

CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

HOLDREGE, NEBRASKA

AUGUST 5, 2019 – 9:00 A.M.

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MINUTES OF COMMITTEE MEETING OF THE
BOARD OF DIRECTORS
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
HOLDREGE, NEBRASKA
JULY 26, 2019 – 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 July 22, 2019, and through legal publication in the Kearney Hub and Holdrege Daily Citizen on July 22 2019, and the North Platte Telegraph and Lexington Clipper-Herald on July 20, 2019, 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 giving the time, date, and place of this meeting was mailed to the Directors on July 18, 2019.

The following Directors were present:

David L. Rowe, President	Geoffrey K. Bogle	K. Scott Olson
Ronald E. Fowler, Vice President	William E. Knoerzer	Roger D. Olson
Robert B. Dahlgren, Secretary	David G. Nelson	Robert L. Petersen
Martin E. Mueller, Treasurer	Dudley L. Nelson	Gordon N. Soneson

Also present were the following:

Devin M. Brundage, General Manager	Holly G. Rahmann, Public Relations Asst.
Rochelle Jurgens, Controller & Finance Manager	Duane Cernousek, Purchasing Agent
Eric R. Hixson, Electrical Project Operations Mgr.	Van D. Fastenau, Customer Service Super.
Mike A. Drain, Nat. Resources & Compliance Mgr.	Tyler A. Thulin, Civil Engineer
David R. Ford, Irrigation Operations Mgr.	McKinley Harm, Civil Engineering Intern
Cory A. Steinke, Hydraulic Project Ops. Mgr.	Megan Myers, Administrative Assistant
Jeff J. Buettner, Govt & Public Relations Mgr.	Michael C. Klein, Legal Counsel
Anton Hassebrook, Hydroelectric Ops. Super.	Emily Anderson, Assistant Secretary

Others present were:

Ken Christensen, IBEW Local #2185

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

PUBLIC INPUT: None.

CONSENT TO ASSIGNMENT SUMMARY: Two consents at Johnson Lake and one at Lake McConaughy were approved during the month of July, 2019.

PERMIT TO CONSTRUCT SUMMARY: The following permits were approved during the month of July, 2019:

Permits to Construct Approved by General Manager August 5, 2019			
Name	Description	Amount	Purpose
Carson Bellamy	NW¼ S35-T9N-R23W	\$0.00	Construct an irrigation pump and associated water and electric lines
Consolidated Companies, Inc.	NW¼ of S3, T11N, R27W NE¼ of S4, T11N, R27W SE¼ of S4, T11N, R 27W NW¼ of S4, T11N, R27 W NE¼ of S9, T11N, R27W SE¼ of S9, T11N, R27W SW¼ of S9, T11N, R27W NW¼ of S9, T11N, R27W SW¼ of S16, T11N, R27W NW¼ of S16, T11N, R27W SE¼ of S17, T11N, R27W SW¼ of S17, T11N, R27W SW¼ of S33, T12N, R27W SW¼ of S34, T12N, R27W	\$2,254.63	Operate and maintain a previously installed communications system that did not have a permit
Hike and Bike Trail Committee of Johnson Lake Development, Inc.	SW¼ of S6-T8N-R22W	\$0.00	Install 1 bicycle repair station, pour 50"x90" concrete pad adjacent to the hike and bike trail near Mallard Cove/Mallard Beach on the west side of Johnson Lake near Drive 19B.
Northeast Cove Area Association	SW¼ of S29, T9N, R22	\$0.00	Remove and replace the existing well house.

Permits to Construct Approved by Land Administration Department August 5, 2019 – Johnson Lake			
Name	Description	Permit & Purpose	Date Approved & Fee
Michael and Susan Moran	32 Bass Bay Dr. 16	Amended DWEL permit to include installation of geothermal loop field location form heat/air system	06/17/2019
Marian Denker	28 Bass Bay Dr. 16	Located no closer than 10' to the side lot line, install a 4'x88' dock with a 4'x8' swim platform on the end.	06/05/2019 \$50.00
Lyman and Sandra Anderson	11 North Point Dr. 13	No closer than 10' to the side lot lines install a 3'x56' access to the shoreline.	06/04/2019 \$50.00
Scott Krieger	30 Kirby Point Dr. 2	Construct an addition to house. Add 6' to the roadside of the existing garage and ±14'x35'6" addition narrowing to ±13'x29' on the east side of the existing dwelling with an addition to the front patio.	06/17/2019
Daniel and LuAnn Clark	5 Dry Bay Dr. 15	Place riprap along and up to 109± feet of shoreline.	06/24/19
Cornerstone Agency c/o Rhonda Johnson	139 Lakeview Acres Dr. 14E	Install two 6'x10' jet ski lifts on each side of existing dock.	06/27/19 \$50.00
Brian & Dana Tonniges	108 Lakeview Acres, Dr. 14C	Replace shorestation with a 12'x12' shorestation. Add 3 new 4'x8' dock sections to west of the shorestation.	06/24/19 \$50.00
Jon Schultheiss	114 Lakeview Acres Dr. 14C	Install a 18'x8' floating dock with a 8'x4' gangway	06/25/19 \$50.00
Stephen and Kathleen Orcutt	140 Lakeview Acres Dr. 14E	Install a 10'x5' floating dock with a 8'x4' gangway	06/25/19 \$50.00
Lyman and Sandra Anderson	11 North Point Dr. 13	Amended Permit – remove concrete drive and rock drive. Replace with new concrete pad.	05/30/2019
Gary and Debra Mroczek	6 North Shore Dr. 8	Remove screens on porch and replace with windows.	07/05/2019

Bruce and Betty Bricker	31 Sandy Point Dr. 24A	Remove and replace a 14'x24' wood patio, a 9'x10' concrete patio and 3'x72' sidewalk.	07/01/2019
Rocky and Jacqueline Davenport	9 Park Lane Dr. 28	Install a 6'x48' privacy fence along the west lot boundary.	07/05/2019
Daniel and LuAnn Clark	5 Dry Bay Dr. 15	Install 13 4'x8' dock sections, 12'x12' shorestation, 6'x9' ski lift, 2 8'x8' swim platforms, 3 4' dock connectors, and an 8'x6' dock anchor pad.	07/17/2019 \$50.00 \$125.00 for variance.
Joseph and Deanne Weaver	111 Lakeview Acres Dr. 14C	Install an 8'x3' access with a 6' platform with 3' wide stairs on both sides.	07/08/2019 \$50.00
Stephen and Kathleen Orcutt	140 Lakeview Acres Dr. 14E	Install a 5'x10' section of dock to the end of the existing dock.	07/03/2019 \$50.00
Lawrence and Shelley Miller	1 Northeast Cove Dr. 9	Construct a 12'x12' patio with a 4'x4' enclosure for a fire pit.	07/01/2019 \$50.00
Rex and Diane Riedy	42 Mallard Beach Dr. 20	Pour a 6' wide sidewalk on south side of building. Remove and replace a portion of the patio. Continue sidewalk along the west side of the house.	07/18/2019

Permits to Construct Approved by Land Administration Department August 5, 2019 – Lake McConaughy			
<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
Joe Arterburn	4 K-3 Road	Trim cedar trees along the east and west lot lines.	06/26/19
Chad and Carin Richardson	5 K-1 Road	Construct a 6'x6'x12' porch with overhang.	06/19/19
Richard and Thanis McLaughlin	40 K-1 Road	Install a 6'x40' dock.	06/11/19 \$50.00

Permits to Construct Approved by Land Administration Department August 5, 2019 – Jeffrey Lake			
<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
Donald and Pauline Holmes	3 Lakeview Rd.	Install a 10'x20' shorestation	05/30/19 \$50.00
James Terry Healey	95 Pelican Dr.	Remove tree on side of boat house	06/06/19
Jay Holmes	3 Lakeview Rd.	Trim tree located by shore station	06/06/19
Terrill and Dottie Williams	104 Pelican Dr.	Removal of 10 trees in the lot	06/26/19
George and Arlyn Rogers	8 Lakeview Road	Install a 12'x12' shorestation next to dock	06/25/19 \$50.00
Thomas and Susan Deaver	49 S. Lakeview Rd.	Install a 8'x6' shorestation, install a 8'x3' dock section.	06/10/19 \$50.00
Ted Rowan, Inc.	5 Lakeview Rd.	Install a 4'x6' kayak lift	06/10/19 \$50.00
Bonnie Aubushon, Eldora & Daryl Franzen	30100 Jeffrey Dam Road	Install a 12'x12' shorestation.	06/17/19 \$50.00
Ed and Jean Spillman	119 Anchor Bay Dr.	Install a 12'x12' shorestation.	06/18/19 \$50.00
Dell and Janet Shepherd	28 Lakeview Rd	Install an 8' tall light pole on the north west side of the lot next to the dock and shorestation	06/17/19 \$50.00

Permits to Construct Approved by Land Administration Department August 5, 2019 – Plum Creek/Midway Lake			
<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>

Greg and Leta Zimbelman	50 Paulsen Loop	Install a 3'x15' gangway to a 5'x16' dock. Install a 12'x12' shorestation and a 6'x9' jet ski lift.	07/02/2019 \$50.00
Mary Jo Nelsen	44 Paulsen Loop	Install 4 4'x8' dock sections and a 4'x4' corner section.	07/01/2019 \$50.00
Robert and Beverly Wolfe	32 Hagadone Circle	Install a 12'x12' shorestation.	06/25/19 \$50.00
David and Carolyn Fairbanks	3 Plum Creek Canyon Dr 12G	Install 8 fragrant sumac, 1 cranberry cotoneaster, 1 Tom Thumb creeping cotoneaster, 2 little devil ninebark, 6 wintergreen boxwood, and 6 low scape mound petite shrub.	07/17/2019 \$50.00

WATER SERVICE AGREEMENTS: Van Fastenau 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>10 Year Termination:</u>					
Phelps	7181803*	NE¼ 18-7-18	Beynon Farm Products Corporation	146	0
<i>*Acct will terminate at end of 2029 irrigation season</i>					

WORK ORDER/PURCHASE REQUISITION SUMMARY: Dave Ford explained the following work order is to construct a building to surround the Elwood pump station:

- a. Work Order No. 186644 - Elwood Pump Station Building (\$55,000.00)

2019 BUDGET REVISION: Rochelle Jurgens presented the Hydro Division Budget Revision #5 resulting in a net change of \$18,500 as follows:

	<u>Current Budget</u>	<u>Proposed Budget</u>	<u>Difference</u>
<u>E65 Capital Budget</u>			
Elwood Pump Station Building	\$36,500	\$55,000	\$18,500

CONTRACT NO. 0-687, NOFROLK CONTRACTING, INC.: Tyler Thulin explained the work on Canaday Bridge is nearing completion and presented the following progress payment estimate:

- a. Progress Payment Estimate No. 6, Contract No. 0-687 for Lincoln and Gosper Counties Bridge Replacements (\$226,987.50)

CONTRACT NO. 0-689, PLATTE VALLEY AUTO: Duane Cernousek stated the pickup trucks for Bertrand and Holdrege have all been delivered and inspected. Staff recommends final payment and closure of the contract.

- a. Progress Payment Estimate No. 2 (Final), Contract No. 0-689.1 for 2019 ½ Ton 4x4 Regular Cab Truck (\$29,896.00)
- b. Progress Payment Estimate No. 1 (Final), Contract No. 0-689.2 for 2019 ¾ Ton 4x4 Regular Cab Truck (\$31,999.00)
- c. Closure of Contract No. 0-689, Platte Valley Auto for Four 2019 1500 Tradesman Regular Cab Trucks totaling \$119,584.00 and One 2500 Tradesman Regular Cab Truck totaling \$31,999.00

POWER AND RECREATION COMMITTEE MEETINGS (7/17/19 and 7/24/19): Mike Drain reported on the items discussed at the July 17, 2019 meeting in Gothenburg and the July 24, 2019 meeting at Lake McConaughy. The following items are those which the Committee took action on:

- a. Application for Variance – 65 Mallard Beach, Johnson Lake: The Committee recommended Board approval of the variance application to allow for the after-the-fact construction of the non-conforming fence along the elevated patio in the shoreline setback.

- b. Pheasants Forever Habitat Improvement Partnership – Phelps Main Irrigation Canal: The Committee recommended Board approval of a three-year contract with Pheasants Forever to perform habitat improvement activities in the proposed area north of Holdrege off the Phelps Main Canal around A22.1 through A22.5.
- c. Phillips Canyon Lake Boat Access Feasibility Study: The Committee recommended Board approval of JEO's proposal to conduct the feasibility study for the Phillips Canyon Boat Ramp Project in an amount of \$17,880.00.
- d. Application for Variance – 84 Lakeview Acres, Johnson Lake: The Committee recommended Board approval of the variance to allow the handrail for route of access to the shoreline, but to reject the variance on the deck, and furthermore, to require the removal of the portion of the deck on and overhanging District property.
- e. Modification to District's Permitting Procedures Regarding Handrail Height: The Committee recommended Board approval of a modification to the District's Permitting Procedures to measure the height of handrails from the walking surface rather than from grade level.
- f. Application for Variance Modification Request – 5 Dry Bay, Johnson Lake: The Committee recommended Board approval of the variance modification request to allow the tenant of 5 Dry Bay, Johnson Lake to use the previously approved private driveway to access their adjacent property where a carriage house and green house will be located, on the conditions that 1) the driveway is prohibited from being used should the carriage house or green house become commercial buildings and 2) that the use shall be discontinued should the adjacent private property no longer be under the same ownership as the tenant of 5 Dry Bay, Johnson Lake.
- g. Lease Agreement – 163 Lakeview Acres, Johnson Lake: The Committee recommended Board approval to modify the Lease Agreement with the tenant of 163 Lakeview Acres, Johnson Lake to remove paragraph 6.2 from the standard lease and to reduce their annual rental rate by \$50.00, subject to the usual percentage of annual rental increase amount as in all leases at Lakeview Acres.
- h. Ivers Fence Agreement Modification – Lake McConaughy: The Committee recommended Board approval to modify the Fence Agreement with Ron Ivers to allow him to relocate the fence with no associated fee.
- i. Delinquent Residential Lease – 13 North Shore, Johnson Lake: The Committee recommended Board approval to grant staff the authority to waive interest fees on this residential lease in the amount of \$158.86 which accrued as a result of the District holding the check upon receipt for several weeks.
- j. Shoreline Setback Amendment – 27-32 Mallard Cove (D), Johnson Lake: The Committee recommended Board approval of the amendment to Appendix A of the District's Permitting Procedures to change the Construction Setbacks on Leased Land in the area of 27-32 Mallard Cove (D) from 50' to 30'. Note: Director Fowler abstained from voting during the Power and Recreation Committee Meeting due to a conflict of interest of him residing at 29 Mallard Cove.

ADMINISTRATION COMMITTEE (7/26/19): Devin Brundage stated the committee conducted another review of the District Bylaws this morning and a few more edits were suggested. Eric Hixson provided an overview of the Union and Management Consultations to date.

ANNUAL OPERATING PLAN – NEBRASKA PUBLIC POWER DISTRICT: Mike Drain reported it is unlikely an agreement will be reached with NPPD for the current water year ending in September.

YEAR-TO-DATE FINANCIAL REPORT: Rochelle Jurgens presented a review of year-to-date financials comparing the budget to actual revenues, expenses, and fund balances.

A break was taken at 10:04 a.m. The meeting resumed at 10:19 a.m.

OUT OF STATE TRAVEL: The following out of state travel was reported for August, 2019.

<u>Name</u>	<u>Meeting</u>	<u>Location</u>	<u>Date</u>
Pierce, Meredith	RMEL Nontechnical Energy Training	Fort Collins, CO	August 6-7, 2019
Brown, Jim	Wetland Delineation Training	Denver, CO	August 26-29, 2019

LEGISLATION: Jeff Buettner discussed the recent underground tunnel collapse on the Fort Laramie Canal which provides irrigation water to 104,000 acres in Wyoming and Nebraska and the potential of legislators to attempt to utilize Water Sustainability Funds for the repairs.

BOARD COMMENTS: Director Dave Nelson reported on the Four States Irrigation tour he participated in with Dave Ford earlier this month in Kansas. Director Knoerzer thanked Devin Brundage for his e-mails updating the Board after the recent rainfall event and complimented Central's crews for their quick response in handling the excess water. Director Rowe thanked Holly Rahmann for posting information about the flooding event to Facebook and Twitter to notify the public.

LEGAL UPDATE: Mike Klein reported that a decision was made in the Maloley case in the District's favor, and he believes the likelihood of Maloley appealing to the US Supreme Court is low. Charlie Brewster attended the Dawson County Tax Protest hearing this week at the Tax Equalization and Review Commission in Grand Island where Rochelle Jurgens, Mike Drain and Jim Brown provided testimony on behalf of Central. He continues to work on a statement of facts on the conflict of interest issue to submit to the Nebraska Accountability and Disclosure Commission

MANAGEMENT REPORTS:

- a. Cory Steinke, Tyler Thulin and Dave Ford reported on their efforts to contain and minimize the flooding that occurred at Johnson Lake and along the Supply Canal on July 9, 2019. Mike Drain described the land administration team's efforts to expedite the permitting process to allow lake tenants to make necessary repairs as a result of any damage from the storm. Holly Rahmann reported on the social media posts she made to keep the public informed during the process. McKinley Harm provided a report on the 47.6 siphon (Midway west) which primed during the storm and she showed photos of the approximately 80 square mile area which was affected by the flood waters.
- b. Dave Ford reported on the Fort Laramie Canal tunnel collapse which occurred on July 17, 2019. He stated bids were solicited for riprap hauling along the Phelps Canal and the only one received was from Platte Valley Excavation in the amount of \$11,000, which was under the engineer's estimate.
- c. Mike Drain reported on the testimony Central submitted in response to the second increment of integrated management plans submitted by Tri-Basin NRD, North Platte NRD, South Platte NRD, Twin Platte NRD, and Central Platte NRD and their joint-basin wide plan which addresses offsets to groundwater depletions. He stated Central's consultants continue to work on a draft proposal to address FERC's concerns about the Kingsley Dam Probable Maximum Flood and Inflow Design Flood studies and he anticipates a contract amendment in the near future which will require Board approval.

Lunch was taken at 11:30 a.m. The meeting resumed at 12:15 p.m.

- d. Cory Steinke stated that due to the Fort Laramie Canal tunnel collapse, Wyoming will start releasing extra water which will result in a fill and spill situation at Lake McConaughy. Some sloughing along the Supply Canal banks occurred as a result of the July 9, 2019 rain event.

- e. Anton Hassebrook presented photos of crews excavating dirt from beneath the J-2 penstock, repairing drainage issues, and removing grass and dirt from around the support bases in preparation of the penstock painting which will start mid-August.
- f. Jeff Buettner discussed recent news reports about the potential construction of a series of lakes and reservoirs in eastern Colorado to capture up to 150,000 af of flows in the South Platte River basin. He will conduct a tour of the District on July 30-31, 2019 with several state senators. He recently held a tour with students from Rwanda participating in the UNL-Daugherty Water for Food Global Institute. He and others from Central plan to help participate in the NPA booth at the State Fair again this year.
- g. Rochelle Jurgens reported she recently made the annual J-2 fund interest transfer of \$207,584 to the Hydro Division fund. She stated a total of \$595,727 in interest has been transferred from the J-2 fund into the Hydro fund since 2015. She made the voluntary compliance payment to the spouse of the former vested employee who passed away prior to drawing any payments from his pension. An employee meeting on the transfer of the 457 pension funds was held in Gothenburg on July 24, 2019 and one will be held in Holdrege on July 31, 2019.
- h. Tyler Thulin reported Lake McConaughy is at elevation 3,259.4, 1,575,000 acre feet, and 90.5% capacity. Inflows are at 1,200 cfs which will increase in the coming weeks up to 2,800 cfs, and outflows are at 2,800 cfs.
- i. Eric Hixson received notification of a NERC audit. He has been working with AIG, the District's new property insurance carrier while they inspect the facilities to assess the risk ratings.
- j. Devin Brundage reported on his attendance at the Integrated Management Plan and Basin Wide Plan hearings at the various NRDs and a recent NPA meeting.

PERSONNEL: None.

WORKSHOPS, SEMINARS AND CONFERENCES: None.

PLATTE TO REPUBLICAN DIVERSION PROJECT: There was nothing new to report.

PLATTE RIVER RECOVERY AND IMPLEMENTATION PROGRAM – NORTH PLATTE RIVER CHANNEL CAPACITY TEST AGREEMENT: Devin Brundage reported that the recent version of this agreement has undergone legal review and the Platte Program is in concurrence. He will intend to request Board approval of the agreement at the August 5, 2019 Regular Business Meeting of the Board.

ADJOURNMENT: It was moved by Director Dudley Nelson and seconded by Director Mueller to adjourn the meeting at 12:47 p.m. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Fowler, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Petersen, Rowe, and Soneson. 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
AUGUST 5, 2019 – 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 July 29, 2019, and through legal publication in the Kearney Hub and Holdrege Daily Citizen July 29, 2019, the North Platte Telegraph on July 30, 2019, and the Lexington Clipper-Herald on July 31, 2019 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.

Individual cards giving the time, date, and place of this meeting were mailed to the Directors on July 18, 2019.

The following Directors were present:

David L. Rowe, President	Geoffrey K. Bogle	Roger D. Olson
Ronald E. Fowler, Vice President	William E. Knoerzer	Robert L. Petersen
Robert B. Dahlgren, Secretary	David G. Nelson	Gordon N. Soneson
Martin E. Mueller, Treasurer	Dudley L. Nelson	

The following Director was absent: K. Scott Olson

Also present were:

Devin M. Brundage, General Manager	Jeff J. Buettner, Gov't & Public Relations Mgr.
Eric R. Hixson, Electrical Project Ops. Mgr.	Tyler A. Thulin, Civil Engineer
Rochelle Jurgens, Controller & Finance Manager	Holly G. Rahmann, Public Relations Asst.
Mike A. Drain, Nat. Resources & Compliance Mgr.	Michael C. Klein, Legal Counsel
David R. Ford, Irrigation Operations Mgr.	Emily Anderson, Assistant Secretary
Cory A. Steinke, Hydraulic Project Ops. Mgr.	

Others present were:

Lori Potter, Kearney Hub	Deb Jensen, on behalf of JLDI
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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 9:00 AM, the Board President, David L. Rowe, announced that the meeting was open for business and proceeded with roll call.

PUBLIC INPUT: None.

CONSENT AGENDA: Devin Brundage gave an overview of the items on the Consent Agenda which were previously presented and discussed at the July 26, 2019 Committee Meeting of the Board.

President Rowe asked the Directors if there were items they wished to be removed from the Consent Agenda to be discussed and voted on individually. Hearing none, the following items were presented for approval:

- **Approval of Minutes of Regular Business Meeting of the Board of Directors held July 1, 2019**
- **Approval of Minutes of Committee Meeting of the Board of Directors held July 26, 2019**
- **Approval of the August Disbursements:**

Hydro Division:

Check #s 56228 and 56599-VOID; Check #s 60184 through 60406 and 8899871 through 8899890 (Accounts Payable) \$1,658,692.45

Payroll \$567,974.90

Kingsley Division:

Check #s 3113 through 3122 (Accounts Payable) \$65,344.84

J-2 Regulating Reservoir Construction Fund:

(Accounts Payable) NONE

Glendo Division:

NONE NONE

Flex Spending Account:

Check #s 8151 through 8153 \$1,191.00

- **Approval of Hydro Division Budget Revision #5 resulting in a net change of \$18,500 as follows:**

	<u>Current Budget</u>	<u>Proposed Budget</u>	<u>Difference</u>
E65 Capital Budget			
Elwood Pump Station Building	\$36,500	\$55,000	\$18,500

- **Approval of Work Order No. 186644 – Elwood Pump Station Building \$55,000.00**
- **Approval of Progress Payment Estimate No. 6, Contract No. 0-687 with Norfolk Contracting, Inc. for Lincoln and Gosper Counties Bridge Replacements (\$226,987.50)**
- **Approval of Progress Payment Estimate No. 2 (Final), Contract No. 0-689.1 with Platte Valley Auto for 2019 ½ Ton 4x4 Regular Cab Truck (\$29,896.00)**
- **Approval of Progress Payment Estimate No. 1 (Final), Contract No. 0-689.2 with Platte Valley Auto for 2019 ¾ Ton 4x4 Regular Cab Truck (\$31,999.00)**
- **Approval of Closure of Contract No. 0-689 with Platte Valley Auto for Four 2019 1500 Tradesman Regular Cab Trucks totaling \$119,584.00 and One 2500 Tradesman Regular Cab Truck totaling \$31,999.00**
- **Approval of the following Water Service Agreement:**

<u>System</u>	<u>Acct. No.</u>	<u>Legal Desc.</u>	<u>Landowner</u>	<u>Contr. Acres</u>	<u>Total Acres Changed</u>
<u>10 Year Termination:</u>					
Phelps	7181803*	NE¼ 18-7-18	Beynon Farm Products Corporation	146	0

**Acct will terminate at end of 2029 irrigation season*

- **Approval of the Variance Application for 65 Mallard Beach, Johnson Lake to allow for the after-the-fact construction of the non-conforming fence along the elevated patio in the shoreline setback**
- **Approval of the Pheasants Forever Habitat Improvement Partnership along the Phelps Main Irrigation Canal north of Holdrege near A22.1 through A22.5**

- Approval of JEO's proposal to conduct the Feasibility Study for the Phillips Canyon Boat Ramp Project in the amount of \$17,880.00
- Approval of the Variance Application for 84 Lakeview Acres, Johnson Lake to allow the handrail for route of access to the shoreline, but to reject the variance on the deck, and furthermore, to require the removal of the portion of the deck on and overhanging District property
- Approval of a modification to the District's Permitting Procedures regarding handrail height to measure the height of handrails from the walking surface rather than from grade level
- Approval of a Variance Modification for 5 Dry Bay, Johnson Lake to allow the tenant to use the previously approved private driveway to access their adjacent property where a carriage house and green house will be located, on the conditions that 1) the driveway is prohibited from being used should the carriage house or green house become commercial buildings and 2) that the use shall be discontinued should the adjacent private property no longer be under the same ownership as the tenant of 5 Dry Bay, Johnson Lake
- Approval of a modification to the Lease Agreement with the tenant at 163 Lakeview Acres, Johnson Lake to remove paragraph 6.2 from the standard lease and to reduce their annual rental rate by \$50.00, subject to the usual percentage of annual rental increase amount as in all leases at Lakeview Acres
- Approval of a modification to the Fence Agreement with Ron Ivers to allow for the relocation of the fence near Lake McConaughy with no associated fee
- Approval of the waiver of interest fees on the delinquent residential lease at 13 North Shore, Johnson Lake in an amount of \$158.86 which accrued as a result of the District holding the check upon receipt for several weeks

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

PROGRESS PAYMENT ESTIMATE SUMMARY: The following Progress Payment Estimates were presented for approval:

- a. Progress Payment Estimate No. 1 – Tri-City Concrete for concrete parking lots and sidewalks at Holdrege location (\$51,868.00)
- b. Progress Payment Estimate No. 1 (Final), Contract No. 0-690 – NMC Caterpillar for 2019 Long Reach Crawler Excavator (\$256,532.50)

It was moved by Director Mueller and seconded by Director Soneson to approve Progress Payment Estimate No. 1 with Tri-City Concrete in the amount of \$51,868.00 and Progress Payment Estimate No. 1 (Final) for Contract No. 0-690 with NMC Caterpillar in the amount of \$256,532.50. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Fowler, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, Petersen, Rowe, and Soneson. Absent was: S. Olson. None voted no and the motion was declared carried.

CLOSURE OF CONTRACT NO. 0-690, NMC CATERPILLAR FOR 2019 LONG REACH CRAWLER EXCAVATOR (\$256,532.50): Devin Brundage stated the long reach crawler excavator has been delivered, inspected, and found to be in satisfactory condition, and staff recommends closing the contract.

It was moved by Director Bogle and seconded by Director Knoerzer to approve the Closure of Contract No. 0-690 with NMC Caterpillar for the long reach excavator crawler excavator in the amount of \$256,532.50. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Fowler, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, Petersen, Rowe, and Soneson. Absent was: S. Olson. None voted no and the motion was declared carried.

SHORELINE SETBACK AMENDMENT REQUEST FOR 27-32 MALLARD COVE (D), JOHNSON LAKE: Board President Rowe called attention to the fact that this item was not included on the Consent Agenda due to Director Fowler having a direct interest in the matter.

The minutes of the July 24, 2019 Power and Recreation Committee meeting were displayed which reflected the committee members' recommendation of Board approval of an amendment to Appendix A of the District's Permitting Procedures to alter the Construction Setbacks on Leased Land in the area of 27-32 Mallard Cove (D) from 50' to 30'.

It was moved by Director Bogle and seconded by Director Petersen to approve an amendment to Appendix A of the District's Permitting Procedures to alter the Construction Setbacks on Leased Land in the area of 27-32 Mallard Cove (D) from 50' to 30'. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Petersen, Rowe, and Soneson. Director Fowler abstained from voting. Absent was: S. Olson. None voted no and the motion was declared carried.

INVESTMENT COMMITTEE (8/5/19): Rochelle Jurgens briefly reported on the second quarter investment committee meeting which occurred prior to this meeting.

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM – NORTH PLATTE RIVER CHANNEL CAPACITY TEST AGREEMENT: Devin Brundage presented a final draft of the agreement which has undergone legal counsel's review.

It was moved by Director Dave Nelson and seconded by Director Dahlgren to approve the North Platte River Channel Capacity Test Agreement with the Platte River Recovery Implementation Program and the Nebraska Community Foundation. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Fowler, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, Petersen, Rowe, and Soneson. Absent was: S. Olson. None voted no and the motion was declared carried.

LEGISLATION: Jeff Buettner reported on the tour he conducted last week with several State Senators, some of which are on the Natural Resources Committee, and their staff and legal counsel.

WORKSHOPS, SEMINARS AND CONFERENCES: None.

PERSONNEL: None.

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

BOARD COMMENTS: Director Dudley Nelson stated he and Dave Ford registered to participate in the annual Tri-Basin Board Tour on August 13, 2019.

LEGAL UPDATE: Mike Klein reported that legal counsel in the Maloley case filed a motion for reconsideration, he continues to work on modifications to the District Bylaws with regard to the language in Article II, Section 3 relating to the frequency of election for the directors from counties outside of the chartered territory, and he has finalized the Statement of Facts which he will submit to the Nebraska Accountability and Disclosure Commission.

MANAGEMENT REPORTS: The following operations reports were presented:

- a. Tyler Thulin reported Lake McConaughy is at elevation 3,258.5, 1,555,000 acre feet, and 89% capacity. Inflows are 1,800-1,900 cfs which he expects to increase over the next few days by approximately 1,000 cfs. Outflows are 3,200 cfs to meet water demands for Central, NPPD and other irrigation customers.

- b. Cory Steinke explained that given the current water conditions, the District is currently operating to maximize generation and he is preparing for an upcoming NPPD outage. The Supply Canal crews are working at Jeffrey Island to repair rock weirs and replacing culverts near the Canaday bridge.
- c. Mike Drain provided an update on the FERC Project Boundary Review process.
- d. Dave Ford intends to extend the irrigation season by an additional two weeks to accommodate the irrigation demands for late maturing crops as requested by irrigators.
- e. Jeff Buettner is working to finalize Summer Water Tour plans.
- f. Eric Hixson presented photos of concrete foundation work done at J-1 where the new diesel backup generator will sit. Similar work will be done at Jeffrey and J-2.
- g. Holly Rahmann advised that only four to five seats are available on the bus on the Summer Water Tour and encouraged directors to let her know immediately if they plan to attend.
- h. Devin Brundage thanked Rochelle Jurgens for her work coordinating the recent 457 plan meetings in Gothenburg and Holdrege. He also thanked Jeff Buettner for conducting the tour with the legislative representatives and Eric Hixson for his work on hiring two new System Control Operators.

ADJOURNMENT: It was moved by Director R. Olson and seconded by Director Mueller to adjourn the Regular Business Meeting of the Board at 9:47 A.M. Upon voting on the motion, the following Directors voted therefore: Bogle, Dahlgren, Fowler, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, Petersen, Rowe, and Soneson. Absent was: S. Olson. None voted no and the motion was declared carried.

THE CENTRAL NEBRASKA PUBLIC POWER
AND IRRIGATION DISTRICT

ATTEST:

Robert B. Dahlgren, Secretary

By _____
David L. Rowe, President