

CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

HOLDREGE, NEBRASKA

MAY 1, 2023 – 9:00 A.M.

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MINUTES OF SPECIAL MEETING OF THE
BOARD OF DIRECTORS
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
HOLDREGE, NEBRASKA
APRIL 21, 2023 at 9:00 A.M.

This meeting was publicly advertised in accordance with Section 84-1411 of the Nebraska Statutes by notices aired on KRVN (Lexington) and KUVR (Holdrege) radio stations on April 19, 2023, and through legal publication in the Kearney Hub, Holdrege Daily Citizen, and Lexington Clipper-Herald on April 19, 2023, giving the time, date, and place of the meeting and the information that the Agenda was available in advance at the Office of the Assistant Secretary.

A notice giving the time, date, and place of this meeting was e-mailed to each Director on April 17, 2023.

The following Directors were present:

David L. Rowe, President	Geoffrey K. Bogle	David G. Nelson
Kyle Shepherd, Vice President	Robert B. Dahlgren	Dudley L. Nelson
William E. Knoerzer, Secretary	Martin E. Mueller	Roger D. Olson
K. Scott Olson, Treasurer		Kyle Shepherd

The following Director was absent: Tim Boyle

Also present were the following:

Devin M. Brundage, General Manager	Anton Hassebrook, Hydroelectric Operations Super.
Rochelle A. Jurgens, Controller	Duane Cernousek, Purchasing Agent
Eric R. Hixson, Electrical Project Ops. Mgr.	Steve Osterbuhr, Irrigation Superintendent
Cory A. Steinke, Hydraulic Project Ops. Mgr.	Dusty Way, Irrigation Operations Super.
Scott Dicke, Irrigation & Water Services Mgr.	McKinley Harm, Civil Engineer
Mike A. Drain, Nat. Resources & Compliance Mgr.	Charles Brewster, Legal Counsel
Alex Linden, Public Relations Assistant	Emily J. Anderson, Executive Assistant
Tyler Thulin, Civil Engineer	

Others:

Carson Messersmith	Jeff Buettner
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The Board President announced that information for the public concerning the Open Meetings Act was available for interested parties to view.

At 9:02 a.m. the Board President announced that the meeting was open for business and proceeded with roll call.

PUBLIC INPUT: None.

CONTRACT NO. 0-709, GROUP 22-1 – RDO TRUCK CENTER FOR TRUCK CAB & CHASSIS WITH REAR DUMP BODY: Duane Cernousek presented the following items:

- a. Contract Change Order No. 1 (\$8,999.00)
- b. Progress Payment Estimate No. 1 (Final) (\$172,426.70)
- c. Closure of Contract No. 0-709

Cernousek explained the change order is for surcharges applied by the vendor due to increased manufacturing costs. Staff confirmed the truck has been received, found to be in satisfactory condition, and recommended final payment and closure of the contract.

It was moved by Director Dudley Nelson and seconded by Director Soneson to approve Contract Change Order No. 1 in the amount of \$8,999.00, Progress Payment Estimate No. 1 (Final) in the amount of \$172,426.70, and the Closure of Contract No. 0-709. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent was: Boyle. The motion was declared carried.

DIRECTORS' ATTENDANCE: It was moved by Director Bogle and seconded by Director Mueller to excuse the absence of Director Boyle from this Special meeting. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent: Boyle. None voted no and the motion was declared carried.

ADJOURNMENT: It was moved by Director R. Olson and seconded by Director Dahlgren to adjourn the Special Meeting of the Board at 9:06 AM. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent was: Boyle. None voted no and the motion was declared carried.

MINUTES OF COMMITTEE MEETING OF THE
BOARD OF DIRECTORS
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
HOLDREGE, NEBRASKA
APRIL 21, 2023 – 9:00 A.M.

This meeting was publicly advertised in accordance with Section 84-1411 of the Nebraska Statutes by notices aired on KRVN (Lexington) and KUVR (Holdrege) radio stations on April 17, 2023, and through legal publication in the Kearney Hub and Holdrege Daily Citizen on April 17, 2023, and the North Platte Telegraph and Lexington Clipper-Herald on April 15, 2023, giving the time, date, and place of the meeting and the information that the Agenda was available in advance at the Office of the Assistant Secretary.

A postcard was mailed to each Director on April 11, 2023 giving the time, date, and place of this meeting.

The following Directors were present:

David L. Rowe, President	Geoffrey K. Bogle	David G. Nelson*
Kyle Shepherd, Vice President	Robert B. Dahlgren*	Dudley L. Nelson
William E. Knoerzer, Secretary*	Martin E. Mueller	Roger D. Olson
K. Scott Olson, Treasurer		Kyle Shepherd

**exited the meeting at 12:05 p.m.*

The following Director was absent: Tim Boyle

Also present were the following:

Devin M. Brundage, General Manager	Anton Hassebrook, Hydroelectric Operations Super.
Rochelle A. Jurgens, Controller	Duane Cernousek, Purchasing Agent
Eric R. Hixson, Electrical Project Ops. Mgr.	Steve Osterbuhr, Irrigation Superintendent
Cory A. Steinke, Hydraulic Project Ops. Mgr.	Dusty Way, Irrigation Operations Super.
Scott Dicke, Irrigation & Water Services Mgr.	McKinley Harm, Civil Engineer
Mike A. Drain, Nat. Resources & Compliance Mgr.	Charles Brewster, Legal Counsel
Alex Linden, Public Relations Assistant	Emily J. Anderson, Executive Assistant
Tyler Thulin, Civil Engineer	

Others:

Carson Messersmith	Jeff Buettner
Bruce Remington, Principal (arrived at 11:00 a.m.)	

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The Board President announced that information for the public concerning the Open Meetings Act was available for interested parties to view.

At 9:06 a.m. the Board President announced that the meeting was open for business and proceeded with roll call.

PUBLIC INPUT: None.

CONSENT TO ASSIGNMENT SUMMARY: No consents were approved in April, 2023.

PERMIT TO CONSTRUCT SUMMARY: The following permits were approved during the month of April, 2023:

Permits to Construct Approved by General Manager 4/21/2023				
<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
1.	Charter Communications, LLC	NE1/4 5-8-22	Relocation of communication lines that were attached to electrical distribution poles ranging from lots 12 through 21 East Shore, Johnson Lake. Television, internet, and communication cables will be installed underground.	03/27/2023 \$630.00
2.	Jim Palmer	NE1/4 14-6-18	Water line for subsurface drip system will be bored.	03/30/2023
Permits to Construct Approved by Land Administration Department 4/21/2023 – Johnson Lake				
<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
3.	Grupe, Adam & Heather	96 Lakeview Acres Dr. 14C	SWAF - Install 5' X 15' Floating Dock	03/21/2023 \$50.00
4.	Mallard Beach South Bay Area Assn.	Mallard Beach Open Space	VEG - Tree Trimming	03/27/2023
5.	Melville, Andy	49 Mallard Beach South Bay	VEG - Remove one cotton wood tree	03/27/2023
6.	Norwood, Nancy	47 Mallard Beach	VEG - Planting Columnar Blue Spruce Trees	03/29/2023
7.	Melville, Wanda	49 Mallard Beach So Bay Dr. 21	DWEL - Relocate 30'6" x 56' dwelling with new basement	03/29/2023
8.	Sothan, Myron & Susan	5 Mallard Cove Dr. 19	ECS - Dock Approach 2-2'T x 8'L Retaining Walls	03/30/2023
9.	Sothan, Myron & Susan	5 Mallard Cove Dr. 19	SWAF - Install 12'W x 12'L Shorestation, 4'W x 56'L Dock, 6'W x 9'L Jet-Ski	03/30/2023 \$50.00
10.	Rohnert, Cheryl	2 North Cove Dr. 10	SWAF - Install 3'W x 110'L Dock, 6'W x 9'L Swim Platform	03/30/2023 \$50.00
11.	Leibroch, Judi	33 Sandy Point Dr. 24A	SWAF - Install 8'W x 8'L Swim Platform, 12'W x 12'L, Shorestation, 4'W x 56'L Dock	03/30/2023 \$50.00
12.	Hemje, Katherine & Rasby, Gregory	20 East Shore Dr. 1A	DWEL - Construct 26' x 40' two story addition of garage and living space to an existing dwelling	03/31/2023
13.	Koopman, Brandon & Katie	20 Merriweather Dr. 11	SWAF - Install 2 New 4'W x 8'L Dock Sections	03/31/2023 \$50.00

14.	Bonner, William	18 Mallard Beach Dr. 20	VEG - Cottonwood tree removal	04/03/2023
15.	Rowedder, Daniel & Carol	2 Crappie Corner Dr. 5	SWAF - Install 4'W x 96'L Dock, 8'W x 8'L Swim Platform	04/03/2023 \$50.00
16.	Rowe, Tim & Susan	#10 Crappie Corner	VEG - Remove cottonwood tree from front of cabin	04/05/2023
17.	KKR Farms, LLC	1 Idle Hour Dr. 17	VEG - Removal of bushes and trees	04/06/2023
18.	Cheloha, Gary & Michelle	41 North Point Dr. 13	DWEL - Install a buried drainage system from downspouts on existing dwelling and new pavilion drainage.	04/06/2023
19	Berglund, Mary	107 Mallard Beach Dr. 22	SWAF - Install 12'W x 12'L On-grade patio	04/11/2023 \$50.00
20.	BSBB LLP	45 Mallard Beach Dr. 20	SWAF - Install 12'W x 12L Shorestation, 6'W x 6'L Jet-Ski Lift	04/13/2023 \$50.00

Permits to Construct
Approved by Land Administration Department
4/21/2023 – Jeffrey Lake

<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
21.	Rohach, Joe & Vicki	88 Pelican Dr.	SWAF - Install 5'W x 15'L Dock, 3'W x 10'L Gangway, 2-10'W x 14'L Jet-Ski Lifts	03/22/2023 \$50.00
22.	Ploussard, Aaron & Farr, Tiffanie	23 Lakeview Rd.	SWAF - Install 10'6"W x 26'L Shorestation	03/24/2023 \$50.00
23.	Shepherd, Dell & Janet	28 Lakeview Rd	SWAF - Install 5'W x 11'L Jet-Ski Lift	04/04/2023 \$50.00

Permits to Construct
Approved by Land Administration Department
4/21/2023 – Lake McConaughy

<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
24.	Smith, Mike (President)	K-3 Area Association	Permit to Construct - Line the north ditch along the roadway with rock.	04/07/2023

Permits to Construct
Approved by Land Administration Department
4/21/2023 – Midway Lake

<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
25.	Zimbelman, Scott & Janna	63 Cedar Point	SWAF - Install 3'W x 12'L Gangway	04/07/2023 \$50.00

Permits to Construct
Approved by Land Administration Department
4/21/2023 – Plum Creek

<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
26.	Kugler, Lane & Peg	0 Plum Creek Canyon Dr. 121	DWEL - Relocate poly pipe discharge line for a water source heat pump furnace/ac.	04/05/2023

WATER SERVICE AGREEMENTS: Dusty Way presented the following:

<u>System</u>	<u>Acct. No.</u>	<u>Legal Desc.</u>	<u>Landowner</u>	<u>Contr. Acres</u>	<u>Total Acres Chg'd</u>
<u>Water Service Agreements:</u>					
E65	7210803 (1)	NE1/4 and SE1/4 8-7-21	Kimberli & Robert Dawson	256	+56
		<i>*Add acres</i>			
E67	8222303 (1)	E1/2NW1/4, NE1/4 23-8-22	Frederick & Andrea Nisley	175	+25
		<i>*Add acres</i>			

- (1) IPP Amendment to Water Service Agreement for the 2023 irrigation season accompanies new WSA.
- (2) IPP Amendment to Water Service Agreement for the 2023 irrigation season to accompany existing WSA.
- (3) Water Service Agreement terminated after 2022, landowner came-back with new WSA.
- (4) Documents are currently being reviewed with landowners and/or are being signed by the landowners.
- (5) Water Service Agreement immediately terminated after 2022.
- (6) Water Service Agreement activation date being when CWS permit is issued by the NeDNR.

WORK ORDERS/PURCHASE REQUISITIONS: The following was presented:

- a. Work Order No. 107461 – Purchase 2022 CAT 330 GC Track Excavator (\$369,600.00)

BID TAB – WHEELED EXCAVATOR: Scott Dicke presented the three bids received as follows: Nebraska Machinery Co. for a 2023 CAT in the amount of \$320,910.00; Bobcat of Omaha for a 2023 Develon/Doosan in the amount of \$209,218.00; and Murphy Tractor for a 2023 John Deere in the amount of \$294,950.00. Dicke stated after comparing the three different machines, staff believes the CAT offers the best safety features and efficiency for the price. He also presented the following:

- a. Work Order No. 186585 – 2023 Rubber Tire Excavator (\$348,140.00)

BID TAB – GROUP 23-2 – TRUCK CAB & CHASSIS WITH REAR DUMP BODY: Cory Steinke stated he is finally able to start ordering dump trucks which were previously on hold due to delays in manufacturing. He presented the three bids received as follows: RDO Truck Center for a 2025 Mack with BiBeau dump body in the amount of \$192,534.00; Nebraska Truck Center Inc. for a 2024 Western Star with Henderson dump body in the amount of \$175,476.00; and Nebraska Truck Center Inc. for a 2024 Western Star with a BiBeau dump body in the amount of \$170,320.00. He suggested purchasing three trucks with the rear dump bodies at this time since he was unable to gradually upgrade the fleet the past few years due to the manufacturing delays. Staff recommends accepting the low bid from Nebraska Truck Center Inc. in the amount of \$170,320.00, with delivery expected in the first half of 2024.

BID TAB – GROUP 23-3 – TRUCK CAB & CHASSIS WITH SIDE DUMP BODY: Duane Cernousek presented the three bids received as follows: RDO Truck Center for a 2025 Mack with SmithCo side dump body in the amount of \$194,259.00; Holdrege Equipment LLC for a 2024 Kenworth with a Side Dump Industries side dump body in the amount of \$214,561.00; and Nebraska Truck Center Inc. for a 2024 Western Star with a Side Dump Industries side dump body in the amount of \$167,700.00. Staff recommends accepting the low bid from Nebraska Truck Center Inc. in the amount of \$167,700.00, with delivery expected in the first half of 2024.

WORK ORDER NO. 107462 – PURCHASE FOUR 2024 WESTERN STAR DUMP TRUCKS (\$793,800.00): Cory Steinke presented Work Order No. 107462 for the purchase of one side dump truck and three rear dump trucks totaling \$793,800.00.

BID TAB – HYDRO ROOFS: McKinley Harm explained the need to replace the roofs at the J-1, J-2, and Jeffrey Hydros due to leaks in the PVC membrane product that is currently applied to the roofs. The warranty has expired on the current roofing product. She presented the three bids received as follows: Weathercraft Companies in the amount of \$275,990.00; Tri-Cities Roofing in the amount of \$278,000.00; and Tri-Cities Roofing in the amount of \$250,000.00. Staff is evaluating the differences in the bids and will make a recommendation to the board at the May 1, 2023 Regular Business Meeting. Anton Hassebrook commented that a budget amendment may be required.

LAND AND RECREATION COMMITTEE MEETING (4/18/23): The minutes of the recent meeting were displayed and Mike Drain provided a summary of the items the subcommittee recommended Board action on as follows:

- a. Proposed Amendment to District Permitting Procedures: The subcommittee voted to recommend Board approval of the amendment to “Section 4.3.3. Fuel” regarding new or replacement liquid propane tanks being limited in size to less than 125 gallons.
- b. Application for Variance – 24 Mallard Cove, Johnson Lake: The subcommittee voted to recommend Board approval of the variance request by the lessees of 24 Mallard Cove, Johnson Lake for the construction of a fence within the Shoreline Construction Setback due to the unique safety hazards associated with the lot.
- c. Application for Variance – 5 Park Lane, Bullhead Point, Johnson Lake: The subcommittee voted to recommend Board denial of the variance request by the lessees of 5 Park Lane, Bullhead Point, Johnson Lake.
- d. Hanna Land Transaction – Phillips Canyon Lake: The subcommittee voted to recommend Board approval to authorize staff to enter into real estate negotiations to acquire land in the vicinity of Phillips Canyon Lake, consistent with the terms and conditions as presented in staff’s recommended course of action.

E-65 SIPHON AND ELWOOD SEEPAGE REPAIR PROJECTS: Scott Dicke presented on this topic at the Nebraska Resource Committee’s roundtable meeting earlier this month. He stated the site surveys and topographic services have been completed for both projects. The consultants are currently working on the modeling for both projects, and fieldwork should be completed in June. More discussions were held in Closed Session.

A break was taken at 10:19 a.m. The meeting resumed at 10:36 a.m.

2022 YEAR END FINANCIAL REPORT: Rochelle Jurgens presented a review of year-end financial results for 2022 related to revenues, expenses, benefits, and fund balances. She also provided a summary of the discussions held and actions taken at the March 24, 2023 Finance Committee.

SEMI-ANNUAL PENSION PLAN REPORT – PRINCIPAL (FORMERLY WELLS FARGO): Bruce Remington from Principal was present to update the Board on his investment strategies relating to Central’s defined benefit pension plan.

LEGISLATION: Alex Linden reported hearings on bills will begin on May 2, 2023. A tour of the proposed South Platte/Perkins County canal project will occur April 30-May 1, 2023 for Governor Pillen and State Senators.

A break for lunch was taken at 11:48 a.m.

Directors Dahlgren, Knoerzer and David Nelson exited the meeting following lunch at approximately 12:05 p.m.

The meeting resumed at 12:16 p.m.

BOARD COMMENTS: Director Shepherd asked for a list of the Dawson Public Power District's board meeting dates. He also requested a copy of their agendas in advance of their meetings.

LEGAL UPDATE: Charles Brewster stated the hearing dates for the Robison-COM v. CNPPID case in the Phelps County District Court has been scheduled for August 21-23, 2023. He has been working with Scott Dicke on landowner easement agreements for the E-65 Siphon project and other real estate transaction agreements for land in the vicinity of the Phillips Canyon boat ramp project.

PERSONNEL: None.

OUT OF STATE TRAVEL: The following out of state travel for May, 2023 was presented:

<u>Name</u>	<u>Meeting</u>	<u>Location</u>	<u>Date</u>
Devin Brundage	Southwest Power Pool	Kansas City, MO	April 24-26, 2023
Devin Brundage	NHA Waterpower Week	Washington, D.C.	May 7-11, 2023
Mike Drain	NHA Waterpower Week	Washington, D.C.	May 7-11, 2023

WORKSHOPS, SEMINARS AND CONFERENCES: None.

BOARD SUB-COMMITTEE MEETINGS AND OTHER IMPORTANT UPCOMING EVENTS: None.

MANAGEMENT REPORTS:

- a. Cory Steinke reported the newly purchased dragline is currently being transported from Georgia. Crews are dredging at the Diversion Dam and pumping sand into the newly reconstructed geotubes at Lake McConaughy.
- b. Mike Drain stated the Kingsley Dam riprap will be temporarily patched until the consultant designs a permanent solution.
- c. Tyler Thulin reported Lake McConaughy is at elevation 3,232.2, 920,000 acre-feet, and 52% capacity. Inflows to Lake McConaughy are 775 cfs and outflows are around 340 cfs. Releases are being made from Lake McConaughy to fill Elwood Reservoir. Snowpack in the North Platte basin is at 125% of average and the South Platte basin is at 96%. Hydrocycling at J-2 ends on April 30, 2023. Cory Steinke and he attended a preconstruction meeting recently for the Midway Lake bridge project. Construction of that bridge will start May 18, 2023 and end in mid-October.
- d. Scott Dicke stated the E-65 and Phelps canals are filling.
- e. Dusty Way reported Rubicon has visited all gate sites along the canal laterals that are not already automated. They are working to compile a quote and proposal to fully automate Central's system. Way expects the Rubicon proposal to be available in early June. Scott Dicke discussed potential grant funds that could help pay for some of the costs associated with upgrading to an automated system.
- f. Steve Osterbuhr reported on road crossing and pumpsite repair work.
- g. Rochelle Jurgens discussed the wage survey proposal from SilverStone/HUB. She and Eric Hixson have been corresponding with NPPD about the 2022 Kingsley Hydro budget reconciliation. Forvis (formerly BKD) will present the 2022 final audit report at the May 24, 2023 Committee Meeting.
- h. Alex Linden is preparing for the 30th year of Water Jamboree which takes place next week at Harlan County Reservoir. He has several tours scheduled which Jeff Buettner will assist with. He is planning a tour of the Perkins County/South Platte Canal on June 14, 2023 which will be open to directors and staff from various agencies.

- i. Devin Brundage may attend the May 1, 2023 tour to the Perkins County/South Platte Canal with the state Senators and would have Eric Hixson cover for him at the board meeting if required. He is working with Jeff Buettner to arrange a tour for new Tri-Basin NRD members to educate them about Central's system. He will be traveling next week to the Southwest Power Pool meeting in Kansas City, MO.
- j. Eric Hixson has been working on a draft of a power purchase agreement with MEAN. Two new RTUs were installed on E-65, a heat pump was replaced at the J-1 microwave building, and a new well is being drilled at J-1 hydro.

At 1:02 PM it was moved by Director Shepherd and seconded by Director Bogle to enter into Closed Session. Upon voting on the motion, the following Directors voted therefore: Bogle, Mueller, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent was: Boyle, Dahlgren, Knoerzer, and David Nelson. None voted no and the motion was declared carried. The reason for entering Closed Session was to discuss the following agenda item: E-65 Siphon and Elwood Seepage Repair Projects. The purpose for entering into Closed Session for these topics was to discuss contract and land negotiations and to receive legal advice.

C L O S E D S E S S I O N

At 1:26 PM it was moved by Director Shepherd and seconded by Director S. Olson to exit Closed Session and reconvene in Regular Session. Upon voting on the motion, the following Directors voted therefore: Bogle, Mueller, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent was: Boyle, Dahlgren, Knoerzer, and David Nelson. None voted no and the motion was declared carried. President Rowe stated the discussion held in Closed Session was limited to the following agenda item: E-65 Siphon and Elwood Seepage Repair Projects.

ADJOURNMENT: It was moved by Director S. Olson and seconded by Director Mueller to adjourn the Regular Business Meeting of the Board at 1:26 PM. Upon voting on the motion, the following Directors voted therefore: Bogle, Mueller, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent was: Boyle, Dahlgren, Knoerzer, and David Nelson. None voted no and the motion was declared carried.

MINUTES OF REGULAR BUSINESS MEETING OF THE
BOARD OF DIRECTORS
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
HOLDREGE, NEBRASKA
MAY 1, 2023 – 9:00 A.M

This meeting was publicly advertised in accordance with Section 84-1411 of the Nebraska Statutes by notices aired on KRVN (Lexington) and KUVR (Holdrege) radio stations on April 24, 2023, and through legal publication in the Kearney Hub and Holdrege Daily Citizen on April 24, 2023, the North Platte Telegraph on April 25, 2023, and the Lexington Clipper-Herald on April 26, 2023, giving the time, date, and place of the meeting and the information that the Agenda was available in advance at the Office of the Assistant Secretary.

A postcard was mailed to each Director on April 11, 2023 giving the time, date, and place of this meeting.

The following Directors were present:

David L. Rowe, President	Geoffrey K. Bogle	David G. Nelson
Kyle Shepherd, Vice President	Tim Boyle	Dudley L. Nelson
William E. Knoerzer, Secretary	Robert B. Dahlgren	Roger D. Olson
K. Scott Olson, Treasurer	Martin E. Mueller	Brent Soneson

Also present were the following:

Devin M. Brundage, General Manager	Tyler Thulin, Civil Engineer
Eric R. Hixson, Electrical Project Ops. Mgr.	McKinley Harm, Civil Engineer
Rochelle A. Jurgens, Controller	Charles Brewster, Legal Counsel
Mike A. Drain, Nat. Resources & Compliance Mgr.	Emily J. Anderson, Executive Assistant
Scott Dicke, Irrigation & Water Services Mgr.	

Others:

Carson Messersmith	Kurth Brashear, Rembolt Ludtke, LLP
Jeff Buettner	Gwen Kautz, Dawson PPD
John Thorburn, Tri-Basin NRD	Joe Bilka
Ed Schrock	Robert McCormick
Chris Erickson	Matt Wells
Robin Hinrichs	Brad Lundeen
Gary Robison	Dave Dahlgren
Reid McClymont	Bob King, Holdrege Daily Citizen

* * * * *

Board President Rowe announced that information for the public concerning the Open Meetings Act was available for interested parties to view.

At 9:00 a.m. Board President Rowe announced the meeting was open for business and proceeded with roll call.

PUBLIC INPUT: John Thorburn reported on Tri-Basin's Arbor Day open house held on April 28, 2023, the Water Jamboree, the planting of windbreaks, and spring water level measurements. Ed Schrock discussed his involvement with the Citizens Opposed to the Merger and circulated a copy of Nebraska Rev. Stat. §70-612. Dave Dahlgren spoke on behalf of the Central District Water Users and stated Central is one of the greatest entities in Nebraska. Rob McCormick discussed items he

hopes the Central directors will consider related to the merger with Dawson PPD. Gary Robison reiterated McCormick’s comments and added his desire for Central to engage stakeholder groups before moving forward with the merger. He would also like more definition in the Plan of Consolidation.

MANAGEMENT REPORTS: The following were presented:

- a. Devin Brundage reported that Cory Steinke and Alex Linden are attending the tour with Governor Pillen and State Senators of the South Platte/Perkins County Canal and Central’s infrastructure.
- b. Tyler Thulin reported Lake McConaughy is at elevation 3,232.4, 924,600 acre feet, and 53% capacity. The inflows to Lake McConaughy are approximately 675 cfs and releases are currently 465 cfs. Hydrocycling ended yesterday. He and Steinke have been attending meetings with PRRIP regarding a study of the North Platte chokepoint. Work on the Midway bridge will begin the week of May 15, 2023 and he expects completion in mid-October.
- c. Mike Drain presented an update on the Kingsley Dam riprap repairs.
- d. Scott Dicke presented photos of crews repairing an area of liner on the E65 canal, installing a pipeline valve and screens at the 29.8 structure, repairing road crossing, removing trees and reshaping an area of the canal, pouring concrete headwalls, and cleaning corn stalks from the canals. He stated the E67 canal is full, and the E65 and Phelps canals are nearly full.
- e. Eric Hixson reported the Jeffrey T-1 step-up transformer repairs are being postponed to the fall. The Jeffrey T-3 transformer will be upgraded to 69kv. He intends to seek bids and order one as soon as possible as it is taking 2-3 years to receive new transformers.

CONSENT AGENDA: Devin Brundage provided an overview of the items on the Consent Agenda which were presented and discussed at the April 21, 2023 Committee Meeting of the Board.

The Board President asked the Directors if there were items they wished to remove from the Consent Agenda for individual discussion and voting. Hearing none, the following Consent Agenda was presented:

- **Approval of Minutes of Regular Business Meeting of the Board of Directors held April 3, 2023**
- **Approval of Minutes of Special Meeting of the Board of Directors held April 21, 2023**
- **Approval of Minutes of Committee Meeting of the Board of Directors held April 21, 2023**
- **Approval of the May Disbursements:**
 - Hydro Division:
 - Check # 69512-VOID; Check #s 69688 through 69888 & 8900933 through 8900961 (Accounts Payable) \$1,346,967.88
 - Payroll \$528,668.39
 - Kingsley Division:
 - Check #s 3536 through 3546 (Accounts Payable) \$205,452.56
 - Glendo Division:
 - NONE \$NONE
- **Approval of Work Order No. 107461 – Purchase 2022 CAT 330 GC Track Excavator (\$369,600.00)**

- Approval of the Bid from Nebraska Machinery Co. for a 2023 CAT Wheeled Excavator in the amount of \$320,910.00
- Approval of Work Order No. 186585 for a 2023 Wheeled Excavator in the amount of \$348,140.00
- Approval of the Bid (Bid Group 23-2) from Nebraska Truck Center Inc. for a 2024 Western Star Truck with BiBeau rear dump body in the amount of \$170,320.00
- Approval of the Bid (Bid Group 23-3) from Nebraska Truck Center Inc. for a 2024 Western Star Truck with Side Dump Industries side dump body in the amount of \$167,700.00
- Approval of Work Order No. 107462 for the purchase of four (4) Western Star Dump Trucks (3 rear dump, 1 side dump) in the amount of \$793,800.00
- Approval of an amendment to “Section 4.3.3. Fuel.” of the District’s Permitting Procedures regarding new or replacement liquid propane tanks being limited in size to less than 125 gallons
- Approval of the variance request by the lessees of 24 Mallard Cove, Johnson Lake for the construction of a fence within the Shoreline Construction Setback due to the unique safety hazards associated with the lot
- Denial of the variance request by the lessees of 5 Park Lane, Bullhead Point, Johnson Lake
- Approval to authorize staff to enter into real estate negotiations to acquire land in the vicinity of Phillips Canyon Lake, consistent with the terms and conditions as presented in staff’s recommended course of action
- Approval of the following Water Service Agreements:

<u>System</u>	<u>Acct. No.</u>	<u>Legal Desc.</u>	<u>Landowner</u>	<u>Contr. Acres</u>	<u>Total Acres Chg’d</u>
<u>Water Service Agreements:</u>					
E65	7210803 (1)	NE1/4 and SE1/4 8-7-21	Kimberli & Robert Dawson	256	+56
		<i>*Add acres</i>			
E67	8222303 (1)	E1/2NW1/4, NE1/4 23-8-22	Frederick & Andrea Nisley	175	+25
		<i>*Add acres</i>			

- (1) IPP Amendment to Water Service Agreement for the 2023 irrigation season accompanies new WSA.
- (2) IPP Amendment to Water Service Agreement for the 2023 irrigation season to accompany existing WSA.
- (3) Water Service Agreement terminated after 2022, landowner came-back with new WSA.
- (4) Documents are currently being reviewed with landowners and/or are being signed by the landowners.
- (5) Water Service Agreement immediately terminated after 2022.
- (6) Water Service Agreement activation date being when CWS permit is issued by the NeDNR.

It was moved by Director Mueller and seconded by Director Dudley Nelson to approve the Consent Agenda as presented. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent: Dahlgren. None voted no and the motion was declared carried.

BID TAB (BID GROUP 23-7) – HYDRO ROOFS: McKinley Harm stated after checking references and comparing the bids from Weathercraft Companies and Tri-Cities Roofing, staff recommends accepting Tri-Cities Roofing’s Option 1 bid in the amount of \$278,000.00, which includes a 25-year warranty and a warranty for winds up to 80 mph. The work is estimated to begin the week of July 10 and continue through August 4, 2023.

It was moved by Director Bogle and seconded by Director Boyle to accept the Option 1 bid from Tri-Cities Roofing in the amount of \$278,000.00. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Knoerzer, Mueller, David Nelson, Dudley

Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. Absent: Dahlgren. None voted no and the motion was declared carried.

2023 BUDGET AMENDMENT: Rochelle Jurgens presented Revision #3 to the 2023 Budget as follows which relates to the Hydro Roofs item above:

	<u>Current Budget</u>	<u>Proposed Budget</u>	<u>Difference</u>
<u>Hydro Division - Power Plants</u>			
Power Plants Maint of Structures –	\$15,000	\$293,000	\$278,000
Contracted Svcs (Hydro Power Plant Roofs)			

It was moved by Director Bogle and seconded by Director S. Olson to approve Revision #3 to the 2023 Budget as presented. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. None voted no and the motion was declared carried.

WORK ORDER/PURCHASE REQUISITION SUMMARY: The following were presented:

- a. Purchase Requisition No. 17089 – Ritchie Bros Auctioneers – Dragline Bid Deposit (\$100,000.00)
- b. Purchase Requisition No. 17309 – Ritchie Bros Auctioneers – Balance Due on Dragline (\$10,892.66)

It was moved by Director Soneson and seconded by Director Dudley Nelson to approve Purchase Requisition No. 17089 in the amount of \$100,000.00 and Purchase Requisition No. 17309 in the amount of \$10,892.66 for the Dragline purchase from Ritchie Bros Auctioneers. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. None voted no and the motion was declared carried.

A break was taken at 10:06 a.m. The meeting resumed at 10:23 a.m.

WATER EXCHANGE AGREEMENTS WITH CENTRAL PLATTE NATURAL RESOURCES DISTRICT AND NEBRASKA PUBLIC POWER DISTRICT: Mike Drain presented drafts of the one-year environmental account exchange agreements with both entities.

It was moved by Director Dudley Nelson and seconded by Director Knoerzer to approve the Water Exchange Agreement with Central Platte Natural Resources District and the Water Exchange Agreement with Nebraska Public Power District, subject to final legal review. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. None voted no and the motion was declared carried.

CONSOLIDATION WITH DAWSON PUBLIC POWER DISTRICT: Gwen Kautz presented information about Dawson PPD’s revolving loan fund which began in 2005 with a \$200,000 grant from the USDA and a \$40,000 match from Dawson’s general funds. They have since helped fund a subdivision and industrial park in Hershey, Nebraska, and established the Elwood Market. Loans have also funded local restaurants, a food processor, a value-added agricultural business, a hair salon, and a floral shop. They have recently partnered with the Nebraska Enterprise Fund (NEF) to launch a new \$15 million loan fund to support meat and poultry processing. The USDA recently awarded a \$15 million grant to NEF to support the expansion of meat and poultry processing in Nebraska and portions of southwestern Iowa.

Kurth Brashear from Rembolt Ludtke LLP addressed the recent ruling by the Power Review Board and discussions were held regarding a potential path forward.

LEGISLATION: Devin Brundage reported on behalf of Alex Linden that this legislative session continues to slowly progress. Tomorrow marks day 70 of the 90-day session and the appropriations bill will be debated.

WORKSHOPS, SEMINARS AND CONFERENCES: None.

PERSONNEL: None.

DIRECTORS' ATTENDANCE: All directors were present.

BOARD COMMENTS: Director Knoerzer inquired about the status of the Phillips Canyon boat ramp project. Mike Drain stated Jim Brown and legal counsel are working with landowners to acquire the necessary land agreements and easements for the road and once that is completed, the work will begin.

LEGAL UPDATE: Charles Brewster and Carson Messersmith have been researching the insurance documentation provided by 1000 Plus, LLC for the shooting range at Jeffrey Island. He has been working with Scott Dicke on landowner easements for the E65 Siphon Project. The Phelps County District Court case is in the discovery phase and the trial has been scheduled for August 21-23, 2023. He addressed the handout provided by Ed Schrock during the public input period and stated Nebraska Rev. Stat. §70-612 pertains to actual prejudice, not speculated prejudice.

ADJOURNMENT: It was moved by Director Dahlgren and seconded by Director Mueller to adjourn the Regular Business Meeting of the Board at 11:02 AM. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, Shepherd, and Soneson. None voted no and the motion was declared carried.

ATTEST:

THE CENTRAL NEBRASKA PUBLIC POWER
AND IRRIGATION DISTRICT

William E. Knoerzer, Secretary

By _____
David L. Rowe, President