

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
September 12, 2016**

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, Wahoo, NE on Monday, September 12, 2016.

1. NOTICE OF MEETING

The advanced notice of our September 12, 2016 board meeting was published on August 25, 2016 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Chair Hannah 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:

Bailey	Birkel	Clausen
Feala	Gibney	Hagerbaumer
Hilger	Kavan	McDermott
Meduna	Olson	Pollard
Ruzicka	Saalfeld	Sabatka
Seier	Sobota	Veskerna
Hannah		

DIRECTORS ABSENT

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Heimann	Angle	TePoel

Gottschalk

Legal Counsel Lausterer

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

1. Landowner Discussion on Lake Level

Ron Morrissey addressed the board concerning the request to lower the Lake Wanahoo water level by three feet with close to 15 landowners in attendance. Landowners were asked to attend the September 28th 8:30 a.m. O-E-RW Committee meeting to address their request and plan the process for discussion. Discussion will occur concerning the Lake Level Committee and the suggestion from Karen Amen and other Natural Resources Commission members that a public meeting be conducted to have an open discussion on managing the Lake Wanahoo water elevation.

b. NRCS Report

Mark Walkenhorst gave the NRCS/NRD September report.

c. NARD Report

Hilger reported on the Annual NARD Fall Conference September 25-27, 2016 to be held in Kearny at the Younes Conference Center.

d. NRC Report

None

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Steve Wolf from JEO gave a short presentation on Board Vision Planning and how he has worked with other NRD Boards.

5. APPROVAL OF MINUTES

Saalfeld made the motion, seconded by Ruzicka, to approve the revised minutes from the August 8, 2016 Board Meeting. Motion carried.

AYE: Bailey, Birkel, Feala, Gibney, Hilger, McDermott, Olson, Pollard, Ruzicka, Sabatka, Seier, Sobota, Veskerna, Hannah

NAY: Clausen, Hagerbaumer, Kavan, Meduna, Saalfeld

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. Nebraska Water Symposium and Water Law Conference – Update Given

2. NARD Fall Conference – Update Given

2. Management Items

a. Director Absences – None

b. Monthly Education Program – Update Given

c. Ourada Claim

Legal Counsel Lausterer was instructed to contact Ourada's Legal Counsel to discuss the potential of a mediator to facilitate their claim requests and report back to the Board.

d. Accounting Presentation

Ruzicka made the motion, seconded by Pollard, to approve the proposal from HBE 360 to provide accounting services to Lower Platte North NRD at a cost of \$6,350 per month (to be reevaluation after 120 days and a onetime set up fee of \$3,500). The service will be retro-active to the beginning of our fiscal year.

Meduna moved to amend the motion, seconded by Hilger, to verify that our data will be in a universal format and this proposal sunsets on June 30, 2017. Amendment carried all members present voting aye.

The Amended motion now reads: to approve the proposal from HBE 360 to provide accounting services to Lower Platte North NRD at a cost of \$6,350 per month (to be reevaluation after 120 days and a one-time set up fee of \$3,500) and that the service will be retro-active to the beginning of our fiscal year provided that our data will be in a universal format and this proposal sunsets on June 30, 2017. Motion carried all members present voting aye.

e. LARM Insurance Renewal Invoice

Hilger made the motion, seconded by Gibney, to make payment of \$63,816.53 to LARM for our Commercial Property Insurance effective dates of 10/01/2016 – 10/01/2017 as attached to the Executive Committee Minutes. Motion carried all members present voting aye.

f. NARD Resolutions – Update Given

3. Equipment - None

4. Personnel

a. Dodge County Field Assistant – Update Given

b. Letter from American Council of Engineering Companies – Update Given

5. Finance

a. Approval of Financial Reports - None

b. Approval of Managers Expenses

Saalfeld made the motion, seconded by Ruzicka, 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 - Set Property Tax Rate

Meduna made the motion, seconded by Clausen, to approve the LPNNRD State Budget as attached to the Executive Committee Minutes and set the 2016 (Fiscal Year 2017) tax rate at .038278 cents per one hundred dollars of valuation. Motion carried all members voting aye.

e. Budget Hearings – Update Given

f. Dodge County Tax Refund

Hilger made the motion, seconded by Veskerna, to make payment to Dodge County in the amount of \$6,521.92 for tax refunds as attached to the Executive Committee Minutes. Motion carried all members present voting aye.

Saalfeld made the motion, seconded by Ruzicka, 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. Wild NE/CREP Report

Saalfeld made the motion, seconded by Ruzicka, to advertise and solicit bids for tree removal at Czechland Lake on the 100 acre grassland in accordance with our WILD NE Extension Agreement to renovate the grasslands with Game and Parks. Motion carried on consent agenda.

2. OPERATION AND MAINTENANCE & OTHER ITEMS

a. O & M Crew – Update Given

b. Haying Recreation Areas – Update Given

c. Grass Drill Revenue – Update Given

d. Bessey Nursery Tree Prices

Saalfeld made the motion, seconded by Ruzicka, to increase the price for the Districts conservation trees, hand plant trees to \$0.82/tree and \$1.45/tree for machine plant trees, which includes the tree, planting, and pre-emergent herbicide. Motion carried on consent agenda.

e. Rawhide Ditch Repair

Hagerbaumer made the motion, seconded by Sabatka, to hire Thompson Construction of Fremont to repair Rawhide Ditch at the quoted price of \$10,500. Motion carried all members present voting aye.

f. Wanahoo SRA

Saalfeld made the motion, seconded by Ruzicka, to accept the estimated bid of \$1,100 from SECO Electric to install lighting for the Eldon Miller flagpole on the Wanahoo campground. Motion carried on consent agenda.

g. Fremont GI Study – Update Given

h. Platte River Serial Spraying – Update Given

i. NRD Recreation Areas – Update Given

j. O & M Technician Position

Meduna made the motion, seconded by Hilger, to refer the O & M Technician Position to the Personnel Sub-Committee to investigate what is needed for the District. Motion carried.

AYE: Bailey, Birkel, Clausen, Feala, Gibney, Hagerbaumer, Hilger, Kavan, Meduna, Pollard, Saalfeld, Sabatka, Seier Sobota, Veskerna, Hannah

NAY: McDermott, Olson

3. ROCK AND JETTY - None

4. EROSION & SEDIMENT RULES & REGULATIONS

Pollard made the motion, seconded by Olson, to approve the revised Erosion and Sediment Rules and Regulations draft as attached to the O-E-RW Committee Minutes and to set and advertise for a public hearing before and during the O-E-RW Committee on Wednesday, November 2nd starting at 8:15 a.m. Motion carried all members present voting aye.

5. INFORMATION & EDUCATION

a. Information

1. Radio and Web Ads – Update Given

2. WasteCap Nebraska Donation Request – Update Given

b. Education

1. Land Judging Contest

Saalfeld made the motion, seconded by Ruzicka, to pay registration costs for students competing in the 2016 East Central Region Land Judging Contest. Motion carried on consent agenda.

2. Scholarship Opportunity Request – Update Given

3. Test Your Well Night – Update Given

4. Nature Education Trail/Disc Golf Course

McDermott made the motion, seconded by Hagerbaumer, that after having received nine sponsorship pledges, staff is authorized to begin development on a 9 hole disc golf course at the Lake Wanahoo State Recreation Area that includes a “Kids in Parks” nature trail. Motion carried all members present voting aye.

c. Computer – None

6. RURAL WATER SYSTEMS – Update Given

a. Colon – Update Given

b. Bruno – Update Given

c. Other – None

Saalfeld made the motion, seconded by Ruzicka, 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. Variance Requests in the Hydrologically Connected Area – Update Given

a. Thomas Fichtl Variance Application – Update Given

2. Variance Requests in the Non-Hydrologically Connected Area

Pollard made the motion, seconded by Birkel, to approve the following variance requests for new irrigation in the Non-Hydrologically Connected area of the LPNNRD: for application number LPN-NDV-016-0039 for Marian Meduna for a new irrigation well for 142 acres in E 1/2 of the NE 1/4 of Section 5-14-6E & W 1/2 NW 1/4 of Section 4-14-6E of the Weston Subarea with a ranking score of 316.3; for application number LPN-NDV-013-0025 for Douglas Ritthaler for a new irrigation well for 105 acres in NW 1/4 Section 15-T16N-R8E of the Leshara Uplands Subarea with a ranking score of 305; for application number LPN-NDV-013-0013 for James L. & Ellen Ann Paulson for a new irrigation well for 60 acres in the W 1/2 of the NW 1/4 of Section 32-17-8E of the Leshara Uplands with a ranking score of 277.916; and reserve up to 70 acres for application number LPN-NDV-015-0038 for Schmit Land Co. for a new irrigation well for a field E 1/2 SE 1/4 & SE 1/4 NE 1/4 of Section 11-15-1E of the David City Subarea with a ranking score of 373.26 to 351.98 until such time as the LPNNRD Board has approved an irrigation policy on the number of acres to be irrigated with regard to class 6, 7, or 8 ground due to slope. Motion carried.

AYE: Bailey, Birkel, Clausen, Feala, Gibney, Hagerbaumer, Hilger, Kavan, McDermott, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Seier, Sobota, Veskerna, Hannah

ABSTAIN: Meduna

3. Variance Requests in the Restricted Development Areas – None

4. Well Permit Program

a. Well Permits Approved – Update Given

5. Potential Violation of Expanded Irrigation

Ruzicka made the motion, seconded by Feala, to request that John Snover and landowner M-G Ag Properties of the field in the SW1/4, Section 25, T18N, R4E of the North Bend Subarea of Colfax County attend the next Water Committee meeting on September 28, 2016 and to issue notice of a cease and desist order against further irrigation on this same piece of ground until recanted by the LPNNRD Board. Motion carried all members present voting aye.

6. Special Quantity Sub-Areas – Update Given

7. Lower Platte River Basin Water Management Plan Coalition – Update Given

8. Voluntary Integrated Water Management Plan – Update Given

9. Cost-Share Programs

a. Irrigation Well Sample Kits – Update Given

b. Domestic Well Sample Kits – Update Given

c. Nebraska Agricultural Water Management Network (NAWMN) - Update Given

d. Flow Meter Cost-Share in SQS #2 – Update Given

10. Bellwood Phase 2 Area – Update Given

11. Richland - Schuyler Phase 2 Area – Update Given

12. Richland - Schuyler Phase 3 Area – Update Given

13. LPNNRD Operator Certification – Update Given

14. Certifying Acres in Saunders and Dodge Counties – Update Given

b. Chemigation – Update Given

c. Livestock Waste Permits – Update Given

2. GROUND WATER PROGRAMS

a. Decommissioned Well Program

1. Well Estimates – None

2. Plugged Wells – None

b. LPNNRD Ground Water Studies

1. AEM Flights in SQS Areas

Pollard made the motion, seconded by Saalfeld, to make payment of \$208,333 to AGF for AEM flight data inversion work in the SQS Areas as attached to the Water Committee Minutes. Motion carried all members present voting aye.

2. Lower Platte River Consortium

Ruzicka made the motion, seconded by Saalfeld, to approve the Cooperative Agreement for the Lower Platte River Consortium (formerly called the Drought Contingency Study) as attached to the Water Committee Minutes. Motion carried.

AYE: Bailey, Birkel, Feala, Gibney, Hagerbaumer, Kavan, McDermott, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Seier, Sobota, Veskerna, Hannah

NAY: Clausen, Hilger, Meduna

c. Monitoring Wells - Update Given

d. Ground Water Energy Levels – Update Given

e. Aurora Cooperative Fertilizer/Herbicide Spill – Update Given

f. Former Ordnance Plant Near Mead – Update Given

3. SURFACE WATER PROGRAMS

a. State Lakes

1. Bacteria Sampling – Update Given

2. Toxic Algae – Update Given

4. OTHER

a. Test Your Well Night – Update Given

b. GMDA Annual Conference – Update Given

c. 2016 Summer Interns – Update Given

d. Comments from the Public – Update Given

Saalfeld made the motion, seconded by Ruzicka, 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

Saalfeld made the motion, seconded by Ruzicka, to approve the SWCP Fall Applications totaling \$88,203.87 as shown in the Projects Committee minutes. Motion carried on consent agenda.

b. SWCP Payments

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

James Fujan Rev Living Trust \$6,454.92

Motion carried on consent agenda.

c. SWCP Cancellations

Saalfeld made the motion, seconded by Ruzicka, to approve SWCP cancellations totaling \$68,517.24 as shown in the Projects Committee minutes. Motion carried on consent agenda.

d. Wahoo Creek Cost Share Payments

Saalfeld made the motion, seconded by Ruzicka, to approve the Wahoo Creek 319 grant payments for conservation totaling \$11,584.95 as shown in the Projects Committee minutes. Motion carried on consent agenda.

2. WATERSHEDS

a. Shell Creek Watershed

1. Shell Creek Landowner Payments

Saalfeld made the motion, seconded by Ruzicka, to approve payment of the 2016 Shell Creek Conservation Practice Incentive payment requests from Jeff Brandl (\$1,470), Andrew Klug (\$619.20) and Ryan Siefken (\$788) as attached to the Projects Committee Minutes. Motion carried on consent agenda.

2. Platte County/Mark Luchsinger Project Proposal

Meduna made the motion, seconded by Olson, to approve a maximum of \$9,000 assistance toward the Platte County/Mark Luchsinger grade stabilization project with the requirement of having a minimum of 30 foot grass buffer directly above the completed structure. Motion carried all members present voting aye.

b. Wahoo Creek Watershed

1. Wahoo Creek RCPP Application Update

Saalfeld made the motion, seconded by Ruzicka, to approve LPNNRD as the local financial partner to the Regional Conservation Partnership Program (RCPP) application and authorize Chair Hannah to sign the attached support letter. Motion carried on consent agenda.

2. Wahoo Creek Watershed Water Quality Plan – Phase I – Update Given

3. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report – Update Given

4. OTHER

a. Update on Army COE 205 Studies

1. Fremont 205 – Update Given

2. Schuyler 205 – No new information

b. Shell Creek Landowner Levee Project – Update Given

c. Review of Projects Financial Statement – Update Given

d. Off Site Water Table Concerns near Sand Creek

Meduna made the motion, seconded by Feala, to take the following motion off the table from the March 10, 2016 Board Meeting for discussion purposes – to offer tiling and Wetland Reserve Program options to landowners impacted by the Wanahoo Wetland contingent on receiving a hold harmless agreement before exploring other options. Motion carried.

AYE: Bailey, Birkel, Clausen, Feala, Gibney, Hagerbaumer, Hilger, McDermott, Meduna, Olson, Pollard, Ruzicka, Saalfeld, Sabatka, Seier, Sobota, Veskerna, Hannah

NAY: Kavan

Legal Counsel Lausterer was instructed to contact the landowners to see if their correspondence with LPNNRD is a notice or a claim against the district. Staff was instructed to contact landowners to notify them of the date and time of Executive Committee Meeting.

After much discussion McDermott made the motion, seconded by Meduna, to table the previous motion and send it back the Executive Committee. Motion carried all members present voting aye.

5. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

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

7. ADDITIONAL ACTION ITEMS

7a. Lower Platte Weed Management Area Interlocal Agreement

Saalfeld made the motion, seconded by Ruzicka, to approve payment of \$30,000 to the Pappio-Missouri River NRD as per the Interlocal Agreement for the Lower Platte Weed Management Area in conjunction with controlling noxious and invasive plants on the Platte River and its tributaries. Motion carried all members present voting aye.

7b. Mike Murren Leave Payout

Saalfeld made the motion, seconded by Ruzicka, to payout leave balances to Mike Murren in the amount of \$11,498.18 minus necessary deductions. Motion carried all members present voting aye.

7c. Water Strategies Contract

Saalfeld made the motion, seconded by Ruzicka, to approve the "Representation Agreement" with Water Strategies as attached. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Saalfeld made the motion, seconded by Ruzicka, to approve the amended September Consent Agenda (by removing 5.) Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The October Directors Meeting will be held on Monday, October 10, 2016, 6:00 p.m. Meeting adjourned at 9:50 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, 2016, 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.

Joe Birkel, Secretary