

CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

HOLDREGE, NEBRASKA

DECEMBER 5, 2022 – 9:00 A.M.

INDEX

PAGE #

20,386	MINUTES OF COMMITTEE MEETING OF THE BOARD OF DIRECTORS OF 11/16/2022
	a. Public Input
	b. Consent Assignment Summary
20,387	c. Permit to Construct Summary
20,388	d. Permit to Construct Summary, continued
	e. Water Service Agreements
	f. Work Order/Purchase Requisition Summary
	g. Consider Changing the Date of the December 16, 2022 Committee Meeting
	h. 2022 Water Usage Report
20,389	i. 2023 Irrigation Rates & Season
	j. Finance Committee (11/15/2022)
	k. 2023 Budget
	l. Integration
	m. Power Purchase Proposals
	n. Legislation
	o. Board Comments
	p. Legal Update
	q. Management Reports
20,390	r. Personnel
	s. Out of State Travel
	t. Workshops, Seminars and Conferences
	u. Board Sub-Committee Meetings and Other Important Upcoming Events
	v. CLOSED SESSION
	w. Adjournment
20,391	MINUTES OF BUSINESS MEETING OF THE BOARD OF DIRECTORS OF 12/05/2022
	1. Public Input
	2. Consent Agenda
20,392	1. Consent Agenda, continued
20,393	1. Work Orders/Purchase Requisitions
	2. Contract No. 0-714 – Allen Blasting and Coating, Inc. for Prep and Coating of J1 Penstock
	3. 2023 Life & LTD Insurance Renewal
	4. Defined Benefit Plan – Amendment and Resolution No. 22-05
	5. Defined Contribution Plan – Amendment and Resolution No. 22-06
20,394	1. Consent Agenda
	2. Consent Agenda
20,395	1. 2023 Irrigation Rates
	2. Amendment No. 1 to the Contract for Water Sustainability Fund Grant (WSF #5317) For Construction of the CNPPID E65 Elwood New Water Siphon Project – Nebraska Department of Natural Resources
	3. FERC – High Hazard Dams
	4. Kingsley Dam Design Flood Contract, Amendment No. 13 – Mead & Hunt
	5. 2023 Kingsley Hydro Budget
	6. 2023 Budget
	7. Legislation
20,396	1. Integration
	2. Workshops, Seminars and Conferences
	3. Personnel
	4. Directors’ Attendance
	5. Board Comments

	6. Legal Update
	7. CLOSED SESSION
	8. Management Report
20,397	1. Management Report, continued
	2. Adjournment
	3. Signature Page

MINUTES OF COMMITTEE MEETING OF THE
BOARD OF DIRECTORS
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
HOLDREGE, NEBRASKA
NOVEMBER 16, 2022 – 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 November 9, 2022, and through legal publication in the Kearney Hub and Holdrege Daily Citizen on November 9, 2022, the North Platte Telegraph on November 10, 2022, and the Lexington Clipper-Herald on November 9, 2022, 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 November 3, 2022 giving the time, date, and place of this meeting.

The following Directors were present:

David L. Rowe, President	Tim Boyle	Dudley L. Nelson
Robert B. Dahlgren, Secretary*	William E. Knoerzer	K. Scott Olson
Geoffrey K. Bogle, Treasurer	David G. Nelson	Roger D. Olson

**arrived at 9:01 a.m.*

The following Directors were absent: Martin E. Mueller and Kyle Shepherd

Also present were the following:

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

Others:

Carson Messersmith

* * * * *

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. the Board President announced that the meeting was open for business and proceeded with roll call.

PUBLIC INPUT: None.

Director Dahlgren entered the meeting at 9:01 a.m.

CONSENT TO ASSIGNMENT SUMMARY: Four consents at Johnson Lake were approved in November, 2022.

PERMIT TO CONSTRUCT SUMMARY: The following permits were approved during the month of November, 2022:

Permits to Construct Approved by General Manager 11/16/2022				
<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
1.	Bass Bay Area	SE1/4 of Sec. 31-T9N-R22	Permit to Construct - Mill portion of the existing Bass Bay roadway asphalt for drainage channel	10/25/2022
2.	North Point Area Association	North Point Sec. 31-T9-R22	Permit to Construct - Placement of 16 linear feet of riprap on the east side of drain way	10/27/2022
Permits to Construct Approved by Land Administration Department 11/16/2022 – Johnson Lake				
<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
3.	Potter, Lee & Linda	19 Northeast Cove Dr. 9	SWAF - Install 4'W x 126'L Dock, 6'W x 9'L Jet-Ski Lift, 4'W x 10'L Dock, 12'W x 12'L Shorestation	04/11/2022 \$50.00
4.	Hoehner, Michele & Kyle	13 Lane One Dr. 28	DWEL - Construct new 2 story dwelling	09/27/2022
5.	Knuth, Steven & Janet	87 Mallard Beach Dr. 22	DWEL - Remove existing fence and replace with 36" high wooden slatted fence	09/29/2022
6.	KKR Farms LLC	1 Idle Hour Dr. 17	DWEL - Construct 2 story dwelling with attached garage	09/29/2022
7.	BSBB LLP	45 Mallard Beach Dr. 20	DWEL - Construct 96' x 29' building with attached garage	10/06/2022
8.	Bartruff 6 LLC	1A Crappie Corner	VEG - Planting trees	10/09/2022
9.	Selby, Michael & Donna	124 Mallard Beach Dr. 22A	DWEL - Removal of existing roof line and construct new second story addition	10/10/2022
10.	Marquardt, Delbert & Donna	3A East Shore Dr. 2	DWEL ATF - A 6' x 25' wooden elevated entry/walkway constructed including wheelchair ramp	10/11/2022 \$100.00
11.	Fast, Robert & Mariene	18 Mallard Cove Dr. 19	SWAF - Replace bottom two steps, Construct 4'W x 6'L Dock Anchor Pad, 8'W x 12'L Minor maintenance to boat house	10/12/2022 \$50.00
12.	Durland, Deanna & Jenkins, Roger	40 North Point Dr. 13	SWAF - Construct 253 Ft2 on-grade Patio	10/21/2022 \$50.00
13.	Mazerall, Carrie	1 Dry Bay Dr. 15	DWEL ATF - Previously installed metal slatted fence	11/03/2022 \$100.00

14.	Parker, Neal & Glenda	44 East Shore Dr. 1	SWAF - Install 4'W x 32'L, 8'W x 8'L Swim Platform, 12'W x 12'L Shorestation	11/08/2022 \$50.00
15.	Herrmann, Jason & Julie	52 Mallard Beach So Bay Dr. 21	SWAF - Install 6'W x 47'L parallel sidewalk	11/10/2021 \$50.00
Permits to Construct Approved by Land Administration Department 11/16/2022 – Jeffrey Lake				
<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
16.	McCullough, Robert	13 Lakeview Rd.	ECS - Bank Stabilization (Riprap) for 35 linear feet of the shoreline	10/17/2022
17.	Kotsiopoulos, Peter & Jane	35 S. Lakeview Rd	ECS - Bank Stabilization (Riprap) for 28 linear feet of the shoreline.	10/31/2022
18.	Chatelain, Stephan & Mary Jo	117 Anchor Bay Dr.	DWEL - Install a new septic system	11/04/2022
19.	Stillwell, Bob & Lynell	112 S. Shore Dr.	FISH – Install Fish Attractors	11/08/2022
Permits to Construct Approved by Land Administration Department 11/16/2022 – Midway Lake				
<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Permit & Purpose</u>	<u>Date Approved & Fee</u>
20.	Hunke, Matthew & Lisa	60 Cedar Point	DWEL - Remove existing garage and construct new building, 35' x 26'	10/24/2022

WATER SERVICE AGREEMENTS: Dusty Way presented the following termination:

<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>					
Phelps	6171304	N1/2NW1/4 and SW1/4NW1/4 13-6-17	Epping Farms, LTD	55	0

**Account will terminate after 2032 season*

- (1) IPP Amendment to Water Service Agreement for the 2022 irrigation season accompanies new WSA.
- (2) IPP Amendment to Water Service Agreement for the 2022 irrigation season to accompany existing WSA.
- (3) Water Service Agreement terminated after 2021, 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 2021.
- (6) Water Service Agreement activation date being when CWS permit is issued by the NeDNR.

WORK ORDER/PURCHASE REQUISITION SUMMARY: None.

CONSIDER CHANGING THE DATE OF THE DECEMBER 16, 2022 COMMITTEE MEETING: Devin Brundage discussed moving the meeting to Monday, December 19, 2022 due to the Power Review Board hearing on December 16, 2022 in Lincoln.

2022 WATER USAGE REPORT: Tyler Thulin, Cory Steinke and Scott Dicke reported on Lake McConaughy inflows and elevations, water accounting and usage from April 1, 2022 through August 31, 2022, total contract acres, acre-feet delivered and diverted, rainfall totals, and incidental recharge.

2023 IRRIGATION RATES & SEASON: Scott Dicke suggested keeping the 2023 irrigation rates the same as the 2022 rates and providing a normal delivery schedule. The rates are as follows:

Incremental Pricing Program, 9" base fee	\$35.66 per acre
IPP Acre-inch fee from 9" to 18" of use	\$1.24 per acre inch
Non IPP rate 12" contracts	\$39.38 per acre
Non IPP rate 18" contracts	\$46.82 per acre
Over 18" rate	\$46.82 per acre foot

FINANCE COMMITTEE (11/15/22): Rochelle Jurgens provided a summary of the discussions held and actions taken at the subcommittee meeting.

A break was taken at 10:02 a.m. The meeting resumed at 10:16 a.m.

2023 BUDGET: Rochelle Jurgens gave a brief overview of the highlights of the budget. Each department manager presented their budgets by discussing major proposed expenditures and capital purchases.

INTEGRATION: Devin Brundage and management staff continue public outreach and education efforts. He encouraged directors to attend Dawson Public Power District board meetings.

POWER PURCHASE PROPOSALS: Eric Hixson continues negotiations with the selected entity.

LEGISLATION: Devin Brundage reported Buettner continues to work with the South Platte group to organize an educational tour with newly elected senators.

BOARD COMMENTS: Director Bogle inquired about transportation for board members to the Power Review Board hearing on December 16, 2022.

LEGAL UPDATE: Charles Brewster has been busy working with staff on the merger. He advised directors to complete their compilation of applicable correspondence they may have sent or received since late 2020 regarding the merger and deliver it to Emily Anderson to fulfill the FOIA requirements. He is working to terminate one leasehold interest at Johnson Lake. He received a notice dated November 10, 2022 from the Commission of Industrial Relations of the decertification of the IBEW Local 2185 Union. He discovered a recently organized non-profit group named Citizens Opposed to the Merger.

MANAGEMENT REPORTS:

- a. Cory Steinke stated work on the Jeffrey return structure will begin the week of November 28, 2022.
- b. Tyler Thulin stated Lake McConaughy is at elevation 3,222.6, 737,000 acre feet, and 42.1% capacity. Inflows to Lake McConaughy are 1,150 cfs and there are no outflows. Kingsley Hydro is still in an outage until NPPD finishes painting the Keystone gates. Outflows from Lake McConaughy will remain at zero through approximately November 20, 2022. Jeffrey Lake will plan to be lowered prior to the concrete repairs on the structure below the return.
- c. Scott Dicke has been busy with the budget, hiring an Irrigation Service Specialist, and learning more about the Rubicon automation system.
- d. Rochelle Jurgens has been working on the merger and the 2023 budget. Employees had opportunities this week to meet with Principal retirement advisors and the Colonial representative about voluntary insurance products.

- e. Eric Hixson presented photos of the newly repainted penstock at Jeffrey and rivets on areas of the penstock that are seeping which will be repaired next spring.
- f. Alex Linden reported they have narrowed the search down to two marketing firms to design the new company logo, website, etc. A new issue of The Communicator will be released later this month. He will help Dawson PPD with their booth at the Gateway Farm Expo in Kearney this week.
- g. Dusty Way reported on the progress of sign-ups for the 2023 Water Leasing Program.
- h. Devin Brundage will attend a unified water plan meeting this afternoon. He will attend the Governance Committee meeting in Loveland, CO in December. He will present to members of the Keith County Area Development and Keith County officials regarding the merger on November 30, 2022.

PERSONNEL: This was discussed in Closed Session.

OUT OF STATE TRAVEL: The following travel was approved by the General Manager for December:

<u>Name</u>	<u>Meeting</u>	<u>Location</u>	<u>Date</u>
Mike Drain	Meeting w/ Bill Hahn & RJH	Denver, CO	December 1, 2022
Mike Drain	PRRIP Governance Committee	Loveland, CO	December 6-7, 2022
Devin Brundage	PRRIP Governance Committee	Loveland, CO	December 6-7, 2022

WORKSHOPS, SEMINARS AND CONFERENCES: The annual NWRA/NSIA Joint Convention will be held November 20-22, 2022 in Kearney. The Four States Annual Meeting will be held January 11-12, 2023 in Fort Collins, CO.

BOARD SUB-COMMITTEE MEETINGS AND OTHER IMPORTANT UPCOMING EVENTS: A Land and Recreation Committee Meeting is scheduled in Holdrege on December 9, 2022 at 9:00 a.m.

A break for lunch was taken at 11:53 a.m.

Directors Dudley Nelson and R. Olson exited the meeting during the lunch break.

The meeting resumed at 12:17 p.m.

At 12:17 PM it was moved by Director David Nelson and seconded by Director Bogle to enter into Closed Session. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, David Nelson, S. Olson, and Rowe. Absent: Mueller, Dudley Nelson, R. Olson, and Shepherd. None voted no and the motion was declared carried. The reason for entering Closed Session was to discuss the following agenda item: Personnel (2023 Employment Agreements-Beck, Bevard, Ford, Kraus, Trompke) and Other. The purpose for entering into Closed Session for this topic was to discuss personnel matters.

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

At 12:30 PM it was moved by Director Boyle and seconded by Director Dahlgren to exit Closed Session and reconvene in Regular Session. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, David Nelson, S. Olson, and Rowe. Absent: Mueller, Dudley Nelson, R. Olson, and Shepherd. 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: Personnel.

The meeting adjourned at 12:30 p.m.

MINUTES OF REGULAR BUSINESS MEETING OF THE
BOARD OF DIRECTORS
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
HOLDREGE, NEBRASKA
DECEMBER 5, 2022 – 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 November 28, 2022, and through legal publication in the Kearney Hub and Holdrege Daily Citizen on November 28, 2022, the North Platte Telegraph on November 29, 2022, and the Lexington Clipper-Herald on November 30, 2022, 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 November 3, 2022 giving the time, date, and place of this meeting.

The following Directors were present:

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

Also present were the following:

Devin M. Brundage, General Manager	Jeff J. Buettner, Gov't & Public Relations Mgr.
Rochelle A. Jurgens, Controller	Duane Cernousek, Purchasing Agent
Eric R. Hixson, Electrical Project Ops. Mgr.	Tyler Thulin, Civil Engineer
Mike A. Drain, Nat. Resources & Compliance Mgr.	Alex Linden, Public Relations Assistant
Cory A. Steinke, Hydraulic Project Ops. Mgr.	Charles Brewster, Legal Counsel
Scott Dicke, Irrigation & Water Services Mgr.	Emily J. Anderson, Executive Assistant

Others present were:

John Thorburn, Tri-Basin NRD	Carson Messersmith
Brent Soneson	Gwen Kautz

* * * * *

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

At 9:01 a.m. the Board President announced the meeting was open for business and proceeded with roll call.

PUBLIC INPUT: John Thorburn reported Tri-Basin is collecting orders for trees for wind and shelter breaks.

CONSENT AGENDA: Devin Brundage provided an overview of the items on the Consent Agenda which were presented and discussed at the November 16, 2022 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 November 7, 2022**
- **Approval of Minutes of Committee Meeting of the Board of Directors held November 16, 2022**
- **Approval of the December Disbursements:**

Hydro Division:

Check #s 68593 through 68763 & 8900769 through 8900793 (Accounts Payable) \$806,731.70

Payroll \$514,541.82

Kingsley Division:

Check #s 3488 through 3495 (Accounts Payable) \$113,635.48

J-2 Regulating Reservoir Construction Fund:

NONE NONE

Glendo Division:

NONE NONE

- **Approval of the following Employment Agreements for 2023:**

- Kenneth Beck
- Glen Bevard
- Dave Ford
- Don Kraus
- Marcia Trompke

- **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 Chg'd</u>
---------------	------------------	--------------------	------------------	---------------------	--------------------------

Water Service Agreements:

Phelps	6171304	N1/2NW1/4 and SW1/4NW1/4 13-6-17	Epping Farms, LTD	55	0
--------	---------	----------------------------------	-------------------	----	---

**Account will terminate after 2032 season*

- (1) IPP Amendment to Water Service Agreement for the 2022 irrigation season accompanies new WSA.
- (2) IPP Amendment to Water Service Agreement for the 2022 irrigation season to accompany existing WSA.
- (3) Water Service Agreement terminated after 2021, 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 2021.
- (6) Water Service Agreement activation date being when CWS permit is issued by the NeDNR.

- **Approval to change the date of the December 16, 2022 Committee Meeting to December 19, 2022 at 9:00 a.m.**
- **Approval of the 2023 Irrigation Rates as follows:**

Incremental Pricing Program, 9" base fee	\$35.66 per acre
IPP Acre-inch fee from 9" to 18" of use	\$1.24 per acre inch
Non IPP rate 12" contracts	\$39.38 per acre
Non IPP rate 18" contracts	\$46.82 per acre
Over 18" rate	\$46.82 per acre foot

It was moved by Director Dudley Nelson and seconded by Director Dahlgren to approve the Consent Agenda 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, and Rowe. Shepherd abstained. None voted no and the motion was declared carried.

WORK ORDERS/PURCHASE REQUISITIONS:

- a. Supplemental Work Order No. 107443S – Battery Banks for Jeffrey, J1 and J2 (\$21,375.00)

It was moved by Director Bogle and seconded by Director R. Olson to approve Supplemental Work Order No. 107443S in the amount of \$21,375.00. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.

CONTRACT NO. 0-714 – ALLEN BLASTING AND COATING, INC. FOR PREP AND COATING OF J1 PENSTOCK: A Progress Estimate No. 2 (Final) in the amount of \$60,297.20 and a contract closure letter were presented. Duane Cernousek confirmed the project has been inspected and found to be satisfactory. Staff recommended final payment to Allen Blasting and Coating, Inc. and the Closure of Contract No. 0-714.

It was moved by Director R. Olson and seconded by Director Boyle to approve Progress Estimate No. 2 (Final) in the amount of \$60,297.20 and the Closure of Contract No. 0-714 with Allen Blasting and Coating, Inc. for the prep and coating of the J1 Penstock. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.

2023 LIFE & LTD INSURANCE RENEWAL: Rochelle Jurgens recommended a change to the current employee life and long-term disability insurance from New York Life to Mutual of Omaha. Mutual of Omaha submitted a proposal to increase the life insurance benefit to three times an employee's annual salary, up to \$500,000, with a premium decrease of 29% which amounts to a savings of \$19,959. Their proposal included the same long-term disability benefits as currently provided to employees, with a premium decrease of 7% which amounts to a savings of \$1,235.00.

It was moved by Director David Nelson and seconded by Director Dudley Nelson to approve the proposal from Mutual of Omaha for the 2023 Life and Long-Term Disability Insurance coverage provided to employees. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.

DEFINED BENEFIT PLAN – AMENDMENT & RESOLUTION NO. 22-05: Rochelle Jurgens explained new legislation has resulted in the need to amend the defined benefit plan. The amendment titled Amended and Restated The Central Nebraska Public Power and Irrigation District Employees' Retirement Plan, Amendment (2022) SECURE, Bipartisan American Miners & CARES Acts and associated Resolution No. 22-05 were presented for adoption. The documents were prepared by the law firm of Fitzgerald Schorr, PC, LLO.

It was moved by Director Bogle and seconded by Director Knoerzer to approve Resolution No. 22-05 to adopt the Amendment to the Employees' Retirement Plan 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, and Shepherd. None voted no and the motion was declared carried.

DEFINED CONTRIBUTION PLAN – AMENDMENT & RESOLUTION NO. 22-06: Rochelle Jurgens explained new legislation has resulted in the need to amend the defined contribution plan. The amendment titled The Central Nebraska Public Power and Irrigation District Defined Contribution Retirement Plan and Trust, Amendment (2022) SECURE, Bipartisan American Miners & CARES Acts and associated Resolution No. 22-06 were presented for adoption. The documents were prepared by the law firm of Fitzgerald Schorr, PC, LLO.

It was moved by Director Mueller and seconded by Director S. Olson to approve Resolution No. 22-06 to adopt the Amendment to the Defined Contribution Retirement Plan and

Trust 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, and Shepherd. None voted no and the motion was declared carried.

CONSENT AGENDA: It was moved by Director Mueller and seconded by Director S. Olson to reconsider the Consent Agenda due to potential conflicts of Directors who hold Water Service Agreements with the District (regarding the 2023 Irrigation Rates). Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.

It was moved by Director S. Olson and seconded by Director Knoerzer to remove the 2023 Irrigation Rates from the Consent Agenda. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.

CONSENT AGENDA: The revised Consent Agenda was presented as follows:

- **Approval of Minutes of Regular Business Meeting of the Board of Directors held November 7, 2022**
- **Approval of Minutes of Committee Meeting of the Board of Directors held November 16, 2022**
- **Approval of the December Disbursements:**

Hydro Division:

Check #s 68593 through 68763 & 8900769 through 8900793 (Accounts Payable) \$806,731.70

Payroll \$514,541.82

Kingsley Division:

Check #s 3488 through 3495 (Accounts Payable) \$113,635.48

J-2 Regulating Reservoir Construction Fund:

NONE NONE

Glendo Division:

NONE NONE

- **Approval of the following Employment Agreements for 2023:**

- Kenneth Beck
- Glen Bevard
- Dave Ford
- Don Kraus
- Marcia Trompke

- **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 Chg'd</u>
<u>Water Service Agreements:</u>					
Phelps	6171304	N1/2NW1/4 and SW1/4NW1/4 13-6-17	Epping Farms, LTD	55	0

**Account will terminate after 2032 season*

- (1) IPP Amendment to Water Service Agreement for the 2022 irrigation season accompanies new WSA.
- (2) IPP Amendment to Water Service Agreement for the 2022 irrigation season to accompany existing WSA.
- (3) Water Service Agreement terminated after 2021, 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 2021.
- (6) Water Service Agreement activation date being when CWS permit is issued by the NeDNR.

- **Approval to change the date of the December 16, 2022 Committee Meeting to December 19, 2022 at 9:00 a.m.**

It was moved by Director S. Olson and seconded by Director Knoerzer to approve the Consent Agenda 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, and Rowe. Shepherd abstained. None voted no and the motion was declared carried.

2023 IRRIGATION RATES: The following rates were presented which reflects no change from the 2022 rates:

Incremental Pricing Program, 9" base fee	\$35.66 per acre
IPP Acre-inch fee from 9" to 18" of use	\$1.24 per acre inch
Non IPP rate 12" contracts	\$39.38 per acre
Non IPP rate 18" contracts	\$46.82 per acre
Over 18" rate	\$46.82 per acre foot

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

AMENDMENT NO. 1 TO CONTRACT FOR WATER SUSTAINABILITY FUND GRANT (WSF #5317) FOR CONSTRUCTION OF THE CNPPID E65 ELWOOD NEW WATER SIPHON PROJECT – NEBRASKA DEPARTMENT OF NATURAL RESOURCES: **It was moved by Director Shepherd and seconded by Director Knoerzer to approve Amendment No. 1 to the Contract with the Nebraska Department of Natural Resources for the Water Sustainability Fund Grant (WSF #5317) for Construction of the E65 Elwood New Water Siphon Project. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.**

FERC – HIGH HAZARD DAMS: Mike Drain presented on the importance of dam safety, the District’s monitoring, inspection, and maintenance/repair efforts, FERC reporting requirements, FERC and NDNR safety requirements, and potential downstream impacts of a failure.

KINGSLEY DAM DESIGN FLOOD CONTRACT, AMENDMENT NO. 13 – MEAD & HUNT: **It was moved by Director Bogle and seconded by Director Dudley Nelson to approve Amendment No. 13 to the Contract with Mead & Hunt for the Kingsley Dam Design Flood Contract at a cost of \$128,800.00. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.**

A break was taken at 10:24 a.m. The meeting resumed at 10:37 a.m.

2023 KINGSLEY HYDRO BUDGET: Eric Hixson presented and discussed the content of NPPD’s letter dated November 18, 2022 regarding the 2023 Kingsley Budget Review.

2023 BUDGET: Rochelle Jurgens presented a draft of the 2023 Fiscal Budget Management Letter and the finalized 2023 Budget.

It was moved by Director Knoerzer and seconded by Director Dahlgren to approve 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, and Shepherd. None voted no and the motion was declared carried.

LEGISLATION: Jeff Buettner reported on his continued efforts with the South Platte working group to educate senators about the potential canal project. He will attend an NPA legislative subcommittee retreat on December 7, 2022 at Mahoney State Park. He and Andy Pollock met with Senator Erdman recently at Lake McConaughy to discuss the merger and proposed marina project.

INTEGRATION: Devin Brundage commented on the upcoming hearing before the Power Review Board on December 16, 2022 at 9:30 a.m. Efforts continue to select a consultant to develop new branding of the Platte River Public Power and Irrigation District. A group of employees has been formed to consider potential benefit and wage changes.

WORKSHOPS, SEMINARS AND CONFERENCES:

- a. Four States Annual Meeting – January 11-12, 2023, Fort Collins, CO

PERSONNEL: It was moved by Director S. Olson and seconded by Director Bogle to approve the Personnel Action as circulated for Devin Brundage relating to his 2023 salary. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, and Rowe. Shepherd abstained. None voted no and the motion was declared carried.

DIRECTORS' ATTENDANCE: All directors were present.

BOARD COMMENTS: David Nelson asked Devin Brundage to review water use data displayed during a recent presentation. David Rowe enjoyed the District Christmas party held on December 2, 2022.

LEGAL UPDATE: At 11:00 AM it was moved by Director Bogle and seconded by Director Boyle to enter into Closed Session. The reason for entering Closed Session was to discuss the following agenda item: Legal Update. The purpose for entering into Closed Session for this topic was to discuss pending litigation and to receive legal advice. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, S. Olson, Rowe, and Shepherd. R. Olson voted no. The motion was declared carried.

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

At 11:21 AM it was moved by Director Dudley Nelson and seconded by Director Mueller to exit Closed Session and reconvene in Regular Session. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. Dahlgren was not present at the time of voting. 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: Legal Update.

MANAGEMENT REPORTS: The following management reports were presented:

- a. Cory Steinke displayed photos of concrete repairs to the Jeffrey Return structure. NPPD has agreed to an Annual Operating Plan and minimal releases from Lake McConaughy will be made through the upcoming winter months. He and Brundage recently met with the Glendo canal companies regarding potential changes to their Water Service Agreements and a conjunctive management plan. Purchase agreements on the J2 Regulating Reservoir project have been executed.
- b. Tyler Thulin reported Lake McConaughy is at elevation 3,223.6, 757,000 acre feet, and 43.1% capacity. The inflows to Lake McConaughy are unknown due to a frozen gauge and releases are currently 700 cfs. Releases will decrease to around 250 cfs by December 22, 2022 to meet FERC minimum diversion requirements.
- c. Mike Drain presented aerial photos of Gallagher Canyon where land was exchanged with adjacent landowners to resolve access in and around the FERC Project Boundary. The Nebraska Game & Parks Commission has hired a consultant (HDR) to assist them with making a site selection for the proposed marina at Lake McConaughy. New recharge agreements with the Platte Program to replace the J-2 Regulating Reservoir agreements are being completed.

- d. Scott Dicke conducted a pre-bid meeting with potential contractors last Tuesday about the Elwood Seepage Project and he is going to extend the bid deadline to January 18, 2023 due to the complexity of the project. RJH Consultants will attend the December 19, 2022 Committee Meeting to present a construction and oversight contract for the Elwood Seepage Project. He is currently advertising for two Irrigation Service Specialist positions.
- e. Jeff Buettner announced Tom Riley will continue in his position as Director of NDNR in the administration of Governor-elect, Jim Pillen. He and Devin Brundage recently met with a reporter from APPA who is writing an article about drought resilience and sustainability. He has an upcoming conference call about reviving the Nebraska Water Center summer tour. He assisted Dawson PPD with their booth at the recent Gateway Farm Expo. He announced he will retire at the end of January, 2023 after 32 years of service to the District.
- f. Rochelle Jurgens and the accounting department have been busy receiving irrigation payments. The J-2 funds will be transferred into the Hydro account by the end of the year. There have been several recent employee benefit meetings.
- g. Eric Hixson reported the J2 disconnect operator was replaced and the governor pump was removed.
- h. Devin Brundage attended the NREA annual conference last week. Last week, he met with representatives from Keith County to provide education on the merger and potential South Platte canal.

ADJOURNMENT: It was moved by Director R. Olson and seconded by Director Knoerzer to adjourn the Regular Business Meeting of the Board at 12:14 PM. Upon voting on the motion, the following Directors voted therefore: Bogle, Boyle, Dahlgren, Knoerzer, Mueller, David Nelson, Dudley Nelson, R. Olson, S. Olson, Rowe, and Shepherd. None voted no and the motion was declared carried.

ATTEST:

THE CENTRAL NEBRASKA PUBLIC POWER
AND IRRIGATION DISTRICT

Robert B. Dahlgren, Secretary

By _____
David L. Rowe, President