

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

April 23, 2009

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 23, 2009. Chairman Kruse called the meeting to order at 5:04 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Darwin B. Anderson, Secretary
James J. Eschliman
Michael P. Gutzmer
Gary A. Kruse, Chairman
James C. Nelson
Lyle D. Rasmussen
Bradley R. Staab
Kim C. Walden

Rollie D. Amsberry, Treasurer
Joseph L. Citta, Jr., Vice Chairman
Virgil W. Gellermann
N. Richard Hadenfeldt
James F. Lightner
Dean J. Rasmussen
Gerald P. Smith
Henry J. Thoene

Directors absent

Allen G. Conner
Alan D. Petersen

Craig E. Frenzen
Darwin R. Sieh

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Rita A. Goldfish, Administrative Assistant
Larry D. Schultz, I&E Coordinator

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

Guests in attendance

Tom Knutson, Farwell Irrigation District
Doug Kriss, Sargent Irrigation District

Sherry Asche, NRCS, Albion
Todd Schipporeit, Sargent Irrigation District

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 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.

Staab motioned, seconded by L. Rasmussen, 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 26, 2009, Board meeting minutes. No corrections being heard, Kruse ruled that the March 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. Koehlmoos told the Board that the bill from Greenland Construction was Pay Request #7 for the building project. He said the bill from Midwest Sound & Lighting was a 50% down payment on the audio/visual components for the new Board room.

Thoene asked if the Sargent Drilling bill was for the abandonment of more than two wells and Koehlmoos said that it was for the abandonment of five wells in the city limits as part of the Wellhead Protection Program and the cost will be reimbursed by DEQ.

Thoene motioned, seconded by D. Rasmussen, to approve the 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.

FORESTER’S REPORT

North Central District Forester Rich Woollen directed the Board to his written report in the agenda and told the Board that tree distribution had been underway for about 1½ weeks. He said that the weather had delayed the tree lifting process. It appeared the NRD would distribute about 80-90 thousand trees.

NRCS REPORT

Sherry Asche, Resources Conservationist in the Albion NRCS office, told the Board about her career background. Asche provided the Board with a power point presentation on the work at the Albion NRCS office.

Hadenfeldt asked how the whistle blower review process was utilized and Asche said when the office receives a call or letter indicating a concern, a review is then implemented. Koehlmoos asked about the SAFE program and Asche said the program was utilized to create nesting habitat. Koehlmoos then asked about the prescribed burn mentioned in her report and Asche said it was planned by Paul Schroeder and helped maintain staff training in burns.

ENGINEERING REPORTS

Kaiser Road Structure – Howard County

District Engineer Robert Mohler told the Board that landowner Tom Kaiser of Howard County had appeared before the Board earlier in the year. He directed the Board to a copy of a letter from the Howard County Attorney. The letter said the County, at the request of the landowner, sought to end the agreement between the County and NRD. Mohler directed the Board to some data included in the agenda on the dam. He said a riser on a structure had been modified in a similar manner to one in Boone County and the county had repaired it. He directed the Board to a copy of the agreement between Howard County and Lower Loup NRD. He provided the Board with a power point presentation on the matter. Mohler told the Board it would be the first structure to be disbanded.

Lightner asked if there was a time limit in the contract and Mohler said there was not. Hadenfeldt said the structure was designed to serve at least 50 years. L. Rasmussen said that he had visited the site with Mohler and he recommended a trickle tube be placed in the structure and the berm be repaired. He said he thought the road could be jeopardized without the action. Hadenfeldt said he agreed with that suggestion. Nelson said he felt the structure served its purpose and captured sediment. Mohler said the NRD's agreement was with Howard County and they would be responsible for repairs. Koehlmoos said the Board should remember that it will create precedent with its decision as there were many more of the structures in the District.

Gellermann motioned, seconded by Citta, to require Howard County to repair the Kaiser Road Structure back to its original condition.

Citta asked if providing a structure modification option would set a precedent that might not be favorable to the Board in the future. Callan asked Mohler for his opinion on the modification and Mohler said he felt the structure should be returned to its original condition.

Hadenfeldt motioned to amend, seconded by L. Rasmussen, to provide an option to put in a NRD designed trickle tube and berm repair, at County expense. Motion to amend passed by roll call vote. Directors voting yes: Adams, Amsberry, Eschliman, Gutzmer, Hadenfeldt, Lightner, Nelson, D. Rasmussen, L. Rasmussen, Staab, Thoene, and Walden.

Directors voting no: Anderson, Citta, Gellermann, Kruse, and Smith. Directors not present: Conner, Frenzen, Petersen, and Sieh.

Gellermann said that he felt that the motion as amended would open up every road structure in the NRD to possible modification. Nelson said the Howard County structure has already captured a great deal of soil and the modification will allow water to escape. Gutzmer asked that the Board receive more information about the modified design and be provided photographs of the modified structure. Hadenfeldt asked Sherry Asche if the modification would be considered draining a wetland and Asche said it would not.

Amended motion, to answer the County's request with an option to put in a District designed trickle tube and berm repair at County expense or put the Kaiser road structure back to its original condition, passed by roll call vote. Directors voting yes: Adams, Amsberry, Eschliman, Gutzmer, Hadenfeldt, Kruse, Lightner, Nelson, D. Rasmussen, L. Rasmussen, Staab, Thoene, and Walden. Directors voting no: Anderson, Citta, Gellermann, and Smith. Directors not present: Conner, Frenzen, Petersen, and Sieh.

Unnamed Creek near Monroe, Platte County

Mohler passed to the Board an aerial photo that showed the unnamed creek near Monroe. He said he attended a meeting regarding the creek on Tuesday. He said landowners were having issues with the water flow and some obstructions on the creek. He said there were 22 people in attendance at the meeting, including Directors Kruse and Lightner. Other issues discussed were a high water table and siltation in the creek channel. He said some of those in attendance were concerned that no-till farming practices caused more silt in the creek channel. Mohler said that the unnamed creek is actually an original section of Looking Glass Creek left after the rest of the Looking Glass Creek channel was straightened decades ago. Mohler said he was seeking Board authorization to continue working on a solution to the drainage issues on the creek.

Hadenfeldt said the history of the railroad bridge would be valuable information regarding the project. Mohler said there had been a drainage district in the area, but it had been disbanded three or four years ago. Anderson said there was a Looking Glass drainage cutoff project in the area and the data was at the Platte County Courthouse.

Hadenfeldt motioned, seconded by Anderson, to authorize engineering assistance to the landowner group on the unnamed creek in Platte County. Motion carried by roll call vote, all present voting yes.

FEMA Hazard Mitigation Plan

Mohler told the Board that a progress report from Kirkham Michael was included in the agenda. He directed the Board to a list, in the agenda, of entities that were participating in the mitigation plan.

INFORMATION AND EDUCATION REPORT

Range Youth Camp

Information & Education Coordinator Larry Schultz told the Board that the Lower Loup NRD had budgeted for up to 18, \$100 range youth camp scholarships for students residing in the District. He said the camp fee was \$275 per student. He said that students are required to request a scholarship in writing prior to attending the camp.

Schultz told the Board that he was working on a committee to establish a second youth camp dealing with natural resources in Nebraska that would be targeted toward middle school students, ages 12-15. He said the camp would be an introduction to the Envirothon completion.

Workplace Wellness Program.

Schultz told the Board that NARD was organizing a statewide wellness program and that he would serve as the coordinator for the Lower Loup NRD. He said that there were a number of goals set for employees including better diet, weight loss, and medical screenings. Koehlmoos said that the program would also provide lower premiums in the NARD insurance program.

Schultz told the Board that he was working with other NARD/NRD staff to implement a program to train new instructors in coaching Envirothon teams. He told the Board that he and Woollen would be participating in an Arbor Day presentation for the city of Ord on the following day.

ASSISTANT MANAGER'S REPORT

Variance Committee

Assistant Manager Russ Callan told the Board that the committee report was included in the supplemental agenda. He said each of the 14 requests were heard for the first time and therefore no recommendations were made to the Board.

Water Resources Committee

Callan said the Committee had met earlier in the day and the minutes were included in the supplemental agenda. He provided the Board with a power point presentation on the impact of recently-passed legislation and the reversal of the lower Platte River Basin's fully-appropriated designation that he had provided to the Committee earlier in the day.

LB483

Callan told the Board that the bill, recently passed by the Nebraska Legislature, allowed the affected NRDs to develop up to 2,500 acres annually. He said that the Water Resources Committee discussed and voted to recommend to the full Board, that NRD staff develop a sign-up and ranking system for new irrigation development and to limit irrigation development to

2,500 acres annually with an annual review of that limit, for the four-year period required by law.

Amsberry asked if some acres would be held back as a contingency and Callan said because the basin was no longer considered fully-appropriated, water banking was not an option.

Hadenfeldt motioned, seconded by Thoene, to approve the recommendation of the Water Resources Committee to direct NRD staff to develop a sign-up and ranking system for new irrigation development with a goal of limiting irrigation development to 2,500 acres annually, with an annual review of that limit, for the four year period required by law. Motion carried by roll call vote, all present voting yes.

Groundwater Management Area Activities

Area 28 Activities

Callan passed to the Board some information on preliminary data taken from the reports filed in the Area 28 Groundwater Quality Management Area. He said that the nitrate levels in the soil samples had dropped slightly, but there had been a rise in the nitrate levels in irrigation well samples. He said that there were still some individuals that failed to file reports or were late with their reports and letters were being sent to require compliance.

Gutzmer asked if there were any results from Area 28 regarding pesticide levels and Callan said that he could assemble that data.

ELM Update Report

Callan said that a grant application to cover Phase III of the ELM Project had been submitted, seeking approximately \$900,000. He said that the NRD's share would be about \$72,000. He said that the application has been recommended for approval with a rider that the scope of the project be reviewed.

Callan said that there has been discussion as to whether an annual review of the lower Platte River Basin is required for the four years under the agreement between the NRDs and DNR. He said an amendment had been tacked on to LB54 that would allow DNR to decide whether the review was necessary. He said that DNR staff might be able to assist with the ELM project if they're not doing basin reviews.

MANAGER'S REPORT

Addition to Safety Manual

Koehlmoos told the Board that EMC Insurance had reviewed the NRD safety programs and procedures and requested that a policy for respiratory hazards be developed. He said that Schultz had written the policy included in the agenda.

L. Rasmussen motioned, seconded by Smith, to adopt the respiratory hazards procedures for inclusion in the NRD Safety Manual. Motion carried by roll call vote, all present voting yes.

Building Progress Report

Koehlmoos referred the Board to the report from the architect included in the supplemental agenda. He said that drywall work should begin in the next week and the staff should move to the new addition in late June or early July so work could begin in the present building. He said additional concrete work had been completed and work was progressing well. He invited the directors to take a walk through the area.

New Hires

Koehlmoos said that Brian Kolar began work on April 20th and Tylr Naprstek of O’Neill had been hired as the Water Modeling Coordinator. Naprstek had previously been employed by the Upper Elkhorn NRD. He said that Dr. John Ortmann had been hired as the Prescribed Burn Coordinator. Koehlmoos said the help wanted ads were running seeking applicants for the Broken Bow technician position and applications were being received. Goldfish said that Steve Henry had been hired as part-time tree planter in Spalding and Kevan Edzards had been hired as a part-time tree planter in Ord. Koehlmoos said that Sonnia Bottorf had been hired as a part-time TSP for Broken Bow and Burwell.

NARD REPORT

Dean Rasmussen reported that there would be no meeting until June. He said that the Annual Basin Tour was planned for the central portion of the Platte River Basin. He referred the Board to Dean Edson’s Legislative Update included in the agenda. Koehlmoos referred the Board to the report on the NARD Washington DC Conference.

NRC REPORT

Hadenfeldt said the Commission would meet May 13-14. He said the Commission continues to face a shortfall of funds for the projects that are proposed. He said that the requests total about \$30 million and the NRC has about \$3 million to distribute. Koehlmoos asked if the Governor had responded to requests for more funding and Hadenfeldt said the only promise was that funding would not be cut.

RC&D REPORTS

Loup Basin RC&D

Dean Rasmussen said the RC&D had met in Burwell. He said that the group received a presentation from a teacher in Ansley who proposed building a convention center in Broken Bow. He said the RC&D approved seeking grant funding to help with the project. Koehlmoos said that Sheila Luoma had been hired as the new RC&D Coordinator

PrairieLand RC&D

Lightner said the RC&D had met the day prior. He said that the group received a presentation on the Olson Nature Preserve in Boone County. The site is 20 acres and is used for educational activities for area students. He said the Boone Central science teacher led the group in testing water on from the Beaver River for phosphates.

Lightner said the group received a presentation on a proposal to build a trail from Albion to the Olson Nature Preserve and Lightner will serve on a committee to investigate the possibility.

ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 7:10 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 28, 2009, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary