

**LOWER PLATTE NORTH NRD MINUTES  
BOARD MEETING  
March 11, 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, March 11, 2013.

**1. NOTICE OF MEETING**

The advanced notice of our March 11, 2013 board meeting was published on February 21, 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:**

Birkel	Clausen	Gibney
Hagerbaumer	Hannah	Johannes
Kavan	McDermott	Meduna
Olson	Pieke	Pollard
Ruzicka	Saalfeld	Sabatka
Taylor	Veskerna	Hilger

**DIRECTORS ABSENT**

Bailey

**STAFF AND GUESTS:**

Miyoshi	Mountford	Breunig
Murren	Angle	Heimann
Ekstein	Gottschalk	Oaklund

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**

Mark Walkenhorst presented his written report.

**c. NARD Report**

Kavan reported that he was not able to attend the March 4 NARD Board Meeting.

**d. NRC Report**

Johannes reported that the Commission's next scheduled meeting is in June; however a special meeting will likely occur prior to that time.

**e. Managers Report**

Manager Miyoshi reviewed his written report.

**f. Education Program**

Roic Paulman gave a presentation on "Water Saving Technology".

**5. APPROVAL OF MINUTES**

Hagerbaumer made the motion, seconded by Pieke, to approve the minutes from the February 11, 2013 Board Meeting. Motion carried on consent agenda.

**6. REPORT OF STANDING COMMITTEES**

**A. EXECUTIVE COMMITTEE REPORT**

**1. Meetings**

**a. Pending**

**1. Washington DC Trip - Update Given**

**b. Reports**

**1. NACD and GMDA Reports – Update Given**

**2. Management Items**

**a. Directors Absence**

Hagerbaumer made the motion, seconded by Pieke, to approve the following Director's absence requests: McDermott for December, Gibney for February and Bailey for March. Motion carried on consent agenda.

**b. Bob Weaver**

**1. Monthly Conference Call and Report - Update Given**

**2. Monthly Bill**

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

**c. Monthly Education Program – Update Given**

**d. Nebraska Department of Road Right of Way Needs**

Meduna made the motion, seconded by Kavan, to:

1. Approve the easement for 1.02 acres of land to Nebraska Department of Roads in Section 27-T15N-R7E for the price of \$7,220 as shown and described in the letter and map dated February 22, 2013 and attached to the Executive Committee minutes.

2. Approve the Resolution which certifies that the board has the authority to grant this easement and the board has authorized Chair Bob Hilger and Secretary Lon Olson to execute granting of this easement.

3. Approve and authorize the board chair to sign the Permanent Easement as described earlier in this motion and attached to the Executive Committee minutes.

4. Approve and authorize the board chair to sign the Warranty Deed for the property described earlier in this motion and attached to the Executive Committee minutes.

5. Approve and authorize the board chair to sign two copies the Acquisition Contract for the property described earlier in this motion and attached to the Executive Committee minutes.

6. Authorize the Board Chair to sign the DOR Voucher request for \$7,220 as attached to the Executive Committee minutes.

It was further recommended to not fully execute this easement until the ROW access in item "f" listed below is fully settled and to use the \$7,220 received from DOR to pay down the Sand Creek/Lake Wanahoo note held by Union Bank. Motion carried all members present voting aye.

**e. 2014 Recognition Banquet**

Hagerbaumer made the motion, seconded by Pieke, to hold the 2014 Recognition Banquet on January 26 at the Klein Center in Brainard and use the same catering service as used in the past. Motion carried on consent agenda.

**f. Access Agreement with Department of Roads**

Hannah made the motion, seconded by Sabatka, to approve and authorize Manager Miyoshi to sign the agreement with DOR allowing NRD access on Commercial Park Road. Motion carried all members present voting aye.

**g. CCEI Lawsuit – Update Given**

**h. Director Residence – Update Given**

**i. Lower Platte River Basin Water Management Plan Coalition Agreement – Update Given**

**3. Equipment – None**

**4. Personnel – None**

**5. Finance**

**a. Approval of Financial Report**

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

**b. Approval of Managers Expenses**

Hagerbaumer 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. Monthly Accounting Update – Update Given**

**e. Monthly Visa Payment**

Hagerbaumer made the motion, seconded by Pieke, to set up our monthly VISA payment on auto-withdrawal from Union Bank. Motion carried on consent agenda.

Hagerbaumer made the motion, seconded by Pieke, that the March 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**

Birkel made the motion, seconded by Sabatka, to accept the low bid of \$6,709.09 from “On The Water” for a 6’ X 24’ dock and a 4’ x 16’ walk ramp with concrete decking for Czechland Lake. It was further recommended to purchase I-beams from Oden Enterprise for \$730.47 and hire ME Collins to place the I-beams at cost not to exceed \$1,000. Motion carried all members present voting aye.

**d. Wanahoo Recreation Area**

Hagerbaumer made the motion, seconded by Birkel, to hire Randall Rodgers to move trees with his tree spade from the Wanahoo nurseries before it’s eliminated at a cost of up to \$2,500 under NRD staff direction. Rogers will be allowed to substitute acceptance of trees from the nursery rather than cash payment by receiving 2.5 trees in payment for each tree moved for the NRD. Motion carried.

AYE: Birkel, Clausen, Gibney, Hagerbaumer, Hannah, Johannes, Kavan, Meduna, Olson, Ruzicka, Sabatka, Taylor, Veskerna, Hilger

NAY: McDermott, Pieke, Pollard, Saalfeld

**e. Grass Drill Rental – Update Given**

**f. Vehicle Replacement – Update Given**

**g. Equipment**

Saalfeld made the motion, seconded by Sabatka, to purchase a 150 gallon 3 point sprayer with 35’ booms with electronic control and a 6-roller pump at a cost of \$2,927 from Schaben Industries in Columbus. Motion carried all members present voting aye.

**h. Dam Renovation**

Hagerbaumer made the motion, seconded by Pieke, to have staff pursue the cleaning of channels below three of the Swedeburg dams by obtaining bids from local contractors. Motion carried on consent agenda.

**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. Viaduct/Annual Report – Update Given**

**b. Education**

**1. Soil and Water Stewardship Week**

Hagerbaumer made the motion, seconded by Pieke, to approve up to \$2,000 for purchasing 2013 Soil and Water Stewardship Week materials for area schools and churches. Motion carried on consent agenda.

**c. Computers**

**1. Server Upgrade - Update Given**

**2. Website Move – Update Given**

**6. RURAL WATER Systems**

**a. Bruno/David City Rural Water**

Saalfeld made the motion seconded by Hagerbaumer, to hire JEO to add an addendum to the December 2005 Village of Abie Rural Water Study to reflect the new waterline route with design and cost options. The addendum will also analyze the condition of the Abie municipal water system. This addendum will be charged by an hourly rate not to exceed a total of \$2,500. Motion carried all members present voting aye.

**b. Colon/Wahoo Rural Water System**

Gibney made the motion, seconded by Olson, to invoice the Village of Colon \$2,500 to remove John Murren from the water system. This payment will be used to pay down the USDA construction loan for the Colon Rural Water System. Motion carried all members present voting aye.

**c. Other**

Saalfeld made the motion, seconded by Pieke, to set a flat rate fee for connecting to a rural water system. The fee for the Saunders County/Colon system will be \$3,000; the fee for the Butler County/Bruno system will be \$5,000. Motion carried all members present voting aye.

Hagerbaumer made the motion, seconded by Pieke, that the March 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. 2012 Drought Conditions – Update Given**

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

**a. February Variance Requests – Update Given**

**3. Well Permit Program**

**a. Supplemental Well Permits Requiring Review**

<u>Applicant</u>	<u># of Currently Irrigated Acres</u>	<u>Reason for Supplemental Well</u>	<u>Type of Well</u>	<u>County</u>	<u>Subarea</u>
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Paul Schemek*	136	Splitting up system. Variance was approved as an expansion	Class 2	Platte	Middle Shell Creek
Kermit Wilshusen*	70	Splitting up system.	Class 2	Colfax	Lower Shell Creek
Keith McBurney	44	Running in a series	Class 2	Colfax	Schuyler
James Viglicky*	79.01	Running in a series	Class 2	Butler	Octavia
Juranek Ag LLC	157	Running in a series / Inside RDA by 350'	Class 2	Butler	Prague
Juranek Ag LLC*	84.9	Running in a series	Class 2	Butler	Octavia
Lyle Herchenbach	263.55	Splitting up system, will stay tied together	Class 3	Platte	Newman Grove
John Krafka*	37	Splitting up system	Class 2	Butler	Bellwood
Lynn Ruhnke and Ann Olmer*	67	Splitting up system	Class 2	Platte	Lower Newman Grove
Dale A Gasper	70	Splitting up system	Class 2	Platte	Lower Newman Grove
Scott Rosenthal*	100	Splitting up system	Class 2	Platte	Middle Shell Creek
Bruce A. Wendt*	221.75	Splitting up system, will stay tied together	Class 3	Colfax	Middle Shell Creek

\* Denotes well permit applications within two miles of individual, or area, well interference complaint.

McDermott made the motion, seconded by Saalfeld, to table the above mentioned supplemental well permit applications until the next Water Committee meeting and send a letter to these well owners requiring them to attend the next Water Committee and explain their situation. Motion carried all members present voting aye.

**b. Expansion on Existing Well or Existing Well Permits in NDA**

Hagerbaumer made the motion, seconded by Pieke, to approve the additional 8.83 acres for Glen Wirka in the NE1/4, Section 36, T17N, R7E, in Saunders County within the Normal Development Area. Motion carried on consent agenda.

Hagerbaumer made the motion, seconded by Pieke, to table the expansion of irrigated acres for James Plasek for 74 acres in the NE1/4, Section 14, T15N, R3E. Motion carried on consent agenda.

**c. Well Permits Requiring Further Review before Approval**

McDermott made the motion, seconded by Pollard, to approve the well permit for Brent Zakovec in the NW1/4, Section 35, T17N, R5E, and Saunders County for 64.48 acres within the Normal Development Area (NDA). Motion carried.

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

NAY: Johannes

McDermott made the motion, seconded by Birkel, to approve the well permit for Janak Farms in the NE1/4 of the SE1/4, Section 34, T15N, R4E, Butler County for 70 acres, both within the Normal Development Area (NDA). Motion carried.

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

NAY: Johannes

**d. Drilling of Irrigation Wells without LPNDRD Approved Well Permits**

Taylor made the motion, seconded by Saalfeld, to require Webster Well and/or G. Peter Burger (Jim McDermott) and Francis Emanuel to submit a late well permit application along with the fee of \$250 dollars per well (\$200 additional per well on top of the \$50 already received) and upon receiving the permit, the LPNDRD will allow the wells to be registered by the Nebraska Department of Natural Resources. Motion carried.

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

NAY: Hannah, Pieke

ABSTAIN: McDermott

**e. Mike Heldt Request for New Well to Replace Loss of Sub-Irrigation**

Saalfeld made the motion, seconded by Veskerna, to write a letter of support for Mike Heldt outlining that he has lost sub-irrigation due to the nearby MUD well field and that the LPNDRD approves the well permit application for an irrigation well in the NW1/4, Section 18, T14N, 10E in Saunders County and approves the well permit application for an irrigation well in the SW1/4, Section 7, T14N, R10E in Saunders County (approximately 230 acres total according to Heldt). It was further recommended to add the well permit condition that the irrigation wells approved for Mike Heldt be elevated by at least two feet since these wells will be located in a floodplain. Motion carried.

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

NAY: Hannah, Olson

**f. Water Use Reports – Update Given**

**4. Voluntary Integrated Water Management Plan – Update Given**

**5. Roric Paulman and Water Saving Technology – Update Given**

**6. 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 – Update Given**

- 7. LPNNRD Certification Classes – Update Given**
  - 8. Bellwood Phase 2 Area – Update Given**
  - 9. Richland/Schuyler Phase II Area - Update Given**
  - 10. Certifying Acres – Update Given**
  - 11. Review of LPNNRD GWMA R&R – 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 – Update Given**
    - 3. Eastern Nebraska Water Resources Assessment (ENWRA) – Update Given**
    - 4. Eastern Nebraska HEM Aquifer Mapping (Swedeburg Subarea) – Update Given**
  - c. Former Ordnance Plant Near Mead – Update Given**

**3. OTHER**

**a. Comments From The Public**

Hagerbaumer made the motion, seconded by Pieke, to approve the well modification for Robert Nelson’s well permit and show that 160 acres in SE¼ of Section 13, T15N, R8E and 160 acres in the NE¼ of Section 24, T15N, R8E in the Restricted Development Area of Saunders county have been irrigated by well G-057527 and on the condition that well G-057527 will also be properly registered with the Nebraska Department of Natural Resources to reflect these acres. Motion carried on consent agenda.

Hagerbaumer made the motion, seconded by Pieke, that the March 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**

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

<u>Jon Gehring</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>Lucille Jensen</u>	<u>Flow Meter</u>	<u>\$625.00</u>



<u>Ryan Loseke</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>Bruce Williams</u>	<u>Flow Meter</u>	<u>\$ 625.00</u>
	<b>TOTAL:</b>	<b><u>\$2,500.00</u></b>

Motion carried on consent agenda.

**b. SWCP Payments**

Hagerbaumer made the motion, seconded by Pieke, to approve the following SWCP cost-share Payments:

<u>11-S-23</u>	<u>Steven Hanson</u>	<u>Flow Meter</u>	<u>\$625.00</u>
<u>12-S-12</u>	<u>Bruce/Amy Williams</u>	<u>Flow Meter</u>	<u>\$500.00</u>
		<b>Total:</b>	<b><u>\$1,125.00</u></b>

Motion carried on consent agenda.

**c. SWCP Cancellations – Update Given**

**d. Cottonwood Creek Payments**

Hagerbaumer made the motion, seconded by Pieke, to approve the following Cottonwood Creek SWCP payments:

		<u>Approved</u>	<u>Actual 25%</u>
<u>Carl Sousek</u>	<u>Terraces/Tile</u>	<u>\$9,124.76</u>	<u>\$7,895.52</u>
<u>David Sousek</u>	<u>Terraces/Tile</u>	<u>\$5,093.63</u>	<u>\$4,465.83</u>
			<b>TOTAL: <u>\$12,361.35</u></b>

Motion carried on consent agenda.

**e. Sand/Duck Creek Approvals**

Meduna made the motion, seconded by Pieke, to approve a 25% supplemental \$12,380.92 Sand/Duck Creek 319 payment to Tom Holtorf for conservation work completed. Motion carried all members present voting aye.

**f. Sand/Duck Cost-Share Payment**

Hagerbaumer made the motion, seconded by Pieke, to approve the following Sand/Duck Creek cost-share payment:

		<u>SWCP 15%</u>	<u>Grant 25%</u>
<u>07-S&amp;D-14</u>	<u>Mary Lou Cihal</u>	<u>\$714.25</u>	<u>\$1,190.43</u>

Motion carried on consent agenda.

**g. SWCP Policy Review – Update Given**

**1. Pumping Plants for Livestock Wells**

Hagerbaumer made the motion, seconded by Pieke, to add livestock well pumping plants as an approved planned grazing system for SWCP cost share. Motion carried on consent agenda.

**h. Kathleen Ptacek Additional SWCP Payment Consideration Request – Sam Barlean**

Hagerbaumer made the motion, seconded by Pieke, to approve an additional 25% supplemental \$1,400.75 SWCP payment to Kathleen Ptacek toward the livestock well pumping plant as part of her completed planned grazing system practice. Motion carried on consent agenda.

**i. SWCP 2013 Practice Payment Schedule – Update Given**

**2. WATERSHEDS**

**a. Shell Creek Newman Grove School Science Club Assistance Request**

Hagerbaumer made the motion, seconded by Pieke, to approve 50% assistance, totaling \$744.25,

for water testing equipment and supplies to the Newman Grove Science Club as attached to the Projects Committee Minutes and that Shell Creek Promotion funds be used to make the payment. Motion carried on consent agenda.

**b. Wahoo Creek – Update Given**

**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 – Update Given**

**b. LiDAR Payment to NRCS**

Meduna made the motion, seconded by Pollard, to approve a \$10,000 payment to NRCS for completion of LiDAR photography in Boone and Madison Counties as attached to the Projects Committee Minutes. Motion carried all members present voting aye.

**c. Project Expense Review – Update Given**

**d. Corn & Soybean Digest Article – Update Given**

**5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT**

**a. Lake Wanahoo – Update Given**

**b. Upstream Structures**

Olson made the motion, seconded by Saalfeld, to accept the high bid of \$225 from Ron Brazda for cash rent of 37 acres located E½-NE¼-T16N-S16-R5 (former Wirka ground) for the 2013 growing season. Motion carried all members present voting aye.

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

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

**7. ADDITIONAL ACTION ITEMS**

**7a. David City NW Drainage Project Payment**

Meduna made the motion, seconded by Kavan, to make payment to UBBNRD in the amount of \$752.50 for work on the NW David City Drainage Project. Motion carried all members present voting aye.

**8. BILLS TO BE APPROVED**

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

**9. CONSENT AGENDA ADOPTION**

Hagerbaumer made the motion, seconded by Pieke, to approve the March consent agenda as amended by deleting 6.C.1.A.3.d. Motion carried all members present voting aye.

**10. COMMENTS FROM DIRECTORS/GUESTS**

**11. MEETING ESTABLISHMENT AND ADJOURNMENT**

The April Directors Meeting will be held on Monday, April 8, 2013, 6:00 p.m. Meeting adjourned at 9:05 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 March 11, 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.

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Lon Olson, Secretary