

**LOWER PLATTE NORTH NRD MINUTES
BOARD MEETING
OCTOBER 8, 2001**

The regular monthly meeting of the Lower Platte North NRD Board of Directors was called to order at 7:05 p.m. at Lower Platte North NRD Office, Wahoo, NE on Monday, October 8, 2001.

1. NOTICE OF MEETING

Public notification was made in area newspapers no later than September 27, 2001. Meeting notification and agendas were also provided.

2. ROLL CALL - INTRODUCTIONS

DIRECTORS PRESENT AND CONSTITUTING A QUORUM:

Bailey	Bull	Eden
Grueber (arrived 7:19)	Johnson	Kavan
Langemeier (left 8:15)	Mastny	McDermott
Nelson	Reitmajer	Sabata (arrived 7:35)
Sabatka	Sendgraff	Shelso
Wilke		

DIRECTORS ABSENT

Jedlicka	Johannes	Saalfeld
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STAFF AND GUESTS:

Miyoshi	Mountford	Breunig
Heimann		
Lisa Brichacek, Wahoo Newspaper		
Ron Ecklund, HBE		

3. APPROVAL OF AGENDA

4. COMMENTS - ADVISORS/GUESTS/DIRECTORS

a. NRCS Report

No Report.

b. NARD Report

Don Kavan gave a brief report on the NARD Annual Conference held September 23-25 in Kearney.

c. Annual Audit Report

Ron Ecklund was present to hand out and discuss the Lower Platte North NRD Annual Audit Report and to answer questions.

5. APPROVAL OF MINUTES

Grueber made the motion, seconded by Shelso, to approve minutes from the September 10, 2001 Board Meeting. Motion carried on consent agenda.

6. REPORT OF STANDING COMMITTEES

A. EXECUTIVE COMMITTEE REPORT

1. Meetings

a. Reports

Attached to the Executive Committee Minutes are expense reports from SWCS meeting.

Miyoshi gave an update on the meeting held with Congressman Doug Bereuter on September 18.

2. Management Items

a. Saunders County -vs- MUD - Procedure Rules and Regulations

Grant Porter representing Saunders County made a request that the District adopt the Attorney Generals model rules and regulations for conducting hearings. After discussion it was determined that the District use of the Administrative Procedures Act covers all hearings.

b. Lower Platte River Corridor Alliance

A report was given on the Alliance Airboat Tour which was held September 14th. Those attending were Mountford, Murren and Miyoshi along with Board Member Jedlicka. Also attending were two Colfax County Supervisors and three from the Saunders County Board. The Airboat tour went from Valley to the Platte River connecting bridge for the trail system near Mahoney Park.

c. Al Ott Response Letter

A letter responding to the questions Al Ott asked at the September Board Meeting was reviewed.

d. Nieveen Land Rights

Arnold and Betty Nieveen were present at Executive Committee Meeting to discuss ownership of the center pivot on the ground recently purchased from Nieveen's. The purchase was completed the day before we were set to go to District court on the condemnation case. The center pivot is listed separately in Arnold Nieveen's name and Arnold has paid property taxes on the center pivot. The land was previous owned by Betty Nieveen Trust. The contention that the District has is three separate appraisals were done on the property, all three appraisals included the center pivot as part of the property. The District ultimately settled the case for the second appraisal that Nieveen's had on the property (Kubert Appraisal) and that appraisal did include the center pivot value. Staff was instructed to prepare a letter to Nieveen stating we feel the pivot is our property and it is up to Nieveens take any action they feel is proper. The letter will also include guarantees that leaving the pivot on the property after November 1st for use by tenant, Doug Bartek will not change or relinquish any rights Nieveen may have to the pivot.

e. Re-Subdistricting

The Board reviewed several proposals on re-subdistricting, looking at boundary maps and how voting precincts may be switched between sub-districts. After considerable discussion, Langemeier made the motion, seconded by Mastny, to adopt the Wilke sub-district plan which keeps 19 Board Members.

Grueber made the motion to table the discussion on sub-district boundaries until next month. Motion carried all members present voting aye.

f. Weaver Expenses

Grueber made the motion, seconded by Shelso, to pay Bob Weaver expenses of \$1,184.17. Motion carried on consent agenda.

g. Fremont Trails

Troy Thompson has assisted the Fremont Chamber of Commerce in preparing a Fremont Trails brochure. Shelso made the motion, seconded by Bailey, that the District offer to print up to 5,000 copies of the Fremont Trails Brochure at no cost to the Chamber and that this be a one time offer. Motion carried.

AYE: Bailey, Bull, Eden, Grueber, Johnson, Kavan, McDermott, Nelson, Reitmajer, Sabata, Sabatka, Sendgraff, Shelso, Wilke

NAY: Langemeier, Mastny

3. Equipment

No new business.

4. Personnel

No new business.

5. Finance

a. Financial Reports

Grueber made the motion, seconded by Shelso, to approve the June Financial Statement as distributed at the September Board Meeting. Motion carried on consent agenda.

b. Approval of Managers Expenses

Grueber made the motion, seconded by Shelso, to approve the Managers expenses as attached to the Executive Committee Minutes. Motion carried on consent agenda.

Grueber made the motion, seconded by Shelso, that the October LPNNRD Executive Committee Minutes be received and placed on file. Motion carried on consent agenda.

B. OPERATION AND EDUCATION COMMITTEE REPORT

1. WHIP REPORT

a. Payments - WHIP

Grueber made the motion, seconded by Shelso, to approve a WHIP contract payment for Larry Novak, Butler County, \$285. Motion carried on consent agenda.

2. OPERATION & MAINTENANCE

a. The Following Updates Were Given:

✓ Operation and Maintenance Activities

- ✓ Rawhide Creek North Branch
- ✓ Homestead Lake

b. Rawhide Ditch 8 Cattle Panel Repairs

Mastny made the motion, seconded by Shelso, to repair three cattle panel structures and build a fourth at an estimate cost by Timme Welding of \$3,620.84. Motion carried all members present voting aye.

c. Czechland Silt Dam

Mastny made the motion, seconded by Bull, to proceed with advertising for the purchase and placement of rip-rap on the Czechland Lake silt dam. Motion carried all members present voting aye.

3. ROCK AND JETTY

a. Payment

Grueber made the motion, seconded by Shelso, to approve two bank stabilization projects, Adolph Novacek, Butler County Platte River, \$2,000 and Verna Guidinger, Butler County Platte River, \$1,115, payments made pending inspection by staff. Motion carried on consent agenda.

4. EROSION & SEDIMENT RULES & REGULATIONS

The District has not received any new complaints.

5. INFORMATION & EDUCATION

a. The following Updates Were Given:

- * Website
- * Viaduct
- * I&E Staff Group
- * Land Judging
- * 30th Anniversary

Grueber made the motion, seconded by Shelso, that the October LPNNRD Operation and Education Committee Minutes be received and placed on file. Motion carried on consent agenda.

C. WATER COMMITTEE REPORT

1. REGULATORY

a. GROUND WATER MANAGEMENT AREA

1. Well Permits

For 2001 the NRD has approved 41 new well permits. This time last year we had 47 permits.

2. Shunk Complaint

Mike Woodward appears to be operating a well to supply water to a duck pond which Duane Shunk claims is placing water onto his property and causing damages. Grueber made the motion, seconded by Shelso, to send a letter to Mike Woodward giving him until November 1, 2001 to submit a Water Well Registration Modification form to DNR and the LPNNRD or the District will pursue a cease and desist

order until the well permit and well registration are properly updated. Motion carried on consent agenda.

3. MUD Complaint

Grueber made the motion, seconded by Shelso, that the LPNNRD act as an intermediary and set up a meeting with the affected landowners and MUD to discuss the loss of sub irrigation and the financial consequences for that loss and not pursue combining a possible landowner Hearing with the Hearing between Saunders County and MUD at this time. Motion carried on consent agenda.

4. Nitrogen Application Notice

Grueber made the motion, seconded by Shelso, that a notice be sent to area Coop's, fertilizer dealers, etc. reminding producers about the November 1st date before fertilizes can be applied instead of placing an ad in area newspapers. Motion carried on consent agenda.

5. The Following Reports Were Given:

- ☞ Chemigation
- ☞ Vadose Zone Sampling
- ☞ Well Registrations
- ☞ Livestock Waste Permits

2. GROUND WATER PROGRAMS

a. Decommissioned Well Program

Grueber made the motion, seconded by Shelso, to approve cost share payment to decommission the domestic well for Fricke & Associates (RBH) for \$304.13, a domestic well for Steve Zimola for \$215.70, a domestic well for Jack McEvoy for \$308.25 and a domestic well for John Sutton for \$197.25. Motion carried on consent agenda.

b. The Following Reports Were Given

- * Wellhead Protection Areas
- * Groundwater Quality - Platte Valley
- * Mead NOP
- * Monitoring Wells

3. SURFACE WATER PROGRAMS

a. Ambient Stream Gauging

Gauging of selected streams in the District is scheduled for the end of September and early October. This is done once per year to provide a look at stream and ground water conditions after the summer season. The gauging sites are at known locations where ground water contributes to stream flow.

Grueber made the motion, seconded by Shelso, that the October LPNNRD Water Committee Minutes be received and placed on file. Motion carried on consent agenda.

D. PROJECTS COMMITTEE REPORT

1. SWCP REPORT

a. SWCP Payments:

Grueber made the motion, seconded by Shelso, to approve the following SWCP payments:

<u>01-P-14</u>	<u>Oliver Maurer</u>	<u>\$ 791.06</u>
<u>01-S-04</u>	<u>Randy Fendrich</u>	<u>\$ 4,612.98</u>
<u>EQIP Match</u>	<u>Dave Vrana</u>	<u>\$ 309.13</u>

Motion carried on consent agenda.

b. SWCP /CIP Application Approvals for Fall

Grueber made the motion, seconded by Shelso, to approve the following SWCP fall application:

<u>John Coufal</u>	<u>David City Lake Project</u>	<u>\$ 7,600</u>
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Motion carried on consent agenda.

c. Nebraska Buffer Strip Program Payment Approvals

Grueber made the motion, seconded by Shelso, to approve Nebraska Buffer Strip Program Payments for 2001, totaling \$24,731.90 as attached to the Projects Committee Minutes. Motion carried on consent agenda.

2. WATERSHEDS

a. Skull Creek Watershed - Homestead Lake Construction

1. Site 55 (Homestead Lake) Recreation Construction

Construction on the recreation component is going well. The roads, boat ramp and dry hydrant are finished and the picnic shelter is nearly complete. The vault toilet is well underway and should be completed soon.

On June 11, 2001 the Board approved providing the cost of the materials for a dry fire hydrant at Homestead Lake, up to \$1,000. Grueber made the motion, seconded by Shelso, to pay the Bruno Fire Department \$606.44 for materials purchased for the dry fire hydrant installation at Homestead Lake. Motion carried on consent agenda.

Grueber made the motion, seconded by Shelso, to allow staff to rent a tree spade for moving trees to Homestead Lake's picnic areas. Motion carried on consent agenda.

2. Final Payment on Homestead Lake Construction

As you are aware, the majority of Homestead Lake Dam construction was completed last spring. All remaining items have been completed and Olsson Associates has submitted approval of the final payment of \$58,172.12. Kavan made the motion, seconded by Sabatka, to approve the final payment of \$58,172.12 to Kobus Earth Moving, Inc. Motion carried all members present voting aye.

3. Skull Creek Site 30 & 31 Project

The Department of Natural Resources has made a recommendation at their September 25th meeting, that the District should only proceed with a project application on proposed Skull Creek Dam Site 31 at this time. Grueber made the motion, seconded by Shelso, to have Olsson Associates to prepare a contract to prepare a NDNR project application for Skull Creek Dam Site 31. Motion carried on consent agenda.

3. FSA, EQIP & CRP PLANS SIGNED



Grueber made the motion, seconded by Shelso, to approve the following list of conservation plans:

<u>Jim Vech X 6</u>	<u>Saunders</u>	<u>Dave Deerson</u>	<u>Saunders</u>
<u>Dale Olnes</u>	<u>Boone</u>	<u>John Wolfe</u>	<u>Saunders</u>
<u>Albert Hobza</u>	<u>Saunders</u>	<u>George Cejka</u>	<u>Saunders</u>
<u>Norm Kavan Jr.</u>	<u>Saunders</u>	<u>Jeffrey Hanson</u>	<u>Dodge</u>

Motion carried on consent agenda.

4. LOCALLY LED CONSERVATION CORE GROUP REPORT

d. The following Reports Were Given:

-  Skull/Bone Creek Locally Led Landowners
-  Shell Creek Locally Led Landowners

b. Northwest Butler County Landowners

Director Sabata reported that Nancy Hartman, one of the steering committee members, requested a landowner meeting to discuss her concerns about completing the NRCS watershed assessment that is to be started later this fall. While a landowner meeting may be held after harvest, the Board discussed the importance of completing the watershed assessment, which can hopefully provide information about the drainage problems in northwest Butler County. Sabatka made the motion, seconded by Sendgraff, that the Lower Platte North NRD continue to support the Northwest Butler County Landowners Steering Committee recommendation which is to study the Northwest Butler County Drainage System. Motion carried all members present voting aye.

5. OTHER

a. RC&D

Attached to the Projects Committee Minutes are copies of minutes from the Nebraska Loess Hills and Nebraska Great Plains RC&D.

6. LAKE WANAHOO REPORT

Grueber made the motion, seconded by Shelso, to set 2002 rental rates with current tenants farming Lake Wanahoo Property as follows: \$86/acre for Dryland; \$132/acre for irrigated land where the tenant owns the center pivot; \$144/acre for irrigated land where the District owns the center pivot; and \$20/acre for pasture land. Motion carried on consent agenda.

McDermott made the motion, seconded by Nelson, to set the rental rate at \$91/acre for irrigated land where there is a well but no irrigation equipment. Motion carried all members present voting aye.

Grueber made the motion, seconded by Shelso, that the October, LPNNRD Projects Committee Minutes be received and placed on file. Motion carried on consent agenda.

7. ADDITIONAL ACTION ITEMS

7.a. Abandoned Well Cost-Share Payments:

Grueber made the motion, seconded by Bull, to approve the following abandoned well costs-share payments:

<u>Frank Pleskac</u>	<u>\$354.33</u>
<u>North Bend Central Public School</u>	<u>\$127.14</u>

Motion carried all members present voting aye.

7.b. David City Park/Lake Restoration Project

Grueber made the motion, seconded by Bull, to approve \$10,000 payment to City of David City for construction of the sediment trap structure as part of the Park/Lake Restoration Project. Motion carried all members present voting aye.

7.c. Shell Creek Gauging Station

Grueber made the motion, seconded by Bull, to approve cost-share funding payment with USGS for \$4,650 for the operation of the Shell Creek gauging station near Columbus and authorize Manager to sign F.Y. 02 Agreement. Motion carried all members present voting aye.

7.d. Mead Recorder Well

Grueber made the motion, seconded by Bull, to approve cost-share funding payment with USGS for \$385 for the operation and processing of data for the recorded well near Mead and authorize manager to sign F.Y. 02 Agreement. Motion carried all members present voting aye.

7.e. SWCP Payment

Grueber made the motion, seconded by Bull, to approve the following SWCP payment:

<u>01-S-34</u>	<u>Kenneth Miller</u>	<u>\$938.42</u>	<u>Diversion</u>
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Motion carried all members present voting aye.

8. BILLS TO BE APPROVED

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

9. CONSENT AGENDA ADOPTION

Grueber made the motion, seconded by Shelso, to approve the amended October consent agenda. Motion carried all members present voting aye.

10. COMMENTS FROM DIRECTORS/GUESTS

11. MEETING ESTABLISHMENT AND ADJOURNMENT

The November Board of Directors Meeting will be held on Monday, November 12, 2001. Time and location to be determined. Meeting adjourned at 9:20 p.m.

Dean Johnson, Secretary