

LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
NOVEMBER 8, 2004

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 5:30 p.m. at Saunders County Fairgrounds, Wahoo, NE on Monday, November 8, 2004.

1. NOTICE OF MEETING

Public notification was made in area newspapers no later than October 28, 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
Sabatka	Shelso	Johnson

DIRECTORS ABSENT

Sabata

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Sousek	Murren	Angle
Heimann		
Rodney Verhoeff, LPRCA		
Lisa Brichacek, Wahoo Newspaper		
Sign in sheet attached to original minutes		

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. NRCS Report

Soncksen reported that 30 million dollars worth of EQIP Funds were allocated statewide.

b. NARD Report

Director Langemeier briefed the Board on the upcoming NARD Board Meeting.

c. Managers Report

Manager Miyoshi reviewed his written report with the Directors.

5. APPROVAL OF MINUTES

Sabatka made the motion, seconded by Shelso, to approve minutes from the October 25, 2004 Board Meeting. Motion carried on consent agenda.

Item 6.A.2.f.1. was taken at this time.

Busing Lawsuit and Complaint - Action on 18 MUD Permits to drill

Ms. Moorer on behalf of the Busing's stated her belief that the NRD was in violation of not properly posting the agenda item. Members from the audience also protested.

Jedlicka made the motion, seconded by Shelso, that the staff of the Lower Platte North Natural Resources District (LPNNRD) be instructed to issue well permits to Metropolitan Utility District (M.U.D.) pursuant to M.U.D.'s eighteen (18) Applications for Permit to Construct Water Wells subject to the following six (6) conditions, to wit:

a. Flow Meters

1) M.U.D. will place a flow meter on each production well, whether they are existing or to be drilled, within the jurisdiction of LPNNRD.

b. M.U.D. 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 (COE), provided this information is contained therein.

b. RDX and TCE Sampling

a. M.U.D. will conduct a sampling of all monitoring wells for RDX and TCE at least annually.

b. M.U.D. 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.

c. Data Loggers

a. M.U.D. 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. M.U.D. 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.

d. Compliance With Other Regulatory Conditions

a. M.U.D. will comply with (1) the 404 Permit issued by the COE, as such permit is interpreted and enforced by the COE, and (2) the Agreement entered into by M.U.D. and the Nebraska Game & Parks Commission.

b. M.U.D. will provide to LPNNRD copies of all past and future reports submitted to the

COE to comply with the 404 Permit, including the comprehensive ground water model of the area.

- e. As required by the COE's 404 permit for M.U.D.'s Platte West Project, and subject to the oversight and schedule of the COE, M.U.D. shall complete a comprehensive ground water model of the area which includes both of M.U.D.'s Platte West well fields (Saunders and Douglas Counties), the City of Lincoln's municipal well field at Ashland, the City of Ashland's municipal wells, and the Mead NOP Superfund cleanup site. M.U.D. will submit to the LPNNRD copies of all final reports submitted to the COE related to the performance of this ground water model.
- f. M.U.D. will cooperate with the LPNNRD in presenting quarterly updates to representative of the LPNNRD, Papio-Missouri NRD, affected landowners in the area of the M.U.D. Platte West Project, City of Lincoln, City of Ashland, Saunders County and M.U.D., to disseminate information regarding the M.U.D. well field located in Douglas and Saunders County adjacent to the Platte River. These updates are to be in written form and address each of the 5 previously numbered items. At the request of LPNNRD quarterly oral presentations may also be requested in a public forum open to all with time reserved for questions and answers from first the representatives and then the public as time allows.

BE IT FURTHER RESOLVED that the LPNNRD staff be instructed to continue to develop rules and regulations for presentation to the Board of Directors of the LPNNRD regarding municipal wells in the Wann Basin pursuant to the LPNNRD's Ground Water Management Plan.

Chairman Johnson reviewed the Planned Outline. Directors heard testimony from Proponents, then testimony from the Opponents. After testimony was heard Questions were asked to Directors, Staff and Legal Counsel. Finally questions and statements from LPNNRD Directors were addressed.

After considerable discussion Alm made the motion, seconded by Kavan to table to previous motion for one month. Motion failed

AYE: Alm, Bailey, Bull, Eden, Kavan, Reitmajer

NAY: Hannah, Holstine, Jedlicka, Johannes, Langemeier, Larsen, Mastny, Pieke, Saalfeld, Sabatka, Shelso, Johnson

Roll Call Vote on Original MUD Permit to Drill Motion. Motion carried.

AYE: Eden, Hannah, Holstine, Jedlicka, Johannes, Langemeier, Larsen, Mastny, Saalfeld, Shelso and Johnson

NAY: Alm, Bailey, Bull, Kavan, Pieke, Reitmajer, Sabatka

Chairman Johnson called at 5 minute recess.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. GMDA (Ground Water Management District Association)

Sabatka made the motion, seconded by Shelso, to authorize up to two directors and two staff to attend the GMDA annual conference January 9-11, 2005 in Savannah, Georgia. Motion carried on consent agenda.

2. January Board Meeting Date

Due to conflicts with the GMDA Conference the Executive Committee has scheduled the January 2005 Board Meeting for Thursday, January 13, 2005 at 5:30 p.m.

b. Reports - None

2. Management Items

a. Directors Absence

Sabatka made the motion, seconded by Shelso, to excuse Director Sabata from the April and June Board Meetings. Motion carried on consent agenda.

b. Lower Platte River Corridor Alliance

Verhoeff was present to give the October Alliance Report.

c. Bob Weaver Bill

Sabatka made the motion, seconded by Shelso, to pay the Bob Weaver bill in the amount of \$1,330 as attached to the Executive Committee Minutes. Motion carried on consent agenda.

d. Don Blankenau Bill

Sabatka made the motion, seconded by Shelso, to pay Don Blankenau for work accomplished on the Sand Creek surface water permit in the amount of \$221.21 as attached to the Executive Committee Minutes. Motion carried on consent agenda.

e. Directors Retreat

The Directors retreat is scheduled for January 6 at the Benedictine Center north of Schuyler. A list of potential topics is attached to the Executive Committee Minutes. Directors are encouraged to forward topics to staff.

f. Busing Law Suit

1. MUD Permits to drill from 6/14/04

This item was taken earlier.

g. Suspension of Smithsonian Soils Project - Update Given

h. Pallid Sturgeon Task Force - Update Given

i. Surface Water Transfer Rules - Update Given

j. Omaha World Herald Editorial - Update Given

k. Monthly Education Program - Update Given

l. Affidavit for inclusion into Board Minutes

Sabatka made the motion, seconded by Shelso, that LPNNRD adopt an affidavit and open meeting statements into our monthly minutes as attached to the Executive Committee Minutes. Motion carried on consent agenda.

3. Equipment

a. Director Paperless Initiative - Update Given

b. Copier/Scanner Purchase

Jedlicka made the motion, seconded by Mastny, to purchase at new black and white Sharp AR-M550N copier/scanner and a used color Sharp AR-C250 copier/scanner at a purchase price of \$18,039 for both machines. Motion carried all members present voting aye.

c. Postage Meter

Sabatka made the motion, seconded by Shelso, to sign a three year lease with Pitney Bowes at a rate of \$57.24/month for a postage machine and scale. Motion carried on consent agenda.

4. Personnel

1. PrairieLand RC&D Request

PrairieLand RC&D has received a Nebraska Environmental Trust Grant for work in Shell Creek. A portion of the grant is to hire a part-time employee. The RC&D is not set up to handle payroll and the employee would need to fill in and sign his own paycheck. They have asked if we would handle book work and payment of this employee. Sabatka made the motion, seconded by Shelso, to assist the RC&D and handle all payroll and records for the PrairieLand RC&D grant funded employee at 100% reimbursement of our cost and add a 5% administrative fee. Motion carried on consent agenda.

5. Finance

a. Approval of September Financial Statements

Sabatka made the motion, seconded by Shelso, to approve the September financial statement as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

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

c. Accounts Receivable over 90 Days

Discussion on the current accounts receivable over 90 days took place.

Sabatka made the motion, seconded by Shelso, that the November 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

Sabatka made the motion, seconded by Shelso, to approve payment on two Wildlife Habitat contracts totaling \$698.80, Shirley Johannes \$630 and Cheryl Goering \$68.80. Motion carried on consent agenda.

2. OPERATION AND MAINTENANCE

The Following Updates Were Given:

- a. Operation and Maintenance
- b. Conservation Reserve Enhancement Program
- c. Folsom Request - Lower Culvert
- d. Swedeburg 3-B Dam
- e. South Fremont 205 Feasibility Study
- f. Czechland Lake Area

g. Rawhide Ditch 8 Cleaning

The District has budgeted \$20,000 for the purpose of cleaning a section of Ditch 8 and possibly some or all of the diagonal ditch. Sabatka made the motion, seconded by Bull, to accept the low bid \$14,145 from Pruss Excavation to clean a section of Rawhide Ditch 8 and all (8,700') of the diagonal ditch northwest of Fremont subject to Contractor meeting all necessary requirements. In the event the requirements can not be met, the District will select the next low bidder who can meet such requirements. Motion carried all members present voting aye.

h. Tree Program

The District has made an initial tree order of 22,000 trees and shrubs. The District is taking Darrell & Angie Becher of Platte County to small claims court for an unpaid tree planting bill of \$246.36.

3. ROCK AND JETTY

Payment Requests - None

New Application - Robert Thiessen, Saunders, Platte River

Other - It was discovered that Nickolite Ranch in Butler Co. is not in the Lower Platte North NRD but the Lower Loup NRD. They no longer qualify for Rock & Jetty funding unless Lower Loup NRD agrees to move the NRD boundaries in that NW corner of Butler County.

4. EROSION & SEDIMENT RULES & REGULATIONS

Nothing to report this month.

5. INFORMATION & EDUCATION

A. Education

The Following Updates Were Given:

Land Judging

NACEE

Nebraska Agricultural Educators Association - Thank You

B. Information

The Following Updates Were Given:

Long Range Plan

I & E Staff Group

6. RURAL WATER ACTIVITIES

A. RURAL WATER SYSTEMS

1. Linwood - Update Given

2. Abie - Update Given

3. Bruno / David City Rural Water System - Update Given

4. Colon / Wahoo Rural Water System - Update Given

5. Richland / Columbus Rural Water System - Update Given

Sabatka made the motion, seconded by Shelso, that the November 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 111.

2. Cost-Share Programs Reports

Gated Pipe to Pivot Conversion

Irrigation Well Sample Kits

Domestic Well Sample Kits

3. Nitrogen Certification Report - Update Given

4. Bellwood Phase II Area - Update Given

5. Richland/Schuyler Phase II Area - Update Given

6. Ultrasonic Flow Measurement - Update Given

7. Public Notice Concerning Fertilizer Application Report - Update Given

8. Nebraska Ground Water Management and Protection Act Report - Update Given

b. Chemigation

The LPNNRD currently has a total of 195 approved chemigation permits (172 renewals and 23 new applications). No inspections this last month.

c. Livestock Waste Permits

The NRD has received one modified livestock permit application and one application "approved for construction" from DEQ since the last Committee meeting.

2. GROUND WATER PROGRAMS

a. Decommissioned Well Program

1. Well Estimates

Gottschalk and Oaklund have approved three new cost share estimates: One irrigation well for Moser Engine Service Trust for \$827.15, a stock well for John R. Houley for \$413.62 and an irrigation well for Richard Chvatal for \$636.00.

2. Plugged Wells

Sabatka made the motion, seconded by Shelso, to approve cost share payment to decommission the domestic well for Mike Ronspies for \$933.28 and a domestic well for Rosenthal Estate C/O Paul Schaer for \$416.07. Motion carried on consent agenda.

b. Well Head Protection Areas

1. David City - Update Given

2. Weston - Update Given

3. DEQ - Update Given

C. Ground Water Quality

All samples have been taken that we were planning on for the year. Sousek is currently compiling all information from the labs for the yearly report.

D. Ground Water Quantity

1. Ground Water Energy Levels (GWEL) - Update Given

2. Wann Basin Multi-agency Network - Update Given

3. USGS Cooperative Agreement

Sabatka made the motion, seconded by Shelso, to agree to pay the cost estimate of \$445.00 to maintain this gaging station for the next federal fiscal year October 1, 2004 to September 30, 2005. Motion carried on consent agenda.

e. LPNNRD Monitoring Wells - Update Given

f. Former Ordnance Plant At Mead

1. Restoration Advisory Board

The next meeting for the Restoration Advisory Board is scheduled for Tuesday November 30, 2004.

2. Beneficial Use of Clean Up Water - Update Given

g. M.U.D. and Landowner Project - Update Given

h. Ground Water Sub-Area Study - Update Given

3. SURFACE WATER PROGRAMS

Czechland Lake continues to show the presence of toxic blue green algae. The current health risk is listed as "Low" which means the mycrocystins value is between 2 ppb and 15 ppb. Czechland Lake had a value of 2.6 ppb during the week of October 18th. DEQ will continue to monitor the lake until the mycrocystins value falls below 2 ppb.

4. OTHER

The Following Updates Were Given:

Groundwater Management Districts Association
NRD Water Programs Conference
Equipment Repair
New Time for Water Committee

Sabatka made the motion, seconded by Shelso, that the November 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 & Extensions

None

b. SWCP Approvals

None

c. SWCP Payments

Sabatka made the motion, seconded by Shelso, to approve the following SWCP payments:

<u>04-P-37</u>	<u>Wilke Homestead Tr.</u>	<u>\$7,048.50</u>	<u>\$6,618.41</u>	<u>-\$430.09</u>
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04-S-14 Mark Walla \$6,225.00 \$6,190.97 -\$ 34.03

Motion carried on consent agenda.

2. WATERSHEDS

Director Pieke gave an update on activities in Shell Creek.

3. FSA , EQIP & CRP PLANS SIGNED

Sabatka made the motion, seconded by Shelso, to approve the list of signed conservation plans as shown:

<i>Date signed</i>	<i>County</i>	<i>Landowner</i>	<i>Legal</i>	<i>Acres</i>	<i>New -or- Rev.</i>	<i>Description Plan</i>
9/14/2004	Butler	David Kment	34-17-3	1.5	Rev	CRP Revision/new tree planting
9/21/2004	Butler	Lloyd Hajek	16-16-4	62.2	Rev	Conservation Plan
9/21/2004	Butler	Lloyd Hajek	16-16-4	103.8	Rev	Conservation Plan

Motion carried on consent agenda.

4. LOCALLY LED LANDOWNER GROUPS

a. Shell Creek Improvement Group

Director Pieke reported that the Shell Creek Watershed Improvement group has a scheduled meeting on Monday, November 8th at 6:30 pm. Newman Grove Science students will be on hand to give their presentation of their Summer work on the Shell Creek.

5. OTHER

Discussion was held on the Vasa request for additional funding for their current EQIP contract that would pay for additional work not included in the original EQIP estimate *and* additional work that was staked but NOT included in the original contract. NRCS staff has informed our office that an application for this additional work can be filled out for next years EQIP funding. No action was taken.____

b. Update on Army COE 205 Studies

1. South Fremont 205

The U.S. Army COE are ready to begin the final study on the South Fremont 205 project. They must wait until the COE F.Y. 05 budget is approved which we anticipate will occur as part of the Consolidated Appropriations Bill. Congress will begin discussion on this when it reconvenes November 16.

2. Schuyler 205

The Schuyler 205 project has been approved for survey work by the City of Schuyler. Again we await beginning this phase 2 study until a Federal Budget is approved.

3. North Bend 205

Miyoshi and Mountford met with the North Bend City Council and the COE on October 5. We were surprised when the COE offered additional alternatives to be considered for protection of North Bend. The original levee alternative has less than a 1 to 1 benefit cost ratio. The COE was directed to put together a funding package to further study levee alternatives for North Bend.

6. SNITILY WETLAND PROJECT UPDATE

Murren reported Pheasants Forever and Game and Parks representatives will be here on Friday, October 29th for a tour of the project site _____

Ken Kotera proposed listing Mike Murren as the Snitily Wetland Project C.O. (Contracting Officer) to help him with project completion and paperwork. Kotera reported that this designation will allow NRCS to expedite the project and allow for continued NRD over-site of work.

Sabatka made the motion, seconded by Shelso, to list Mike Murren as C.O. (Contract Officer) for the Snitily WRP project to help expedite project completion. Motion carried on consent agenda.

7. LAKE WANAHOO REPORT

Murren reported that he was in the process of adjusting the rental agreement on the Bartek farm to reflect the fisheries project work. The original agreement of 116.7 acres @ \$126.00/acre is to be revised to 81.7 acres @ \$96.00/acre. This adjustment reflects the loss of the project area and the loss of irrigated ground possible with the current pivot set-up. Sabatka made the motion, seconded by Shelso, to amend the current Bartek rental contract to reflect the work completed in the fisheries project area as part of the Sand Creek Project. Motion carried on consent agenda.

8. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

Sabatka made the motion, seconded by Shelso, to pay \$431.64 to Mary Fertig, the previous owner of Lot #50 for property taxes paid, at closing, that have since been determined by Saunders County officials not to be due as part of the Western Sarpy/Clear Creek project. Motion carried on consent agenda.

Murren reported that no sealed bids were received for the two Western Sarpy project properties located at Thomas Lakes and that without a bid, demolition of the homes would be left to LPNNRD. There was discussion of having an auction for the two homes and contents. Murren also reported time is beginning to be a factor, as the lease on lot #42 expires December 31, 2004 and that property must be moved by that date.

Sabatka made the motion, seconded by Shelso, to advertise and auction the two properties (houses and out buildings) at the Western Sarpy project as soon as such auction can be arranged. Motion carried on consent agenda.

7. ADDITIONAL ACTION ITEMS

7.a. Motion to Extend "right of first refusal" Clause

Director Alm has asked that we place the following item on the additional action items for discussion and possible action. "Recommend to extend the previous owners "right of first refusal" clause in the purchase agreements for the Lake Wanahoo Project." The item was referred to the Lake Wanahoo Committee for action, followed by Projects Committee action and then action by the LPNNRD at

our December 13th Board Meeting.

7.b. WS/CC Landrights - Lot 48

Mastny made the motion, seconded by Langemeier, to accept the offer on Lot 48/Larry Lindberg of Thomas Lakes as part of the Western Sarpy/Clear Creek Project. Motion carried all members present voting aye.

7.c. Inspection Port for Irrigation Monitoring Wells

Langemeier made the motion, seconded by Sabatka, to fund the placement of inspection ports on four of our ground water level wells at an estimated cost of \$1,880. Motion carried all members present voting aye.

7.d. Adolph Placek Request/Czechland Lake

Adolph Placek has 100 acres of CRP adjacent to and west of Railroad Avenue Road from Czechland Lake. Mr. Placek has been accepted to re-enroll the property into CRP and needs to commit by November 16. His current contract expires in October 2005.

He is requesting that the District do his maintenance (weed control), the inter-seeding required by the Federal Contract and possibly one burn to keep it in CRP. If the District declines he will more than likely put it back into production. Through his CRP contract he is allocated \$5/acre/yr for maintenance. If put back into production, the property falls under Sod Buster. Mr. Placek would have to develop a farm plan with NRCS with acceptable soil loss levels. There is also the threat of excessive run-off, erosion and sedimentation to Czechland Lake. Mr. Placek should be informed of all his options with the farm programs and potential consequences if his property erodes excessively.

Czechland Lake receives positive benefits if this ground remains in CRP however, it is difficult to justify the District providing operation and maintenance on private land. The question we must answer is; Does LPNNRD want to take on O & M responsibility or provide financial incentives to keep this ground in CRP? The Board took no action on Placek's request.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

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

10. COMMENTS FROM DIRECTORS/GUESTS

No Comments.

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The December Board of Directors Meeting will be held on Monday, December 13, 2004, 5:30 p.m. Platte Center Auditorium, Platte Center, NE. Meeting adjourned at 9:03 p.m.

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 November 8, 2004, 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.

Lumir Jedlicka, Secretary