

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
August 11, 2014**

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, August 11, 2014.

1. NOTICE OF MEETING

The advanced notice of our August 11, 2014 board meeting was published on July 24, 2014 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

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:

Bailey	Birkel	Clausen
Gibney	Hagerbaumer	Hannah
Johannes	Kavan (left 7:42 p.m.)	McDermott
Meduna	Olson (left 8:54 p.m.)	Pieke
Pollard	Ruzicka	Sabatka
Taylor	Veskerna	Hilger

DIRECTORS ABSENT

Saalfeld

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Heimann	Almond
Angle	Gottschalk	

Jovan Lausterer, NRD Legal Counsel

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

b. NRCS Report

Becky Pieper reviewed the NRCS Report.

c. NARD Report - None

Director Kavan reported on the recent NARD Board Meeting.

d. NRC Report

Director Johannes reported that the Commission has not met since last meeting, but is working to develop the new Rules and Regulations.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Larry Angle presented the Olsson information that was presented to the IMP Stakeholders.

5. APPROVAL OF MINUTES

Piekie made the motion, seconded by Birkel, to approve the minutes from the July 14, 2014 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. Water for Food Conference – Update Given

2. ASDSO Conference

Veskerna made the motion, seconded by Piekie, to approve expenses for one staff member to attend ASDSO Conference, San Diego, California, September 21-25, 2014. Motion carried all members present voting aye.

b. Reports – None

2. Management Items

a. Director Absences

Ruzicka made the motion, seconded by Taylor, to approve Director Meduna’s excuse of absence from the July Board Meeting. Motion carried on consent agenda.

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Piekie made the motion, seconded by Birkel, to approve payment of \$3,300 to Bob Weaver for July services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

c. Monthly Education Program – Update Given

d. Nebraska Water Leaders Academy – Update Given

e. Annual Update of Accounting Software

Piekie made the motion, seconded by Birkel, to approve payment to Summit Group for \$2,200 for the annual update on our Great Plains Accounting Software. Motion carried on consent agenda.

f. CCEI Lawsuit – No Update

g. Irrigation Leader Magazine - Update Given

h. NARD Dues

McDermott made the motion, seconded by Pollard, to pay our F.Y. 15 Membership Dues to NARD in the amount of \$22,887.06. Motion carried all members present voting aye.

i. Lower Platte River Basin Water Management Coalition Dues

Ruzicka made the motion, seconded by Birkel, to pay our Lower Platte River Basin Water Management Coalition Dues in the amount of \$20,000 to NARD. Motion carried all members present voting aye.

3. Equipment – None

4. Personnel - None

5. Finance

a. Approval of Financial Report – None

b. Approval of Managers Expenses

Piekie made the motion, seconded by Birkel, 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

Ruzicka made the motion, seconded by Meduna, to cut Computer Software (Beehive) project \$30,800 from the FY 15 Budget. Motion carried all members present voting aye.

Johannes made the motion, seconded by Pollard, to reduce the property tax asking in the F.Y.15 budget by reducing the special project mill levy from 1¢ to ½¢ for paying down the Lake Wanahoo Debt and review next Fiscal Year. Motion carried.

AYE: Bailey, Birkel, Clausen, Hagerbaumer, Johannes, McDermott, Meduna, Piekie, Pollard, Ruzicka, Sabatka, Taylor, Veskerna, Hilger

NAY: Gibney, Hannah, Olson

Ruzicka made the motion, seconded by Johannes, to approve the budget as amended. Motion carried all members present voting aye.

e. Budget Hearings – Update Given

Piekie made the motion, seconded by Birkel, that the August 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

a. Wild NE, WHIP, Contract Payments - None

b. CREP Payment(s)

Piekie made the motion, seconded by Birkel, to approve payment to Tim & John Gronenthal Trust \$72.16 for their CREP payment. Motion carried on consent agenda.

c. New Contract (s) – None

2. OPERATION AND MAINTENANCE

a. Operation and Maintenance - Update Given

b. South Fremont 205 Feasibility Study – Update Given

c. Lake Wanahoo, Czechland and Homestead Haying – Update Given

d. Wanahoo Recreation Area – Update Given

e. Czechland Lake Tree Piles – Update Given

f. Grass Drill Revenue – Update Given

g. Wahoo Chapter Ducks Unlimited Interlocal Agreement

Piekie made the motion, seconded by Birkel, to approve the revision to the Wahoo Ducks Unlimited Agreement to use portable blinds for youth mentor hunting on Lake Wanahoo. Motion carried all members present voting aye.

h. PL566 Dam Assessments – Update Given

i. FY 2015 Budget – Update Given

3. ROCK AND JETTY

Piekie made the motion, seconded by Birkel, to update the Rock and Jetty Policy with the following changes: change the priorities to 1) Public Facilities 2) Crop Ground 3) Pasture Ground 4) Timber & Wildlife Areas 5) Recreation & Cabin Areas. Priorities 3, 4 & 5 would not be cost-shared on until the last two months of the fiscal year if funds are still available. A vegetative buffer zone of 50' must also be established along the stream to receive funding. Motion carried on consent agenda.

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. Wahoo Newspaper eAds - Update Given

3. County Fairs – Update Given

4. SCWIG Open House – Update Given

b. Education

1. Thank You From Brooke Piekie - Update Given

c. Computer

1. iPads Training – Update Given

2. Staff iPads – Update Given

3. eMeeting Training – Update Given

4. Beehive Proposal – Update Given

6. RURAL WATER Systems

a. Bruno/David City Rural Water – Update Given

b. Colon/Wahoo Rural Water System – Update Given

c. Cedar Bluffs – Update Given

d. Brainard and Dwight

Pieke made the motion, seconded by Birkel, to pay the Village of Brainard \$1,000 for our committed contribution to the Village of Brainard regional water study. Motion carried on consent agenda.

e. Other

Pieke made the motion, seconded by Birkel, to start the process of preparing for fall construction of the Czechland Lake improvements. This will include advertising for bids, permitting process, contracting documents, and lowering the level of the lake to facilitate construction activities. Motion carried all members present voting aye.

Pieke made the motion, seconded by Birkel, that the August LPNDRD 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. 2014 Well Interference Complaints – Update Given

2. Irrigated Acres for 2015 in the HCA and NHCA

McDermott made the motion, seconded by Pieke, to follow board policy and rank the variance applications for the different Water Development Areas as in previous years and notify producers if they have been issued a variance. Motion carried.

AYE: Birkel, Gibney, Hagerbaumer, McDermott, Meduna, Pieke, Ruzicka, Sabatka, Veskerna, Hilger

NAY: Bailey, Johannes, Olson, Pollard, Taylor

ABSTAIN: Clausen, Hannah

3. Variance Requests in the Hydrologically Connected Area – Update Given

4. Variance Request in the Non-Hydrologically Connected Area – Update Given

5. Variance Request in the Restricted Development Area - None

6. Well Permit Program

a. Well Permits Approved – Update Given

b. Supplemental Well Permit Application for Justin Taylor

Pieke made the motion, seconded by Birkel, to approve the 16 inch diameter supplemental well for Justin Taylor in the NW1/4 of the NW1/4, Section 12, T17N, R6E in the North Bend Subarea. Motion carried on consent agenda.

c. Supplemental Well Permit Application for CLW Valley Farm Holdings

Pieke made the motion, seconded by Birkel, to approve the supplemental well for CLW Valley Farm Holdings in SE1/4 of the SW1/4, Section 21, T17N, R9E in the Fremont Subarea. Motion carried on consent agenda.

d. Well Permit Application for Lyman-Richey Sand and Gravel

Pieke made the motion, seconded by Birkel, to approve the well permit as a Class 2 well permit for Lyman-Richey Sand and Gravel in Section 6, T17N, R9E in the Fremont Subarea. Motion carried on consent agenda.

e. Keith Runge Livestock Well

Pieke made the motion, seconded by Birkel, to waive the late fee of \$250 and apply the normal fee of \$50 for a Class 2 well permit for a new livestock well for Keith Runge in the NE1/4 of the SW1/4, Section 16, T18N, R1E. Motion carried on consent agenda.

7. Irrigation Runoff Complaint

On July 21, 2014 we received two irrigation runoff complaints against Duane Ratkovec from two fields he farms in Section 35, T15N, R4E, in Butler County (report is attached to Water Committee Minutes). Videos and pictures were shown at Board Meeting. This is the third consecutive year these complaints have been investigated and voluntary compliance has not been effective. On July 29th Russ Oaklund investigated a complaint of an end gun watering County Road X. This water was from a pivot located in the SW1/4, Section 36, T15N, R4E. Duane Ratkovec was requested to attend the Water Committee meeting (see attached letter in Water Committee Minutes), but he did not attend. Larry Ratkovec and Gary Polacek addressed the Water Committee on this continuing problem with Duane Ratkovec. Duane Ratkovec was present at Board meeting. Johannes made the motion, seconded by Pieke, to move forward with issuing a Cease & Desist Order against three fields farmed by Duane Ratkovec. Motion failed.

AYE: Gibney, Hannah, Johannes, Pieke, Pollard, Taylor, Veskerna

NAY: Bailey, Birkel, Clausen, Hagerbaumer, Kavan, McDermott, Meduna, Olson, Ruzicka, Sabatka, Hilger

8. Potential Violation of Expanded Irrigation

An initial complaint noted irrigation from end guns on land owned by Liberty Land & Livestock LLC that may exceed the approved number of acres. Schomer met with the landowner last Spring and discussed details on the transfer of acres from land previous irrigated by gravity or traveling gun to center pivot. Operation of the end gun on the pivot in SW1/4, Section 32, T18N, R6E was approved by LPNNRD staff, while operation of the end guns on pivots in the SE1/4, Section 32, T18N, R6E and SW1/4, Section 33, T18N, R6E were not. Schomer spoke with the tenant, Maynard Flamme, on Monday, July 28th and discussed the initial agreement and reiterated that he may not run the end gun on the fields in SE1/4, Section 32, T18N, R6E and SW1/4, Section 33, T18N, R6E. Pieke made the motion, seconded by Birkel, to request the attendance of the landowner (Liberty Land & Livestock LLC) and/or tenant to attend the next Board meeting on August 11, 2014 to answer questions

concerning operations of their three irrigation systems located in Section 32, T18N, R6E and the possible issuance of a Cease & Desist Order. Motion carried on consent agenda.

Johannes made the motion, seconded by Pieke, to issue a Cease & Desist Order on Liberty Land & Livestock LLC for violation of irrigating expansion acres. Motion carried all members present voting aye.

9. Special Quantity Subareas –Update Given

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

11. Voluntary Integrated Water Management Plan

McDermott made the motion, seconded by Pieke, to pay Olsson Associates \$8,939.29 for their services in developing the Voluntary Integrated Water Management Plan for the LPNNRD as attached to the Water Committee Minutes. Motion carried all members present voting aye.

12. 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

13. LPNNRD Certification – Update Given

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

b. Chemigation

Pieke made the motion, seconded by Birkel, to propose a resolution at the NARD Fall Conference that would increase the fine for illegal chemigation. Motion carried on consent agenda.

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 Birkel, to approve cost share payment for decommissioning the following wells: Irrigation well for Delores Kallweit/Dayle Kallweit Trust for \$612.82, and a stock well for Gary Vandenberg for \$599.15. Motion carried on consent agenda.

3. State Water Well Decommissioning Fund – Update Given

b. LPNNRD Ground Water Studies

1. Elkhorn Loup Model – Update Given

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

c. New Monitoring Wells – Update Given

d. Groundwater Sampling – Update Given

3. SURFACE WATER PROGRAMS

a. STATE LAKES FOR THE WEEK OF JULY 21

1. Bacteria Sampling – Update Given

2. Toxic Algae – Update Given

b. USGS Water Quality Monitoring

McDermott made the motion, seconded by Meduna, to approve payment of \$8,050.00 to USGS for water quality monitoring on Shell Creek. Motion carried all members present voting aye.

c. USGS Stream Flow Gauging Sites

McDermott made the motion, seconded by Hannah, to approve payment of \$3,983.00 to USGS for stream flow gauging on Shell Creek, Wahoo Creek, and the real time ground water energy level site at ARDC south of Mead. Motion carried all members present voting aye.

4. OTHER

a. 2014 Summer Interns – Update Given

b. Comments from the Public – Update Given

Pieke made the motion, seconded by Birkel, that the August 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

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

			50%	75%
<u>Dayle Alswager</u>	<u>Platte Co</u>	<u>Emerg. Terrace Repair</u>	<u>\$1,000.00</u>	
<u>Jim Fehringer</u>	<u>Platte Co. (Shell)</u>	<u>W/S Basins w/Tile</u>		<u>\$12,500</u>
<u>R. Allen Covault</u>	<u>Butler Co.</u>	<u>Flow Meter</u>	<u>\$625.00</u>	
<u>Walter Bohaty</u>	<u>Butler Co.</u>	<u>Flow Meter x 3</u>	<u>\$1,500.00</u>	
<u>Douglas Ritthaler</u>	<u>Dodge Co.</u>	<u>Flow Meter</u>	<u>\$625.00</u>	
<u>Robert Lubker</u>	<u>Saunders Co.</u>	<u>Flow Meter x2</u>	<u>\$1,250.00</u>	
		<u>Total</u>	<u>\$17,500.00</u>	

Motion carried on consent agenda.

b. SWCP Payments

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

<u>14-D-18</u>	<u>Ruzicka Farms</u>	<u>Dodge County</u>	<u>Flow Meter</u>	<u>\$475.00</u>
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Motion carried on consent agenda.

c. SWCP Cancellations - None

d. Cottonwood Creek Payments - None

- e. Sand/Duck Creek Approvals – None
- f. Sand/Duck Cost-Share Payment - None
- g. Wahoo Creek Cost-Share Approvals – None
- h. Emergency Terrace Repair – None

2. WATERSHEDS

a. Shell Creek Water

1. Shell Creek Watershed Plan

Ruzicka made the motion, seconded by Meduna, to hire EA Engineering for completing EPA 319 and Environmental Trust grant applications for the next Shell Creek Watershed project phase. It was further recommended to authorize the Board Chair sign a contract with EA, not to exceed \$3,000 for completing the grant applications. Motion carried all members present voting aye.

2. Newman Grove Public Schools Science Club Request

Pieke made the motion, seconded by Birkel, to approve a \$745.66 payment (50%) to the Newman Grove School for purchased water testing supplies and equipment, as attached to the Projects Committee Minutes. Motion carried on consent agenda.

b. Wahoo Creek Watershed

Pieke made the motion, seconded by Birkel, to authorize and ratify General Manager Miyoshi's signing of the 319 grant agreement with NDEQ to officially accept \$250,000 for use in the Wahoo Creek Watershed. Motion carried on consent agenda.

3. LOWER PLATTE RIVER CORRIDOR ALLIANCE

a. Monthly Report – Update Given

4. OTHER

a. Update on Army COE 205 Studies

1. South Fremont 205 – Update Given

2. Schuyler 205 – Update Given

b. All Hazard Mitigation Plan – Update Given

c. Shell Creek Landowner Levee Project – Update Given

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo – Update Given

b. Upstream Structures – Update Given

6. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

a. Approval of Appraisals

Bailey made the motion, seconded by Ruzicka, to approve the Western Sarpy/Clear Creek Segment 5 appraisals \$561,110 for the following: Big Sandy Development, Big Sandy Homeowners Association,

George Hruska et.al., Able Investment Company and Dennis and Susan Thomas as reviewed by Miyoshi and Murren. Motion carried

AYE: Bailey, Birkel, Clausen, Hagerbaumer, Hannah, Meduna, Pieke, Pollard, Ruzicka, Sabatka, Taylor, Veskerna, Hilger

ABSTAIN: Johannes, McDermott

Pieke made the motion, seconded by Birkel, that the August LPNNRD Projects Committee Minutes be received and placed on file. Motion carried on consent agenda.

7. ADDITIONAL ACTION ITEMS

7a. Sport Fish Restoration Cooperative Project Agreement

Sabatka made the motion, seconded by Birkel, to approve and authorize the General Manager to sign the Federal Aid in Sport Fish Restoration Cooperative Project Agreement with the State of Nebraska Game and Parks Commission for the purpose of accepting \$20,000 to apply towards the Czechland Lake improvement projects. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

McDermott made the motion, seconded by Pieke, that all bills be approved and warrants be drawn in payment of same. Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Hannah, Johannes, McDermott, Meduna, Pieke, Pollard, Ruzicka, Taylor, Veskerna, Hilger

ABSTAIN: Sabatka

9. CONSENT AGENDA ADOPTION

Pieke made the motion, seconded by Birkel, to approve the August consent agenda as amended by removing item 6.C.1.A.2. Motion carried.

AYE: Bailey, Birkel, Clausen, Gibney, Hagerbaumer, Hannah, Johannes, McDermott, Meduna, Pieke, Pollard, Sabatka, Veskerna, Hilger

ABSTAIN: Ruzicka, Taylor

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The September Directors Meeting will be held on Monday, September 8, 2014, 6:00 p.m. Meeting adjourned at 9:09 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 August 11, 2014, 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.

Lon Olson, Secretary