

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

May 28, 2009

Ord, Nebraska

The May 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 May 28, 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  
Allen G. Conner  
Craig E. Frenzen  
Michael P. Gutzmer  
Gary A. Kruse, Chairman  
James C. Nelson  
Dean J. Rasmussen  
Darwin R. Sieh  
Bradley R. Staab  
Kim C. Walden

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

### Directors absent

None

### Staff in attendance

Leon "Butch" Koehlmoos, General Manager  
Rita A. Goldfish, Administrative Assistant  
Tylr Naprstek, Water Modeling Coordinator  
Richard L. Woollen, NC District Forester

Russell Callan, Assistant Manager  
Robert T. Mohler, District Engineer  
Larry D. Schultz, I&E Coordinator

### Guests in attendance

Bryan Roberts, Sargent  
Joe Grantzinger, Merna

Todd Schipporeit, Sargent Irrigation District  
Tony Byrne, Arvada, CO

## 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.

**Sieh motioned, seconded by Petersen, 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 April 23, 2009, Board meeting minutes. No corrections being heard, Kruse ruled that the April 23, 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 building project Pay Request #8 for \$80,439.75 was included in the Treasurer's Report, and also \$19,450.00 as the second payment to Kirkham Michael for development of the Hazard Mitigation Plan.

**D. Rasmussen motioned, seconded by Walden, to approve the May, 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.

## FORESTER'S REPORT

North Central District Forester Rich Woollen directed the Board to his written report in the agenda and told the Board that the Nebraska Buffer Strip Program, funded by pesticide labeling dollars, are now eligible for re-enrollment for an additional ten years. He said producers are being reminded of the renewal and that rental rates have increased.

Woollen said that he and Schultz participated in an Arbor Day program in Ord and sent seedlings to a program in Fullerton. He said he presented a poster contest award to a fifth-grader in Fullerton through the Arbor Day Foundation.

Woollen reported that the forestry initiative through EQIP would create \$500,000 for various conservation tree programs and forestry practices.

## NRCS REPORT

Koehlmoos referred the Board to Tim Schaaf's written report in the agenda and told the Board that Schaaf had decided to seek the Resource Conservationist position in Broken Bow and would no longer serve as the District Conservationist. He said that Schaaf would continue as the liaison for the District for the next two months.

**Hadenfeldt motioned, seconded by Frenzen, to adopt a resolution to thank Tim Schaaf for his dedication and service to the Lower Loup Natural Resources District. Motion carried by roll call vote, all present voting yes.**

## ENGINEERING REPORTS

### Loup River Levee Recertification

District Engineer Robert Mohler told the Board that flood control levees had been under examination since Hurricane Katrina and the Loup River Levee in Platte County is being recertified. Mohler said the city administrator for Columbus had contacted him asking whether the NRD would be willing to share financially in the estimated \$2 million cost of levee renovation. He said he had contacted other NRDs to see if they had been involved with such a project, and Pappio-Missouri NRD had been. Lower Platte South had done their own levees and Lower Platte North had been involved in similar projects.

Mohler said Lower Loup NRD would need to consider the possibility for the first time and said other levees would likely come up for recertification in the future. Koehlmoos said he had been contacted by the city administrator and told him that the Board would need to make a decision on participation. Koehlmoos said the NRD could participate in a variety of ways, including the Whitetail levee.

Citta said he felt the project could be viewed as a flood control project for District participation and apply similar factors. Mohler and Koehlmoos agreed that the District could participate under its flood control at 20%; public health and safety at 15%; and director's discretion at 20%. Hadenfeldt asked if there were any federal dollars available for recertification and Koehlmoos said there was not. Sieh asked if consideration would be given to the trees and Koehlmoos said the potential for ice jams was not being considered. Walden said that it was his understanding that preparation for a 100-year flood was the only consideration.

Smith asked if the decision sets a precedent for the levee participation and Koehlmoos said it would.

**Gellermann motioned, seconded by Anderson, to approve capping NRD financial participation at up to 30% of the design and construction for levee recertification projects. Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Anderson, Citta, Conner, Eschliman, Frenzen, Gellermann, Hadenfeldt, Kruse, Lightner, Petersen, D. Rasmussen, L. Rasmussen, Sieh, Smith, Staab, Thoene, and Walden, Director voting no: Nelson. Director not present: Gutzmer.**

#### FEMA Hazard Mitigation Plan

Mohler told the Board that a monthly progress report from Kirkham Michael was included in the agenda. He said he had asked the consultants for a sampling of the work to this point and it had not yet been received. He said that it was expected by the June Board meeting.

Kruse asked if there was an update on the project in Monroe, and Mohler replied that there was none.

### INFORMATION AND EDUCATION REPORT

#### State Envirothon

Information & Education Coordinator Larry Schultz told the Board that Ord High School was the winner at the Nebraska Envirothon at Ponca State Park on May 2<sup>nd</sup>. It was the first time that a team from Lower Loup NRD has won the state contest. Ord's team will advance to the national contest in Asheville, North Carolina in August. Schultz was one of the volunteers that helped run the 2009 state contest.

#### Envirothon Training

Schultz told the Board that due to retirements and other professional transitions, there were a number of new high school instructors involved in Envirothon competition. To ease the new staff members into the contest, NARD will host a training session for the new instructors at the Nebraska Ag Education Association Conference in Kearney on June 9<sup>th</sup>.

#### Children's Groundwater Festival

Schultz told the Board that he led a session at the Children's Groundwater Festival in Grand Island on May 12<sup>th</sup>. The session taught the elements of the water cycle and involved the students in an activity where they participated as water drops in a relay of activities.

#### Range Camp Scholarships

Schultz told the Board that there were seven applications to the 2009 Range Youth Camp to be held in June. He said there were four applications from Ord, two from Wheeler Central, and one from Boone Central.

## ASSISTANT MANAGER'S REPORT

### Variance Committee

Assistant Manager Russ Callan told the Board that the committee met on May 20<sup>th</sup> and he presented the Board with copies of the minutes from the meeting and another session held earlier in the day. He said that the recommendation on the Grantzinger variance application was revised when the committee met earlier in the day.

Grantzinger was present at the meeting and thanked the Committee for its revised recommendation.

**Nelson motioned, seconded by Thoene, to adopt the recommendations from the Variance Committee and approve the variance requests from Paul Leslie, Holeman/Kaelin, Mark Jensen, Steve Swerczek, Michael Seda, Steve Karmann, Robert L. Gray Sr., Scott Sallach, Michael Cherry, Tim O'Brien and the revised recommendation on the request from Joe Grantzinger, and to table the Darren Adams request. Motion carried by roll call vote, all present voting yes.**

### 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 proposed modifications for the Groundwater Management Area rules and regulations. He said that the proposed rules and regulations would need to be published for three consecutive weeks and a public hearing would need to be held before action could be taken by the Board. After discussion, it was agreed the proposed rules would be modified to include a non-refundable fee. Smith asked if the NRD's rules would cover transfers out of state and Callan said those transfers were not allowed by state law. Nelson asked how far a lien would be pursued and Callan said a title search must be completed and all owners and lien holders must sign.

**Citta motioned, seconded by Sieh, to approve the recommendation of the Water Resources Committee regarding proposed changes to the Lower Loup Natural Resources District Groundwater Management Rules and Regulations. Motion carried by roll call vote, all present voting yes.**

**Walden motioned, seconded by Gutzmer, to set June 25, 2009 at 4 p.m. at the Valley County Ag Complex in Ord for a public hearing on the proposed modifications to the Lower Loup Natural Resources District Groundwater Management Rules and Regulations. Motion carried by roll call vote, all present voting yes.**

### 2009 Static Water Level Report

Callan told the Board that the data had been gathered, but the report had not yet been assembled.

### ELM Update Report

Callan introduced Tylr Naprstek, the NRD's new Groundwater Modeling Coordinator. Naprstek said that he had developed a map using Phase I data to show stream depletion factors based on two-mile grids. He said the factors were only shown for major tributaries of the Loup. He said the map will be brought to one-mile grids in Phase II. Naprstek told the Board that the \$289,166 in funding requested from the Natural Resources Commission had been granted.

### MANAGER'S REPORT

#### Keystone Pipeline Request as Cooperating Agency

Koehlmoos told the Board that a written request from Ethel Happ of Greeley had been received requesting that the Lower Loup NRD seek application to be a cooperating agency on the Keystone Pipeline project. Citta said that serving as a consultant would place a number of requirements on the District. Koehlmoos said that without action from the Board, the NRD would continue to monitor the pipeline project as it develops. Smith asked what role the NRD would play in the event of a catastrophic event impacting the pipeline, and Callan said that the Department of Environmental Quality would be the lead agency. Koehlmoos said that the NRD would include the pipeline in its Hazard Mitigation Plan. Citta asked if other NRDs were considering the role of cooperating agency. Koehlmoos responded that he believed most were remaining neutral.

#### Spalding Building and NRCS Relocation

Koehlmoos told the Board that Schaaf had contacted State Conservationist Steve Chick regarding the potential of relocating the NRCS office in Spalding. He said Chick had indicated he would like a letter from the NRD inquiring about a move. Koehlmoos said he would want to know about the implications of a move, would NRCS consider it, what the implications were to other NRCS offices, and any issues that might develop because of a move. Lightner asked if a new building would be required and Koehlmoos said that would be part of the research needed in consideration of an office move.

**Nelson motioned, seconded by Smith, to draft a letter from the NRD General Manager to Steve Chick of NRCS regarding the potential of an NRCS office move from Greeley to Spalding. Motion carried by roll call vote, all present voting yes.**

#### Building Progress Report

Koehlmoos referred the Board to the architect's report and Pay Request #8 included in the agenda. He said that rock was hauled in for part of the parking lot and a discussion about the potential for concrete took place with Chairman Kruse. Koehlmoos said he investigated the cost of concrete. The subcontractor that did the earlier concrete work on the new addition gave him a price of \$3.50 a square foot. Koehlmoos said that a 45 x 68 piece in front of the shop doors on the building's east side would cost an estimated \$10,710. He said that concrete for a 156 x 20

perimeter around the building would cost an estimated \$21,600. The other option would be white rock at \$25 a ton, costing about \$750-800 per load.

Citta said that rocking the drive and the building perimeter could result in drainage issues and snow removal issues.

**Citta motioned, seconded by Anderson, to approve the concrete for both the east and south side of the new addition to the NRD Headquarters. Motion carried by roll call vote, all present voting yes.**

Koehlmoos told the Board that the drainage issues around the building results from water from the adjacent buildings and parking areas. He said that repair of the drainage issues would require some engineering work and could take place at a later date.

#### Lower Loup NRD Map in Foyer

Koehlmoos said that Schultz had visited the North Platte NRD in Gering and saw the tiled entryway that was personalized for the NRD. He said staff was proposing a map of the NRD with county lines indicated.

**Anderson motioned, seconded by Walden, to approve the NRD map in tile for the NRD's new addition entryway. Motion carried by roll call vote, all present voting yes.**

#### New Hires

Koehlmoos told the Board that Kyle Charron, a recent graduate of Chadron State College, had been hired to fill the technician vacancy in Custer County. Koehlmoos said that Cade Harris, son of Water Resources Specialist Dell Harris, was hired for two days work at Davis Creek Recreation Area. Rasmussen commented that the recreation area was in very good shape for the Memorial Day holiday weekend. Koehlmoos said that Ryan Callan, son of Assistant Manager Russell Callan, and Nolan Clausen of Ord, had been hired for drip irrigation installation and mowing. He said Jordan Cudney of Ord was doing bacteria sampling two days a week. He reported that two teachers from Fullerton would be doing water sampling in Area 28 this summer. John Ortmann has been working on a number of prescribed burn plans.

#### NARD REPORT

Dean Rasmussen reported that there would be a meeting in June along with the annual basin tour, this year in the Platte River Basin. He asked that Directors who were interested in the tour should let staff know by June 12<sup>th</sup>. He told the Board that former Papio-Missouri NRD Manager Steve Oltmans had been hired for the staff of Omaha's new mayor. Koehlmoos referred the Board to Edson's legislative report. Koehlmoos said that Dean Edson would be invited to speak at a future NRD Board meeting. He directed the Board to a list of vacancies for gubernatorial appointments available.

## NRC REPORT

Hadenfeldt said the Commission met two weeks prior and toured the offices of DNR. He said the Commission voted to add perimeter fencing for land coming out of CRP to the list of eligible practices for NSWCP funds. He said that only about half the CRP land would be allowed to be re-enrolled. The next meeting of the Commission will be in July in Chadron.

## RC&D REPORTS

### Loup Basin RC&D

Dean Rasmussen said the RC&D met Tuesday in Farwell and the group received a presentation on organic farming. He said the hazardous waste clean-up was very successful. Sheila Luoma had begun her duties as coordinator.

### PrairieLand RC&D

Lightner said the RC&D met in Schuyler and the group heard a report on a community development study. He said that the recycling center in Schuyler was toured and reported that the center is quite successful. He said that the market for recycled materials has fallen off dramatically and the center is stockpiling its materials until the market improves.

Koehlmoos advised the Board to monitor two legislative resolutions, LR 128 and LR 181. Walden asked about LB 209 and Hadenfeldt reported that it would extend the length of time a permit would be valid so that project construction can begin. Lightner questioned the success of conservation programs for pheasants in Nebraska and felt that should be the target of a study.

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 7:12 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, June 25, 2009, at 5:00 p.m., at the Valley County Ag Complex, 801 S Street, in Ord, Nebraska.

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Darwin B. Anderson  
Secretary