

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

January 24, 2013

Ord, Nebraska

The January 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 January 24, 2013. 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
James J. Eschliman
N. Richard Hadenfeldt
Gary A. Kruse, Chairman
Alan D. Petersen
Darwin R. Sieh
Henry J. Thoene

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
Virgil W. Gellermann
Randy Kauk
Clifford P. Loseke
Dean J. Rasmussen
Gerald P. Smith
Kim C. Walden

Directors absent

Joseph L. Citta, Jr., Vice Chairman
Thomas L. Knutson
James C. Nelson

Michael P. Gutzmer
Matt Lukasiewicz

Staff in attendance

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

Russell G. Callan, Assistant Manager
Rita A. Goldfish, Administrative Assistant
Robert T. Mohler, District Engineer
Cheryl K. Hornickel, Programs Assistant
Tylr D. Naprstek, Water Modeling Coordinator

Guests in attendance

Bryce Bauer, DC, NRCS, Ord
Richard Hodson, Sargent

Eugene Bredthauer, 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.

Gellermann 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.

Chairman Kruse welcomed Randy Kauk and Clifford Loseke, new directors to the Board.

MINUTES

Chairman Kruse asked for corrections and/or additions to the December 20, 2012, Board meeting minutes. Hearing none, Chairman Kruse ruled that the December 20, 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 commented that the hydrasleeves, referred to in Special Projects, are special sampling devices placed into several of the NRD’s observation wells to avoid slipping a pump down the wells to get samples.

Koehlmoos reported that the expense listed to Kirkham Michael is the final payment for creating the Hazard Mitigation Plan. The plan has been approved, and per contract, the firm should be paid. The NRD is now waiting to receive resolutions from all the participating communities.

Koehlmoos told the Board that the expense to Olsson Associates is their final payment for the Area 28 project. Koehlmoos mentioned that staff would like to do additional computer work with Olsson Associates to get some 3D modeling done on the results they put together.

Rasmussen motioned, seconded by Eschliman, to approve the January, 2013, 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

Due to the absence of District Forester Rich Woollen, Koehlmoos referred the Board to Woollen’s report in the agenda.

NRCS REPORT

Bryce Bauer, District Conservationist, reported that nearly 500 EQIP applications were received and are now being ranked. He said a couple pickups had been sold and 4WD pickups purchased.

Koehlmoos asked Bauer if he had received any information from Lincoln regarding the interlocal agreements for the Range TSP and Prescribed Burn Coordinator positions. The John Ortmann agreement with the NRD and NRCS expires in February. Koehlmoos said he had talked with Ortmann and indicated that the Board stood firm in the fact that no additional NRD funding would be made part of the interlocal agreement for the positions. Koehlmoos said the NRD has some money set aside for short-term funding for Ortmann's position, but unless NRCS is willing to fund their original share, the position might be terminated. Bauer said NRCS funding was capped at 50%.

Amsberry asked Bauer if he knew anything about letters from DNR to landowners regarding dams that hold over 15 acre-feet of water. Bauer said he did not. Koehlmoos said DNR actions were to start in the Republican basin, but DNR might be looking statewide to be consistent. Koehlmoos said instream flow would be an issue in the Loup basin.

ENGINEERING REPORT

Howard County Road Structures

District Engineer Robert Mohler reported that he, Director Hadenfeldt and Koehlmoos met with the Howard County Commissioners on January 22nd. He said that the county attorney was concerned about the easements and wondered, if the easements were to be reacquired, how much area would the resulting pools require. Mohler said he planned to determine that data based on siltation that may have taken place since the dams were built.

Kruse asked Koehlmoos to give an overview of the Road Structure Program for the benefit of the new directors. Koehlmoos explained that when the NRDs were established in the 70s, this program was also created. NRDs partnered with counties to replace old bridges with road dams. The county would build the structures and the NRD would reimburse them for the tubes used. He said that it had been 37 years since some of these structures were built in Howard County. Koehlmoos said that when Mohler made periodic inspections, he found that some of the tubes had been vandalized.

Koehlmoos said that the county was contacted about one of these situations and indicated they weren't going to act because the easements weren't satisfactory. He said that the NRD has a signed agreement with the county that has been registered with the clerk and the NRD is trying to work out how the problem is going to be remedied.

Koehlmoos said the NRD will be sending Howard County some engineering figures and the attorney for Howard County will do some research on the situation. At this time, there are four structures that need repair. A fifth structure was implicated.

Koehlmoos thanked Hadenfeldt for his input at the meeting. Hadenfeldt said that Howard County seemed more receptive in finding solutions. He said there were various reasons why the road structures were designed the way they were years ago. There was agreement among the

commissioners to check in to a possible re-design of the structures and see if they're still functional or necessary; and if they're not necessary, how does one change the paperwork to make that work. Koehlmoos said that he was hopeful the NRD might be able to get some type of an easement for a small pool, although it may not be as large as what the original structure was designed for. He said that he was hoping there will be some decisions made by May.

Mohler said that he gave Howard County a packet of pictures of the various road structure modifications.

FEMA Hazard Mitigation Plan

Kruse asked Mohler to give a summary of the Hazard Mitigation Plan. Mohler explained that "hazard" refers to natural hazards, such as a floods, tornadoes, ice storms, etc.; and "mitigation" pertains to actions that can be taken before a disaster strikes to make the damages to people and property less severe. He said that FEMA has funding available for use by communities that have adopted a plan. He said that putting together the detailed plans is very time-consuming and the NRD didn't want the many smaller communities each having to prepare their own, so the Board decided to foot the local cost for putting together an umbrella plan for the entire District. For the plan, each community participated by supplying information about their local area. Each jurisdiction now has to pass a resolution to adopt the plan that the NRD has prepared so they qualify to request FEMA monies.

The plan has been approved by FEMA and the NRD has sent out CDs of the entire plan to each entity. He said that half of the resolutions have been approved and returned to the NRD office. If a community does not adopt the plan, they will not be able to apply for any of the FEMA money in the event of a natural disaster in their area.

Sieh asked if all the NRDs are involved in Nebraska, and Mohler responded that a lot of them were, and many have adopted plans; some are in the process of making their 5-year update.

Walden asked if communities would come in and ask the NRD for help in writing the grant applications to FEMA. Koehlmoos answered that they could if the Board wished, but he wasn't sure that the NRD would have the staff time to provide the service. This could be better handled through a consultant.. He thought there would be more of an opportunity for communities to make an application to the NRD for their local share of any monies they might request from NEMA.

INFORMATION AND EDUCATION REPORT

Adventure Camp about the Environment (ACE)

Information & Education Coordinator Larry Schultz reported that ACE camp was coming up this summer and the cost is \$190. He said the NRD offers \$100 in scholarship for this camp. He passed around camp brochures and indicated he would be sending one to each school in the District.

Schultz also reported that the NRD quarterly newsletter, *In The Loup*, was mailed out recently to approximately 17,000 constituents. Main topics of interest from the past few months are highlighted in the newsletter.

ASSISTANT MANAGER'S REPORT

Variance Committee

Assistant Manager Russell Callan told the new directors that the Variance Committee meets whenever there's a request for variance, and the request can be anything somebody wants to do that doesn't necessarily meet NRD rules. He said that the committee takes a look at the request to see if it is justified and it's a two-meeting process. He said that the first meeting is informational and the producer presents his case, while at the second meeting the next month additional information may be presented and then there is a recommendation to the Board concerning the variance request whether to approve, deny, or approve with conditions.

The three first-time variance requests this month included Jolyn Farms, Inc., who want to transfer acres, but Callan said they did not meet the NRD rule of acres having to be irrigated two out of ten years from 1998 to 2008. Jolyn Farms is asking for a variance that the land was previously irrigated just prior to those years. The request from Stobbe/Baillie/Feller/Fowler involves surface water rights. The irrigation district hasn't been able to serve them enough water for their land and the landowners want to drill a groundwater well. The Lindeman request involves wanting to develop acres in a wellhead protection area. Callan said the Board recently set a rule that there will be no new acres in a wellhead protection area so the drinking water supply can be protected.

Groundwater Management Area Activities

Area 28 Activities

Callan said that Area 28 includes land from around Palmer south of the Loup River, east to Columbus, which is the NRD's Water Quality Phase III area. He said that nitrate readings average around 20.0 ppm in this area. Callan said that receiving the annual reports from producers in a timely and accurate manner every year has been a problem since the requirement began back in 2004/2005. The NRD plans to split the reports so producers have nitrate recommendations in front of them each spring prior to putting on nitrogen. Presently, producers report at the end of the year. Callan said split reporting would show what was actually in the nitrogen budget and also what happened throughout the year.

Callan provided a powerpoint presentation on a web-based way to report field information in Area 28 which would save time collecting paper forms, improve efficiency, and make it easier for the producer to submit information. The NRD is working with GIS Workshop, a private engineering consultant company, on a specialized reporting system. Callan and Harris met with them and area assessors to talk about sharing GIS data regarding irrigated acres.

Callan said that the NRD has wanted to provide field history to the producers, but have been unable to get consecutive data put together to show them what they've done in past years and this web reporting program could provide that.

Kruse asked what the cost would be. Koehlmoos responded that cost estimates for developing a scope/plan for this program might be around \$2,000, and estimates for the full package would probably range from \$20,000 to \$30,000. This program has been talked about in the past and Koehlmoos said that money has already been budgeted.

Sieh motioned, seconded by Adams, to develop a scope for the web-based reporting system for Area 28.

Gellermann asked if the program would include updates and Koehlmoos said there would be updates but the NRD would be charged for them. Callan said that GIS Workshop would house the program on their server and any problems that might come up would be fixed by them.

Thoene asked if it cost the counties anything to get involved in this program. Koehlmoos answered yes, for their own GIS work; for what the NRD plans to do for reporting, no. He said the GIS Workshop's biggest customer was the counties, but now that most of them are online, GIS Workshop is broadening their base and looking at working with NRDs.

Walden wondered if submitting the Area 28 information online was mandatory or voluntary. Callan said that he is assuming it would be mandatory, but producers could also meet with staff in the office. Walden encouraged staff to carefully look in to breach of data concerns regarding the online program regarding confidentiality and liability.

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

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

Callan said that Mr. Prokop is in violation of the NRD's rules and regulations on a couple issues – a reporting problem and four abandoned wells that were not properly decommissioned. The NRD filed a notice of violation which was ignored, had a public hearing where a cease and desist order was issued a second time and ignored, and now filed papers with the district court. Mr. Prokop has received his filing, but the NRD has not heard from Nance County District Court about a date.

ELM Update

There was nothing new to report.

MANAGER'S REPORT

LB-186 (Senator Christensen) – Livestock Waste Lagoons

Koehlmoos reported on a bill submitted by Senator Christensen of Imperial, which the senator said resulted from receiving complaints from Lower Loup NRD constituents who were dissatisfied with the NRD's new rule regarding acres irrigated by lagoon water being certified as groundwater irrigated. Koehlmoos said Senator Christensen didn't want this type of rule filtering down to his NRD since he pumps lagoon water onto his dryland fields and wants to continue to do so. A hearing date has been set for January 30th. If the bill should pass, the NRD's present rule would be deleted from its rules and regulations.

Callan reported that after this bill was introduced, any requests the NRD has received or will receive for wells for lagoon water will be put on hold until the issue is resolved.

Second Vice Chairman Position

Koehlmoos said the Second Vice Chairman position that was voted on in December was out of order according to state statute 2-3217. The motion was declared invalid.

Lower Platte River Basin Coalition

Koehlmoos reported that there might be a short meeting of the coalition in Lincoln next week regarding the interlocal agreement.

New Hires

Koehlmoos said that Melanie Ries, a junior at Ord High School, had been hired to help water personnel.

NARD REPORT

Director's Report

Rasmussen said that the NARD Board will meet at the Legislative Conference next week.

NARD Legislative Conference – January 29-30, 2013

Koehlmoos said several directors were signed up to attend the Legislative Conference. If anyone needs a copy of a particular legislative bill, Schultz can provide it.

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

Koehlmoos reported that some directors and staff will be attending the conference in March.

NRC REPORT

Hadenfeldt reported that the Natural Resources Commission will meet next week in Lincoln at the Legislative Conference. There will be three new members to the NRC.

RC&D REPORTS

Loup Basin RC&D

Rasmussen told the Board that Loup Basin RC&D met in Ord last week. The Western RC&D conference will be held in Scottsbluff on March 17-20. Loup Basin will be attempting a tire recycling program. Rasmussen said that the RC&D plans to repair the cross on Happy Jack Hill before Easter and also reported that the chalk mine had been vandalized.

Koehlmoos said that Loup Basin RC&D and the community of Sargent had called asking if the NRD would sponsor an application for tire recycling.

Rasmussen said that someone from Loup City may be contacting the NRD regarding Bowman Lake. Koehlmoos said that he had already visited with someone.

PrairieLand RC&D

Gellermann reported that there had been a meeting in Petersburg and that things were quiet right now.

COMMITTEE APPOINTMENTS

Committee appointment sheets were passed out. Chairman Kruse said he wanted to get every Board member on a committee. He announced the chairmen of the following committees: Programs/Projects – Jim Eschliman; Water Resources – Hank Thoene; Variance – Rollie Amsberry. The Executive Committee will consist of the four officers and the committee chairmen.

ANNOUNCEMENTS

Rasmussen reported that he received an NRD Leadership Award in Kearney on the 16th. He showed his plaque and a picture of his family who attended the recognition ceremony.

ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 6:12 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 a newspaper in each county within the District. The next Board of Directors meeting will be held Thursday, February 28, 2013, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary