

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

June 25, 2009

Ord, Nebraska

The June meeting of the Board of Directors of the Lower Loup Natural Resources District was held at the Valley County Ag Complex Auditorium, 801 S Street, Ord, Nebraska, on June 25, 2009. Chairman Kruse called the meeting to order at 5:05 p.m.

## CALL TO ORDER

### Directors in attendance

James C. Adams  
Darwin B. Anderson, Secretary  
Allen G. Conner  
Craig E. Frenzen  
James F. Lightner  
Alan D. Petersen  
Lyle D. Rasmussen  
Bradley R. Staab  
Kim C. Walden

Rollie D. Amsberry, Treasurer  
Joseph L. Citta, Jr., Vice Chairman  
James J. Eschliman  
Gary A. Kruse, Chairman  
James C. Nelson  
Dean J. Rasmussen  
Gerald P. Smith  
Henry J. Thoene

### Directors absent

Virgil W. Gellermann  
N. Richard Hadenfeldt

Michael P. Gutzmer  
Darwin R. Sieh

### Staff in attendance

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

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

### Guests in attendance

Tim Schaaf, NRCS, Broken Bow

Joe Mangiamelli, Columbus

Several constituents who attended the public hearing stayed for the start of the Board meeting. A public hearing attendance list is attached to the official minutes.

## NOTICE OF OPEN MEETING LAW POSTING

Chairman Kruse referred those in attendance to the open meeting law information posted in the auditorium.

## 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.

**Petersen motioned, seconded by Anderson, 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.**

## 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 #9 for \$45,288.26 was included in the Treasurer's Report.

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

## MINUTES

Chairman Kruse asked for corrections and/or additions to the May 28, 2009, Board meeting minutes. No corrections being heard, Kruse ruled that the May 28, 2009, minutes would stand approved as circulated.

## PUBLIC COMMENTS

There were no comments from the public.

## BOARD ACTION ON PROPOSED RULES AND REGULATIONS

Assistant Manager Russ Callan said that the penalties for failure to comply with rules in the Lower Loup NRD Groundwater Management Plan were taken from Nebraska statutes. He said that such penalties could only be levied by a judge and would come only after numerous opportunities for rule compliance had been exhausted. Callan said that in order to certify acres as irrigated now, a landowner would have to prove the land had been irrigated 2 of the last 10 years prior to January 1, 2008. He said any land previously certified as irrigated did not have to meet that standard and would remain certified.

Walden asked Callan to explain the 10,000 acre limit on new irrigated acres and Callan said that the number of acres was set by statute and was a maximum for new development over the next four years, approximately 2,500 per year.

Koehlmoos said that, should the Board desire to approve the rule changes, action was needed in order to properly publish the changes and provide notice to the public of the proper procedures for application.

**Frenzen motioned, seconded by L. Rasmussen, to adopt the proposed changes to the rules and regulations in the Lower Loup NRD's Groundwater Management Plan. Motion carried by roll call vote, all present voting yes.**

Smith asked if the criteria for ranking applications for new irrigation would be placed on the NRD web site and Callan said yes. Koehlmoos said the criteria would be developed by staff and the Water Resources Committee and presented to the Board at the July meeting.

### 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 provided assistance to landowners having difficulties with disease and insects. He said winter injury to cedar tree belts has been a common occurrence this year. Windbreak renovation has been another area requiring some attention and that there was cost-share assistance to landowners for the renovation.

Woollen said that he had organized a workshop sponsored by the Nebraska Forest Service for logger safety training. A trainer from Wisconsin would be leading the workshop and would concentrate on chainsaw safety and sawing techniques. The workshop would help landowners in the Niobrara Valley where thinning activities are underway.

Woollen said Al Mittan of PrairieLand RC&D had begun a strategic planning process to develop a long-range plan for the RC&D. A meeting on the planning would be held on June 30<sup>th</sup> at 6 p.m. at the NPPD Headquarters in Columbus.

### NRCS REPORT

Tim Schaaf, NRCS Resource Conservationist in Broken Bow, told the Board that he continued to act as District Conservationist while the hiring process for his replacement was underway. He said that conservation compliance checks showed most fields had adequate cover crops, but there were instances where fines would be levied. He said one field check in Custer County could result in a fine of \$12,500 assessed by FSA and another in Nance County could lead to a fine of up to \$80,000. He said that he continues to work to make sure landowners understand failure to comply could lead to these sizeable fines and he planned to continue media efforts.

Schaaf said that 300 EQIP applications totaling \$13 million in requests had been received but only between \$600,000 and \$800,000 would be allocated for the District. He said that additional funds had been requested, but no response had been received yet.

## ENGINEERING REPORTS

### Loup River Levee Recertification

District Engineer Robert Mohler introduced the Board to Joe Mangiamelli, Columbus City Administrator. Mangiamelli said that the levee built around Columbus was constructed in 1972 by the Corps of Engineers. Since Hurricane Katrina, these types of levees must be recertified under FEMA regulations. He said that it was an example of an unfunded federal mandate. The study of the levee had been completed and design work was underway for the work to recertify the levee. Mangiamelli passed aerial photos to the Board of the levee that showed elevation changes needed to meet the requirements for a 100-year storm. He said the consultant's estimate for the elevation changes to the levee would be a cost of about \$1.5 million. The city has maintained the levee and removed vegetative growth to keep it in good condition and that had reduced costs for certification. He said that without certification, about 30% of Columbus would become a flood plain and homeowners would be required to buy flood insurance. He said that even though the Corps of Engineers did the original construction, an environmental impact statement might be required by the Corps to do the certification work. If an impact statement was required, it could increase costs by up to 40%.

Kruse asked where the earthen fill would be found and Mangiamelli said that would be up to the contractor. Walden asked how long the Provisional Accredited Levy (P.A.L.) would run if an environmental impact statement was required and Mangiamelli said that it would run until June 2010, but that could be affected if the Corps intervenes. Anderson asked if the fill would be applied to both sides of the levee and Mangiamelli said it would be added to the top and then sloped on both sides. Koehlmoos said the Board could act now or at the July meeting, but action would be needed to add the project to the budget for the upcoming fiscal year.

Walden asked if the second Columbus levee would be included in the budget and Koehlmoos said that no official request had been received. Conner asked what the District would budget for the project and Koehlmoos said 30% of \$1.5 million would be approximately \$600,000. He said that would cover NRD participation in both design and construction. Conner asked where the other funds would come from and Koehlmoos said he believed the city was responsible. Mangiamelli said the city would use funds from bonds and sales tax. Kruse asked if the NRD participated in the original construction costs and Koehlmoos said it was constructed prior to the creation of NRDs.

Nelson said that he wasn't opposed to the levee, but he felt that the levee would mean more water for people on the opposite side. Petersen asked if the levee had deteriorated or was it not constructed to meet today's standards. Mangiamelli said the standards had changed and that was the reason for the work to meet certification. Eschliman asked for clarification on the vote and Kruse said the vote was to place the project in the budget process.

**Citta motioned, seconded by Anderson, to budget for the Loup River levee recertification work. Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Anderson, Citta, Eschliman, Frenzen, Kruse, Lightner, Petersen, D. Rasmussen, L. Rasmussen, Staab, Thoene, and Walden. Directors voting no: Conner, Nelson, and Smith. Directors absent: Gellermann, Gutzmer, Hadenfeldt, and Sieh.**

#### Detached Looking Glass Creek, Platte County

Mohler referred the Board to material on the project included in the agenda. He said that he was unable to locate any channel obstructions or blockage. He said the slope of the land near LeRoy Sprunk's home was about half of what it was elsewhere and drainage on his property was not as good. He provided the Board with a power point presentation of photos from the area in question. Mohler said that, based on his findings, he did not find anything that substantiated the landowner's complaints and suggested that a meeting be set up to share that information.

#### FEMA Hazard Mitigation Plan

Mohler said that a progress report from Kirkham Michael was included in the agenda. He provided the Board with a copy of the "Participant Section" for Loup City. He said it was an example of the type of work being done for the entities involved in the plan creation. The example included segments on critical facilities, development trends, mitigation goals and mitigation projects identified.

### INFORMATION AND EDUCATION REPORT

#### County Fair Displays

Information & Education Coordinator Larry Schultz told the Board that the NRD would have displays at County Fairs in the District. He said the season kicks off in Columbus at the Platte County Fair. He said the display would share information on applications for new irrigation development and offer NRD brochures and information.

#### Newsletter

Schultz told the Board that the District's *In The Loup* newsletter had been mailed to residents in the Lower Loup NRD the previous Friday. He said 17,000 copies were mailed.

#### Staff/Safety Meeting

Schultz told the Board that a NRD Staff/Safety meeting was held on June 16<sup>th</sup> at the NRD Headquarters in Ord. He said new staff members were introduced, Callan gave a presentation on the proposed modifications to the groundwater management rules, and Woollen led a discussion on the wrap-up of conservation tree planting. Schultz said that a defensive driving presentation offered by the District insurance company was provided and preliminary information on the Workplace Wellness program was presented. He said it appeared that a majority of staff was interested in participation.

## ASSISTANT MANAGER'S REPORT

### Water Resources Committee

Assistant Manager Russ Callan told the Board that the committee met earlier in the day and discussed the ranking criteria to be utilized in determining where new irrigation could be developed. He said the criteria included stream depletion factors, concentration of irrigation in an area, soil type, and others. He said that the Committee would look at the criteria again at its next meeting and a presentation could be made to the Board at the July meeting.

### Groundwater Management Area Activities

#### Irrigated Acres Certification Process

Callan said that staff has compiled a list of landowners who have not certified their properties as irrigated. He said the letter indicated that irrigated land had not been certified and urged that certification be completed. He said the letters are being sent out on a county by county basis.

#### Area 28 Activities

Callan told the Board that two part-time employees had been hired to collect irrigation and domestic well water samples. He said irrigation wells are the first priority for collection and felt collection by paid staff would provide better sampling.

#### ELM Model Update

Water Modeling Coordinator Tylr Naprstek told the Board that work in Phase II continues. He said pumping data is crucial to the model and accuracy was very important. The data is being compiled from the best sources available and could come from flow meters, ultrasonic readings, and hour reports. He said staff is working on scheduling a meeting with DNR to discuss goals and objectives with Phase II of the model. He said potential third party reviews would also be discussed.

## MANAGER'S REPORT

### Building Progress Report

Koehlmoos referred the Board to the architect's report and Pay Request #9 included in the agenda. He said the pay request followed a walk-through on June 18<sup>th</sup>. A change order, in the amount of \$13,199, was due to a change to a heavier duty exhaust fan for the shop. He said that the electrical changes in the Board room were due to modifications requested by Midwest Sound & Lighting for the audio/visual equipment installation.

**Frenzen motioned, seconded by Amsberry, to approve the change order in the amount of \$13,199. Motion carried by roll call vote, all present voting yes.**

Koehlmoos said the construction on the building was progressing and plans were being made for a move to the new addition so work can begin on the older part of the building.

#### New Hires

Koehlmoos told the Board that Craig Christensen and David Wamberg were hired to collect water samples in Area 28.

#### FY-2010 BUDGET WORK

Koehlmoos directed the Board to the budget information included in the agenda. He said the Executive Committee had met for salary negotiations on June 18<sup>th</sup>, discussing employee wages and recommended a 4.1% average increase for the NRD's employees, 3% increase for the General Manager, 1% was allowed for distribution by the Manager, with an additional 1% for use if needed. Kruse told the Board that information on salary was available from Koehlmoos.

Conner asked if the percentage increase was in wages only, or represented insurance coverage as well. Koehlmoos said it was a salary increase only and that insurance coverage experienced only a 1.5% increase. Conner asked if the NARD insurance program was stable and Koehlmoos said that it had been audited by the Department of Insurance and the program received high marks.

**D. Rasmussen motioned, seconded by Walden, to approve the Executive Committee's recommendations for staff salaries. Motion carried by roll call vote, all present voting yes.**

Koehlmoos presented the budget items for Auto and Truck Expense \$50,000; Auto and Trucks \$69,500; Director's Expenses \$35,500; Directors Per Diem \$27,500; Dues and Memberships \$32,000; Personnel Expenses \$28,000; Fees and Licenses \$59,300; and Public Information, Education, and Promotion \$73,350.

Koehlmoos continued his presentation on the budget items for Bonds \$500; Insurance \$52,000; Chemigation \$6,000; Legal Notices \$8,500; Miscellaneous Expenses \$7,500; Office Supplies and Expenses \$18,000; Office Equipment \$53,500; Employment Security \$3,500; Postage \$27,000; Professional Services \$55,000; Project Land Rights \$0; Project Legal Costs \$5,000; Telephone \$15,000; Utilities \$17,700; Soil Survey \$0; Building Maintenance \$15,800; Loan Repayment \$600,000; Farm Account \$35,500; Davis Creek Maintenance \$28,500; Corners For Wildlife \$24,753.40; Wildlife Habitat Program \$5,000; Buffer Strip Program \$130,864; and Arboretum Budget \$20,000.

**Anderson motioned, seconded by Smith, to give tentative approval to the portion of the FY-2010 budget as presented and discussed. Motion carried by roll call vote, all present voting yes.**

## NARD REPORT

Dean Rasmussen reported that the Association's president had resigned for a federal position. He said dues were increased 6.5% and \$100,000 was budgeted for promotion of NRDs statewide. He said conservation tree sales remained steady with past years.

Rasmussen said two nominees submitted by the Lower Loup NRD were selected for NARD Conservation awards. The Basin Tour on the Platte River was successful and a highlight was the Monsanto Education Center near Gothenburg. Koehlmoos said the center featured experimental plantings and irrigation practices.

## NRC REPORT

In Hadenfeldt's absence, Koehlmoos said there was no NRC report.

## RC&D REPORTS

### Loup Basin RC&D

Dean Rasmussen said the RC&D had not met.

### PrairieLand RC&D

Lightner said the RC&D long-range planning would be held in Columbus and urged Board members to attend. He said the RC&D Council met in Lindsay on June 16<sup>th</sup>. The organization continues to pursue recycling, no-till farming, Shell Creek projects, statewide organic farming, cedar tree removal workshop, and the water quality testing program. He said that the water quality testing program has not needed NRD funds to this point, but some equipment purchases may be made in September. He said two schools in Lower Loup are involved, Boone Central and Cedar Rapids.

## GROUNDWATER COALITION PARTICIPATION

Koehlmoos referred the Board to information on the Nebraska Groundwater Management and Protection Act Coalition included in the agenda. He said that the Lower Loup NRD is not currently a member of the coalition. Coalition membership required a signature on an interlocal agreement. He said that he would serve as the NRD's representative and Callan would be the alternate.

**Citta motioned, seconded by Eschliman, to approve the General Manager's signature on the interlocal agreement for membership in the Nebraska Groundwater Management and Protection Act Coalition, with dues not to exceed \$5,000. Motion carried by roll call vote, all present voting yes.**

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 6:51 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, July 23, 2009, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Darwin B. Anderson  
Secretary