

LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
APRIL 12, 2004

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 7:00 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, April 12, 2004.

1. NOTICE OF MEETING

Public notification was made in area newspapers no later than April 1, 2004. Meeting notification and agendas were also provided.

2. ROLL CALL - INTRODUCTIONS

DIRECTORS PRESENT AND CONSTITUTING A QUORUM:

| | | |
|-----------|-------------------------|----------|
| Alm | Bailey | Bull |
| Eden | Hannah | Holstine |
| Jedlicka | Johannes | Kavan |
| Larsen | Mastny | Pieke |
| Reitmajer | Saalfeld (arrived 7:35) | Sabatka |
| Shelso | Johnson | |

DIRECTORS ABSENT

| | |
|------------|--------|
| Langemeier | Sabata |
|------------|--------|

STAFF AND GUESTS:

| | | |
|---------|-----------|------------|
| Miyoshi | Mountford | Breunig |
| Murren | Sousek | Gottschalk |
| Angle | | |

Sign In Sheet Attached To Original Minutes

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. NRCS Report

No Report

b. NARD Report

No Report

5. APPROVAL OF MINUTES

Saalfeld made the motion, seconded by Sabatka, to approve minutes from the March 8, 2004 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

B. OPERATIONS, EDUCATION & TECHNOLOGY COMMITTEE REPORT

1. WHIP/WILD NE REPORT

a. Payments - WHIP/WILD NE

Saalfeld made the motion, seconded by Sabatka, to approve six WHIP/Wild NE contracts for a total payment of \$2,833.80.

| | | | |
|-------------------------------|-----------------|------------------|-------------------|
| <u>DeLores Meysenburg</u> | <u>Butler</u> | <u>31 acres</u> | <u>\$465.00</u> |
| <u>Carolyn Dannelly</u> | <u>Madison</u> | <u>5.5 acres</u> | <u>\$82.50</u> |
| <u>Edith Trawicke</u> | <u>Butler</u> | <u>73 acres</u> | <u>\$1,277.50</u> |
| <u>Gertrude Lechtenberger</u> | <u>Dodge</u> | <u>20 acres</u> | <u>\$500.00</u> |
| <u>Cihacek Bros. Farms</u> | <u>Saunders</u> | <u>6 acres</u> | <u>\$374.40</u> |
| <u>George Menke</u> | <u>Platte</u> | <u>2 acres</u> | <u>\$134.40</u> |

Motion carried on consent agenda.

b. Material Payment

Saalfeld made the motion, seconded by Sabatka, to approve a materials payment of \$306.60 to Lonnie Kitt, Colfax Co., for a grass and legume seeding on 6 acres. Motion carried on consent agenda.

2. OPERATION AND MAINTENANCE & OTHER ITEMS

a. CREP (Conservation Reserve Enhancement Program)

Currently, for the NE Buffer Strip Program in LPNNRD, the total for all contracts is \$24,602.07. Twenty percent of that total is \$4,920.41. CREP is requesting a local sponsor to pick up 20% of new CREP contracts. The District could use existing WHIP/Wild NE funds to help CREP, since the future is very uncertain with Game & Parks and the Wild NE Program. We currently budget \$25,000 to WHIP/Wild NE program and are obligated to \$11,450 in existing contracts, of which 25% (\$2,862.50) is the Districts expense. Saalfeld made the motion, seconded by Sabatka, to authorize using excess WHIP/Wild NE funds for new CREP contracts if requested by FSA and that contracts are prioritized by the Projects Committee. Motion carried on consent agenda.

b. No-Till Grass Drill Renewal Agreements

Saalfeld made the motion, seconded by Sabatka, to approve the No-Till Grass Drill agreements with Dave Rezac and Gayle Goering for another year. Motion carried on consent agenda.

c. Tree Program

Saalfeld made the motion, seconded by Sabatka, to purchase 1,000 tree booklets from NARD which will be used over the next 3 years. Motion carried on consent agenda.

d. Community Forestry Two Request

The City of Newman Grove City Park & Golf Course is requesting \$1,000 assistance for tree planting. Newman Grove will provide \$560 and the Golf Association \$500. The total bill is estimated to be \$2,060.

The Mid-Nebraska Lutheran Home Association of Newman Grove is requesting assistance for Landscaping to enhance their grounds, parking area and neighborhood. The eligible trees and

mulch in the plan comes to a cost of \$2,263.30. There is \$1,407 remaining in this years Community Forestry Budget.

Saalfeld made the motion, seconded by Sabatka, to assist the City of Newman Grove's Park & Golf Course tree planting at 50% not to exceed \$1,000 and to assist the Mid-Nebraska Lutheran Home Association of Newman Grove with their tree planting at 50% not to exceed \$1,000, but the Lutheran Home Assoc. would not receive their full cost-share allocation until the new '04-'05 fiscal year. Motion carried on consent agenda.

- e. The Following Updates Were Given:
 - South Fremont 205 Feasibility Study
 - Swedeburg 3-B Dam
 - Landowner Conflict Cottonwood 22-A
 - O & M Activities

3. ROCK AND JETTY
Nothing to report this month.

4. EROSION & SEDIMENT RULES & REGULATIONS
The District has not received any complaints.

5. INFORMATION & EDUCATION

- a. Education Activities
The Following Updates Were Given:
 - Earth Wellness Festival
 - Spring Conservation Sensation

- b. Information Activities
The Following Updates Were Given:
 - Viaduct
 - Annual Report

6. TECHNOLOGY
No Report.

Saalfeld made the motion, seconded by Sabatka, that the April LPNNRD Operation-Education and Technology Committee Minutes be received and placed on file. Motion carried on consent agenda.

C. WATER COMMITTEE REPORT

1. SPECIAL TOPICS

- A. The Following Updates Were Given:
 - Bellwood Groundwater Management Area
 - Richland Rural Water System
 - David City Wastewater Reuse

B. CITY OF ASHLAND VS. MUD

Johannes made the motion, seconded by Jedlicka, to follow the staff recommendations concerning the City of Ashland's request to: 1). The LPNNRD be an active partner in the request for a comprehensive ground water model of the Wann Basin. 2). The LPNNRD follow legal counsel advice and not deny any "requests to drill new wells" in the Wann Basin (specifically to MUD). 3). The LPNNRD inform the City of Ashland of the active role and leadership DEQ and LPNNRD have taken in the Mead Superfund Cleanup Operation.

After much discussion from the public Johannes made the motion, seconded by Sabatka, to table the previous motion for one month to get all Directors questions answered. Motion carried all members present voting aye.

2. REGULATORY

A. GROUNDWATER MANAGEMENT AREA

1. The Following Reports Were Given:

- Well Permits
- Bellwood Phase 2 Area
- Richland-Schuyler Phase 2 Area
- Gary Prochaska Complaint
- Livestock Waste Permits
- Nitrogen Certification
- Ground Water Management Plan Updates
- Chemigation

2. Cost-Share Programs

Three "gated pipe to pivot conversions" have been received but one of these is outside the Phase 2 area. Saalfeld made the motion, seconded by Sabatka, to approve incentive payment for gated pipe to pivot conversions to Gary Kreikemeier for \$2,500.00, and to Arnold Oehlrich for \$2,500.00. Motion carried on consent agenda.

3. GROUND WATER PROGRAMS

a. The Following Reports Were Given

- Decommissioned Well Program
- Wellhead Protection Areas
- Ground Water Quantity
- Monitoring Wells

4. SURFACE WATER PROGRAMS

None

Saalfeld made the motion, seconded by Sabatka, 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 Approval

Saalfeld made the motion, seconded by Sabatka, to approve the following SWCP applications:

| | | | |
|--------------------------------|----------------|-------------------------------------|-------------------|
| <u>Russell Lindgren</u> | <u>34-14-6</u> | <u>Wahoo Creek Watershed (75%)</u> | <u>\$6,725.00</u> |
| <u>Melvin Stenger</u> | <u>27-17-6</u> | <u>½ Sec. N. of Sand/Duck (65%)</u> | <u>\$7,150.00</u> |
| <u>TOTAL FOR DAM PROJECTS:</u> | | | <u>\$ 13,875</u> |

Motion carried on consent agenda.

b. SWCP Summer Applications

Saalfeld made the motion, seconded by Sabatka, to approve the summer SWCP applications totaling \$38,499.29 as attached to the Projects Committee Minutes. Motion carried on consent agenda.

c. SWCP Cancellations & Extensions

None_____

d. SWCP Payments

Saalfeld made the motion, seconded by Sabatka, to approve an additional \$27.05 on the Dennis Brabec SWCP application (03-S-37). Motion carried on consent agenda.

2. WATERSHEDS

No new information reported.

3. FSA, EQIP & CRP PLANS SIGNED

Saalfeld made the motion, seconded by Sabatka, to approve the following conservation plans:

| <u>Butler</u> | <u>Kent Grotelueschen</u> | <u>8-16-3</u> | <u>104.2</u> | <u>Revision</u> | <u>Prescribed Burn</u> |
|---------------|---------------------------|----------------|--------------|-----------------|------------------------|
| <u>Butler</u> | <u>Anton Divis</u> | <u>25-16-3</u> | <u>12.1</u> | <u>New</u> | <u>CRP(CREP)</u> |
| <u>Butler</u> | <u>Anton Divis</u> | <u>34-16-2</u> | <u>9.2</u> | <u>New</u> | <u>CRP(CREP)</u> |
| <u>Butler</u> | <u>Robert Richert</u> | <u>19-13-1</u> | <u>7.6</u> | <u>New</u> | <u>CRP(CREP)</u> |
| <u>Butler</u> | <u>Dennis Zegers</u> | <u>23-16-3</u> | <u>6.0</u> | <u>New Plan</u> | <u>Sodbuster</u> |

Motion carried on consent agenda.

4. LOCALLY LED LANDOWNER GROUP REPORTS

No new information reported.

5. OTHER

a. Ithaca Project Assistance Request

JEO has been working with Ithaca to look at ways to remove the southern part of town from the 100-year flood plain. Lalit Jha with JEO reviewed a proposal to conduct a drainage improvement study to evaluate existing drainage runoff conditions and provide drainage improvement recommendations for the town. A community block grant will provide Ithaca with 75% of the \$19,548 study. The town is asking the District to assist with the 25% local cost. Saalfeld made the motion, seconded by Sabatka, to approve 50%

cost-share toward the local expense of Ithaca's proposed drainage improvement study, up to \$2,500 maximum assistance. Motion carried on consent agenda.

b. Malmö Project Request/Update

Malmo has requested our help to improve drainage on the north end of town by helping define a channel that empties into Cottonwood Creek. JEO is assisting the town with locating their right-of-way boundaries so an accurate project estimate can be determined. The work will mostly involve constructing a 950-foot ditch (8' wide by 2' deep) and tree removal. Kavan made the motion, seconded by Sabatka, to assist the Village of Malmo with construction of a flood control ditch and tree removal at a cost not to exceed \$1,455 (50% of \$2,910). Motion carried all members present voting aye.

d. No-Till Program Payment to Saunders County UNL Extension

Saalfeld made the motion, seconded by Sabatka, to approve reimbursing Saunders County Extension \$1,195 for expenses as attached toward the no-till program held on February 5, 2004, at the ARDC. Motion carried on consent agenda.

6. SNITILY WETLAND PROJECT UPDATE

Kavan made the motion, seconded by Sabatka, to move forward toward obtaining a \$92,000 contract agreement between the District and Pheasants Forever on the former Snitily property and approve such agreement pending acceptance from Pheasants Forever and review from our Legal Counsel. Motion carried.

AYE: Bailey, Bull, Eden, Hannah, Holstine, Johannes, Kavan, Larsen, Mastny, Pieke, Reitmajer, Saalfeld, Sabatka, Shelso, Johnson

NAY: Alm, Jedlicka

7. LAKE WANAHOO REPORT

a. Approval of Lake Wanahoo Fisheries Enhancement Project Amendments

Saalfeld made the motion, seconded by Sabatka, to approve Amendments #1 and #2 to Addendum "J" of the Lake Wanahoo Project In-Lake Fisheries Enhancement with Wahoo and Saunders County. Motion carried on consent agenda.

b. Bid Opening for Phase I Fisheries Enhancement Project

The committee reviewed bids to begin construction of the Phase I Fisheries Development Project at Lake Wanahoo. Kavan made the motion, seconded by Bull, to accept the low bid of \$170,000 from Commercial Contractors Equipment for construction of Phase I of the In-Lake Fisheries Enhancement (Lake Wanahoo Motor Boat Access Development & Water Quality Enhancement Project) subject to them meeting all requirements as specified. Motion carried.

AYE: Bailey, Bull, Eden, Hannah, Holstine, Johannes, Kavan, Mastny, Pieke, Reitmajer, Sabatka, Shelso, Johnson

NAY: Alm, Jedlicka, Saalfeld

ABSTAIN: Larsen

8. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

Papio-Missouri River NRD General Manager, Steve Oltmans and Assistant General Manager, Marlin Peterman were present at Projects Committee to discuss the current status of the WS/CC Levee project. The major information presented was that total project costs have increased from \$15,064,760 to \$19,693,020. This will increase our local project commitment from \$736,213 to \$1,093,427, which is a 49% increase. Our interlocal agreement commits us to 35% of the local costs, but we were unaware of this substantial project increase until recently. To date we have paid PMNRD \$365,244.19 toward the project.

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Reports

Reports on the NARD Conference in Washington DC are attached to the Executive Committee Minutes.

b. Pending

1. NACD Regional Meeting - Bismark, ND - June 6-8.

Saalfeld made the motion, seconded by Sabatka, to send up to one staff and one Board Member to the NACD Regional Meeting in Bismark, ND. Motion carried on consent agenda.

2. GMDA Summer Meeting - Durango, CO - June 6-9

Saalfeld made the motion, seconded by Sabatka, to send up to two staff and two directors to the GMDA Summer Meeting in Durango, CO on June 6-9. Motion carried on consent agenda.

2. Management

a. Directors Absences

None Received.

b. Lower Platte River Corridor Alliance

Rodney Verhoeff was present to highlight the March Alliance Report and hand out the draft budget.

c. Bob Weaver Billing

Saalfeld made the motion, seconded by Sabatka, to approve the Bob Weaver bill in the amount of \$2,164.17 as attached to the Executive Committee Minutes. Motion carried on consent agenda.

d. Legislation

Updates were given on LB 962 and LB1179.

e. County Levee Rates

Attached to the Executive Committee Minutes is a copy of the rates that each country in Nebraska levies.

f. NARD Health Insurance

Larsen made the motion, seconded by Johannes, to pay an additional \$600 for the six employees who are only enrolled in the NARD Dental Insurance. Motion carried.

AYE: Alm, Bailey, Bull, Eden, Hannah, Holstine, Jedlicka, Johannes, Larsen, Mastny, Pieke, Reitmajer, Saalfeld, Sabatka, Shelso, Johnson

NAY: Kavan

g. Sand Creek Water Rights

Johannes made the motion, seconded by Shelso, to authorize Lindahl with the assistance of Don Balnkenau to work on the Sand Creek Water Right at a total cost not to exceed \$8,500. Motion carried all members present voting aye.

3. Equipment

No new business.

4. Personnel

a. Sousek 60 Day Update

Sabatka made the motion, seconded by Kavan, to go into executive session at 9:35 p.m. to discuss personnel issues. Motion carried all members present voting aye.

Jedlicka made the motion, seconded by Bull, to go out of executive session at 9:57 p.m.. Motion carried all members present voting aye.

Water Resources Specialist, Mike Sousek had a 60 day review. Water Manager, Angle felt Sousek was doing excellent work and should be moved to Full-Time Permanent status as a Water Resources Specialist. Angle also sited that the District's three water staff are overworked with projects and programs and asked that the Executive Committee consider hiring an additional water staff person to replace the one that has been vacated. After discussion the Executive Committee determined to not fill the vacant water position at the current time, but would review this position and all positions at the Directors Retreat next winter. Saalfeld made the motion, seconded by Sabatka, to change the status of Water Resources Specialist, Mike Sousek to Full-Time Permanent. Motion carried on consent agenda.

5. Finance

a. Approval of February Financial Statement

Saalfeld made the motion, seconded by Sabatka, to approve the February Financial Statement as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

Saalfeld made the motion, seconded by Sabatka, to approve the Managers expenses as attached to the Executive Committee Minutes. Motion carried on consent agenda.

Saalfeld made the motion, seconded by Sabatka, that the April LPNNRD Executive Committee Minutes be received and placed on file. Motion carried on consent agenda.

7. ADDITIONAL ACTION ITEMS

7.a. Cottonwood 22-A Shoreline Stabilization on County Road 21 Saunders County
Bailey made the motion, seconded by Mastny, to assist Saunders County Highway Dept. in the stabilization of County Road 21, of which is the shoreline of Cottonwood 22-A, at a cost of \$2,301.50 which is 50% of \$4,602.50. Motion carried all members present voting aye. The rock will help stabilize some of the dirt fill that Roger Harders placed there after digging it out of the permanent pool area.

7.b. Community Forestry Request Immanuel Zion Lutheran Church - Boone County
Bailey made the motion, seconded by Mastny, to assist Immanuel Zion Lutheran Church in Boone County with their tree planting and Landscape project. The District would cost-share 50% not to exceed \$1,000 on the Project for woody plants. Motion carried all members present voting aye. Immanuel Lutheran Church would not receive payment until the new Fiscal Year. This is a Rural church located in Section 10, T-21, R-5W.

7.c. SWCP Summer Approvals

Bailey made the motion, seconded by Mastny, to approve the following summer applications:

Edward Bakenhus Platte County Planned Grazing \$1,520.40
Motion carried all members present voting aye.

7.d. SWCP Payment

Bailey made the motion, seconded by Mastny, to approve the following payment:

03-P-05 Gary Labenz 2 - Flow Meters \$798.60
Motion carried all members present voting aye.

7.e. Abandoned Well Cost-Share

Bailey made the motion, seconded by Mastny, to approve the following abandoned well cost-share payment:

Joseph Birkel \$581.49 Irrigation Well
Motion carried all members present voting aye.

7.f. Authorize Signing Western Sarpy/Clear Creek PCA

Alm made the motion, seconded by Jedlicka, to table the discussion authorizing LPNNRD General Manager and Legal Counsel to sign the Western Sarpy/Clear Creek PCA (Project Cooperation Agreement) on behalf of the District. Motion carried all members present voting aye.

7.g. Marty Romshek - Fertilizer Report

As of April 12, 2004 the Lower Platte North NRD has still not received the fertilizer application report for the tract of land in the E ½, S12, T16N, R1E, which is in the NRD's Bellwood Phase 2 area. The fertilizer report was due December 31, 2003. The land is in the name of Fredrick Coufal and managed in a trust by Mike Burke of Farmers National Company in Columbus. The tenant is Marty Romshek of Bellwood.

Marty Romshek attended the Water Committee meeting on March 31, 2004 where this item was discussed and was informed by registered letter that the LPNNRD needed to receive the fertilizer application report by April 7, 2004.

Bailey made the motion, seconded by Mastny, to authorize management to proceed with issuance of a cease and desist order to Marty Romshek and Farmers National Company to cease the application of fertilizer and irrigation water on said tract of land in the E ½, S12, T16N, R1E until the fertilizer application report for 2003 has been completely filled out and received in our office with supporting documents attached. Motion carried all members present voting aye.

7.h. NRDF Resolution

Bailey made the motion, seconded by Mastny, to adopt the resolution to finance the Sand Creek Project using NRD Funding and authorize LPNNRD Board Secretary to sign the attached resolution certification. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Saalfeld made the motion, seconded by Sabatka, to approve the April consent agenda. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

None

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The April Board of Directors Meeting will be held on Monday, May 10, 2004. Time and location to be determined. Meeting adjourned at 10:15 p.m.

Lumir Jedlicka, Secretary