

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

February 27, 2020

Ord, Nebraska

The February 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 February 27, 2020. Chairman Citta called the meeting to order at 5:00 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Beth Boesch
John Coffey
N. Richard Hadenfeldt
Gary A. Kruse
Larry Mohrman
Alan D. Petersen
Gerald Smith
Henry J. Thoene, Secretary

Rollie D. Amsberry, Treasurer
Robert L. Bauer
Joseph L. Citta, Chairman
Jim Eschliman, Vice Chairman
Randy Kauk
Matt Lukasiewicz
Todd Nitsch
Chad J. Podolak
Dean G. Thede
Rick Vlach

Director absent:

Timothy E. Bartak

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Larry D. Schultz, I&E Coordinator
Brian Kolar, Projects Technician
Dell R. Harris, Water Resources Specialist
Cam Conrad, Water Modeling Coordinator
Jane Klanecky, Receptionist

Tylr Naprstek, Assistant General Manager
Kim A. Lyons, Financial Secretary
Cheryl Hornickel, Programs Assistant
Brent Lakin, Water Resources Technician
Jason Moudry, Water Programs Specialist
V. Anne Freeman, Water Programs Sec.

Guests in attendance

Bryce Bauer, Liaison DC, NRCS, Ord

ROLL CALL

Roll call was conducted electronically. Directors present: Adams, Amsberry, Anderson, Bauer, Boesch, Citta, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director absent: Bartak.

EXCUSED ABSENCES

Citta stated that Director Bartak had asked to be excused.

Boesch motioned, seconded by Adams, to excuse absent director. Motion carried by electronic vote, all present voting yes.

NOTICE OF OPEN MEETING LAW POSTING

Chairman Citta referred those in attendance to the open meeting law information posted in the Board room and said that meeting material was available at the entrance to the Board room.

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Citta asked for verification of the meeting notice. General Manager Russell Callan stated that the agenda was current, and that the meeting notices were properly published in all newspapers, posted at the NRD Headquarters office in Ord, on the NRD web site, and in the eight field office locations.

MINUTES

Chairman Citta asked for corrections and/or additions to the January 23, 2020, Board meeting minutes. Boesch stated that Tom Goc's name had been misspelled.

Smith motioned, seconded by Coffey, to approve the January 23, 2020, Board meeting minutes with the discussed correction. Motion carried by electronic vote, all present voting yes.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$1,281.00 to Molczyk's Windshield Repair for repairs to Dan Ray's pickup and reported that a portion of that had been recovered from the insurance company; \$93,200.00 to Aqua Geo Frameworks LLC for AEM work in Buffalo County; \$19,995.87 to HDR Engineering for Columbus work; \$8,000.00 to EA Engineering for the Buffalo County Cover Crop Study; \$5,000.00 to Union Pacific Railroad for a permit to take the pipeline under the railroad for the Columbus project; \$965.63 to the Valley County Highway Dept. for upkeep on the road at Davis Creek. Callan also highlighted expenditures of \$20,844.11 to the Nebraska Forest Service for LLNRD's share of the Forester's position; \$2,247.00 to Blankenau Wilmoth Jarecke LLP for instream flow work; \$6,695.00 to

JEO for work on the North Loup flooding study; and \$12,348.84 to Olsson Associates for work on the Sargent drainage study.

Kauk asked if the \$3,600.00 to Platte County Weed Control for phragmites control was part of Lower Loup's contribution. Callan stated that \$10,000.00 were budgeted and entities would have to submit requests for specific things.

Eschliman motioned, seconded by Kauk, to approve the February 27, 2020, Treasurer's Report and pay all bills. Motion carried by electronic vote, all present voting yes.

The Treasurer's Report Approval Policy states that the approved expenditures are to be published and each director who has per diem and/or reimbursement of expenses included in such financial reports, abstains from voting for the approval of his or her own per diem and/or expense reimbursement.

PUBLIC COMMENTS

There were no public comments.

FORESTER'S REPORT

Richard Woollen, District Forester, was not present for the meeting. Callan stated that the Nebraska Forest Service would be taking public comment related to the state's trees and forests, ahead of submission of the Nebraska Forest Action Plan. He said landscape sections of the plan would be reviewed at Central Platte NRD on March 11th.

Kauk asked if there was an inventory of available trees. Callan stated that inventories were available at both the NRD and NRCS offices.

NRCS REPORT

Bryce Bauer, NRCS, reported that the 2021 EQIP Local Work Group was held at the NRD on Tuesday with a good turnout. Bauer stated that at the group determined it would be beneficial to establish its own Lower Loup Forestry Fund Code, and fund it up to \$50,000.00, mainly being used for windbreak renovations. He said the State has had a fund in the past, but money was not available until May. With the group having its own fund, there would be more flexibility for contracts and getting the trees planted.

Bauer reviewed the funding breakdown for brush management, range, pivot, and cropland uses and gave a brief explanation of the ranking system.

Bauer also reported that NRCS had hired new employees in the Burwell (Soil Conservationist), Ord (Program Assistant), and St. Paul (Soil Conservationist) offices, but positions were still available in Broken Bow and Fullerton.

Callan said that special priority areas were also set up at the work group meeting. He said Area 29 in Wheeler County was discussed for water quality. He said Area 30 in Columbus wasn't in Bryce's area, so a presentation will be given to Lower Platte North NRD to hopefully

get that set as a priority area, also. Bauer said Area 28, Clear Creek-Pibel Lake and the South Loup River were also included as priority areas.

Eschliman asked about prescribed burns and how they work. Bauer informed the Board that most of the burning was done by landowners, with some areas having a burn association, where landowners assist each other to complete the burns. Naprstek informed the Board that Ben Wheeler would be conducting a Prescribed Burn School on March 10th at the Ord High School. Bauer said that Wheeler would also be doing TREX training the end of March for two weeks and that 40 professional firefighters from all over the world would be attending to help burn 3,000 to 5,000 acres.

Kauk asked about using EQIP on land that had been taken out of production and wanted to know how many years it had to be out of production. Bauer informed him it is usually ten years, but said that after the contract expires, NRCS doesn't police it anymore. He said the area could be hayed and grazed, but not irrigated and it needed to be left to grass.

Podolak asked if there was any assistance program for private dams. Bauer stated in the past a lot had gone through EQIP but there had been problems with the Corps of Engineers because of wetlands rules. He also reported that, since the 2019 floods, they had seen mostly erosion, headcutting, and requests for diversions to slow the water.

INFORMATION & EDUCATION REPORT

Central Region Envirothon

Larry Schultz, Information & Education Coordinator, reported that the Central Region Envirothon was next week, and although only 2 registrations had been received, more were expected. Schultz reported that they were expecting between 12-16 teams and that the winners would go on to the State contest at Lake Wanahoo in April, then the NCF Envirothon in July, hosted by Nebraska. Schultz said volunteers would be sought from around the state for the International contest, saying approximately 300 competitors were expected, along with 100 advisors and an additional 100 people examining the contest.

Media-Trees

Schultz reported that he had been working on the *Conservation Trees* ads and presented the ad that would be put in local papers soon. He reported that tree video ads would be shown on Channels 10/11 and KSNB4 during the evening newscasts. He said recreation ads would begin nearer to summer.

ASSISTANT GENERAL MANAGER'S REPORT

Davis Creek

Tyler Naprstek, Assistant General Manager, reported that there were no new developments on Davis Creek.

Pibel Lake

No new developments to report.

Columbus Area Water Resources Assessment Study Update

Naprstek said that Callan would give an update later in the meeting.

Buffalo County – Aerial Electromagnetic Survey (AEM)

Naprstek reported that the AEM payment just approved in the Treasurer's Report was the final payment, but the check would be held until the final report was received. He said that the initial draft of the report was received recently, but staff had not had time to review it. He mentioned that water quantity would be emphasized in the report.

Cover Crop Study

Naprstek reported that Jason Moudry, Water Programs Specialist, and Dan Ruterbories, Rangeland Management Specialist, were working on the cover crop study. He said that, going into spring, 1,282 acres had been signed up for the Clear Creek area and 3,332 acres in Area 28 for cover crop cost-share.

Lukasiewicz asked about ice fishing at Pibel, and it was reported that there were many small bluegill available and that European Rudd had also been caught at the lake. Naprstek said that European Rudd was an invasive, noxious fish and the population would have to be monitored. Citta stated that Rudd push out the native fish and eventually the lake would need to be renovated due to the invasion. Callan said the lake was last renovated in 2000. Naprstek said no carp had been seen.

WATER RESOURCES COMMITTEE

Water Quality Report 2019

Naprstek reviewed the 2019 Water Quality Report. He showed the report on the projector and discussed each individual Groundwater Management Area. The entire District was reviewed, as well as the District's numbers with Area 28 removed. Citta pointed out that, although numbers were still relatively low, there seemed to be an overall trend of rising nitrate levels. Naprstek stated that it could be due to more samples being taken now than in the past and there was more irrigated ground being farmed with row crops.

Boesch asked when the most recent samples were taken. Naprstek reported that most irrigation samples were collected in the summer; then after fall static water levels are done, domestic, commercial and livestock samples were taken. Podolak asked if the Committee would be talking about what could be done in areas with higher numbers. Callan stated that it would be discussed.

Kauk asked if the major contributor to the nitrate problem was from commercial application. Callan stated that several factors contribute to the problem, but that commercial

fertilizer was a big factor. Naprstek reported that wherever there was a high density of irrigated farm ground, there was high nitrate concentration.

Citta felt that efforts should continue to be made to remain diligent and stay on top of the nitrate problems in the District. There was discussion about recommended rates from fertilizer retailers, UNL formulas, and that over-application was not economical. Nitsch said that nitrogen is the macro-nutrient that everyone looks at in determining yield, but said if pH is out of range, it won't matter what amount of nitrogen is applied, it's not going to be available to get into the plant properly. Kauk felt that farmers needed to be more educated about pH levels.

Smith motioned, seconded by Adams, to approve the 2019 Water Quality Report. Motion carried by electronic vote, all present voting yes.

Citta encouraged staff to get the report information out to the public to help make them aware of the nitrate levels throughout the District. Naprstek said that the NRD sends out letters to all the producers showing their report numbers for the past 5 years and information is included on what could be done if the nitrate readings are over the 10.0 ppm standard set by the Public Health Service. He said that once staff gets some additional numbers isolated, the *Water Matters* publication may also be getting sent to more producers than just in Area 28. Podolak said awareness of the problem was important, but solutions were needed, also.

2019 Irrigated Acres Violations

Naprstek reported that staff had used the 2019 infrareds and sent out letters to potential violators who had irrigated on uncertified ground. He reported that there were 42 violations of irrigation pipes or tracks where they shouldn't be and crops planted where they were not allowed and that field staff had followed up on the violations. He reported that he had heard from all but one landowner and most violations had been remedied. He reported that Dell Harris, Water Resources Specialist, was dealing with 70-80 field boundary revisions and redraws.

Naprstek reported that surface water violations were also being checked; however, staff was running into issues with DNR's interactive maps showing map transfers not being updated. Callan said that the rules require landowners to get the map information since the NRD didn't have access to it. Naprstek said DNR staff had indicated that maps showing fields associated with DNR transfers would no longer be available through DNR. Naprstek said surface water letters/packets would eventually be sent out to the landowners and irrigation districts so violations could be remedied.

Adams asked if most of the violations were field boundaries and Harris stated that they were, as well as new acres applied for and private rights.

LLNRD Drought Study Update

Naprstek reported that staff was working with JEO and assembling a stakeholders group. He said March 31st was the date set for the first drought study meeting. He reported that they would be working on management options that could be implemented in the District if drought or water shortage occurred.

Mohrman asked about progress on the well interference issue that was reported by landowners near Genoa. Callan said that the landowners met at NRD Headquarters and he was working on a scheduling agreement between the parties involved.

PROGRAMS/PROJECTS COMMITTEE

Duncan East IPA Project

Kruse reported that the Committee had reviewed two proposals for the flooding repairs to Duncan East IPA. It was recommended by the Committee to award the project to Husker Engineering from Burwell.

Kruse motioned, seconded by Boesch to approve the bid from Husker Engineering in Burwell for \$56,485.00 for work on the Duncan East IPA Project.

Vlach asked what amount FEMA would be contributing and Callan reported it was \$71,000.00 and that the NRD had already received a check from them for their contribution. He said some of the funds would be used for engineering. Anderson asked what all would be done. Callan stated the tubes would be put back in and extended and riprap the west face. Kruse asked what the schedule was for the project and Kolar stated there was not an exact schedule yet.

Motion carried by electronic vote, all present voting yes.

Sargent Area Drainage

Kruse reported that the Committee also discussed the Sargent drainage issues and that the public meeting held recently with Olsson was well-attended. He said Olsson was working on suggestions to alleviate the water problems and would be presenting them sometime in April.

Sargent East IPA

Callan reported that the Sargent East IPA project was progressing, but that NRCS had indicated they didn't have enough staff to do the design work. He said NRCS agreed to look at getting the NRD past NRCS's wetland hurdles. Callan said if those hurdles couldn't be cleared, the NRD wouldn't get past the Corps hurdles, either. He said he felt the drainage problem couldn't be fixed, but that there were things that could be done to help alleviate some of the water issues.

North Loup Flooding

Callan reported that there was good discussion at a meeting held with the stakeholders and more information would be available in early spring. Vlach said the residents were happy to hear that the project was moving forward.

Platte Valley Flood Zone Buyout

Kruse reported that landowners had until March to sign up for the program. Mohrman said that many options were available and, after all interested landowners had signed up, there would be talks held on money and moving buildings. He said it wouldn't be a fast process.

NGPC-Open Fields and Water Program

Callan stated staff would have a proposal at the next Committee meeting to be held March 24th.

Columbus Recharge Project

Citta stated there had been multiple developments that needed to be addressed by the Board. Callan directed the Board's attention to letters in the Supplemental Agenda and reported that the City of Columbus was requesting a hold harmless and an indemnification agreement be included in the contract for the project and indicated that they would consider formally withdrawing from the interlocal agreement at their March 2nd meeting. Callan said the City was concerned about the structures that the NRD was going to install in the channel and said that they felt it would impede the storm water that came down the channel and would offend the City's easement to allow storm water to go through. Callan reported that he had visited with HDR and highlighted benefits to the project to the area, such as economic growth, in his reply letter to the City.

Callan said he had spoken with the NRD attorney regarding indemnification to a city and said he had been told that the NRD couldn't do that. Callan said he reached out to other NRDs to see if they had ever done a clause like the one the City of Columbus was requesting and found it wasn't done.

Citta stated he had spoken with members of Christopher's Cove and they had just recently been made aware of the City's current position on the project. Citta reported that the lake had dropped 16 inches.

Callan said the resolution on the agenda for the City's March 2nd meeting indicated the City of Columbus not only wanted to leave the coalition, but authorized the City necessary legal action in order to protect their easements. He said the NRD's proposal says the NRD easement sits on top of the City's easement and their easement stays whole. Callan said the City's resolution indicated that the NRD was seeking to use the City's previously acquired drainage easements, and he said that was not the case, that the NRD was in the process of acquiring its own easements.

Citta stated that if the NRD can't use Lost Creek easements in order to build retainment structures, there's no project.

Callan said staff had received an easement from ADM which included a hold harmless and indemnification clause, but that steps were being taken to remove that, but to still make sure everything is laid out right.

Coffey asked who initiated the project. Callan responded that the NRD had. He said the NRD had identified a groundwater problem and a study was done to assess the water in the area. He said instead of the NRD going in and regulating, which was an option to fix the problem, it was decided to partner with other entities to find a solution.

Callan said there has been an attempt for the NRD to take over the maintenance on Lost Creek Channel from Day 1 because it's not within city limits. He said the City has an easement indicating that they are to maintain the channel, but it hasn't been maintained. Callan thought this might be an attempt to get the NRD to volunteer to maintain the channel.

Callan said the channel has crossings over it and the NRD's plan is to upgrade the culverts and put log structures on the culverts so that water will be backed up behind them. He said HDR thought that if the culverts were upgraded, more water would be able pass through the channel than is now flowing.

Citta said the City was concerned if someone should claim damages because of the project, such as a wet basement, and the person took legal action, the City could be named for liability as a responsible party of the project. He said the insurance carrier is telling the City that there are risks involved with the project.

The Board directed Callan to contact the City of Columbus and see if action on the resolution could be removed from their agenda until a meeting involving the different parties could be held on the issue and options discussed.

MANAGER'S REPORT

Citta said there would be an Executive Session at the end of the agenda to discuss real estate issues.

Litigation Update

No update.

New Hires

Callan reported that there were no new hires; however, staff would be posting the engineer position again. Citta reported that he was approached about the NRD perhaps offering some type of tuition assistance in exchange for a certain term of work for any engineer applicants. Callan would work with attorneys to see if this was an option since the NRD was a public entity.

Non-action Reports

Callan said that, due to the Washington, DC, trip, Committee meetings would be held on March 24th, the Tuesday before the Board meeting.

Callan stated that bid requests were sent out for two new vehicles that were budgeted for and that some old vehicles would be put up for bid. He also reported that the check for the railroad permit would be held until further discussions were held with the City of Columbus.

NARD REPORT

Eschliman stated that there would be a meeting in March.

NRC REPORT

Hadenfeldt reported that they met in Kearney a couple recently and worked on rules cleanup.

RC&D REPORT

Adams reported that he hadn't attended the RC&D meeting. Thoene said it was held the same day as the NRD Board Retreat.

ANNOUNCEMENTS / FUTURE MEETING TOPICS

There were no announcements.

Mohrman motioned, seconded by Petersen, to enter Executive Session at 7:00 p.m. to discuss proprietary and real estate issues. Motion carried by electronic vote, all present voting yes.

Smith motioned, seconded by Adams, to exit Executive Session at 7:38 p.m. with no action taken. Motion carried by electronic vote, all present voting yes.

ADJOURNMENT

With no further business before the Board, Citta declared the meeting adjourned at 7:38 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 March 26, 2020, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary