

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

November 15, 2012

Ord, Nebraska

The November 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 November 15, 2012. Chairman Kruse called the meeting to order at 5:00 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Darwin B. Anderson, Secretary
Joseph L. Citta, Jr. Vice Chairman
Craig E. Frenzen
N. Richard Hadenfeldt
Gary A. Kruse, Chairman
Alan D. Petersen
Darwin R. Sieh
Bradley R. Staab
Kim Walden

Rollie D. Amsberry, Treasurer
Timothy Bartak
James J. Eschliman
Virgil W. Gellermann
Thomas Knutson
James C. Nelson
Dean J. Rasmussen
Gerald P. Smith
Henry J. Thoene

Directors absent

Michael P. Gutzmer

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Dell Harris, Water Resources Specialist
Irene Kreifels, Financial Secretary
Jason Moudry, Water Programs Specialist
Larry D. Schultz, I&E Coordinator
Edward Drozd, Technician, Columbus

Russell Callan, Assistant Manager
Rita Goldfish, Administrative Assistant
Robert T. Mohler, District Engineer
Tylr Naprstek, Water Modeling Coordinator
Richard Woollen, N.C. District Forester

Guests in attendance

Mark Sintek, NRCS, Ord

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. Koehlmoos said that there were no modifications to the agenda.

Eschliman motioned, seconded by Hadenfeldt, to approve the verification of the meeting notice, adopt the amended 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 October 25, 2012, Board meeting minutes. Hearing none, Chairman Kruse ruled that the October 25, 2012, Board meeting minutes would stand approved as amended.

Kruse thanked Citta for chairing the October meeting.

TREASURER’S REPORT

Chairman Kruse directed the Board’s attention to the Treasurer’s Report as published in the regular and supplemental agendas. Koehlmoos said that the NRD had invested in a certificate of deposit at First National Bank in Ord. He said that Goldfish had drafted a resolution to allow the deposit of District funds into a certificate of deposit with Ericson State Bank in Ericson.

Sieh motioned, seconded by Smith, to approve the resolution for deposit of District funds at Ericson State Bank and to approve the November, 2012, Treasurer’s Report and pay all bills. Motion carried by roll call vote, all present voting yes.

PUBLIC COMMENTS

There were no public comments.

FORESTER’S REPORT

North Central District Forester Richard Woollen told the Board that the Lower Loup NRD had 66 applications for the Nebraska Buffer Strip Program. He said that the applications covered 910 acres and 78 miles of buffers. He said that the applications totaled \$175,946.61. Frenzen commented that the Lower Loup’s participation in the program far exceeded any other entity in the state.

Woollen said that he had received a number of forestry assistance calls regarding tree health concerns. He said that the calls were often drought stress combined with various disease pathogens.

NRCS REPORT

In the absence of District Conservationist Bryce Bauer, Resource Conservationist Mark Sintek of the Ord NRCS office told the Board that work on the Spalding office should be complete by December 1st. He said that a Quality Assurance Review had been completed at the Greeley Field Office and that Bauer felt it was the best review in which he had ever participated.

ENGINEERING REPORT

Kaiser Road Structure – Howard County

Mohler told the Board that copies of the road structure agreements had been filed with Howard County. He said that, at the request of the Board, he had assembled some estimated values for the road structures in Howard County and referred the Board to the information in the agenda. Koehlmoos told the Board that, initially, staff had only presented information on the Kaiser road structure, but there were four in total. He said that, in his opinion, the NRD should address the matter of all four with the county. He and Mohler provided the Board with a power point presentation on the four structures. The other three structures were on Kyhn #2, Lukasiewicz, and Bryl properties. He said that, in each case, the area was now being farmed. Citta asked if a landowner could legally modify a structure and he asked if the affected property might have been considered a wetland. He said that the wetland status could be investigated and could require mitigation. Thoene asked if there was still useful life in the structures and Koehlmoos said that there was. There was further discussion about how the structures were altered. Koehlmoos said that the matter would be brought to the Howard County Board in December or January.

There was no action taken on the item.

Mohler told the Board he had visited the Big Slough project in Howard County and provided the Board with photos of the structure. He reminded the Board that the chute was washed out in May, 2008 following a heavy rainfall. He said that a steel sheet piling structure was put in place as a repair along with concrete rubble on the side slopes downstream. He said another high flow caused sloughing of the side slopes. He said there also appears to be groundwater springing up around the structure. He suggested that a contractor be brought in to place filter fabric along the side slopes and replace the concrete rubble. He said a slurry trench could also be built to drain off the springs in the area. He asked for Board authorization to proceed with work on the project. Koehlmoos asked for a cost estimate for the work and Mohler said between \$5,000 and \$10,000. Koehlmoos said unless the Board objected, staff would proceed.

FEMA Hazard Mitigation Plan

Mohler told the Board that there was nothing new to report.

INFORMATION AND EDUCATION REPORT

Election Results

Information/Education Coordinator Larry Schultz directed the Board to the unofficial LLNRD Board election results included in the agenda. He said there were no candidates for the Subdistrict 4

seat, but that there were candidates for write-in. He said that a write-in candidate has to certify with the state, and incumbent Brad Staab did not file the paperwork. He said Randy Kauk did file the paperwork and was the likely winner.

Annual Awards Dinner

Schultz told the Board that the NRD's Annual Awards Dinner would be held following the December Board of Directors meeting. He said that, in the past, the Board had adopted an earlier meeting time.

Knutson motioned, seconded by Adams, to change the start time for the December 20, 2012, Lower Loup NRD Board of Directors meeting at 4:30 p.m. Motion carried by roll call vote, all present voting yes.

Schultz provided the Board with a sign-up sheet for attendance at the 2013 NARD Legislative Conference.

ASSISTANT MANAGER'S REPORT

Variance Committee

Assistant Manager Russell Callan told the Board that the Variance Committee had met earlier in the day to hear a variance request from Larry Zimmer. He said that Zimmer wished to relinquish surface water rights for 141.7 acres on the Loup River in exchange for a groundwater well permit to irrigate 100 acres. Callan said that this was the first time the request had been heard by the Committee and no action was taken.

Callan said provided the Board with a power point presentation featuring information on the applications for new irrigation available under LB-483 which had been viewed earlier by the Variance Committee.

Nelson motioned, seconded by Gellermann, to approve all applications for new irrigated acres, allowed under LB 483, ranking higher than 328.2 points. Motion carried by roll call vote, all present voting yes.

Kruse thanked staff for the work completed on the LB-483 process. Koehlmoos said that the fees associated with LB-483 applications generated \$92,885, approximately \$8,000 more than the previous year.

Water Resources Committee

Callan said that the Committee met November 8th and he directed the Board to the minutes included in the agenda. He said that Moudry was successful in his application for a "319" grant to work in 6 community wellhead protection areas. He said that a static water level report was presented to the Committee and asked Naprstek to provide the power point presentation on the report to the Board. Naprstek said that the data showed minor decreases, averaging about 3.5 feet, across the District and a few locations where there were increases. Callan said that data collected in the fall is not the benchmark and static water levels would be taken again in the spring.

Groundwater Management Area Activities

Area 28 Activities

There was no report.

Update on Robert J. Prokop's Cease and Desist Order

Callan said that Robert J. Prokop had not made contact with the NRD following the issuance of the cease and desist orders. He said that Prokop had ten days to resolve the issues. Callan said that Prokop had contacted the Nebraska Department of Environmental Quality regarding the status of his wells in question. Callan said that DEQ had been notified by Prokop that he had hired a contractor to decommission the wells.

Koehlmoos said that staff had discussed potential action with the NRD's attorney.

Adams motioned, seconded by Citta, to draft a letter to Prokop setting a deadline of 5:00 p.m., December 12, 2012, to respond to the NRD Cease and Desist Order or the matter would proceed to District Court. Motion failed. Directors voting yes: Adams, Knutson, Petersen, Smith, Thoene. Directors voting no: Amsberry, Anderson, Bartak, Citta, Eschliman, Frenzen, Gellermann, Hadenfeldt, Kruse, Nelson, Rasmussen, Sieh, Staab, Walden. Director absent: Gutzmer.

Walden motioned, seconded by Frenzen, to proceed with District Court action in the Robert J. Prokop matter. Motion carried by roll call vote, all present voting yes.

ELM Update

Callan told the Board that staff met with representatives of DNR at the NRD Manager's meeting in Chadron to discuss the grant funding for the ELM Project. He said that a consensus was reached to fund about 75 percent of the project costs. Approximately \$160,500 was granted to the ELM project.

MANAGER'S REPORT

New Hires

Koehlmoos said that there were no new hires.

NARD REPORT

Director's Report

Rasmussen said that the NARD Board met on Monday and Tuesday. He said that the Association's finances are in good shape and the insurance program did well financially. He said that the annual conference would continue in Kearney for two more years. He said the efforts by a group of NRDs to purchase a large ranch for water recharge to the Republican and Platte Rivers was discussed. He said the meeting was held at the community college in McCook.

NRC REPORT

Hadenfeldt reported that the Commission held a special conference call meeting and selected a bid for auctioning watershed property. He said that there would be more NRC meetings in Lincoln on the 28th and 29th.

RC&D REPORTS

Loup Basin RC&D

Rasmussen told the Board that the RC&D had not met.

PrairieLand RC&D

Gellermann reported that the RC&D had met to discuss the Shell Creek Project, but he was unable to attend.

ANNOUNCEMENTS

Koehlmoos announced that Rasmussen had won an the NRD Outstanding Leadership Award from the Nebraska Land Improvement Contractors Association. Walden complimented Rasmussen on his interview on KRVN.

ADJOURNMENT

With no further business before the Board, Chairman Citta declared the meeting adjourned at 6:35 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 a newspaper in each county within the District. The next Board of Directors meeting will be held Thursday, December 20, 2012, at 4:30 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary