

LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
OCTOBER 25, 2004

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, October 25, 2004.

1. NOTICE OF MEETING

Public notification was made in area newspapers no later than October 14, 2004. Meeting notification and agendas were also provided.

2. ROLL CALL - INTRODUCTIONS

DIRECTORS PRESENT AND CONSTITUTING A QUORUM:

Alm	Bailey	Eden
Hannah	Holstine	Jedlicka
Johannes	Kavan	Larsen
Mastny	Pieke	Reitmajer
Sabata	Sabatka	Shelso
Johnson		

DIRECTORS ABSENT

Bull	Langemeier	Saalfeld
------	------------	----------

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Sousek	Murren	Thompson
Gottschalk		
Rodney Verhoeff, LPRCA		
Jim Cook, DNR		
Ron Ecklund, HBE		
Cindy Love, HBE		
Sing in sheet attached to Original Minutes		

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. NRCS Report

No Report.

b. NARD Report

Director Johannes briefed the Board on the NARD Fall Conference.

c. Managers Report

Manager Miyoshi reviewed his written report with the Directors.

d. Information and Education Session

Jim Cook from DNR was present to give a presentation on LB962.

e. Annual Audit Report

Cindy Love from HBE handed out and reported on the NRD Annual Audit.

f. Legal Action Concerning June 14th Board Meeting

Loren Lindahl, Maureen Freeman-Caddy and Shawn Renner were present to update the Board on the current lawsuit that had been filed against the District on behalf of Dean and Deborah Busing.

Sabata made the motion, seconded by Sabatka, that it is in the public's interest to have executive session at 7:50 p.m. and the purpose of executive session is to get advice from Legal Counsel concerning legal action that is now pending, specifically the complaint that has been filed regarding the June 14th Board Meeting. Motion carried all members present voting aye.

Eden made the motion, seconded by Holstine, to go out of executive session at 8:28 p.m. Motion carried all members present voting aye.

5. APPROVAL OF MINUTES

Holstine made the motion, seconded by Shelso, to approve minutes from the September 13, 2004 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

None

b. Reports

NARD Fall Conference

Director Johannes reported on the Fall Conference.

American Society for Dam Safety Officials

Attached to the Executive Committee Minutes is a copy of Miyoshi's Meeting Report.

2. Management

a. Directors Absences

None

b. Lower Platte River Corridor Alliance

September Report

Verhoeff gave the September Alliance Report.

Nebraska Community Foundation Agreement

Holstine made the motion, seconded by Shelso, to approve the Alliance participating in the Nebraska Community Foundation and authorize the General Manager to sign said agreement. Motion carried on consent agenda.

Environmental Carrying Capacity Study

Holstine made the motion, seconded by Shelso, to approve the LPRCA Environmental Carrying Capacity Study Interlocal Agreement and authorize the General Manager to sign said agreement. Motion carried on consent agenda.

Copy of Letter to Ben Nelson

Attached to the Executive Committee Minutes is letter sent to Senator Ben Nelson by the three NRD's encouraging support from Nelson for efforts on the Lower Platte River to be included in the WRDA 04 Bill which is currently before congress.

FY '05 Alliance Dues

Johannes made the motion, seconded by Holstine, to pay the FY '05 LPRCA Dues in the amount of \$13,000. Motion carried.

AYE: Alm, Eden, Hannah, Holstine, Jedlicka, Johannes, Kavan, Larsen, Mastny, Pieke, Reitmajer, Sabatka, Sabata, Shelso, Johnson

NAY Bailey

c. Pallid Sturgeon Agreement Extension

Holstine made the motion, seconded by Shelso, to approve the extension of the Pallid Sturgeon Agreement for one additional year with no additional costs to be incurred by the District. Motion carried on consent agenda.

d. Bob Weaver Bill

Holstine made the motion, seconded by Shelso, to pay the Bob Weaver Bill in the amount of \$1,825.84 as attached to the Executive Committee Minutes. Motion carried on consent agenda.

e. Don Blankenau Bill

Holstine made the motion, seconded by Shelso, to pay the Don Blankenau bill in the amount of \$2,479.50 for legal services performed as attached to the Executive Committee Minutes. Motion carried on consent agenda.

f. Director Retreat

All Directors are reminded that the Bi-annual Directors retreat will be held January 6th at the Benedictine Center North of Schuyler.

g. Nebraska Land Trust

Attached to the Executive Committee Minutes is a letter from Nebraska Land Trust inviting LPNNRD to be a member of the group. Additional information is needed and Dave Sands was invited to attend the December Executive Committee Meeting to provide that additional

information.

3. Equipment

a. Directors Computers

Thompson led discussion on the purchase of laptops for all District Directors. Thompson has researched several different laptops and recommends a Toshiba Tecra M2V laptop at total cost of \$1,554 direct from the manufacture. This computer comes with 512 MB of memory, 40GB Hard Drive, Microsoft XP Professional and Microsoft Office. Johannes made the motion, to purchase 23 Toshiba Tecra M2V laptops at a cost of \$1,554 each for a total cost of \$35,742. Motion died for lack of a second.

4. Personnel

No new business.

5. Finance

a. Approval of July Financial Statement

Holstine made the motion, seconded by Jedlicka, to approve the July and August Financial Statements. Motion carried all member presented voting aye.

b. Approval of Managers Expenses

Holstine 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

One major account receivable over 90 days is due from a tree planter in Platte County. A letter has been sent by the District's Legal Counsel to collect the amount owed.

d. Audit

Kavan made the motion, seconded by Sabatka, to accept the audit as presented by Cindy Love of HBE. Motion carried all members present voting aye.

6. Other

1. Meeting Time

Discussion took place on Board Meeting times. Currently Board Meetings are at 7:00 p.m. when the time changes to daylight savings times the meetings are held at 5:30 p.m. It was suggested that Board Meeting times stay the same.

2. Educational Program

Directors are urged to make suggestions on educational programs for future meetings.

Holstine made the motion, seconded by Shelso, that the October 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

Holstine made the motion, seconded by Shelso, to approve payment on one Wildlife Habitat contract for Larry Novak totaling \$285. 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. Holstine made the motion, seconded by Shelso, to advertise for bids to clean a section of Rawhide Ditch 8 and some or all of the diagonal ditch northwest of Fremont. Motion carried all members present voting aye.

h. Malmo Drainage Ditch Renovation

The site was seeded to a cool season grass and legume mixture by the O & M Crew.

3. ROCK AND JETTY

Holstine made the motion, seconded by Shelso, to approve a \$722.07 payment to Doug Ritthaler for rock and jetty maintenance work accomplished on the Platte River pending inspection by staff. Motion carried all members present voting aye.

4. EROSION & SEDIMENT RULES & REGULATIONS

Nothing to report this month.

5. INFORMATION & EDUCATION

A. Education

The Following Updates Were Given:

- Land Judging
- Grazing Wetlands Project
- NACEE

B. Information

The Following Updates Were Given:

- LPRCA Golf Tournament
- Husker Harvest Days

6. RURAL WATER ACTIVITIES

A. RURAL WATER SYSTEMS

1. Linwood

JEO has prepared a proposal for a study in which a five year old infrastructure study of Linwood will be updated and connecting that infrastructure to the NRD waterline. The study will cost the NRD \$3,100. An interlocal agreement has been drafted in which Linwood would be required to pay half of the \$3,100 back to the NRD if no action was taken with their water system by the date of December 31, 2009.

Holstine made the motion, seconded by Shelso, to sign the interlocal agreement with Linwood for Possible Water Service by The Lower Platte North Rural Water District to Linwood Nebraska. Motion carried on consent agenda.

Holstine made the motion, seconded by Shelso, to have Miyoshi sign the engineering contract with JEO with the condition that Linwood signs the interlocal agreement. Sousek will be meeting with Linwood the night of October 14 at 7:00p.m. Motion carried on consent agenda.

2. Abie

JEO has prepared a proposal for a study to evaluate the water system of Abie and determine a cost of how much it would be to connect the system to the NRD waterline. The study will cost the NRD \$3,800. An interlocal agreement has been drafted in which Abie would be required to pay half of the \$3,800 back to the NRD if no action had been taken with their water system by December 31, 2009.

Holstine made the motion, seconded by Shelso, to sign the interlocal agreement with Abie for Possible Water Service by The Lower Platte North Rural Water District to Abie Nebraska. Motion carried on consent agenda.

Holstine made the motion, seconded by Shelso, to have Miyoshi sign the engineering contract with JEO with the condition that Abie signs the interlocal agreement. Sousek will be meeting with Abie the night of October 5 at 7:00 p.m. Motion carried on consent agenda.

3. Bruno / David City Rural Water System

Sousek and Mountford are currently working on securing easements for the route of the waterline. A meeting was held at the Bruno Fire Hall in which landowners that easements were needed from were invited too. After much discussion one person came forward to sign an easement. Others were told that the NRD would be in contact with them within the next few weeks.

4. Colon / Wahoo Rural Water System

No current developments. Sousek will be contacting Ron Botorff with JEO.

5. Richland / Columbus Rural Water System

The first draft of the study is complete. JEO is currently waiting for some numbers from Columbus to plug into the equation to figure out cost of water to Richland.

Holstine made the motion, seconded by Shelso, that the October 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 105.

2. The Following Reports Were Given:

- Cost Share Programs
- Nitrogen Certification
- Bellwood Phase 2 Area
- Richland-Schuyler Phase 2 Area
- Ultrasonic Flow Measurement
- Newspaper Ad for November 1st Deadline
- Chemigation

2. GROUND WATER PROGRAMS

a. Decommissioned Well Program

Holstine made the motion, seconded by Shelso, to approve cost share payment to decommission the domestic well for Mike Scanlon for \$276.00. Motion carried on consent agenda.

b. The Following Reports Were Given

- Wellhead Protection Activities
- Groundwater Quantity
- Groundwater Quality
- MUD Landowner Meetings
- Nebraska Ground Water Management and Protection Act
- Ground Water Sub-Area Study
- Former Ordnance Plant at Mead
- LPNNRD Monitoring Wells

3. SURFACE WATER PROGRAMS

a. Fremont State Lakes & DEQ

The final sampling of the Fremont State Lakes were completed on September 27, 2004 by the summer interns and the results were e-mailed to DEQ. While bacteria counts were elevated in May, they slowly declined over the course of the summer.

B. Stream Flow Measurement by USGS

USGS estimates that the cost to maintain the gaging station on Shell Creek north of Columbus will cost LPNNRD \$5,480.00 for the upcoming federal fiscal year. Information from this site is important to document any changes on land conservation practices such as terraces.

As part of our agreement with the COE and USGS, the estimated cost for the next federal fiscal year for the gaging stations on Johnson and Wahoo creeks (which assist the clean up efforts at the NOP at Mead) is \$26,000.00 of which LPNNRD will pay with flow-through money from the COE.

Holstine made the motion, seconded by Shelso, to sign the Cooperative agreement with USGS for operation of the Shell Creek and Johnson Creek gaging stations for the next federal fiscal year October 1, 2004 to September 30, 2005. Motion carried all members present voting aye.

4. OTHER

A. MUD INFORMATIONAL COMMITTEE

A meeting is being planned for October 7, 2004 at 6:00 p.m. at the Lower Platte North NRD office. For the first meeting the agenda will focus on the choice of representatives and discussing the framework of the committee.

Sabatka made the motion, seconded by Reitmajer, that the October 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

Holstine made the motion, seconded by Shelso, to approve the following SWCP applications:

<u>Rodney Kratky</u>	<u>Above Site 16 Add'l 15% on EQIP contract</u>	<u>\$ 661.95</u>
		<u>75% C/S</u>
<u>Lawson Family Broadbase (Platte Co.)</u>	<u>Terrace & Tile</u>	<u>\$ 3,225.00</u>
		<u>50% C/S</u>
<u>R. John Anderson</u>	<u>(Butler Co.) H2O Flow Meter</u>	<u>\$506.00</u>

Motion carried on consent agenda.

c. SWCP Payments

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

<u>Approved Amount</u>	<u>Total Payment</u>	<u>(+/-)</u>
<u>04-P-15 Edward Bakenhus \$ 1,520.40</u>	<u>\$ 1,587.60</u>	<u>+ \$ 67.60</u>

Motion carried on consent agenda.

2. WATERSHEDS

Director Pieke gave an update on activities in Shell Creek.

3. FSA , EQIP & CRP PLANS SIGNED

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

<u>Date signed</u>	<u>County</u>	<u>Landowners</u>	<u>Legal</u>	<u>Acres</u>	<u>New -</u>	<u>Description Plan</u>
	<u>Office</u>	<u>Name</u>			<u>or- Rev.</u>	
<u>5/4/2004</u>	<u>Boone</u>	<u>Zane Wondercheck</u>	<u>14 3-21-5</u>	<u>41.5</u>	<u>New</u>	<u>EQIP</u>
<u>5/17/2004</u>	<u>Boone</u>	<u>Carmen Eucker</u>	<u>14 35-25</u>	<u>160</u>	<u>New</u>	<u>EQIP</u>
<u>5/17/2004</u>	<u>Madison</u>	<u>Roger Lee</u>	<u>5-22-5</u>	<u>71.4</u>	<u>New</u>	<u>EQIP</u>
<u>5/17/2004</u>	<u>Madison</u>	<u>Robert Heving</u>	<u>30-22-5</u>		<u>New</u>	<u>EQIP 960ac Waste Utilization 19.1ac AFO</u>
<u>8/3/2004</u>	<u>Butler</u>	<u>Earl Sedlacek</u>	<u>24-15-4</u>	<u>123.3</u>	<u>New</u>	<u>EQIP Contract (Terraces)</u>
<u>8/3/2004</u>	<u>Butler</u>	<u>Nick Schmit</u>	<u>28-16-1</u>	<u>64.0</u>	<u>New</u>	<u>EQIP Contract (Pivot)</u>
<u>8/6/2004</u>	<u>Butler</u>	<u>Maurice Bonne</u>	<u>28-15-3</u>	<u>10.7</u>	<u>New</u>	<u>EQIP Contract (Terraces)</u>
<u>8/6/2004</u>	<u>Butler</u>	<u>Gloria Hajak</u>	<u>21-16-4</u>	<u>16.0</u>	<u>New</u>	<u>EQIP Contract (Terraces)</u>
<u>8/6/2004</u>	<u>Butler</u>	<u>Gloria Hajak</u>	<u>20-16-4</u>	<u>10.0</u>	<u>New</u>	<u>EQIP Contract (Terraces)</u>
<u>8/13/2004</u>	<u>Butler</u>	<u>Maurice Bonne</u>	<u>33-15-3</u>	<u>35.0</u>	<u>New</u>	<u>EQIP Contract (Diversion)</u>
<u>8/17/2004</u>	<u>Butler</u>	<u>Sylvia Zeilinger</u>	<u>4-15-2</u>	<u>18.2</u>	<u>Revision</u>	<u>CRP Revision/Reseeding</u>
<u>8/18/2004</u>	<u>Butler</u>	<u>Bernard Hain</u>	<u>10-16-3</u>	<u>137.1</u>	<u>New</u>	<u>EQIP Contract (Pivot)</u>
<u>8/31/2004</u>	<u>Butler</u>	<u>Michael Rerucha</u>	<u>24-15-4</u>	<u>70.3</u>	<u>Revision</u>	<u>Conservation Plan</u>
<u>8/31/2004</u>	<u>Butler</u>	<u>Michael Rerucha</u>	<u>28-15-4</u>	<u>62.0</u>	<u>Revision</u>	<u>Conservation Plan</u>
<u>8/31/2004</u>	<u>Butler</u>	<u>Michael Rerucha</u>	<u>22 & 27- 15-4</u>	<u>109.7</u>	<u>Revision</u>	<u>Conservation Plan</u>
<u>8/31/2004</u>	<u>Butler</u>	<u>Daniel Engel</u>	<u>6-15-4</u>	<u>78.2</u>	<u>Revision</u>	<u>CRP Revision/Include having/grazing/seeding</u>

Motion carried on consent agenda.

4. LOCALLY LED LANDOWNER GROUPS

a. Shell Creek Improvement Group

Director Pieke reported that their resource inventory project has addressed 15,000 acres thus far. The NRCS has advertised for the Shell Creek Coordinator Position opening.

5. OTHER

a. Buffer Strip Contract Payments for 2004

Kavan made the motion, seconded by Pieke, to approve the Buffer Strip Contract payments totaling \$23,868.53 as attached to the Projects Committee Minutes. Motion carried all members present voting aye.

b. Update on Army COE 205 Studies

1. South Fremont 205

None

2. Schuyler 205

Director Langemeier and Mountford met with the Schuyler City Council on September 21st to again discuss the advantages of proceeding with the Army COE 205 Feasibility Study. With support from local citizens at the meeting, the council responded positively toward approving an interlocal agreement with the District (at their next meeting) and proceed with at least the first phase of the 205 study. As you recall, the first phase involves completing a survey and hydraulics in the city. It is highly hoped that this work will justify reducing the anticipated increase area of the 100-year flood plain as preliminarily proposed by FEMA.

3. North Bend 205

A meeting is scheduled in North Bend for 6:00 p.m., Tuesday, October 5, to discuss the outcome of the Army COE's 205 study's preliminary assessment. Unfortunately, the assessment indicates that there is not a positive cost benefit ratio for North Bend's preferred levee location south of town that would help keep the City out of the 100 flood plain.

6. SNITILY WETLAND PROJECT UPDATE

We have forwarded all needed information to Pheasants Forever for proceeding with a contract where the District will retain the Snitily property as a part of the Wanahoo Project in exchange for \$92,000. After our recent contacts with PF, it is highly hoped that we can finalize this proposed contract soon.

7. LAKE WANAHOO REPORT

Murren reviewed the Wanahoo Committee Minutes with the Board.

8. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

a. Project Landrights

Kavan made the motion, seconded by Larsen, to approve the following Saunders County land rights involved with the Western Sarpy/Clear Creek Project.

Approval of Purchase Agreement on Beckman Property, Lot 41, Thomas Lakes, for \$90,000;

Approval of cabin raising easement on Carper Property, Lot 45, Thomas Lakes, for \$8,400;

Approval of Move Expenses on McPherson Property, Lot 47, Thomas Lakes, up to \$6,000.

Recommendation carried.

7.a. SWCP Payments

Johannes made the motion, seconded by Jedlicka, to approve the following SWCP

Payments:

04-S-12 Glenn Nelson \$3,840.06

04-S-11 Eric Nelson \$2,493.45

Motion carried.

AYE: Alm, Bailey, Eden, Hannah, Holstine, Jedlicka, Johannes, Larsen, Mastny, Pieke, Reitmajer, Sabatka, Sabata, Shelso, Johnson

NAY: Kavan

7.b. Platte Center Phase I Bank Stabilization Project Payment

On July 12, 2004, the Board approved 50% cost share toward the first phase of Platte Center's Bank Stabilization Project up to a maximum payment of \$2,500. We have received bills totaling \$4,291.91. Johannes made the motion, seconded by Jedlicka, to approve a \$2,145.96 cost share payment to Platte Center for their Phase 1 Bank

Stabilization Project on Elm Creek. Motion carried.

AYE: Alm, Bailey, Eden, Hannah, Holstine, Jedlicka, Johannes, Larsen, Mastny, Pieke, Reitmajer, Sabatka, Sabata, Shelso, Johnson

NAY: Kavan

7.c. Section 205 Study Approval for Schuyler

Over the past months we have been working with Schuyler about moving ahead with the Army COE study. Schuyler has agreed to move ahead and approve the first study phase which will be to complete hydraulic studies, surveys and mapping with the goal of reducing the FEMA's new proposed 100 year flood plain. This first study phase will cost Schuyler and LPNNRD \$32,900 each. Johannes made the motion, seconded by Jedlicka, to approve the Interlocal Cooperation Act Agreement and Addendum "A" to proceed with the first phase of the Army COE 205 Feasibility Study for the City of Schuyler and send a "Letter of Intent" to the Army COE to proceed with the 205 Study. Motion carried.

AYE: Alm, Bailey, Eden, Hannah, Holstine, Jedlicka, Johannes, Larsen, Mastny, Pieke, Reitmajer, Sabatka, Sabata, Shelso, Johnson

NAY: Kavan

7.d. Consider Contract for Services/Outside Legal Counsel

A complaint and lawsuit has been filed by Attorney Lynn Moorer on behalf of Dean and Deborah Busing. The Suit attempts to negate action at our June 14, 2004 Board Meeting due to violations in the open meetings law. Johannes made the motion, seconded by Jedlicka, to authorize Chairman Johnson and General Manager Miyoshi to hire Shawn Renner and the firm "Cline, Williams, Wright, Johnson and OldFather" as needed to defend, act as co-counsel and advise LPNNRD from any complaint and/or suit. Motion carried.

AYE: Alm, Bailey, Eden, Hannah, Holstine, Jedlicka, Johannes, Larsen, Mastny, Pieke, Reitmajer, Sabatka, Sabata, Shelso, Johnson

NAY: Kavan

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

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

10. COMMENTS FROM DIRECTORS/GUESTS

No Comments.

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The November Board of Directors Meeting will be held on Monday, November 8, 2004, 5:30 p.m. Wahoo, NE. Time and location to be determined. Meeting adjourned at 10:35 p.m.

Lumir Jedlicka, Secretary