

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
December 12, 2011**

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 1:30 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, December 12, 2011.

1. NOTICE OF MEETING

The advanced notice of our December board meeting was published on November 23, 2011 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	Hilger	Kavan
McDermott	Meduna	Olson
Pieke	Pollard	Ruzicka
Saalfeld	Sabatka	Taylor
Veskerna		

DIRECTORS ABSENT

Hannah	Johannes
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STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Gottschalk	Angle

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

b. NRCS Report

Dave Bichlmeier was present and updated the Board on the WRP Program.

c. NARD Report

Director Kavan reported that NARD is exploring options for constructing a building on the NARD lot at Husker Harvest Days. Kavan would like to know the feeling of directors about donations from the NRDs to assist with funding the project. More information about the building and cost are requested prior to any response from the board.

d. NRC Report

None

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Mark Mainelli gave a presentation to the Board on the Hughes Payzant project that was recently completed.

At this time item 6.D.6.a.2. was taken.

Sabatka made the motion, seconded by Meduna, that we go into executive session at 1:50 p.m. to discuss:

1. The Lake Wanahoo Dam Construction contract and potential litigation on resolution of payment requests.

2. Lake Wanahoo financing and potential litigation on partner financing and ask that staff members Miyoshi, Murren and Mountford remain along with legal counsel, Jovan Lausterer. Motion carried all members present voting aye

Hilger made the motion, seconded by Ruzicka, to come out of closed session at 2:30 p.m. Motion carried all members present voting aye.

5. APPROVAL OF MINUTES

Casey made the motion, seconded by Sabatka, to approve minutes from the November 14, 2011 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. National Not-Till Conference

Casey made the motion, seconded by Sabatka, to authorize one staff and one director to attend the National No-Till Conference, January 11-14, St. Louis, Missouri. Motion carried on consent agenda.

2. Recognition Banquet – Update Given

3. NARD Legislative Conference – Update Given

4. Directors Retreat – Update Given

5. NARD Washington D.C.

The Annual NARD Washington, DC trip is scheduled for March 10-14 which falls on our normal Board Meeting date March 12. Casey made the motion, seconded by Sabatka, to move our March Board meeting to Thursday, March 8th at 5:30 p.m. Motion carried on consent agenda.

b. Reports – None

2. Management Items

a. Directors Absence - None

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Casey made the motion, seconded by Sabatka, to approve payment of \$3,000 to Bob Weaver for November services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

c. Nominating Sub-Committee – Update Given

d. Monthly Education Program – Item was taken earlier

e. Sub-District 1 Vacancy

There was no response to ads in the Fremont Tribune asking for candidates to fill the vacant Sub-District 1 position. Miyoshi will contact the Fremont Chamber and the City about possible candidates.

3. Equipment - None

4. Personnel

a. Bartek Salary

Casey made the motion, seconded by Sabatka, to ratify the correction on Bartek salary and reimburse her the \$19.08 owed to her since July 1, 2011. Motion carried on consent agenda.

5. Finance

a. Approval of Financial Report

Casey made the motion, seconded by Sabatka, to approve the October Financial Statement as presented and distributed. Motion carried all members present voting aye.

b. Approval of Managers Expenses

Casey made the motion, seconded by Sabatka, 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. 1099/W2 Reporting

Saalfeld made the motion, seconded by Meduna, to accept the software proposal from Quadis in the amount of \$2,123 to add the GP Microsoft and Greenshades Center software add-ons to our accounting package to produce electronic W-2's and 1099's. Motion carried all members present voting aye.

f. Budget Revision

Casey made the motion, seconded by Sabatka, to amend the F.Y. 2012 Budget by increasing the 406.506 budget line from \$6,370 to \$36,370 and reducing the 405.705 budget line from \$131,250 to \$101,250. Motion carried on consent agenda.

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

B. EDUCATION, OPERATION & RURAL WATER COMMITTEE REPORT

1. WHIP/WILD NE REPORT

a. Payments - None

2. OPERATION AND MAINTENANCE

a. Operation and Maintenance - Update Given

b. South Fremont 205 Feasibility Study - Update Given

c. Rawhide Ditch 8

Casey made the motion, seconded by Sabatka, to hire Papa Trucking to fix the two pipes on Rawhide Ditch for \$2,900. Motion carried on consent agenda.

d. Hail Damage to Office & Out Building – Update Given

e. Tree Information – Update Given

f. Watershed Dams – Update Given

g. Emergency Action Plans (EAP) – Update Given

h. Vehicles – Update Given

i. Building on Wanahoo Property – Update Given

j. Financial Review – Update Given

3. ROCK AND JETTY

a. Applications – Update Given

b. Payment Requests - None

4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads – Update Given

2. Viaduct – Update Given

McDermott made the motion, seconded by Hilger, to accept the quote from Suburban Newspapers Inc. to print the Viaduct newsletter for \$625/issue plus postage. Motion carried on consent agenda.

3. NARD Displays – Update Given

b. Education

1. Project WILD/PLT/WET Early Childhood Workshop - Update Given

2. State Land Judging – Update Given

3. Butler County Government Day – Update Given

c. Computers

1. Shell Creek Website – Update Given

2. Replacement Computer

Casey made the motion, seconded by Sabatka, to approve purchase of a Mac Mini for \$563 to replace Ekstein’s computer. Motion carried on consent agenda.

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

Veskerna made the motion, seconded by Ruzicka, to waive the normal bidding procedures and purchase a H & H 14ft. dump trailer rated at 14,000 lbs. from Larry’s Trailer Sales of David City NE for \$6,900. The 4% price increase from the other H & H trailer listed is due to drop axels vs. straight, 12K drop leg jack vs. 7K jack and a spare tire mount. Motion carried.

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

NAY: Kavan

Casey made the motion, seconded by Sabatka, that the December LPNNRD Education, Operations 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 for Limited Development (Hydrologically Connected) Area

a. November Variance Requests – Update Given

b. Limited Development Areas

Casey made the motion, seconded by Sabatka, to conditionally approve the following variance request in the limited development area and issue this variance from the 2012 allocation:

<u>Variance</u>	<u>Landowner</u>	<u>Acres</u>	<u>Legal Description of All Fields</u>	<u>Well Legal Description</u>	<u>County</u>
<u>LPN-V-012-0130</u> <u>Class 3</u>	<u>Roland Kavan</u>	<u>123-Expansion</u> <u>(212-Total)</u>	<u>Expansion - Portions of</u> <u>SW1/4, S6, T16N, R6E</u> <u>Existing - Portions of</u> <u>NW1/4, S6, T16N, R6E</u>	<u>SW1/4 of the</u> <u>NW1/4, S6,</u> <u>T16N, R6E</u>	<u>Saunders</u>

and as shown on the attached map. In addition, the following variance and well permit conditions will

apply:

- If nearby domestic wells within a one mile radius of this existing irrigation well (variance number LPN-V-012-0130 and well registration G-159759) should experience declining ground water levels which restricts the normal use or well yield of their well, the well owner and landowner of the existing irrigation well (variance number LPN-V-012-0130 and well registration G-159759) agrees to work with the affected well owner to alleviate the problem, which could include paying the cost to the affected well owner to deepen the affected well and/or agrees to work with LPNNRD to reduce the total amount of irrigation water applied by the establishment of acre inch allocations on said fields or the reduction in the number of irrigated acres from said fields for the existing irrigation well (variance number LPN-V-012-0130 and well registration G-159759) to address the problem.
- Remaining standard variance and well permit conditions as listed on these LPNNRD forms shall apply. Motion carried on consent agenda.

It was recommended (by Taylor) and seconded (by Pollard) to conditionally approve the following variance requests and issue these variances from the 2012 acre allocation:

<u>Variance</u>	<u>Landowner</u>	<u>Acres</u>	<u>Field Legal Description</u>	<u>Well Legal Description</u>
<u>LPN-V-012-0136</u> <u>Class 2</u>	<u>John Kobza</u>	<u>72-Expansion</u> <u>(140-Total)</u>	<u>Expansion - Portions of</u> <u>NW1/4 and NW1/4 of</u> <u>NE1/4, S3, T16N, R3E</u> <u>Existing - E1/2 of NE1/4,</u> <u>S3, T16N, R3E</u>	<u>New well in</u> <u>SE1/4 of</u> <u>NW1/4, S3,</u> <u>T16N, R3E</u>
<u>LPN-V-012-0137</u> <u>Class 3</u>	<u>Mark</u> <u>Wegener</u>	<u>35-Expansion</u> <u>(170-Total)</u>	<u>Expansion - SE1/4 of</u> <u>SE1/4, S26, T20N, R3W</u> <u>Existing - SW1/4 of</u> <u>SE1/4, S26, T20N, R3W</u> <u>and NE1/4, S35, T20N,</u> <u>R3W</u>	<u>Existing well in</u> <u>NW1/4 of</u> <u>NE1/4, S35,</u> <u>T20N, R3W</u>

and as shown on the attached maps. Motion carried on consent agenda.

2. Well Permit Program

a. Well Permits Approved - Update Given

3. Integrated Water Management Plan – Update Given

4. 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 Groundwater Management Area – Update Given

5. LPNNRD Certification Classes – Update Given

6. Bellwood Phase II Area - Update Given

7. Richland/Schuyler Phase II Area - 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

McDermott made the motion, seconded by Hilger, to approve cost share payment to decommission the three irrigation wells for Ralph Papa for a total of \$1,247.27 and to decommission an irrigation well for Joe Jazwich for \$315.50. Motion carried on consent agenda.

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)

4. Eastern Nebraska HEM Aquifer Mapping - Update Given

c. Former Ordnance Plant Near Mead – Update Given

3. OTHER

a. Comments from the Public - Update Given

Casey made the motion, seconded by Sabatka, that the December 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 – Update Given

b. SWCP Payments

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

		<u>Approved</u>	<u>Payment</u>
<u>11-P-25 Kurt Wilke</u>	<u>Diversion</u>	<u>\$ 1,119.34</u>	<u>\$ 1,249.25</u>
<u>11-P-19 Tom Sprunk</u>	<u>Planned Grazing</u>	<u>\$ 4,606.13</u>	<u>\$ 2,608.41</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 – None

g. 2011 Conservationist of the Year – Update Given

2. WATERSHEDS

a. Shell Creek

1. Shell Creek Improvement Group – Update Given

2. Crop Clinic Assistance Request – Update Given

Casey made the motion, seconded by Sabatka, to approve contributing \$300 toward the Crop, Soil & Water Management Clinic to be held February 14, 2012, at AG Park Exhibit Hall in Columbus as attached to the Projects Committee minutes. Motion carried on consent agenda.

3. USGS Shell Creek Water Quality Monitoring Agreement – Update Given

b. Wahoo Creek

1. Wahoo Creek Watershed Quality Contract Payment to JEO

Casey made the motion, seconded by Sabatka, to approve a \$2,634.25 contract payment to JEO for work completed on the Wahoo Creek Watershed Water Quality Plan, as attached to the Projects Committee minutes. Motion carried on consent agenda.

2. Wahoo Creek Watershed Water Quality Plan

Meduna made the motion, seconded by Sabatka, to approve the JEO Contract Addendum for \$40,000, as attached to the Projects Committee Minutes, for completing the Wahoo Creek Water Quality Watershed Plan. It was further recommended that this is contingent on NDEQ's approval of additional 319 grant funds to reimburse us for all of the addendum costs (\$40,000) and that the LPNDRD's required grant match (40% = \$26,667) can be provided from recently completed land treatment contracts in the Wahoo Creek Watershed. Motion carried.

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

ABSTAIN: Casey

3. FSA, EQIP & CRP PLANS SIGNED – Update Given

4. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report - Update Given

5. OTHER

a. Update on Army COE 205 Studies

1. South Fremont 205 – Update Given

2. Schuyler 205 – Update Given

b. David City Northwest Drainage Project – Update Given

c. Village of Malmo Drainage Improvement Project Payment Request

Gary Schwartz was present and gave an update on the recently completed work on the Malmo Project. McDermott made the motion, seconded by Taylor, to make a \$7,500 payment to Village of Malmo for work completed on their tree removal project along a tributary of Cottonwood Creek. Motion carried all members present voting aye.

d. Project Expense Statement – Update Given

6. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo Committee Minutes

1. Design – Update Given

2. CCEI Mediation Update – Update Given

Meduna made the motion, seconded by Ruzicka, to authorize staff and Legal Counsel, Jovan Lausterer to respond to a recently filed complaint by Commercial Contractors Equipment, Inc. and file a counter suit as deemed necessary to protect the NRDs interest. Motion carried all members present voting aye.

Casey made the motion, seconded by Sabatka, to authorize NRD staff and Legal Counsel to work with CCEI's bonding company to properly fix any defects on the Wanahoo Dam as noted by Olsson Associates, NDNR and NRD Staff. Motion carried all members present voting aye.

3. COE Recreation Construction – Update Given

4. Lake Wanahoo Land Note – Update Given

5. Game and Park O&M Update – Update Given

6. Payment of SRF Interest and Administration Fee

Kavan made the motion, seconded by Meduna, to approve the \$157,809.07 SRF payment to NDEQ as attached to the Projects Committee Minutes. Motion carried all members present voting aye.

b. Upstream Structure – Update Given

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

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

7. ADDITIONAL ACTION ITEMS

7a. Decommissioned Well Payments

Saalfeld made the motion, seconded by Meduna, to approve the following decommissioned well payments:

<u>Janice Wilke Trust</u>	<u>Platte Co.</u>	<u>\$ 560.09</u>
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Motion carried all members present voting aye.

7b. NSWCP Payment

Saalfeld made the motion, seconded by Meduna, to approve the following NSWCP Payment:

<u>11-S-20</u>	<u>Knuth Family Farms LTD</u>	<u>Flowmeter</u>	<u>\$642.50</u>
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Motion carried all members present voting aye.

7c. Extend "Tolling Agreement" With Olsson Associates Inc

The current Tolling Agreement with Olsson Associates is set to expire December 31, 2011. This agreement states that Olssons will not declare LPNNRD in default for not paying past engineering bills until a settlement is made. Saalfeld made the motion, seconded by Meduna, to "Extend the current Tolling Agreement between Olsson Associates and LPNNRD until December 31, 2012 and authorize the Board Chair to sign said agreement." Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

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

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The January Board of Directors Meeting will be held on Monday, January 9, 2012, 1:30 p.m.

Meeting adjourned at 4:40 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 December 12, 2011, 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.

William Taylor, Secretary