

LOWER PLATTE NORTH NRD MINUTES  
BOARD MEETING  
SEPTEMBER 13, 2010

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 7:06 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, September 13, 2010.

**1. NOTICE OF MEETING**

The advanced notice of our September board meeting was published on August 26, 2010 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 (arrived 7:08)
Hilger	Johannes	Kavan
McDermott	Meduna	Pieke
Pollard	Renter	Saalfeld
Sabatka	Taylor	Veskerna
Vrana		

**DIRECTORS ABSENT**

**STAFF AND GUESTS:**

Miyoshi	Mountford	Breunig
Murren	Angle	Heimann

Sign in sheet attached to original minutes.

**3. APPROVAL OF AGENDA**

**4. COMMENTS - ADVISORS/GUESTS/DIRECTORS**

**a. Guest Comments**

**b. NRCS Report**

Roger Reichmuth written report was handed out.

**c. NARD Report**

Director Kavan reminded all Directors about the NARD Fall Conference.

**d. NRC Report**

Director Johannes reported that the Commission has not met since last meeting.

**e. Managers Report**

Manager Miyoshi reviewed his written report.

**f. Education Program - None**

**Item 6.A.2.g. was taken at this time.**

**Director Vacancy Sub-Committee Report**

Sabatka made the motion, seconded by Kavan, to appoint Jim McDermott to fill the vacancy in Sub-District 8, due to the recent death of Director Reitmajer. Motion carried all members present voting aye.

Breunig administered the Oath of Office to Jim McDermott at this time.

**5. APPROVAL OF MINUTES**

Sabatka made the motion, seconded by Meduna, to approve minutes from the August 9, 2010 Board Meeting. Motion carried on consent agenda.

**6. REPORT OF STANDING COMMITTEES**

**A. EXECUTIVE COMMITTEE REPORT**

**1. Meetings**

**a. Pending**

**1. Platte Institute "Water Management Summit" - Update Given**

**2. Water Quality Open - Update Given**

**3. NARD Fall Conference - Kearney - September 27-28 - Update Given**

**4. UNL Water law Conference and Platte River Basin Symposium - 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**

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

**c. NARD Dues**

Pieke made the motion, seconded by Acklie, to pay the FY 2011 NARD dues in the amount of \$19,563.95 as budgeted and attached to the Executive Committee Minutes. Motion carried all members present voting aye.

d. NARD Resolutions for 2010 - Update Given

e. Monthly Education Program - Update Given

f. Kiwanis International - Update Given

g. Director Vacancy Sub-Committee Report

\_\_\_ This item was taken earlier.

**3. Equipment**

a. Adobe Creative Suite 5 Software Upgrade

\_\_\_ Sabatka made the motion, seconded by Meduna, to approve purchasing the Adobe Creative Suite 5 Software Upgrade at a cost of \$599. Motion carried on consent agenda.

**4. Personnel**

a. Barlean Request - Update Given

b. RW/O&M Technician Position

\_\_\_ Meduna made the motion, seconded by Sabatka, to ratify the hiring of Andrew Eckstien for the O&M/RW Technician Position. Motion carried all members present voting aye.

**5. Finance**

a. Approval of Financial Report

\_\_\_ Sabatka made the motion, seconded by Meduna, to approve the June Financial Report as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

\_\_\_ Sabatka made the motion, seconded by Meduna, 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. Budget Increase Discussion

\_\_\_ At Budget discussions last month and during Executive Committee (with several Projects Committee Members present) taxing an extra one cent for loan payments was discussed. One cent will raise \$550,137 in revenue and would take us to a .054062 taxing rate (.055000 is the maximum rate we can tax). Johannes made the motion, seconded by Hilger, to not tax an extra one cent for paydown on our land note. Motion carried.

\_\_\_ AYE: Bailey, Casey, Eden, Hilger, Johannes, Pieke, Pollard, Sabatka, Taylor, Veskerna, Vrana

\_\_\_ NAY: Acklie, Boyd, Hannah, Kavan, Meduna, Renter, Saalfeld

\_\_\_ ABSTAIN: McDermott

**e. Approval of Fiscal Year 2011 Budget**

Meduna made the motion, seconded by Sabatka, to approve the FY 2011 Budget as presented during budget hearing with one amendment as directed in the previous motion. The FY2011 budget includes \$13,337,987 in expenses and \$2,424,000 in property taxes. Motion carried.

AYE: Bailey, Casey, Eden, Hilger, Johannes, Pieke, Pollard, Sabatka, Taylor, Veskerna, Vrana

NAY: Acklie, Boyd, Hannah, Kavan, Meduna, Renter, Saalfeld

ABSTAIN: McDermott

**f. Setting the Property Tax Rate for F.Y. 2011**

Johannes made the motion, seconded by Sabatka, to set the F.Y. 2011 property tax rate at .044062. Motion carried.

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

NAY: Hannah

ABSTAIN: McDermott

**g. Annual Audit - Update Given**

Sabatka made the motion, seconded by Meduna, 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**

Sabatka made the motion, seconded by Meduna, to approve a CREP payment of \$72.16 to the Tim & John Gronenthal Trust on 4.4 acres in Platte County. Motion carried on consent agenda.

**2. OPERATION AND MAINTENANCE**

**a. Operation and Maintenance - Update Given**

**b. South Fremont 205 Feasibility Study - Update Given**

**c. Czechland and Homestead Rec Areas - Update Given**

**d. Lower Platte Weed Management - Update Given**

**e. Elkhorn Breakout - Elkhorn River - Update Given**

**f. Cottonwood Dam 41-A**

Boyd made the motion, seconded by Renter, to have staff work with the contractor and landowner to renovate the surface of Cottonwood Dam #41A at a cost not to exceed \$5,000, it was further recommended to send a letter to the landowner informing him of the new work

and that any future repairs due to his livestock or negligence will be at his expense. Motion carried.

AYE: Bailey, Boyd, Casey, Hilger, Johannes, McDermott, Meduna, Pieke, Pollard, Renter, Sabatka, Saalfeld

NAY: Acklie, Eden, Hannah, Kavan, Taylor, Veskerna, Vrana

**g. Conservation Tree Program**

Sabatka made the motion, seconded by Meduna, to approve and sign an Inter-local Agreement between the District and NARD for the purchase of conservation trees. Motion carried on consent agenda.

Sabatka made the motion, seconded by Meduna, to increase the price of our Conservation tree prices 05¢, making hand plants 70¢ and the machine planting service \$1.30/tree. Motion carried on consent agenda.

h. Financial Review -Update Given

**3. ROCK AND JETTY**

**a. Payment Requests**

Sabatka made the motion, seconded by Meduna, to pay Ames D & D \$1,564 for Rock and Jetty Work dealing with a previous commitment and motion made last fiscal year in assistance with engineering and legal fees in moving a pond from the toe of their levee along the Platte River. Motion carried on consent agenda.

**b. Other Rock & Jetty Issue**

Boyd made the motion, seconded by Eden, to send a register letter to Robert Foral asking him to repay the District \$1,725 for Rock and Jetty Payments made in 2008 & 2009 due to suspected falsified invoices. Mr. Foral will be banned from District programs and if restitution is not paid in full by October 30, 2010 this issue is to be turned over to the Colfax County Sheriff. Motion carried all members present voting aye.

4. EROSION & SEDIMENT RULES & REGULATIONS - Update Given

**5. INFORMATION & EDUCATION**

**a. Information**

**1. KTIC Ads - Update Given**

**2. Tree Booklet - Website - Update Given**

**3. Water Brochures - Update Given**

**b. Education**

**1. Land Judging- Update Given**

2. Water Sampling Project - Update Given

c. Computer

1. NARD - Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water - Update Given

b. Colon/Wahoo Rural Water System - Update Given

c. Bellwood/Richland - Update Given

d. Backflow License (Grade 6) - Update Given

e. Other - Update Given

Sabatka made the motion, seconded by Meduna, 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. Variance Request for Limited Development (Hydrologically Connected) Area

a. August Variance Requests - Update Given

b. Ranking Regions for Limited Development Areas - Update Given

c. Additional Acres for 2011 - Update Given

2. Well Permit Program

a. Well Permits Approved - Update Given

3. Cost-Share Programs

a. Irrigation Well Sample Kits - Update Given

b. Domestic Well Sample Kits - Update Given

c. NAWMDN Water Mark Sensors and ET Gauges - Update Given

d. Phase 2 Area - Flow Meter Cost-Share - Update Given

4. LPNNRD Certification Classes - Update Given

5. Bellwood Phase II Area - Update Given

6. Richland/Schuyler Phase II Area - Update Given

7. 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

Sabatka made the motion, seconded by Meduna, to approve cost-share payment to decommission the two domestic wells for Charles McEvoy for \$652.50. 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

5. Farm Process Package of MODFLOW - Update Given

c. Ground Water Energy Levels - Update Given

d. Ground Water Quality - Update Given

e. Platte River Uplands Subarea - Update Given

f. Lindsay Wellhead Protection Area - Update Given

**3. SURFACE WATER**

a. State Lakes

1. Bacteria Sampling - Update Given

2. Toxic Algae - Update Given

**4. OTHER**

**a. Comments from the Public - Update Given**

Sabatka made the motion, seconded by Meduna, 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**

Sabatka made the motion, seconded by Meduna, to approve the following SWCP applications:

			75%	50%
Bryce Grotelueschen	Colfax Co.	W&S Basins	\$10,000.00	
Merlin Grotelueschen	Colfax Co.	W&S Basins	\$10,000.00	
Willard Witte	Saunders Co.	Flow Meter		\$668.00
Anthony Prochaska	Butler Co.	Terraces/Tile	\$5,349.00	
Dennis Stara	Butler Co.	W&S Basins	\$5,615.00	
Kathline Pavel	Butler Co.	Terraces/Tile	\$10,000.00	
Total:			\$40,964.00	\$668.00

Motion carried on consent agenda.

**b. SWCP Payments**

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

			Approved \$	Payment
10-Bo-2	Seier Bros.	Flow Meter	\$678.00	\$625.00
10-S-12	Kragh Johnson	Cropground/Grass	\$662.87	\$371.00

Motion carried on consent agenda.

**c. SWCP Cancellations - Update Given**

**d. Sand/Duck Creek Approvals**

Sabatka made the motion, seconded by Meduna, to approve the following Sand/Duck Creek application:

		75%	25%	15% (SWCP)
James Vech	Terraces/Tile		\$10,595.26	\$4,876.41
Tom Holtorf	Terraces/Tile	\$17,015.72		\$3,401.77
Hunter Farm Service	Septic System	\$3,300.00 (60%)		

Motion carried on consent agenda.

**e. Sand/Duck Creek Cost-Share Payments - Update Given**

**f. Sand/Duck Cancellations - None**

**2. WATERSHEDS**

**a. Shell Creek**

**1. Shell Creek Improvement Group - Update Given**



**2. Continued Illegal Manure Dumping in Shell Creek - Update Given**

**b. Wahoo Creek Watershed Plan - Update Given**

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

Sabatka made the motion, seconded by Meduna, to approve the following CRP Plan revisions:

<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>8/2/2010</u>	<u>Butler</u>	<u>Frank Ptacek</u>	<u>22 &amp; 27-15-4</u>	<u>12.7</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/2/2010</u>	<u>Butler</u>	<u>Frank Ptacek</u>	<u>22-15-4</u>	<u>9.5</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/5/2010</u>	<u>Butler</u>	<u>Don Yindrick</u>	<u>19-15-4</u>	<u>7</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/5/2010</u>	<u>Butler</u>	<u>Don Yindrick</u>	<u>19-15-4</u>	<u>7</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/16/2010</u>	<u>Butler</u>	<u>Kment Irr Family Trust</u>	<u>34-17-3</u>	<u>13.8</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/17/2010</u>	<u>Butler</u>	<u>Sylvester Kovar</u>	<u>10-15-3</u>	<u>16</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
		<u>Doug Matulka/Leonard</u>				
<u>8/19/2010</u>	<u>Butler</u>	<u>Benes</u>	<u>12-15-1</u>	<u>59.9</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/24/2010</u>	<u>Butler</u>	<u>Ben Divis</u>	<u>35-16-4</u>	<u>48.5</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/25/2010</u>	<u>Butler</u>	<u>Douglas Spale</u>	<u>9-16-1</u>	<u>31.9</u>	<u>New</u>	<u>CSP Contract</u>
<u>8/26/2010</u>	<u>Butler</u>	<u>Mark Maguire</u>	<u>5-16-4</u>	<u>38.1</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/27/2010</u>	<u>Butler</u>	<u>Donald Zima</u>	<u>22-16-4</u>	<u>6.8</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>
<u>8/27/2010</u>	<u>Butler</u>	<u>Donald Zima</u>	<u>22-16-4</u>	<u>7</u>	<u>Rev</u>	<u>CRP Haying &amp; Grazing</u>

Recommendation Carried. \*

**4. LOWER PLATTE RIVER CORRIDOR ALLIANCE**

**a. Monthly Report - Update Given**

**1. Environmental Suitability Assessment - Update Given**

**2. LPRCA Summit - Update Given**

**3. River Obstruction Removal - Update Given**

**4. Water Quality Open - Update Given**

**5. OTHER**

**a. Platte Center Elm Creek South Bank Stabilization Project Assistance - Update Given**

**b. Update on Army COE 205 Studies**

**1. South Fremont - Update Given**

**2. Schuyler 205 - Update Given**

**c. David City Northwest Drainage Project**

Sabatka made the motion, seconded by Meduna, to approve up to a \$2,500 final payment to David City for work completed on the "C" Street Project, subject to receiving a final bill for work completed. Motion carried on consent agenda.

**d. Levee Repair Project (South of Platte Center) - Update Given**

**e. Sand/Duck Cree 319 Grant - UNL Extension Final Report & Payments**

Sabatka made the motion, seconded by Meduna, to submit the final UNL payment of \$7,457.29, subject to receiving their final report covering the grant period October 1, 2007 through June 30, 2010. Motion carried on consent agenda.

**f. Review Projects Financial Statement - Update Given**

**6. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT**

**a. Lake Wanahoo**

**1. Committee Meeting Business - Update Given**

**2. Handicap Fishing Pier**

Hannah made the motion, seconded by Meduna, to advertise for bids to complete the sidewalk component of the Lake Wanahoo Handicap Fishing Pier Project. It was further moved to order the docks from Hotwoods and have Saunders County move forward on driving the pilings as presented. Motion carried all members present voting aye.

**3. Inverted Filter Wanahoo Channel**

Sabatka made the motion, seconded by Meduna, to advertise for bids to complete the Inverted Filter Project at Lake Wanahoo. Motion carried on consent agenda.

**b. Sand/Duck Creek Structures**

**1. Payment to COE**

Hannah made the motion, seconded by Meduna, to make \$48,743 cash payment to the US Army Corps of Engineers as our Non-Federal requirements to build the 5 upstream wetland dams. Motion carried all members present voting aye.

**2. Approval of Appraisals and Easements**

Hannah made the motion, seconded by Casey, to go into Executive Session at 9:20 p.m. to discuss landright negotiations on the Sand/Duck Creek Structures. Motion carried all members present voting aye.

Hannah made the motion, seconded by Sabatka, to go out of Executive Session at 9:35 p.m. Motion carried all members present voting aye.

Pollard made the motion, seconded by Pieke, to authorize the Lower Platte North NRD to acquire permanent easements and/or fee title in the seven (7) Upstream Dams, known as the Sand Creek Project, in conjunction with the Lake Wanahoo Project. That said easements/fee title shall consist of Permanent Pool, Temporary Flood Pool, and Ingress/Egress. That the managerial staff of the Lower Platte North NRD is authorized to negotiate the acquisition of said easements/fee title, pursuant to authorized appraisals. Any amount given in excess of the authorized appraisals for said easements/fee title shall be subject to approval by the Board of Directors of the Lower Platte North NRD. Motion carried all members present voting aye.

**7. WESTERN SARPY/CLEAR CREEK LEVEE REPORT**

**a. Project Update - Update Given**

**b. Project Easements - Update Given**

**c. FY 2011 Project Payment to PMRNRD**

Hannah made the motion, seconded by Sabatka, to approve the FY 2011 Western Sarpy/Clear Creek Project annual payment of \$150,000 to Papio Missouri River NRD. Motion carried.

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

ABSTAIN: McDermott

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

**7. ADDITIONAL ACTION ITEMS**

**7a. Decommissioned Well Cost-Share Payment**

Vrana made the motion, seconded by Pieke, to approve the following Decommissioned Well Cost-Share Payment:

John Paul Smith 18" irrigation well Saunders Co. \$575.66

Motion carried all members present voting aye.

**7b. Renew Path Program Contracts - Attachment**

Vrana made the motion, seconded by Pieke, to approve the attached path program contracts on the Lake Wanahoo site and authorize Manger to sign said contracts. Motion carried all members present voting aye.

**8. BILLS TO BE APPROVED**

Pieke made the motion, seconded by Meduna, 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 Meduna, to approve the September consent agenda as amended. Motion carried all members present voting aye.

**10. COMMENTS FROM DIRECTORS/GUESTS**

**11. MEETING ESTABLISHMENT AND ADJOURNMENT**

The October Board of Directors Meeting will be held on Monday, October 11, 2010, 7:00 p.m.

Meeting adjourned at 9:55 p.m.\_\_\_\_\_

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

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 13, 2010, 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