

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

June 24, 2010

Ord, Nebraska

The June 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 June 24, 2010. Chairman Kruse called the meeting to order at 5:05 p.m.

## CALL TO ORDER

### Directors in attendance

James C. Adams  
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

Rollie D. Amsberry, Treasurer  
Allen G. Conner  
Craig E. Frenzen  
James F. Lightner  
Alan D. Petersen  
Darwin R. Sieh  
Bradley R. Staab  
Kim Walden

### Directors absent

Darwin B. Anderson, Secretary  
Michael P. Gutzmer  
Lyle D. Rasmussen

Virgil W. Gellermann  
N. Richard Hadenfeldt

### Staff in attendance

Leon "Butch" Koehlmoos, General Manager  
Cheryl Hornickel, Programs Assistant  
Robert T. Mohler, District Engineer  
Larry D. Schultz, I&E Coordinator

Russell Callan, Assistant Manager  
Dell Harris, Water Resources Specialist  
Tylr Naprstek, Water Modeling Coordinator  
Richard Woollen, District Forester

### Guests in attendance

Bryce Bauer, DC, NRCS, Ord  
Gary Laughlin, Ericson  
George Bryan, Omaha  
Eugene Bredthauer, Ord  
Al Schmidt, Middle Loup PP&I. Dist., Arcadia  
Mike Armstrong, Ericson

Wayne Buller, Ericson  
Paul Claus, Jr., Lincoln  
Craig Critel, NLRPP&I Dist., Burwell  
Andy Bredthauer, Ord  
Charlie Krohn, Albion  
Tom Knutson, Farwell Irrig. Dist., Farwell

## 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 notices were properly published in all newspapers. The meeting notice was also posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations.

**Toene 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 May 27, 2010, Board meeting minutes. Hearing none, Kruse ruled that the May 27, 2010, 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 a bill from the Metro Area Planning Agency was for the LIDAR work on the Area 28 Study.

**Sieh motioned, seconded by Staab to approve the June, 2010, Treasurer’s Report and pay all the bills. Motion carried by roll call vote, all present voting yes.**

## PUBLIC COMMENTS

There were no comments from the public.

## 2010 FLOODING

Koehlmoos said that flood damage was extensive throughout the District. He had received numerous requests to speak on the damage. He said that staff had investigated reports on damage around the NRD.

Al Schmidt of the Middle Loup Public Power and Irrigation District in Arcadia told the Board that his District had been in operation since 1932 and operated dams in Arcadia and Sargent. He said that flooding during June 11-14, 2010, destroyed half of the dam structure at Sargent. He said he hoped to build a cofferdam to raise the river enough to provide water to both

irrigation canals. He said that the cost to create the cofferdam would be \$150,000 to \$175,000. He said that about 80% of the rock could be salvaged for a permanent fix in the future. His District was requesting \$50,000 from the NRD to build the cofferdam. He said that would keep water use in the District.

Kruse asked what the permanent fix would be and Schmidt said that he hoped to rebuild the dam and that he had been in contact with the Nebraska Emergency Management Agency regarding assistance. He said that the District would need assistance to rebuild the structure. Sieh asked if the whole dam would be replaced or just the damaged section and Schmidt said that would be up to an engineer, but he assumed the recommendation would be a complete rebuild. Walden asked if there was a disaster declaration and Schmidt said that one had not been issued. Adams asked if Custer County was included in the state declaration and Schmidt answered that he thought Custer County was included. D. Rasmussen said that the temporary fix would be very beneficial to producers in the meantime.

Koehlmoos said that he was unaware that a request for financial assistance was going to be made and reminded the Board that requests are normally considered under the *Project Participation Policy*. The request would normally be considered and acted on the next month. He said staff had not considered the request and had no recommendation to make. Citta said he estimated the policy would result in a figure near the requested amount. Thoene asked what size rock would be used in the cofferdam and Schmidt said that Class C and Class D rock would be used.

District Engineer Robert Mohler provided the Board with a slide presentation on flooding. He showed a chart with area rainfall data from the NeRAIN web site. Mohler showed several photos of the spillway and other facilities at Lake Ericson. Frenzen asked if an upstream dam breach caused any issues at Lake Ericson and Koehlmoos said he wasn't aware of any upstream issues. Andy Bredthauer said that a series of farm dams in the Ericson area had been breached. Mohler showed photos of flood damage at Gracie Creek in Loup County and at the Bredthauer farm dam and flooding in North Loup in Valley County.

Gary Laughlin, a member of the Ericson Lake Corporation board, said his nonprofit corporation was also seeking funding assistance. The Lake Ericson dam gates are controlled by computer, but had been damaged by lightning the previous week. He said that monitoring was done visually after the lightning strike. The lake was at normal levels, using his dock as a gauge. The gates were opened wider to accommodate incoming rain and river flows, and were eventually opened all the way as lake levels continued to rise. The emergency spillway was designed to handle a 100-year storm and it did its job, saving the area near the gates. Campers were asked to leave the camping area and had to drive through eight inches of water when they did. Laughlin said that Roger Frahm of Frahm Construction was able to close off the emergency spillway and water is now flowing through the gate structure. The land under the hiking trail geo tube that separated the lake and river was eroded and the geo tube will need to be repaired.

Koehlmoos said he has talked with Lake Corporation President Joe Wadas and Wadas did not have an estimate yet on costs for repairs to the flood damaged areas. Laughlin said that the corporation has talked with an engineer to make sure all repairs are completed correctly.

Craig Critel of North Loup River Public Power and Irrigation District provided a power-point presentation on the flood damage to the Taylor Diversion Dam and Hardenbrook Dam in Ord. He said the structure in Loup County suffered heavy damage while the Ord structure had fared better. Critel said the North Loup RPP&ID Board had voted to replace the structure at Taylor. Engineers have been contacted and the cost is estimated to be \$4 million to build the replacement dam. He said his office had contacted NEMA and other agencies to determine what funding might be available for the construction. He said that if the costs were passed on to irrigation district customers, it would be approximately \$10 per acre. He said that the Ord structure had no visible damage, but his office was waiting for water levels to drop before doing a complete inspection. He said water diversion from Burwell and Ord would begin the following week. Officials hoped to have a new dam in Taylor constructed by July 15, 2011. Thoene asked how many acres were irrigated with water from the Ord and Burwell structures and Critel said Ord was around 6,000 and guessed that Burwell served 5,000 or more acres.

Koehlmoos invited Eugene Bredthauer to talk about his farm dam near North Loup. Bredthauer said the dam was built in 1957 and is about 30 feet high. He said that water flowed over the top of the dam before it went out. He said the dam was designed by a civil engineer and was able to keep water out of North Loup for 44 years. Rasmussen said that North Loup residents would be glad to have the dam replaced.

Koehlmoos said that there was some concern about the dam at Spalding, but it seemed to handle the flooding on the Cedar River very well. Tom Knutson of the Farwell Irrigation District said the Milburn Dam remained in good shape. The structure reached crest level and the gates were opened. He said that some dirt was lost, but the structure and fishway were not damaged.

George Bryan, engineer for the Ericson Lake Corporation, said that there was some headcutting before the spillway was taken out and the lake drained. Because so much material was removed in the erosion of the spillway, there may be new design work needed there. Wayne Buller, the property owner below the Lake Ericson spillway, said that he didn't believe that the spillway could be restored, but he would like to see the banks resculpted.

Sieh asked if funds would be available to assist the Middle Loup Irrigation District with its temporary structure and Koehlmoos said that there were unused funds that could be utilized. Citta asked if the numbers requested, in a quick estimate, would be near what the project policy would show and Koehlmoos said it would take time to come up with a number.

**Frenzen motioned, seconded by Conner, to approve financial assistance up to \$50,000 for construction of a cofferdam for the Middle Loup Irrigation District. Motion carried by roll call vote, all present voting yes.**

The Board discussed the procedure to handle future requests for emergency assistance and directed management to receive the requests, evaluate them, and initiate any necessary proceeding, including a special meeting if required.

Callan said that he has received requests for supplemental wells in the area that can no longer be served by surface water due to flood damage. He said he has written contracts for two

requests to allow wells to be drilled for groundwater irrigation and the contracts stipulate that those acres will be returned to surface water irrigation as soon as delivery is possible.

## FORESTER'S REPORT

North Central District Forester Rich Woollen referred the Board to his written report included in the agenda. He said that he has worked on plans to establish a riparian forest buffer in Platte County and planted one earlier in the season near Scotia. The buffers can be established under CRP and the Nebraska Buffer Strip Program. He said that he has worked on an NRD container tree nursery using trees left over from the conservation tree program. He said he has worked with a committee to develop a new conservation tree booklet. He is working with other NFS personnel to train them in a GIS-based planning program. He provided the Board with a handout on the emerald ash borer.

## NRCS REPORT

District Conservationist Bryce Bauer said that the CSP sign-up deadline has been pushed back to July 25, 2010. He said that response has been minimal for the program. NRCS staff is wrapping up compliance reviews and said that there were four instances where producers were out of compliance. Bauer said that the CRP general sign-up has been pushed back to August and no firm date has been established. Applications for the Resource Conservationist position in Fullerton had been reviewed and the top three recommendations had been forwarded to State Conservationist Steve Chick; the selection should be made in the next week. Bauer said the Emergency Conservation Program or ECP is being run through FSA and most offices are seeking funding for the program. It offers up to 75% cost-share to repair flood damaged conservation practices. NRCS will review each request and provide the information to FSA. He directed the Board to the information on the Emergency Watershed Program – EWP that he had provided. He said that the program requires that the practice protect public property. Streambank protection where a waterway is encroaching on a county or state roadway would be an example of its use. Koehlmoos said the NRD had sponsored the program in 1993 and completed 13 projects totaling \$156,000. He said that there were a couple of instances where landowners failed to live up to the contract.

**Frenzen motioned, seconded by Thoene, that the Lower Loup Natural Resources District participate with the Natural Resources Conservation Service to implement the Emergency Watershed Program. Motion carried by roll call vote, all present voting yes.**

## ENGINEERING REPORTS

### FEMA Hazard Mitigation Plan

Mohler told the Board that, after FEMA approval, participating jurisdictions will still need to pass a resolution adopting the hazard mitigation plan.

### Loup River Levee Recertification

Mohler told the Board that the city of Columbus has hired a second consultant to review the plans for the Loup River Levee. He said he has received a copy of the plans and specs for the Whitetail Levee recertification.

## INFORMATION AND EDUCATION REPORT

### Primary Election Results – Director At-Large

Information/Education Coordinator Larry Schultz told the Board that votes in the NRD Director at-large vote did not change following an automatic recount by the state. Clifford Loseke and Tom Knutson will face off on the November ballot. Seven votes separated Loseke and Brad Stephens.

### Adventure Camp about the Environment (ACE)

Schultz told the Board that the ACE Camp ran from June 20-23 and provided a power-point presentation of photos. He said Chuck Markley of NRCS was in charge of the soils presentation. Students took part in a geo-caching exercise to demonstrate the use of GPS equipment, and the campers also participated in recreational activities like a water slide, canoeing and a dance.

Schultz provided the Board with a map showing the participation of students at Range Youth Camp. He said 14 students from Lower Loup attended the camp.

Thoene asked which organization was airing public service announcements locally and Schultz said he believed it was the Groundwater Foundation. Kruse said that his grandson attended ACE Camp and was eager to return. Smith said that his fourth son attended Range Camp in 2010 and another son was the only student to ever win the junior, senior and adult divisions at the state contest.

## ASSISTANT MANAGER'S REPORT

### Groundwater Management Area Activities

#### Area 28 Activities

Assistant Manager Russell Callan said that Brian Kolar was using the District's new survey grade GPS equipment to set elevations on irrigation wells earlier in the day. He said that certified letters had been sent to potential violators of District groundwater regulations. A second set of letters will be sent to the violators who failed to respond.

Koehlmoos said that staff suggested a 3:00 p.m. public hearing prior to the July NRD Board meeting to address the violations of NRD rules for those who fail to comply. He said the violators get an opportunity to address the Board at the hearing. Citta asked who would serve as

the hearing officer and Koehlmoos said the Board Chairman usually acts as the hearing officer and an attorney for the NRD would be present as well.

**Citta motioned, seconded by Adams, to set the start time for the public hearing on groundwater rules violations for 3:00 p.m. on July 22, 2010, at the NRD Headquarters in Ord. Motion carried by roll call vote, all present voting yes.**

#### Area 28 Aquifer Study Update

Callan said that the LIDAR flights over Area 28 had been completed and the bill appeared in the Treasurer's Report. He said he hoped to have the maps in hand by September. Olsson Associates is on schedule with the work on the study.

#### ELM Update

Water Modeling Coordinator Tylr Naprstek told the Board that the ELM Group received an update on the study the week prior. USGS will begin field work again on July 7<sup>th</sup> in the Lower Loup. August 27<sup>th</sup> is the date set for an ELM Conceptual Model meeting at the Lower Loup NRD headquarters. Callan said the meeting would allow the NRD partners to discuss data they have requested for Phase III. He said that the bids for test hole work on the study had been received.

### FY-2011 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 16<sup>th</sup>, discussing employee wages and recommended a 2.5% average increase for the NRD's employees with 1% for distribution at the Manager's discretion. The Manager's salary was not included in the discussion. Koehlmoos said that the committee recommended funding for a groundskeeper for NRD properties and an assistant bookkeeper at his request. Kruse told the Board that the Committee wished to discuss the Manager's salary separately and information on employee salaries was available from Koehlmoos.

Koehlmoos presented the budget items for Auto and Truck Expense \$50,000; Auto and Trucks \$38,500; Director's Expenses \$35,500; Directors Per Diem \$27,500; Dues and Memberships \$36,000; 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 \$50,700; Employment Security \$5,500; Postage \$27,000; Professional Services \$55,000; Project Land Rights \$0; Project Legal Costs \$5,000; Telephone \$15,000; Utilities \$18,700; Soil Survey \$0; Building Maintenance \$17,000; Loan Repayment \$600,000; Farm Account \$42,500; Davis Creek Maintenance \$28,500; Corners For Wildlife \$23,614; Wildlife Habitat Program \$5,000; Buffer Strip Program \$131,000; and Arboretum Budget \$25,000.

**D. Rasmussen motioned, seconded by Eschliman, to give tentative approval to the portion of the FY 2011 budget as presented and discussed. Motion carried by roll call vote, all present voting yes.**

## MANAGER'S REPORT

### Bank Purchase

Koehlmoos told the Board that TierOne Bank was sold to Great Western Bank before any changes could be made to the NRD bank accounts. He said the new bank has pledged securities to the NRD money market account to guarantee its security. Koehlmoos said he would run the paperwork past the auditor, but it appeared no change was necessary unless a higher interest rate paid toward NRD accounts could be found.

### New Hires

Koehlmoos reported that there were no new hires.

## NARD REPORT

### Director's Report

D. Rasmussen said the NARD Board had met on June 21<sup>st</sup>. There is interest in purchasing or building an office for the Association. He said the NARD budget would increase by four percent and the tree program would run at a charge of three cents per seedling. He said that winners were selected for the NARD Conservation Awards. He said that the insurance program is in good shape and the health insurance program cost will increase three and half percent.

### H.R. 5088 Legislation

Koehlmoos said the legislation would expand the authority of the Corps of Engineers and EPA from "navigable waters" to "all waters in the United States." He said that was a major change that would bear watching.

### Edson's Report

Koehlmoos said there was no report.

## NRC REPORT

### Commissioner's Report

Dick Hadenfeldt was not present. Nelson said that Hadenfeldt had attended the dedication of the Leigh Dam. He said the dam was filled in three days thanks to the recent rains.



## RC&D REPORTS

### Loup Basin RC&D

D. Rasmussen reported that the RC&D would meet the following Tuesday and the agenda was included in the NRD agenda.

### PrairieLand RC&D

Lightner said the RC&D met in St. Edward at the public library. After a tour of the library, the group got a presentation on the projects in the community. He said that a local dam near St. Edward survived the heavy rains with no damage, although it was topped by the water.

## ANNOUNCEMENTS

Schultz thanked Jim Nelson for providing the photo of nesting eagles taken by his neighbor, Louis Barth. Schultz said there would be a Nebraska Emergency Management Agency webcast on flooding in the state at 10:30 a.m. the following morning.

## EXECUTIVE SESSION

**Motion by Citta, seconded by Lightner, to move the Board into Executive Session to discuss personnel matters at 8:15 p.m. Motion carried by roll call vote, all present voting yes.**

**Motion by Citta, seconded by Frenzen, to come out of Executive Session at 8:38 p.m. Motion carried by roll call vote, all present voting yes.**

**Motion by Sieh, seconded by Walden, to set the General Manager's salary at \$80,000 annually. Motion carried by roll call vote. Directors voting yes: Amsberry, Citta, Conner, Eschliman, Frenzen, Kruse, Lightner, Nelson, D. Rasmussen, Sieh, Smith, Staab, Thoene, Walden. Director voting no: Adams. Director Not Present for Vote: Petersen. Directors absent: Anderson, Gellermann, Gutzmer, Hadenfeldt, L. Rasmussen.**

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 8:43 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 22, 2010, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska. The meeting will be preceded by a public hearing at 3:00 p.m.

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Darwin B. Anderson  
Secretary