

LOWER PLATTE NORTH NRD MINUTES  
BOARD MEETING  
SEPTEMBER 14, 2009

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 14, 2009.

1. NOTICE OF MEETING

The advanced notice of our September board meeting was published on August 20 and 27, 2009 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Chair Saalfeld 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:

Acklie	Bailey	Boyd
Casey	Eden	Hannah
Hilger	Johannes	Johnson
Kavan	Meduna	Pieke
Renter	Sabatka	Taylor
Veskerna	Vrana	Saalfeld

DIRECTORS ABSENT

Reitmajer

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Gottschalk	Angle

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

None

b. NRCS Report

Roger Reichmuth reviewed his written report.

c. NARD Report

Director Johnson reminded all Directors of the NARD Fall Conference.

d. NRC Report

Director Johannes reported that the next Commission Meeting will be September 29<sup>th</sup>.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Larry Angle gave a presentation on the Republican River compact.

5. APPROVAL OF MINUTES

Piekie made the motion, seconded by Vrana, to approve minutes from the August 10, 2009 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. Platte River Basin Science & Resource Management Symposium - Update Given

2. NARD Fall Conference - Update Given

b. Reports - Update Given

2. Management Items

a. Directors Absence - None

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Johnson made the motion, seconded by Taylor, to approve payment of \$2,750 to Bob Weaver for August services and bill LPSNRD and Papiio NRD for their share. Motion carried on consent agenda.

c. Interim Studies - Update Given

d. Monthly Education Program - Update Given

e. NARD Legislative Resolutions - Update Given

f. Legal Counsel Employment - Update Given

g. HBE Bill

Piekie made the motion, seconded by Meduna, to approve payment of \$15,000 to HBE

for work performed to date for audit of our financial statement for year ended June 30, 2009. Motion carried all members present voting aye.

h. Audit Sub-Committee Meeting

I. Wahoo State Bank Line of Credit

Meduna made the motion, seconded by Johannes, to renew the \$400,000 Line of Credit with Wahoo State Bank. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Eden, Hannah, Hilger, Johannes, Johnson, Kavan, Meduna, Pieke, Renter, Taylor, Veskerna, Vrana, Saalfeld

ABSTAIN: Sabatka

j. NARD Benefits Committee - Update Given

3. Equipment

a. Audio Visual Equipment for Board Room

Boyd made the motion, seconded by Johnson, to purchase the audio visual equipment for the board room as attached to the Executive Committee Minutes. Motion carried all members present voting aye.

4. Personnel - None

5. Finance

a. Approval of Financial Report - Update Given

b. Approval of Managers Expenses

Pieke made the motion, seconded by Vrana, to approve Manager Miyoshi's time and expense sheets as attached to the Executive Committee Minutes. Motion carried on consent agenda.

c. Accounts Receivable Over 90 Days - Update Given

d. Set F.Y. 2010 Tax Rate

Johannes made the motion, seconded by Boyd, to hold a public hearing on Monday, September 14<sup>th</sup> at 6:00 p.m. to set the 2010 tax rate and to set the new levy at .042661 (4.2661 cents per \$100 of valuation). This tax rate is a reduction of 7% from last fiscal year. Motion carried all members present voting aye.

Pieke made the motion, seconded by Vrana, that the September 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 - Update Given

b. Community Trails

Renter made the motion, seconded by Boyd, to approve cost-share payment of \$10,000 to the City of North Bend. They have completed 2,290 feet of trail in the Franklin-Cotterell Greens Arboretum. The project cost is \$45,000. Motion carried all members present voting aye.

c. South Fremont 205 Feasibility Study - Update Given

d. Czechland and Homestead Rec Areas - Update Given

e. City of Fremont, Washington Heights - Update Given

f. Invasive Weed Management - Update Given

g. Phragmites Interlocal Agreement

Pieke made the motion, seconded by Vrana, to approve the Phragmites Inter-local Agreement and authorize the General Manager to sign the document. Motion carried on consent agenda.

h. Miscellaneous Items - Update Given

3. ROCK AND JETTY

a. New Applications

Pieke made the motion, seconded by Vrana, to allocate \$4,000 to Dr. Drahota for his bank stabilization project

b. Payment Requests

Pieke made the motion, seconded by Vrana, to pay Ames Diking District \$3,000 for work accomplished along the Platte River in Dodge County pending staff inspection. Motion carried on consent agenda.

Pieke made the motion, seconded by Vrana, to pay Frank Stanek \$441.25 for jetty repair and back fill for his tire mat on the Platte River in Colfax County. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS - Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads - Update Given

2. Recreation Brochure - Update Given

3. Viaduct - Update Given

4. NARD Newsletter - Update Given

b. Education

1. Water Quality Open - Update Given

2. Range Judging - Update Given

3. Land Judging - Update Given

c. Computer

1. Server Repair - Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water - Update Given

b. Colon/Wahoo Rural Water System

Pieke made the motion, seconded by Vrana, to hire Eric Obert of JEO to complete a set of plans for the Grand View Estates water main and submit them to the Department of Health and Human Services for approval at a cost of \$2,500. Motion carried on consent agenda.

Pieke made the motion, seconded by Vrana, to hire Municipal Pipe Services to live tap the Colon Water Main, and to purchase 300 ft. of 6" SDR 21 water main from Municipal Supply, Inc. for the total amount of \$2,351.78. Motion carried on consent agenda.

c. Abie - Update Given

d. Bellwood/Richland - Update Given

e. Other - Update Given

Pieke made the motion, seconded by Vrana, that the September 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. Public Hearing for David City Subarea

Johannes made the motion, seconded by Vrana, that the District issue an Administrative Order for a status change from a Level 2 management area (previously classified as a Level 1A) to a Level 1 management area for the David City subarea to take effect on October 8, 2009. Motion carried all members present voting aye.

2. LPNNRD Ground Water Management Rules and Regulations - Update Given

3. Well Permits - Update Given

4. Irrigation Ranking Criteria for Hydrologically Connected Area - Update Given

5. Variance Request

Pieke made the motion, seconded by Vrana, to state that a variance request for a new irrigation well and expansion of 110 irrigated acres for Randy Rasmussen in the SW1/4, Section 16, T16N, R8E is NOT needed since the water use location, water well and any cone of influence caused by that water well, will be outside of the defined Yutan subarea Stay Management area and the Hydrologically Connected Stay Management areas of the District. Motion carried on consent agenda.

Pieke made the motion, seconded by Vrana, to approve the variance request for Willard Witte for 120.9 new irrigated acres in SE1/4 of Section 18, T15N, R8E, of the Yutan Subarea with the offset or retirement of 141 acres owned by the Outlaw Land Co. LLC in the NE1/4 of Section 14, T15N, R8E also in the Yutan Subarea. Motion carried on consent agenda.

6. Public Hearing Platte River Uplands Subarea Temporary Stay Management Area

Pieke made the motion, seconded by Vrana, to go to a Public Hearing on October 28, 2009 at 4:30 p.m. at the LPNNRD office to take testimony on whether to make the Platte River Uplands subarea a permanent LPNNRD stay management area, declare another LPNNRD temporary stay, or to let the temporary LPNNRD stay management area lapse. Motion carried on consent agenda.

7. Cost-Share Programs

a. Irrigation Well Sample Kits - Update Given

b. Domestic Well Sample Kits - Update Given

8. LPNNRD Certification Classes - Update Given

9. Bellwood Phase II Area - Update Given

10. Richland/Schuyler Phase II Area- Update Given

11. Certifying Acres - Update Given

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

Pieke made the motion, seconded by Vrana, to approve cost share payment to decommission the irrigation well for Harold Ruwe for \$329.00. Motion carried on consent agenda.

b. LPNNRD Ground Water Studies

1. LPNNRD Platte River Ground Water Model - Update Given

2. Elkhorn Loup Model (ELM)- Update Given

3. Eastern Nebraska Water Resources Assessment (ENWRA) - Update Given

4. Eastern Nebraska HEM Aquifer Mapping - Update Given

c. Ground Water Energy Levels - Update Given

d. Statewide Water Quality Sampling Network - Update Given

e. Irrigation Runoff Complaints

1. Burneil Ecklund vs Wayne Thorson - Update Given

3. SURFACE WATER PROGRAMS

a. State Lakes

1. Bacteria Sampling - Update Given

2. Toxic Algae - Update Given

4. OTHER

a. Summer Interns

b. Comments from the Public - Update Given

Pieke made the motion, seconded by Vrana, that the September LPNNRD Water Committee Minutes be received and placed on file. Motion carried on consent agenda.

**D. PROJECTS COMMITTEE REPORT**

**1. SWCP REPORT**

**a. SWCP Applications Approvals**

Pieke made the motion, seconded by Vrana, to approve the following SWCP applications:

Larry Hynek	Terraces/Tile (Above Czechland Lake)	\$5,663.25
Wolta Farms Inc.	Planned Grazing (re-app. from last year)	\$3,006.02
Randy Rasmussen	Flow Meter X 2	\$1,335.42
		\$10,004.69
<b><u>BOONE CO.:</u></b>		
Oliver Loken	Cropground to grass (waterways)	\$739.66
Kent Lee	Planned Grazing (pipeline & Tanks)	\$2,268.34
		\$3,008.00
<b><u>PLATTE CO.:</u></b>		
Eugene Stock	W/S Basins	\$10,000.00
Joan Kammerer Estate	Diversion	\$6,342.44
		\$16,342.44
<b><u>BUTLER CO.:</u></b>		
Anthony Prochaska	Terraces w/Tile	\$5,182.00
Eleanor J. Svoboda	Terraces w/Tile	\$9,592.47
Ronald Semrad	W/S Basin	\$1,733.88
Antoinette Stara	W/S Basins	\$10,000.00
		\$26,508.35
<b>TOTAL:</b>		\$55,863.48

**b. SWCP Payments**

Pieke made the motion, seconded Vrana, to approve the following SWCP payments:

			<u>Approved</u>	<u>Actual</u>
09-Bo-21	Kurt Skillstad	Planned Grazing	\$9,782.75	\$9,078.75
09-C-24	Lenard Farms	Flow Meter	\$667.71	\$618.29
08-S&D-21	Marvin Fujan *	Terraces/Tile	\$8,365.00	\$2,042.08
08-S&D-22	Wilber Otte *	Terraces/Tile	\$1,900.00	\$682.81
(* coordinating with Sand & Duck @ 15%)				
<b>TOTAL:</b>				\$12,421.93

Motion carried on consent agenda.

**c. SWCP Cancellations - None**

**d. Sand/Duck Creek Approvals**

Pieke made the motion, seconded by Vrana, to approve the following Sand & Duck Creek applications:

Milton Odvody	Terraces/Tile	\$12,722.40
Marilyn Odvody	Terraces/Tile	\$11,047.50



Jeanette Timmerman	Tile into existing	\$10,114.88
Francis Zakovec	Cropground into grass Waterway	\$3,740.63
Kenneth Henkens	W/S Basins with Tile	\$7,447.50
Ed Musiel	Terraces/Tile	\$10,251.75
Marvin Fujan	W/S Basins	\$8,842.50
Anna Machovec	Tile into existing Terraces	\$9,280.80
Chris & Jeff TePoel	Terraces/Tile	\$10,462.00
James Kaspar	Terraces/Tile	\$10,211.63
Keith Racek	Tile into existing Terraces	\$4,038.75
Wilma Racek	Tile into existing Terraces	\$12,701.25
William Dauel	Terraces/Tile	\$8,307.00
Ruben Kavan	Terraces/Tile with Basins	\$7,024.50
Dennis Odvody	Terraces/Tile	\$10,000.00
Jeff TePoel	Terraces/Tile	\$9,981.00
Steve Brabec	Terraces/Tile	\$7,703.25
Dennis Brabec	W/S Basins	\$10,221.75
Rick Gustafson	Cropground into grass Waterway	\$3,740.63
Ardyth Rockemann	Terraces/Tile	\$9,781.88
Bob Dauel	Terraces/Tile	\$10,712.70
<b>TOTAL:</b>		<b>\$188,334.30</b>

Motion carried on consent agenda.

e. Sand/Duck Creek Cost-Share Payments

Pieke made the motion, seconded by Vrana, to approve the following Sand & Duck Creek payment:

			Approved	Actual
08-S&D-21	Marvin Fujan	Terraces/Tile (25%)	\$8,365.00	\$3,387.54
08-S&D-22	Wilber Otte	Terraces/Tile (25%)	\$1,900.00	\$1,141.43
09-S&D-2	Velgene Karstens	Septic System upgrade	\$3,300.00	\$3,300.00

Motion carried on consent agenda.

f. Sand/Duck Cancellations - None

2. WATERSHEDS

a. Locally Led Landowner Groups

1. Shell Creek Watershed Improvement Group (SWIG)- Update Given

2. Support of Environmental Trust Applications

Pieke made the motion, seconded by Vrana, to submit a letter of support to the Prairieland RC&D/SWIG for applying for additional land treatment grant funds through the Environmental Trust Fund for the Shell Creek Watershed. It was further recommended to submit a letter of support to the Prairieland RC&D for additional Environmental Trust funds for the Nebraska Continuous No-Till Project. Motion carried on consent agenda.

### 3. FSA , EQIP & CRP PLANS SIGNED

Piekie made the motion, seconded by Vrana, to approve the following conservation plans:

<u>Date signed</u>	<u>County</u>	<u>Landowners Name</u>	<u>Legal</u>	<u>Acres</u>	<u>New -or- Rev.</u>	<u>Description Plan</u>
<u>8/3/2009</u>	<u>Butler</u>	<u>Marcel Kovar</u>	<u>3-15-3</u>	<u>40.4</u>	<u>Rev</u>	<u>Managed Haying &amp; Grazing/CRP</u>
<u>8/3/2009</u>	<u>Butler</u>	<u>Gregory Sabata</u>	<u>15-15-3</u>	<u>80.3</u>	<u>New</u>	<u>EQIP Contract Plan</u>
<u>8/5/2009</u>	<u>Butler</u>	<u>Anton Divis</u>	<u>25-16-3</u>	<u>12.2</u>	<u>Rev</u>	<u>Managed Haying &amp; Grazing/CRP</u>
<u>8/6/2009</u>	<u>Butler</u>	<u>Steven Huber</u>	<u>17-16-4</u>	<u>29.2</u>	<u>Rev</u>	<u>Managed Haying &amp; Grazing/CRP</u>
<u>8/7/2009</u>	<u>Butler</u>	<u>Lawrence Stanislay</u>	<u>15-16-4</u>	<u>65.7</u>	<u>New</u>	<u>Organic EQIP Contract</u>
<u>8/26/2009</u>	<u>Butler</u>	<u>Larry Walla</u>	<u>20-17-5</u>	<u>38.9</u>	<u>New</u>	<u>AWEP EQIP Contract</u>
<u>8/26/2009</u>	<u>Butler</u>	<u>Pokorny Living Trust</u>	<u>27-16-2</u>	<u>144.9</u>	<u>New</u>	<u>AWEP EQIP Contract</u>
<u>8/26/2009</u>	<u>Butler</u>	<u>Brian Juranek</u>	<u>32-17-4</u>	<u>39.4</u>	<u>New</u>	<u>AWEP EQIP Contract</u>
<u>8/19/2009</u>	<u>Butler</u>	<u>Randall Fendrich</u>	<u>Multiple</u>	<u>617.9</u>	<u>New</u>	<u>Organic EQIP Contract</u>

Motion carried on consent agenda.

### 4. PLATTE RIVER CORRIDOR ALLIANCE REPORT

#### a. LPRCA Monthly Report - Update Given

### 5. OTHER

#### a. Shell Creek Monitoring Program - USGS

Piekie made the motion, seconded by Vrana, to write a letter of support to the Environmental Trust for USGS's water quality monitoring and public information/education effort on Shell Creek, stating our intent is to provide partnership assistance over the next three years as follows: \$28,500 in 2010; \$29,400 in 2011; and \$30,200 in 2012. Motion carried on consent agenda.

#### b. Sand/Duck Creek 319 Application

Piekie made the motion, seconded by Vrana, to submit the Sand/Duck Creek 319 grant to NDEQ as attached to the Projects Committee Minutes and appoint Assistant Manager Mountford as the grant administrator and authorize him to sign required grant documents. Motion carried on consent agenda.

#### c. Update on COE 205 Studies

##### 1. South Fremont - Update Given

##### 2. Schuyler 205 - Update Given

#### d. District-Wide All Hazard Mitigation Plan - Update Given

#### e. Project Tour - August 31 - Update Given

#### f. Platte Center/Ithaca Disaster Recovery Fund Approvals - Update Given

#### g. Don Kavan's Windbreak Renovation and Restoration Project - Update Given

### 6. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT

#### a. Lake Wanahoo Committee Meeting Review - Update Given

1. Lake Wanahoo Business Review - Update Given

2. SRF Construction Loan - Update Given

3. Contract Payment to Commercial Contractors

Johnson made the motion, seconded by Sabatka, to approve payment request No. 10 to Commercial Contractors, as attached to the Projects Committee Minutes, for Lake Wanahoo Dam Construction in the amount of \$947,372.72 and use SRF funds to pay. Motion carried all members present voting aye.

b. Crop Damage Request - Upstream Sites

Kavan made the motion, seconded by Johnson, to pay the following crop damage payment resulting from site surveying and soil boring:

<u>Steve Callahan</u>	<u>\$120.00</u>	<u>Site 6</u>
<u>Glen Wirka</u>	<u>\$443.63</u>	<u>Site 15</u>
<u>Larry Ourada</u>	<u>\$54.00</u>	<u>Site 15</u>

Motion carried all members present voting aye.

7. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

Pieke made the motion, seconded by Vrana, to hire Dwight Johnson and Associates for \$3,200 to appraise landrights needed for the next three Saunders County properties involved with the Western Sarpy/Clear Creek Project. Motion carried on consent agenda.

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

7. ADDITIONAL ACTION ITEMS

7a. Game and Parks Path Program Contracts

Pieke made the motion, seconded by Boyd, to approve adding four additional tracts on the Wanahoo land into the Nebraska Game and Parks Commission PATH Program bringing the total number of tracts to six. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

Johnson 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

Pieke made the motion, seconded by Vrana, to approve the September consent agenda. Motion carried all members present voting aye. (Casey abstained on item 6.B.6.b.)

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The October Board of Directors Meeting will be held on Monday, October 12, 2009, 7:00 p.m.

Meeting adjourned at 8:55 p.m.

Discussion on all agenda items that have "Update Given" can be found in corresponding Committee Minutes.

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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 September 14, 2009, 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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Robert Hilger, Secretary