

LOWER PLATTE NORTH NRD MINUTES  
BOARD MEETING  
NOVEMBER 11, 2002

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 5:30 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, November 11, 2002

1. NOTICE OF MEETING

Public notification was made in area newspapers no later than November 1, 2002. Meeting notification and agendas were also provided.

2. ROLL CALL - INTRODUCTIONS

DIRECTORS PRESENT AND CONSTITUTING A QUORUM:

Bailey	Bull	Eden
Grueber (arrived 5:53)	Jedlicka (arrived 6:24)	Johannes
Johnson	Kavan	Langemeier (arrived 6:24)
Larsen (arrived 5:42)	Mastny	Nelson
Reitmajer	Saalfeld (arrived 5:48)	Sabatka
Sendgraff	Shelso	Wilke (arrived 6:40)

DIRECTORS ABSENT

Sabata

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Angle	Sousek
Gottschalk	Heimann	
Lisa Brichacek, Wahoo Newspaper		Grant Porter
Ralph Pieke		Charles Karloff
Susie Leu, NRD/NRCS Clerk		Wendell Allington
Darla Bishop		Greg Heldt
Ron Bishop		John Wageman
Bernice Noonan		E.J. Wageman
Ken Kuncel		Mike Heldt
Doug Clark		Eric Alm
Dan Crouchley		Mervin Riecken
Victor Humlicek		Harlan Riecken
Bob Hilger		

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. NRCS Report

Susie Leu, David City NRD/NRCS Clerk reported on her duties at the Butler County NRCS Office.

b. NARD Report

Kavan reported on the November 4<sup>th</sup> NARD Board Meeting.

5. APPROVAL OF MINUTES

Bull made the motion, seconded by Johnson, to approve minutes from the October 14, 2002 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

Bull made the motion, seconded by Johnson, that the District authorize two staff and two Directors to attend the GMDA Annual Meeting, January 11-15 in Galveston, TX. Motion carried on consent agenda.

2. Management

a. Directors Absence

Bull made the motion, seconded by Johnson, to approve absences from Directors Jedlicka and Saalfeld from the October Board Meeting. Motion carried on consent agenda.

b. Lower Platte River Corridor Alliance

The Quarterly Lower Platte River Corridor Alliance meeting will be November 13, 2002 at 2:00 p.m. at the Lower Platte South NRD.

c. Saunders County -vs- MUD

Sabatka made the motion, seconded by Shelso, to go into Executive Session at 6:10 p.m. to discuss the Saunders County -vs- MUD Case. Motion carried all members present voting aye.

Saalfeld made the motion, seconded by Bull, to go out of Executive Session at 6:20 p.m. Motion carried all members present aye.

Sabatka made the motion, seconded by Bailey, that the LPNNRD hire outside Legal Council to assist the "Saunders County -vs- MUD Sub-Committee" in reviewing the jurisdiction briefs submitted to the Sub-Committee on November 4, 2002. Hired Legal Council will give the Sub-Committee a legal opinion on causes of action 1 thru 17. The Board authorizes Sabatka, Angle and Miyoshi to hire this outside Council who has experience in water law. Motion carried all members present voting aye.

d. Nebraska Habitat Coalition - Piping Plover

The next meeting for the Nebraska Habitat Coalition will be November 12<sup>th</sup> in Grand Island, Miyoshi and Bailey plan to attend.

e. Fremont Trails Council

Minutes for the last Fremont Trails Council Meeting are attached to the Executive Committee Minutes.

f. Nebraska Groundwater Management Protection Act Coalition

Ron Bishop, Manager of CPNRD was present at the Board Meeting to discuss potential membership in the Nebraska Groundwater Management Protection Act Coalition. This item was referred back to the Executive Committee.

g. Arnold Nieveen Pivot Update

The pre-trial hearing for the Arnold Nieveen -vs- LPNNRD is scheduled for December 2, 2002.

h. F.Y. 03 GMDA Dues

Bull made the motion, seconded by Johnson, to approve payment of \$250 for the F.Y. 03 GMDA Dues. Motion carried on consent agenda.

3. Equipment

No new business.

4. Personnel

No new business.

5. Finance

a. Approval of September Financial Statement

Bull made the motion, seconded by Johnson, to approve the September Financial Statement as distributed at Committee Meeting. Motion carried on consent agenda.

b. Approval of Managers Expenses

Bull made the motion, seconded by Johnson, to approve the Manager's expenses as attached to the Executive Committee Minutes. Motion carried on consent agenda.

Bull made the motion, seconded by Johnson, that the November LPNNRD Executive Committee Minutes be received and placed on file. Motion carried on consent agenda.

B. OPERATION AND EDUCATION COMMITTEE REPORT

1. WHIP REPORT

a. Payments

Bull made the motion, seconded by Johnson, to approve two WHIP contracts and one Wild NE contract for a total payment of \$1,433.80.

Stanley Egr                Saunders        \$735.00

Shirley Johannes        Colfax            \$630.00

Cheryl Goering         Colfax            \$68.80

Motion carried on consent agenda.

2. OPERATION & MAINTENANCE

a. The Following Updates Were Given:

- ✓ Operation and Maintenance Activities
- ✓ Rawhide "Ditch 8"
- ✓ South Fremont Feasibility Study
- ✓ Community Forestry Program

b. Rawhide Creek North Branch

Bull made the motion, seconded by Johnson, to cost-share at 51% on Don Tank's bill of \$2,400 (\$1,224) for cleaning out his portion of Rawhide Creek and to also pay him \$750 for lowering his concrete tube 2 feet. Total cost to the District is \$1,974. Motion carried on consent agenda.

3. ROCK AND JETTY

a. Payment

None

4. EROSION & SEDIMENT RULES & REGULATIONS

The District has not received any new complaints.

5. INFORMATION & EDUCATION

a. The following Updates Were Given:

- \* Long Range Plan
- \* NACEE
- \* Teacher's Open House
- \* Tree Booklet
- \* Land Judging

Bull made the motion, seconded by Johnson, that the November LPNRRD Operation and Education 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 2002 is 67.

2. The Following Updates Were Given:

- ☛ Water Meter Cost Share Program
- ☛ Nitrogen Certification
- ☛ UltraSonic Flow Meter

3. Phase II Areas

Bull made the motion, seconded by Johnson, to designate the following sections in Butler

County as a Phase 2 area: T16N, R1E, Sections 3-30, T16N, R2E, sections 7,18,19 & 30. Motion carried on consent agenda.

Bull made the motion, seconded by Johnson, to designate cost share funds for the next year for the following programs: domestic well sampling kits in Phase 2 areas with a cost of \$10.00 per well to the well owner, irrigation well sampling kits offered district wide with a cost of \$5.00 per well to the well owner, retain the manure laboratory analysis district wide at \$25.00 per test, up to \$75.00 per year per livestock operation. Motion carried on consent agenda.

Sendgraff made the motion, seconded by Bailey, to hold the Phase II public meetings in Bellwood on November 25 and December 4 and advertise for three consecutive weeks for the Public Hearing to be held on Monday, December 9<sup>th</sup> in Bellwood. Motion carried all members present voting aye.

2. GROUND WATER PROGRAMS

a. Decommissioned Well Program

Bull made the motion, seconded by Johnson, to approve cost share payment to decommission the domestic well for Donald Gasper for \$98.29 and a irrigation well for Bob Krieger for \$394.84. Motion carried on consent agenda.

b. The Following Reports Were Given

- \* Well Estimates
- \* Wellhead Protection Areas
- \* Rural Water Systems
- \* Ground Water Energy Levels
- \* Ground Water Quality

3. OTHER

A. USGS - LPNNRD Agreements

1. Mead Recorder Well

Bull made the motion, seconded by Johnson, to approve payment of \$385 to the United States Geological Survey (USGS) for the last fiscal year to operate the recorder well near Mead Nebraska as part of the joint funding agreement between the USGS and the LPNNRD. Motion carried on consent agenda.

2. Funding Agreement with USGS and COE on Stream Gauging Stations

Bull made the motion, seconded by Johnson, to approve payment of \$22,850 to the United States Geological Survey (USGS) for the last fiscal year to maintain the gauging stations on Johnson and Wahoo Creeks as part of the Army Corps of Engineers clean up efforts of the former ordnance site at Mead Nebraska to be paid with pass through funds from the Army Corps of Engineers. Motion carried on consent agenda.

3. Shell Creek Gauging Station

Bull made the motion, seconded by Johnson, to approve payment of \$4,600 to the United States Geological Survey (USGS) for the last fiscal year to operate the Shell Creek Gauging

station north of Columbus Nebraska as part of the joint funding agreement between the USGS and the LPNNRD. Motion carried on consent agenda.

Bull made the motion, seconded by Johnson, that the November 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

Bull made the motion, seconded by Johnson, to approve the following SWCP payment:

		<u>(Our C/S Pmt.)</u>	<u>(Approved \$)</u>	<u>(+/-)</u>
<u>02-B-13</u>	<u>Mark Rezac</u>	<u>\$ 2,754.79</u>	<u>\$ 2,951.70</u>	<u>(\$ 196.91)</u>

Motion carried on consent agenda.

2. WATERSHEDS

a. Skull Creek

An update was given on Homestead Lake.

3. FSA, EQIP & CRP PLANS SIGNED

Bull made the motion, seconded by Johnson, to approve the following signed Conservation Farm Plans:

<u>Richard Glodowski</u>	<u>Dodge</u>
<u>Richard Wachal</u>	<u>Colfax</u>
<u>Joe Kasik</u>	<u>Colfax</u>
<u>John Kasik x 3</u>	<u>Colfax</u>
<u>Kent Groteluteschen</u>	<u>Butler</u>

Motion carried on consent agenda.

4. Locally Led Landowner Groups

a. The Following Reports Were Given:

☼ Skull/Bone Creek Locally Led Landowners

☼ Shell Creek Locally Led Landowners

5. Other

a. Elm Creek/Valley View Project

1. JEO Contract Payment for Elm Creek/Valley View Study

Bull made the motion, seconded by Johnson, to approve the \$2,401.50 contract payment to JEO for work to complete the Elm Creek/Valley View Watershed Study.

Motion carried on consent agenda.

b. Elkhorn Breakout Project

1. Elkhorn Breakout Drainage Project Bid Opening

Nine bids were opened to install a tube with a flap gate through our rock stabilization IPA project. As agreed upon with Dodge County and upstream landowner Dale Kappler, this work will allow Ron Bauermeister to replace a portion of his removed

access road. The replaced road will also provide extra protection for our band stabilization project and the downstream landowners. Mr. Bauermeister has agreed to replace the road at his cost, provided that this work will not jeopardize his Wetlands Reserve Contract located south of the proposed project. The NRCS is investigating if any impact will occur as a result of this work and this will be reported at the November Board Meeting. Langemeier made the motion, seconded by Sendgraff, to reject all bids due to the proposed project conflicting with the landowners WRP (Wetland Reserve Program) contract with the NRCS. It was further recommended to allow staff to work with Dodge County, the Landowners, NRCS and JEO to bring a revised project proposal to the next Projects Committee. Motion carried all members present voting aye.

2. JEO Contract Payment for Elkhorn Breakout

Bull made the motion, seconded by Johnson, to approve the \$1,011 contract payment to JEO for work completed on the Elkhorn Breakout Drainage Project. Motion carried on consent agenda.

c. PAM Cost Share Assistance Request

Bull made the motion, seconded by Johnson, to not participate in a PAM cost-share program. Motion carried on consent agenda.

6. SNITILY WETLAND PROJECT UPDATE

The NRCS will be surveying the former Snitily property to determine an accurate number of acres eligible for the Wetland Reserve Program.

7. LAKE WANAHOO REPORT

Bull made the motion, seconded Johnson, to rent the Lake Wanahoo crop and pasture land for another year. Recommendation carried. \*

8. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

No new news.

7. ADDITIONAL ACTION ITEMS

7.a. Release of Easement and Refiling of Amended Easement

Johannes made the motion, seconded by Shelso, to approve the release of easement on the Edmund Loseke Property on NE<sup>1</sup>/<sub>4</sub>-S1-T18N-R1E, Platte County and re-file the amended easement with the Corrected Legal Description in Platte County. Motion carried all members present voting aye.

7.b. Sand Creek Project Amendments

Johannes made the motion, seconded by Shelso, to approve Amendment #4 with the COE on the Sand Creek Project to increase the design agreement by \$11,600. It is further recommended to approve the Fourth Amendment to Addendum I on the Sand Creek Project with City of Wahoo, Saunders County and NRD for a total cost per entity of \$966.67. Motion carried all members present voting aye.

7.c. Payment to Saunders County - Greg Heldt Bridge

Johannes made the motion, seconded by Shelso, to pay Saunders County Highway Department \$2,012.26 for the NRD's Share of the Greg Heldt Bridge. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Bull made the motion, seconded by Johnson, to approve the November consent agenda. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

None

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The December Board of Directors Meeting will be held on Monday, December 9, 2002. Time and location to be determined. Meeting adjourned at 7:25 p.m.

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Clint Johannes, Secretary