

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

December 20, 2012

Ord, Nebraska

The December 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 December 20, 2012. Chairman Kruse called the meeting to order at 4:39 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  
Gerald P. Smith  
Henry J. Thoene

Rollie D. Amsberry, Treasurer  
Timothy Bartak  
James J. Eschliman  
Virgil W. Gellermann  
Thomas Knutson  
James C. Nelson  
Dean J. Rasmussen  
Bradley R. Staab  
Kim Walden

### Directors absent

Michael P. Gutzmer

Darwin Sieh

### Staff in attendance

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

Russell Callan, Assistant Manager  
Rita Goldfish, Administrative Assistant  
Robert T. Mohler, District Engineer  
Cheryl K. Hornickel, Programs Assistant  
Richard L. Woollen, N.C. District Forester

### Guests in attendance

Bryce Bauer, DC, NRCS, Ord

Randy Kauk, 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. Koehlmoos said that there were no modifications to the agenda.

**Knutson 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 November 15, 2012, Board meeting minutes. Hearing none, Chairman Kruse ruled that the November 15, 2012, Board meeting minutes would stand approved as submitted.

## 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 \$100,000 into a certificate of deposit at Ericson State Bank in Ericson, and the NRD would probably be investing \$100,000 more in January. The bank’s interest rate is much better than the NPAIT rate.

Koehlmoos also reported that Central Bobcat delivered the new Bobcat, and the old one would be sold. Smith mentioned that a lot of people are looking for one.

Koehlmoos noted that the payment of \$23,216.64 to Olsson Associates should be the final payment for the Area 28 Study, and much of that amount will be covered by the grant.

**Rasmussen motioned, seconded by Eschliman, to approve the December, 2012, Treasurer’s Report and pay all bills. Motion carried by roll call vote. Directors voting yes: Amsberry, Anderson, Bartak, Citta, Eschliman, Frenzen, Gellermann, Hadenfeldt, Knutson, Kruse, Nelson, Petersen, Rasmussen, Smith, Staab, Thoene, and Walden. Director abstaining: Adams. Directors absent: Gutzmer and Sieh.**

## PUBLIC COMMENTS

Koehlmoos introduced Randy Kauk, new director from Subdistrict #4, who will take office in January.

## FORESTER’S REPORT

District Forester Rich Woollen reported that the Conservation Tree Work Group is an ongoing group with representatives from NRDs, NRCS, Bessey Nursery, the Department of Agriculture, and the Nebraska Forest Service. The group exchanges information to help promote and work with conservation tree planting around the state, in addition to Schultz’s promotional efforts.

Woollen reported that for the Nebraska Buffer Strip Program, two status reviews are required for each buffer strip throughout the contract period to make sure everything is in order. Woollen directed the Board to the list of inspection criteria listed in the agenda. The NRD technicians will be following up on the inspections, and he hopes to have them done by July.

Woollen reported that staff will have to work with the One-Call Notification System Act for tree planting purposes. He felt this was a good system to utilize, especially if something were to happen during a tree planting job. OneCall Concepts provides a web-based system for requesting utility locator assistance for underground utilities. They gave a presentation at the recent NRD staff meeting to update this available option when sending in the tree planting locations.

## NRCS REPORT

Bryce Bauer, District Conservationist, reported that the deadline to sign up for EQIP is the 21<sup>st</sup>. He and Woollen put together a radio spot about windbreak renovation to inform the public of what can be done with dead and dying Scotch pine. Overall, there have been a lot more gravity-to-pivot applications this year.

Bauer said the Spalding building is done and everyone is moved in.

Bauer reported on NRCS holiday administrative leave. He said the question had come up regarding whether the secretaries can stay in the office and work when the office is closed. Word from the NRCS State Office is yes.

Koehlmoos said this situation comes up frequently. He said if the field offices are closed and the feds are gone, what about the field office secretaries? Do they stay in the office? Do they go home? It was clarified that, during budget time, when the NRCS offices are closed, the secretaries are to be gone. Then, if the field office secretaries get time off, what about the Headquarters office? Is it fair for them to work and the field office personnel not to?

After talking with Kruse about the situation this year, it was decided that if the NRD employees can work, they can work; if they don't work and want to take the time off, they will have to use vacation time or they can take leave without pay. That's how it has been handled at the Headquarters office.

Hazardous weather and not being able to get to work was also talked about. NRCS treats this as administrative time, and the field office employees wondered what to do if they can't make it in to the office. Do they have to use vacation time for that, also? Koehlmoos said no. If weather and road conditions are hazardous, he doesn't want them out on the road. When employees can't make it to work, or if the office is closed part of the day due to bad weather, they are to indicate "weather leave" on their time sheets. Koehlmoos will keep track of the information to see if some offices are taking advantage of this more often than others.

Koehlmoos said we need clarification of this for our personnel policy.

Bauer reported that the hazardous weather policy for NRCS follows what the schools do. If school starts late or is cancelled, employees have an extra hour to get to work.

Frenzen indicated interest in knowing the acres and the benefit to the District on the gravity-to-pivot conversions. Bauer said that a flat rate was paid per acre last year; now it is \$20 per foot. This is the first year that NRCS requires irrigation water management. Producers will need to keep records for three years and have flow meters.

## ENGINEERING REPORT

### FEMA Hazard Mitigation Plan

District Engineer Robert Mohler reported that the NRD received a letter from the FEMA Mitigation Division in Kansas City approving our plan. They indicated "Date Completed" as November 19, 2012. He said that he understood that when the first jurisdiction turns in their resolution, the "5 years" starts clicking, meaning in 5 years, the plan needs to be updated and reapproved by FEMA.

Staff recommends authorizing the Chairman to approve and adopt the resolution approving the plan. The copy of the plan that was turned in to FEMA was dated in October. Koehlmoos wondered if FEMA made any modifications or changes from the plan that was submitted to them, if it was verbatim. Mohler responded that no changes were made.

Walden questioned if the NRD was accepting for every jurisdiction that was covered by the submittal. Koehlmoos responded that our NRD is the plan sponsor, and all the jurisdictions will be underneath its plan.

Koehlmoos clarified that the clock starts the day FEMA receives the first resolution.

**Frenzen motioned, seconded by Hadenfeldt, to approve the resolution adopting the plan for the Lower Loup NRD and to authorize the chairman's and secretary's signatures. Motion carried by roll call vote, all present voting yes.**

Mohler said that letters and copies of the plan on CD will be going out to the different jurisdictions. The drawback to a jurisdiction not approving the plan is that they will not get to use the grant monies that are available. Mitigation projects would receive 80% funding for their community.

### Howard County Road Structures

Mohler reported that the NRD has requested time on the agenda for the January 22<sup>nd</sup> meeting of the Howard County Commissioners. No confirmation details have been received. Hadenfeldt indicated he saw in the newspaper that the NRD was on the agenda.

## INFORMATION AND EDUCATION REPORT

### Land Judging/Range Judging

Information/Education Coordinator Larry Schultz reported that the state land judging contest was finished. Lower Loup NRD didn't have a team qualify for the national contest in land judging this year, but we had some in range judging. He noted that the District offers scholarships or assistance in getting the teams to the national contest which is held in Oklahoma City.

The North Central Land Judging Contest will be held October 9, 2013. Lower Niobrara and Upper Elkhorn NRDs are co-hosting the contest, tentatively scheduled for the Neligh area.

Lower Loup NRD will host the State Range Judging Contest in 2013 in Platte County, possibly on September 26<sup>th</sup>. Ed Drozd helped locate a tentative site.

### NARD Calendars

Each Director received a 2013 NARD calendar and Schultz highlighted the months showing Lower Loup NRD photo submissions.

Schultz reported that he is working on an *In the Loup* newsletter which should be coming out by the end of the year or early January. Schultz also reported that the Aflac representative was present at the recent staff and safety meeting, and also had the OneCall Diggers Hotline conference call.

## 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 from Larry Zimmer about his request to relinquish a portion of a surface water right in order to drill a well. The property was for 117 acres on the South Loup River, and he had been irrigating approximately 71 acres. Zimmer wanted to relinquish this portion of the surface water right to irrigate 100 acres. Because of the stream depletion factor in allowing the exchange, only 90 acres of groundwater irrigation could be allowed without an effect on the river. Citta mentioned there is no net impact on the stream.

**Citta motioned, seconded by Adams, to approve the Zimmer variance request to exchange 117 acres of surface water irrigation for a well permit to irrigate 90 acres. Motion carried by roll call vote, all present voting yes.**

### Groundwater Management Area Activities

#### Area 28 Activities

Callan reported that the annual report forms will soon be sent out to producers.

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

Callan said that the NRD is in the process of putting information together to be filed for district court. Mr. Prokop has not made contact with the NRD, but the District had heard from DEQ. Drozd informed Callan that the wells are still there.

### ELM Update

Callan reported that the ELM group met on December 4<sup>th</sup>. The ELM project is going well and nearing completion. A final report should be available next fall. With the grant funding, the NRD ended up with about 75% of what was asked for in the last and final year, and it is believed that will be enough to finish. There will be a draft report before final publication.

Callan also reported that the ELM group might put together a web site in which members of the ELM group could enter numbers and get an answer as to what the effects would be to modify irrigated acres or other things.

Eschliman asked if there will be a 5-year follow-up on the ELM Study to update it so the whole thing wouldn't need to be repeated in 20 years. Callan answered that the methodology and framework that the model runs on will still be there, but the numbers will change.

Koehlmoos said the project will be ongoing. He said the plan is to take the large regional model and reduce it to get a more detailed local model. New technology continues to make the model better. Callan mentioned that the work that was done in 2008 when the lysimeters were put in for recharge rates could be added to the model later.

Amsberry wondered what other studies the model was being used for. Callan said the USGS has used it for the High Plains Aquifer Study and DNR has used portions of it in the Niobrara study. Koehlmoos said the model would also be used for the Lower Platte River Basin Coalition.

## MANAGER'S REPORT

### New Hires

Koehlmoos said that there were no new hires.

Koehlmoos reported that the Lower Platte River Basin Coalition met in Wahoo on the 18<sup>th</sup> and they thoroughly went over the interlocal agreement, making a few modifications. The group needed a sponsoring district and Lower Loup NRD was selected. When and if contracts with consultant work is needed, it will be the NRD's responsibility to handle the money. The Coalition will make recommendations, but interlocal expenditures for the group will need to run through the Lower Loup NRD Board. The Lower Loup NRD will make the collections and execute the contracts. There is a provision to pay back expenses.

Koehlmoos said 'integrated management' was taken out of the document since this is a voluntary basin plan and not necessarily for integrated management. It is intended to pull all the districts' information together which can then be used for the integrated management plans of individual districts.

## NARD REPORT

### Director's Report

Rasmussen said that the NARD Board had not met, but will meet at the Legislative Conference in January.

### NARD Legislative Conference – January 29-30, 2013

Koehlmoos told directors to let Schultz know if they plan to attend.

NARD Washington, DC Conference – March 9-14, 2013

Koehlmoos said we need to start getting organized for the conference and need an idea of how many directors are wanting to attend.

NRC REPORT

Hadenfeldt reported that the Natural Resources Commission met in Lincoln in November and will meet again at the Legislative Conference. There will be three, possibly four, new members to the NRC. One commissioner needing to be replaced was due to being elected to the State Legislature.

RC&D REPORTS

Loup Basin RC&D

Rasmussen told the Board that he attended the Pibel Lake meeting and said that Naprstek did a great job presenting the information. A meeting in Greeley focused on membership. Also, gentlemen from Scotia talked about a project to make diesel and gasoline from cedar trees. Rasmussen also attended the open house for the new RC&D office in Burwell.

PrairieLand RC&D

Gellermann reported that the RC&D meeting in Petersburg had been cancelled. The RC&D is applying for grants for tire recycling. The Madison area is looking in to new plants for their industrial site.

Citta requested information on the occupation tax. Koehlmoos responded that right now it is only available to districts that are fully- or over-appropriated and have an approved integrated management plan. The language for the occupation tax needs to be in the plan and approved through the public hearing process. It's becoming a major funding source for districts that are having to come up with funds for putting water back into the river.

Koehlmoos informed the Board that Jesse Bradley is tentatively scheduled to speak to the Board in February about where the state is at in designating the lower Platte River Basin fully- or over-appropriated. The information would also be helpful for long-range implementation planning, and for some of the projects and programs being considered. The next river basin tests will be the end of 2013. Koehlmoos said there have been modifications regarding how a basin is designated, but it hasn't gone through the hearing process yet.

ELECTION OF OFFICERS, NARD REPRESENTATIVE/ALTERNATE, RC&D DELEGATES/ALTERNATES, LEGISLATIVE CONFERENCE VOTING DELEGATE/ALTERNATE, AND ANNUAL CONFERENCE VOTING DELEGATE/ALTERATE.

**Rasmussen motioned, seconded by Smith, to retain the current slate of officers, with the addition of a second vice chairman, Henry Thoene.**

Rasmussen said that if it doesn't rain, the NRD might run in to a lot of problems. He nominated Hank Thoene to serve as a second vice chairman. He felt Thoene would be a valuable asset since he has been around irrigation for many years. The District would then have representatives from the west, central, and east.

Koehlmoos said the NRD bylaws is where number of officers is set and wondered if Rasmussen's motion is to be used to make a modification to the bylaws of the District. The consensus was yes. Kruse said there would need to be a designation of Citta as 1<sup>st</sup> vice chairman and Thoene as 2<sup>nd</sup> vice chairman. Koehlmoos would check to see if changing the bylaws required a special meeting or hearing.

**Motion carried by roll call vote, all present voting yes.**

**Adams motioned, seconded by Citta, to name Rasmussen as NARD Representative and Gellermann as alternate. Motion carried by roll call vote, all present voting yes.**

**Anderson motioned, seconded by Smith, to name Rasmussen as delegate and Henry Thoene as alternate to the Loup Basin RC&D. Motion carried by roll call vote, all present voting yes.**

**Adams motioned, seconded by Knutson, to name Gellermann as delegate and Sieh as alternate to the PrairieLand RC&D. Motion carried by roll call vote, all present voting yes.**

**Adams motioned, seconded by Hadenfeldt, to name Rasmussen as voting delegate and Gellermann as alternate for the 2013 NARD Legislative Conference and the 2013 NARD Annual Conference. Motion carried by roll call vote, all present voting yes.**

Kruse mentioned the Directors Retreat held earlier in the year which defined a lot of projects that the NRD wants to spend time on and put a timeline on. Kruse would like to implement a Projects/Programs Committee to the Board, either separately or as one committee. The consensus was to have one committee. Kruse said committee assignments would need to be made in January for the Water, Variance and Projects/Programs Committees, and wanted directors to indicate their preference on the sheet that was passed around. Kruse felt it was important for all Board members to have an interest on a committee.

**APPROVAL OF 2013 BOARD MEETING CALENDAR, DESIGNATION OF OFFICIAL NEWSPAPERS & BANKS, SET MAXIMUM COST LIMIT PER PLATE FOR AWARDS DINNER AND MAXIMUM FOR 2013 AWARDS**

**Smith motioned, seconded by Eschliman, to approve the proposed 2013 Board Meeting calendar; name the Grand Island Independent as the District-wide newspaper with use of The Albion News, The Burwell Tribune, The Custer County Chief, The Columbus Telegram, The Greeley Citizen, The Nance County Journal, The Ord Quiz, The Phonograph-Herald, The Ravenna News, and The Sherman County Times for meeting announcements and legal notices; name Great Western Bank in Ord as the main repository for the Lower Loup NRD's funds, and First National Bank in Ord as the secondary repository; and set the Annual Awards Dinner maximum at \$40 per plate for the meal and \$100 maximum for awards. Motion carried by roll call vote, all present voting yes.**

## ANNOUNCEMENTS

Chairman Kruse presented recognition awards to Craig Frenzen and Brad Staab who are going off the Board. Kruse thanked them for their service.

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 5:55 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, January 24, 2013, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Darwin B. Anderson  
Secretary