

LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
SEPTEMBER 9, 2002

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, September 9, 2002

1. NOTICE OF MEETING

Public notification was made in area newspapers no later than August 30, 2002. Meeting notification and agendas were also provided.

2. ROLL CALL - INTRODUCTIONS

DIRECTORS PRESENT AND CONSTITUTING A QUORUM:

Bailey	Bull	Eden
Grueber (arrived 7:12)	Jedlicka (arrived 7:17)	Johannes
Johnson	Kavan	Langemeier
Larsen	Mastny	Nelson
Reitmajer	Saalfeld	Sabatka
Sendgraff	Shelso	Wilke

DIRECTORS ABSENT

Sabata

STAFF AND GUESTS:

Mountford	Breunig	Thompson
Murren	Angle	Sousek
Gottschalk		
Lisa Brichacek, Wahoo Newspaper	Marvin Riecken	
Grant Porter, Saunders County	Pat Riecken	
Dan Crouchley, MUD	Harlan Riecken	
Ralph Pieke	Chuck Karloff	
Erik Alm	Mike Heldt	
Ralph Holstine	Victor Humlicek	
Steve Clark	EJ Wageman	
Richard Jurgens	Donald Veskerna	

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. NRCS Report

No Report.

b. NARD Report

Kavan reminded the Directors about the Annual Fall Conference, September 22-24, 2002 in Kearney.

5. APPROVAL OF MINUTES

Grueber made the motion, seconded by Bull, to approve minutes from the August 12, 2002 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

The Midwest Water Law Seminar will be held November 7- 8 in Lincoln. Grueber made the motion, seconded by Bull, to allow up to two Directors and two Staff to attend the Water Law Seminar. Motion carried all members present voting aye.

2. Management Items

a. Director Absence

Grueber made the motion, seconded by Bull, to approve the following Director Absences, Langemeier, Mastny and Bailey from the August Board meeting. Motion carried on consent agenda.

b. Lower Platte River Corridor Alliance

The monthly Corridor Alliance report is attached to the Executive Committee Minutes.

c. Saunders County -vs- MUD

The LPNNRD Sub-Committee handling the Saunders County -vs- MUD case met at 11:15 in executive session on August 30, 2002. Sabatka made the motion, seconded by Johnson, that Saunders County and MUD be asked to submit briefs to the hearing Sub-Committee and Hearing Officer arguing “does LPNNRD have jurisdiction to rule over causes of action 2 thru 16 in the Saunders County -vs- MUD Case. It was further moved that no decision will be made on the “standing” issue until facts are gathered on the “jurisdiction” issue. Motion carried all members present voting aye.

d. Pallid Sturgeon Study

Langemeier made the motion, seconded by Jedlicka, that the Lower Platte North NRD increase our funding for the Pallid Sturgeon Study from \$7,500 to \$10,000 per year for the final two years of the study. Motion carried.

AYE: Grueber, Jedlicka, Johannes, Johnson, Kavan, Langemeier, Larsen, Mastny, Saalfeld, Sabatka, Sendgraff, Wilke

NAY: Bailey, Bull, Eden, Nelson, Reitmajer, Shelso

e. The Following Updates Were Given:

- Legislative Update
- Piping Plover Update
- NARD Resolutions
- Arnold Nieveen Update

3. Equipment

No new business.

4. Personnel

No new business.

5. Finance

a. Approval of July Financial Statement

The July Financial Statement will not be presented until HBE has finished the District's Audit. Ron Ecklund will be present at the October Board Meeting to give the Annual Audit Report.

b. Approval of Managers Expenses

Grueber made the motion, seconded by Bull, to approve the Manager's expenses as attached to the Executive Committee Minutes. Motion carried all members present voting aye.

c. Motion to Change Levy

Grueber made the motion, seconded by Bull, that the Lower Platte North NRD change its mill levy for F.Y. 03. Motion carried all members present voting aye.

d. Motion to Set Levy

Grueber made the motion, seconded by Bull, to set the tax levy for Lower Platte North NRD at .04456 for F.Y. 03. Motion carried all members present voting aye. F.Y. 02 tax levy rate was .04476.

e. Accounts Receivable over 90 days

No change in the accounts receivable over 90 days from the previous month.

Grueber made the motion, seconded by Bull, that the September 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

Grueber made the motion, seconded by Bull, to approve three WHIP/WILD NE contracts for a total payment of \$956.28. Motion carried on consent agenda.

<u>Steve Houfek</u>	<u>Saunders</u>	<u>\$270.00</u>
<u>Larry Novak</u>	<u>Butler</u>	<u>\$525.00</u>
<u>Charles Becher</u>	<u>Platte</u>	<u>\$161.28</u>

b. Materials Payment

Grueber made the motion, seconded by Bull, to approve payment of \$205.58 to Charles Becher for grass planted on 2.4 acres of his Wild NE contract.

2. OPERATION & MAINTENANCE

a. Rawhide Creek North Branch

Grueber made the motion, seconded by Bull, to pay Contractor, Allan Kassmeier \$5,000 of the total NRD share of \$6,672 for work accomplished on Rawhide Creek in Section 35. The remainder will be payed after the final shaping and grading. Motion carried on consent agenda.

Grueber made the motion, seconded by Bull, to cost share with Mr. Donald Tank the same cost share percentage the other landowners in Section 36 receive when the project is completed. Mr. Tank's bill is \$2,400. Motion carried on consent agenda.

b. The Following Updates Were Given:

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

3. ROCK AND JETTY

a. Payment

Grueber made the motion, seconded by Bull, to approve a bank stabilization payment of \$813.75 to Adolph Novacek on the Platte River in Butler County, site was inspection by Staff. Motion carried on consent agenda.

Grueber made the motion, seconded by Bull, that North Bend's request of an additional payment of \$405 be deferred until the end of the year (June) if Rock & Jetty funds exist in the Rock & Jetty budget. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS

The District has not received any new complaints.

5. INFORMATION & EDUCATION

a. The following Updates Were Given:

- * 30th Anniversary
- * NACEE
- * Husker Harvest Days
- * Tree Booklet
- * Land Judging

Grueber made the motion, seconded by Bull, that the September LPNNRD 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

Grueber made the motion, seconded by Bull, to deny the appeal by Grosch Irrigation

Company of Silver Creek for the \$250 late fee for the well permit. Motion carried on consent agenda.

b. Chemigation

Sendgraff made the motion, seconded by Johnson, that the Lower Platte North Natural Resources District rules that Bruce Pfeifer is in violation of the District's Chemigation Rules and Regulations and that the violation be forwarded to the Platte County Attorney along with all evidence obtained for Legal Action. District staff are to assist the Platte County Attorney with all requests concerning this matter. Motion carried all members present voting aye.

2. GROUND WATER PROGRAMS

a. Decommissioned Well Program

Grueber made the motion, seconded by Bull, to approve cost share payment to decommission the two domestic wells for Ben West for \$597.00. Motion carried on consent agenda.

b. Wellhead Protection

Grueber made the motion, seconded by Bull, to approve funding of \$235 from the WHPA I&E budget to purchase 250 koozies. Motion carried on consent agenda.

c. The Following Reports Were Given

- * Well Registrations
- * Former Ordnance Plant - Mead
- * Ground Water Quality
- * Phase II GWMA

Grueber made the motion, seconded by Bull, that the September 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

Langemeier made the motion, seconded by Johnson, to approve the attached list of priority SWCP applications totaling \$76,413 as follows: David City Park Watershed - \$7,600; Skull Creek Priority Area - \$17,600; Dodge, Colfax, Platte, and Boone County applications - \$34,213; and Sand & Duck Creek applications above the 7 proposed COE dam sites - \$17,000. Motion carried all members present voting aye.

Grueber made the motion, seconded by Bull, to have staff present a suggested priority list for approval at the September Board meeting, for Saunders and Butler County applications that are outside of priority areas. Motion carried on consent agenda.

Johnson made the motion, seconded by Saalfeld, to approve the following SWCP cost-share applications:

<u>Elmer Lance</u>	<u>Butler</u>	<u>\$4,100</u>	<u>Anthony Prochaska</u>	<u>Butler</u>	<u>\$5,530</u>
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<u>Joseph Hajek</u>	<u>Butler</u>	<u>\$10,000</u>	<u>Randy Fendrich</u>	<u>Saunders</u>	<u>\$7,500</u>
<u>Kenneth Johnson</u>	<u>Saunders</u>	<u>\$10,000</u>	<u>Norm Lindgren</u>	<u>Saunders</u>	<u>\$7,500</u>
<u>Tom Roberts</u>	<u>Saunders</u>	<u>\$6,000</u>	<u>Elmer Pestal</u>	<u>Saunders</u>	<u>\$7,500</u>
<u>Don Chvatal</u>	<u>Saunders</u>	<u>\$3,000</u>	<u>David Sousek</u>	<u>Saunders</u>	<u>\$7,500</u>
<u>Berneil Ecklund</u>	<u>Saunders</u>	<u>\$7,500</u>	<u>Motion carried all members present voting aye.</u>		

b. SWCP Payment

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

02-B-12 Fred Benesch \$2,362.52

Motion carried on consent agenda.

2. WATERSHEDS

a. Homestead Lake Sediment Structures

Langemeier made the motion, seconded by Bailey, to approve additional work at Homestead Lake to: 1) place and anchor trees in the permanent pool area for fish habitat and 2) excavate additional soil from sediment traps 1 & 2, not to exceed a grand project total of \$4,000 (maximum District share of \$1,000). Motion carried all members present voting aye.

3. FSA, EQIP & CRP PLANS SIGNED

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

<u>Glen Rosengren</u>	<u>Saunders</u>
<u>Ron Sabatka</u>	<u>Saunders</u>
<u>Richard Nemec</u>	<u>Saunders</u>
<u>Kent Langemeier</u>	<u>Saunders</u>
<u>Dan Kubik</u>	<u>Saunders</u>
<u>Thomas Smaus</u>	<u>Saunders</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

b. NW Butler County Landowners

Grueber made the motion, seconded by Bull, to approve the \$2,219 payment to NDNR for obtaining aerial photography of the NW Butler County Drainage subject area. Motion carried on consent agenda.

5. Other

a. Elm Creek/Valley View

Grueber made the motion, seconded by Bull, to pay our \$435.00 contract commitment to JEO for work completed on the Elm Creek Drainage Project (No. 078D-41) and bill the other three partnering entities for their share. Motion carried on consent agenda.

b. Elkhorn Breakout Project Area

Grueber made the motion, seconded by Bull, to pay our \$297.50 commitment to JEO for work completed on the Elkhorn Breakout Drainage Project (No. 078D-42) and use the Elkhorn Breakout Trust Fund to pay this expense. Motion carried on consent agenda.

c. Sand and Duck Creek Study Contract Payment

Grueber made the motion, seconded by Bull, to pay our \$11,729.76 contact commitment to Olsson Associates for work completed on the Lake Wanhoo Watershed Plan. Motion carried on consent agenda.

6. SNITILY WETLAND PROJECT UPDATE

Murren reported that the former Snitily property was accepted into the Wetland Reserve Program and that funding had been released by the OMB office in Washington, DC. Grueber made the motion, seconded by Bull, to authorize the General Manager to sign the Snitily Wetland WRP Option Contract to obtain fiscal year 2002 funding and allow the NRCS to further proceed with the project. Motion carried all members present voting aye.

7. LAKE WANAHOO REPORT

The clarification letter has been sent to the COE headquarters and ASA for final approval. News will be forthcoming in the next two weeks.

8. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

Murren reported on his meeting with Fish and Wildlife Service and Nebraska Game and Parks Commission on Friday, August 30th concerning conservation measures for the proposed project.

7. ADDITIONAL ACTION ITEMS

7.a. LPRCA - Amendment 12

Langemeier made the motion, seconded by Grueber, to approve signing of "Amendment 12" to the MOU with Lower Platte South NRD as conductor of financial arrangements for the Lower Platte River Corridor Alliance to fund the Ashland to Louisville waste water study at no cost to the LPNNRD. Motion carried all members present voting aye.

7.b. USGS Gaging Stations

Langemeier made the motion, seconded by Grueber, to Agreement NE201401 with USGS to add the Wahoo Creek gage and Johnson Creek gage at a cost increase of \$22,800, with ECC reimbursing the District 100% of this cost. It is further recommended that this amendment not be signed until a written agreement with ECC is received and that no payment be made to USGS until full funding has been received from ECC. Motion carried all members present voting aye.

7.c. NSWCP Payments

Langemeier made the motion, seconded by Grueber, to approve the following NSWCP payment:

02-S-08 Gary Mach \$3,223.81 Motion carried all members present voting aye.

7.d. Weston Dry Hydrant Payment

Langemeier made the motion, seconded by Grueber, to pay Weston Fire and Rescue \$590.05 for the installation of a Dry Hydrant. Motion carried all members present voting aye.

7.e. Canon Color Copier

Grueber made the motion, seconded by Johannes, to approve purchasing a used Canon color copier (CLC 700) from Modern Methods at a cost of \$3,000. Motion carried all members present voting aye.

7.f. Rawhide Creek North Branch Drainage Improvement

Johnson made the motion, seconded by Jedlicka, to pay Contractor, Allan Kassmeier \$22,500 for work accomplished on the Rawhide Creek Drainage Improvement Project in Section 36. One thousand five hundred dollars is being held pending final completion on grading the maintenance road on top of the berm. Motion carried all members present voting aye. The NRD will be billing the four respective landowners (Knoell, Harms, Ward and Stevens) in Section 36 for at total of \$9,200.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

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

10. COMMENTS FROM DIRECTORS/GUESTS

Johnson made the motion, seconded by Bull, that the NRD purchase a State of Nebraska and American Flag with two flag stands to be placed in the Board Room. Motion carried all members present voting aye.

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The October Board of Directors Meeting will be held on Monday, October 14, 2002. Time and location to be determined. Meeting adjourned at 8:40 p.m.

Clint Johannes, Secretary