

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

March 26, 2009

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 26, 2009. Chairman Kruse called the meeting to order at 5:02 p.m.

## CALL TO ORDER

### Directors in attendance

James C. Adams  
Joseph L. Citta, Jr., Vice Chairman  
James J. Eschliman  
N. Richard Hadenfeldt  
James F. Lightner  
Alan D. Petersen  
Lyle D. Rasmussen  
Gerald P. Smith  
Henry J. Thoene

Rollie D. Amsberry, Treasurer  
Allen G. Conner  
Craig E. Frenzen  
Gary A. Kruse, Chairman  
James C. Nelson  
Dean J. Rasmussen  
Darwin R. Sieh  
Bradley R. Staab  
Kim C. Walden

### Directors absent

Darwin B. Anderson, Secretary  
Michael P. Gutzmer

Virgil W. Gellermann

### Staff in attendance

Leon "Butch" Koehlmoos, General Manager  
Rita A. Goldfish, Administrative Assistant  
Larry D. Schultz, I&E Coordinator  
Dell R. Harris, Water Resources Specialist

Russell Callan, Assistant Manager  
Robert T. Mohler, District Engineer  
Richard L. Woollen, NC Dist. Forester

### Guests in attendance

Tim Schaaf, DC, NRCS

## 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. Administrative Assistant Rita Goldfish verified that the meeting notice was properly published in all newspapers. The meeting notice was posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations.

**Sieh motioned, seconded by Smith, 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 February 26, 2009, Board meeting minutes. No corrections being heard, Kruse ruled that the February 26, 2009, minutes would stand approved as circulated.

## TREASURER'S REPORT

Chairman Kruse directed the Board's attention to the Treasurer's Report as published in the regular and supplemental agendas.

**Rasmussen motioned, seconded by Staab, to approve the March 2009, Treasurer's Report and pay all bills. Motion carried by roll call vote, all present voting yes.**

## PUBLIC COMMENTS

There were no comments from the public.

## CONSIDERATION OF DIRECTOR APPOINTMENT IN SUBDISTRICT 9

Kruse referred the Board to the letter of interest and resume of Kim Walden included in the agenda. Kruse reminded the Board that a vacancy had existed for many months. He said the seat had been vacant since John Shadle opted not to seek re-election.

**Citta motioned, seconded by Adams, to approve the appointment of Kim Walden of Columbus to the vacant seat in Subdistrict 9. Motion carried by roll call vote, all present voting yes.**

## FORESTER'S REPORT

North Central District Forester Rich Woollen directed the Board to his written report in the agenda and told the Board that he had made a visit to Loup City to review the tree resource in Jenner's Park. He said that there had been about 51,000 conservation tree seedlings sold and had

approximately 15,000 left to sell. Woollen said that there was a new incentive through EQIP that might spur additional tree sales in the future. He said that with the NRD's technician vacancies, there would be more dependence on technical service providers. Sieh asked about the quality of trees from the Halsey Nursery and Woollen said that the quality had been very good. He said that NARD had surveyed the NRDs with respect to their individual tree programs.

## NRCS REPORT

Tim Schaaf, District Conservationist in the Lower Loup NRD, told the Board that his offices were still waiting for the rules that would be established as part of the new farm bill.

## ENGINEERING REPORTS

### Big Slough Replacement Chute

District Engineer Robert Mohler passed to the Board a copy of an agreement between the potential contractor, Reynolds Construction, Inc. of Boelus, and the District. He said that because the bid for the project was \$41,950, below the \$50,000 limit that triggered a competitive bid process, the Board could consider an agreement with Reynolds. He said that the County would do the grade work and the contractor would rebuild the chute and construct the anti-seep wall.

**Nelson motioned, seconded by Thoene, to approve the bid of \$41,950 from Reynolds Construction, Inc. of Boelus for the Big Slough Replacement Chute project. Motion carried by roll call vote, all present voting yes.**

### FEMA Hazard Mitigation Plan

Mohler told the Board that only seven communities failed to participate in the hazard mitigation meetings held across the District and letters had been sent to representatives of those communities to involve them in the process. He said that the deadline for communities to return information to Kirkham Michael was Friday, March 27<sup>th</sup>. He directed the Board to a timeline of activities in the hazard mitigation planning process that was included in the agenda. He said the next round of regional community meetings would be held in August.

### Brandenburgh Lake Association

Mohler told the Board that the Association met on March 7<sup>th</sup> and he had presented some ideas and concepts for the members to consider. He said that the Association would have to decide whether to form a Sanitary & Improvement District. Citta asked Mohler what direction he thought the project would go and Mohler said that there were a number of residents who did not attend the meeting, so he wasn't sure there was a consensus.

### Davis Creek Recreation Area A.D.A. Compliance

Mohler told the Board that the Bureau of Reclamation had notified him that the NRD would be required to pay 50% of the cost of compliance if it entered into an agreement with the Bureau. He said without an agreement, the Bureau would do the work itself and shoulder 100% of the costs.

### NARD REPORT

Dean Rasmussen reported that the Association had met in Lincoln. He said that the Association's I&E person, Dave Wolfe, had resigned. He reported that much of the meeting involved discussing the Association budget. He said the NARD Board would be recommending a 6% increase, which would result in an approximate \$1,300 increase for the Lower Loup NRD. He said the summer basin tour was planned for the Platte Valley. Rasmussen informed the Board that the insurance program costs were high, but the program remained in good shape.

### RC&D REPORTS

#### Loup Basin RC&D

Dean Rasmussen said the RC&D would not meet until the following Tuesday. He referred the Board to Edson's Legislative Updates included in the agenda.

#### PrairieLand RC&D

Lightner said the RC&D had met March 17<sup>th</sup> in Madison. Linda Fettig of Nebraska Rural Development Commission and Michael Clayburgh of NPPD were guest speakers and provided information on rural development.

Lightner said that a recent UNL graduate is seeking to undertake a methane digester program near Pilger, and the goal would be to serve all of northeast Nebraska. He said the methanol would be pumped into the natural gas pipeline for distribution.

Citta said the same type of project had been proposed for the South Sioux City area. Lightner said he was concerned about the transportation costs of moving manure to a central site.

### INFORMATION AND EDUCATION REPORT

#### Central Region (East) Envirothon

Information & Education Coordinator Larry Schultz told the Board that the Central Region Envirothon in Columbus had been held and a team from Ord had swept each division of the contest, compiling the second highest score in the state. He said the top teams will compete at the Nebraska Envirothon at Ponca State Park in May. Another Ord team finished second. Other schools with teams in the competition were Boone Central, David City, Columbus Lakeview, Osceola, Schuyler and Twin River High Schools.

### Children's Groundwater Festival

Schultz told the Board that the event would be held on May 12<sup>th</sup> and he had been invited to present an activity called "Water Drop Relay." He said the students learn about the water cycle by acting as water droplets and moving through a water cycle. He said it was meant to provide the students with an opportunity for physical activity at the festival.

Schultz said students from Spalding Academy and Spalding Public Schools participated in the well decommissioning activity in Spalding on March 9<sup>th</sup>. Schultz passed around one of the plugged well "models" that the students created.

### ASSISTANT MANAGER'S REPORT

#### DNR Preliminary Designation of Fully Appropriated

Assistant Manager Russ Callan told the Board that several Directors were able to attend the hearing in Fremont. It was the last of four public hearings held on the determination. He said that the NRD Coalition presented its findings in a review of the basin determination at the meeting. Among the findings was an error in the ELM Model carrying forward irrigation data, an error in utilizing the 65/85 rule, and an error in the number of wells in the 10/50 area. He said that rather than using the most junior appropriator, DNR utilized the most affected junior appropriator. He said that the technical data presented at the hearing should be enough to reverse the determination.

General Manager Leon "Butch" Koehlmoos said the passage of LB483 would be the next key step in the basin's status. He said it dealt with procedures for granting well permits following the reversal of a fully-appropriated determination. It would help prevent a rush for permits following a reversal. Callan said a final determination is expected by April 10<sup>th</sup>.

Citta asked if there was a method to challenge a determination when it is made final. Callan said there was. He said if the case arose, data from the ELM Model could be utilized in any challenge.

#### Groundwater Management Area Activities

##### LLNRD Water Committee

Callan said that the committee had not met.

##### Irrigated Acres Certification Progress

Callan said that 9,660 records had been created covering 1.215 million acres. Sieh asked if staff had compiled a list of uncertified acres and Callan said that there were 147 instances to review. Harris said letters have been sent to landowners who appeared to have irrigated acres

that had not been certified. He said District technicians and secretaries were contacting individuals regarding the certification.

### ELM Update Report

Callan said that a grant application to cover Phase III of the ELM Project had been submitted and he felt that it had a good chance of being approved.

### 2008 Chemigation Report

Callan told the Board that 271 new permits and 1,834 renewal permits were received in 2008. There were inspections at 839 chemigation sites in 2008.

## MANAGER'S REPORT

### Offer for Burwell Property

Koehlmoos told the Board that an offer had been received on the NRD's property in Burwell. The property had been received from the Soil & Water Conservation District when the transition had been made to the NRD system. He said that he had consulted with the NRD's legal counsel and was advised that if the property was to be sold, it would have to be made available at public auction or sold through sealed bids. Koehlmoos said the building does require some repair and is currently utilized to house a tree cooler, NRD equipment and vehicles. He said space would have to be found for storage if the building was sold. Thoene said the building measured approximately 22' by 100'. Koehlmoos said the building was convenient to the NRCS office, but reiterated that it would be expensive to repair. Koehlmoos said he recommended that the District hold on to ownership of the building because it was being utilized by the NRD.

Eschliman asked what plans were in the works for the Spalding property and Koehlmoos said that he hoped to have the building torn down. He said the lot would increase in value without the building. Lyle Rasmussen asked if the NRD would move its cooler and equipment to Greeley if the building is torn down and Koehlmoos said it would remain in Spalding.

### Building Progress Report

Koehlmoos referred the Board to the pay request included in the Treasurer's Report. He said the construction of walls was nearly complete and electrical work was in progress.

### New Hires

Koehlmoos said that the NRD advertised for a Water Programs Coordinator and interviews were conducted with NRD Technician Tyler Collier and Brian Kolar of HWS Consulting. He said because both candidates brought important skills to the new position, Collier was promoted to a new position and Kolar was hired as the Coordinator. He said that the NRD is pursuing the hiring of a Water Modeling Coordinator.

Adams asked if the technician position in Custer County has been filled and Koehlmoos said the position is being modified to cover both NRD and NRCS work. He said that it would be advertised in the next few days.

Koehlmoos reminded the Board that Aaron Romesser was now working in the Range TSP position at Burwell. He said that a candidate for the Prescribed Burn TSP position had also contacted him. Koehlmoos said Kraig Beck had been hired as a TSP and was working in St. Paul.

## NARD REPORT (Cont.)

### Washington D.C. Conference

Koehlmoos said that the Nebraska NRD contingent met with Nebraska's Senators and Congressmen at the Nebraska Breakfast at the Capitol. He said that those attending got to see some political sparring between the politicians. Frenzen said that he enjoyed the opportunity to meet with the State's congressional representatives and said he felt that the discussions were valuable. Hadenfeldt said that it was interesting to watch the political sparring and that he felt NRD concerns received good attention. Koehlmoos said there were a number of presentations from NRCS and other agencies. Hadenfeldt said that global warming is getting a lot of attention on Capitol Hill. Frenzen said the concept of "cap and trade" also got a lot of attention. Frenzen said that a suggestion that EPA take over watershed management was not well received.

## NRC REPORT

### Commissioner's Report

Hadenfeldt said the Commission had met two weeks prior and said he would provide a report at a later time.

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 6:25 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, April 23, 2009, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Darwin B. Anderson  
Secretary