

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
April 8, 2013**

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 Office, Wahoo, NE on Monday, April 8, 2013.

1. NOTICE OF MEETING

The advanced notice of our April 8, 2013 board meeting was published on March 21, 2013 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Chair Hilger 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:

Bailey	Birkel	Clausen
Gibney	Hagerbaumer	Hannah
Johannes	Kavan	McDermott
Meduna	Olson	Pieke
Pollard	Ruzicka	Saalfeld
Sabatka	Taylor	Veskerna
Hilger		

DIRECTORS ABSENT

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Angle	Gottschalk

Jovan Lausterer, NRD Legal Counsel
Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

b. NRCS Report

Becky Pieper was present to review the NRCS written report.

c. NARD Report

Kavan reported on LB517 the Water Sustainability Task Force.

d. NRC Report

Johannes reported that he testified on LB517 representing the Natural Resources Commission.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

None

5. APPROVAL OF MINUTES

Birkel made the motion, seconded by Ruzicka, to approve the minutes from the March 11, 2013 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. UNL Water for Food Conference - Update Given

2. National Watershed Conference

Birkel made the motion, seconded by Ruzicka, to send up to two directors and two staff to the National Watershed Conference May 19-22 in Tunica, MS. Motion carried on consent agenda.

b. Reports - None

2. Management Items

a. Directors Absence – Update Given

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Birkel made the motion, seconded by Ruzicka, to approve payment of \$3,100 to Bob Weaver for March services and bill LPSNRD and Papiro NRD for their share. Motion carried on consent agenda.

c. Monthly Education Program – None

d. November Board Meeting

Ruzicka made the motion, seconded by Meduna, to hold our November Meeting on Thursday, November 7th in Newman Grove. Motion carried all members present voting aye.

e. League Association of Risk Management – Update Given

f. Martinez Lawsuit – Update Given

g. CCEI Lawsuit – Update Given

h. NARD Awards – Update Given

i. NARD Budget – Update Given

j. Lower Platte Instream Flow – Update Given

k. Legislative Bill Update

Birkel made the motion, seconded by Ruzicka, that if LB517 passes then LPNNRD will write a letter supporting Director Hilger as a member of the Water Sustainability Task Force. Motion carried on consent agenda.

l. Lyndon Vogt Selected as Central Platte NRD Manager – Update Given

m. Senator Fisher Assists with WRDA – Update Given

n. NRD Board Meeting Time – Update Given

3. Equipment – None

4. Personnel – None

5. Finance

a. Approval of Financial Report

Birkel made the motion, seconded by Ruzicka, to approve the January and February Financial Statements as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

Birkel made the motion, seconded by Ruzicka, 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. Monthly Accounting Update – Update Given

Birkel made the motion, seconded by Ruzicka, that the April 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

a. Wild NE, WHIP, Contract Payments – None

b. CREP Payment(s) – None

c. New Contract (s) - None

2. OPERATION AND MAINTENANCE

a. Operation and Maintenance - Update Given

b. South Fremont 205 Feasibility Study – Update Given

c. Czechland Lake – Update Given

d. Wanahoo Recreation Area – Update Given

e. Grass Drill Rental – Update Given

f. Dam Renovations

Birkel made the motion, seconded by Ruzicka, to approve the low bid from Dennis Trucking of Ceresco in the amount of \$2,498 to clean the channels below three of the Swedeburg dams. Motion

carried on consent agenda.

g. Yutan Trail – Update Given

h. Summer Interns – Update Given

3. ROCK AND JETTY

a. Applications - None

b. Payment Requests – None

4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads – Update Given

2. Viaduct/Annual Report – Update Given

3. County Fairs

Birkel made the motion, seconded by Ruzicka, to approve up to \$650 to attend five county fairs in 2013 (Boone, Platte, Butler, Colfax, and Saunders). Motion carried on consent agenda.

b. Education

1. Soil and Water Stewardship Week – Update Given

2. Earth Wellness Festival – Update Given

3. Spring Conservation Sensation – Update Given

4. Shell Creek Watershed Scholarship

McDermott made the motion, seconded by Pollard, to approve two (2) \$1,000 annual scholarships for any student who participated in the Shell Creek Watershed Monitoring Program. Motion carried all members present voting aye.

5. Schuyler Field Day Request – Update Given

c. Computers

1. Website - Update Given

2. PCI Compliance – Update Given

6. RURAL WATER Systems

a. Bruno/David City Rural Water – Update Given

Sabatka made the motion, seconded by Ruzicka, to send a letter to UDSA and Union Pacific Railroad urging their participation is solving Bruno’s water supply problem. Motion carried all members present voting aye.

b. Colon/Wahoo Rural Water System – Update Given

c. Other

Meduna made the motion, seconded by Veskerna, to purchase a set of heavy-duty 48" pallet forks from Virgl Implement for \$1,415. Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Hannah, Johannes, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

NAY: Kavan

Veskerna made the motion, seconded by McDermott, to purchase an 82" root grapple from Virgl Implement for \$2,834. Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Johannes, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

NAY: Hannah, Kavan

Sabatka made the motion, seconded by Hagerbaumer, to purchase an 8.5' by 12' tilt bed trailer with a spare tire from J&G Trailers at the lowest quote of \$1,595.00 and sell our old trailer.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Johannes, Kavan, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

NAY: Hannah

Birkel made the motion, seconded by Ruzicka, that the April 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. 2012 Drought Conditions – Update Given

2. Variance Requests for Limited Development (Hydrologically Connected) Area

a. March Variance Requests – Update Given

b. James Fehringer Transfer

Birkel made the motion, seconded by Ruzicka, to deny the transfer of acres from the James Fehringer approved variance and to return any unused acres back to the LPNNRD variance acre pool to be reallocated at the next variance review period at the October 2013 Board meeting. Motion carried on consent agenda.

c. LeRoy Sprunk Variance Requests (two in LDA)

Birkel made the motion, seconded by Ruzicka, to approve two variance requests for a total of 136.4 acres on the condition that Mr. LeRoy Sprunk relinquishes his surface water right A-9677 to irrigate the same number of acres. Motion carried on consent agenda.

d. Dan Wesely Transfer

Pollard made the motion, seconded by McDermott, to waive the non-transfer of acres across subarea boundaries and allow a two-for-one transfer of 80 acres from the Morse Bluff subarea in Section 7, T16N, R6E (LDA) to 40 acres in the Todd Valley subarea of Section

15, T16N, R6E (LDA). The Hines property in Section 7, T16N, and R6E will be allowed to retain 68 acres for irrigation. Motion carried all members present voting aye.

Staff was instructed to come up with a banking system and present it at next Committee Meeting.

3. Well Permit Program

a. Well Permits Approved

Birkel made the motion, seconded by Ruzicka, to allow a 90-day extension to Stuart Gerhold's well permit LPN-012-1248. Motion carried on consent agenda.

b. Approved Variances Well Permits – Update Given

c. Supplemental Well Permits Requiring Review

Johannes made the motion, seconded by Saalfeld, to approve the policy attached to the Water Committee Minutes titled "Requirements for Supplemental Irrigation Wells". Motion carried all members present voting aye.

McDermott made the motion, seconded by Taylor to approve the supplemental well requests for:

<u>Applicant</u>	<u># of Currently Irrigated Acres</u>	<u>Reason for Supplemental Well</u>	<u>Type of Well</u>	<u>County</u>	<u>Subarea</u>
<u>Paul Schemek*</u>	<u>136</u>	<u>Splitting up system. Variance was approved as an expansion</u>	<u>Class 2</u>	<u>Platte</u>	<u>Middle Shell Creek</u>
<u>Kermit Wilshusen*</u>	<u>70</u>	<u>Splitting up system.</u>	<u>Class 2</u>	<u>Colfax</u>	<u>Lower Shell Creek</u>
<u>Keith McBurney</u>	<u>44</u>	<u>Running in a series</u>	<u>Class 2</u>	<u>Colfax</u>	<u>Schuyler</u>
<u>James Viglicky*</u>	<u>79.01</u>	<u>Running in a series</u>	<u>Class 2</u>	<u>Butler</u>	<u>Octavia</u>
<u>Juraneq Ag LLC</u>	<u>157</u>	<u>Running in a series / Inside RDA by 350'</u>	<u>Class 2</u>	<u>Butler</u>	<u>Prague</u>
<u>Juraneq Ag LLC*</u>	<u>84.9</u>	<u>Running in a series</u>	<u>Class 2</u>	<u>Butler</u>	<u>Octavia</u>
<u>Lynn Ruhnke and Ann Olmer*</u>	<u>67</u>	<u>Splitting up system</u>	<u>Class 2</u>	<u>Platte</u>	<u>Lower Newman Grove</u>
<u>Dale A Gasper</u>	<u>70</u>	<u>Splitting up system</u>	<u>Class 2</u>	<u>Platte</u>	<u>Lower Newman Grove</u>
<u>Scott Rosenthal*</u>	<u>100</u>	<u>Splitting up system</u>	<u>Class 2</u>	<u>Platte</u>	<u>Middle Shell Creek</u>

* Denotes well permit applications within two miles of individual, or area, well interference complaint.

It was moved by Birkel seconded by Meduna to amend the main motion by adding Lyle Herchenbach to the list for approval of a supplemental well. Amendment carried.

AYE: Bailey, Birkel, Clausen, Hagerbaumer, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna, Hilger

NAY: Gibney, Hannah, Johannes, Kavan, Taylor

The amended motion was now voted on. Amended motion carried.

AYE: Bailey, Birkel, Clausen, Hagerbaumer, Hannah, McDermott, Meduna, Pieke, Pollard, Ruzicka, Saalfeld, Taylor, Veskerna, Hilger

NAY: Gibney, Johannes, Kavan, Olson, Sabatka

d. New Acre Development Applications in Normal Development Area (NDA)

McDermott made the motion, seconded by Pollard, to approve the policy “Expansion of Irrigation in the Normal Development Area for 2013” . Motion carried.

AYE: Bailey, Birkel, Clausen, Hagerbaumer, Hannah, Johannes, Kavan, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

ABSTAIN: Gibney

McDermott made the motion, seconded Pollard, to approve the following well permit applications in the Normal Development Area.

<u>Applicant</u>	<u># of Wells</u>	<u># of New Irrigated Acres</u>	<u>County</u>	<u>Subarea</u>	<u>Date Completed</u>
<u>1 Ron Woita</u>	<u>1</u>	<u>32</u>	<u>Saunders</u>	<u>Weston</u>	<u>1/24/2013</u>
<u>2 Juranek Ag LLC</u>	<u>1</u>	<u>132</u>	<u>Butler</u>	<u>David City</u>	<u>1/31/2013</u>
<u>3 Paul Wilke</u>	<u>1</u>	<u>200</u>	<u>Platte</u>	<u>Platte Center</u>	<u>2/19/2013</u>
<u>4 James Plasek</u>	<u>0</u>	<u>74</u>	<u>Butler</u>	<u>David City</u>	<u>2/26/2013</u>
<u>5 Janak Farms*</u>	<u>0</u>	<u>88</u>	<u>Butler</u>	<u>David City</u>	<u>3/5/2013</u>

Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Hannah, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

NAY: Johannes

ABSENT: Kavan

e. New Acre Development Applications in Restricted Development Area (RDA)

Saalfeld made the motion, seconded by Pollard, to approve the policy “Irrigation Development in the RDA”. Motion carried all members present voting aye.

Pollard made the motion, seconded by Saalfeld, to approve the variance applications in the Restricted Development Area for Lawrence Hynek and Daryl Kubik and waive the two additional test hole requirements.

Johannes made the motion, seconded by Meduna, to table the variance applications in the Restricted Development Area for Lawrence Hynek and Daryl Kubik and waive the two

additional test hole requirements. Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Hannah, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

NAY: Kavan

f. Sand and Gravel Operation Well Application

Birkel made the motion, seconded by Ruzicka, to approve the well permit application for Western Sand and Gravel in the SW1/4 of the NE1/4, Section 31, T14N, R10E. Motion carried on consent agenda.

g. James Wesch Well Application

Birkel made the motion, seconded by Ruzicka, to approve the new well permit application for James Wesch in the LDA provided that the landowner properly decommissions three inactive irrigation wells in SE1/4 of Section 5, T17N, R5E and register the new well once it is completed with the Department of Natural Resources. Motion carried on consent agenda.

h. Michael Dvorak Well Application

Birkel made the motion, seconded by Ruzicka, to table the request of Michael Dvorak to drill additional wells as part of his permit in 33-19N-2E. Motion carried on consent agenda.

i. Water Use Reports – Update Given

4. Voluntary Integrated Water Management Plan – Update Given

5. Cost-Share Programs

a. Irrigation Well Sample Kits - Update Given

b. Domestic Well Sample Kits - Update Given

c. NAWMN Water Mark Sensors and ET Gauges

Birkel made the motion, seconded by Ruzicka, to approve payment of \$3,259.99 to the University of Nebraska for the Nebraska Agricultural Water Management Network (NAWMN) program. Motion carried on consent agenda.

6. LPNNRD Certification Classes – Update Given

7. Bellwood Phase 2 Area – Update Given

8. Richland/Schuyler Phase II Area - Update Given

9. Charles Wortman Presentation

Birkel made the motion, seconded by Ruzicka, to table the request for funding from the University of Nebraska for development of software to calculate fertilizer nitrogen loss for producers, to see what other NRDs are planning to do. Motion carried on consent agenda.

10. Certifying Acres

Birkel made the motion, seconded by Ruzicka, to approve the application form titled “Application for the Transfer of Irrigated Acres between Landowners” and to use this form as an official document of the LPNNRD. Motion carried on consent agenda.

b. Chemigation – Update Given

c. Livestock Waste Permits - Update Given

2. GROUND WATER PROGRAMS

a. Decommissioned Well Program

1. Well Estimates - Update Given

2. Plugged Wells

Birkel made the motion, seconded by Ruzicka, to approve the cost share payment to decommission the Domestic well and Hand dug well for DL Svehla Land LLC for \$1,586.52. Motion carried on consent agenda.

b. LPNNRD Ground Water Studies

1. LPNNRD Platte River Ground Water Model – Update Given

2. Elkhorn Loup Model – Update Given

3. Eastern Nebraska Water Resources Assessment (ENWRA)

McDermott made the motion, seconded by Johannes, to approve the payment of \$30,000 by the Lower Platte North NRD to ENWRA as our annual dues. Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Hannah, Kavan, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna

NAY: Hilger

c. Ground Water Energy Levels

Birkel made the motion, seconded by Veskerna, to go to bid for the installation of monitoring wells at the proposed locations with the actual number of wells to be drilled dependent on LPNNRD funding available in the budget line for Capital Outlay 165-200 (Monitoring Wells and Equipment). Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Johannes, Kavan, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

NAY: Hannah

d. Precipitation Gauging Network

3. OTHER

a. Comments From The Public – Update Given

Birkel made the motion, seconded by Ruzicka, that the April LPNNRD 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

Birkel made the motion, seconded by Ruzicka, to approve the following SWCP applications:

<u>James Vandenberg</u>	<u>Butler</u>	<u>Flow Meter</u>	<u>\$1,250.00</u>
<u>Ron Kadavy</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>Janecek Rev. Trust</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>Bartek Brothers</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>Glen Wirka</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>Marvin Hines</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>McDermott Farms Inc</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>G. Peter Burger</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>
		<u>TOTAL:</u>	<u>\$5,625.00</u>

Motion carried on consent agenda.

b. SWCP Payments

Birkel made the motion, seconded by Ruzicka, to approve the following SWCP cost-share Payment:

<u>12-P-01</u>	<u>Laverna Rickert</u>	<u>Flow Meter</u>	<u>\$492.00</u>
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Motion carried on consent agenda.

c. SWCP Cancellations – None

d. Cottonwood Creek Payments - None

e. Sand/Duck Creek Approvals - None

f. Sand/Duck Cost-Share Payment - None

g. SWCP Policy Review

Kavan made the motion, seconded by Meduna, to approve the 2013 Soil & Water Conservation Program Policy with noted changes as attached to the Projects Committee Minutes. Motion carried all members present voting aye.

h. SWCP 2013 Practice Payment Schedule

Birkel made the motion, seconded by Ruzicka, to continue using the 2012 NRCS conservation practice payment schedule to determine cost share assistance, as suggested by NDNR, until further notice of warranted changes. Motion carried on consent agenda.

2. WATERSHEDS

a. Shell Creek Watershed Monitoring Program Scholarship Proposal – Update Given

b. Wahoo Creek

1. Wahoo Creek Watershed Plan Award – Update Given

2. Wahoo Creek Dam Site 26 Investigation – Update Given

3. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report – Update Given

4. OTHER

a. Update on Army COE 205 Studies

1. South Fremont 205 – Update Given

2. Schuyler 205 – Update Given

b. District-wide Hazard Mitigation Plan- FEMA/NEMA Grant Assistance

Kavan made the motion, seconded by Meduna, to authorize General Manager Miyoshi to sign the HMP grant agreement and other documents, as attached to the Projects Committee Minutes, with FEMA/NEMA which accepts the \$94,500 grant award (\$57,000 for updating our District-wide Hazard Mitigation Plan and an additional \$37,500 for potential additional community/county project analysis). The committee is further recommending committing a maximum of \$19,000 (25% grant match) for completing our basic HMP update and requiring any additional match (up to \$12,500) be provided by communities/counties requesting to complete a more specific project analysis. Motion carried all members present voting aye.

c. Project Expense Review – Update Given

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo – Update Given

b. Upstream Structures – Update Given

6. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

Kavan made the motion, seconded by Sabatka, to make the annual Western Sarpy Clear Creek Project payment to PMRNRD in the amount of \$150,000 as attached to the Projects Committee Minutes. Motion carried all members present voting aye.

Birkel made the motion, seconded by Ruzicka, to accept and place on file the April Projects Committee Minutes. Motion carried on consent agenda.

7. ADDITIONAL ACTION ITEMS

7a. Accounting Software Upgrade

Meduna made the motion, seconded by Saalfeld, to approve the quote from Summit Group to upgrade our accounting software to Microsoft Dynamics GP 2010 at a cost of \$2,200. Motion carried all members present voting aye.

7b. Payment of Olsson Associates Well Permit Model Review

Meduna made the motion, seconded by Saalfeld, to make payment of \$1,000 to Olsson Associates to preform a Class 4 well permit model review for the COE. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Birkel made the motion, seconded by Ruzicka, to approve the April consent agenda as amended by deleting 6.A.2.d. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The May Directors Meeting will be held on Monday, May 13, 2013, 6:00 p.m. Meeting adjourned at 9:01 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 April 8, 2013, 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.

Lon Olson, Secretary