

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

September 1, 2022

Ord, Nebraska

The August 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 1, 2022. Vice Chairman Eschliman called the meeting to order at 5:01 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Timothy E. Bartak
Beth Boesch
James Eschliman, Vice Chairman
Randy Kauk
Larry Mohrman
Chad J. Podolak
Dean G. Thede
Rick Vlach

Darwin B. Anderson
Robert L. Bauer
John Coffey
N. Richard Hadenfeldt
Gary A. Kruse
Todd Nitsch
Gerald Smith
Henry J. Thoene, Secretary

Directors absent:

Rollie D. Amsberry, Treasurer
Matt Lukasiewicz

Dennis Hirschbrunner
Alan D. Petersen

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Alan Bartels, Information Specialist
Dell Harris, Water Resources Specialist
Mike Bechtold, IT Specialist

Tylr Naprstek, Asst. General Manager
Kim A. Lyons, Financial Secretary
V. Anne Freeman, Water Programs Sec.
Kevin Gustafson, District Engineer

Guests in attendance:

Bryce Bauer, Liaison DC, NRCS, Ord
Dennis Derner, Bartlett

Jim Nelson, Cairo
Terry Booth

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

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

EXCUSED ABSENCES

Eschliman stated that Directors Amsberry, Hirschbrunner, Lukasiewicz and Petersen had asked to be excused.

Smith motioned, seconded by Kruse, to excuse Directors Amsberry, Hirschbrunner, Lukasiewicz and Thoene. Motion carried by electronic vote. Directors voting yes: Anderson, Bartak, Bauer, Boesch, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Mohrman, Nitsch, Podolak, Smith, Thede, Thoene, Vlach. Director voting no: Adams. Directors Absent: Amsberry, Hirschbrunner, Lukasiewicz, Petersen.

MINUTES

Eschliman asked for corrections and/or additions to the July 28, 2022, Board meeting minutes. None were heard.

Kauk motioned, seconded by Vlach, to approve the July 28, 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 \$7,224.92 and \$4,084.94 to Big Red Printing for newsletter expenses; \$242,301.06 to Chief Construction for building remodel expenses; \$81,740.00 to Ranchland Ford for a new pickup purchase; and \$208,500.00 to Aqua Geo Frameworks LLC for the AEM flights. He also noted expenditures of \$12,800.00 to EA Engineering for the Cover Crop Study and \$21,776.48 to JEO Consulting for work on the WFPO projects.

Coffey motioned, seconded by Kruse, to approve the September 1, 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

Dennis Derner, Bartlett, addressed the Board with concerns of drought. Derner suggested that the NRD Board of Directors limit irrigation water. He stated that the rivers, ponds, lakes, and pastures are all dry. He said that irrigators near him started pumping in the first part of April and are still pumping. He also stated that he thinks instead of cover crop cost-share programs, nitrates should be regulated better. He also expressed that he was not happy with adding an additional 1,000 irrigated acres. The Nebraska Water Constitution was referred to by Derner.

LLNRD FY 2023 BUDGET

Anderson motioned, seconded by Adams, to suspend the Regular Board of Directors meeting at 5:12 p.m. and proceed with the Budget Hearing. Motion carried by electronic vote, all present voting yes.

PUBLIC HEARING ON LOWER LOUP NRD FY 2023 BUDGET

Mr. James Eschliman: I am James J. Eschliman, Vice Chairman of the Board of Directors of the Lower Loup Natural Resources District.

Our purpose for meeting here this evening is to hear public comments on the proposed Fiscal Year 2023 Budget of the Lower Loup Natural Resources District. Notice of this public hearing has been published according to law in The Grand Island Independent and The Columbus Telegram.

The time is 5:15. I will formally open the Budget Hearing. I will ask for comments from the public concerning the proposed budget. I will ask that you give your name, legal residence, and whom you represent.

[Unintelligible]

Mr. James Eschliman: I will now ask for comments from the Directors of the Lower Loup Natural Resources District.

Mr. John Coffey: It would have been kinda nice if we could have kept the budget where we --

[Unintelligible]

Mr. James Eschliman: Comments?

[Unintelligible]

Mr. Chad Podolak: Most of the budget, if I remember the discussion last month, we talked about the number of projects we wanted to do in the area of water quality and flood control and stuff like that, and so, whether we spend it all or not is yet to be seen. And a lot of that's outside dollars that we have to budget for anyway. That's probably why it's, ya know, so much different than last year.

[Unintelligible]

Mr. Chad Podolak: Well, I think, just like the gentleman said, I think this budget allows us to focus on things that are important to this NRD and the people that are expecting us to take care of water and water quality. Based on the projects we discussed last month, I'm....

Mr. James Adams: I think it comes down to whether its rainin' or not, the table, everything.

[Unintelligible]

Mr. James Adams: I think water levels [unintelligible]. I hope the gentleman that spoke to us will stick around for the whole meeting. Talk to him afterwards. It would take the whole meeting to cover. I wish you'd stay till after the meeting. [unintelligible] would probably be here till midnight discussing what we're trying to do and what we can do and what we can't do.

[Unintelligible]

Mr. James Adams: But we're, we're trying a lot of things.

Mr. James Eschliman: OK, let's, let's stay on the hearing stuff Jim.

Mr. James Adams: I'm sorry about that.

Mr. James Eschliman: OK, if there are no other comments, I will close this hearing at 5:17.

PUBLIC HEARING TO SET THE FINAL TAX REQUEST FOR LOWER LOUP NRD FOR FY 2022

Mr. James Eschliman: OK, I am James J. Eschliman, Vice Chairman of the Board of Directors of the Lower Loup Natural Resources District.

Our purpose for meeting here this evening is to take testimony relating to the governing Board's decision to set the levy at a different amount than the Platte County Clerk's preliminary property tax rate as established pursuant to Nebraska Revised Statute 77-1601.02.

Notice of this public hearing has been published according to law in The Grand Island Independent and The Columbus Telegram.

The time is 5:18. I will formally open the Hearing. I will ask for comments from the public. I will ask that you give your name, legal residence, and whom you represent.

[None Heard]

Mr. James Eschliman: I will now ask for comments from the Directors of the Lower Loup Natural Resources District.

[None Heard]

Mr. James Eschliman: If there are no other comments, I will close this hearing at 5:19.

The Board of Directors of the Lower Loup Natural Resources District will now proceed with the regular agenda. All those in attendance are welcome to remain.

Regular meeting was resumed at 5:20 p.m.

Eschliman introduced Resolution Number FY2023-001 as follows:

**RESOLUTION TO ADOPT THE BUDGET
OF THE LOWER LOUP NATURAL RESOURCES DISTRICT
FOR FISCAL YEAR 2022-2023**

WHEREAS, the Lower Loup Natural Resources District, a political subdivision organized under the laws of the State of Nebraska; and

WHEREAS, said Board of Directors of the Lower Loup Natural Resources District has held two (2) Budget Work sessions to hear suggestions as to what reoccurring expenses and new projects the District will incur in the coming Fiscal Year 2022-2023; and

WHEREAS, said Board of Directors of the Lower Loup Natural Resources District has compiled a list of proposed funding sources to help cover those expenses and projects planned for Fiscal Year 2022-2023; and

WHEREAS, said Board of Directors of the Lower Loup Natural Resources District recommends a budget expenditure of \$19,358,748.83 for Fiscal Year 2022-2023; and

WHEREAS, said Board of Directors of the Lower Loup Natural Resources District has held a public hearing in compliance with the provisions of State Statute Sections 13-501 to 13-513, for the purpose to hear support, opposition, criticism, suggestions, or observations from the general public and the Board of Directors of the Lower Loup Natural Resources District relating to their proposed budget and no dissenting comments were heard;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Lower Loup Natural Resources District assembled on this 1st day of September, 2022, adopt Fiscal Year 2022-2023 Budget as presented.

Kruse motioned, seconded by Podolak, to adopt Resolution FY2023-001 Resolution to Adopt the Budget of the Lower Loup Natural Resources District for Fiscal Year 2022-2023. Motion carried by electronic vote. Directors voting yes: Adams, Anderson, Bartak, Bauer, Boesch, Eschliman, Hadenfeldt, Kauk, Kruse, Mohrman, Nitsch, Podolak, Smith, Thede, Thoene, Vlach. Director voting no: Coffey. Directors absent: Amsberry, Hirschbrunner, Lukasiewicz, Petersen.

Eschliman introduced Resolution Number FY2023-002 as follows:

**RESOLUTION TO APPROVE
ADDITIONAL ONE PERCENT INCREASE**

WHEREAS, the Lower Loup Natural Resources District has completed and approved their FY-2023 Budget; and

WHEREAS, a special public hearing was held on September 1, 2022, as required by law, to hear and consider comments concerning the property tax request; and

WHEREAS, Nebraska Revised Statute 13-519 provides a governmental unit may exceed the limit provided in subsection (1) of this section for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the members of the governing body constituting a quorum authorized to conduct business; and

WHEREAS, the Governing Body of the Lower Loup Natural Resources District has determined the one percent allowable increase is necessary for the financing of proposed District programs and projects;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Lower Loup Natural Resources District approves the adoption of the additional one percent increase allowed to their FY-2023 budget.

Mohrman motioned, seconded by Hadenfeldt, to adopt Resolution FY2023-002: Resolution to Approve Additional One Percent Increase. Motion carried by electronic vote, all present voting yes.

Eschliman introduced Resolution Number 2023-003 as follows:

**RESOLUTION TO
SET THE PROPERTY TAX REQUEST**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Lower Loup Natural Resources District passes by a majority vote a resolution setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the Lower Loup Natural Resources District that the property tax request for the current year be a different amount than the property tax request for the prior year;

WHEREAS, the total assessed value of property differs from last year's total assessed value by 4 percent;

WHEREAS, the tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.029582 per \$100 of assessed value;

WHEREAS, the Lower Loup Natural Resources District proposes to adopt a property tax request that will cause its tax rate to be \$0.036700 per \$100 of assessed value;

WHEREAS, based on the proposed property tax request and changes in other revenue, the total operating budget of Lower Loup Natural Resources District will change from last year's by -2 percent;

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Lower Loup Natural Resources District, by a majority vote, resolves that:

1. The 2022-2023 property tax request be set at \$6,235,913.15.
2. A copy of this resolution be certified and forwarded to the Platte County Clerk on or before October 15, 2022.
3. Any levy which is not in compliance with this section and section 77-1601 shall be construed as an unauthorized levy under section 77-1606.

**Thoene motioned, seconded by Anderson, to adopt Resolution FY2023-003:
Resolution to Set the Property Tax Request.**

Boesch stated that she always votes against raising the levy; however, she said this year the budget was scrubbed, and she thinks everything is good and that all the projects are worthy.

Motion carried by electronic vote. Directors voting yes: Adams, Anderson, Bartak, Bauer, Boesch, Eschliman, Hadenfeldt, Kauk, Kruse, Mohrman, Nitsch, Podolak, Smith, Thede, Thoene, Vlach. Director voting no: Coffey. Directors absent: Amsberry, Hirschbrunner, Lukasiewicz, Petersen.

FORESTER'S REPORT

Callan reported that Woollen was not able to attend the meeting; however, there was information in the agenda. He said that a request from Boone Beginnings Early Childhood Development Center in Albion for Community Forestry Program assistance had been approved at a Lower Loup NRD contribution of 25%, not to exceed \$10,000.

NRCS REPORT

Bryce Bauer, NRCS, Ord, reported that they were working on identifying core areas in Garfield, Loup, and Wheeler Counties for now for cutting cedar trees. He stated that there would be a meeting in October with partners to discuss the areas. He said that the core areas would be made a high priority for EQIP contracts.

Nitsch asked if there was anything used with cedar cuttings. Bauer stated that usually burns were done in conjunction with cuttings. He said that they were promoting more burns and getting neighbors to do joint burns.

Bauer also reported that staff was currently working on 2023 CSP renewals and that the number of staff that could be in the offices were no longer being limited by COVID levels.

INFORMATION & EDUCATION REPORT

Nebraska State Fair

Alan Bartels, Information Specialist, reported that he worked at the State Fair on Tuesday, August 30th, and that drought was a major topic of discussion. Volunteers from Central Platte and Lower Niobrara NRDs also helped with NARD's watershed model.

Husker Harvest Days

Bartels reported that Husker Harvest Days would be held September 13-15.

NARD Annual Conference

Bartels reported that the NARD Annual Conference would take place September 25-27 in Kearney.

Range Judging

Bartels reported that Range Judging would be September 21st in Custer County.

ASSISTANT GENERAL MANAGER'S REPORT

Davis Creek

Tylr Naprstek, Assistant General Manager, reported that water levels were low and receding to the wintering levels. He said that the lake was about 5 feet over its winter level and that staff had been working hard to keep the lagoons at the correct level due to dry conditions. He also reported that the reserved sites were full for Labor Day and Junk Jaunt weekends.

Chemigation & Water Sampling

Naprstek reported that the chemigation and water sampling season was winding down. He said that most of the field tech staff was new this year and did very well. Naprstek reported that 1,255 inspections had been performed with 67 mainline check valve failures and reinspections. He reported that soon staff would start to sample monitoring and domestic wells.

Drought Monitoring

Naprstek showed the most recent drought monitor map which showed that a lot of the District was in severe drought. Rainfall levels for 2022 were less than 2012 totals. He pointed out that there was a larger area showing extreme drought. He stated that he had received a draft of the Drought Plan for review and that it would be brought to the committee for review soon.

Infrared

Naprstek reported that the infrared flights were nearing completion, with Platte and eastern Boone Counties finishing week.

Kauk asked what happened with the chemigation inspections that were failed. Naprstek stated that the permitholder was given a certain amount of time to fix the issue and then the techs would reinspect. Kauk asked if there were surface water irrigators that were in violation that did not know about chemigation rules. Naprstek stated there had been, and that one near St. Paul decided not to chemigate this year.

PROGRAMS/PROJECTS COMMITTEE

Ericson Dam Discussion

Kruse reported that Joe Wadas had come to request funding for SCADA system upgrades. He stated that they would be back to discuss the issue more once they had more figures and reached out to others for assistance.

Litchfield Runoff Issue

Kruse reported that there was a runoff issue north of town. Kevin Gustafson, District Engineer, stated that there were no updates at this time. Kruse stated that there were cornstalks plugging drainage of their main channel.

Mud Creek WFPO

It was reported that there had been a meeting in Broken Bow in August and it was determined that the preliminary sites did not meet all the criteria for Federal funding. There was also a meeting held in Ansley the same day. It was reported that two dam structures with a bypass to the channel were being considered as part of the flood reduction project. The project was close to being sent in for final approval to the NRCS National Water Management Center.

Mira Creek (North Loup) WFPO

Kruse reported there would be an open house meeting on September 8th in North Loup. Naprstek stated that anyone directly affected by the project had received a letter; otherwise, it was posted at various locations. He stated that it would be an informational meeting and that there would be stations set up in lieu of a formal presentation.

Sargent Flood Project

Kruse reported that the City was waiting to hear back on grants. Naprstek reported that they had been working on repairs to the Jesse Street crossing.

Building Update

Callan reported that the carpet was installed and the door for the shop was received. He stated that the project was slightly off schedule.

Other

Naprstek reported that the AEM flights in Nance County were completed. He said the final report would most likely be available sometime in February or March.

WATER RESOURCES COMMITTEE

Drought Management Plan – Mitigation and Implementation

Naprstek reported that the Committee reviewed mitigation implementation ideas and discussed the changes that were made. He stated that the plan had been sent to JEO and that the final draft had been received for review. Smith added that the plan should be approved by October or November. Naprstek added that this is being funded through a WSF grant, so he would like to get it done before the end of the year.

Boone County – Test Holes and Monitoring Well Update

Naprstek reported that the test holes were completed. He stated that the sampling showed that there was not much aquifer present and what there is, is very deep. He showed that the material was not a good yielding aquifer. He said that the information had been sent to the landowners and that RFPs for monitoring wells would be sent out this week.

Nitrogen Management Discussion

Callan reported that he attended a nitrogen use efficiency conference at UNL. He said discussion was held on how nitrogen use efficiency was calculated. Callan told the group about the nitrogen model the NRD was using. It was discussed that UNL had been approached to review their equation; however, it had not been done. Callan stated that UNL wanted to make a dashboard with information obtained from the NRDs.

Columbus Recharge Project – Open House Update

Naprstek reported that the open house for the Columbus Recharge Project was held last week. It was reported that water had passed the river road. Naprstek stated that Hydro-Vu real-time water level readouts were available online. Callan stated the pumps have been running for about 6 weeks and that Christopher's Cove was at 1,424 feet. He said 1,425 feet was the maximum level where pumps would be shut down.

MANAGER'S REPORT

Litigation Update

No update.

New Hires

Callan reported that Michelle Gibbens had started as the new secretary in Broken Bow. He stated that there were still open positions in Columbus and Spalding.

Non-action Reports

No update.

NARD REPORT

Eschliman reported that the NARD Conference would be held Sept 26-27th. Eschliman presented a resolution for the conference, submitted by Tri-Basin NRD, on sustainable farming practices.

Several directors voiced opinions on the necessity and/or wording of the proposed resolution. Bartak said that he thought that the statement was OK but feared it wouldn't be used in the right way. Podolak thought that it may be appropriate to have some sort of statement but didn't know if this statement was it. Bartak felt that NRDs were already working with farmers and using sustainable practices. Boesch was not in favor of the resolution and wondered how it fit into the mission of the NRDs.

NRC REPORT

Hadenfeldt reported that there were 7 small requests and 6 large requests for funding from the Water Sustainability Fund. He said there was \$10-11M to appropriate. He said that the scoring committee had not been appointed yet.

RC&D REPORT

Adams reported that the rafters for the new Legion Club had been delivered; however, walls were not up yet. He stated that the RC&D was offering cell phone recycling and were still holding the raffle to raise funds for the new Legion Club.

Adams said that Loup Basin RC&D was featured on KNLV radio a couple of times each month.

Eschliman inquired about Junk Jaunt.

ANNOUNCEMENTS / FUTURE MEETING TOPICS

None

ADJOURNMENT

With no further business before the Board, Chairman Eschliman declared the meeting adjourned at 6:23 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 September 22, 2022, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary