

LOWER PLATTE NORTH NRD MINUTES  
BOARD MEETING  
JUNE 8, 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, June 8, 2009.

1. NOTICE OF MEETING

The advanced notice of our June board meeting was published on May 21,2009 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:

Bailey	Boyd	Casey
Eden	Hannah	Hilger
Johannes	Johnson	Kavan
Meduna	Pieke	Renter
Reitmajer (left 9:25)	Sabatka	Taylor
Veskerna	Vrana	Saalfeld

DIRECTORS ABSENT

Acklie

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Gottschalk	Oaklund
Sund	Heimann	

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

None

b. NRCS Report

None

c. NARD Report

Director Johnson gave the NARD report.

d. NRC Report

Director Johannes reported on the recent Commission Meeting.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Dave Meisbach from DEQ updated the Board on toxic algae at Fremont Lakes and movement of the toxin in ground water.

5. APPROVAL OF MINUTES

Pieke made the motion, seconded by Vrana, to approve minutes from the May 11, 2009 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. NARD Basin Tour - 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

Pieke made the motion, seconded by Vrana, to approve payment of \$2,750 to Bob Weaver for May services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

c. Monthly Education Program - Update Given

d. Aerial Photography Collaboration

Johannes made the motion, seconded by Boyd, to offer \$5 per square mile of contribution toward a partnership for miles within the Lower Platte North NRD which include rural areas. Motion carried all members present voting aye.

e. Professional Advisor Contact

Boyd made the motion, seconded by Pieke, the NRD Chair and General Manager are the principal contacts with our District's professional advisors and that prior to contact by Board Members which will create an expense to the district, notification be given to

the NRD Chair or General Manager. Recommendation carried.

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

NAY: Kavan

f. LR 181 Restructuring of Natural Resources Districts

Johannes made the motion, seconded by Hannah, to allow our Manager and our Chair to testify at the LR 181 Public Hearing. Motion carried all members present voting aye.

3. Equipment

a. Director Laptops - Update Given

4. Personnel

a. Review of Salary Adjustment Factors - Update Given

b. F.Y. '10 Salary Adjustments

Johannes made the motion, seconded by Boyd, to increase our total salaries by \$20,000 which would reflect a 2% increase in total salaries to be distributed by the matrix with no one employee receiving more than a 4% increase. Motion carried.

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

NAY: Kavan, Reitmajer, Renter, Sabatka

c. Review of Individual Performance Evaluations - Update Given

d. Part Time and Seasonal Position - Update Given

e. Manager's Evaluation - Update Given

f. Update on Milliken - Update Given

g. Vacation Policy

Meduna made the motion, seconded by Vrana, to approve the updated vacation policy as presented and attached to the Executive Committee Minutes. Motion carried all members present voting aye.

h. Chain of Command/Ethics Policy

Pieke made the motion seconded by Sabatka, to approve the Chain of Command/Ethics Policy as presented to the entire Board at the May Board Meeting and attached to the Executive Committee Minutes. Motion carried all members present voting aye.

5. Finance

a. Approval of Financial Report

Pieke made the motion, seconded by Vrana, to approve the April financial report as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

Pieke made the motion, seconded by Vrana, 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

Pieke made the motion, seconded by Vrana, that the June 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. Conservation Tree Program - Update Given

c. Community Trails

1. Pathfinder Trails Council (Fremont)

Pieke made the motion, seconded by Vrana, to pay the Pathfinder Trails Council \$2,500 in assisting with their planning and construction of trails in Fremont. Motion carried on consent agenda.

2. North Bend - Update Given

d. South Fremont 205 Study - Update Given

e. Czechland and Homestead Rec Areas

Pieke made the motion, seconded by Vrana, to advertise and accept bids for haying Czechland and Homestead grassland areas. Motion carried on consent agenda.

f. Grass Drill Agreements

Pieke made the motion, seconded by Vrana, to increase the minimum charge for the use of the District's grass drills from \$50 to \$75. Motion carried on consent agenda.

g. City of Fremont - Johnson Lake Request - Update Given

h. Rood Swedeburg Dam

Boyd made the motion, seconded by Sabatka, to have Dave Rood remove (mitigate) the same quantity of fill he has placed in our temporary flood zone to a higher elevation by May, 2010, a release of liability waiver will also be signed by Dave Rood relieving the District of any future damages to his cabin/house which is located near the Rood Swedeburg Dam. Motion carried all members present voting aye.

i. Invasive Weed Management

Boyd made the motion, seconded by Veskerna, to establish a cost-share inter-local agreement with LPS and Papio-Missouri NRD's to assist landowners with aerial treatment of invasive weeds on the Platte River and to budget \$20,000 for that purpose. Motion carried all members present voting aye.

j. Ice Jam Fund Update

Boyd made the motion, seconded by Meduna, to approve the addendum to increase the account from \$100,000 to \$150,000 in the Ice Jam Agreement. Motion carried all members present voting aye.

k. Miscellaneous Items - Update Given

3. ROCK AND JETTY

a. New Applications - None

b. Payment Requests

Pieke made the motion, seconded by Vrana, to pay Ames Diking District \$3,000 for work accomplished along the Platte River pending inspection. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS - Update Given

5. INFORMATION & EDUCATION

a. Information/Education

1. Recreation Brochure - Update Given

2. Spring Conservation Sensation - Update Given

3. County Fairs - Update Given

4. 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

Pieke made the motion, seconded by Vrana, to pay JEO \$825.00 for reimbursement for the DHHS review fee on the Colon/Wahoo Rural Water System. Motion carried on consent agenda.

c. Abie - Update Given

d. Bellwood/Richland - Update Given

e. Swedeburg - Update Given

Pieke made the motion, seconded by Vrana, that the June 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 final draft of the Ground Water Management Area Rules and Regulations. Minor wording changes were identified and incorporated.

Johannes made the motion, seconded by Vrana, to approve the corrected final draft of the District's Ground Water Management Area Rules and Regulations and go to Public Hearing on Friday, July 10, 2009, at 5:30 p.m. at the office of the Lower Platte North Natural Resources District, with Public Notice in area newspapers for the three preceding weeks of June 18, June 25, and July 2, 2009, and that subsequent changes be incorporated with final approval at the July 13, 2009 Board meeting. Motion carried all members present voting aye.

2. Irrigation Ranking Criteria for Hydrologically Connected Area - Update Given

3. Platte River Uplands Temporary Stay Management Area

4. Well Permit Program

a. Well Permits Approved - Update Given

b. Water Use Reporting - Update Given

5. Variance Request - Update Given

6. 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 - Update Given
- 7. LPNNRD Certification Classes - Update Given
- 8. Bellwood Phase II Area - Update Given
- 9. Richland/Schuyler Phase II Area- Update Given
- 10. 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

Pieke made the motion, seconded by Vrana, to approve cost share payment to decommission the irrigation well for Charles Emanuel & Sons for \$559.10, two domestic wells and one hand dug well for John Beranek for \$1,478.68, an irrigation well for Kenneth Beebe for \$397.52, and an irrigation well for Dean Preister for \$676.63. 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) - Update Given
  - 5. Eastern Nebraska HEM Aquifer Mapping - Update Given
- c. Ground Water Energy Levels

Pieke made the motion, seconded by Vrana, to approve the updated cost share procedures for placing flow meters on irrigation wells owned by our GWEL cooperators. Motion carried on consent agenda.
- d. Statewide Water Quality Sampling Network

3. SURFACE WATER PROGRAMS

a. State Lakes

1. Bacteria Sampling - Update Given

2. Toxic Algae - Update Given

b. Shell Creek Gauge - Update Given

4. OTHER

a. Water Programs Budget - Update Given

b. Data Loggers for Future Monitoring Wells

Johannes made the motion, seconded by Vrana, to purchase the four In-Situ data loggers for a quoted cost of \$6,856.20. Motion carried all members present voting aye.

c. Comments from the Public - Update Given

Piekie made the motion, seconded by Vrana, that the June 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

Piekie made the motion, seconded by Vrana, to approve the following SWCP applications:

			<u>50%</u>	<u>75%</u>
<u>Mark Fittje</u>	<u>Flow Meter</u>	<u>Platte</u>	<u>\$ 667.71</u>	
<u>William Vandenberg</u>	<u>Flow Meter</u>	<u>Butler</u>	<u>\$ 650.00</u>	
<u>Duane Rathovec</u>	<u>Flow Meter</u>	<u>Butler</u>	<u>\$ 650.00</u>	
<u>Peter Kruce</u>	<u>Flow Meter</u>	<u>Saunders</u>	<u>\$ 650.00</u>	
<u>Kurt Skillstad</u>	<u>Planned Grazing</u>	<u>Boone</u>		<u>\$ 9,782.75</u>

Joe Vasa Terraces & Tile \*Summer work - signed up 5-6-09\* \$ 7,850.00

Motion carried on consent agenda.

b. SWCP Payments

Piekie made the motion, seconded by Vrana, to approve the following SWCP payments:

			<u>Approved</u>	<u>Actual</u>
<u>07-S-04</u>	<u>Daniel Ourada</u>	<u>Small Dam</u>	<u>\$9,500.00</u>	<u>\$9,456.80</u>
<u>08-S-28</u>	<u>Ron Sabatka</u>	<u>Terraces &amp; Tile</u>	<u>\$10,000.00</u>	<u>\$10,000.00</u>
<u>08-S-35</u>	<u>Don Krecl</u>	<u>Tile Line</u>	<u>\$1,293.75</u>	<u>\$936.00</u>
<u>09-P-14</u>	<u>Edward Bakenhus</u>	<u>Cropland to grass</u>	<u>\$1,999.93</u>	<u>\$1,999.93</u>
<u>08-B-34</u>	<u>Kathleen Pavel</u>	<u>Terraces &amp; Tile</u>	<u>\$1,873.46</u>	<u>\$1,595.33</u>
<u>08-S-14</u>	<u>Don Kavan</u>	<u>Windbreak</u>	<u>\$1,140.63</u>	<u>\$1,000.00</u>



<u>Jason Arlt</u>	<u>Trees (290)</u>	<u>\$231.56</u>	<u>\$272.60</u>
<u>TOTAL</u>			<u>\$25,260.66</u>

Motion carried on consent agenda.

c. SWCP Cancellations - None

d. Sand/Duck Creek Approvals

Pieke made the motion, seconded by Vrana, to approve the following Sand & Duck Creek application:

<u>Velgene Karstens</u>	<u>Septic system inspection &amp; upgrade</u>	<u>60%</u>	<u>\$3,300.00</u>
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Motion carried on consent agenda.

e. Sand/Duck Creek Cost-Share Payments - None

f. Sand/Duck Cancellations - None

## 2. WATERSHEDS

a. Locally Led Landowner Groups

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

## 3. FSA , EQIP & CRP PLANS SIGNED

## 4. PLATTE RIVER CORRIDOR ALLIANCE REPORT

a. PRCA Monthly Report - Update Given

## 5. OTHER

a. Update on COE 205 Studies

1. South Fremont - Update Given

2. Schuyler 205 - Update Given

b. District-Wide All Hazard Mitigation Plan - Update Given

c. Cumulative Impact Study (CIS) -Draft Scope of Work for Phase III

Meduna made the motion, seconded by Johnson, to authorize the General Manager to sign Amendment No. 15 to the Memorandum of Understanding and Agreement with the Lower Platte River and Tributaries Feasibility Study to proceed with additional scoping to outline what is needed to move toward a CIS Phase III modeling effort and budget \$10,000 to carry our the program. Motion carried all members present voting aye.

d. Recycling Incentive Fund Award for Platte Center

Pieke made the motion, seconded by Vrana, to accept the \$14,396 Recycling Incentive Fund Award for Platte Center and authorize Assistant Manager Mountford

to complete and sign necessary grant documents and act as grant administrator for this project. Motion carried on consent agenda.

e. City of Fremont Parks and Recreation Request - Update Given

f. City of Newman Grove - Thank You Letter - Update Given

g. FY 2010 Projects Budget - Update Given

## 6. LAKE WANAHOO REPORT

a. Lake Wanahoo Committee Meeting Review - Update Given

b. Contract Payments

1. Commercial Contractors

Meduna made the motion, seconded by Sabatka, to approve payment request No. 7 to Commercial Contractors for Lake Wanahoo Dam Construction in the amount of \$1,170,455.25 and use SRF funds to make payment. Motion carried all members present voting aye.

2. Frahm Construction

Pieke made the motion, seconded by Renter, to approve payment request No. 4 to Frahm Construction on the Lake Wanahoo Fisheries Contract in amount of \$126,142.20 and use NPAIT funds to make payment. Motion carried all members present voting aye. It should be noted that the District will be reimbursed 75% from Nebraska Game & Parks Commission and 25% from the Nebraska Environmental Trust.

c. Change Orders

1. Commercial Contractors Change Order No. 1

Meduna made the motion, seconded by Sabatka, to approve change order No. 1 to Commercial Contractors for \$26,640 for additional contact work as attached. Motion carried all members present voting aye.

2. Frahm Construction Change Order No. 1

Casey made the motion, seconded by Johnson, to approve change order No. 1 to Frahm Construction for \$94,925 to complete additional Lake Wanahoo Fisheries contract work as attached. Motion carried all members present voting aye.

d. State Revolving Fund (SRF) Loan

1. Interest and Administrative fee SRF Loan Payment

Johnson made the motion, seconded by Renter, to approve a \$20,646.11 payment to NDEQ for SRF loan interest (\$13,737.76) and an administrative fee (\$6,908.35) for the Lake Wanahoo Project. Motion carried all members present voting aye.

2. Recommendation to Expand SRF Loan Amount

Meduna made the motion, seconded by Pieke, to direct Assistant Manager Mountford to work with NDEQ on expanding our State Revolving Fund loan needs by \$6 million and present proposed loan documents at the next Projects Committee Meeting. Motion carried all members present voting aye.

e. Doug Bartek Expense Reimbursement Request

Pieke made the motion, seconded by Vrana, to pay Doug Bartek \$80 for expense to relocate two fuel tanks, not included in the November 11, 2000, relocation report. It was further recommended to pay actual expense up to a maximum of \$275 to repair an irrigation engine shed that was damaged prior to it being relocated. Motion carried on consent agenda.

7. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

a. Project Update - Update Given

b. Advertise for Appraisal Services for Clear Creek Levee Landrights.

Johnson made the motion, seconded by Casey, to advertise for appraisal services for the Clear Creek Levee Landrights. Motion carried all members present voting aye.

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

7. ADDITIONAL ACTION ITEMS

7a. 2009 Lower Platte Riparian Weed Management Project

Pieke made the motion, seconded by Vrana, to approve the Lower Platte North NRD as the lead agency, advertise and accept bids for the 2009 Lower Platte River Riparian Weed Management Project of which 51 miles of channel and approximately 454 acres of vegetative sandbars will be aerial sprayed on the Platte River from the northern Douglas County line to the Highway 81 Bridge near Columbus. Motion carried.

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

ABSTAIN: Kavan

7b. Skyline Properties Land Rights

Johnson made the motion, seconded by Sabatka, to go into Executive Session to discuss Skyline Properties Land Rights at 10:25 p.m. Motion carried all members present voting aye.

Johnson made the motion, seconded by Pieke, to go out of Executive Session at 10:49 p.m. Motion carried all members present voting aye.

Casey made the motion, seconded by Johnson, to proceed to condemnation on the Skyline Properties LLC. land as needed for the Lake Wanahoo Project. It was further

moved that in addition our original offer we offer to place additional fill on Lot 12 and move the trailing levee alignment as far south and east as our project engineers deem feasible. It was further moved to appoint and empower a three member committee to negotiate on behalf of the district as set in this motion. Motion carried all members present voting aye.

Chair Saalfeld appointed directors Casey, Meduna and Sabatka to the Land Rights Sub-Committee.

7c. Sand/Duck Creek Payments

Piekie made the motion, seconded by Vrana, to approve the following Sand and Duck Creek Payments:

			<u>SWCP</u>	<u>Grant</u>
<u>08-S&amp;D-3A</u>	<u>Glenn Chvatal</u>	<u>Tile and Terrace</u>	<u>\$1,502.13</u>	<u>\$2,194.37</u>
<u>08-S&amp;D-3B</u>	<u>Glenn Chvatal</u>	<u>Tile and Terrace</u>	<u>\$1,945.50</u>	<u>\$10,312.06</u>

Motion carried.

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

ABSTAIN: Kavan

7d. SWCP Payments

Piekie made the motion, seconded by Vrana to approve the following SWCP Payments:

<u>Todd Baker</u>	<u>Trees</u>	<u>\$981.36</u>
<u>Brian Goff</u>	<u>Trees</u>	<u>\$187.50</u>
<u>Charlie McEvoy</u>	<u>Trees</u>	<u>\$257.81</u>

Motion carried.

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

ABSTAIN: Kavan

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Piekie made the motion, seconded by Vrana, to approve the June consent agenda.

Sabatka abstained from motion 6.D.1.b. only. Motion carried.

AYE: Bailey, Boyd, Casey, Eden, Hannah, Hilger, Johannes, Johnson, Kavan, Meduna, Piekie, Renter, Taylor, Veskerna, Vrana, Saalfeld

ABSTAIN: Sabatka

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The July Board of Directors Meeting will be held on Monday, June 13, 2009, 7:00 p.m.

Meeting adjourned at 10:55 p.m.

Discussion on all agenda items that have "Update Given" can be found in corresponding Committee Minutes.

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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 June 8, 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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Bob Hilger, Secretary