

LOUP POWER DISTRICT  
BOARD OF DIRECTORS  
April 25, 2023

The regular meeting of the Board of Directors of the Loup River Public Power District was held at the Loup Power District Board Room, Columbus, Nebraska on April 25, 2023.

Notification of the meeting was published in the Columbus Telegram and on the Loup Power District website.

Director Heesacker presided as Chairman of the meeting and Assistant Secretary Angell Robak recorded the minutes.

**Roll call showed:**

**Present:** Tooley, Donoghue, Zach, Fleming, Cerv, Langemeier, Aerni, Drozd, Heesacker

**Absent:** None

**Staff Present:** Neal Suess, Korey Hobza, Walt Williams, Dan Hellbusch, Todd Duren, Amanda Henry

**Absent:** None

**Others:** Hannah Schrodt – Columbus Telegram

Chairman Heesacker reminded everyone of the open meetings law and stipulated this meeting would be conducted according to the Nebraska open meetings law. Chairman Heesacker also stated he would be conducting the meeting based on Robert's Rules of Order.

President/CEO Suess welcomed Ms. Schrodt to the meeting.

**The minutes of the March 28, 2023 meeting were approved.**

The following reports were presented to the Directors: the March 2023 Staff Operations Report – Exhibit 23-052; the March 2023 Bank Reconciliation Report – Exhibit 23-053; the March 2023 Vendor Payment Report – Exhibit 23-054. Additional reports presented to the Directors included various financial metrics of the District for March 2023 – Exhibit 23-055; selected financial information for March 2023 – Exhibit 23-056; and NPPD's Board of Directors Board Meeting Agendas for the April 11-13, 2023 NPPD Board Meeting – Exhibit 23-057.

**Executive Committee**

A letter addressing District Water Issues is filed as Exhibit 23-058.

President/CEO Suess indicated that District management, along with the District's attorney, have completed a working draft of the non-capacity amendment to the District's license, and have sent it to the United States Fish and Wildlife Service (USFWS) and the Nebraska Game and Parks Commission (NGPC) for comment. Mr. Suess stated that management is waiting to hear from the USFWS regarding this non-capacity amendment to the license.

President/CEO Suess reiterated that, on December 12, 2022, the Department of Natural Resources (DNR) ruled that all Objectors to the interbasin water transfer case had no standing to intervene. Mr. Suess noted that the District was an Objector in a filing with the Central Platte Natural Resources District (CPNRD) and the Lower Loup Natural Resources District (LLNRD). Mr. Suess stated that, on January 9, 2023, the District, CPNRD, and LLNRD, as well as other Objectors, filed an appeal of the DNR's decision. Mr. Suess indicated that the DNR granted a stay for 90 days to those Objectors who filed an appeal to the ruling pending a status conference. Mr. Suess stated that the District filed a Brief on the appeal to the Nebraska Supreme Court/Court of Appeals on March 30, 2023, requesting that the Court bypass the Nebraska Court of Appeals and go directly to the Nebraska Supreme Court for review to determine the Objectors' standing in this case, and on April 17, the Nebraska Supreme Court/Court of Appeals granted the Objectors petition. Mr. Suess noted that management will determine its next steps after a decision is received from the Nebraska Supreme Court.

President/CEO Suess indicated the District continues to hold in abeyance the Eighth Circuit Court of Appeals filing for review of the License Order, with the next filing expected to take place in early May 2023.

Regarding damage and repair from the mid-March 2019 storm event, President/CEO Suess indicated that the final design drawings were submitted to FERC for review of the overflow structure. Mr. Suess noted that FERC Staff and the District held a meeting on March 29, 2023 to discuss these drawings and provide comments, including a review of the Potential Failure Mode Analysis (PFMA) for this project. Mr. Suess added that the meeting went very well and the District is moving forward with the final design, incorporating the final comments from FERC. Mr. Suess stated that once the final design is finished, the project will be bid out, with completion of the construction expected in late 2023 or early 2024.

Management and the Board discussed several items related to the District's hydroelectric license and other State of Nebraska water issues.

A letter regarding the Broadband Update is filed as Exhibit 23-059.

President/CEO Suess indicated that District management has been working with Platte County to determine if private broadband entities would be interested in partnering to provide high-speed fiber optic broadband to areas of rural Platte County.

President/CEO reiterated that Stealth Broadband (Stealth) was selected as the best response to partner with, and the District entered into a Memorandum of Understanding (MOU) with Stealth and Platte County.

Mr. Suess stated that Stealth submitted five grant applications within rural Platte County through the Nebraska Public Service Commission (NPSC) and the Nebraska Capital Projects Fund (CPF) program with the hope of obtaining additional funding for this broadband project: 1) unserved areas of Platte County North; 2) unserved areas of Platte County Central; 3) unserved areas of

Platte County East; 4) underserved areas of Platte County North; and 5) underserved areas of Platte County South.

President/CEO Suess indicated that, after the grant applications were submitted by Stealth, Vyve Broadband (Vyve) and Nextlink Internet (Nextlink) filed challenges to these applications. Mr. Suess stated that, following discussions between Vyve and Stealth, adjustments were made and Vyve withdrew its challenge. Nextlink challenged all applications in Platte County, and Stealth is waiting to review the formal challenge by Nextlink to determine if they have merit. Mr. Suess noted that Stealth feels positive about the unserved areas; however, the underserved areas will depend upon challenges to other applications.

President/CEO Suess indicated that management is moving forward with the National Rural Telecommunications Cooperative (NRTC) Smart Grid Technology Planning Study. Mr. Suess added that District management completed several meetings with NRTC regarding a variety of topics, and a final report meeting is expected to be completed in mid-May 2023. Mr. Suess stated that management is working to have NRTC provide this final report to the Board at the May Board meeting.

Management and the Board discussed various items related to the rural broadband issue.

#### **Personnel, Safety, and Insurance Committee**

The Payroll Change is filed as Exhibit 23-060.

#### **Support Services Committee**

The Legislative Bill Watch letter is filed as Exhibit 23-061.

President/CEO Suess stated the 108<sup>th</sup> Legislature of the 2023 Nebraska Unicameral has completed day 66 of its long 90-day session, and this session is expected to end on June 9.

President/CEO Suess stated that this legislative session has slowed considerably because filibusters are being carried out on every bill by two senators due to philosophic issues within the Unicameral. Mr. Suess added that the Unicameral must pass a budget bill before the end of the session, with ten days of debate allocated for this purpose.

President/CEO Suess indicated that bills related to the electric utility industry have had hearings before the Natural Resources Committee, and several other bills are being followed by District management, including those dealing with broadband throughout the state.

Vice President Duren discussed with the Board various bills that are being tracked by the District as well as those closely watched by organizations of which the District is a member, including the Nebraska Power Association (NPA), the Nebraska Economic Development Association (NEDA), and the Columbus and State of Nebraska Chambers of Commerce.

Management and the Board discussed further items related to the 2023 Nebraska Unicameral session.

A listing of the 2023-2024 Loup Scholarships is filed as Exhibit 23-062.

President/CEO Suess indicated Loup scholarships were awarded to students at Columbus High School, Scotus Central Catholic, Lakeview High School, and Twin River High School. Mr. Suess stated management would like a Board member to present the Loup scholarships at the various schools' awards nights, if possible. Director Aerni will present the scholarship at Columbus High School; Director Fleming will present the scholarship at Scotus Central Catholic High School; and Director Donoghue will present the scholarship at Lakeview High School. Guidance Counselor Dan Koziol will present the scholarship at Twin River High School on the behalf of Loup Power District.

A letter regarding Bridges across the Loup Power Canal is filed as Exhibit 23-063.

President/CEO Suess indicated that the District hydroelectric project includes many bridges that cross the Loup Power Canal. Mr. Suess stated that the District provides for regular inspection and needed repairs on private access bridges. He added that the Nebraska Department of Roads (NDOR) is responsible for all inspection and maintenance on bridges across state highways, the County road department is responsible for all inspection and maintenance on bridges that the County has rebuilt across public roadways, and the District is responsible for all maintenance, at the direction of the respective County road department, on bridges across public roadways that the County has not rebuilt. Mr. Suess noted that the current state law indicates that the District and the County work together to determine who builds replacement bridges and who maintains these bridges.

President/CEO Suess indicated that, in the past, the District has worked with Platte County on bridge replacements, where the District paid ten percent, the County paid ten percent, and the federal government paid eighty percent under a federal bridge replacement program. Mr. Suess noted that this federal government program no longer exists.

President/CEO Suess stated that there are recent concerns with bridges owned by the District west of the Monroe Powerhouse (MPH), including Bridge #9 that has recently developed a hole at the approach, which the District is working with Platte County to repair. Mr. Suess also stated that Platte County is looking at rebuilding a bridge west of the MPH to assist local landowners. Mr. Suess added the District is working with the Platte County road engineer to develop a report on bridges within Platte County, and indicated that the District is expecting Platte County to approach the District regarding assistance in building a bridge in the future.

President/CEO Suess shared with the Board a map showing the location of each of the bridges that cross the Loup Power Canal, and a lengthy discussion took place regarding these bridges.

At 10:40 A.M. the Board took a brief break and returned at 10:50 A.M.

At this time, Vice President of Accounting and Finance/CFO Williams presented his report to the Board, which included the financial report for March, filed as Exhibit 23-064. Reports to the Board were also presented by Vice President of Engineering Hobza, Vice President of

Operations Hellbusch, Vice President of Corporate Services Duren and Human Resource Manager Henry.

The investment letter is filed as Exhibit 23-065.

**Director Cerv made a motion to approve the investment letter as presented. Director Aerni seconded the motion and roll was called.**

**Aye: Tooley, Donoghue, Zach, Fleming, Cerv, Langemeier, Aerni, Drozd, Heesacker**

**Nay: None**

**Absent: None**

**The motion carried.**

The work order letter is filed as Exhibit 23-066.

**Director Donoghue made a motion to approve the work order letter as presented. Director Cerv seconded the motion and roll was called.**

**Aye: Tooley, Donoghue, Zach, Fleming, Cerv, Langemeier, Aerni, Drozd, Heesacker**

**Nay: None**

**Absent: None**

**The motion carried.**

President/CEO Suess shared with the Board a letter from retiree Earl Gilsdorf and his wife, Kathleen, filed as Exhibit 23-067, thanking the District for its insurance and pension program. It was suggested that this letter become a part of the new employee packet.

President/CEO Suess stated that management, with assistance from NPPD, has been working with MIBA Industrial Bearings over the past several years to help with developing their carbon-free usage. Mr. Suess noted that more of this is expected to occur in the future.

President/CEO Suess indicated that management was contacted by BD Medical regarding purchasing Renewable Energy Credits (REC's) from the Creston Ridge Wind Farm. Mr. Suess stated that a contract for the sale of these REC's is being developed, which is all a part of BD's corporate sustainable goals.

President/CEO Suess stated that management is working with the NGPC to update and renew the lease of District-owned property near the Headworks. Mr. Suess noted that the NGPC wants to extend the lease agreement that the District and the NGPC have had in place since 1978. Mr. Suess shared a map of the Headworks area that is leased to the NGPC.

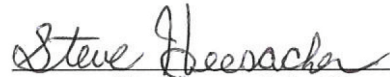
President/CEO Suess indicated that management has completed the Staff-Supervisors Meeting and the Non-Supervisor Meeting, and management has finalized the questions and answers that were developed as a part of those meetings. Mr. Suess added that this information has been supplied to District employees as well as the Board.

The next regular Board meeting is set for May 23, 2023, at 9:00 A.M. at the General Office.

The Columbus Area Chamber of Commerce Annual Celebration is set for Thursday, April 27, 2023 at the Ramada beginning at 5:30 P.M. Loup Power District will be recognized for 90 years of membership.

The APPA Annual Conference is set for June 16-21, 2023 in Seattle, WA.

**Director Drozd made a motion to adjourn. Director Aerni seconded the motion. The motion carried by voice vote.**

  
Chairman of the Board

  
Assistant Secretary

5/23/2023  
Date