

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

June 23, 2022

Ord, Nebraska

The June 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 June 23, 2022. Secretary Thoene called the meeting to order at 5:03 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Robert L. Bauer
N. Richard Hadenfeldt
Gary A. Kruse
Larry Mohrman
Chad J. Podolak
Dean G. Thede
Rick Vlach

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
John Coffey
Randy Kauk
Matt Lukasiewicz
Alan D. Petersen
Gerald Smith
Henry J. Thoene, Secretary

Directors absent:

Beth Boesch
Todd Nitsch

James Eschliman, Vice Chairman

Staff in attendance:

Russell G. Callan, General Manager
Kim A. Lyons, Financial Secretary
Larry D. Schultz, I&E Coordinator
Alan Bartels, Information Specialist
Richard L. Woollen, District Forester
Brian Kolar, Projects Technician

Tylr Naprstek, Asst. General Manager
Irene F. Kreifels, Administrative Assistant
Cameron Conrad, Water Modeling Coord.
V. Anne Freeman, Water Programs Sec.
Dell Harris, Water Resources Specialist
Kevin Gustafson, District Engineer

Guests in attendance:

Bryce Bauer, NRCS, Ord

Jim Nelson, Cairo

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Thoene 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. Directors present: Adams, Amsberry, Anderson, Bartak, Bauer, Coffey, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Directors Absent: Boesch, Eschliman, Nitsch.

EXCUSED ABSENCES

Thoene stated that Directors Boesch, Eschliman, and Nitsch had asked to be excused.

Smith motioned, seconded by Adams, to excuse Directors Boesch, Eschliman, and Nitsch. Motion carried by electronic vote, all present voting yes.

MINUTES

Thoene asked for corrections and/or additions to the May 26, 2022, Board meeting minutes. None were heard.

Vlach motioned, seconded by Kruse, to approve the May 26, 2022, Board meeting minutes as presented. Motion carried by electronic vote, all present voting yes.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$1,900.57 to Big Red Printing for the *Water Matters* newsletter; \$1,848.00 to Blankenau Wilmoth & Jarecke for rule change reviews; \$1,165.00 to Bruning Law Group for work on violations; \$2,353.75 to Agri-Inject for chemigation check valve stock; \$19,200.00 to EA Engineering for the Cover Crop Study; \$20,068.50 to JEO Consulting Group for work on the WFPO projects; and \$5,735.90 to Water Curtis for a planned grazing system cost-share. Callan also highlighted expenditures of \$47,505.38 to NARD for tree stock purchases.

Lukasiewicz motioned, seconded by Coffey, to approve the June 23, 2022, Treasurer's Report. 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

Thoene asked if anyone from the public had any comments. None were heard.

FORESTER'S REPORT

Richard Woollen, District Forester, reported that machine planting of trees had been completed and he was working on Buffer Strip Contract renewals. He also reported that the Nebraska Forest Service had some requests for assistance with field management and forestry improvement.

Woollen also reported that Nebraska Forest Service held their staff meeting in Ord. Attendees visited the Weissert fire location and talked to various fire chiefs regarding wildfire behavior. He said the group also visited Aagaard Farm and discussed community forestry.

Woollen reported that there was an interview held at the NRD for the Conservation Forester position; however, no decision had been made regarding the position.

NRCS REPORT

Bryce Bauer, NRCS, Ord, reported on the various EQIP contracts and pointed out the breakdown in the agenda. He also reported that NRCS would be placing a burn specialist in the Ord office to oversee the training of staff that work with larger burns. He stated that NRCS was working on prioritizing partner burns.

INFORMATION & EDUCATION REPORT

Hazard Mitigation Plan

Larry Schultz, I&E Coordinator, reported that on June 2, 2022, approval was given by the federal agencies on the Hazard Mitigation Plan, so it is now in effect until June 2, 2027. He reported that all participating entities would have to approve the plan within the next year.

Adventure Camp about the Environment (ACE)

Schultz reported that ACE Camp would start Sunday, June 26th, and run through Wednesday, June 29th, at the State 4-H Camp at Halsey. He stated there would be 38 campers this year and that Bartels, Moudry, and Ruterbories would be assisting him this year.

Water Rocks Workshop

Alan Bartels, Information Specialist, reported that he and Schultz had attended the Water Rocks workshop in Ames, Iowa. He reported that the workshop agenda included a variety of educational activity ideas for elementary, middle, and high school students. A packet of educational materials was presented to the Lower Loup NRD to be used with youth at future events.

2022 LLNRD Photo Contest

Bartels reported that the photo contest winners had been chosen out of the 495 images submitted by 43 photographers. He stated that Gary Micek, Elyria, won first place; Robyn Koelling, Ord, received second; and Alex Hall, Columbus, received third place.

ASSISTANT GENERAL MANAGER'S REPORT

Davis Creek Recreation Area

Tylr Naprstek, Assistant General Manager, reported that Davis Creek has been at 100% capacity since late May and that signage had been placed at the boat docks alerting boaters to the potential hazards of floating debris, as well as "No Fishing from the Dock" signs.

Pibel Lake

Naprstek reported that there was fish kill at Pibel Lake due to low dissolved oxygen concentrations in the water because of the hot weather conditions and overcast skies in the area. He also reported that the Nebraska Game & Parks Commission has banded the geese for tracking purposes.

Chemigation

Naprstek reported that 2,700 chemigation permits had been processed and that staff was focused on completing inspections on new permits.

Drought Monitoring

Naprstek reported that the drought monitor in the area was still showing between moderate and severe drought levels. He stated that there was a meeting with JEO on June 24th for a review of the drought plan.

WATER RESOURCES COMMITTEE

Nitrate Legacy Project with USGS & LPNNRD Proposal

Naprstek reported that the NRD has been approached to take part in the Nitrate Legacy Project. He stated the Lower Platte North NRD and USGS would partner with the Lower Loup NRD on the project. He explained that the project would conduct and analyze noble gases to see how old the water was, which would help determine approximately when the groundwater nitrate issues developed in Platte County. He stated that there is a NET grant that could be applied for to cover some cost of the multi-year study.

Lower Loup NRD and Lower Platte North NRD will each contribute \$88,000 toward the 3-year study.

Smith motioned, seconded by Adams to participate in the Nitrate Legacy Project with USGS and LPNNRD.

Kauk asked what the project did. Naprstek explained that they will analyze when the last time the water was exposed to the atmosphere and, from that, they can date the nitrate contamination problem.

Motion carried by electronic vote, all present voting yes.

Boone County – Well Drawdown Area

Naprstek reported that the test holes were being drilled. He showed examples of what potential allocations could look like in the area and reviewed the penalties that could be imposed if allocations were exceeded. He also showed what drawdowns could potentially look like in the area.

High Plains Regional Climate Center – Merna Weather Station

Callan reported that UNL was not interested in continuing with the weather station project. He stated that each site cost \$2,600 a year to maintain and that the NRD would like to continue the program due to the valuable information it has provided.

Anderson motioned, seconded by Smith, that the Lower Loup NRD fund operations of both the Ord and Merna weather stations. Motion carried by electronic vote, all present voting yes.

Columbus Recharge Project Update

Callan reported that work was being done with the City to finalize the setup of operation. He said that the pumps had been manually run for testing purposes.

Coffey asked what the water level was in the area. Naprstek stated he thought it was about 10 feet. He said that water level information was available online on the NRD's website. Mohrman asked what the NRD was waiting on. Callan stated that everything was being set up and calibrated properly. He stated that he was looking at having an official opening for the project sometime in the 2nd or 3rd week of July.

PROGRAMS/PROJECTS COMMITTEE

FEMA Buyout Project

Kruse reported that landowners were in the process of pulling out of the buyout program so the project would not continue. Smith asked if the NRD had any money into the project at this point. Callan stated it did not.

Mud Creek WFPO

Naprstek reported there was a meeting coming up with the Corps of Engineers and NRCS in July. He stated the NRD would be present and impacts on wetlands would be discussed.

Naprstek introduced new employee Kevin Gustafson. Naprstek stated he was the new District Engineer and would be working on the WFPO projects.

The timeline was discussed for the project and it was stated that JEO hoped to be finished with a submitted draft by the end of the year.

Mira Creek WFPO

It was reported that landowner meetings had been completed for those that would be affected by the berm and that those affected by the channel cleanout had also been contacted.

Sargent Flood Project

Callan reported that they were still working on the grant process.

Master Plan Update

The last Master Plan was approved in 2012 and a new plan is needed every 10 years to qualify for state grants.

Naprstek reported that he hoped to have the update uploaded to the tablets in the next two weeks so it could be put in front of the Board for approval at the next meeting.

Building Update

Callan stated that drywall work was being done and that the Fire Marshal made an inspection today so NRD vehicles could go back inside. He also reported that the tree cooler was completed.

MANAGER'S REPORT

Litigation Update

It was reported that there were three violation letters sent out and that all had signed a *Planned Schedule of Compliance*.

New Hires

Callan stated that in addition to Keven Gustafson, John DeRiso had started on the summer crew and that Ginny John had retired from the Broken Bow Field Office.

Non-action Reports

None

NARD 414(h) RESOLUTION AND PARTICIPATION AGREEMENT

Callan stated there was a resolution that NARD had requested for participation in the 414(h)-retirement plan. He said that NARD has managed the retirement plan for NRDs since 1991 and that nothing changes with how retirement plans are done with the approval of the following resolutions.

The following resolution was introduced:

RESOLUTION NUMBER FY2022-010:

*FOR INSERTION INTO THE
RESOLUTIONS OF THE BOARD OF DIRECTORS OF THE
LOWER LOUP NATURAL RESOURCES DISTRICT*

For the Minutes of the June 23, 2022, Board Meeting

Resolved, that the District Office, as a Participating Employer in the Plan, hereby consents to the adoption of the Amendment and Restatement of the Nebraska Association of Resources Districts 414(h) Plan (the "Amendment and Restatement") to bring the Plan into compliance with the Cycle 3, other applicable law and guidance and to make certain other adjustments, is hereby authorized and approved;

Resolved Further, that the officers and management of the District office be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment and Restatement, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and

Resolved Further, that any and all action taken and documentation executed by management or the officers of the District Office to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

Dated this 23 day of June, 2022.

NARD 414(h) Participation Agreement

**NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS
414(H) PLAN**

PARTICIPATION AGREEMENT

(Note: Each Participating Employer must execute a separate Participation Agreement, the terms of which control as to that Participating Employer. If the Plan is a Multiple Employer Plan under Article XI, a Participating Employer may be a Related Employer or an Employer which is not a Related Employer. Under a Multiple Employer Plan, the Lead Employer may execute a Participation Agreement with regard to its own Employees. See Section 11.2(b).)

Agreement as to Signatory/Lead Employer control. The undersigned Related Employer (or non-Related Employer if this Plan is a Multiple Employer Plan), by executing this Participation Agreement, elects to become a Participating Employer in the Plan identified in the foregoing Adoption Agreement. The Participating Employer accepts, and agrees to be bound by, all of the Elections as made by the Signatory/Lead Employer except as otherwise indicated below. *The Participating Employer also hereby consents to the Signatory/Lead Employer's sole authority (without further signature or other action by the Participating Employer) to amend, to restate or to terminate the Plan, to terminate the Participating Employer's participation in the Plan, and to take certain other actions, in accordance with Sections 11.2(b) and 11.8 as applicable.*

A. PARTICIPATING EMPLOYER INFORMATION

a. District Name: Lower Loup Natural Resources District

B. PLAN STATUS

b. Modification of existing Participation Agreement/Plan Restatement

C. EFFECTIVE DATE(S)

c. **Initial Effective Date of Plan** January 1, 1998 (enter month day, year)

d. **Modification/Restatement Effective Date.** January 1, 2022 (enter month day, year)

NARD 457 RESOLUTION AND PARTICIPATION AGREEMENT

Callan stated there was a resolution that NARD had requested for participation in the 457 Retirement Plan.

The following resolution was introduced:

RESOLUTION NUMBER FY2022-010:

*FOR INSERTION INTO THE
RESOLUTIONS OF THE BOARD OF DIRECTORS OF THE
LOWER LOUP NATURAL RESOURCES DISTRICT*

For the Minutes of the June 23, 2022, Board Meeting

Resolved, that the District Office, as a Participating Employer in the Plan, hereby consents to the adoption of the Amendment and Restatement of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan (the "Amendment and Restatement") to bring the Plan into compliance with the Cycle 3, other applicable law and guidance and to make certain other adjustments, is hereby authorized and approved;

Resolved Further, that the officers and management of the District office be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment and Restatement, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and

Resolved Further, that any and all action taken and documentation executed by management or the officers of the District Office to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

Dated this 23 day of June, 2022.

NARD 457 Participation Agreement

**NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS
457 DEFERRED COMPENSATION PLAN
PARTICIPATION AGREEMENT**

A. PARTICIPATING EMPLOYER INFORMATION

a. District Name: Lower Loup Natural Resources District

B. PLAN STATUS

b. Modification of existing Participation Agreement/Plan Restatement

C. EFFECTIVE DATE(S)

c. **Initial Effective Date of Plan** January 1, 1991 (enter month day, year)

d. **Modification/Restatement Effective Date.** January 1, 2022 (enter month day, year)

Amsberry motioned, seconded by Bartak, to adopt both Resolution FY2022-010 and Resolution FY2022-011 and sign the participation agreements for each plan. Motion carried by electronic vote, all present voting yes.

FY 2023 BUDGET WORK SESSION #2

Callan went over the following budget codes and the suggested amounts for budget.

Code 475 – Buffer Strip Program - \$150,000
Code 462 – Arboretum Budget - \$10,000
Code 438 – Special Projects – \$1,305,540
Code 473 & 301 – Water Quality Fund - \$110,000
Code 301&303 – State and Federal Grant Funds - \$4,000,000
Code 422 – Scrap Tire Collection - \$0.00
Code 471 – Water Well Decommissioning Fund - \$30,000
Code 470 & 440 – Land Treatment - \$440,000
Code 441 – Project Construction - \$7,000,000
Code 443 – Project Land Rights - \$800,000
Code 445 – Project Legal Costs - \$70,000
Code 447 – Assessment Projects - \$2,500 (Duncan East IPA)
Code 448 – Assessment Projects - \$300 (Lost Creek IPA)
Code 466 – FEMA Hazard Mitigation Plan - \$18,000
Code 449 & 309 – Stock and Stock Purchases - \$160,000
Code 165 – Machinery & Equipment - \$58,000
Code 476 – Community Forestry Program - \$35,000

Code 477 – Prescribed Burn Program - \$30,000

Code 441.01 – Park and Recreation Financial Assistance Program - \$12,000

Code 163 & 161 – Capital Improvements & Land - \$800,000

Adams motioned, seconded by Anderson, to add \$45,000 to Code 422 – Scrap Tire Collection. Motion carried by electronic vote, all present voting yes.

Coffey asked how the NRD’s requirement local tax would compare to last year. Callan stated he thought we will be close or right below last year’s asking; however, numbers would be put together for review at the July meeting.

Kruse motioned, seconded by Smith, to tentatively approve the second half of the FY 2023 Budget with the change for Code 422. Motion carried by electronic vote, all present voting yes.

NARD REPORT

No report.

NRC REPORT

No report.

RC&D REPORT

No report.

ANNOUNCEMENTS / FUTURE MEETING TOPICS

A reminder was given that a ribbon cutting would be held in Columbus, a date and time to be forthcoming.

Callan also reported that there had not been any inquiries or letters of application received yet for the Subdistrict 8 vacancy.

ADJOURNMENT

With no further business before the Board, Chairman Thoene declared the meeting adjourned at 6:30 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 July 28, 2022, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary