

LOWER PLATTE NORTH NRD MINUTES  
BOARD MEETING  
MAY 14, 2007

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, May 14, 2007.

1. NOTICE OF MEETING

The advanced notice of our May board meeting was published on April 26, 2007 in the Banner Press, Columbus Telegram, Fremont Tribune, North Bend Eagle, Schuyler Sun and Wahoo Newspaper.

Acting Chair Johnson 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:

Alm	Boyd	Bull
Eden	Hannah	Hilger
Johannes	Johnson	Kavan
Meduna	Reitmayer	Pieke
Renter	Saalfeld	Sabatka
Vrana		

DIRECTORS ABSENT

Bailey	Bruner	Jedlicka
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STAFF AND GUESTS:

Mountford	Breunig	Miyoshi
Angle	Murren	Sousek
Gottschalk	Oaklund	

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

None

b. NRCS Report

Curt Becker gave the NRCS report.

c. NARD Report

Johnson reported on the NARD health insurance program and resolutions. He also reminded Directors about the NARD Basin Tour, June 18-19.

d. Managers Report

Manager Miyoshi reviewed his written report.

LPNNRD Board Secretary Saalfeld assumed the duties of the Chair.

e. Education Program

Director Pieke provided us with a video from the Ash Grove Cement Company, which explains how they are helping Nebraska Solve our Waste Tire Problem.

5. APPROVAL OF MINUTES

Reitmayer made the motion, seconded by Pieke, to approve minutes from the April 9, 2007 Board Meeting. Motion carried on consent agenda.

Item 6.A.2.j. - Bruno Water Line Litigation was taken at this time. Sabatka made the motion, seconded by Johnson, to allow the Bruno Water Line Sub-Committee (Johannes, Alm, Meduna) to negotiate and file a lawsuit if necessary on behalf of the LPNNRD Board against the consulting Engineers and firms who performed the Bruno waterline study if needed and report back to the Board. Motion carried.

AYE: Alm, Boyd, Bull, Eden, Hannah, Hilger, Johannes, Johnson, Meduna, Pieke, Reitmayer, Renter, Saalfeld, Sabatka, Vrana

NAY: Kavan

Item 6.C.1.a.1.c.-Well Permits-Controls for Uplands Area Under LB701 was taken at this time Hilger made the motion, seconded by Alm, to adopt the resolution which places a temporary stay on all new well drilling and expansion of irrigated acres within the Upland area of LPNNRD as attached to the Official Board Meeting Minutes.

Kavan made the motion, seconded by Sabatka, to amend the previous motion to put a temporary stay on all new well drilling within the LPNNRD District.

Pieke made the motion to amend the Amendment to the original motion by adding to do a study on the need for a well moratorium prior to any designations. This motion died for a lack of a second.

The Kavan amendment was now voted on.

AYE: Bull, Eden, Kavan, Meduna, Sabatka

NAY: Alm, Boyd, Hannah, Hilger, Johannes, Johnson, Pieke, Reitmayer, Renter, Saalfeld, Vrana

Amendment failed.

The original motion was now voted on.

AYE: Alm, Boyd, Hannah, Hilger, Johannes, Johnson, Reitmayer, Renter, Saalfeld, Vrana

NAY: Bull, Eden, Kavan, Meduna, Pieke, Sabatka

## 6. REPORT OF STANDING COMMITTEES

### A. EXECUTIVE COMMITTEE REPORT

#### 1. Meetings

##### a. Pending

##### 1. NACD Norther Plains

Reitmayer made the motion, seconded by Pieke, to authorize up to one board member and one staff to attend the NACD Regional Meeting in Montana as attached to the Executive Committee Minutes. Motion carried on consent agenda.

##### 2. SWCS Annual Meeting

Reitmayer made the motion, seconded by Pieke, to authorize up to one staff member to attend the SWCS Annual Meeting as attached to the Executive Committee Minutes. Motion carried on consent agenda.

##### 3. NARD Basin Tour - Update Given

##### b. Reports

Attached to the Executive Committee Minutes is a NARD Washington DC report from Mountford.

#### 2. Management Items

##### a. Directors Absence - None

##### b. Lower Platte River Corridor Alliance

##### 1. Monthly Report

The LPRCA Monthly Report is attached to the Executive Committee Minutes.

##### c. Bob Weaver

##### 1. Monthly Conference Call - Update Given

##### 2. Monthly Bill

Reitmayer made the motion, seconded by Pieke, to approve payment of \$2,500 to Bob Weaver for April services and bill the other districts their portion. Motion carried all members present voting aye.

##### 3. Washington DC Meetings - Update Given

##### d. Election Costs - Update Given

##### e. Crime Stoppers - Update Given

##### f. Monthly Education Program - Update Given

##### g. Legal Fees

Johannes made the motion, seconded by Johnson, to make payment to Edstrom,

Bromm, Lindahl and Freeman-Caddy in the amount of \$15,228.46 for services on the Bruno Water Line dispute. Motion carried all members present voting aye.

h. In-Stream Flow Working Group

Reitmayer made the motion, seconded by Pieke, to participate in scoping an agreement for review of the Instream Flow Water Right for the Lower Platte River and authorize the Chair to sign said agreement. Motion carried on consent agenda.

I. Water Committee - Update Given

j. Bruno Water Line Litigation

This item was taken earlier in the meeting.

k. Legislation - Update Given

3. Equipment

a. Director Laptop Computers - Update Given

b. Board Room Tables - Update Given

c. Computer Equipment

Reitmayer made the motion, seconded by Pieke, to purchase two new computers at a cost of \$799/machine for a total cost of \$1,653.36 with shipping. Motion carried on consent agenda.

4. Personnel

a. Leah Barkley Resignation - Update Given

b. Water Resources Specialist Position

Pieke made the motion, seconded by Bull, to follow manager Miyoshi's recommendation and promote employee Curt Becker to fill the vacant Water Resources Specialist position beginning May 15, 2007. Motion carried all members present voting aye.

c. New Receptionist - Update Given

5. Finance

a. Approval of Financial Statements

Reitmayer made the motion, seconded by Pieke, to approve the February financial report as distributed to all Directors. Motion carried on consent agenda.

b. Approval of Managers Expenses

Reitmayer made the motion, seconded by Pieke, to approve the Managers expenses as attached to the Executive Committee Agenda. Motion carried on consent agenda.

c. Accounts Receivable Over 90 Days - Update Given

Reitmajer made the motion, seconded by Pieke, that the May 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 - Update Given

2. OPERATION AND MAINTENANCE

a. Operation and Maintenance - Report Given

b. Conservation Reserve Enhancement Program

Reitmajer made the motion, seconded by Pieke, to approve one CREP contract for Larry Bruhn, Colfax County, 4.7 acres, NRD payment \$77.08 annually for 10 years. Total annual contract payment \$578.10. Motion carried on consent agenda.

c. South Fremont 205 Study - Report Given

d. Conservation Tree Program - Report Given

e. Rawhide Ditch 8 - Report Given

f. Equipment

Sabatka made the motion, seconded by Renter, to authorize staff to work with Dinkel Implement to rent a tractor for shredding at .88/tractor hour with a minimum of 300. Motion carried all members present voting aye.

g. Windbreak Renovation - Report Given

3. ROCK AND JETTY

a. New Applications - None

b. Payment Requests - None

4. EROSION & SEDIMENT RULES & REGULATIONS - Update Given

5. INFORMATION & EDUCATION

a. Education

1. Aquinas Field Day - Update Given

2. Soil & Water Stewardship Week - Update Given

3. Enviroscape Model - Update Given

4. Spring Conservation Sensation - Update Given

b. Information

1. Master Conservationist Nomination - Update Given

c. Computer

1. Upgrades - Update Given

2. Windows Vista - Update Given

3. Presentation Laptop - Update Given

6. RURAL WATER ACTIVITIES

a. Abie/Linwood - Report Given

b. Bruno/David City Rural Water - Report Given

c. Colon/Wahoo Rural Water System - Report Given

d. Bellwood - Report Given

e. Other Items of Interest - Report Given

Reitmayer made the motion, seconded by Pieke, that the May 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. Well Permit Program

a. Well Permits Approved

The total number approved permits for 2007 is 38.

b. Water Use Reporting - Update Given

c. Well Permits - Controls for Uplands Area Under LB701

This item was taken earlier in the meeting.

2. Cost-Share Programs Reports

a. Irrigation Well Sample Kits - Update Given

b. Domestic Well Sample Kits - Update Given

3. Nitrogen Certification - Update Given

4. David City Aquifer Level 1-A Area - Update Given

5. Bellwood Phase II Area - Update Given

6. Richland/Schuyler Phase II Area

Alm made the motion, seconded by Vrana, to instruct staff to follow the necessary steps and to issue a Cease and Desist Order delivered by the Sheriff to Steve Kallweit informing him he is not allowed to place fertilizer on, or pump groundwater onto, any fields in the LPNNRD Phase II Groundwater Management Area until he submits his required 2006 fertilizer application reports to the Lower Platte North NRD (LPNNRD). The order is to be in effect after May 16. 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

Reitmayer made the motion, seconded by Pieke, to approve cost share payment to decommission the domestic well for Arthur Lee for \$320.48, a domestic well for Dennis Lee for \$275.77, a stock well for Bill Fujan for \$420.55 and two stock wells for John Larson for a total of \$577.66. 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)

Alm made the motion, seconded by Meduna, to approve payment of bills from USGS for \$95,182.18 and C&SD for \$14,261.27 as part of the ENWRA project. Motion carried.

AYE: Alm, Boyd, Bull, Eden, Hannah, Hilger, Johannes, Johnson, Kavan, Meduna, Reitmayer, Renter, Saalfeld, Sabatka, Vrana

NAY: Pieke

c. Groundwater Energy Levels - Update Given

1. Spring GWEL Measurements

d. Former Ordnance Plant at Mead - Update Given

e. MUD Quarterly Report - Update Given

3. SURFACE WATER PROGRAMS

a. Fremont State Lakes - Update Give

4. OTHER

a. Summer Interns - Update Given

b. GMDA Summer Session - Update Given

c. Comments from the Public - Update Given

Reitmayer made the motion, seconded by Pieke, 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. SWCP Cancellations

Reitmayer made the motion, seconded by Pieke, to approve the following SWCP cost share application cancellations: 75%

	<u>Ralph Weeder</u>	<u>Tree Planting</u>	<u>\$240.00</u>
<u>07-B-06</u>	<u>Kathleen Pavel</u>	<u>W/S Basin</u>	<u>\$1,402.00</u>
<u>07-C-08</u>	<u>Wendall Bohmont</u>	<u>Planned Grazing</u>	<u>\$2,244.50</u>
<u>06-Bo-29</u>	<u>Orin Strand</u>	<u>W&amp;S Basin</u>	<u>\$7,402.50</u>
	<u>Total</u>		<u>\$11,289.00</u>

Motion carried on consent agenda.

b. SWCP Application Applications

Reitmayer made the motion, seconded by Pieke, to approve the additional SWCP cost share summer applications, that where received prior to the March 1 deadline, as follows: 75%

	<u>Daniel Svoboda</u>	<u>Terraces w/tile</u>	<u>\$7,877.00</u>
	<u>Ralph Schneider</u>	<u>Terraces w/tile</u>	<u>\$5,769.00</u>
	<u>Marlin Fick</u>	<u>W/S Basin</u>	<u>\$3,352.00</u>
	<u>Melvin Sklenar</u>	<u>Terraces w/tile</u>	<u>\$10,000.00</u>
	<u>Harlan Jacobson</u>	<u>Cropground to grass</u>	<u>\$191.00</u>
	<u>Total</u>		<u>\$27,189.00</u>

Motion carried on consent agenda.

c. SWCP Payments

Reitmayer made the motion, seconded by Pieke, to approve the following SWCP payment as follows:

	<u>Approved</u>	<u>As Built</u>	<u>Payment</u>	<u>+/-</u>
<u>06-D-42 Eugene Larsen</u>	<u>\$ 1,990.50</u>	<u>\$ 1,858.11</u>	<u>\$ 1,858.11</u>	<u>(\$-132.39)</u>

Motion carried on consent agenda.



d. Duck Creek Applications

None

e. Duck Creek Payments

None

2. WATERSHEDS - Update Given

3. FSA, EQIP & CRP PLANS SIGNED

Reitmajer made the motion, seconded by Pieke, to approve the following Conservation Plans:

<u>Date</u>	<u>County</u>	<u>Landowners Name</u>	<u>Legal</u>	<u>Acres</u>	<u>New/Rev.</u>	<u>Description</u>
4/4/2007	Butler	Richard Rerucha	22-15-3	Unknown	Rev	Sodbuster Plan
4/11/2007	Butler	Eugene Shalon Jr	28-15-4	86.2	Rev	Plan Revision
4/11/2007	Butler	Eugene Shalon Jr	20-15-4	60.1	Rev	Plan Revision
4/13/2007	Butler	Bernard Bartunek	31-16-4	7	Rev	Plan Revision
4/13/2007	Butler	Bernard Bartunek	31-16-4	32.4	Rev	Plan Revision

Motion carried on consent agenda.

4. LOCALLY LED LANDOWNER GROUPS

a. Shell Creek Watershed Improvement Group - Update Given

5. OTHER

a. Results of Nebraska No-Till Conference - Update Given

b. Update on Army COE 205 Studies

1. South Fremont 205 - Update Given

2. Schuyler 205 - Update Given

6. LAKE WANAHOO REPORT

a. Review of Lake Wanahoo Committee Minutes

b. State Revolving Fund Public Hearing- Update Given

c. Payment to Olsson Associates

Kavan made the motion, seconded by Johnson, to approve payment to Olsson Associates for their March bill of \$105,733.54 and April bill for \$81,172.51. It is further recommended to use a portion (\$135,000) of Wahoo Creek/Lake Wanahoo Sinking Fund monies toward this payment. Motion carried.

AYE: Boyd, Bull, Eden, Hannah, Johannes, Johnson, Kavan, Meduna, Reitmajer, Renter, Pieke, Saalfeld, Sabatka, Vrana

NAY: Alm, Hilger

d. Pheasants Forever Payment for Seed and Seeding

Kavan made the motion, seconded by Meduna, to approve a \$13,978.45 payment to Pheasants Forever for their seed and seeding expense of the "Pheasants Forever - Wetlands Restoration Project". It was further recommended to pay Mike Murren \$300 (10 tractor hours @ \$30/hr) for helping Pheasants Forever seed the area. Motion carried all members present voting aye.

e. Approval of Midwest Dumpers Bill

Kavan made the motion, seconded by Bull, to approve final payment of \$14,230 to Midwest Dumpers for completing the Lake Wanahoo Clearing and Grubbing contract. Motion carried all members present voting aye.

7. WESTERN SARPY/CLEAR CREEK LEVEE REPORT - Update Given

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

7. ADDITIONAL ACTION ITEMS

7a. SWCP Cancellation

Eden made the motion, seconded by Sabatka, to cancel the following Small Dam and Return the \$500 Deposit

07-S-3 James Malousek Motion carried.

AYE: Alm, Boyd, Bull, Eden, Hannah, Hilger, Johannes, Johnson, Meduna, Pieke, Reitmayer, Renter, Saalfeld, Sabatka, Vrana

NAY: Kavan

7b. Approval of NARD Risk Pool Resolutions

Eden made the motion, seconded by Sabatka, to approve the NARD Risk Management Pool Resolution and to authorize the Board Chairman to sign said resolution. Exhibit "A" (Risk Pool Agreement), Exhibit "B" (Risk Pool By-laws) and Exhibit "C" (Risk Pool Director Code of Ethics and Policies) are attachments to the resolution and are under final review by Nebraska Department of Insurance. Concurrence from our NARD representative, Dean Johnson on the attached Exhibits is needed prior to forwarding the signed resolution to NARD. Motion carried.

AYE: Alm, Boyd, Bull, Eden, Hannah, Hilger, Johannes, Johnson, Meduna, Pieke, Reitmayer, Renter, Saalfeld, Sabatka, Vrana

NAY: Kavan

8. BILLS TO BE APPROVED

Johnson 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

Reitmajer made the motion, seconded by Pieke, to approve the May consent agenda.  
Motion carried all members present voting aye.

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## 10. COMMENTS FROM DIRECTORS/GUESTS

### 11. MEETING ESTABLISHMENT AND ADJOURNMENT

The June Board of Directors Meeting will be held on Monday, June 11, 2007, 7:00 p.m.  
Lower Platte North NRD Office.

Meeting adjourned at 9:50 p.m.

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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 May 14, 2007, 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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Dave Saalfeld, Secretary