

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
February 10, 2014**

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 10, 2014.

1. NOTICE OF MEETING

The advanced notice of our February 10, 2014 board meeting was published on January 23, 2014 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
Gibney	Johannes	Kavan
McDermott	Meduna	Olson
Pieke	Pollard	Ruzicka
Saalfeld	Sabatka	Taylor
Veskerna	Hilger	

DIRECTORS ABSENT

Hagerbaumer	Hannah
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STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Almond	Angle
Oaklund	Heimann	Schomer

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

Brain Euse reviewed the NRCS Report prepared by Mark Walkenhorst.

c. NARD Report - None

Director Kavan reported on the NARD Legislative Conference.

d. NRC Report

Director Johannes updated the Board on the NRC Commission meeting held in junction with the NARD Legislative Conference.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Director Saalfeld gave a presentation on the Nebraska Water Leaders Academy.

5. APPROVAL OF MINUTES

Veskerna made the motion, seconded by Pieke, to approve the minutes from the January 13, 2014 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. Drought Symposium – Update Given

2. NARD Washington DC Conference – Update Given

b. Reports

1. NARD Legislative Conference – Update Given

2. Recognition Banquet – Update Given

2. Management Items

a. Director Absences

Veskerna made the motion, seconded by Pieke, to approve the absence request from Director Gibney for the December Board Meeting. Motion carried on consent agenda.

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Veskerna made the motion, seconded by Pieke, to approve payment of \$3,200 to Bob Weaver for January services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

3. December Billing Overage

Veskerna made the motion, seconded by Pieke, to pay Bob Weaver the additional \$1,536.00 (\$512.00 per NRD) on the December billing for extra hours worked on the WS/CC Project and bill Lower Platte South and Papio their share. Motion carried on consent agenda.

c. Monthly Education Program – Update Given

d. Martinez Lawsuit – Update Given

e. CCEI Lawsuit – Update Given

f. Review Conducting Public Hearings - Update Given

g. Legislation – Update Given

h. Election of Officers

Director Kavan reported that the Nominating Sub-Committee met and would bring forth one candidate for each of the elected positions.

Hilger opened the floor for nominations for LPNNRD Chair for 2014.

Kavan on behalf of the nominating committee nominated Hilger for Chair.

With no further nominations Johannes made the motion, seconded by Ruzicka, that nominations cease and a unanimous ballot be cast for Bob Hilger as Chair. Motion carried by voice call.

Hilger opened the floor for nominations for LPNNRD Vice-Chair for 2014.

Kavan on behalf of the nominating committee nominated Hannah for Vice-Chair.

With no further nominations Ruzicka made the motion, seconded by McDermott, that nominations cease and a unanimous ballot be cast for John Hannah as Vice- Chair. Motion carried by voice call.

Hilger opened the floor for nominations for LPNNRD Secretary for 2014.

Kavan on behalf of the nominating committee nominated Olson for Secretary.

With no further nominations Birkel made the motion, seconded by Ruzicka, that nominations cease and a unanimous ballot be cast for Lon Olson as Secretary. Motion carried by voice call.

Hilger opened the floor for nominations for LPNNRD Treasurer for 2014.

Kavan on behalf of the nominating committee nominated Meduna for Treasurer.

With no further nominations Pieke made the motion, seconded by Clausen, that nominations cease and a unanimous ballot be cast for Bob Meduna, Treasurer. Motion carried by voice call.

Hilger opened the floor for nominations for NARD Delegate for 2014.

On behalf of the Nominating Committee Sabatka nominated Kavan for NARD Delegate.

With no further nominations Ruzicka made the motion, seconded by Pollard, that nominations cease and a unanimous ballot be cast for Don Kavan, NARD Delegate. Motion carried by voice call.

Hilger opened the floor for nominations for NARD Alternate for 2014.

On behalf of the Nominating Committee Kavan nominated Saalfeld for NARD Alternate.

With no further nominations Pieke made the motion, seconded by Taylor, that nominations cease and a unanimous ballot be cast for Dave Saalfeld, NARD Alternate. Motion carried by voice call.

i. NWRA Membership Dues

McDermott made the motion, seconded by Clausen, to pay our Nebraska Water Resources Association dues in the amount of \$1,250. Motion carried all members present voting aye. This is a 25% increase from the previous year.

j. Director Retreat – Update Given

3. Equipment – None

4. Personnel - None

5. Finance

a. Approval of Financial Report

Pieke made the motion, seconded by Ruzicka, to approve the December Financial Statement as distributed to all Directors. Motion carried on consent agenda.

b. Approval of Managers Expenses

Veskerna made the motion, seconded by Pieke, 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. DNR Quarterly Payment

Saalfeld made the motion, seconded by Ruzicka, to authorize the NRD Treasurer and General Manager to make payment to the Union Bank - Sand Creek/Wanahoo note for \$401,211.42, which is the same amount as received from the NRDF. Motion carried all members present voting aye.

Veskerna made the motion, seconded by Pieke, that the February 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. Czechland Lake – Update Given

d. Wanahoo Recreation Area – Update Given

e. Grass Drill in Colfax County – Update Given

f. Vehicle Replacement – Update Given

g. Tree Program – Update Given

h. Lower Platte Weed Management – Update Given

3. ROCK AND JETTY

a. Applications - None

b. Payment Requests

Veskerna made the motion, seconded by Pieke, to approve payment of \$2,000 to James Drahota for Rock and Jetty work accomplished on the Platte River pending inspections by staff. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads – Update Given

2. New Ground Water Rules Information – Update Given

3. LPRCA Recreation Survey – Update Given

b. Education

1. Land Judging – Update Given

2. Soil and Water Stewardship Week

Veskerna made the motion, seconded by Pieke, to approve up to \$1,800 for purchasing 2014 Soil & Water Stewardship Week materials. Motion carried on consent agenda.

3. Shell Creek Scholarships – Update Given

c. Computer

1. Antivirus Contract – 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

Veskerna made the motion, seconded by Pieke, to pay JEO \$1,606.25 per their invoice for work completed on the Cedar Bluffs feasibility study. Motion carried on consent agenda.

d. Brainard and Dwight – Update Given

Veskerna made the motion, seconded by Pieke, that the February 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. Variance Requests in the Normal Development Area (NDA) – Update Given

2. Variance Request in the Limited Development (Hydrologically Connected) Area

McDermott made the motion, seconded by Saalfeld, to issue 250 acres in the Non-Hydrologically Connected Area (NDA) and 2,250 acres in the Hydrologically Connected Area (LDA) based on the top

ranking scores for each developmental area.

It was moved by Johannes seconded by Gibney to amend the main motion to issue 160 acres in the Non-Hydrologically Connected Area (NDA) and 1,000 acres in the Hydrologically Connected Area (LDA) based on the top ranking scores for each developmental area. Amendment failed.

AYE: Gibney, Johannes, Kavan, Olson, Sabatka, Veskerna

NAY: Bailey, Birkel, Clausen, McDermott, Meduna, Pieke, Pollard, Ruzicka, Saalfeld, Taylor, Hilger

The original motion was now voted on and original motion carried.

AYE: Bailey, Birkel, Clausen, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Hilger

NAY: Gibney, Johannes, Kavan, Veskerna

3. Well Permit Program

a. Well Permits Approved – Update Given

b. Water Use Reports – Update Given

4. Update of Ground Water Management Area Rules and Regulations (GWMA) – Update Given

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

6. Voluntary Integrated Water Management Plan

a. Review of Proposals

McDermott made the motion, seconded by Taylor, to accept the Integrated Management Plan proposal from Olsson Associates including the Water Balance Study at a cost not to exceed \$168,700 and to prepare a contract with Olsson Associates and other for approval at the next Board Meeting. Motion carried all members present voting aye.

b. Stakeholders Committee Members – Update Given

c. Goals and Objectives – Update Given

7. Cost-Share Programs

a. Irrigation Well Sample Kits – Update Given

b. Domestic Well Sample Kits – Update Given

c. Future Cost-Share on Flow Meters – Update Given

d. Future Cost-Share on Steel Tapes to Measure Ground Water Levels – Update Given

8. LPNNRD Certification – Update Given

9. Bellwood Phase 2 Area – Update Given

10. 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

Veskerna made the motion, seconded by Pieke, to approve cost share payment of an additional \$164.25 as a correction to the original payment to decommission the irrigation well for Steve Lang and payment of \$1,780.00 to decommission the irrigation well for the Village of Mead which served as a demonstration project for a new well plugging method being developed by the Department of Health and Human Services and the University of Nebraska. Motion carried on consent agenda.

b. LPNNRD Ground Water Studies

1. Elkhorn Loup Model – Update Given

2. Eastern Nebraska Water Resources Assessment (ENWRA)

Pollard made the motion, seconded by McDermott, to pay our F.Y. 2014 dues to ENWRA in the amount of \$30,000. Motion carried all members present voting aye.

c. Ground Water Energy Levels – Update Given

d. Acre Certification – Update Given

e. Monitoring Wells – Update Given

3. OTHER

a. Comments From The Public – Update Given

b. Transfer of Acres – Zakovec

McDermott made the motion, seconded by Taylor, to approve the transfer of 68 acres from the Hines ground (G-053698R) in the NE¼ of Section 7-T16N-R6E approximately ¾ mile to the northeast to Brent Zachovec’s ground in the NW¼ of Section 5-T16N-R6E. Motion carried all members present voting aye.

Veskerna made the motion, seconded by Pieke, that the February 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

Veskerna made the motion, seconded by Pieke, to approve the following SWCP applications:

<u>Gary Mitken</u>	<u>Dodge</u>	<u>Diversion & Waterway</u>	<u>50%</u>	<u>75%</u>
<u>Dan Wesley</u>	<u>Saunders</u>	<u>Flow Meter</u>	<u>\$625.00</u>	<u>\$3,554.59</u>

Motion carried on consent agenda.

b. SWCP Payments

Veskerna made the motion, seconded by Pieke, to approve the following SWCP payments:

			<u>50%</u>	<u>75%</u>
<u>13-S-23</u>	<u>Doug & Ron Bartek</u>	<u>Flow Meter</u>	<u>\$610.50</u>	
<u>13-P-34</u>	<u>Merlin Groteluschen</u>	<u>W/S Basins</u>		<u>\$12,500</u>
<u>13-P-12</u>	<u>James Fehringer</u>	<u>Flow Meter</u>	<u>\$492.00</u>	

Motion carried on consent agenda.

c. SWCP Cancellations

Veskerna made the motion, seconded by Pieke, to cancel the following SWCP application:

<u>12-C-32</u>	<u>AH-HA Ranch Inc.</u>	<u>Flow Meter</u>	<u>\$625.00</u>
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Motion carried on consent agenda.

d. Cottonwood Creek Payments - None

e. Sand/Duck Creek Approvals – None

f. Sand/Duck Cost-Share Payment – None

2. WATERSHEDS

a. Wahoo Creek 319 Grant Approval – Update Given

b. Shell Creek Watershed Plan

Veskerna made the motion, seconded by Pieke, to approve payment of the \$2,460 invoice to EA Engineering, Science, and Technology, Inc., as attached to the Projects Committee Minutes for work completed on the Shell Creek Watershed Plan. Motion carried on consent agenda.

3. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report – None

b. Shell Creek Water Quality Monitoring Proposals

Kavan made the motion, seconded by Pieke, to approve a 3-year agreement for continued Shell Creek water quality monitoring by USGS at a cost of \$64,990. Motion carried.

AYE: Bailey, Gibney, Johannes, Kavan, Olson, Pieke, Ruzicka, Saalfeld, Veskerna

NAY: Birkel, Clausen, McDermott, Meduna, Pollard, Sabatka, Taylor, Hilger

4. OTHER

a. Update on Army COE 205 Studies

1. South Fremont 205 – Update Given

2. Schuyler 205 – Mel Bailey Request

Sabatka made the motion, seconded by Meduna, to budget \$80,000 in FY 14-15, for assisting with the Melvin and Kitty Bailey Shell Creek Levee Project, contingent that all required easements, permits and professional engineering assistance and written agreement is obtained prior to construction. It is further recommended that it is our intent to use available Shell Creek Sinking Funds for all or a significant portion of our cost share assistance. LPNNRD will have no ownership in this project and is only providing funding assistance to the local landowners. Motion carried.

AYE: Birkel, Clausen, Gibney, Johannes, Kavan, McDermott, Meduna, Olson, Pieke, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna, Hilger

ABSTAIN: Bailey

b. LPNNRD District-Wide All Hazard Mitigation Plan Update

Kavan made the motion, seconded by McDermott, to approve payment to JEO in the amount of \$3,302.60 for work completed on the Hazard Mitigation Plan update as attached to the Projects Committee Minutes. Motion carried all members present voting aye.

c. Removal of Old Highway 77 Bridge – Update Given

d. Update of Topcon GPS System Data Collector and Software – Update Given

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Renewal of Wanahoo Soil Borrow Agreement

Kavan made the motion, seconded by Meduna, to approve renewal of the Lake Wanahoo Soil Borrow Agreement with ME Collins for two additional years at the same rate per cubic yard (\$1) as attached to the Projects Committee Minutes. Motion carried.

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

ABSTAIN: Clausen

Kavan made the motion, seconded by Saalfeld, to apply income from past soil borrow payments (from ME Collins = \$171,000) and past hay sales (\$31,060.74) on Lake Wanahoo Property toward principal on our Lake Wanahoo Note at Union Bank. Motion carried all members present voting aye.

b. Upstream Structures – Update Given

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

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

7. ADDITIONAL ACTION ITEMS

7a. SWCP Payments

Johannes made the motion, seconded by Birkel, to approve the following SWCP Payments:

<u>13-P-46</u>	<u>Dayle Alswager</u>	<u>Terraces/Tile</u>	<u>\$3,305.95</u>
<u>12-S-23</u>	<u>Carl Johnson</u>	<u>Flow Meter</u>	<u>\$525.00</u>
<u>13-P-37</u>	<u>Daniel Lutjens</u>	<u>Flow Meter</u>	<u>\$625.00</u>

Motion carried.

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

NAY: Taylor

ABSENT: Kavan

7b. Grosch Irrigation Payment

At the January 9, 2014 Board meeting, the Board of Directors approved an Estimate of \$1,903.00 from

Grosch, Silver Creek, for pulling the column and pump from Ernest Stara's irrigation well, G-057242. This well is included in our Ground Water Energy Level network (UP-18). The location of this well in the SW¼ of section 27-T15N-R4E is in the Butler-Saunders Special Quantity Subarea. Mr. Stara has agreed to allow LPNNRD to place a datalogger in this well provided the NRD will pay for the removal of the column and pump. Last Thursday, January 30th, the day of the Water Committee meeting, a crew from Grosch, Silver Creek, completed the removal of the column and pump from this well. Invoice #13045 for \$1,688.50 has been received from Grosch, Silver Creek, which is \$214.50 less than the approved estimate. Johannes made the motion, seconded by Birkel, to approve payment of \$1,688.50 to Grosch, Silver Creek, for pulling the column and pump from Ernest Stara's irrigation well which is in our Ground Water Energy Level network. Motion carried.

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

NAY: Taylor

ABSENT: Kavan

7c. David City Golf Course Well Permit

Johannes made the motion, seconded by Birkel, to approve the well permit for the David City Golf Course in the SE-NE-S30-T15N-R3E. Motion carried.

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

NAY: Taylor

ABSENT: Kavan

7d. Approve Purchase Agreement and Closing Statement – Site #15

Sabatka made the motion, seconded by Meduna, to approve sale of the Wirka tract as shown on the closing statement attached to the board booklet and authorize Manager Miyoshi to sign all necessary documents for sale of the property. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Veskerna made the motion, seconded by Pieke, to approve the February consent agenda as amended by deleting item 6.D.3.b. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The March Directors Meeting will be held on Monday, March 10, 2014, 6:00 p.m. Meeting adjourned at 4:42 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 10, 2014, 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.

Lon Olson, Secretary