

LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
JULY 13, 2009

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 7:00 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, July 13, 2009.

1. NOTICE OF MEETING

The advanced notice of our July board meeting was published on June 18 and 25,2009 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Chair Saalfeld 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
Casey	Eden	Hannah
Hilger	Johannes	Johnson
Kavan (arrived 7:20)(left 9:40)	Meduna	Pieke
Renter	Reitmayer (left 8:50)	Sabatka
Taylor	Veskerna	Vrana
Saalfeld		

DIRECTORS ABSENT

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Gottschalk	Angle
Sund	Heimann	Sousek

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

None

b. NRCS Report

Roger Reichmuth reviewed his written report.

c. NARD Report

Director Johnson gave the NARD report. Johnson made the motion, seconded by Meduna

to budget \$4,788.20 for the NARD public relations effort. Motion carried all members present voting aye.

d. NRC Report

Director Johannes reported on the recent Commission Meeting.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

None

5. APPROVAL OF MINUTES

Sabatka made the motion, seconded by Meduna, to approve minutes from the June 8, 2009 Board Meeting. Motion carried on consent agenda.

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

Sabatka made the motion, seconded by Meduna, to go into executive session at 7:10 p.m. to discuss the Bruno Study Settlement and potential litigation. Motion carried all members present voting aye.

Sabatka made the motion, seconded by Johnson, to go out of executive session at 7:32 p.m. Motion carried all members present voting aye.

Johannes made the motion, seconded by Acklie, to approve the Release and Settlement Agreement pertaining to Case No. 07-229, Lower Platte North Natural Resources District v. Roger M. Helgoth, Jacobson Satchell Consultants, Inc. f/k/a Jacobson Helgoth Consultants Inc., Richard A. Snyder and Snyder Engineering Company, Inc. Pending in the District Court of Saunders County, Nebraska and do authorize Dave Saalfeld, Chairman of the Board and John Miyoshi, General Manager, to execute said Settlement Agreement in their official capacities. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Eden, Hannah, Hilger, Johannes, Johnson, Meduna, Pieke, Reitmajer, Renter, Sabatka, Taylor, Veskerna, Vrana, Saalfeld

ABSTAIN: Kavan

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. ASDSO (American Society of Dam Safety Officials) Annual Conference

Sabatka made the motion, seconded by Meduna, to send one staff to the ASDSO Annual Conference September 27-October 1, 2009 Hollywood, Florida. Motion carried on consent agenda.

b. Reports - None

2. Management Items

a. Directors Absence

Sabatka made the motion, seconded by Meduna, to approve Director Hannah's and Reitmajers' excuse of absence from the May Board Meeting. Motion carried on consent agenda.

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

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

c. Bruno Study Settlement

This item was taken earlier.

d. NACD Building Fund

Sabatka made the motion, seconded by Meduna, that the LPNNRD donate \$500 towards the NACD Building Fund. Motion carried on consent agenda.

e. Monthly Education Program - Update Given

f. U.S. 77 Bridge at Fremont - Update Given

g. NIROC Photography - Update Given

h. Nebraska NAIP Photography

Sabatka made the motion, seconded by Meduna, to participate with FSA one-meter aerial photos and obtain the "band 4 infra-red" at a cost of \$2,750 for the whole district. Motion carried on consent agenda.

I. LPNNRD Master Plan Goals and Objectives - Update Given

3. Equipment

a. Director Laptops - Update Given

4. Personnel

a. Summer Help

Sabatka made the motion, seconded by Meduna, to hire Tom Dunbar as an additional

summer intern to help with water sampling at a cost of \$1,480. Motion carried on consent agenda.

5. Finance

a. Approval of Financial Report

Sabatka made the motion, seconded by Meduna, to approve the May financial report as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

Sabatka made the motion, seconded by Meduna, 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. F.Y. 2010 Budget

Sabatka made the motion, seconded by Meduna, to have a budget workshop on August 5th at 7:00 p.m. and the FY 2010 Budget Hearing on August 10th at 6:00 p.m. at the Lower Platte North NRD office. Motion carried on consent agenda.

e. F.Y. 2010 Insurance

Pieke made the motion, seconded by Meduna, to approve the F.Y. 2010 EMC Commercial Insurance bill at a cost of \$43,816. Motion carried all members present voting aye.

Sabatka made the motion, seconded by Meduna, that the July 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. Budget - Update Given

c. Community Trails

Boyd made the motion, seconded by Sabatka, to make payment of \$3,782 to City of Wahoo for the Lake Wanhoo Trails Phase I Project. Motion carried all members present voting aye.

d. South Fremont 205 Feasibility Study

Johnson made the motion, seconded by Meduna, to approve and sign the Feasibility

Cost Share Agreement Amendment which will continue the South Fremont 205 Study.
Motion carried all members present voting aye.

e. Czechland and Homestead Rec Areas

Sabatka made the motion, seconded by Boyd, to accept the high bid from Lazy J Cattle and Hay (Craig Jelinek) of \$45.50 per ton for haying Czechland and Homestead Recreation Areas. Motion carried all member present voting aye.

f. City of Fremont, Washington Heights - Update Given

g. Rood Swedeburg Dam- Update Given

h. Invasive Weed Management

Boyd made the motion, seconded by Pieke, to accept the \$123.72/Acre bid from Sky Copters for aerial treatment of invasive weeds on the Platte River using Habitat Herbicide. Motion carried all members present voting aye.

I. Miscellaneous Items - Update Given

3. ROCK AND JETTY

a. New Applications - None

b. Payment Requests

Sabatka made the motion, seconded by Meduna, to pay Ralph Romshek \$735 for Rock and Jetty work accomplished along the Platte River. Motion carried on consent agenda.

Sabatka made the motion, seconded by Meduna, to pay Chuck Folsom \$2,000 from 2008-09 Rock and Jetty funds and to pay Robert Diers \$2,000 with new fiscal year ('09-'10) funds for work completed on the Elkhorn River. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS - Update Given

5. INFORMATION & EDUCATION

a. Information/Education

1. KTIC Ad Proposal

Sabatka made the motion, seconded by Meduna, to contract with KTIC radio in West Point for radio advertisements and internet link for an investment of \$1,825 for one year. Motion carried on consent agenda.

2. Recreation Brochure - Update Given

3. County Fairs - Update Given

4. Viaduct - Update Given

5. Master Plan - Update Given

6. ENWRA Website - Update Given

b. Computer - Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water - Update Given

b. Colon/Wahoo Rural Water System - Update Given

c. Abie - Update Given

d. Bellwood/Richland - Update Given

e. Other

Sabatka made the motion, seconded by Meduna, to ratify the purchase of the aluminum ladder rack for the Rural Water Truck for \$490.00. Motion carried on consent agenda.

Sabatka made the motion, seconded by Meduna, that the July 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. LB 483 and Update of LPNNRD Rules and Regulations

The Board of Directors reviewed the Ground Water Management Area Rules and Regulations.

Johannes made the motion, seconded by Acklie, to approve the District's Ground Water Management Area Rules and Regulations as presented. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Eden, Hannah, Hilger, Johannes, Johnson, Renter, Sabatka, Taylor, Veskerna, Vrana, Saalfeld

NAY: Kavan, Meduna, Pieke

2. Irrigation Ranking Criteria for Hydrologically Connected Area

Johannes made the motion, seconded by Vrana, to approve the irrigation ranking supplement variance request for expansion of irrigated acres from an existing well or from a new water well located in the hydrologically connected stay management area of the Lower Platte North NRD. Motion carried all members present voting aye.

3. Well Permit Program

- a. Well Permits Approved - Update Given
- b. Water Use Reporting - Update Given
- 4. Variance Request - Update Given
- 5. Cost-Share Programs
 - a. Irrigation Well Sample Kits - Update Given
 - b. Domestic Well Sample Kits - Update Given
 - c. Phase 2 Irrigation Flow Meter Cost-Share and 319 Grant

Sabatka made the motion, seconded by Meduna, to approve the 319 Grant with the Department of Environmental Quality for the irrigation flow meter cost share program in the District's Phase 2 ground water management areas and appointed Tom Mountford as the grant administrator for the District. Motion carried on consent agenda.

Johannes made the motion, seconded by Meduna, to authorize the Chairman to sign the 319 Grant with the DEQ for irrigation flow meter cost-share in the District's Phase 2 groundwater management areas. Motion carried all members present voting aye.
- 6. LPNNRD Certification Classes - Update Given
- 7. Bellwood Phase II Area - Update Given
- 8. Richland/Schuyler Phase II Area- Update Given
- 9. Certifying Acres

Meduna made the motion, seconded by Johnson, to authorize the Manager to sign the contract with GIS Workshop for certifying acres. Motion carried all members present voting aye.
- 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

Sabatka made the motion, seconded by Meduna, to approve cost share payment to

decommission the stock well for Rose Chohon Rev. Trust for \$204.46, an irrigation well for Eugene Wiese for \$532.33, and a domestic well for Kevin Frana for \$326.25. Motion carried on consent agenda.

b. LPNNRD Ground Water Studies

1. Sub-Area Delineation Study - Update Given

2. LPNNRD Platte River Ground Water Model - Update Given

3. Elkhorn Loup Model (ELM)- Update Given

4. Eastern Nebraska Water Resources Assessment (ENWRA)

Sabatka made the motion, seconded by Meduna, to approve Amendment #3 of the coop agreement with C&SD for additional aquifer test and geophysical logging for \$17,080, coop agreement to extend the time line with C&SD for GIS support and data entry, and coop agreement with C&SD for work on Year 4 of the ENWRA project for the two year project at \$84,500. Motion carried on consent agenda.

5. Eastern Nebraska HEM Aquifer Mapping - Update Given

c. Ground Water Energy Levels - Update Given

d. Statewide Water Quality Sampling Network - Update Given

3. SURFACE WATER PROGRAMS

a. State Lakes

1. Bacteria Sampling - Update Given

2. Toxic Algae - Update Given

4. OTHER

a. Water Programs Budget - Update Given

b. GMDA Summer Session - Update Given

c. District Master Plan - Update Given

d. Comments from the Public - Update Given

Sabatka made the motion, seconded by Meduna, that the July LPNNRD 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

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

	50%	75%
Terry Swanson Terrace & Basins		\$9,159.00
Bill Stoupa Trust Flow Meter	\$667.71	
James Russman Small Dam (Re-Application)		\$10,000.00
Leonard Farms Flow Meter	\$667.71	

Motion carried on consent agenda.

b. SWCP Payments

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

SWCP STATE Payments:

	Approved	Actual
09-B-18 William Vandenburg Flow Meter	\$650.00	\$570.94

SWCP LOCAL Payments:

08-B-26 Clifford Kovar Planned Grazing	\$7,740.90	\$5,020.50
09-P-17 Mark Fittje Flow Meter	\$667.71	\$495.85
09-P-15 Phil Buhman Planned Grazing	\$1,683.00	\$2,380.00
08-SD-7 John Housley Terraces/Tile	\$1,600.00	\$1,559.64
	TOTAL:	\$10,026.93

Motion carried on consent agenda.

c. SWCP Cancellations - None

d. Sand/Duck Creek Approvals - None

e. Sand/Duck Creek Cost-Share Payments

Sabatka made the motion, seconded by Meduna, to approve the following Sand & Duck Creek payment:

08-SD-7 John Housley Terraces/Tile	\$8,000.00	\$7,798.20
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Motion carried on consent agenda.

f. Sand/Duck Cancellations - None

2. WATERSHEDS

a. Locally Led Landowner Groups

1. Shell Creek Watershed Improvement Group (SWIG)- Update Given

2. Randy Streblov Small Dam Repair Request

Sabatka made the motion, seconded by Meduna, to approve 50% cost share up to a maximum of \$5,000 assistance for the Randy Streblov small dam repair. Motion carried on consent agenda.

3. FSA , EQIP & CRP PLANS SIGNED

4. PLATTE RIVER CORRIDOR ALLIANCE REPORT

a. PRCA Monthly Report - Update Given

5. OTHER

a. City of Fremont Parks and Recreation Request

Meduna made the motion, seconded by Pieke, to approve 50% assistance on the local costs toward Fremont's bank stabilization project for Johnson Lake up to a maximum of \$5,000 assistance. Motion carried.

AYE: Acklie, Bailey, Eden, Hannah, Hilger, Johannes, Johnson, Meduna, Pieke, Renter, Sabatka, Veskerna

NAY: Boyd, Casey, Taylor, Vrana, Saalfeld

b. Update on COE 205 Studies

1. South Fremont - Update Given

2. Schuyler 205 - Update Given

c. District-Wide All Hazard Mitigation Plan

Sabatka made the motion, seconded by Meduna, to approve JEO's \$5,112.25 contract payment request on the Hazard Mitigation Plan as attached to the Projects Committee Minutes. Motion carried on consent agenda.

d. Master Plan Draft Priorities - Update Given

e. FY 2010 Projects Budget

Sabatka made the motion, seconded by Meduna, to approve transferring \$9,424.97 of unused FY 2009 Shell Creek Land Treatment Funds (Budget line 4050204) into the Shell Creek Sinking Fund. Motion carried on consent agenda.

f. Future Committee Meeting Place - Projects Tour - Update Given

g. No-Till on the Plains Expo Field Day

Sabatka made the motion, seconded by Meduna, to be a non-funding partner to the No-Till on the Plains Expo to be held July 15th in Clarkson, Nebraska. Motion carried on consent agenda.

Pieke made the motion, seconded by Meduna, to be a \$250 sponsor for the No-Till on the Plains Expo to be held July 15th in Clarkson, Nebraska. Motion carried all members present voting aye.

6. LAKE WANAHOO REPORT

a. Lake Wanahoo Committee Meeting Review - Update Given

b. Contract Payments

1. Commercial Contractors

Johnson made the motion, seconded by Meduna, to approve payment request No. 8 to Commercial Contractors for Lake Wanahoo Dam Construction in the amount of \$818,109.16 and use NRDF funds, which are being held in the NPAIT account, to pay. Motion carried all members present voting aye.

2. Frahm Construction

Sabatka made the motion, seconded by Vrana, to approve payment request No. 5 to Frahm Construction on the Lake Wanahoo Fisheries Contract in the amount of \$288,167.95 and use NPAIT funds to pay. Motion carried all members present voting aye.

c. Skyline Property Landrights

Sabatka made the motion, seconded by Casey, to approve landrights with Skyline Property for the Lake Wanahoo Project as appraised and place \$44,000 in an escrow account to replace the road or use for any other purpose stated in the agreement and to relocate the levee on lots 12 and 13 and backfill the voided areas. Motion carried all members present voting aye.

7. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

a. Payment to PMRNRD

Johnson made the motion, seconded by Hannah, to approve payment of \$91,512.21 to PMRNRD for our share of the Western Sarpy Clear Creek Project. Motion carried all members present voting aye.

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

7. ADDITIONAL ACTION ITEMS

7a. SWCP Approvals - No Action Needed

7b. SWCP Payments

Johannes made the motion, seconded by Vrana, to approve the following SWCP payment:

09-C-02 Michael Dvorak Flow Meter \$479.00

Motion carried all members present voting aye.

7c. Clear Creek 7A Easement Extension - Attachment

An easement was obtained from the United States Army for the Clear Creek 7A Structure (located east and south of Mead) in 1974. The easement is for 30 years plus a 5 year extension and will expire this year. Attached is a letter requesting extension of the easement. There is a \$3,500 fee to cover "internal review, approval processes and

document preparation.” Johannes made the motion, seconded by Vrana, to approve requesting an easement extension from the U.S. Army for the Clear Creek 7A structure and \$3,500 in associated fees. Motion carried all members present voting aye.

7d. Cumulative Impact Study - Scoping of Phase III - \$10,000

Johannes made the motion, seconded by Vrana, to approve a \$10,000 payment to Lower Platte River Corridor Alliance for Scoping of Phase III for the Cumulative Impact Study. Motion carried all members present voting aye.

7e. Decommissioned Well Payment

Johannes made the motion, seconded by Vrana, to approve the following decommissioned well payment:

Carson Day \$427.50

Motion carried all members present voting aye.

7f. Cooperative Agreement between LPNNRD and CSD - HEM Aquifer Mapping

Johannes made the motion, seconded by Vrana, to approve the Cooperative Agreement between LPNNRD and CSD to provide test-hole drilling equipment, supplies and expertise for installing monitoring wells; and provide expertise in interpreting and reporting test hole and Helicopter Electromagnetic (HEM) Data. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

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

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The August Board of Directors Meeting will be held on Monday, August 10, 2009, 7:00 p.m.

Meeting adjourned at 10:31 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 July 13, 2009, 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.

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Robert Hilger, Secretary