

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
July 8, 2013**

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 6:00 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, July 8, 2013.

1. NOTICE OF MEETING

The advanced notice of our July 8, 2013 board meeting was published on June 20, 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 | Clausen | Gibney |
| Hagerbaumer | Hannah | Johannes |
| Kavan | McDermott | Meduna |
| Olson | Pieke | Pollard |
| Ruzicka | Saalfeld | Sabatka |
| Veskerna | Hilger | |

DIRECTORS ABSENT

| | |
|--------|--------|
| Birkel | Taylor |
|--------|--------|

STAFF AND GUESTS:

| | | |
|---------|-----------|------------|
| Miyoshi | Mountford | Breunig |
| Murren | Almond | Gottschalk |
| Schomer | Oaklund | Sousek |
| Ekstein | | |

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

c. NARD Report

Kavan and Ruzicka reported on the NARD Basin Tour.

d. NRC Report

Johannes reported on the June Commission meeting and LB517 the Water Sustainability Task Force.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Chris Poole updated the Board on the Acre Certification process and progress.

5. APPROVAL OF MINUTES

Pieke made the motion, seconded by Hannah, to approve the minutes from the June 10, 2013 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending - None

b. Reports – Update Given

2. Management Items

a. Directors Absence

Pieke made the motion, seconded by Hannah, to approve Directors Bailey and Taylor’s 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

Pieke made the motion, seconded by Hannah, to approve payment of \$3,100 to Bob Weaver for June services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

3. Annual Increase

Pieke made the motion, seconded by Hannah, to approve the following rate increases for Bob Weaver: Effective July 2013 \$185/hour rate and \$3,200/monthly cap and July 2014 a \$190/hour rate and \$3,300/monthly cap. Motion carried on consent agenda.

c. Monthly Education Program – Update Given

d. Martinez Lawsuit – Update Given

e. CCEI Lawsuit

This item will be taken at the end of the meeting.

f. Wanahoo Loan Payments

Meduna made the motion, seconded by Saalfeld, to approve and authorize Manager Miyoshi to extend the Wanahoo Note payment date with Union Bank from June 15, 2013 to October 15, 2013. Motion carried all members present voting aye.

g. Trees Dedicated to LPNNRD Directors – Update Given

h. Nebraska Habitat Conservation Coalition

Pieke made the motion, seconded by Hannah, that LPNNRD supports the Nebraska Habitat Conservation Coalition Option #1, that we remain organized and wait for a habitat designation from FWS. Motion carried on consent agenda.

i. F.Y. Insurance

Ruzicka made the motion, seconded by McDermott, to approve payment to Inspro Insurance for our FY 2014 Annual Commercial Insurance Package in the amount of \$84,100. Motion carried all members present voting aye.

j. Office Cleaning

Johannes made the motion, seconded by Veskerna, to accept the low bid of \$95/week from Andrew Ekstein for cleaning the office. Motion carried.

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

NAY: McDermott

k. NARD Hall of Fame – Update Given

3. Equipment – None

4. Personnel

a. Setting F.Y. 2014 Salaries

Sabatka made the motion, seconded by Meduna, to approve a 2% increase for all LPNNRD employees effective July 1, 2013. Motion carried.

AYE: Bailey, Hagerbaumer, Hannah, Kavan, McDermott, Meduna, Pieke, Pollard, Ruzicka, Sabatka, Veskerna, Hilger

NAY: Clausen, Gibney, Johannes, Olson, Saalfeld

b. Temporary GIS Assistant – Update Given

5. Finance

a. Approval of Financial Report

Pieke made the motion, seconded by Hannah, to approve the May Financial Statements as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

Pieke made the motion, seconded by Hannah, 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 – Update Given

f. Set Date of Budget Workshop

The Annual Budget Workshop will be held Thursday, July 18th at 5:00 p.m. at the NRD Office.

g. Set Date for Budget Hearing

Pieke made the motion, seconded by Hannah, to set the LPNNRD Budget hearing for August 12th at 5:00 p.m. (just prior to the August board meeting). Motion carried on consent agenda.

Pieke made the motion, seconded by Hannah, that the July LPNDRD 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 – Update Given

e. Gifford Drive Access – Update Given

f. Ice Jam Fund

Pieke made the motion, seconded by Hannah, to pay Papio-Missouri River NRD \$342 for our portion of the Ice Jam Agreement Fund to keep the balance at \$150,000. Motion carried on consent agenda.

g. Grassland Haying – Update Given

h. 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. NRD Recreation Areas Brochure – Update Given

3. County Fairs – Update Given

4. Fact Sheets – Update Given

5. State Fair – Update Given

b. Computer

1. Computer Upgrades – Update Given

6. RURAL WATER Systems

a. Bruno/David City Rural Water

Pieke made the motion, seconded by Veskerna, to approve the financial restructuring of the Bruno/David City Rural Water System, which has LPNNRD paying off the USDA RD loan and profits from the system repaying the NRD. Motion carried.

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

NAY: Hannah, Kavan

b. Colon/Wahoo Rural Water System

Meduna made the motion, seconded by Veskerna, to approve the financial restructuring of the Colon/Wahoo City Rural Water System, which uses all profits from the system to make early payments to the USDA RD loan. Motion carried.

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

NAY: Hannah, Kavan, Hilger

c. Cedar Bluffs – Update Given

d. Abie – Update Given

e. Brainard and Dwight

Veskerna made the motion, seconded by Olson, that the NRD enter into interlocal agreements with the Villages of Brainard and Dwight to cover the initial cost of the water study with the caveat that if nothing is done with their perspective water system, the District be reimbursed ½ of the study cost or \$1,250 per Village (Brainard and Dwight). This study will also require interlocal agreements with our neighboring NRD's Lower Platte South and Upper Big Blue. Motion carried.

AYE: Bailey, Clausen, Gibney, Hagerbaumer, Johannes, McDermott, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna

NAY: Hannah, Kavan, Pieke, Hilger

Pieke made the motion, seconded by Hannah, that the July 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

a. June Variance Requests in the Limited Development Area – Update Given

b. June Variance Requests in the Normal Development Area – Update Given

2. Well Permit Program

a. Well Permits Approved – Update Given

b. New Acre Development Applications in Restricted Development Area – Update Given

c. Lake Allure Well Permit Application

Pieke made the motion, seconded by Hannah, to approve the Lake Allure Well Permit Application as a Class 2 Public Water Supply well with added condition that G-159342 be decommissioned when the new well is in place. Motion carried on consent agenda.

3. Lower Platte River Basin Water Management Plan Coalition

Pollard made the motion, seconded by Hagerbaumer, that Bob Hilger and Jim McDermott be appointed as voting members for LPNNRD on the Lower Platte River Basin Coalition Plan Board, that Dave Saalfeld be the 1st alternate, and that Gene Ruzicka be the 2nd alternate. Motion carried.

AYE: Bailey, Clausen, Gibney, Hagerbaumer, Hannah, Johannes, Kavan, Meduna, Olson, Pieke, Pollard, Sabatka, Veskerna, Hilger

ABSTAIN: McDermott, Ruzicka, Saalfeld

4. 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

Johannes made the motion, seconded by Ruzicka, to approve payment of \$9,755.40 for NAWMN Water Mark Sensor equipment to Klein Sales & Service for Invoice 2183. Motion carried.

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

ABSTAIN: Hannah

5. LPNNRD Certification – Update Given

6. Bellwood Phase 2 Area – Update Given

7. Richland/Schuyler Phase II Area - Update Given

8. State Wide Network Groundwater Sampling – Update Given

9. Certifying Acres – Update Given

10. Roger Harders

Information has been received from the Saunders County Assessors office since our June 26 Committee Meeting that allows staff to certify the Roger Harders, irrigated acres. 75 acres will be certified.

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

Pieke made the motion, seconded by Hannah, to approve cost share payment of \$258.56 to decommission a domestic well for the City of Wahoo and cost share payment of \$338.33 to decommission a domestic well for Curtis Tisthammer. Motion carried on consent agenda.

b. LPNNRD Ground Water Studies

1. Elkhorn Loup Model – Update Given

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

c. Ground Water Energy Levels

Johannes made the motion, seconded by Ruzicka, to approve payment of \$5,988.58 to In-Situ Inc. for the data loggers and cables ordered. Motion carried all members present voting aye.

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

3. SURFACE WATER PROGRAMS

a. State Lakes

1. Bacteria Sampling – Update Given

2. Toxic Algae – Update Given

4. OTHER

a. Lindsay Manufacturing Clean-Up Water – Update Given

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

c. GMDA Summer Session – Update Given

d. Comments From The Public – Update Given

Pieke made the motion, seconded by Hannah, 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 Application Approvals

Pieke made the motion, seconded by Hannah, to approve the following SWCP flow meter and planned grazing applications:

| | | | |
|-------------------------|---------------------|-------------------|-----------------|
| | | | <u>50%</u> |
| <u>David Schumacher</u> | <u>Platte Co.</u> | <u>Flow Meter</u> | <u>\$625.00</u> |
| <u>Roger Nelson</u> | <u>Saunders Co.</u> | <u>Flow Meter</u> | <u>\$625.00</u> |
| <u>Edward Cherovsky</u> | <u>Saunders Co.</u> | <u>Flow Meter</u> | <u>\$625.00</u> |

| | | | |
|----------------------|---------------------|------------------------|-------------------|
| <u>Gene Hansen</u> | <u>Saunders Co.</u> | <u>Flow Meter</u> | <u>\$625.00</u> |
| <u>* James Kubik</u> | <u>Saunders Co.</u> | <u>Planned Grazing</u> | <u>\$5,078.26</u> |

Motion carried on consent agenda.

b. SWCP Payments

Meduna made the motion, seconded by Saalfeld, to approve the following SWCP cost-share Payments:

| | | | |
|----------------|----------------------------------|------------------------|-------------------|
| <u>12-C-25</u> | <u>Ken & Marcia Stonacek</u> | <u>Windbreak Reno.</u> | <u>\$1,000.00</u> |
| <u>12-B-42</u> | <u>J. D. Bell Farms</u> | <u>Flow meter x 2</u> | <u>\$1,029.00</u> |
| <u>12-S-48</u> | <u>Bruce Williams/AM LT</u> | <u>Flow meter x 2</u> | <u>\$1,105.00</u> |
| <u>12-B-43</u> | <u>Gary Navrka</u> | <u>Flow meter</u> | <u>\$514.50</u> |

Motion carried on consent agenda.

c. SWCP Cancellations - None

d. Cottonwood Creek Payments

Pieke made the motion, seconded by Hannah, to approve the following Cottonwood Creek payment:

| | | <u>Approved</u> | <u>Actual 25%</u> |
|--------------------|---------------------|-------------------|-------------------|
| <u>Anton Wirka</u> | <u>Terrace/Tile</u> | <u>\$2,526.89</u> | <u>\$2,411.45</u> |

Motion carried on consent agenda.

e. Sand/Duck Creek Approvals - None

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

Pieke made the motion, seconded by Hannah, to:

1. Approve an agreement with NDEQ to administer the Shell Creek Watershed Water Quality Plan NDEQ grant, authorize the board chair to sign the grant on behalf of LPNNRD and designate Assistant Manager Mountford as Grant Administrator.
2. Advertise for RFQ/RFP's to complete the Shell Creek Plan and send out notification letters to firms who have already indicated an interest.
3. Approve and authorize the LPNNRD Chair to sign an Agreement between Prairieland RC&D, (SWIG) and LPNNRD for working together to select a consulting firm, administering the Shell Creek Watershed Water Quality Plan NDEQ grant and being reimbursed by PRC&D (using ET grant funding) for completing the Plan.

Motion carried on consent agenda.

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

Johannes made the motion, seconded by Pieke, that it is LPNNRD's intent to provide a total of \$600,000 toward Shell Creek project efforts (includes the Schuyler 205 Shell Creek Levee Project and Shell Creek Channel Cleaning), to be paid over the next 10 years, contingent on available funding. It was further recommended to budget \$125,000 for the Schuyler 205 Shell Creek Levee Project in FY 2014 and evaluate future commitments on both projects on an annual basis. Motion carried.

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

ABSTAIN: Bailey

b. District-wide Hazard Mitigation Plan

1. JEO Contract – Update Given

2. Interlocal Agreement with the UBBNRD

Pieke made the motion, seconded by Hannah, to approve, and authorize the Board Chair to sign, the Hazard Mitigation Plan Interlocal Agreement with UBBNRD as attached to the Projects Committee Minutes. Motion carried on consent agenda.

c. Project Expense Review – Update Given

d. Draft FY 14 Project Committee Budget – Update Given

e. LPNNRD Local Working Group Meeting Minutes – Update Given

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo

1. Construction of Pedestrian Trail Underpass

McDermott made the motion, seconded by Meduna, to:

1. Approve and authorize the Board Chair to sign the “Agreement for Construction and Operation of Pedestrian Trail Undercrossing” between the City of Wahoo and LPNNRD, as attached to the Projects Committee Minutes.
2. Approve and authorize the Board Chair to sign the “Agreement” between LPNNRD, City of Wahoo and State of Nebraska, Department of Roads (Project No. S-77-2 (1025) that establishes a pedestrian trail undercrossing (box culvert) through Lake Wanahoo’s abutment. The “Agreement for Construction and Operation of Pedestrian Trail Crossing” addressed in the previous paragraph must be approved and signed by the City prior to execution of the “Agreement” by LPNNRD, addressed in this paragraph,
3. Approve Resolution Number 07-13-1, which approves and authorizes the LPNNRD Chair to execute the “Agreement” as discussed in the previous paragraph.

Motion carried.

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

NAY: Kavan, Ruzicka

b. Upstream Structures – Update Given

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

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

7. ADDITIONAL ACTION ITEMS

7a. SWCP Payments

Saalfeld made the motion, seconded by McDermott, to approve the following SWCP payments:

| | | | |
|-----------------|-----------------------|-------------------|-----------------|
| <u>12-Bo-33</u> | <u>Paul Kettelson</u> | <u>Flow Meter</u> | <u>\$625.00</u> |
| <u>12-P-34</u> | <u>Gary Labenz</u> | <u>Flow Meter</u> | <u>\$625.00</u> |

Motion carried all members present voting aye.

7b. Lake Wanahoo SRA Agreement

Last month discussion took place on the three-year agreement we have with Game and Parks Commission for operation of the Lake Wanahoo SRA. Since that time discussion has occurred with G&P staff and their legal counsel. The response from Game and Parks is that they wish to have a letter agreement for minor changes and finish the two remaining years of the agreement. Miyoshi and Lausterer will work with G&P for a resolution of the issue.

7c. Abandoned Well Payment

Saalfeld made the motion, seconded by McDermott, to approve the following Abandoned Well Payment:

Judith Nelson \$ 371.25

Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Pieke made the motion, seconded by Hannah, to approve the July consent agenda as amended by deleting 6.C.1.A.10. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

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

Meduna made the motion, seconded by Sabatka, to go into executive session at 8:57 p.m. to discuss the CCEI Lawsuit and ask that staff members Miyoshi, Mountford and Murren remain with Legal Counsel Lausterer. Motion carried all members present voting aye.

McDermott made the motion, seconded by Pieke, to come out of executive session at 9:09 p.m. Motion carried all members present voting aye.

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The August Directors Meeting will be held on Monday, August 12, 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 July 8, 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.

Lon Olson, Secretary