

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
August 12, 2013**

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 6:10 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, August 12, 2013.

1. NOTICE OF MEETING

The advanced notice of our August 12, 2013 board meeting was published on July 18 and 25, 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 |
| Hagerbaumer | Hannah | Johannes |
| Kavan | McDermott | Meduna |
| Olson | Pieke | Pollard |
| Ruzicka | Saalfeld | Sabatka |
| Taylor | Veskerna | Hilger |

DIRECTORS ABSENT

Gibney

STAFF AND GUESTS:

| | | |
|---------|-----------|------------|
| Miyoshi | Mountford | Breunig |
| Murren | Almond | Gottschalk |
| Heimann | Sousek | |

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 - None

Mark Walkenhorst was present to go over his written report.

c. NARD Report

Kavan reminded all Directors about the NARD Fall Conference September 22-24, Kearney.

d. NRC Report

Johannes reported on LB517 the Water Sustainability Task Force Meetings.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Brooke Pieke (granddaughter of Ralph Pieke) gave a presentation on her Science project she has been

working on and the scholarship offer she has received from Drexel University in Philadelphia.

5. APPROVAL OF MINUTES

Meduna made the motion, seconded by Pollard, to approve the minutes from the July 8, 2013 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. UNL Water Conferences – Update Given

2. LPRCA Water Quality Open – Update Given

b. Reports

1. Soil and Water Conservation Society Annual Conference – Update Given

2. Management Items

a. Directors Absence

Meduna made the motion, seconded by Pollard, to approve the absence of Director Birkel from the July 2013 Board Meeting. Motion carried on consent agenda.

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Meduna made the motion, seconded by Pollard, to approve payment of \$3,200 to Bob Weaver for July services and bill LPSNRD and Papiro NRD for their share. Motion carried on consent agenda.

c. Monthly Education Program – Update Given

d. Martinez Lawsuit – Update Given

e. CCEI Lawsuit

Meduna made the motion, seconded by Pollard, to ratify the Settlement Agreement between LPNNRD and CCEI to have CCEI hire Collins Construction to perform needed warranty repairs to the Wanahoo Dam outlet as attached to the Executive Committee Minutes. Motion carried on consent agenda.

Legal Counsel Lausterer suggested the Board go into executive session at the end of the meeting to discuss the upcoming trial.

f. Director Per Diems – Update Given

g. Water Leaders Academy – Update Given

h. Water Funding Task Force – Update Given

3. Equipment – None

4. Personnel

a. Personnel Sub-Committee Minutes

Meduna made the motion, seconded by Pollard, to acknowledge that the Personnel Sub-Committee had reviewed Manager Miyoshi's evaluation summary with him and to approve the 2013-2014 Goals and Objectives set for him. Motion carried on consent agenda.

b. Temporary GIS Assistant Position

McDermott made the motion, seconded by Ruzicka, to hire Tyler Benal for the 18 month GIS Assistant position with a starting salary at the base level. Motion carried all members present voting aye.

5. Finance

a. Approval of Financial Report – Update Given

b. Approval of Managers Expenses

Meduna made the motion, seconded by Pollard, 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. FY 2014 Budget

Ruzicka made the motion, seconded by Meduna, to approve the Fiscal year 2014 budget as presented with two changes that lowers the property tax amount by \$150,000. The approved F.Y. 14 Budget has Expenses of \$7,563,504, Income of \$7,580,575 and a property tax request of \$3,774,380. Motion carried.

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

NAY: Birkel, Taylor, Hilger

Meduna made the motion, seconded by Pollard, 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

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. Swedeburg Dams – Update Given

d. Wanahoo Recreation Area

Meduna made the motion, seconded by Pollard, to accept the high bid of \$102/ton from Matt Sillivan at Czechland and Homestead and a bid of \$86/ton from Dan Ourada at Lake Wanahoo for haying. Motion carried on consent agenda.

Meduna made the motion, seconded by Sabatka, to allow the Big Game Association permission to establish food plots and an elevated blind on the Lake Wanahoo property provided they do all maintenance according to a written agreement. Motion carried.

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

NAY: Birkel, Pieke

f. Equipment

Meduna made the motion, seconded by Pollard, to purchase a 5-gallon foam marker from Schaben Industries for \$869.12. Motion carried on consent agenda.

g. Budget – 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. County Fairs – Update Given

3. Husker Harvest Days – Update Given

b. Computer

1. NRD Recreation Area Apps – Update Given

2. Rural Water App – Update Given

6. RURAL WATER Systems

a. Bruno/David City Rural Water – Update Given

b. Colon/Wahoo Rural Water System – Update Given

c. Cedar Bluffs – Update Given

d. Abie – Update Given

e. Brainard and Dwight – Update Given

f. Other

Ruzicka made the motion, seconded by Hagerbaumer, to accept the low bid and purchase the siphoning system piping from Roehr's Machinery Inc. for \$5,107.04 as detailed in the O, E & RW minutes. Motion carried.

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

NAY: Kavan

Birkel made the motion, seconded by Veskerna, to accept the bid and purchase an enclosed trailer from Larry's Trailer Sales from David City for \$8,800 as detailed in the O, E & RW minutes. This is \$25 more than the low bid but this merchant is located with the LPN District boundaries. Motion carried all members present voting aye.

Meduna made the motion, seconded by Pollard, 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. 2013 Drought Conditions – Update Given

2. Variance Requests

a. July Variance Requests in the Restricted Development Area – Update Given

b. July Variance Requests in the Limited Development Area – Update Given

c. July Variance Requests in the Normal Development Area – Update Given

d. Charles Divis Variance Request – Update Given

3. Well Permit Program

a. Well Permits Approved – Update Given

b. Mike Malena Supplemental Livestock Well

Meduna made the motion, seconded by Pollard, to change the well permit LPN-013-1452 from a replacement well to a supplemental well so Mike Malena can keep one or both of his existing stock wells G-136919 and G-136920. Motion carried on consent agenda.

c. Village of Bellwood Water Treatment Plant Well

Meduna made the motion, seconded by Pollard, to approve the municipal well permit application in the SW ¼ of the SE ¼ of Section 19, T16N, R2E in the LDA for the Village of Bellwood. Motion carried on consent agenda.

d. Loran Houska Supplemental Well

Meduna made the motion, seconded by Pollard, to allow a 90 extension to well permit LPN-012-1295 which is set to expire on August 23, 2013 and originally filed by Loran Houska for a supplemental well in SW1/4 of the SE1/4, Section 29, T15N, R8E. Motion carried on consent agenda.

e. Vernon Flamme Well Permit

Meduna made the motion, seconded by Pollard, to approve a new irrigation well permit in the N1/2, Section 33, T18N, R7E in the LDA for Vernon Flamme (Sidner Bros.) since no new acres would be irrigated with the condition that the north cluster of six unregistered irrigation wells are decommissioned and the other 9 irrigation wells are registered with the Dept. of Natural Resources. Motion carried on consent agenda.

f. Jeana Buhman Well Permit Modification

Meduna made the motion, seconded by Pollard, to modify well permit LPN-012-1271 (Jeana Buhman) for irrigation well G-164613, to irrigate a total of 139 acres. Motion carried on consent agenda.

g. Pond Well Permit Applications – Update Given

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

6. LPNNRD Certification – Update Given

7. Bellwood Phase 2 Area – Update Given

8. Richland/Schuyler Phase II Area - Update Given

9. Certifying Acres – Update Given

10. Irrigation Runoff Complaints – Update Given

11. Water Funding Task Force Meeting – 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

Meduna made the motion, seconded by Pollard, to approve cost share payment of \$579.19 to decommission the irrigation well for GLC Inc. and payment of \$1,403.25 to decommission the hand dug well for Francis Kastl (Timothy). Motion carried on consent agenda.

b. LPNRRD Ground Water Studies

1. Elkhorn Loup Model – Update Given

2. Eastern Nebraska Water Resources Assessment (ENWRA) – Update Given

c. Ground Water Energy Levels – Update Given

d. Wellhead Protection Areas for Lincoln and Omaha – Update Given

e. Former Ordnance Plant Near Mead – Update Given

f. Charles Wortman (UNL) Request – Update Given

g. Ground Water Quality Sampling

1. State Wide Network Groundwater Samplings

2. Richland-Schuyler Phase 2 Area

3. SURFACE WATER PROGRAMS

a. State Lakes

1. Bacteria Sampling – Update Given

2. Toxic Algae – Update Given

b. USGS Invoice for Stream Gauges and Ground Water Well

McDermott made the motion, seconded by Pieke, to approve payment of \$15,540.00 to USGS for streamflow gauge operation in Shell Creek near Columbus, Wahoo Creek near Ashland and operation of the real time ground water level monitoring well near Mead. Motion carried all members present voting aye.

4. OTHER

a. Lindsay Manufacturing Clean-Up Water – Update Given

b. Water Programs Budget for FY 13-14 – Update Given

c. Robert Nelson Well G-057527

Meduna made the motion, seconded by Pollard, to allow Robert Nelson to irrigate 67 acres in the E½NW¼, Section 24, T15N, R8E RDA provided that the 80 acres in the E½NE¼, Section 24, T15N, R8E RDA are not irrigated. Motion carried on consent agenda.

d. Comments From The Public – Update Given

Meduna made the motion, seconded by Pollard, 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

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

| | | | |
|----------------------------|-------------------|------------------------|--------------------|
| <u>James Fehringer</u> | <u>Platte Co</u> | <u>Terraces w/Tile</u> | <u>\$12,500.00</u> |
| <u>Keith Henggeler</u> | <u>Colfax Co.</u> | <u>W/S Basins</u> | <u>\$7,608.00</u> |
| <u>Merlin Groteluschen</u> | <u>Platte Co.</u> | <u>W/S Basins</u> | <u>\$12,500.00</u> |

Motion carried on consent agenda.

b. SWCP Payments

Meduna made the motion, seconded by Pollard, to approve the following SWCP cost-share payments:

| | | | |
|----------------|------------------------|-------------------|-------------------|
| <u>12-B-21</u> | <u>John Vandenberg</u> | <u>Flow meter</u> | <u>\$625.00</u> |
| <u>13-S-4</u> | <u>Bartek Brothers</u> | <u>Flow meter</u> | <u>\$625.00</u> |
| <u>13-S-7</u> | <u>Marvin Hines</u> | <u>Flow meter</u> | <u>\$552.50</u> |
| <u>13-S-17</u> | <u>Daniel Thiesen</u> | <u>Flow meter</u> | <u>\$625.00</u> |
| <u>13-S-19</u> | <u>Rick Beranek</u> | <u>Flow meter</u> | <u>\$625.00</u> |
| | | | <u>\$3,052.50</u> |

Motion carried on consent agenda.

c. SWCP Cancellations - None**d. Cottonwood Creek Payments**

Meduna made the motion, seconded by Pollard, to approve the following Cottonwood Creek payment:

| | | | |
|----------------|----------------------|------------------------------|-------------------|
| | | | <u>Actual 25%</u> |
| <u>12-CW-4</u> | <u>Bryon Chvatal</u> | <u>W/S Basins & Tile</u> | <u>\$2,407.89</u> |

Motion carried on consent agenda.

e. Sand/Duck Creek Approvals

Meduna made the motion, seconded by Pollard, to approve the following Sand/Duck Creek Approvals:

| | | | | |
|----------------------------------|------------------------------|--------------------|--------------------|--------------------|
| | | <u>75%</u> | <u>25%</u> | <u>15%</u> |
| <u>Dennis & Joel Settles</u> | <u>W/S Basins & Tile</u> | <u>\$22,842.00</u> | | <u>\$4,568.00</u> |
| <u>Shirley Vyhlidal</u> | <u>W/S Basins & Tile</u> | | <u>\$5,300.00</u> | <u>\$3,180.00</u> |
| <u>Larry & Ken Johnson</u> | <u>Terraces/Tile</u> | | <u>\$10,631.00</u> | <u>\$6,375.00</u> |
| <u>George Odvody</u> | <u>Terraces/Tile</u> | <u>\$14,954.00</u> | | <u>\$2,990.00</u> |
| <u>Dwayne Sedlacek</u> | <u>Terraces/Tile</u> | <u>\$19,744.00</u> | | <u>\$3,949.00</u> |
| | | <u>\$57,540.00</u> | <u>\$15,931.00</u> | <u>\$21,062.00</u> |

Motion carried on consent agenda.

f. Sand/Duck Cost-Share Payment - None**2. WATERSHEDS****a. Wahoo Creek****1. Wahoo Creek Watershed Water Quality Plan – Update Given****b. Shell Creek Watershed**

Meduna made the motion, seconded by Pollard, to interview Olsson Associates and EA Engineering, Science & Technology, Inc. for completing the Shell Creek Watershed Water Quality Plan. Motion carried on consent agenda.

Kavan made the motion, seconded by Meduna, to authorize Assistant Manager, Mountford to negotiate a contract with EA Engineering to complete the Shell Creek Watershed Water Quality Plan, to be reviewed at the August 29, 2013 Projects Committee Meeting. Motion carried all members present voting aye.

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. Yutan Project Storm Drainage Project Proposal – Update Given

c. FY14 Projects Committee Budget Review – Update Given

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo

1. Final Payment to NG&P for Completed Shower/Latrine Project

Pieke made the motion, seconded by Olson, to pay Nebraska Game & Parks Commission \$57,621.45 for LPNNRD’s share of the shower/latrine project at Lake Wanahoo. Motion carried all members present voting aye.

b. Upstream Structures – Update Given

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

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

7. ADDITIONAL ACTION ITEMS

7a. Temporary Easement Agreement

Johannes made the motion, seconded by Olson, to approve an option for a temporary easement with Hawkins Construction Company to allow them to operate a batch plant on NRD property just west of the Wanahoo Dam. The Agreement is for two years and reimburses the NRD \$10,000 per year or in-kind credit for paving at Lake Wanahoo SRA and is dependent on Hawkins being awarded the NDOR Wahoo Bi-pass contract. The option to Hawkins is not exclusive. Lausterer and staff will modify the existing proposal to meet the conditions of this motion. Motion carried all members present voting aye.

7b. SWCP Payments

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

| | | | |
|-----------------------|-----------------------------|-----------------------|-------------------|
| <u>13-B0-21</u> | <u>Ralph Pieke</u> | <u>Flow meter</u> | <u>\$625.00</u> |
| <u>12-B-40a&b</u> | <u>Mohrman Family Trust</u> | <u>Flow meter x 2</u> | <u>\$1,200.00</u> |
| <u>13-S-18</u> | <u>MTM Farms</u> | <u>Flow meter</u> | <u>\$552.50</u> |
| <u>13-C-10</u> | <u>Kermit Wilson</u> | <u>Flow meter</u> | <u>\$562.00</u> |
| <u>12-S-05</u> | <u>Tim Bartek</u> | <u>Flow meter</u> | <u>\$551.00</u> |
| <u>13-S-8</u> | <u>G. Peter Burger</u> | <u>Flow Meter</u> | <u>\$552.50</u> |

Motion carried.

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

NAY: McDermott, Pieke

ABSENT: Hannah

7c. Prairie Land RC&D Scrap Tire Recycling Payment

No Action Necessary.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

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

10. COMMENTS FROM DIRECTORS/GUESTS

Item 6.A.2.e. was taken at this time

Hannah made the motion, seconded by Saalfeld, to go into executive session at 8:08 p.m. to discuss the CCEI Lawsuit and ask that staff members Miyoshi and Murren remain with Legal Counsel Lausterer. Motion carried all members present voting aye.

Meduna made the motion, seconded by Birkel, to come out of executive session at 8:37 p.m. Motion carried all members present voting aye.

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The September Directors Meeting will be held on Monday, September 9, 2013, 6:00 p.m. Meeting adjourned at 9:15 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 12, 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.