

LOWER PLATTE NORTH NRD MINUTES  
BOARD MEETING  
MAY 10, 2004

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 7:00 p.m. at Saunders County Fairgrounds, Wahoo, NE on Monday, May 10, 2004.

1. NOTICE OF MEETING

Public notification was made in area newspapers no later than April 29, 2004. Meeting notification and agendas were also provided.

2. ROLL CALL - INTRODUCTIONS

DIRECTORS PRESENT AND CONSTITUTING A QUORUM:

Alm	Bailey	Bull
Eden	Hannah	Holstine
Jedlicka	Johannes	Kavan
Langemeier	Larsen	Mastny
Pieke	Reitmayer	Saalfeld
Sabata	Sabatka	Shelso
Johnson		

DIRECTORS ABSENT

None

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Sousek	Gottschalk
Angle		

Sign In Sheet Attached To Original Minutes

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. NRCS Report

Soncksen handed out information on NRCS programs and gave a progress report.

b. NARD Report

Langemeier updated the Board on the health insurance issues.

5. APPROVAL OF MINUTES

Langemeier made the motion, seconded by Holstine, to approve minutes from the April 12, 2004 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Reports

Reports on the NARD Conference in Washington DC are attached to the Executive Committee Minutes.

b. Pending

1. Water and Natural Resources Tour - June 7-9/NARD Water Tour June 21-22

The Nebraska Water and Natural Resources Tour is June 7-9 and will travel through Eastern Nebraska. The NARD Water Tour will look at Missouri River issues June 21-22. Langemeier made the motion, seconded by Holstine, to send Directors and Staff to the Water and Natural Resources Tour and the NARD Water Tour limiting one tour per member. Motion carried on consent agenda.

Langemeier made the motion, seconded by Holstine, that LPNNRD assist in sponsoring one Congressional Staff person to attend the NARD Water Tour at a cost not to exceed \$1,000. Motion carried on consent agenda.

2. SWCS Annual Meeting - July 24-28, St Paul

Langemeier made the motion, seconded by Holstine, to send one staff to the SWCS Annual Meeting as attached to the Executive Committee Minutes. Motion carried on consent agenda.

2. Management

a. Directors Absences

Langemeier made the motion, seconded by Holstine, to approve the absence requests from Jedlicka from February and Eden from March. Motion carried on consent agenda.

b. Lower Platte River Corridor Alliance

Rodney Verhoeff was present to highlight the April Alliance Report and hand out the draft budget.

F.Y. '05 Budget

Bull made the motion, seconded by Shelso, to approve the Draft F.Y. 05 LPRCA Budget at a total cost to the District of \$29,000 as attached to the Executive Committee Minutes. Motion carried.

AYE: Bailey, Bull, Eden, Hannah, Holstine, Jedlicka, Johannes, Kavan, Langemeier, Larsen, Mastny, Pieke, Reitmajer, Saalfeld, Sabata, Sabatka, Shelso, Johnson

NAY: Alm

Coordinator Contingency Fund

Bull made the motion, seconded by Sabatka, to pay the \$5,500 bill to the LPRCA for the Coordinator Contingency Fund. Motion carried all members present voting aye.

c. Bob Weaver Billing

Langemeier made the motion, seconded by Holstine, to approve the Bob Weaver bill in the amount of \$3,914.17 as attached to the Executive Committee Minutes. Motion carried on consent agenda.

d. Renew Line of Credit

Langemeier made the motion, seconded by Holstine, that the District renew its \$400,000 line of credit with Wahoo State Bank. Motion carried on consent agenda.

e. Ratify Motion for WS/CC Project PCA

Langemeier made the motion, seconded by Holstine, to ratify the motion approving the Project Cooperative Agreement (PCA) for the Western Sarpy/Clear Creek Project as recommended at the April 28<sup>th</sup> Special Meeting. Motion carried on consent agenda.

f. Report from Academy of Science - Attachment

Attached to the Executive Committee Minutes is a 13 page Executive Report from the National Academy of Science concerning endangered species on the Platte River was released. A full copy (270 pages) can be downloaded from the web or one copy has been received at the District office.

g. MUD

Considerable discussion took place on action in the Wann Basin and permits to drill in front of the Board at the current time. Legal Counsel, Loren Lindahl and Jaron Bromm were present to discuss this topic. Lindahl and Bromm have been working with MUD for potential conditions to put on the permit to drill. The NRD permit to drill form does have space for conditions to be listed. A copy of the suggested course of action and the conditions that Lindahl and Bromm are currently working on are attached to the Executive Committee Minutes. Langemeier made the motion, seconded by Holstine, to follow the suggested course of action for Wann Basin on permits to drill as attached to the Executive Committee Minutes and that the conditions for issuance as the permit to drill requests MUD to use under item 5. Motion carried on consent agenda.

Langemeier made the motion, seconded by Jedlicka, to ratify action by Chairman Johnson and General Manager Miyoshi to hold all well "Permits to Drill" in the Wann basin until the May 10<sup>th</sup> Board Meeting when all LPNNRD Board Members can have input on how to handle these permit applications. Motion carried.

AYE: Alm, Bailey, Bull, Eden, Holstine, Jedlicka, Johannes, Kavan, Langemeier, Larsen, Mastny, Picke, Reitmajer, Saalfeld, Sabata, Sabatka, Shelso, Johnson

NAY: Hannah

Alm made the motion, seconded by Bull, to process irrigation well "Permit to Drill" applications within the District in the normal administrative manner the District currently uses for all permit requests and that all Municipal well permit requests in the Wann Basin be brought before the LPNNRD board for approval. Motion carried all members present voting

aye.

Shelso made the motion, seconded by Alm, to take the following motion off the table as made at the April 12, 2004 Board Meeting: To follow the staff recommendations concerning the City of Ashland's request to: 1). The LPNNRD be an active partner in the request for a comprehensive ground water model of the Wann Basin. 2). The LPNNRD follow legal counsel advice and not deny any "requests to drill new wells" in the Wann Basin (specifically to MUD). 3). The LPNNRD inform the City of Ashland of the active role and leadership DEQ and LPNNRD have taken in the Mead Superfund Cleanup Operation. Motion carried all members present voting aye.

Shelso made the motion, seconded by Holstine, that LPNNRD be an active partner in the request for a comprehensive ground water model of the Wann Basin and LPNNRD inform the City of Ashland of the active role and leadership DEQ and LPNNRD have taken in the Mead Superfund Cleanup Operation. Motion carried all members present voting aye.

Johannes made the motion, seconded by Shelso, that LPNNRD follow Legal Counsel advice and not deny any "Requests to Drill" new wells in the Wann Basin (specifically to MUD) and require the following conditions:

#### 1. FLOW METERS

- a. MUD will place a flow meter on each well, whether they are existing or to be drilled, within the jurisdiction of LPNNRD.
- b. MUD will submit an annual report to LPNNRD setting forth the data collected from each flow meter. This requirement may be complied with by providing LPNNRD with a copy of the Annual Modeling Report to be submitted to the Army Corps of Engineers, provided this information is contained therein.

#### 2. RDX AND TCE SAMPLING

- a. MUD will conduct a sampling of all monitoring wells for RDX and TCE at least annually.
- b. MUD will submit an annual report of these samplings to LPNNRD. This requirement may be complied with by providing LPNNRD with a copy of the Annual Modeling Report to be submitted to the Army Corps of Engineers, provided this information is contained therein.

#### 3. DATA LOGGERS

- a. MUD will install data loggers on all monitoring wells.
- b. The data loggers will be set to record data at least on a daily basis.
- c. MUD will submit an annual report of the data loggings to LPNNRD or allow LPNNRD access to the monitoring wells and data loggers. This requirement may be complied with by providing LPNNRD with a copy of the Annual Modeling Report to be submitted to the Army Corps of Engineers, provided this information is contained therein.

#### 4. RESTRICTIONS ON QUANTITY

- a. During the months of July and August, MUD shall not pump more than 64.5 MGD from the portion of the well field west of the Platte River.

## 5. COMPLIANCE WITH OTHER REGULATORY CONDITIONS

a. MUD will comply fully with (1) the Conditional 404 Permit issued by the Army Corps of Engineers, and (2) the Agreement entered into by MUD and the Nebraska Game & Parks Commission.

b. MUD will provide to LPNNRD copies of all reports submitted to the Army Corps of Engineers required in the Conditional 404 Permit both in the past and future.

## 6. GROUND WATER MANAGEMENT PLAN

a. MUD's operation of the well field west of the Platte River shall be subject to LPNNRD's Ground Water Management Plan, as amended from time to time.

Motion failed

Shelso withdrew his second to the motion, Jedlicka seconded the motion.

Alm made the motion to amend, seconded by Saalfeld, to add a number 7 on the list of conditions which would be: That MUD complete a comprehensive groundwater model of the area which includes both of MUDs Platte West well fields (Saunders and Douglas Counties), Lincoln's Wellfield at Ashland and the Mead NOP Superfund cleanup site and that this model be completed to LPNNRDs satisfaction prior to commencement of construction of the MUD wells.

At Legal Counsel Lindahl's advice, Chairman Johnson voided the amendment due to the amendment conflicting with the original motion (model completed prior to construction vs permit approved with conditions).

AYE: Hannah, Holstine, Johannes, Johnson

NAY: Alm, Bailey, Bull, Eden, Jedlicka, Kavan, Langemeier, Larsen, Mastny, Pieke, Reitmajer, Saalfeld, Sabata, Sabatka, Shelso

Eden made the motion, seconded by Shelso, that LPNNRD deem MUD's permits as incomplete until a comprehensive ground water modeling plan is completed. Motion carried.

AYE: Alm, Bailey, Bull, Eden, Jedlicka, Kavan, Langemeier, Larsen, Mastny, Pieke, Reitmajer, Saalfeld, Sabata, Sabatka, Shelso

NAY: Hannah, Holstine, Johannes, Johnson

## 3. Equipment

No new business.

## 4. Personnel

### a. Minutes from 4/2/04 Sub-Committee

Shelso made the motion, seconded by Saalfeld, to approve the Personnel Policies revisions as presented at the April 12<sup>th</sup> Board Meeting with one change to policy I-B. The individual change changes no wording, it only moves a paragraph from the guideline portion up to the policy portion. Motion carried all members present voting aye.

## 5. Finance

### a. Approval of March Financial Statement

Langemeier made the motion, seconded by Holstine, to approve the March Financial Statement as distributed. Motion carried on consent agenda.

### b. Approval of Managers Expenses

Langemeier made the motion, seconded by Holstine, to approve the Managers expenses as attached to the Executive Committee Minutes. Motion carried on consent agenda.

### c. Accounts Receivable Over 90 Days

The accounts receivable were reviewed by the Executive Committee, there are currently three on list. Two of those were due to a lost check from UBBNRD and was remedied by Board Meeting.

Langemeier made the motion, seconded by Holstine, that the May LPNNRD Executive Committee Minutes be received and placed on file. Motion carried on consent agenda.

## B. OPERATIONS, EDUCATION & TECHNOLOGY COMMITTEE REPORT

### 1. WHIP/WILD NE REPORT

#### a. Payments - WHIP/WILD NE

Langemeier made the motion, seconded by Holstine, to approve two WHIP/Wild NE contracts for a total payment of \$491.76.

<u>H.H. Harney, Inc</u>	<u>Saunders</u>	<u>18 acres</u>	<u>\$270.00</u>
<u>Larry Loseke</u>	<u>Platte</u>	<u>3.3 acres</u>	<u>\$221.76</u>

H.H. Harney is cancelling his WHIP contract after 8 years.

Motion carried on consent agenda.

### 2. OPERATION AND MAINTENANCE & OTHER ITEMS

#### a. Folsom Request

Chuck Folsom is requesting that the District lower a 18" CMP which drains his field into Ditch 8 east of the two railroad bridges. Staff have taken elevation shots on the property and it seems to drain properly. Sam Barlean inspected the field a year ago after a rain and found that it drained properly. Mr. Folsom recommends lowering the pipe 2' which would almost put the pipe in the water of Ditch 8. Langemeier made the motion, seconded by Holstine, to allow Mr. Folsom to lower the 18" CMP and reseed the area at his own expense and that he be responsible for any future maintenance issues tied to that pipe. Motion carried on consent agenda.

#### b. Tree Program

The District ordered 29,175 trees for this Spring. There are 4,000 in our inventory. Tree planting is going well.

Lower Elkhorn NRD has ask if our District could plant 5-6 sites in Dodge County because their Contractor will not get them done. We will see what is accomplished by May 10 and determine how we may help.

Langemeier made the motion, seconded by Holstine, to approve the following changes to the Lower Platte North Tree Planting Policy:

If a landowner orders trees other than the Districts trees and wants the District to plant those trees, then the District will charge that landowner .50/tree for planting.

If the District is required to plant at different locations for the same landowner, requiring the District to load and unload equipment, a pull in fee of \$30/site will be required for the sites after the initial site.

If a cooperater orders 150 hand plant trees or more and decides after April 1 that he/she wants the District to plant them, a \$30 pull in fee will be charged.

Motion carried on consent agenda.

c. The Following Updates Were Given:

South Fremont 205 Feasibility Study

Swedeburg 3-B Dam

CREP

O & M Activities

3. ROCK AND JETTY

Nothing to report this month.

4. EROSION & SEDIMENT RULES & REGULATIONS

The District has not received any complaints.

5. INFORMATION & EDUCATION

a. Education Activities

The Following Updates Were Given:

Spring Conservation Sensation

Fremont Eco-Fair

David City Groundwater Festival

Aquinas Geo-Caching

b. Information Activities

The Following Updates Were Given:

Soil and Water Stewardship

6. TECHNOLOGY

The Following Updates Were Give:

Presentation Laptop Repair

MUD GIS Work

New MapMaker Server

## Cumulative Impact Study

Langemeier made the motion, seconded by Holstine, that the May LPNNRD Operation-Education and Technology Committee Minutes be received and placed on file. Motion carried on consent agenda.

### C. WATER COMMITTEE REPORT

#### 1. REGULATORY

##### A. GROUND WATER MANAGEMENT AREA

###### 1. Well Permits

The total number of permits for 2004 is 45. As of April 28<sup>th</sup> Sousek has 27 well permits still to be reviewed, including 18 municipal well permits belonging to MUD.

The Committee and the public discussed at length the status of the MUD well permits before the LPNNRD. Langemeier made the motion, seconded by Holstine, to ask DNR for an explanation on the basis upon which the Municipal Transfer Permit was issued to MUD in December of 1998. Motion carried on consent agenda. A letter has been received from DNR stating that the permit was issued and they do not plan to reopen discussion.

###### 1. The Following Reports Were Given:

- Cost Share Programs
- Bellwood Phase 2 Area
- Richland-Schuyler Phase 2 Area
- Nitrogen Certification
- Livestock Waste Permits
- Chemigation

###### 2. GROUND WATER PROGRAMS

###### a. The Following Reports Were Given

- Ground Water Quantity
- Monitoring Wells
- Wellhead Protection

###### b. Plugged Wells

Langemeier made the motion, seconded by Holstine, to approve cost share payment to decommission the irrigation well for Scott/Melvin Schmid for \$388.18. Motion carried on consent agenda.

###### c. Rural Water Richland/Columbus

Johannes made the motion, seconded by Langemeier, to contract with JEO to do the Feasibility Study for the Columbus to Richland waterline. Motion carried all members present voting aye. The cost of the study is \$6,200.

###### 4. SURFACE WATER PROGRAMS

None

Langemeier made the motion, seconded by Holstine, that the May LPNNRD Water Committee Minutes be received and placed on file. Motion carried on consent agenda.

D. PROJECTS COMMITTEE REPORT

1. SWCP REPORT

a. Langemeier made the motion, seconded by Holstine, to cancel the following SWCP application:

03-B-44 Gloria (Joseph) Hajek \$ 10,000

Recommendation carried.\*

b. SWCP Approvals

Langemeier made the motion, seconded by Holstine, to approve the listed SWCP applications for flow meters pending an approved irrigation plan from the NRCS. It was further recommended to approve the SWCP applications for trees totaling \$2,792.16 as attached to the minutes.

Mark Luchsinger H<sub>2</sub>O Flow Meter 50% C/S \$ 434.00

Ralph Romshek H<sub>2</sub>O Flow Meter 50% C/S \$ 434.00

Motion carried on consent agenda.

c. CRP Incentive Program Payment

Langemeier made the motion, seconded by Holstine, to approve the following CRP Incentive payment:

Jason Fittje CRP Supplement \$ 250.00

2. WATERSHEDS

a. Shell Creek

Platte County requested us to investigate a possible Road Structure project in the Shell Creek watershed, located north of Columbus.

3. FSA , EQIP & CRP PLANS SIGNED

Langemeier made the motion, seconded by Holstine, to approve the following conservation plans:

Butler Hunters Hill Trio 3-15-2 88.3 Revision Add Prescribed Burn, Food Plots

Butler Bohaty/Couvalt 29-16-3 7.6 Revision Re-seed CRP

Butler Lazy J Cattle & Hay 6-15-4 8.5 Revision Sodbuster Plan

Butler Sharon Woolsey 30-16-4 1.5 Revision Include Food Plots in CRP

Motion carried on consent agenda.

4. LOCALLY LED LANDOWNER GROUP REPORTS

No new information reported.

5. OTHER

a. The Following Update Were Given:

South Fremont 205 Study  
Schuyler 205 Report  
North Bend 205 Report  
City of Wahoo Storm Sewer Project

6. SNITILY WETLAND PROJECT UPDATE

Mountford reported that he is waiting on comments from Pheasants Forever regarding a proposed contract with them to allow us to keep the property for public use as part of the Sand Creek Environmental Restoration Project.

7. LAKE WANAHOO REPORT

Langemeier made the motion, seconded by Holstine, to approve payment of property taxes of \$1,509.83 on the former Snitily property and \$9,760.62 for the Lake Wanhoo project property. Motion carried on consent agenda.

Murren reported that we will be holding a Public Hearing for the Sand Creek Project on May 27<sup>th</sup> at 2:00 p.m. at the LPNDR. This hearing is required by DNR to obtain Nebraska Resources Development Funding.

8. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

At the Special Board Meeting held on April 28<sup>th</sup>, Papio-Missouri River Representatives, Steve Oltmans and Marlin Peterman were present to discuss recent estimated project costs increases and to request our signature on the Army COE Project Cooperative Agreement. These changes have increased our projected local project commitment from \$736,213 to \$1,093,427, which is a 49% increase. After much discussion at the special meeting, the Board voted to approve signing the Western Sarpy/Clear Creek PCA and accepted PMRNRD's offer to reduce our annual project payments to them from \$200,000 to \$150,000. Our Interlocal agreement commits us to 35% of the local costs and we have paid PMRNRD \$365,244.19 thus far toward the project.

7. Additional Action Items

7.a. SWCP Cancellation

Johannes made the motion, seconded by Alm, to cancel the following projects that were not completed by the May 1<sup>st</sup> deadline:

<u>02-B-46</u>	<u>Steve Plasek</u>	<u>\$1,842.45</u>
<u>03-P-02</u>	<u>Wilke Homestead Inc.</u>	<u>\$5,545.00</u>
<u>03-S-16</u>	<u>R&amp;R Paseka</u>	<u>\$10,000.00</u>
<u>03-S-21</u>	<u>Dailey Farms</u>	<u>\$3,000.00</u>
<u>03-S-23</u>	<u>Edward Kratky</u>	<u>\$2,500.00</u>
<u>03-S-28</u>	<u>Gary Ladenburger</u>	<u>\$7,500.00</u>
<u>03-B-39</u>	<u>Rich Sabata</u>	<u>\$9,208.00</u>
<u>03-B-40</u>	<u>Mike Crook</u>	<u>\$5,700.00</u>

Motion carried all members present voting aye.

7.b. Abandoned Well Cost-Share

Johannes made the motion, seconded by Alm, to approve the following abandoned well cost-share payment:

<u>James Brazda</u>	<u>\$345.00</u>	<u>Domestic</u>
<u>Greg Williams</u>	<u>\$197.10</u>	<u>Domestic</u>
<u>Donald Hengen</u>	<u>\$316.53</u>	<u>Irrigation</u>
<u>Dale Pachunka</u>	<u>\$531.72</u>	<u>Domestic</u>
<u>Anna Marie Betzinger</u>	<u>\$276.94</u>	<u>Domestic</u>

Motion carried all members present voting aye.

7.c. Financial Support - Butler County Used Tire Collection

Johannes made the motion, seconded by Alm, to donate \$50 toward the Butler County Used Tire Collection, scheduled for June 10-12 at the Butler County Fairgrounds. Motion carried all members present voting aye.

7.d. Richland/Columbus Interlocal Agreement

Johannes made the motion, seconded by Alm, to approve the Interlocal Agreement with Richland for "Possible Water Alternatives" and authorize Board Chairman to sign said agreement. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

Shelso 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

Langemeier made the motion, seconded by Holstine, to approve the May consent agenda as amended. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

None

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The June Board of Directors Meeting will be held on Monday, June 14, 2004. Time and location to be determined. Meeting adjourned at 11:15 p.m.

---

Lumir Jedlicka, Secretary