

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

April 26, 2012

Ord, Nebraska

The April 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 April 26, 2012. Chairman Kruse called the meeting to order at 5:04 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Tim Bartak
Virgil W. Gellermann
Gary A. Kruse, Chairman
Alan D. Petersen
Gerald P. Smith

Darwin B. Anderson, Secretary
James J. Eschliman
Thomas Knutson
James C. Nelson
Dean J. Rasmussen
Henry J. Thoene

Directors absent

Rollie D. Amsberry, Treasurer
Craig E. Frenzen
N. Richard Hadenfeldt
Bradley R. Staab

Joseph L. Citta, Jr. Vice Chairman
Michael P. Gutzmer
Darwin R. Sieh
Kim Walden

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Dell Harris, Water Resources Specialist
Robert T. Mohler, District Engineer
Richard Woollen, N.C. District Forester

Russell Callan, Assistant Manager
Rita Goldfish, Administrative Assistant
Larry D. Schultz, I&E Coordinator
Ed Drozd, Conservation Technician, Columbus

Guests in attendance

Mike Armstrong, Ericson
Paul Claus, Ericson

Gary Laughlin, Ericson
Joe Wadas, Ord

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. The meeting notice was also posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations.

Anderson motioned, seconded by Knutson, 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 March 22, 2012, Board meeting minutes and none were heard. Kruse ruled that the March 22, 2012, Board meeting minutes would 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 said that a payment to USGS for \$71,117.00 for test hole drilling and data collection for the ELM Study would be reimbursed by DNR. Koehlmoos said that a bill from Ulrich Gravel for \$273.84 was for white rock to be used at the Headquarters office, Davis Creek Recreation Area, and Pibel Lake. He said that a payment of \$49,424.11 to the North Loup River Public Power and Irrigation District was the NRD’s contribution for reconstruction of the Taylor Dam.

Rasmussen motioned, seconded by Smith, to approve the April, 2012, Treasurer’s Report and pay all bills. Motion carried by roll call vote, all present voting yes.

PUBLIC COMMENTS

There were no public comments.

FORESTER’S REPORT

North Central District Forester Richard Woollen told the Board that NRD crews were in the midst of tree distribution and planting. He said crews were expected to wrap up the process in the next week. Koehlmoos said that the interlocal agreement for the conservation tree program was up for renewal, and unless the Board wished to terminate the program, he would sign the agreement.

Woollen said that the annual Tree Care Workshops would be offered across the state. Arborists, tree board members, and others interested in community forestry were expected to attend.

Woollen reported that a team has been formed to work on the NRCS Ecological Site Descriptions for Nebraska. He said that he was the lone forestry representative on the team. The team is compiling ESIS, ecological site information system data.

NRCS REPORT

Koehlmoos said that District Conservationist Bryce Bauer was unable to attend the meeting and referred the Board to his written report included in the agenda.

ENGINEERING REPORT

FEMA Hazard Mitigation Plan

District Engineer Robert Mohler told the Board that Kirkham Michael's request for \$50,000 was under consideration. Koehlmoos said that he and Mohler met with Rick Zubrod of Kirkham Michael and asked for some cost basis for the \$50,000 request and Zubrod was unable to provide an accounting. Koehlmoos said that plans were written for three NRDs by Kirkham Michael, but each was charged a different amount for the additional work required for plan creation by NEMA. Koehlmoos said that, as the largest of the three NRDs, the Lower Loup NRD was charged the highest additional fee. Koehlmoos said that the original bid was for a completed plan, which has not been delivered. There was extra expense on Kirkham Michael's part, but the delay was caused by NEMA, not the Lower Loup NRD. He said that the Lower Loup NRD plan has not seen any development in months. Koehlmoos said that if a request for an additional \$50,000 in grant funds is submitted to FEMA, the Lower Loup NRD matching share would be \$12,500. Koehlmoos said that, should the \$50,000 grant request be refused by FEMA, then Kirkham Michael would not seek any further compensation.

Koehlmoos referred the Board to a draft letter included in the agenda to Sheila Hascall of NEMA requesting action on the Lower Loup NRD plan. He said that the Board would have to decide whether additional payment should be made to Kirkham Michael.

Motion by Knutson, seconded by Smith, to send a letter to Sheila Hascall of the Nebraska Emergency Management Agency requesting action on the Lower Loup NRD's Hazard Mitigation Plan. Motion carried by roll call vote, all present voting yes.

Mohler told the Board that a letter to Kirkham Michael regarding the request for additional funds should include the stipulation that a FEMA approved plan must be received and that an accounting of the time spent on the plan should be provided to the NRD.

Motion by Smith, seconded by Adams, to send a letter to Kirkham Michael requesting a FEMA approved plan and an accounting of time spent on the Lower Loup NRD Hazard Mitigation Plan. Motion carried by roll call vote, all present voting yes.

North Loup River Public Power & Irrigation District

Mohler told the Board that the request for payment was based on the NRD's commitment of funds toward the local share of the reconstruction of the diversion dam near Taylor. He said the NRD

committed ten percent of the local share, which ended up at \$494,241.00. Mohler said the NRD's share was \$49,424.11.

Mohler said that the NLRPP&ID was working on flood damage repairs to Hardenbrook Dam in Ord. He said that the dam has long provided public access for fishermen. The dam could feature safer public access and accommodate a trail connecting that area to Anderson Island. He said that the NRD could partner with the city of Ord and Valley County Economic Development. Koehlmoos said that the project is only in its initial stages and the NRD would have to receive a request for assistance. He outlined plans for funding part of the project.

Lake Ericson Spillway Repair

Mohler said that the repair plans for the spillway at Lake Ericson have been received. He said that the plan includes a debris collection feature to combat trees and other large items from piling up near the dam gates. He introduced Joe Wadas of Ericson Lake Corporation. Wadas thanked the NRD for its assistance on the renovation of the lake. He said that, following the flood damage to the spillway at the lake, the need for the debris collection feature became clear. He said the numerous issues raised by the 100-year flood have created new financial needs. Wadas outlined the plans that were being made to repair and renovate the facility. He said total costs would be in the area of \$192,000 and he said that he hoped the NRD might provide more financial assistance.

Koehlmoos said that he had reservations with the reclassification of the dam as a low hazard facility, considering the potential for damage to communities downstream like Spalding. He said that until the engineering was reviewed, he couldn't recommend additional contributions. Kruse asked Wadas to bring back additional information and a written request for assistance for the Board to consider.

Loup River Levee Recertification at Columbus

Mohler told the Board that he attended a progress meeting with the city of Columbus and their engineers on April 5th. Approvals for the project are expected by the end of the year and bids could be received early in 2013 with construction that summer. He said the project was initially estimated at just over \$2 million, but the cost has now increased to about \$3.57 million. He said that the Board approved the NRD's participation at 30 percent of the original \$2 million estimate.

Duncan East Maintenance Payments and Assessments

Mohler told the Board that it was time for another maintenance assessment on the Duncan East project. He said that the last assessment was in February, 2010. Staff had provided assessments at the current rate and at rates adjusted for the cost of living. Kruse asked how long it had been since the rate had been adjusted and Mohler said the last adjustment was in 1997.

Motion by Adams, second by Bartak, to approve Duncan East Improvement Project Area Maintenance Assessments at a 20 percent increase. Motion carried by roll call vote, all present voting yes.

The assessment schedule is attached.

Loup Power District FERC License

Mohler told the Board that Loup Power officials had been pursuing the license since 2008 and is nearing completion. He said the application process required consultation with a number of agencies. He said that he had attended a couple of the meetings.

INFORMATION AND EDUCATION REPORT

State Envirothon

Information/Education Coordinator Larry Schultz told the Board that the State Envirothon would be held on Saturday, May 5th at the State 4-H Camp at Halsey. Ord High School had qualified for the contest. Schultz will assist and serve as a team guide at the event.

Children's Groundwater Festival

Schultz told the Board that the Children's Groundwater Festival would be held May 8th at Central Community College and College Park in Grand Island. He would present the "Water Drop Relay," an educational activity that teaches the water cycle.

Schultz told the Board that he and Woollen made presentations at an Arbor Day event at Aubles Pond in Bussell Park in Ord. He said that they presented information on Arbor Day and trees. The students assisted in the planting of a tree. Schultz said that each student received a tree seedling of their own. Schultz also delivered 300 tree seedlings to Centura Elementary School for Arbor Day.

Schultz said he had been notified by Brad Staab that the NRD had been named an honorary member of the Ord FFA Chapter.

Koehlmoos told the Board that Davis Creek had been selected as 1 of 24 sites in the Great Park Pursuit. The program is designed to promote activity and outdoor awareness for Nebraska residents.

ASSISTANT MANAGER'S REPORT

Variance Committee

Callan told the Board that the Variance Committee had met earlier in the day and heard a request from Mike Pandorf. The Committee had made recommendations to the Board on the requests for Mike Pandorf.

Callan said that Pandorf wished to transfer 35 irrigated acres from one field and 36 irrigated acres from another field upstream to a third field. Callan said that the transfer of irrigated acres over a distance of more than one mile was prohibited by District rules and regulations. A rotation of irrigation between the two fields was agreeable to Pandorf and recommended by the Committee. Nelson said that Pandorf's situation was also affected by his location near the western border of the NRD.

Nelson motioned, seconded by Thoene, to approve the modified Pandorf variance with the condition that a rotation of irrigation be established between the field in Section 11, Township 16 Range 24 of 84.8 acres and a 61-acre field in Section 28, Township 16, Range 23. Motion carried by roll call vote, all present voting yes.

Groundwater Management Area Activities

Area 28 Activities

Callan said that the study being conducted by Olsson Associates should be complete by October. He said that work is being done on manure isotopes and age dating of the water. He said that testing allows the determination as to the source of nitrate contamination and only one location showed organic nitrates that could be traced to manure. He said that in the age dating process, some samples were showing a range of age from 0 to 4 years. He said that such a short time period for water on the surface to reach a shallow aquifer could be a concern.

Area 18 Activities

Callan told the Board that there was a staff meeting to look into the issues that are occurring in Area 18. Staff believes there may be several point source contamination points in that area.

ELM Update

Callan said that staff would meet with DNR representatives in the coming weeks.

Callan suggested a May 16th date for the next Water Resources Committee meeting.

Koehlmoos asked the Board if they wished to schedule Board visits to the Aagaard Farm, Davis Creek Recreation Area and Pibel Lake Recreation Area. It was the Board's consensus to plan a visit to Pibel Lake Recreation Area prior to the May meeting.

MANAGER'S REPORT

Transfer of Pibel Lake Recreation Area from Nebraska Game & Parks to Lower Loup NRD

Koehlmoos told the Board that a quit claim deed had been received from the NG&PC to the Lower Loup NRD. The deed had been reviewed by the NRD's attorney and Koehlmoos said he had some reservations regarding the deed. He had issues with some points on unrecorded easements, mineral rights, and the fact that the deed had the wrong county listed on it.

Eschliman motioned, seconded by Adams, to accept a corrected quit claim deed for the Pibel Lake Recreation Area from the Nebraska Game and Parks Commission. Motion carried by roll call vote. Directors voting yes: Adams, Bartak, Eschliman, Kruse, Nelson, Petersen, Rasmussen and Thoene. Directors voting no: Anderson, Gellermann, Knutson and Smith. Directors absent: Amsberry, Citta, Frenzen, Gutzmer, Hadenfeldt, Sieh, Staab and Walden.

Response from DNR on Request for Field Reviews of Private Surface Water Rights

Koehlmoos said a response to Lower Loup NRD's request for a field review of private surface water rights in the Lower Loup NRD was received from Brian Dunnigan. He referred the Board to the letter included in the agenda. Koehlmoos said that NRD staff would make arrangements with DNR staff to set up a meeting between the two agencies to discuss the matter further.

LiDAR Participation with NRCS

Koehlmoos told the Board that NRCS representatives have inquired about the Lower Loup NRD's assistance in LiDAR mapping in the District. He said that the process provides detailed mapping that is useful in a variety of applications. The Lower Loup NRD has provided about 10 percent of the cost of the mapping in the past. Koehlmoos said he would need to know, prior to budget time, how much, if any, the NRD would contribute for the coming year.

Smith motioned, seconded by Knutson, to participate in the NRCS LiDAR project with a maximum participation limit of \$75,000 not to be exceeded without Board approval. Motion carried by roll call vote, all present voting yes.

UNL Request for Assistance on Research Project on Soybeans

Koehlmoos told the Board that he was contacted a second time by Jim Specht of UNL requesting NRD participation in a soybean research project. Koehlmoos said Specht had sought to address the NRD Board and Koehlmoos said that he would bring the request to the Board. It was the Board's consensus that its position regarding participation had not changed and that Koehlmoos should again decline.

TransCanada, Keystone XL Pipeline Reroute

Koehlmoos said that a map of the new Keystone XL Pipeline was included in the agenda. He said that there would be a meeting on the pipeline at the Boone County Fairgrounds in Albion in May.

Poison Bait Business

Koehlmoos told the Board that the poison bait business has involved more liability than return to the District. Staff suggests getting out of the poison bait business but continue to maintain and rent the gopher machines.

Gellermann motioned, seconded by Knutson, to eliminate the Lower Loup Natural Resources District's poison bait sales, but continue to make the gopher machines available to constituents. Motion carried by roll call vote, all present voting yes.

New Hires

Koehlmoos said that three tree planters had been hired -- Nicholas Ray, Christy Berghorst, and Kevan Edzards.

Koehlmoos said that he would like to move LeeAnn Smith to a full-time basis. He said that Smith had been working part-time for about 4 months. He said that Smith was handling much of the irrigated acres transfer contracts, title searches and other duties. He said she would continue at the same hourly rate she was currently making. He said that moving Smith to full-time would mean the addition of benefits.

Anderson motioned, seconded by Eschliman to hire LeeAnn Smith as a full-time employee. Motion carried by roll call vote, all present voting yes.

BOARD RETREAT FOLLOW-UP

Kruse told the Board that the retreat was a success and thanked everyone for their attendance. He said that Ken Curry had assembled the information from the retreat into a handout, which he presented to the Board. He said that the Executive Committee would meet and then staff would assemble the information for more discussion and review.

NARD REPORT

Director's Report

Rasmussen said that the NARD Board would meet in June.

NARD Basin Tour through Missouri River Districts

Koehlmoos told the Board that the tour would cover the Missouri River Districts on June 11th and 12th. He said that the tours are informative and recommended attendance.

Edson's Legislative Updates

Koehlmoos directed the Board to the updates included in the agenda.

NRC REPORT

Commission surface water representative Knutson said the Commission held a special meeting in April and heard a presentation on Lake Wanahoo. He said the next regular meeting would be in June.

RC&D REPORTS

Loup Basin RC&D

Rasmussen told the Board that the RC&D had met and voted to move its office to Burwell. He said that the RC&D could not reach an agreement with the Loup Valley Ag Society regarding rent.

PrairieLand RC&D

Gellermann reported that the RC&D had met at the state convention and he was unable to attend.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 7:17 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 newspaper in each county within the District. The next Board of Directors meeting will be held Thursday, May 24, 2012, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary