, Hagerbaumer, Hilger, Kavan, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Seier, Sobota, Veskerna, Hannah

NAY: Gibney, McDermott, Olson

**e. Large Projects Coordinator Position – This item will be taken at the end of the meeting**

**f. General Manager Evaluation – Update Given**

**5. Finance**

**a. Approval of Financial Reports - None**

**b. Approval of Managers Expenses**

Ruzicka made the motion, seconded by Feala, to approve Manager Miyoshi's time and expense sheets as attached to the Executive Committee Minutes. Motion carried on consent agenda.

**c. Accounts Receivable Over 90 Days – Update Given**

**d. Budget Hearing – Update Given**

**e. Budget**

Clausen made the motion, seconded by Sabatka, to approve the Fiscal Year 2017 LPNNRD Budget with total Expenditures of \$6,632,439 and total Funding of \$7,471,399 and to rescind the July 13, 2016 motion to budget funds to pay off the existing Sand Creek Environmental Restoration Project Indebtedness in FY17. Motion carried all members present voting aye.

Ruzicka made the motion, seconded by Feala, that the August LPNNRD Executive Committee Minutes be received and placed on file. Motion carried on consent agenda.

**B. OPERATIONS, EDUCATION & RURAL WATER COMMITTEE REPORT**

**1. Wild NE/CREP Report**

Ruzicka made the motion, seconded by Feala, to pay Tim and John Gronenthal Trust \$72.16 for their CREP contract. Motion carried on consent agenda.

**2. OPERATION AND MAINTENANCE & OTHER ITEMS**

**a. O & M Crew – Update Given**

**b. Yutan Trail Request**

McDermott made the motion, seconded by Veskerna, to allocate an additional \$10,000 to the Yutan Trails Project making it a \$10,000/year NRD commitment for four years. Motion carried.

**AYE:** Clausen, Feala, Gibney, Hagerbaumer, Hilger, McDermott, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Sobota, Veskerna, Hannah

**NAY:** Birkel, Kavan

**c. Yutan Fire and Rescue**

Hilger made the motion, seconded by Saalfeld, to make payment to Yutan Rural Fire and Rescue for \$5,000 toward the purchase of their rescue boat as previously committed by LPNNRD. Motion carried.

**AYE:** Clausen, Feala, Gibney, Hagerbaumer, Hilger, Kavan, McDermott, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Sobota, Veskerna, Hannah

**NAY:** Birkel

**d. Conservation Tree Invoice Payment**

Ruzicka made the motion, seconded by Feala, to pay NARD \$6,885.65 for trees purchased from Bessey Nursey. Motion carried on consent agenda.

**e. Grass Drill Revenue Saunders County – Update Given**

**f. Wanahoo RV Dump Station Contract Update and Bid Approval**

Sabatka made the motion, seconded by Olson, to accept JEO's RV Dump Station recommendation letter and accept the low bid of \$128,504.55 from Uleman Enterprises of Omaha to construct the Lake Wanahoo Dump Station. Motion carried.

**AYE:** Feala, Gibney, Hagerbaumer, McDermott, Olson, Pollard, Sabatka, Sobota, Veskerna, Hannah

**NAY:** Birkel, Clausen, Hilger, Kavan, Meduna, Ruzicka, Saalfeld

**g. Rental Contract Request for Czechland Hay Ground – Update Given**

**h. Fremont GI Study**

Ruzicka made the motion, seconded by Feala, to have open discussion with the full Board regarding the Highway 30 expressway crossing the Districts flood storage cell easement areas and how it may be mitigated and authorize staff to prepare a recommended course of action. Motion carried on consent agenda.

**i. Wanahoo Aerial Spraying**

Ruzicka made the motion, seconded by Feala, to have Provine spray designated wetland areas of Wanahoo for better vegetation control not to exceed 30 acres. Motion carried on consent agenda.

**j. Eagle Scout Project**

Ruzicka made the motion, seconded by Feala, to pay Dave Varner (Seth's Father) \$553.96 for the park bench plaques and three trees for Seth's completed Eagle Scout Project. Motion carried on consent agenda.

**3. ROCK AND JETTY - None**

**4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given**

**5. INFORMATION & EDUCATION**

**a. Information**

**1. Radio and Web Ads – Update Given**

**2. County Fairs – Update Given**

**3. 2016 Summer Viaduct – Update Given**

**b. Education – Update Given**

**c. Computer – None**

**6. RURAL WATER SYSTEMS – Update Given**

**a. Colon**

Ruzicka made the motion, seconded by Feala, to approve payment of \$415.50 to Rodgers Construction for backhoe work and service repair. Motion carried on consent agenda.

**b. Bruno – Update Given**

**c. Other – None**

Ruzicka made the motion, seconded by Feala, that the August LPNNRD Operations, Education and Rural Water Committee Minutes be received and placed on file. Motion carried on consent agenda.

**C. WATER COMMITTEE REPORT**

**1. REGULATORY**

**a. GROUNDWATER MANAGEMENT AREA**

**1. Variance Requests in the Hydrologically Connected Area – Update Given**

**2. Variance Requests in the Non-Hydrologically Connected Area**

**a. Schmit Land Company Request**

Meduna made the motion, seconded by Pollard, to allow application by Schmit Land Company in Section 11, T15N, R1E to be ranked with the non-hydrologically connected requests for expansion of irrigated acres and task the Water Committee with developing a policy for handling this and future requests that involve land leveling of Class VI, VII and VIII land. Motion carried all members present voting aye.

**3. Variance Requests in the Restricted Development Areas – None**

**4. Well Permit Program**

**a. Well Permits Approved – Update Given**

**5. Irrigation Runoff Complaint – Update Given**

**6. Transfer of Water Rights – Update Given**

**7. Special Quantity Sub-Areas**

**a. SQS AEM Flights in SQS**

Pollard made the motion, seconded by Saalfeld, to approve the Water Sustainability Fund contract #4142 between the Department of Natural Resources and the Lower Platte North NRD for the AEM flights in both SQS areas and make Larry Angle the Sponsor's Agreement Manager. Motion carried all members present voting aye.

**b. SQS Areas and WSF Flow Meter Cost-Share Program**

Pollard made the motion, seconded by Birkel, to approve the Water Sustainability Fund contract #4135 between the Department of Natural Resources and the Lower Platte North NRD for the Flow Meter Cost-Share program for the SQS area and make Larry Angle the Sponsor's Agreement Manager. Motion carried all members present voting aye.

**8. Lower Platte River Basin Water Management Plan Coalition – Update Given**

**9. Voluntary Integrated Water Management Plan – Update Given**

**10. Cost-Share Programs**

**a. Irrigation Well Sample Kits – Update Given**

**b. Nebraska Agricultural Water Management Network (NAWMN) - Update Given**

**11. Bellwood Phase 2 Area – Update Given**

**12. Richland - Schuyler Phase 2 Area – Update Given**

**13. Richland - Schuyler Phase 3 Area – Update Given**

**14. LPNRND Operator Certification – Update Given**

**15. Certifying Acres in Saunders and Dodge Counties – Update Given**

**b. Chemigation – Update Given**

**c. Livestock Waste Permits – Update Given**

**2. GROUND WATER PROGRAMS**

**a. Decommissioned Well Program**

**1. Well Estimates – None**

**2. Plugged Wells – None**

**b. LPNRRD Ground Water Studies**

**1. Eastern Nebraska Water Resources Assessment (ENWRA)**

Ruzicka made the motion, seconded by Feala, to approve \$15,000 to be placed in the FY16-17 budget for the AEM flights in the Platte River Uplands subarea northwest of Fremont. Motion carried on consent agenda.

**c. Monitoring Wells - Update Given**

**d. Ground Water Energy Levels – Update Given**

**e. Ground Water Quality Sampling – Update Given**

**3. SURFACE WATER PROGRAMS**

**a. State Lakes**

**1. Bacteria Sampling – Update Given**

**2. Toxic Algae – Update Given**

**b. USGS Water Quality Monitoring on Shell Creek – Update Given**

**c. USGS Stream Flow Gauging Sites – Update Given**

**4. OTHER**

**a. LPNRRD Water Programs Budget – Update Given**

**b. GMDA Annual Conference – Update Given**

**c. 2016 Summer Interns – Update Given**

**d. Comments from the Public – Update Given**

Ruzicka made the motion, seconded by Feala, that the August LPNRRD Water Committee Minutes be received and placed on file. Motion carried on consent agenda.

**D. PROJECTS COMMITTEE REPORT**

**1. SWCP REPORT**

**a. SWCP Application Approvals - None**

**b. SWCP Payments**

Ruzicka made the motion, seconded by Feala, to approve the following SWCP payment:

<u>David Hartman</u>	<u>Terraces/Tile/Basins</u>	<u>\$10,962.26</u>
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Motion carried on consent agenda.

**c. SWCP Cancelations - None**

**d. Wahoo Creek Cost Share Payments – None**

**e. Wahoo Creek Cost Share Cancellations**

Ruzicka made the motion, seconded by Feala, to cancel the following two Wahoo Creek Lands for Conservation assistance agreements:

<u>James Egr</u>	<u>\$2,760.00</u>
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<u>William Laughridge</u>	<u>\$2,760.00</u>
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Motion carried on consent agenda.

**f. Wahoo Creek Cost-Share Approvals - None**

**2. WATERSHEDS**

**a. Shell Creek Watershed**

**1. Shell Creek No-Till Assistance Payments**

Ruzicka made the motion, seconded by Feala, to approve the following Shell Creek 2016 No-Till incentive payments totaling \$2,320:

<u>Steve Backes</u>	<u>\$1,179 (117.9 acres)</u>
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<u>Duane Backes</u>	<u>\$935 (93.5 acres)</u>
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<u>Eldon Jedlicka</u>	<u>\$206 (20.6 acres)</u>
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Motion carried on consent agenda.

**b. Wahoo Creek Watershed**

Meduna made the motion, seconded by Sobota, to allow staff to retain services from a qualified engineering firm, up to a maximum of \$5,000, to assist with providing technical data on our Wahoo Creek RCCP full application (for proposed floodwater dams Sites 26 and 27), should it appear useful to improve our chances during the application process. Motion carried all members preset voting aye.

**3. LOWER PLATTE RIVER CORRIDOR ALLIANCE**

Olson made the motion, seconded by Gibney, to remain non-dues paying member of the Lower Platte River Corridor Alliance in FY 2017 however continue to honor our previous financial commitments totaling \$11,230 to include Leshara water quality monitoring (\$9,696), ESRI Data Storage Agreement (\$834), and the LPRCA Website (\$700) and include these items in our FY 2017 budget. Motion carried.

**AYE:** Bailey, Clausen, Feala, Gibney, Hagerbaumer, Hilger, Kavan, McDermott, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Sobota, Hannah

**NAY:** Veskerna

**4. OTHER**

**a. Update on Army COE 205 Studies**



**1. Fremont 205 – Update Given**

**2. Schuyler 205**

**A. Schuyler Assistance Payment Request**

Ruzicka made the motion, seconded by Feala, to approve and authorize the Board Chair to sign Amendment No. 2 to the Project Partnership Agreement between the Department of Army, the City of Schuyler and the Lower Platte North Natural Resources District, as attached to the Projects Committee Minutes, with no financial commitment toward the proposed drainage ditch cleaning as part of the project. Motion carried all members present voting aye.

**b. Shell Creek Landowner Levee Project – Update Given**

**c. Review of Projects Financial Statement – Update Given**

**5. WESTERN SARPY/CLEAR CREEK LEVEE REPORT**

Ruzicka made the motion, seconded by Feala, that the August LPNNRD Projects Committee Minutes be received and placed on file. Motion carried on consent agenda.

**7. ADDITIONAL ACTION ITEMS**

**7a. Wahoo Creek Payment**

Hilger made the motion, seconded by Pollard, to approve the following Wahoo Creek Payment:

Tim Bartek    Terraces/Tile/Basins    \$2,022.13

Motion carried all members present voting aye.

**7b. Purchase Water Testing Supplies**

Hilger made the motion, seconded by Pollard, to purchase the packet colorimeters and ampules for “Test Your Well Nights” as an estimated cost of \$1,615. Motion carried all members present voting aye.

**7c. Deerson Annual Leave Payout**

Hilger made the motion seconded by Pollard, to pay out the leave balance owed to Cassi Deerson in the amount of \$831.89 subject to taxes and withholding. Motion carried all members present voting aye.

**7d. Campbell Annual Leave Payout**

Hilger made the motion seconded by Pollard, to pay out the leave balance owed to Jenny Campbell in the amount of \$1,680.06 subject to taxes and withholding. Motion carried all members present voting aye.

**8. BILLS TO BE APPROVED**

Sabatka made the motion, seconded by Olson, that all bills be approved and warrants be drawn in payment of the same. Motion carried all member present voting aye.

**9. CONSENT AGENDA ADOPTION**

Ruzicka made the motion, seconded by Feala, to approve the August Consent Agenda. Motion carried.

**AYE:**            Birkel, Clausen, Feala, Gibney, Hagerbaumer, Hilger, McDermott, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Sobota, Veskerna, Hannah

**ABSTIAN:**    Olson

**ABSENT:**      Kavan

**Item 6.A.4.e – Large Project Coordinator Position was taken at this time**

Kavan made the motion, seconded by Hilger, to go into Executive Session at 9:47 p.m. for the protection of public interest due to the potential for litigation as the employee presented a letter from legal counsel and to authorize the following to stay: Legal Counsel Lausterer and reserve the right to call others in as decided by the board. Motion carried all members present voting aye. Motion carried all members present voting aye.

Ruzicka made the motion, seconded by McDermott, to go out of Executive Session at 10:57 p.m. Motion carried all members present voting aye.

Lausterer asked if the employee or anyone from the public would like to make any comments. Comments were received at that time from the public. Discussion thereafter took place regarding whether the employee could be transferred to a different job classification following elimination of the large project coordinator position. Manager Miyoshi explained to the board that had been considered and proposed by the staff. Lausterer explained that the board would have the authority to move the transfer employee to a new job classification at whatever pay scale was established in the recent salary survey.

Hilger made the motion, seconded by Birkel, to eliminate the Large Projects Coordinator position due to lack of current large projects and that the current position holder be laid off on or before September 9th with accrued benefits that he is entitled to under our current employment policy. Motion carried.

AYE: Birkel, Clausen, Hagerbaumer, Hilger, Kavan, Meduna, Pollard, Ruzicka, Saalfeld, Sobota, Veskerna, Hannah

NAY: Feala, Gibney, McDermott, Olson, Sabatka

**10. COMMENTS FROM DIRECTORS/GUESTS**

**11. MEETING ESTABLISHMENT AND ADJOURNMENT**

The September Directors Meeting will be held on Monday, September 12, 2016, 6:00 p.m. Meeting adjourned at 11:11 p.m.

Discussion on all agenda items that have “Update Given” can be found in corresponding Committee Minutes.

The undersigned, the duly elected and acting Secretary of the Lower Platte North 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 August 8, 2016, 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 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.