

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

September 25, 2014

Ord, Nebraska

The September meeting of the Board of Directors of the Lower Loup Natural Resources District was held at the Headquarters Office, 2620 Airport Drive, Ord, Nebraska, on September 25, 2014. Chairman Kruse called the meeting to order at 5:00 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Darwin B. Anderson, Secretary
Joseph L. Citta, Jr., Vice Chairman
Virgil W. Gellermann
Randy Kauk
Gary A. Kruse, Chairman
James C. Nelson
Dean J. Rasmussen
Gerald P. Smith

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
James J. Eschliman
N. Richard Hadenfeldt
Thomas Knutson
Clifford P. Loseke
Alan D. Petersen
Darwin R. Sieh
Henry J. Thoene

Directors absent

Michael P. Gutzmer
Kim C. Walden

Matt Lukasiewicz

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Irene F. Kreifels, Financial Secretary
Larry D. Schultz, I&E Coordinator
Anne Freeman, Water Programs Secretary
Dell Harris, Water Resources Specialist
Cheryl Hornickel, Programs Assistant

Russell G. Callan, Assistant General Manager
Rita A. Goldfish, Administrative Assistant
Tylr D. Naprstek, Water Modeling Coordinator
Richard L. Woollen, District Forester
Jason Moudry, Water Programs Specialist

NOTICE OF OPEN MEETING LAW POSTING

Chairman Kruse referred those in attendance to the open meeting law information posted in the Board room.

APPROVAL OF VERIFICATION OF MEETING NOTICE, ADOPTION OF AGENDA AND EXCUSED ABSENCES

Chairman Kruse asked for verification of the meeting notice. General Manager Leon “Butch” Koehlmoos verified that the meeting notices were properly published in all newspapers and that the meeting notice was also posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations. Koehlmoos said there were no modifications to the agenda.

Knutson motioned, seconded by Smith, to approve the verification of the meeting notice, adopt the agenda, and excuse all absent directors. Motion carried by roll call vote, all present voting yes.

MINUTES

Chairman Kruse asked for corrections and/or additions to the August 28, 2014, Board meeting minutes. None being heard, Chairman Kruse ruled the August 28, 2014, minutes stand approved as submitted.

TREASURER’S REPORT

Chairman Kruse directed the Board’s attention to the Treasurer’s Report as published in the regular and supplemental agendas.

Koehlmoos reported that the NRD purchased a used 12-foot-wide no-till drill from Upper Loup NRD for \$3,500.00. He said the \$1,400 payment to Severson, Lammers & Abel was for FY 2014 and FY 2015 budget preparation. Koehlmoos said that 280 applications have been made for Area 28 flowmeters and 178 payments have been made. Koehlmoos explained the \$50,000 partial payment of a loan to Lower Loup NRD from General Funds to the ELM project. He said \$17,556 will be paid to USGS for work done on the ELM model.

Kruse said that the payment to Marylin Amsberry would be considered in a separate motion.

Thoene motioned, seconded by Rasmussen, to approve the September, 2014, Treasurer’s Report and pay all bills, excluding the water well decommissioning payment to Marylin Amsberry. Motion carried by roll call vote. Directors voting yes: Amsberry, Anderson, Citta, Eschliman, Gellermann, Hadenfeldt, Kauk, Knutson, Kruse, Loseke, Nelson, Petersen, Rasmussen, Sieh, Smith, and Thoene. Directors abstaining: Adams and Bartak. Directors absent: Gutzmer, Lukasiewicz, and Walden.

Sieh motioned, seconded by Adams, to approve the water well decommissioning payment to Marylin Amsberry. Motion carried by roll call vote. Directors voting yes: Adams, Anderson, Bartak, Citta, Eschliman, Gellermann, Hadenfeldt, Kauk, Knutson, Kruse, Loseke, Nelson, Petersen, Rasmussen, Sieh, Smith, and Thoene. Director abstaining: Amsberry. Directors absent: Gutzmer, Lukasiewicz, and Walden.

PUBLIC COMMENTS

There were no public comments.

FORESTER'S REPORT

District Forester Rich Woollen reported that the general theme at the NFS booth at Husker Harvest Days was windbreaks. He said there was a lot of interest. Conservation seedlings were handed out and many registered for a drawing to win 25 free conservation seedlings.

Woollen reported that he wrote an article for Timber Talk which featured *Niobrara Timber and Woodworks*, a small forest products industry near Bassett. He passed around the publication.

Woollen said that Bessey Clients Day would be held at Halsey on October 21st and passed around a flyer. Koehlmoos said the tour is interesting and the NRD would have a vehicle going.

NRCS REPORT

Koehlmoos said that Bryce Bauer called and wouldn't be able to attend the meeting due to staff meetings. Koehlmoos referred the Board to Bauer's written report in the agenda and said that Dan Johnson had been moved to the Ord office and started work on the 22nd.

INFORMATION AND EDUCATION REPORT

Area IV & State Range Judging

Information & Education Coordinator Larry Schultz reported that the State Range Judging Contest was held earlier in the day in Curtis and there were 403 competitors. He said a team from Burwell tied for first place. He said many teams from the Lower Loup NRD participated and did well. Schultz directed the Board's attention to the Area IV Range Judging Contest results in the agenda and mentioned that several top competitors were from the Lower Loup NRD.

Environmental Festival

Schultz reported that the Environmental Festival will be held at Auble's Pond on October 15th. He said sponsors of the event are Central IV Extension, NRCS, Loup Basin Health Department, Keep Loup Basin Beautiful, and the Lower Loup NRD. Schultz said he will present a water rockets session and also a session on natural resources.

Schultz said it rained during Husker Harvest Days on the 9th and he helped push cars out of the mud in the parking lot. Husker Harvest Days was cancelled for the 10th, but resumed on the 11th.

RESOLUTION TO APPLY FOR FEDERAL ASSISTANCE FROM THE LAND & WATER CONSERVATION FUND (LWCF)

Water Modeling Coordinator Tylr Naprstek explained that the Land and Water Conservation Fund is administered through the National Parks Service. He said it is federal money that goes through the Nebraska Game and Parks Commission and is targeted for public recreational opportunities. Naprstek said he worked with Olsson Associates on an application for additional funding to assist with the construction of two ADA compliant fishing piers and a concrete-base picnic shelter.

Naprstek gave each director a handout of the grant application and explained some of the design specifications. Naprstek said the application was due on October 1st. He said the projected cost would be \$384,340. Funding will come from the Nebraska Environmental Trust Fund, Lower Loup NRD allocated funds, and the LWCF. The application for these funds has been advertised and public comment was taken during the Board meeting.

Naprstek said the application needs an official participation resolution which needs to be approved by the Board and signed by the chairman.

Citta motioned, seconded by Amsberry, to adopt the resolution to seek a federal grant from the Land & Water Conservation Fund for work at Pibel Lake Recreation Area. Motion carried by roll call vote, all present voting yes.

PUBLIC HEARING ON LLNRD RECREATION AREA RULES AND REGULATIONS

Chairman Kruse opened the public hearing on the Lower Loup NRD's Recreation Area Rules and Regulations at 5:33 p.m.

Callan entered into the record the following documents: Exhibit #1 - Affidavits of Publication and copies of the newspaper clippings from Albion News, Burwell Tribune, Columbus Telegram, Custer County Chief, Grand Island Independent, The Greeley Citizen, Nance County Journal, The Ord Quiz, The Phonograph-Herald, The Ravenna News, and The Sherman County Times; and was posted on the Lower Loup NRD's website; and Exhibit #2 – Copy of the Draft *Rules and Regulations for the Enforcement of the District's Recreation Areas*.

Chairman Kruse asked for public comments on the Lower Loup NRD's Recreation Area Rules and Regulations. None were heard.

Chairman Kruse asked for comments from the members of the Lower Loup Natural Resources District Board of Directors.

Adams asked if there would be a charge to camp at the recreation areas. Koehlmoos responded that there weren't any changes made to the rules and regulations addressing a fee. He said, at the present time, camping is on a first-come, first-served basis and the NRD is providing it

as a service. He said if and when electricity is installed in the future, a fee might need to be discussed.

Chairman Kruse asked for testimony from anyone who had not had a chance to testify. None was heard.

Chairman Kruse closed the public hearing at 5:37 p.m.

Eschliman motioned, seconded by Adams, to adopt the proposed additions and modifications to the rules and regulations governing the NRD's recreation areas. Motion carried by roll call vote, all present voting yes.

RESOLUTIONS FOR MAINTENANCE ASSESSMENTS ON LOST CREEK IPA AND DUNCAN EAST IPA

Koehlmoos said that maintenance assessments need to be made for \$11,000 for Duncan East IPA and \$2,000 for Lost Creek IPA. He said the assessments are expected to last 2 to 3 years. Koehlmoos said that, in reviewing the parcels, several have been sold or split. He felt that the split parcels would need to be reassessed to assess the new benefit to the new landowner.

Koehlmoos explained that the drainage areas were put in as improvement project areas (IPA) and all perpetual costs of the project are assessed back to the landowner based on units of benefit. He said the NRD was running low on money for mowing and maintenance and reassessments need to be made.

Koehlmoos mentioned hiring an appraiser to go through all the parcels that have changed ownership, assess the property, and determine where the cost benefits should go and in what percentage.

Hadenfeldt asked if there was anything that said reassessments had to be done. Koehlmoos responded that, as far as he knew, the cost of the project goes back to the landowners on a perpetual basis. Hadenfeldt said that the assessor would have no way of splitting assessments unless instructed to do so by the NRD. Koehlmoos said an appraisal could be done and the new appraisals could be sent to the assessor. The units of benefit would be adjusted based on where the land is located. Koehlmoos said the appraiser's fee could be charged back to the project, as well as any other costs associated with the project. Koehlmoos said he and Callan would meet with the Platte County assessor to determine what information she would need to make the project's assessments to landowners.

Gellermann motioned, seconded by Loseke, to approve a resolution to seek new maintenance assessments for Duncan East IPA in the amount of \$11,000. Motion carried by roll call vote, all present voting yes.

Thoene motioned, seconded by Smith, to approve a resolution to seek new maintenance assessments for Lost Creek IPA in the amount of \$2,000. Motion carried by roll call vote, all present voting yes.

ASSISTANT MANAGER'S REPORT

Area 28 Activities

Prokop Litigation

Callan reported that the NRD has won an order granting the NRD's motion for summary judgment. He said the hearing date to assess damages was set for December 5th. He said the main objective is to get the wells closed, but it is not clear how that will be done and how the costs will be assessed.

ELM Update

No report.

Wellhead Protection Area Update

Water Programs Specialist Jason Moudry reported that he, Callan, and Ed Drozd met with City of Columbus officials Roger Buell and Bob Kloke on September 9th to discuss wellhead protection efforts. They also talked about the potential groundwater recharge project for the Christopher Cove subdivision. Moudry said the City of Columbus agreed to be involved in the RFP process and said impacts of third parties was a concern for them. There was conversation with the city officials about whether it would actually have benefit or not. He said an injection well permit may be involved.

Moudry said that Columbus's municipal wells were also discussed. He said there are 11 wells that are used for production. Columbus has sent the NRD sheets containing data that has been collected including pumping water levels and drawdown tests. Moudry said Columbus was receptive to adding groundwater level transducers to community wells, and he said they might only be installed in the critical areas to monitor real-time data.

Moudry said there was discussion about the NRD's integrated water management project with DNR. The City of Columbus wanted to know how that would impact them in the future.

Callan said they talked about the treatment plant for the recharge project. Citta suggested that maybe the water at B-D could be reused instead of just discharged. Callan said the water comes from a different well field on the other side of the canal. Callan said it is probably cheaper to buy the water from the City of Columbus and dump it, than to recycle it.

Hadenfeldt wondered if there were any other cities, villages, or high water users in the District that might benefit from transducers. Koehlmoos said that the new technology is unbelievable and the transducers are becoming more cost effective. Koehlmoos said staff would try to identify major water users and consider more transducers in the next budget cycle.

Callan said that one of the transducers that was purchased will be going on a well at ADM.

PROGRAMS/PROJECTS COMMITTEE REPORT

No report.

MANAGER'S REPORT

Lower Platte River Basin Coalition (LPRBC) Planning Process Status Report

Koehlmoos said the managers have met once since the last Board meeting, primarily to answer questions of the technical committee who has been working with the consultant and gathering data. He said the process is moving along. Koehlmoos said he would supply the Board with the goals and objectives of the coalition.

Report on Hail Damage to Farm and Spalding Buildings

Koehlmoos reported that there had been hail damage to the Spalding shop on June 16th (roof, gutters, ridge cap) and to the new farm building on July 9th (roof, gutters, downspouts, ridge cap, screen, one side of building). He said the NRD changed insurance companies July 1st, but will receive a check from our previous insurance carrier for around \$6,074.60. The NRD also received \$23,499.55 from the new insurance carrier. He said the original contractors would be contacted to make the repairs.

New Hires

There were no new hires.

Other Non-Action Reports

Callan said the NRDs will be setting their own prices for chemigation permit fees, beginning in 2015. He said it costs Lower Loup NRD about \$140,000 per year to administer the chemigation program. Using that information and in talking with other NRDs, staff suggests fees of \$50 for "NEW" permits and \$25 for "RENEWAL" permits. This information will be taken to the Water Resources Committee for their discussion and recommendation. Koehlmoos said the suggested prices wouldn't cover all NRD costs for the program, but would make it a little more cost effective. Callan said that the NRD's rules and regulations would need to be revised to include the chemigation changes.

Callan reported that requests for bids were sent out for the Davis Creek water line project and two bids were received. He said a copy of the plan was sent to the Department of Health and Human Services, because it's a non-community water system; and the NRD received the permit to construct. Callan showed slides of where the water line system would be installed. He said the bid for \$23,500 was accepted and construction would begin soon.

NARD REPORT

Director's Report

Rasmussen reported that the NARD board met at the NARD Annual Conference. He said the auditors were at the board meeting and presented their bill. Rasmussen said that the NARD is financially sound. He said the silent auction went very well. Koehlmoos said about \$26,000 was collected for the NARD Foundation and that almost \$1 million was added to the risk pool. Rasmussen said there were three resolutions and they all passed, but not unanimously.

Adams said the session with Vanessa Silke was very good and well attended. Koehlmoos said she talked about the new rule on *Waters of the United States*, brought forward by EPA and the Corps of Engineers, and its impacts. She also talked about general federal legislation.

Knutson said Ms. Silke talked quite a bit about the Endangered Species Act and how it has created a lot of problems in California because of a small fish; it has shut down the Central Valley Irrigation Project. He said the NRD should keep an eye on the Endangered Species Act because he felt it was a dangerous act that is being pushed on rural America for things that shouldn't be listed as 'endangered.'

Koehlmoos said the Bureau of Reclamation saw in the NRD minutes a mention of designs for new camp sites at Davis Creek; the Bureau indicated they would need to approve that. They told Koehlmoos they may need to do another archaeological evaluation of that site.

NRC REPORT

Commissioner's Report

Hadenfeldt said he was appointed to the NRC Rules Committee and they have had six discussions, either by phone or in person. He said they would meet in late October in Kearney. He said the full Commission would meet November 25th. Knutson said the rules process is a slow process. He said after the Commission adopts the new rules, they go to the attorney general's office, then the governor's office, and then the secretary of state's office. He said there could be as much as a six-month wait before beginning to take applications.

Knutson said Mark Koch was present at the meeting and spoke. Koch had heard that a new rule was being considered in regard to private projects.

RC&D REPORTS

Loup Basin RC&D

Rasmussen reported that the Loup Basin RC&D annual banquet would be September 30th at the winery north of St. Paul. He said the meeting is open to the public, but reservations need to be made. Rasmussen said he was at the tire pickup in Elba a couple weeks ago and over 2 tons of tires were collected. He said RC&D isn't involved in the Junk Jaunt anymore.

PrairieLand RC&D

Gellermann said PrairieLand is still paying its executive person to write checks to farmers who are in the Shell Creek Watershed area. He said the first grant will continue for another 1½ to 2 years. He said PrairieLand has applied for another grant, but in order to get the grant, PrairieLand will probably have to apply for water quality grants. If they applied for flood control grants, there may be conflicts with the Corps of Engineers getting involved. Gellermann said they put together a plan for a 30-year project, doing a little bit at a time. He said Shell Creek needs a lot of help with flood control, so they're hoping the grant comes through.

Gellermann said PrairieLand won't bill dues until they get another grant.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 6:42 p.m.

Roster for attendance of this meeting and tally of votes cast on motions at this meeting are being filed with the official minutes of this meeting at the Lower Loup Natural Resources District's Headquarters Office, 2620 Airport Drive, Ord, Nebraska. Publication notification of this meeting was made via a newspaper in each county within the District. The next Board of Directors meeting will be held Thursday, October 23, 2014, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary