

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
September 10, 2012**

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 6:00 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, September 10, 2012.

1. NOTICE OF MEETING

The advanced notice of our September board meeting was published on August 23, 2012 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Vice Chair Hilger 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:

Birkel	Casey	Clausen
Hagerbaumer	Hannah	Hilger
Johannes	Kavan	Meduna
Olson	Pollard	Ruzicka
Saalfeld	Sabatka	Veskerna

DIRECTORS ABSENT

Bailey	McDermott	Taylor
Pieke		

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Oaklund	Gottschalk

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 and reviewed the NRCS written report.

c. NARD Report

Kavan reported that that NARD Fall Conference will be held in Kearney on September 24-25.

d. NRC Report

Johannes reported that the next Commission Meeting is immediately following the NARD Fall Conference in Kearney.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

5. APPROVAL OF MINUTES

Ruzicka made the motion, seconded by Saalfeld, to approve the minutes from the August 13, 2012 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. NARD Fall Conference - September 24-25, Kearney – Update Given

2. Water Science Practice & Policy and Water Law Conference – Update Given

b. Reports – None

2. Management Items

a. Directors Absence

Ruzicka made the motion, seconded by Saalfeld, to approve Director Ruzicka’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 Saalfeld, to approve payment of \$3,100 to Bob Weaver for August services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

c. Wanahoo Dam Spillway – Update Given

d. Monthly Education Program

e. Lake Wanahoo Finances

Saalfeld made the motion, seconded by Meduna, to ratify the July payment to Rembolt-Ludtke in the amount of \$5,635.96. Motion carried.

AYE: Birkel, Casey, Clausen, Hagerbaumer, Hannah, Hilger, Johannes, Kavan, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka

ABSTAIN: Veskerna

Birkel made the motion, seconded by Olson, to approve the Lake Wanahoo Settlement Agreement and Release as presented and attached to the Executive Committee Minutes if all parties have signed the agreement by September 25th. It was further recommended to authorize the board Chair to sign on behalf of LPNDRD. Motion carried all members present voting aye.

f. NARD Resolutions – Update Given

g. CCEI Lawsuit

Last month we authorized an offer to Olsson Associates to narrow the scope of the CCEI lawsuit,

which has been accepted. Legal Counsel Lausterer was present to discuss the details. Casey made the motion, seconded by Ruzicka, to:

- a. Approve the settlement agreement with Olsson Associates and authorize the board chair to sign this agreement.
- b. Approve voluntary dismissal with prejudice of paragraphs seven through twelve of the LPNRRD's counterclaim against Commercial Contractors Equipment, Inc.
- c. Approve legal counsel taking all action necessary in furtherance of the LPNRRD's motion for summary judgment and in defense of CCEI's motion for summary judgment pertaining to the remaining liquidated damage claims. Motion carried all members present voting aye.

Meduna made the motion, seconded by Saalfeld, to make payment of \$30,700 to Olsson Associates for work performed below the Wanahoo Dam. Motion carried all members present voting aye.

Ruzicka made the motion, seconded by Saalfeld, to ratify payment of \$2,750 to Bromm-Lindahl Freeman-Caddy & Lausterer for July legal expense for the CCEI Lawsuit. Motion carried on consent agenda.

h. Closed Session Checklist – Update Given

i. NIROC Funding Request - Update Given

j. Water Leaders Academy – Update Given

3. Equipment - None

4. Personnel – None

5. Finance

a. Approval of Financial Report – Update Given

b. Approval of Managers Expenses

Ruzicka made the motion, seconded by Saalfeld, 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. Union Bank Accounts

Last month it was authorized to move all of our banking accounts to Union Bank. Saalfeld made the motion, seconded by Casey, to ratify moving all LPNRRD banking accounts to Union Bank, which includes:

1. Checking Account
2. Money Market Account
3. Authorizing Business Banking On Line
4. Visa Credit Cards
5. Authorize ACH Transactions
6. Authorize Wire Transfers
7. Authorize Web Cash Manager

8. Authorize NPAIT ACH/Wiring Agreement
9. Authorize Corporate Resolution
10. Authorize Lake Wanahoo Loan (in the amount of \$12,622,612)
11. Authorize Line of Credit (in the amount of \$1,100,000 dropping to \$400,000 by June 30, 2013)

It is further recommended to authorize these eleven items and approve the named LPNNRD officers and staff to sign all necessary forms, resolutions, agreements and releases as required by Union Bank. Motion carried all members present voting aye.

f. F.Y 2013 Tax Levy

As attached to the Executive Committee Minutes find the 2012 (for F.Y. 2013) valuations that have been received from our 7 counties with valuations being up 8.5% from last year. The levy hearing was held at 5:00 p.m. on September 10, 2012 at the LPNNRD office in Wahoo. Ruzicka made the motion, seconded by Sabatka, to set the 2012 (F.Y. 2013) Tax Levy for Lower Platte North NRD at .054863 as shown on the attached state budget forms. Motion carried all members present voting aye.

Ruzicka made the motion, seconded by Saalfeld, that the September LPNNRD Executive Committee Minutes be received and placed on file. Motion carried on consent agenda.

B. OPERATIONS, EDUCATION & RURAL WATER COMMITTEE REPORT

1. WHIP/WILD NE REPORT

a. Payments & Information – Update Given

2. OPERATION AND MAINTENANCE

a. Operation and Maintenance - Update Given

b. South Fremont 205 Feasibility Study

c. Revenue from Grass Drills – Update Given

d. Haying Czechland and Homestead 2012 – Update Given

e. Equipment

Ruzicka made the motion, seconded by Saalfeld, to advertise and sell the 3-point posthole digger and the 6' Box scraper. Motion carried on consent agenda.

f. Renovation of Cottonwood 42-A – Update Given

g. Rawhide Creek Maintenance

Ruzicka made the motion, seconded by Hagerbaumer, to proceed with the renovation of the retaining wall on Rawhide Ditch 8 by hiring Thompson Construction (\$14,800), purchasing the additional sheet piling (\$12,603.48) and selling any additional sheet piling. Motion carried all members present voting aye.

3. ROCK AND JETTY

a. Applications - None

b. Payment Requests - None

4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads – Update Given

2. Long Range Plan – Update Given

3. NRD Outdoor Recreation Areas Brochure – Update Given

4. Husker Harvest Days – Update Given

b. Education

1. Land Judging – Update Given

c. Computers

1. MAC OS Update – Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water – Update Given

b. Colon/Wahoo Rural Water System – Update Given

c. Mead – Update Given

d. Other – Update Given

Ruzicka made the motion, seconded by Saalfeld, that the September LPNNRD Operations, Education 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. 2012 Drought Conditions – Update Given

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

a. August Variance Requests – Update Given

b. Limited Development Areas - Update Given

3. Well Permit Program

a. Well Permits Approved - Update Given

b. Pending Well Permits

Ruzicka made the motion, seconded by Saalfeld, to allow the transfer of 100 surface water acres to 100 ground water acres and approve the well permit for Rick Beranek in the NE1/4, Section 20, T13N, R9E with the additional well permit condition that Rick Beranek has to relinquish his surface water rights with the Department of Natural Resources. Motion carried on consent agenda.

4. Extension of LPNNRD Ground Water Management Area Rules and Regulations

Ruzicka made the motion, seconded by Saalfeld, to schedule a Public Hearing at the Lower Platte North NRD office for 4:00 pm on September 26, 2012 to hear comments from the public concerning the extension of the Lower Platte North NRD Ground Water Management Area Rules and Regulations as allowed under LB483. Motion carried on consent agenda.

5. Voluntary Integrated Water Management Plan – Update Given

6. 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. Cost-Share from 319 Grant for Phase 2 Ground Water Management Area

Ruzicka made the motion, seconded by Saalfeld, to approve cost share payment for a flow meter of \$705.73 to R. Dean Bliss. Motion carried on consent agenda.

7. LPNNRD Certification Classes – Update Given

8. Bellwood Phase 2 Area

9. Richland/Schuyler Phase II Area - Update Given

10. Check of Water Quality Well Sampling Results in Phase 2 Areas – Update Given

11. Certifying Acres

Johannes made the motion, seconded by Pollard, to issue Cease & Desist Orders to three landowners who have failed to fully provide necessary records to certify their irrigated acres if required information is not returned to the Lower Platte North NRD by the close of business September 11, 2012. The Landowners are John and Kimberly Kobza, Pieke-Goodman Farms, LLC and Leander Rerucha. Motion carried all members present voting aye.

12. Irrigation Runoff Complaint – 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 – Update Given

b. LPNNRD Ground Water Studies

1. LPNNRD Platte River Ground Water Model – Update Given

2. Elkhorn Loup Model (ELM)

Ruzicka made the motion, seconded by Saalfeld, to support the Lower Elkhorn NRD grant proposal to the Environmental Trust Fund for the "Integrated Water Budgets in East-Central Nebraska Drainage Basins" for in-kind services provided by staff of Lower Platte North NRD that would total up to \$4,000. Motion carried on consent agenda.

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

c. Ground Water Energy Levels – Update Given

1. Future Monitoring Wells – Update Given

2. Wann Basin Measurements – Update Given

d. Ground Water Quality

1. Statewide Network – Update Given

2. Monitoring Wells – Update Given

e. Former Ordnance Plant Near Mead – Update Given

3. SURFACE WATER PROGRAMS

a. State Lakes, for the Week June 18, 2012 – Update Given

1. Bacteria Sampling – Update Given

2. Toxic Algae – Update Given

b. USGS Invoices for Stream Gauging and Water Quality

Ruzicka made the motion, seconded by Saalfeld, to pay the USGS invoice #90104615 for stream gaging on Shell Creek, Wahoo Creek, and a GWEL recorder well for \$15,465.00 and for USGS invoice #90104614 for water quality measurements on Shell Creek for \$4,867.00. Motion carried on consent agenda.

4. OTHER

a. Upcoming Conferences

1. NARD Conference

2. National Groundwater Association Conference

3. University of Nebraska Water and Water Law Conference

b. Comments From The Public – Update Given

Ruzicka made the motion, seconded by Saalfeld, 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 Application Approvals

Ruzicka made the motion, seconded by Saalfeld, to approve the following SWCP flow meter

applications:

			50%
<u>Iver Bygland</u>	<u>Boone Co.</u>	<u>Flow Meter</u>	<u>\$596.61</u>
<u>Dwight Loseke</u>	<u>Platte Co.</u>	<u>Flow Meter</u>	<u>\$642.50</u>

Motion carried on consent agenda.

Ruzicka made the motion, seconded by Saalfeld, to approve the following SWCP application:

Shell Creek Application:

<u>Adrian Muhle</u>	<u>Colfax Co.</u>	<u>Terraces/Tile</u>	<u>\$12,500</u>
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Motion carried on consent agenda.

b. SWCP Payments

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

	<u>Approved</u>	<u>Total</u>
<u>11-C-41 Lazy K Feedyard – 50% Cost-Share</u>	<u>\$625.00</u>	<u>\$625.00</u>

Motion carried on consent agenda.

c. SWCP Cancellations – None

d. Sand/Duck Creek Approvals

Hannah made the motion, seconded by Meduna, to approve five Sand and Duck Creek 2012 Contracts as attached to the Projects Committee Minutes total 42,150.66. Motion carried all members present voting aye.

e. Sand/Duck Creek Cost-Share Payments

Ruzicka made the motion, seconded by Saalfeld, to approve the following SWCP payments:

	<u>Approved</u>	<u>25% Grant</u>	<u>15% SWCP</u>
<u>08-S&D-14 Richard/Robert Paseka</u>	<u>\$5,400.00</u>		<u>\$2,088.03</u>
<u>11-S&D-2 Paul Cernik</u>	<u>\$2,839.68</u>	<u>\$1,867.21</u>	<u>\$1,118.29</u>

Motion carried on consent agenda.

f. Cottonwood Creek Approvals

Ruzicka made the motion, seconded by Saalfeld, to approve the 18 SWCP applications for supplementing Cottonwood Creek Special EQIP Initiative contracts (25%), totaling \$138,886.17, as attached to the Projects Committee minutes. Motion carried on consent agenda.

2. WATERSHEDS

a. Shell Creek Improvement Group – Update Given

b. Wahoo Creek Watershed Water Quality Plan – Update Given

3. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report - Update Given

b. LPRCA FY 2013 Budget Invoice

Ruzicka made the motion, seconded by Saalfeld, to approve paying the LPRCA invoice for \$3,100 toward Nutrient Continuous Monitoring (budget item approved by the Board on July 9, 2012) as attached to the Projects Committee Minutes. Motion carried on consent agenda.

c. Support Letter for LPRCA Environmental Trust Fund (ET) Application

Ruzicka made the motion, seconded by Saalfeld, to send a letter of support for the LPRCA Environmental Trust Fund application for assistance to remove a portion of bridge piers near Two Rivers State Park. Motion carried on consent agenda.

4. OTHER

a. Update on Army COE 205 Studies

1. South Fremont 205 – Update Given

2. Schuyler 205 – Update Given

b. LPNRRD Future Project Commitments – Update Given

c. Prairieland RC&D Environmental Trust Fund Application Support Letter

Ruzicka made the motion, seconded by Saalfeld, to send a letter of support for the Prairieland RC&D's Environmental Trust Fund application for assistance to provide continued education to Shell Creek producers on no-till farming and soil health. Motion carried on consent agenda.

d. Prairieland RC&D Dues Request

Ruzicka made the motion, seconded by Saalfeld, to contribute \$250 (same amount as 2011) for dues assistance to the Prairieland RC&D. Motion carried on consent agenda.

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo

1. Wanahoo Dedication – Update Given

2. Drowning – Update Given

3. CCEI Lawsuit – Update Given

4. Recreation – Update Given

b. Upstream Structures – Update Given

1. Landrights

Johannes made the motion, seconded by Hannah, to file condemnation proceedings on all tracts as part of the 7-Upstream Dam portions of the Sand Creek Environmental Restoration Project if landowners are unwilling to accept appraised value by September 13, 2012 with this list to include:

Site 6

Tract 704 & 704E Steven and Sandra Callahan

Tract 703, 703E & 703E-2 Ardythe and William Rockemann

Site 15

Tract 300, 300E, 300E-2, 300E-3 & 300E-4 Dale Pacl & Wife

Tract 304, 304E, 304E-2, 304E-3 & 304E-4 Glen Wirka

Motion carried all members present voting aye.

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

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

7. ADDITIONAL ACTION ITEMS

7a. Wanahoo Letter of Map Revision (LOMAR)

Olsson Associates has completed work for the Lake Wanahoo LOMAR and it is ready for submittal. The LOMAR submittal fee of \$7,150 needs to accompany the documents. Saalfeld made the motion, seconded by Ruzicka, to submit the Lake Wanahoo LOMAR to FEMA with the required fee of \$7,150. Motion carried.

AYE: Birkel, Casey, Clausen, Hagerbaumer, Hannah, Hilger, Johannes, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna

ABSTAIN: Kavan

7b. Payment to UNL – Test Holes

UNL has finished drilling three test holes for future monitoring wells and are requesting payment. Saalfeld made the motion, seconded by Ruzicka, to make payment to UNL in the amount of \$4,133.25 for drilling three test holes 9-A-12, 10-A-12 and 11-A-12 which are located North of Ashland (South Wann), North of Swedeburg and ½ West of Hwy 77 (Brazda). Motion carried.

AYE: Birkel, Casey, Clausen, Hagerbaumer, Hannah, Hilger, Johannes, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna

ABSTAIN: Kavan

7c. F.Y. 2013 NARD Dues

Saalfeld made the motion, seconded by Ruzicka, to pay the F.Y. 2013 Nebraska Association of Resources Districts dues in the amount of \$21,160.37. Motion carried.

AYE: Birkel, Casey, Clausen, Hagerbaumer, Hannah, Hilger, Johannes, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna

ABSTAIN: Kavan

7d. Cottonwood 42-A Renovation

We have 4 proposals for the renovation of Dam Cottonwood 42-A. Three of the four proposals are relatively close, the fourth, high at \$18,278. The high-end range of the three is \$8,500 - \$9,500. Staff is most comfortable with the experience and dependability of F & S Trenching & Construction. Saalfeld made the motion seconded by Ruzicka, to hire F&S Trenching & Construction to renovate Cottonwood 42-A in the amount of \$8,700. Motion carried.

AYE: Birkel, Casey, Clausen, Hagerbaumer, Hannah, Hilger, Johannes, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Veskerna

ABSTAIN: Kavan

7e. NAWMN Payment to UNL

Saalfeld made the motion, seconded by Ruzicka, to make payment of \$1,187.56 to UNL for Nebraska Agriculture Water Management Network (NAWMN) project for work accomplished through August 31, 2012. Motion carried.

AYE: Birkel, Casey, Clausen, Hagerbaumer, Hannah, Hilger, Johannes, Meduna, Olson, Pollard, Ruzicka,

Saalfeld, Sabatka, Veskerna

ABSTAIN: Kavan

8. BILLS TO BE APPROVED

Meduna made the motion, seconded by Sabatka, 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 Saalfeld, to approve the amended September consent agenda (removal of item 6.C.1.A.11). 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 8, 2012, 6:00 p.m. Meeting adjourned at 8:22 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 10, 2012, 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.

Ray Casey, Secretary