

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
September 12, 2011**

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 7:10 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, September 12, 2011.

1. NOTICE OF MEETING

The advanced notice of our September board meeting was published on August 25, 2011 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

In the absence of Chair Pieke, Vice-Chair Hilger assumed the duties of the Chair and 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	Hagerbaumer	Hannah
Hilger	Kavan	McDermott
Meduna	Pollard	Ruzicka
Saalfeld	Sabatka	Taylor
Veskerna		

DIRECTORS ABSENT

Johannes	Pieke
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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

b. NRCS Report

Mark Walkenhorst was present to give the NRCS/NRD Report for September Board Meeting.

c. NARD Report

Kavan reported on the upcoming Fall Conference September 25-27 in Kearney, NE.

d. NRC Report

The Commission will meet September 27th in conjunction with NARD Fall Conference.

e. Managers Report

Manager Miyoshi reviewed his written report.

g. Education Program

None

Item 6.D.5 a.2. Schuyler 205 Project was taken at this time.

Acklie made the motion, seconded by Casey, to approve the following as attached to the Projects Committee Minutes:

1. Approve General Manager Miyoshi to send a Letter of Intent for moving forward with the Schuyler 205 Project.
2. Authorize LPNNRD Treasurer Meduna to sign the Non-Federal Sponsor's Self-Certification of Financial Capability for Decision Documents.
3. Authorize LPNNRD Treasurer Meduna to sign the Non-Federal Sponsor's Self-Certification of Financial Capability for Agreements.
4. Authorize General Manager Miyoshi to sign the Project Partnership Agreement between COE, Schuyler and LPNNRD. Motion failed.

AYE: Acklie, Boyd, Casey, Hagerbaumer, Hilger, Saalfeld, Veskerna

NAY: Hannah, Kavan, McDermott, Meduna, Pollard, Ruzicka, Sabatka,

ABSTAIN: Bailey and Taylor

5. APPROVAL OF MINUTES

Ruzicka made the motion, seconded by Meduna, to approve minutes from the August 8, 2011 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. Water Law Conference – Update Given
2. UNL Water Law Conference – Update Given
3. UNL Climate, Water and the Environment Conference – Update Given

b. Reports – None

2. Management Items

a. Directors Absence

Ruzicka made the motion, seconded by Meduna, to approve Hagerbaumer's excuse of absence from the July Board Meeting as attached to the Executive Committee Minutes. Motion carried on consent agenda.

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Ruzicka made the motion, seconded by Meduna, to approve payment of \$3,000 to Bob Weaver for August services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

c. Wanahoo Financing Report

Taylor made the motion, seconded by Meduna, that we go into executive session at 8:10 p.m. to discuss:

1. The Lake Wanahoo Dam Construction contract and potential litigation on resolution of payment requests.

2. Lake Wanahoo financing and potential litigation on partner financing and ask that staff members Miyoshi, Murren and Mountford remain. Motion carried all members present voting aye

Saalfeld made the motion, seconded by Acklie, to come out of closed session at 8:28 p.m. Motion carried all members present voting aye.

d. Monthly Education Program - None

e. Sub-District Vacancy – Update Given

f. Colfax County Tax Refund

Ruzicka made the motion, seconded by Meduna, to authorize the Black Hills NEB Gas utility Co. property tax refund in Colfax County and specify that the refund come out of our August tax receipts. Motion carried on consent agenda.

g. Settlement with Wanahoo Dam Contractor – Update Given

h. Re-Districting – Update Given

i. Staff Attendance At Board Meeting – Update Given

j. Additional Action Items – Update Given

k. ASA Visit – Update Given

3. Equipment - None

4. Personnel

a. NRCS CTA (conservation technical assistance) Position – Update Given

5. Finance

a. Approval of Financial Report – Update Given

b. Approval of Managers Expenses

Ruzicka 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. Monthly Accounting Update – Update Given

e. Approval of Budget

Hannah made the motion, seconded by Acklie, to approve the FY 2012 Budget as presented at the Budget Hearing (just prior to the board meeting). Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Hannah, Kavan, Meduna, Pollard, Ruzicka, Saalfeld, Veskerna
NAY: Hagerbaumer, Hilger, McDermott, Sabatka, Taylor

f. Set Property Tax Levy Rate

Acklie made the motion, seconded by Saalfeld, to set the F.Y. 2012 Property Tax Levy Rate at .054850. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Hagerbaumer, Hannah, Kavan, McDermott, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna
NAY: Hilger, Taylor

Ruzicka 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

Ruzicka made the motion, seconded by Meduna, to pay Tim & John Gronenthal \$72.16 for their CREP contract 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 Camper Pads

Acklie made the motion, seconded by Saalfeld, to hire Lierman Excavating to install 3 or 4 non-electrical camper pads at Czechland for a total cost of \$3,400. Motion carried on consent agenda.

d. Hail Damage to Office & Out Building

Meduna made the motion, seconded by Hagerbaumer, to accept the low bid of \$8,500 (50 year shingles) from R&M roofing to replace the shingles on the office and tree cooler. Motion carried all members present voting aye.

e. Grass Drills – Update Given

f. Watershed Dams

Ruzicka made the motion, seconded by Meduna, to hire Lierman Excavating to clean the water way below Swedeburg B-1 at a price of \$1,800. Motion carried on consent agenda.

g. Emergency Action Plans (EAP) – Update Given

h. Forest Service Tree Prices – Update Given

i. Sell Tahoe

Ruzicka made the motion, seconded by Meduna, to have staff determine a selling price for the Tahoe and proceed to sell it. Motion carried on consent agenda.

j. Budget Review

3. ROCK AND JETTY

a. Applications – Update Given

b. Payment Requests – None

4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads – Update Given

2. Newsletter Printing – Update Given

3. Fremont Lake Project – Update Given

4. County Fairs – Update Given

b. Education

1. GPS Activity for Kids Summer Institute – Update Given

2. David City Ag Classes

3. Land Judging Contests

c. Computers

1. GIS Server – Update Given

2. Mobile Websites – Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water – Update Given

b. Colon/Wahoo Rural Water System – Update Given

c. Mead

Veskerna made the motion, seconded by Meduna, to have the General Manager sign the Interlocal agreement with the Village of Mead. It was further recommended to waive the normal bidding procedures for amounts over the \$5,000 threshold and to sign the contract with JEO to complete a feasibility study reviewing the possibility of using the NEARNG treatment plant as a source of water for the Village of Mead for the amount of \$6,000. Motion carried.

AYE: Bailey, Boyd, Hagerbaumer, Hannah, Hilger, Kavan, McDermott, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna

NAY: Acklie

ABSTAIN: Casey

d. Other – Update Given

Ruzicka 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. PRESENTATION FROM MARK ADAMS OF WASTE CONNECTIONS, INC.

a. Proposed Landfill South of Mead

Mark Adams from Waste Connections gave a presentation at Water Committee on the proposed landfill and presented a letter. The response letter is attached to the Water Committee Minutes.

2. REGULATORY

a. GROUNDWATER MANAGEMENT AREA

1. Variance Requests for Limited Development (Hydrologically Connected) Area

a. August Variance Requests – Update Given

b. Limited Development Areas

Ruzicka made the motion, seconded by Meduna, to conditionally approve the following variance requests:

<u>Variance</u>	<u>Landowner</u>	<u>Acres</u>	<u>Field Legal Description</u>	<u>Well Legal Description</u>	<u>County</u>
<u>LPN-V-011-0111</u>	<u>Scott Lyon</u>	<u>66</u>	<u>W1/2 of NE1/4, S6, T21N, R4W</u>	<u>new well in Center of NE1/4, S6, T21N, R4W</u>	<u>Madison</u>
<u>LPN-V-011-0112</u>	<u>Gerald Hoelscher</u>	<u>3</u>	<u>SW1/4 of NW1/4, S13, T17N, R3E</u>	<u>existing well in SE1/4 of NW1/4, S3, T17N, R3E</u>	<u>Colfax</u>
<u>LPN-V-011-0113</u>	<u>Jay Jedlicka</u>	<u>33</u>	<u>SW1/4 of SE1/4, S12, T17N, R2E</u>	<u>existing well in NW1/4 of SE1/4, S12, T17N, R2E</u>	<u>Colfax</u>
<u>LPN-V-011-0114</u>	<u>GLC Inc.</u>	<u>95</u>	<u>Portions of the SW1/4 and portions of SE1/4, S13, T16N, R1E</u>	<u>new well in SE1/4 of SW1/4, S13, T16N, R1E</u>	<u>Butler</u>

and as shown on the attached maps and to use 197.0 acres from the 2009 – 2010 acre allotment. Motion carried on consent agenda.

2. Well Permit Program

a. Well Permits Approved - Update Given

b. Lindsay Manufacturing - Update Given

3. Cost-Share Programs

a. Irrigation Well Sample Kits - Update Given

b. Domestic Well Sample Kits - Update Given

c. Cost-Share from 319 Grant for Phase 2 Groundwater Management Area – Update Given

4. **LPNNRD Certification Classes - Update Given**
5. **Bellwood Phase II Area - Update Given**
6. **Richland/Schuyler Phase II Area - Update Given**
- b. **Chemigation - Update Given**
- c. **Livestock Waste Permits - Update Given**
3. **GROUND WATER PROGRAMS**
 - a. **Decommissioned Well Program**
 1. **Well Estimates - Update Given**
 2. **Plugged Wells**

Ruzicka made the motion, seconded by Meduna, to approve cost share payment to decommission the irrigation well for Robert Shemek for \$265.28. 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)**
 4. **Eastern Nebraska HEM Aquifer Mapping - Update Given**
 5. **Farm Process (FMP) Package of MODFLOW – Update Given**
 6. **Todd Valley – Weston Sub-Area Ground Water Modeling**

Saalfeld made the motion, seconded by McDermott, to approve the Todd Valley – Weston Subarea Ground Water Modeling study contingent on obtaining grant funding with a proposed total budget of \$105,565 over three years. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Hagerbaumer, Hannah, Kavan, McDermott, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna

NAY: Hilger
 7. **Recharge Study – Shell Creek Watershed - Update Given**
 - c. **Ground Water Quality Sampling - Update Given**
 - d. **Ground Water Energy Levels – Update Given**
4. **SURFACE WATER PROGRAMS**
 - a. **State Lakes**
 1. **Bacteria Sampling – Update Given**

2. Toxic Algae – Update Given

5. OTHER

a. Equipment Purchase/Repairs – Update Given

b. Comments from the Public - Update Given

Ruzicka made the motion, seconded by Meduna, that the September LPNRRD 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

Ruzicka made the motion, seconded by Meduna, to approve SWCP applications as attached to the Projects Committee Minutes. Motion carried on consent agenda.

b. SWCP Payments

Ruzicka made the motion, seconded by Meduna, to approve the following SWCP payment:

			<u>Approved</u>	<u>Payment</u>
<u>11-S-3</u>	<u>Janecek Trust</u>	<u>Flow Meter</u>	<u>\$642.50</u>	<u>\$525.00</u>

Motion carried on consent agenda.

c. Sand/Duck Creek Approvals

Ruzicka made the motion, seconded by Meduna, to approve the Sand/Duck applications as attached to the Projects Committee Minutes. Motion carried on consent agenda.

e. Sand/Duck Creek Cost-Share Payments

Ruzicka made the motion, seconded by Meduna, to approve the following Sand/Duck Creek payment:

		<u>Approved</u>	<u>25% Grant</u>	<u>15% SWCP</u>
<u>10-S&D-10</u>	<u>David Sloup Terraces/Tile</u>	<u>\$4,603.75</u>	<u>\$4,121.41</u>	<u>\$2,472.85</u>

Motion carried on consent agenda.

2. WATERSHEDS

a. Shell Creek

1. Shell Creek Improvement Group – Update Given

b. Wahoo Creek

1. Wahoo Creek Watershed Water Quality Plan Payment Request

Meduna made the motion, seconded by Acklie, to approve to pay JEO invoices of \$2,154.50 and \$6,773.23 for contract work completed on the Wahoo Creek Watershed Water Quality Plan. Motion carried.

AYE: Acklie, Bailey, Boyd, Hagerbaumer, Hannah, Hilger, Kavan, McDermott, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna

ABSTAIN: Casey

Ruzicka made the motion, seconded by Meduna, to authorize Assistant Manager Mountford to submit a NDEQ grant application for the Wahoo Creek Watershed as attached to the Projects

Committee Minutes and authorize Assistant Manager Mountford to sign necessary grant documents on behalf of the District. Motion carried on consent agenda.

3. FSA , EQIP & CRP PLANS SIGNED – Update Given

4. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report - Update Given

Attached to the Projects Committee Minutes find the Lower Platte River Corridor Alliance Monthly Report. Meghan Sittler gave a report on Alliance activities and answered questions on the Alliance Budget.

5. OTHER

a. Update on Army COE 205 Studies

1. South Fremont 205 – Update Given

2. Schuyler 205 – This item was taken earlier

6. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo Committee Minutes

1. Design

a. CCEI Update

b. Lake Level Management – Update Given

c. Additional Service Bill from Olsson Associates

Veskerna made the motion, seconded by Hannah, to approve the \$108,541.12 invoice for additional services from Olsson Associates for completing Lake Wanahoo construction. Motion carried.

AYE: Acklie, Bailey, Boyd, Casey, Hagerbaumer, Hannah, Hilger, McDermott, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Veskerna

NAY: Kavan

d. Monitoring Proposal for Lake Wanahoo from Olsson Associates – Update Given

2. COE Recreation Construction – Update Given

3. Project Activities – Update Given

4. Next Meeting – Update Given

7. WESTERN SARPY/CLEAR CREEK LEVEE REPORT – Update Given

Ruzicka 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 - None

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Ruzicka made the motion, seconded by Meduna, to approve the September consent agenda. 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 10, 2011, 7:00 p.m.

Meeting adjourned at 10:05 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 12, 2011, 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.

William Taylor, Secretary