

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

March 25, 2021

Ord, Nebraska

The March 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 March 25, 2021. Chairman Citta called the meeting to order at 5:08 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams	Rollie D. Amsberry, Treasurer
Darwin B. Anderson	Timothy E. Bartak
Robert L. Bauer	Beth Boesch
Joseph L. Citta, Chairman	John Coffey
N. Richard Hadenfeldt	Randy Kauk
Gary A. Kruse	Matt Lukasiewicz
Larry Mohrman	Todd Nitsch
Alan D. Petersen	Chad J. Podolak
Gerald Smith	Dean G. Thede
Henry J. Thoene, Secretary	Rick Vlach

Directors in attendance via teleconference (voting):

Jim Eschliman, Vice Chairman

Staff in attendance:

Russell G. Callan, General Manager	Tylr Naprstek, Assistant General Manager
Irene F. Kreifels, Administrative Assistant	Kim A. Lyons, Financial Secretary
Larry D. Schultz, I&E Coordinator	Cameron Conrad, Water Modeling Coord.
Dell R. Harris, Water Resources Specialist	Richard L. Woollen, District Forester
Jason Moudry, Water Programs Specialist	V. Anne Freeman, Water Programs Sec.
Brent Lakin, Water Resources Technician	

Guests in attendance:

Pat Engelbert, HDR, Lincoln

James Nelson, Cairo

Guests in attendance via teleconference:

Bryce Bauer, LDC, NRCS, Ord

Jake Miriovsky, JEO, Lincoln

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 website, and in the eight field office locations.

ROLL CALL

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

EXCUSED ABSENCES

Chairman Citta stated that there were no Directors absent.

MINUTES

Chairman Citta asked for corrections and/or additions to the February 25, 2021, Board meeting minutes.

Boesch motioned, seconded by Mohrman, to approve the February 25, 2021, Board meeting minutes as presented. Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director not voting: Adams.

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.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$33,650.66 to CMBA Architects for building addition design; \$40,000.00 to Olsson for GET Modeling Licensing; and \$3,771.67 to JEO Consulting Group for the Hazard Mitigation Plan.

Kruse motioned, seconded by Petersen, to approve the March 25, 2021, Treasurer's Report. Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson,

Bartak, Bauer, Boesch, Citta, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director not voting: Adams.

PUBLIC COMMENTS

None

FORESTER'S REPORT

Richard Woollen, District Forester, reported that the windbreak short course had taken place four Wednesdays in a row with 80-85 participants at each session. He said the course was posted on the Nebraska Forest Service website for future viewing.

Woollen also reported that a Community Forestry application had been approved for Ansley Public School.

Woollen reported that trees would be coming in around the April 7-8.

NRCS REPORT

Bryce Bauer, NRCS, reported that the 2022 EQIP Work Group was held five weeks ago and there were some changes to the grazing application ranking levels. He said that, as of Monday, NRCS could have two people in the offices and doors would remain closed to the public. He said FSA was 50% staffed. Bauer reported that operations should return to normal soon. He also reported that the 2021 EQIP funding was received and staff had started working with it this week to fund brush management.

Director Bauer asked about EQIP money that producers had received and if there was conversation about lengthening the term. Bauer stated there was typically a 10-year contract with a 4-year management contract on pivots.

INFORMATION & EDUCATION REPORT

Hazard Mitigation Plan

Larry Schultz, I&E Coordinator, reported that there was a Hazard Mitigation Plan meeting on March 9th and JEO led the group through the process, reviewing the entities that took place in the last plan and looked at potential new entities. Schultz reported that the first round of planning meetings was set for June.

In the Loup

Schultz reported that the new *In the Loup* newsletter was ready and one had been distributed to all Directors, as well as the new brochure on Nebraska Natural Resources Districts describing NRD functions.

Bartak asked about the Hazard Mitigation Plan in relation to various projects. Callan stated that the NRD gets information on who used the plan but not what money they received.

ASSISTANT GENERAL MANAGER'S REPORT

Cover Crop Study

Tylr Naprstek, Assistant General Manager, reported that staff was working on the Water Sustainability Fund annual report. He said that staff would be working with EA Engineering to remove equipment until after harvest and in June or July he should have information on moisture levels on land with and without cover crops.

Naprstek also reported that staff was measuring static water levels and that campers had begun to use Davis Creek Rec Area.

WATER RESOURCES COMMITTEE

Genoa Area Water Quantity Issue

Callan gave a presentation reviewing information on the water quantity issue near Genoa between Swanson and Sprunk. He highlighted the location of the pivots of each landowner as well as the location of their existing wells and discussed the static water level measurements for the area. Callan showed the location of the aquifer in relation to where the wells were located. Callan also outlined the agreement he drafted for review by the landowners for scheduled irrigation between the two and stated that neither landowner showed interest in signing it.

Callan stated that the NRD was not permitting any new wells in the vicinity due to the interference between these wells. NRD rules regarding well restrictions were also reviewed. Callan showed the 2020 infrared images showing what each producer was irrigating and what was certified. He also showed the test hole history on Sprunk's land.

Callan stated that Sprunk was requesting more irrigated acres on an unrelated field. It was discussed that Swanson's well could have added restrictions placed on it because it was drilled after the new rules were implemented. Further discussion was held on the various options that were available to remedy the issue and what the landowners were requesting.

Coffey motioned to have Swanson re-nozzle his pivot to 450 gpm and allow a replacement well for Sprunk as long as it meets the 600' distance requirement and to have both wells restricted to 9 inches per year of irrigation on the land under the pivot.

Callan stated that Sprunk's current well cannot be limited because it was installed before the rule changes.

Coffey revised the motion to limit Swanson's new well and place a limit on Sprunk, only if new well was drilled. Mohrman seconded.

Citta stated that it was important for Sprunk to understand that if he drilled a new well, it would most likely be limited. Mohrman expressed that Sprunk's limits should not be more than Swanson's. Coffey stated he should be notified of Rule 6 of the Groundwater Management Area Rules & Regulations. Harris informed the Directors that the rules were on the permit applications that producers fill out when applying for a new well.

Discussion was held on the proposed location of Sprunk's replacement well. Thoene asked if language was needed on flowmeters collection data and that more restrictions may be implemented based on future findings. Mohrman expressed concern that if restrictions were placed on Swanson and there were still issues, Sprunk may come back to the Board with them.

Podolak asked about including distance restrictions on the replacement well and if the new well could be regulated. It was explained that any new wells could be restricted, as necessary. Further discussion was held on Sprunk's request for additional irrigated acres or cost-share on drilling a new well. Callan stated Sprunk was requesting acres in an area where none were allowed due to stream flow and he thought that the drawdown by limiting irrigation amounts would have more effect.

Citta stated he thought 450 gpm would be a good starting point. Eschliman agreed and stated that limiting gpm would be easier to defend than limiting inches of irrigation allowed.

Citta asked about calling the question for vote. Petersen expressed interest in further discussion, stating one person cannot limit the debate. Petersen asked if a limitation of 1300' distance between wells could be added. Citta stated with the motion and second, he wanted to hold the vote. Petersen asked if majority was required to call a question.

Vote was held to end the conversation on the Sprunk/Swanson discussion and vote on the motion on the floor. Directors voting yes: Adams, Amsberry, Bartak, Bauer, Boesch, Citta, Eschliman, Coffey, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director voting no: Mohrman. Director abstaining: Anderson.

Motion on the floor failed by electronic vote. Directors voting yes: Anderson, Boesch, Coffey, Kauk, Kruse, Mohrman, Podolak, Thoene, Vlach. Directors voting no: Amsberry, Bartak, Bauer, Citta, Eschliman, Hadenfeldt, Lukasiewicz, Nitsch, Petersen, Smith, Thede. Director abstaining: Adams.

Lukasiewicz motioned, seconded by Kruse, to have Swanson re-nozzle his pivot and limit well to 450 gpm and to allow Sprunk to drill a replacement well greater than 600' away from current well and for mandatory flowmeters to be installed on both wells.

Discussion was held on cost of re-nozzling a pivot and cost-share qualifications.

Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Eschliman, Kauk, Kruse, Lukasiewicz,

Mohrman, Nitsch, Petersen, Thede, Thoene, Vlach. Directors voting no: Hadenfeldt, Podolak, Smith.

Water Quality Report 2020

Naprstek reported that the Committee did not act and should have a motion by next meeting. He reported that Water Programs Specialist Jason Moudry was working with Water Modeling Coordinator Cam Conrad on well interference and were waiting for NDEE feedback.

Columbus Recharge Project

Update to be given later in the meeting.

Lower Platte River Basin Coalition

Naprstek reported that the Coalition had discussed contracting out the reassessment of the basin for future depletions and would be voted on at the April 27th meeting. He reported that he would have further updates later.

2020 Irrigated Acres Violations

Naprstek reported that out of 75 violations, only 13 had not been remedied. He stated that most of the producers signed a *Plan and Schedule for Compliance* and were moving pivot stops and taking off end guns to remedy 2020 violations.

Columbus Recharge Project Bid Approval

Naprstek informed the Directors that the bid opening for the project was held last Tuesday at the NRD and that two qualified bidders had attended. Bids were reviewed by HDR.

Pat Engelbert, HDR, went over a recap of the project that was initiated in April, 2015, and showed the various steps that had been taken to date. He reviewed the funding amounts and sources of funding that had been secured for the project. Engelbert explained that due to the increased cost of materials, the project would cost more than initially planned.

Engelbert reviewed the two bids received from Rutjens for \$2,772,206 and Myers for \$3,288,202 and explained that the next step was to award the contract. He explained that if awarded at the meeting, construction could begin May 1st with a completion date of October 31st and that the other option would be to delay and rebid in a few months to see if material costs go down.

Mohrman asked about the RailPros allowance included in each bid. Engelbert informed the Directors that Union Pacific requires RailPros to monitor the construction under the railroad. Coffey asked where operating costs would come from after the initial amount planned for was used up. Callan stated after that the NRD would be responsible for it or would have the option to talk to the associations involved for assistance with operating costs.

Podolak asked if we could risk losing funding or prices increasing if we waited to rebid. Callan stated that was possible. Boesch asked if it costs to rebid and Callan stated it does.

Boesch motioned, seconded by Adams, to accept the bid from Rutjens for \$2,772,206 to begin construction on the Columbus Recharge Project.

Adams asked what the City of Columbus had agreed to help with. Callan stated the original amount. Kruse asked if the contractor had the materials locked in and Engelbert replied that he did. Vlach asked about the general expectation of overrun and Engelbert stated that dewatering under the railroad tracks and near Loup Power Canal; otherwise, the costs would mostly be for pipe installation. Citta asked if the price could change and Engelbert replied that the bid was per unit price. So, if based on unit, if the contract was not modified this was the firm bid price and to change the price, the contractor would have to prove the bid specs were incorrect.

Motion carried by electronic vote. All present voting yes.

PROGRAMS/PROJECTS COMMITTEE

North Loup Flood Mitigation

Kruse reported that JEO had completed the survey on the small projects and were working on design of the bypass and that the Village had found out the grant they received was for that portion. Vlach contacted the Clerk and found out that they received a grant to redo their road and they were working with contractors on that.

Village of Sargent Flood Project

The City is waiting on the BRIC grant.

Sargent East IPA

A meeting was held with landowners and benefits ratios were being finalized. Jake Miriovsky, JEO, was present via teleconference to go over the breakdown. Adams stated that it looks like one landowner may have the final say over the whole project because he owns most of the land.

Miriovsky went over the presentation that was given at the landowner meeting held March 11th. He showed the modeling cost design and benefits methodology. He went over all the steps and showed the modeling of the inundation area reduction. He also explained the 5-year and 100-year flood event state and showed the non-draining depression areas. Miriovsky showed the conceptual design of widening and deepening of ditches. He also showed the NRCS drainage study area and the ditch plan and location of where the ditch would be changed.

Surface and groundwater levels from January 2021 were reviewed, as well as irrigation use in the area. Construction cost estimates were shown to be \$971,750 with additional costs of \$300,000 to \$400,000 for mitigation.

Miriovsky reviewed the benefit assignment and showed how they determined the estimated benefits. He showed the breakdown for each landowner showing that one landowner had just over 50% of the costs with the next highest being 11%. Kolar explained that the land is split based on how the county is taxing the land use.

Citta asked if landowners would vote or how continuation of the project was decided. Callan stated it was based on benefit so one person could stop the project if he has the majority of benefits and costs. Callan said the landowners would be given a breakdown and would have the chance to come to the NRD for a hearing, petitioning the Board to stop the project. He informed the Directors that this had happened before with the project. Miriovsky stated there was a mandatory requirement of two hearings and they could stop the process at any time.

Building Addition

It was reported that the consultant was drafting the plans and had provided samples for various finishing.

Platte County Flood Zone Buyout Program

No update

RC&D Recycling Program Funding

Kruse reported that Janet Sanders, Loup Basin RC&D Director, was present at the Committee meeting and updated members on the group's recycling efforts and provided the Committee with information on the pounds of each item they had recycled. He said they were requesting an NRD contribution of \$5,000 per year for 3 years for recycling.

Boesch motioned, seconded by Eschliman, to approve a contribution of \$5,000 per year for three years for a total of \$15,000 for recycling. Motion carried by electronic vote, all present voting yes.

VARIANCE COMMITTEE

Thoene reported that this was Flying W LLC's (Tom Werner) second time in front of the Committee. Thoene asked about the well that was drilled for a potential dairy that was not developed, he thought it was originally for irrigation. Callan stated there was one for commercial use and one for irrigation use. Thoene stated they have been denied several times for the same reasons.

Thoene motioned, seconded by Smith, to deny the variance request for Flying W LLC.

Mohrman asked what Werner wanted. Thoene stated he had one well running four pivots. He said it was developed after the moratorium and was originally 900 acres for six quarters. He said he sold off two of the quarters. Kauk stated he was not the original owner. Citta stated Werner wanted to use the commercial well for irrigation purposes. It was discussed that the commercial well was not used, and it would be a new use for that well. Thoene stated that when Werner bought the property, he knew he would not be eligible for an additional water source.

Boesch asked why it was previously denied. Callan stated that when the NRD was talking about doing the moratorium there was a race to get wells in and this property was one of them and there was a period that you could develop more acres, not just put in a new well. Callan added that they had never specifically ruled on changing the commercial well to irrigation on this property.

Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bauer, Boesch, Citta, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director abstaining: Bartak.

MANAGER'S REPORT

Litigation Update

Callan stated that the Platte Republican Transfer had been refiled and Lower Loup NRD could refile their objections. He also reported that he had a discussion on the instream flow application with Blankenau.

New Hires

Callan stated there were no new hires; however, applications were received for the media position and that person would be hired soon. He reported that the NRD had not received any applicants for the Engineer position and have extended the search to a headhunter type company.

Non-action Reports

None

NARD REPORT

Eschliman reported there was a meeting held March 8th in Lincoln and elections were held. He said the officers were all the same except the Vice President. Eschliman reported they went over the preliminary budget process and final action would be taken at the June meeting. He reported that NARD received a PPP loan to offset the lost income from the conference. He reported the Envirothon would be held April 28th in person and in July the National Envirothon would be held virtually due to some teams being outside of the USA. He also reported that the Basin Tour was scheduled for June 7-8 in person at Papio NRD; the Annual Conference was

scheduled for September 26-28; and the Legislative Conference was scheduled for January 25-26 in Lincoln. He said NARD's 50th anniversary will be in 2022.

NRC REPORT

Hadenfeldt reported that they had not had any meetings.

RC&D REPORT

Adams stated there was nothing more to report than what was updated earlier.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

It was announced that it was Jerry Smith's birthday.

Citta announced the Executive Committee had a meeting and were reviewing personnel policies. They would bring a revised set to the Board for approval. There was discussion about having another Board Retreat.

ADJOURNMENT

With no further business before the Board, Chairman Citta declared the meeting adjourned at 7:55 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 April 22, 2021, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary