

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
August 13, 2012**

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, August 13, 2012.

1. NOTICE OF MEETING

The advanced notice of our August board meeting was published on July 26, 2012 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Chair Pieke 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	Casey
Hagerbaumer	Hannah	Hilger
Johannes	Kavan	McDermott
Meduna	Olson	Pollard
Pieke	Ruzicka	Saalfeld
Sabatka	Taylor	Veskerna

DIRECTORS ABSENT

Clausen

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Angle	

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 and reviewed the NRCS written report.

c. NARD Report

Kavan reported that that NARD Fall Conference will be held in Kearney on September 24-25.

d. NRC Report

Johannes reported that the next Commission Meeting will meet at the NARD Fall Conference in Kearney.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Prior to the Board Meeting Jovan Lausterer gave a presentation to the Board on Nebraska Open Meetings Act, Rules Pertaining to Closed Session Meetings, Public Information Request and Conflicts Pursuant to

the Political Accountability Rules.

5. APPROVAL OF MINUTES

Bailey made the motion, seconded by Casey, to approve the minutes from the July 9, 2012 Board Meeting. Motion carried all members present voting aye.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. NARD Fall Conference - September 24-25, Kearney – Update Given

b. Reports – None

2. Management Items

a. Directors Absence – None

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

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

c. Drowning in Wanahoo Dam Spillway – Update Given

d. Monthly Education Program

e. Lake Wanahoo Finances – Update Given

f. NARD Resolutions – Update Given

g. CCEI Lawsuit

This item will be taken at the end of the meeting, due to litigation we will need to go into executive session.

h. Changes to NARD 414h and 457 Plans

Bailey made the motion, seconded by Casey, to approve and authorize Chair Pieke to sign Amendment 2 to the NARD 414(h) and 457 Deferred Compensation Plans to bring the Plans into compliance with the Heroes Earnings Assistance and Relief Tax Act as attached to the Executive Committee Minutes. Motion carried on consent agenda.

i. Keystone Pipeline Office – Update Given

j. Sub-District 4 Vacancy

Johannes made the motion, seconded (by Ruzicka), to appoint Matt Bailey to fill the vacancy in Sub-District 4. Motion carried all members present voting aye.

At this time Breunig administered the Oath of Office to Matt Bailey.

k. NARD Tree Program Interlocal Agreement

Bailey made the motion, seconded by Casey, to approve and authorize Chair Pieke to sign the updated Interlocal Agreement between LPNNRD and NARD for obtaining seedling trees as attached to the Executive Committee Minutes. Motion carried on consent agenda.

3. Equipment - None

4. Personnel – None

5. Finance

a. Approval of Financial Report – Update Given

b. Approval of Managers Expenses

Bailey made the motion, seconded by Casey, 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

e. Renewal of Sand Creek/Lake Wanahoo Loans

Casey made the motion, seconded by Meduna, to accept the offer from Union Bank to combine the Wanahoo Land Note, SRF #1 loan and SRF #2 loan into a single loan (12,622,612) at an interest rate of 2.75% and bring forward a loan document detailing all terms and conditions of loan for Board review. Motion carried.

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

ABSTAIN: Bailey

f. Funding for Upstream Dam Land Purchase

The land cost for the two remaining Upstream Dams is \$1,073,200 which has been budgeted for this year. Due to our cash flow we currently have \$400,000 available with the remainder becoming available throughout the year. To move forward on the Corps schedule we need to have all of the land purchased by our September 10 board meeting. It appears that the simplest way for us to cash flow this is to increase our line of credit to \$700,000 (currently is \$400,000 limit) for the next 6 months.

Taylor made the motion, seconded by Pollard, to not build and purchase the land for the final two upstream dams. Motion failed

AYE: Birkel, Hagerbaumer, Hilger, Pollard, Ruzicka, Taylor, Pieke

NAY: Casey, Hannah, Johannes, Kavan, McDermott, Meduna, Olson, Saalfeld, Sabatka, Veskerna

ABSTAIN: Bailey

Kavan made the motion, seconded by McDermott, to authorize staff to move all accounts to Union Bank – Wahoo and secure a short term note to help with the cash flow in purchasing land for the final two upstream dams. Motion carried.

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

NAY: Saalfeld

ABSTAIN: Bailey

Casey made the motion, seconded by Ruzicka, to establish a financial relationship with Union Bank-Wahoo following our normal NRD procedure as established by LPNNRD. Motion carried all members present voting aye.

g. F.Y 2013 Budget

Meduna made the motion, seconded by Ruzicka, to approve the FY 2013 amended budget as presented during the budget hearing with total income of \$7,852,549 and expenses of \$7,600,957. Motion carried.

AYE: Birkel, Casey, Hagerbaumer, Hannah, Johannes, Kavan, McDermott, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna, Pieke

NAY: Hilger, Taylor

ABSTAIN: Bailey

Bailey made the motion, seconded by Casey, 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. WHIP/WILD NE REPORT

a. Payments

Bailey made the motion, seconded by Casey, to pay Tim and John Gronenthal \$72.16 on a 4.4 acre CREP Contract in Platte County. Motion carried on consent agenda.

2. OPERATION AND MAINTENANCE

a. Operation and Maintenance - Update Given

b. South Fremont 205 Feasibility Study

c. Revenue from Grass Drills – Update Given

d. Haying Czechland and Homestead 2012

e. Environmental Trust Report Grass Drill – Update Given

f. Renovation of Cottonwood 42-A – Update Given

g. New FY Budget Review – Update Given

3. ROCK AND JETTY

a. Applications - None

b. Payment Requests

Bailey made the motion, seconded by Casey, to pay Frank Stanek \$479.55 for Rock and Jetty work accomplished on the Platte River in Colfax County pending staff inspection. Motion carried on

consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads

Bailey made the motion, seconded by Casey, to renew the annual contract with KTIC at a cost of \$2,190. Motion carried on consent agenda.

2. Envelopes/Door Magnets – Update Given

3. County Fairs – Update Given

4. Husker Harvest Days/State Fair – Update Given

b. Education

1. Land Judging – Update Given

c. Computers

1. Android Recreation Areas App – Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water – Update Given

b. Colon/Wahoo Rural Water System – Update Given

c. Mead – Update Given

d. Other

Bailey made the motion, seconded by Casey, to budget \$5,002.05 for safety equipment. Motion carried on consent agenda.

Bailey made the motion, seconded by Casey, 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. 2012 Drought Conditions – Update Given

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

a. July Variance Requests – Update Given

b. Limited Development Areas - Update Given

3. Well Permit Program

a. Well Permits Approved - Update Given

b. Pending Well Permit

Johannes made the motion, seconded by Pollard, that within the Normal Development Area (NDA) well permit applications must include at least one test hole log that describes the geology of the proposed new well site; if available include other test hole information done by the driller in locating that preferred site; provide test hole logs of other wells, regardless of well type, in a two mile radius of the proposed new well site with at least two well logs per section (if available), preferably those extending into the bedrock. This additional information is to help determine if there is adequate water and transitivity to support an additional well in the aquifer without being detrimental to existing water users. Motion carried all members present voting aye.

4. Extension of LPNNRD Ground Water Management Area Rules and Regulations

Bailey made the motion, seconded by Casey, to extend our current LPNNRD Ground Water Management Area Rules and Regulations last amended on July 13, 2009, until the District has completed our Voluntary Integrated Water Management Plan Rules & Regulations and received approval by the Nebraska Department of Natural Resources. Motion carried on consent agenda.

5. Voluntary Integrated Water Management Plan – Update Given

6. Lower Platte River Basin Coalition – Update Given

7. F&WS and Platte River Depletions – Update Given

8. Cost-Share Programs

a. Irrigation Well Sample Kits - Update Given

b. Domestic Well Sample Kits - Update Given

c. NAWMDN Water Mark Sensors and ET Gauges – Update Given

d. Cost-Share from 319 Grant for Phase 2 Ground Water Management Area

Bailey made the motion, seconded by Casey, to approve the cost share payment to Dean Novak for four flow meters, a soil probe, watermark sensors, and sensor reader as part of the 319 Grant in our Phase 2 Ground Water Management Areas for \$3,695.90. Motion carried on consent agenda.

9. LPNNRD Certification Classes – Update Given

10. Bellwood Phase 2 Area

11. Richland/Schuyler Phase II Area - Update Given

12. Certifying Acres – Update Given

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 – Update Given**
 - 3. Nebraska Water Well Decommissioned Fund (NWWDF) – Update Given**
 - b. LPNNRD Ground Water Studies**
 - 1. LPNNRD Platte River Ground Water Model – Update Given**
 - 2. Elkhorn Loup Model (ELM) – Update Given**
 - 3. Eastern Nebraska Water Resources Assessment (ENWRA) – Update Given**
 - 4. Eastern Nebraska HEM Aquifer Mapping – Update Given**
 - c. Ground Water Energy Levels – Update Given**
 - 1. Future Monitoring Wells – Update Given**
 - 2. Summer GWEL Measurements – Update Given**
 - d. Ground Water Quality**
 - 1. Statewide Network – Update Given**
 - 2. Monitoring Wells – Update Given**
 - e. Former Ordnance Plant Near Mead – Update Given**
- 3. SURFACE WATER PROGRAMS**
- a. State Lakes, for the Week June 18, 2012 – Update Given**
 - 1. Bacteria Sampling – Update Given**
 - 2. Toxic Algae – Update Given**
- 4. OTHER**
- a. Water Programs Budget – Update Given**
 - b. Comments From The Public – Update Given**

Bailey made the motion, seconded by Casey, that the August 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

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

			<u>50%</u>	<u>75%</u>
Bruce and Amy Williams	Saunders Co.	Flow Meter	\$ <u>625.00</u>	
<u>Shell Creek Watershed:</u>				
Marbu Inc.	Madison Co.	Planned Grazing		\$ <u>7,600.00</u>
Merlin Groteluschen	Platte Co.	W/S Basins		\$ <u>12,500.00</u>

<u>Keith Henggeler</u>	<u>Colfax Co.</u>	<u>W/S Basins</u>	<u>\$6,479.81</u>
<u>Louis Welch</u>	<u>Platte Co.</u>	<u>W/S Basins</u>	<u>\$7,915.31</u>
			TOTAL: \$34,495.12

Motion carried on consent agenda.

b. SWCP Payments

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

			<u>Approved</u>	<u>Total</u>
<u>11-B-33</u>	<u>Thomas Samek</u>	<u>Butler Co.</u>	<u>Terraces/Tile</u>	
			<u>\$10,502.44</u>	<u>\$10,314.29</u>

Motion carried on consent agenda.

c. SWCP Cancellations – None

d. Sand/Duck Creek Approvals – None

e. Sand/Duck Creek Cost-Share Payments – None

f. Sand/Duck Creek Cancellations

Bailey made the motion, seconded by Casey, to cancel Sand/Duck Creek cost share applications from 2005-2010 totaling \$343,576.76 as attached to the Projects Committee Minutes. Motion carried on consent agenda.

2. WATERSHEDS

a. Shell Creek

1. Shell Creek Improvement Group – Update Given

b. Wahoo Creek

1. Wahoo Creek Watershed Water Quality Plan – Update Given

3. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report - Update Given

b. LPRCA FY 2013 Budget Invoices

Casey made the motion, seconded by Meduna, to approve paying LPRCA FY12 invoices for budgeted amounts totaling \$31,101 (as approved by the Board on July 9, 2012) for: Dues (\$16,000); Contingency (\$9,334); Environmental Suitability Assessment (\$1,000); Kayak Tours (\$500); Summit (\$2,667); Retreat/Strategic Planning (\$1,000); and Newsletters (\$500), as attached to the Projects Committee Minutes. Motion carried.

AYE: Birkel, Casey, Hagerbaumer, Hannah, Johannes, Kavan, McDermott, Meduna, Olson, Pollard, Saalfeld, Sabatka, Veskerna

NAY: Hilger, Ruzicka, Taylor, Pieke

ABSTAIN: Bailey

4. OTHER

a. Update on Army COE 205 Studies

1. South Fremont 205 – Update Given

2. Schuyler 205 – Update Given

b. Projects Budget Review

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo

1. Wanahoo Dedication

Bailey made the motion, seconded by Casey, to approve scheduling the Lake Wanahoo Dedication for Saturday, September 29, 2012. Motion carried on consent agenda.

2. Drowning – Update Given

3. CCEI Lawsuit – Update Given

4. Recreation – Update Given

b. Upstream Structures – Update Given

1. Landrights – Update Given

2. Other – Update Given

6. WESTERN SARPY/CLEAR CREEK LEVEE REPORT – Update Given

Bailey made the motion, seconded by Casey, to accept and place on file the August Projects Committee Minutes. Motion carried on consent agenda.

7. ADDITIONAL ACTION ITEMS - None

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Bailey made the motion, seconded by Casey, to approve the August consent agenda. Motion carried all members present voting aye.

At this time agenda item 6.A.2.g. was taken

Ruzicka made the motion, seconded by Saalfeld, to go into executive session at 7:42 p.m. to discuss the CCEI Lawsuit and ask that staff members Miyoshi, Mountford and Murren remain. Motion carried all members present voting aye.

Meduna made the motion, seconded by Sabatka, to come out of executive session at 7:55 p.m. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The September Board of Directors Meeting will be held on Monday, September 10, 2012, 6:00 p.m. Meeting adjourned at 8:00 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 13, 2012, 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.

Ray Casey, Secretary