

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
FEBRUARY 14, 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, February 14, 2011.

1. NOTICE OF MEETING

The advanced notice of our February board meeting was published on February 3, 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:

Acklie	Bailey	Boyd (arrived 2:40 p.m.)
Casey	Hagerbaumer	Hannah
Hilger	Johannes	Kavan
McDermott	Meduna	Pieke
Pollard	Renter	Sabatka
Taylor	Veskerna	

DIRECTORS ABSENT

Saalfeld	Ruzicka
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STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Gottschalk	Heimann
Angle	Sund	

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

b. NRCS Report

Jamie Thoene was present to give the NRCS/NRD Report for February Board Meeting.

c. NARD Report

Director Kavan reported on the Legislative Conference January 25-26, 2011 at the Embassy Suites, Lincoln.

d. NRC Report

Director Johannes reported on the Commission meeting that was held during the NARD Legislative Conference.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Report from Sub-District 2 Nominating Sub-Committee

Acklie on behalf of the nominating committee nominated Fred Hagerbaumer to fill the vacancy in Sub-district 2.

With no further nominations Acklie made the motion, seconded by Renter, that nominations cease and a unanimous ballot be cast for Fred Hagerbaumer to fill the vacancy in Sub-District 2. Motion carried all members present voting aye.

Director Hagerbaumer took his oath of office at this time.

g. Education Program

Dave Russ and Dan Snow will give a presentation after the Board Meeting on the Shell Creek Water Quality Gauges.

5. APPROVAL OF MINUTES

Kavan made the motion, seconded by Sabatka, to approve minutes from the January 13, 2011 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. Watershed Conference - 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

Kavan made the motion, seconded by Sabatka, to approve payment of \$2,750 to Bob Weaver for January services and bill LPSNRD and Papiro NRD for their share. Motion carried on consent agenda.

c. NWRA Dues

Kavan made the motion, seconded by Sabatka, to pay our 2011 Nebraska Water Resources Association dues in the amount of \$998 as attached to the Executive Committee Minutes.

d. Ratify Actions from 1/13/11 Board Meeting

Kavan made the motion, seconded Sabatka, to ratify all Board Action taken at the rescheduled January 13, 2011 Lower Platte North NRD Board Meeting. Motion carried on consent agenda.

e. Monthly Education Program - Update Given

g. Executive Committee Meeting Day and Time

Sabatka made the motion, seconded by Meduna, to set the following meeting times for our Monthly Board Meetings: December, January and February 1:30 p.m. November, March and April at 5:30 p.m. and May, June, July, August, September and October at 7:00 p.m. If in the future a Director has a conflict with these times the Board will reconsider or change meeting times. Motion carried all members present voting aye.

h. Committee Chairs for 2011 - Update Given

i. Legislation - Update Given

j. Director Retreat - Update Given

k. Uniform Policy

Kavan made the motion, seconded by Sabatka, to update our 1999 Uniform Policy by adopting the following uniform rates:

<u>One time allowance new employee</u>	<u>\$215</u>
<u>Annual uniform replacement</u>	<u>\$60</u>
<u>Annual uniform replacement O&M</u>	<u>\$95</u>

Motion carried on consent agenda.

l. 2011 Recognition Banquet Date and Location

Kavan made the motion, seconded by Sabatka, that the Directors are not allowed to collect per diem or expenses for the annual recognition banquet and the District cover the cost of the meal for each director and guest. Motion carried on consent agenda.

3. Equipment - None

4. Personnel

a. Personnel Policy Updates

Johannes made the motion, seconded by McDermott, to approve updated versions of the following five Personnel Policies: Term of Employment, Hiring Employees/Termination, Bridge of Service, Political Activity and Conflict of Interest as attached to the Executive

Committee Minutes pending Legal Counsel review. Motion carried all members present voting aye.

5. Finance

a. Approval of Financial Report

Kavan made the motion, seconded by Sabatka, to approve the December Financial Report as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

Kavan 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

Kavan made the motion, seconded by Sabatka, that the February 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

Veskerna made the motion, seconded by Boyd, to pay the Corps of Engineers \$60,000 for the continuation of the Fremont 205 Study and to request payment from our partners. Motion carried all members present voting aye.

c. Jon Boat Purchase

Kavan made the motion, seconded by Sabatka, to purchase a 12' Jon Boat between the price of \$500 - \$600. Motion carried on consent agenda.

d. Grass Drill Rental - Update Given

e. Tree Program - Update Given

f. Lower Platte Weed Management - Update Given

g. Hail Damage Office & Out Buildings - Update Given

h. Bellwood Dam 3-A - Update Given

I. Financial Review - Update Given

3. ROCK AND JETTY

a. Application Requests - Update Given

b. Payment

Kavan made the motion, seconded by Sabatka, to pay Tom Delaney \$2,000 for his work on the Elkhorn River pending staff inspection. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS - Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads - Update Given

2. Annual Report

Veskerna made the motion, seconded by Boyd, to approve printing the 2010 Annual Report for \$5,500. Motion carried all members present voting aye.

3. NARD Displays - Update Given

b. Education

1. Soil and Water Stewardship Week

Veskerna made the motion, seconded by Sabatka, to approve purchasing up to \$1,800 worth of Soil & Water Stewardship materials for area schools and churches. Motion carried all members present voting aye.

2. Discover Waters of Nebraska Booklet - Update Given

c. Computer - Update Given

1. Internet Speeds - Update Given

2. Server Move - Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water - Update Given

b. Colon/Wahoo Rural Water System

Kavan made the motion, seconded by Sabatka, to have staff order the necessary supplies to connect the Wanahoo campgrounds to the Colon rural water system. It was also recommended to authorize the General Manager to sign the application for service to connect to the Colon RW system. Motion carried on consent agenda.

c. Bellwood/Richland - Update Given

d. Mead - Update Given

e. Other

1. Czechland Lake Fish Restoration Grant

Kavan made the motion, seconded by Sabatka, to pay the invoice amount of \$1,356 to JEO. Motion carried on consent agenda. (With Casey abstaining)

2. Miscellaneous - Update Given

Kavan made the motion, seconded by Sabatka, that the February LPNRRD 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. Annual Evaluation of Availability of Hydrologically Connected Water Supplies by DNR

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

a. January Variance Requests

Kavan made the motion, seconded by Sabatka, to grant a waiver to Marvin Vech from the Class 3 variance requirements and District review and allow him to apply for a Class 2 variance for the additional 25 acres for a total of 251.56 acres for fields located in SW1/4 & SE1/4 Section 12, T16N, R6E as referenced on the attached map. Motion carried on consent agenda.

b. Ranking Regions for Limited Development Areas

Kavan made the motion, seconded by Sabatka, to approve the following variance requests:

<u>Variance</u>	<u>Landowner</u>	<u>Acres</u>	<u>Field Legal Description</u>	<u>Well Legal Description</u>	<u>County</u>
<u>LPN-V-011-0066</u>	<u>Michael Reichmuth</u>	<u>66</u>	<u>S1/2, SE1/4,S34, T22N, R5W</u>	<u>new well in SE1/4 of SE1/4, S34, T22N, R5W</u>	<u>Boone</u>

<u>LPN-V-011-0067</u>	<u>Brian K. Goff</u>	<u>58.5</u>	<u>N1/2 of SE1/4 & SW1/4 of NE1/4, S27, T18N, R3E</u>	<u>existing well in NE1/4 of NE1/4, S27, T18N, R3E and 2 existing wells in W1/2 of SE1/4, S27, T18N, R3E</u>	<u>Colfax</u>
<u>LPN-V-011-0068</u>	<u>Tom Lutjens</u>	<u>65.7</u>	<u>S1/2 of NW1/4, S22, T18N, R1W</u>	<u>existing well in SW1/4 of NE1/4, S22, T18N, R1W</u>	<u>Platte</u>
<u>LPN-V-011-0069</u>	<u>Randy Wegener</u>	<u>135</u>	<u>SW1/4 of SE1/4, S26, T20N, R3W and NE1/4, S35, T20N, R3W</u>	<u>new well in SW1/4 of NE1/4, S35, T20N, R3W</u>	<u>Platte</u>
<u>LPN-V-011-0070</u>	<u>Editha Otradovsky Estate</u>	<u>4</u>	<u>SE1/4 of NW1/4, S13, T17N, R3E</u>	<u>2 existing wells in SE1/4 of NW1/4, S13, T17N, R3E</u>	<u>Colfax</u>
<u>LPN-V-011-0071</u>	<u>Christensen Corporation</u>	<u>8</u>	<u>SW1/4 of SW1/4, S10, T17N, R6E</u>	<u>existing well in SW1/4 of SW1/4, S10, T17N, R6E</u>	<u>Dodge</u>
<u>LPN-V-011-0072</u>	<u>Brown Farms Partnership</u>	<u>29.5</u>	<u>SW1/4, S34, T18N, R6E</u>	<u>existing well in SW1/4 of SW1/4, S34, T18N, R6E</u>	<u>Dodge</u>
<u>LPN-V-011-0073</u>	<u>Sun Enterprises Inc.</u>	<u>135</u>	<u>NE1/4, S27, T17N, R4E</u>	<u>new well in NE1/4, S27, T17N, R4E</u>	<u>Butler</u>
<u>LPN-V-011-0074</u>	<u>Marvin Vech</u>	<u>25</u>	<u>SW1/4 & SE1/4, S12, T16N, R6E</u>	<u>existing well in SW1/4, S12, T16N, R6E</u>	<u>Saunders</u>

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

3. Well Permit Program

a. Well Permits Approved - Update Given

b. Water Use Report - 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

5. LPNNRD Certification Classes - Update Given

6. Bellwood Phase II Area - Update Given

7. Richland/Schuyler Phase II Area - Update Given

8. Phase II Fertilizer Reports - Update Given

9. 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

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

5. Farm Process Package of MODFLOW - Update Given

c. Ground Water Energy Levels - Update Given

d. Former Ordnance Plant Near Mead - Update Given

3. OTHER

a. GMDA Annual Conference

Kavan made the motion, seconded by Sabatka, to contribute \$350.00 to GMDA to help defray attorney expenses to obtain FSA records that could be used by the Districts to certify acres

b. Equipment Purchase/Repairs - Update Given

McDermott made the motion, seconded by Meduna, to purchase a Fuji Portaflow ultrasonic flow meter from Great Plains Meter for \$6,150.00. Motion carried all members present voting aye.

c. Water Programs Budget - Update Given

d. Comments from the Public - Update Given

Kavan made the motion, seconded by Pollard, that the February LPNDRD Water Committee Minutes be received and placed on file. Motion carried on consent agenda.

D. PROJECTS COMMITTEE REPORT

1. SWCP REPORT

a. SWCP Applications Approvals

Kavan made the motion, seconded by Sabatka, to approve the following flow meter applications, contingent on the landowner agreeing to wait for payment until after July 1, 2011:

		50%
Richard Cody	Flow Meter	\$642.50
Marvin Vech	Flow Meter	\$642.50
Norman Poppe	Flow Meter	\$642.50

Motion carried on consent agenda.

b. SWCP Payments

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

			%	Approved \$	Payment
10-D-4	Maynard Flamme	Flow meters x 2	50%	\$1,356.00	\$1,192.23
10-D-24	Rodney Scott	Terraces/Tile	75%	\$5,118.39	\$6,110.04
10-C-26	*Bryce Grotelueschen	W/S Basins/Tile	75%	\$10,000.00	\$10,000.00
				Total:	\$17,302.27

(* This payment will be taken from the Shell Creek Land Treatment budget line) Motion carried on consent agenda.

c. SWCP Cancellations - None

d. Sand/Duck Creek Approvals

Kavan made the motion, seconded by Sabatka, to approve the following Sand/Duck Creek Application:

		50%
Allan Shonka	Flow Meter x 2	\$ 678.00

Motion carried on consent agenda.

Casey made the motion, seconded by Hilger, to approve the Glenn Chvatal Sand/Duck Creek (Terraces/Tile) application for 75% cost share, up to \$ 5,129.82 assistance, for reasons outlined in the Projects Committee Minutes. Motion carried all members present voting aye.

e. Sand/Duck Creek Cost-Share Payment

Kavan made the motion, seconded by Sabatka, to approve the following Sand/Duck Creek payment:

		25%	15% (SWCP)
Glenn Chvatal	Terraces/Tile	\$9,848.93	\$5,909.36

Motion carried on consent agenda. (Note: This payment for Glenn Chvatal is for a different application than the one discussed in 2.d. above)

f. Sand/Duck Cancellations - None

2. WATERSHEDS

a. Shell Creek

1. Shell Creek Improvement Group - Update Given

2. Newman Grove High School (Science Club) Assistance Request

Kavan made the motion, seconded Sabatka, to approve 50% cost share, up to \$649.38 assistance, to Newman Grove High School for water testing supplies, as attached to the Projects Committee Minutes for their 2011 Shell Creek sampling effort. Motion carried on consent agenda.

b. Wahoo Creek

1. Wahoo Creek Watershed Water Quality Management Plan - Update Given

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

4. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report - Update Given

b. USGS Sand Bar Study Proposal

Casey made the motion, seconded by Johannes, to support the Sand Bar Study Pilot Study. It was further recommended to approve moving \$20,531 from our portion of the PRCA's River Obstruction Removal Project budget line toward funding the Sand Bar Pilot Study. Motion Failed.

AYE: Bailey, Casey

NAY: Acklie, Boyd, Hagerbaumer, Hannah, Hilger, Johannes, Kavan, McDermott, Meduna, Pollard, Renter, Sabatka, Taylor, Veskerna, Pieke

5. OTHER

a. Update on Army COE 205 Studies

1. South Fremont - Update Given

2. Schuyler 205 - Update Given

b. Update on David City NW Project - Update Given

c. Tire Recycling 2011 Grant Application for Platte Center

Kavan made the motion, seconded by Sabatka, that the LPNNRD submit a grant application to NDEQ for another tire recycling effort at Platte Center in 2011. It was further recommended to appoint Assistant Manager Mountford as grant administrator and authorize him to sign necessary grant documents. Motion carried on consent agenda.

d. Nebraska No-Till Conference Funding Request

Kavan made the motion, seconded by Sabatka, to approve \$1,500 assistance toward the Nebraska No-Till Conference to be held at ARDC on February 15, 2011. Motion carried on consent agenda.

e. Portable Velocity Flow Meter Proposal

Kavan made the motion, seconded by Sabatka, to approve 50% of the cost to purchase a portable velocity flow meter and modifications, up to a maximum of \$3,500, provided that 50% of the total cost is provided by Lower Elkhorn NRD (LENRD). Motion carried on consent agenda.

f. Review Projects Financial Statement - Update Given

6. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo

1. Review of Lake Wanahoo Sub-Committee Business - Update Given

2. Payment to Commercial Contractors

Meduna made the motion, seconded by Acklie, to approve payment No. 21 to Commercial Contractors, as attached to the Projects Committee Minutes, for Lake Wanahoo Dam Construction, for the total amount of \$280,934.86 and use SRF funds to pay. Motion carried all members present voting aye.

3. Inverted Filter Pay Request No. 1

Pollard made the motion, seconded by Casey, to approve payment No. 1 to Kohl Construction as attached to the Projects Committee Minutes for Lake Wanahoo Inverted Filter Construction in the amount of \$84,748.71 and use SRF funds to pay. Motion carried all members present voting aye.

4. Handicap Fishing Piers Project

a. Saunders County Payment Request - Update Given

b. Sand/Duck Creek Upstream Structures

1. Landrights Needed for Remaining Sand/Duck Structure Sites 6 & 15 - Update Given

7. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

a. Project Update – No new business

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

7. ADDITIONAL ACTION ITEMS

7a. SWCP Payment

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

09-S-47 Wilfred Janecek – Janecek Trust \$667.71 Flow Meter

Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Hagerbaumer, Hilger, Johannes, Kavan, McDermott, Meduna, Pollard, Rente, Sabatka, Taylor, Veskerna, Pieke

NAY: Hannah

7b. Issue Cease and Desist Order - Fertilizer Reports

Sabatka made the motion, seconded by Casey, to issue Cease and Desist Order for Charles Misek for failure to submit required fertilizer reports by February 14, 2011, if all reports are not received by February 18, 2011. Cease and Desist Order will be for the cessation of further fertilizer and/or irrigation water to the following fields:

- T17N, R2E, Section 14, SE 1/4, NE1/4, Farm #4410, Tract #T-3221, Field #2, Acres 28.1

- T17N, R4E, Section 17, S1/2, NE1/4, Farm #4410, Tract #T-2343, Field #1, Acres 38.28

Cease and Desist Order may require delivery by County Sheriff. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Hagerbaumer, Hilger, Johannes, Kavan, McDermott, Meduna, Pollard, Rente, Sabatka, Taylor, Veskerna, Pieke

NAY: Hannah

7c. Additional Funding Request from Extension for (NAWMDN)

Johannes made the motion, seconded by Pollard, to follow staff recommendation and allow additional equipment to be purchased for the NAWMDA (water mark sensor) project up to a maximum of a\$5,000 increase. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Hagerbaumer, Hilger, Johannes, Kavan, McDermott, Meduna, Pollard, Rente, Sabatka, Taylor, Veskerna, Pieke

NAY: Hannah

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Kavan made the motion, seconded by Sabatka, to approve the February consent agenda.

Motion carried all members present voting aye. (With Casey abstaining on item 6.B.6.e.1.)

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The March Board of Directors Meeting will be held on Monday, March 14, 2011, 5:30 p.m.

Meeting adjourned at 4:00 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 February 14, 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