

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

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 1:40 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, December 10, 2012.

1. NOTICE OF MEETING

The advanced notice of our December 10, 2012 board meeting was published on November 21, 2012 in the Banner Press, Columbus Telegram, Fremont Tribune, Schuyler Sun and Wahoo Newspaper.

Chair Pieke 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	Casey
Clausen	Hagerbaumer	Hannah
Hilger	Johannes	Kavan
Meduna	Olson	Pollard
Ruzicka	Saalfeld (2:00 p.m.)	Sabatka
Taylor	Veskerna	Pieke

DIRECTORS ABSENT

McDermott

STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Murren	Angle	Gottschalk
Heimann	Sousek	Ekstein

Sign in sheet attached to original minutes.

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. Guest Comments

b. NRCS Report

Mark Walkenhorst presented his written report and Dave Bichlmeier reviewed the Wetland Reserve Program guidelines.

c. NARD Report

Kavan reminded all Directors about the Legislative Conference, January 28-29, 2013.

d. NRC Report

Johannes reported that the Commission met and minutes were distributed to all Directors.

e. Managers Report

Manager Miyoshi reviewed his written report.

f. Education Program

Prior to the Board Meeting Dana Divine from UNL, CSD presented results from the Eastern Nebraska HEM Aquifer Mapping (Swedeburg flights).

5. APPROVAL OF MINUTES

Pollard made the motion, seconded by Meduna, to approve the minutes from the November 12, 2012 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Pending

1. GMDA – January 9-11, Austin, Texas

Pollard made the motion, seconded by Meduna, to approve and authorize two staff and two directors to attend the Annual Groundwater Management District Association Meeting, January 9-11 in Austin, TX. Motion carried on consent agenda.

2. NARD Legislative Conference – January 29-30, Lincoln – Update Given

3. Annual Director Retreat

Our annual Director's Retreat will be February 6, 2013 from 8:30 until 3:00 at the Benedictine Center, Schuyler.

4. Platte River Water Presentation – Update Given

b. Reports - None

2. Management Items

a. Directors Absence - None

b. Bob Weaver

1. Monthly Conference Call and Report - Update Given

2. Monthly Bill

Pollard made the motion, seconded by Meduna, to approve payment of \$3,100 to Bob Weaver for November services and bill LPSNRD and Papio NRD for their share. Motion carried on consent agenda.

c. Nominating Sub-Committee – Update Given

d. Monthly Education Program – Update Given

e. Lake Wanahoo Finances

Casey made the motion, seconded by Meduna, to authorize Manager Miyoshi to pay \$50,000 (this amount has already been received from the City of Wahoo) on the Lake Wanahoo Land Note. Motion carried.

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

NAY: Taylor

f. Jim Gibney Ability to Serve – Update Given

g. Legal Retainer – Update Given

h. Art Bailey Election – Update Given

i. Recognition Banquet - Update Given

3. Equipment – None

4. Personnel – None

5. Finance

a. Approval of Financial Report

Saalfeld made the motion, seconded by Meduna, to approve the June and July Financial Statements as distributed. Motion carried on consent agenda.

b. Approval of Managers Expenses

Pollard 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. Annual Audit Report

A year ago it was directed that we have discussion prior to contracting our annual audit again with HBE. As previously discussed the \$22,300 for our audit is expensive, however we receive the most thorough audit of any NRD in the state. Our accounting software is used by HBE, and our accounting systems have been put in place with their assistance. We received a proposal last month from HBE to contract annual audits for three additional years, which is attached. Meduna made the motion, seconded by Pollard, to approve and accept the HBE proposal to conduct our Annual Audit for years ending June 30, 2013, 2014 and 2015 as attached to the Executive Committee Minutes.

Johannes made the motion, seconded by Saalfeld, to table the previous motion. Motion carried all members present voting aye.

Ruzicka made the motion, seconded by Meduna, to send out request for proposals for the annual audit for presentation at the January 4th Executive Committee meeting. Motion carried all members present voting aye.

f. Mileage Rate Adjustment – Update Given

Pollard made the motion, seconded by Meduna, that the December 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 – None

2. OPERATION AND MAINTENANCE

a. Operation and Maintenance - Update Given

b. South Fremont 205 Feasibility Study – Update Given

c. Czechland Lake

Pollard made the motion, seconded by Meduna, to pay Fritz Construction \$2,700 for repair of the Czechland Lake boat ramp. Motion carried on consent agenda.

d. Cottonwood 8-D – Update Given

e. Arbor Day Foundation Trees

Pollard made the motion, seconded by Meduna, to purchase 1,000 Arbor Day Foundation Trees for various educational activities. Motion carried on consent agenda.

f. Vehicle Replacement

Pollard made the motion, seconded by Meduna, to sell the 1995 Chevy W/T and start the process for the purchase of a new vehicle through a State of Nebraska Contract. Motion carried on consent agenda.

g. Renovation of Cottonwood 42-A – Update Given

Sabatka made the motion, seconded by Hagerbaumer, to pay Thompson Construction \$15,300 for work completed on the Rawhide Ditch project. Motion carried.

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

NAY: Saalfeld

3. ROCK AND JETTY

a. Applications

Pollard made the motion, seconded by Meduna, to accept the application of SID #8 (Woodcliff) and allocate \$3,000 for their use in jetty and riverbank maintenance. Motion carried on consent agenda.

b. Payment Requests

Pollard made the motion, seconded by Meduna, to pay Don Romshek \$985 for bank stabilization maintenance on the Platte River pending inspection by staff. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS – Update Given

5. INFORMATION & EDUCATION

a. Information

1. KTIC Ads – Update Given

2. Viaduct

Veskerna made the motion, seconded by Sabatka, to switch the Viaduct to twice-yearly newspaper distribution in the papers indicated above, with the Annual Report included as an insert in one of the issues. Motion carried all members present voting aye.

b. Education

1. County Government Day – Update Given

2. National Land Judging

Pollard made the motion, seconded by Meduna, to provide a \$150 stipend to the North Bend Land Judging Team to help defray costs of their trip to the national contest. Motion carried on consent agenda.

c. Computers

1. Email Migration and Server Update – Update Given

6. RURAL WATER ACTIVITIES

a. Bruno/David City Rural Water

Pollard made the motion, seconded by Meduna, to have staff pursue various alternatives to improve the financial health of the Bruno Rural Water system. Motion carried all members present voting aye.

b. Colon/Wahoo Rural Water System – Update Given

c. Other

Saalfeld made the motion, seconded by Birkel, to purchase a new Bobcat and 50" Forestry Cutter from Virgl Implement. Motion failed.

AYE: Bailey, Birkel, Casey, Olson, Veskerna

NAY: Clausen, Hagerbaumer, Hannah, Hilger, Johannes, Kavan, Meduna, Pollard, Ruzicka, Saalfeld, Sabatka, Taylor, Pieke

Pollard made the motion, seconded by Meduna, that the December 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 for Limited Development (Hydrologically Connected) Area

a. November Variance Requests – Update Given

b. Limited Development Areas – Update Given

c. Policy on Subarea Boundaries – Update Given

2. Well Permit Program

a. Well Permits Approved – Update Given

b. Well Permits Requiring Water Committee Review

Pollard made the motion, seconded by Meduna, to approve the well permits for Eugene Goering, Delores Maly, David Feist, Richard Brock, Roland Rosendahl/Merlin Grotelueschen, and Michael Dvorak. Motion carried on consent agenda.

c. Supplemental Well Permits – Update Given

d. Policy Question Flow Meters on High Capacity Wells

Pollard made the motion, seconded by, Meduna to require all high capacity wells that expand their water use to properly install a LPNNRD approved flow meter and report to LPNNRD the total amount of water pumped by that well during the calendar year by January 31st of the following year. Motion carried on consent agenda.

3. Cost-Share Programs

a. Irrigation Well Sample Kits - Update Given

b. Domestic Well Sample Kits - Update Given**4. LPNNRD Certification Classes – Update Given****5. Bellwood Phase 2 Area – Update Given****6. Richland/Schuyler Phase II Area - Update Given****7. Certifying Acres**

Saalfeld made the motion, seconded by Pollard, to issue cease and desist orders against further irrigation and the application of fertilizer to fields owned by:

<u>Allen / Jerry</u>	<u>Micek / Terry</u>
<u>Barta Family Limited PRTN</u>	<u>Newsom / Dorothy R. (& Janet R. Harris)</u>
<u>Brezina / Gary W.</u>	<u>Novacek / Dennis J. and/or Renee C</u>
<u>Carnzdale, LLC</u>	<u>Paschetta / Bernadette A. (& Boyd C. Zimmerer</u>
<u>Hassebrook / Wayne & Carol</u>	<u>Reischl / Diane (Sloan etal)</u>
<u>Ingwersen / William J. & Barbara J.</u>	<u>Rosche / Harry E. & Beatrice J.</u>
<u>Jones / Albert A. (etal – Trust)</u>	<u>Schmit / Nick & Dwaine J. & Selma S. (Trustees)</u>
<u>Kremlacek / Randall F.</u>	<u>Wendt / Paul V. & Ruth B. (Trust)</u>

if these landowners do not contact the Lower Platte North NRD (LPNNRD) concerning acre certification and the return of required documents to the LPNNRD by December 17, 2012. Motion carried all members present voting aye.

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**

Pollard made the motion, seconded by Meduna, to approve cost share funding to Milan Garder for two stock wells and one domestic well for a total of \$1,062.91. Motion carried on consent agenda.

b. LPNNRD Ground Water Studies**1. LPNNRD Platte River Ground Water Model – Update Given****2. Elkhorn Loup Model – Update Given****3. Eastern Nebraska Water Resources Assessment (ENWRA)**

Pollard made the motion, seconded by Meduna, to approve the Interlocal Cooperative Agreement, Amendment #4 for the ENWRA coordinator position. Motion carried on consent agenda.

4. Eastern Nebraska HEM Aquifer Mapping (Swedeburg Subarea) – Update Given**c. Ground Water Energy Levels****1. Fall Measurement – Update Given**

d. Former Ordnance Plant Near Mead – Update Given

3. OTHER

a. Groundwater Management Districts Association - Update Given

b. Comments From The Public – Update Given

Pollard made the motion, seconded by Meduna, that the December 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

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

<u>James McPhillips</u>	<u>Flow Meter</u>	<u>Platte Co.</u>	<u>\$ 625.00</u>
<u>Robert Shemek</u>	<u>Flow Meter</u>	<u>Platte Co.</u>	<u>\$ 625.00</u>
		<u>TOTAL:</u>	<u>\$ 1,250.00</u>

Motion carried on consent agenda.

b. SWCP Payments – None

c. SWCP Cancellations – None

d. Sand/Duck Creek Approvals - None

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

f. Nebraska Buffer Strip Payments

Pollard made the motion, seconded by Meduna, to approve the following Nebraska Buffer Strip Payments for 2012:

<u>Charles Barjenbruch</u>	<u>9.5 acres</u>	<u>\$229.24</u>
<u>James Barjenbruch</u>	<u>13 acres</u>	<u>\$341.77</u>
<u>Lavaine Gaskill</u>	<u>5.5 acres</u>	<u>\$155.38</u>
<u>Hill Valley Farms</u>	<u>16.5 acres</u>	<u>\$3,712.50</u>
<u>Rodney Julsen</u>	<u>23.1 acres</u>	<u>\$3,303.30</u>
<u>Ed Luetkenhaus</u>	<u>4 acres</u>	<u>\$900.00</u>
<u>Francis Shanle</u>	<u>9.5 acres</u>	<u>\$247.00</u>
<u>Tom Sprunk</u>	<u>13.3 acres</u>	<u>\$2,992.50</u>

TOTAL 2012 PAYMENTS: \$11,881.69 Motion carried on consent agenda.

g. Additional 319 Grant Funds Approved for Sand/Duck Watershed

Pollard made the motion, seconded by Meduna, to approve and authorize the Board Chair to sign the Interlocal Agreement with NDEQ, as attached to the Projects Committee Minutes, to receive an additional \$150,000 of EPA 319 grant funds for the Sand/Duck Creek Watershed Phase III Project. Motion carried on consent agenda.

h. EPA 319 Grant Application for Cottonwood Creek Watershed

Pollard made the motion, seconded by Meduna, to apply for \$75,000 of EPA 319 grant funds for assisting landowners with constructing conservation practices in the Cottonwood Creek Watershed, with the primary focus being land above Czechland Lake, as attached to the Projects Committee

Minutes. Motion carried on consent agenda.

2. WATERSHEDS

a. Bellwood

1. NW Butler County Watershed Study – Update Given

b. Shell Creek

1. Shell Creek Improvement Group (SWIG) – Update Given

c. Wahoo Creek

1. Wahoo Creek Watershed Water Quality Plan

Pollard made the motion, seconded by Meduna, to approve the final \$2,882.49 contract payment to JEO for the Wahoo Creek Watershed Water Quality Plan, as attached to the Projects Committee Minutes, and hold such payment until incorporation of final changes and submission of the final plan to NDEQ/EPA. 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

5. SAND CREEK ENVIRONMENTAL RESTORATION PROJECT REPORT

a. Lake Wanahoo

1. Drowning – Update Given

2. CCEI Lawsuit – Update Given

3. Recreation - Update Given

4. Loan Interest Payments

Kavan made the motion, seconded by Casey, to make an interest payment to the State Revolving Fund (loan interest \$98,096.35 and administration fee \$41,494.01) totaling \$139,590.36, as attached to the Projects Committee Minutes. It was further recommended to make the semi-annual interest payment to Union Bank in the amount of \$20,777.77 for interest on the Wanahoo Note, as attached to the Projects Committee Minutes. Motion carried all members present voting aye.

5. Land Trade with Paul Cernik

Casey made the motion, seconded by Meduna, to retain the 11.5 acres that are considered part of the Sand Creek Environmental Project (located south of Lake Wanahoo's embankment) and sell approximately 51 acres that are considered LPNNRD surplus property and not part of the project. Motion carried all members present voting aye.

Meduna made the motion, seconded by Clausen, to trade 8.6 acres from the Hoffman ground for 8.7 acres from Paul Cernik (all located south of Lake Wanahoo's embankment), plus LPNNRD's control of a future trail easement across the Cernik property.

Meduna moved to amend the main motion, seconded by Casey, to have Home Real Estate perform a Market Analysis on the Wanahoo Property. Amendment carried all members present voting aye.

The amended motion was now voted on. Motion carried.

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

NAY: Birkel, Kavan

b. Upstream Sand/Duck Creek Structures

Pollard made the motion, seconded by Meduna, to hire Dwight Johnson & Associates to update our real estate appraisals on Structure Sites 3 and 24 to reflect new property values with the completed structure now in place, as required by DNR. Both of these sites will be sold on January 18, 2013. Motion carried on consent agenda.

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

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

7. ADDITIONAL ACTION ITEMS

7a. Final Payment to HBE for Annual Audit

Casey made the motion, seconded by Sabatka, to make final payment of \$9,500 to HBE for our 2012 Annual Audit. Motion carried all members present voting aye.

7b. Payment to UNL Extension for NAWMN Program

Casey made the motion, seconded by Sabatka, to approve and make payment of \$3,121.43 to UNL Extension for the NAWMN program. Motion carried all members present voting aye.

7c. Decommissioned Well Payment

Casey made the motion, seconded by Sabatka, to approve the following decommissioned well payment:

Hope Cemetery Association \$290.00 Motion carried all members present voting aye.

7d. SWCP and Sand/Duck Creek Payments

Casey made the motion, seconded by Sabatka, to approve the following SWCP Payments:

<u>11-S&D-15</u>	<u>Roland Kavan</u>	<u>Basins/Tile</u>	<u>SWCP 75%</u>	<u>Sand/Duck 15%</u>
			<u>\$10,046.43</u>	<u>\$2,009.29</u>

<u>12-B-02</u>	<u>Kathleen Ptacek</u>	<u>Planned Grazing</u>	<u>SWCP 25%</u>	
			<u>\$1,096.44</u>	

Motion carried all members present voting aye.

7e. Approval of Well Permits

Casey made the motion, seconded by Sabatka, to approve the John A. Vandenberg New Well Permit for 135 acres SE¼-S34-T15N-R3E Butler County as attached. Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

Saalfeld 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

Pollard made the motion, seconded by Meduna, to approve the December consent agenda. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The January Directors Meeting will be held on Monday, January 14, 2012, 1:30 p.m. Meeting adjourned at 4:05 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 December 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