

February 11, 2016
Nemaha Natural Resources District
Regular Meeting
Tecumseh, Nebraska

1. **CALL TO ORDER/ROLL CALL/MOMENT OF SILENCE**

Chair Steve Sugden called the four hundred eighty-ninth meeting of the Nemaha Natural Resources District Board of Directors to order at 7:05 p.m. Thursday, February 11, 2016, at the NRD Headquarters in Tecumseh, Nebraska.

DIRECTORS PRESENT:	Lisa Beethe Rob Bohling Charles Duryea Jim Gerweck Orval Gigstad Dave Guhde Dan Hodges	Jenny Kearney Jon Keithley Tim Loseke Michael McDonald Russel Moss William Niedfeldt Alan Romine	Don Siske Mike Speece Dan Stukenholtz Duane Sugden Steve Sugden Kevin Thorne
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**DIRECTORS
ABSENT:** Doug Iske

**STAFF
PRESENT:** Bob Hilske, Manager
Scott Nelson, Assistant Manager
Jane Kuhl, Administrative Assistant
Chuck Wingert, Water Resources Manager

GUESTS PRESENT:	Richard Wing, Shubert Patsy Wing, Shubert David Jorn, Verdon Dwight Elliott, Dawson Dustin Elliott, Verdon Kent Zimmerman, DNR	Gary Jorn, Verdon Travis Hazard, JEO Consulting Don Jorn, Verdon Dave Bauman, Verdon Sue Hodges, Julian Roger Reichmuth, NRCS, Tecumseh
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Following the Pledge of Allegiance and a moment of silence, S. Sugden announced that the Open Meetings Act was posted at the back of the room.

2. **PROOF OF PUBLICATION**

Proof of Publication was presented and is on file.

3. **ELECTION OF OFFICERS**

Loseke announced that Steve Sugden agreed to run for Chair again. No nominations were made from the floor, and a motion was made and seconded that nominations cease. Upon secret ballot, Steve Sugden received 18 votes and one abstention.

Dan Hodges also agreed to run again for Vice-Chair. No nominations were made from the floor, and a motion was made and seconded that nominations cease. Upon secret ballot, Dan Hodges received 19 votes and one abstention.

Bill Niedfeldt agreed to run again for Secretary-Treasurer. No nominations were made from the floor, and a motion was made and seconded that nominations cease. Upon secret ballot, Bill Niedfeldt received 19 votes and one abstention.

4. **APPOINTMENT OF NARD REPRESENTATIVE AND ALTERNATE**

Loseke moved, seconded by D. Sugden, to appoint Orval Gigstad as the NARD Representative for 2016. Motion carried.

AYE: Beethe, Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Moss, Niedfeldt, Romine, Siske, Speece, Stukenholtz, D. Sugden, S. Sugden, Thorne

NOT PRESENT: Iske

Loseke moved, seconded by Beethe, to appoint Don Siske as the NARD Alternate for 2016. Motion carried.

AYE: Beethe, Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Moss, Niedfeldt, Romine, Speece, Stukenholtz, D. Sugden, S. Sugden, Thorne

ABSTAINING: Siske

NOT PRESENT: Iske

5. **EXCUSED ABSENCES**

Siske moved, seconded by Gigstad, to approve the excused absence requested by Doug Iske. Motion carried on consent agenda.

6. **OPEN FORUMS**

All NRD directors, staff, and guests introduced themselves.

7. **MINUTES**

Siske moved, seconded by Beethe, to approve the minutes as presented. Motion carried on consent agenda.

8. **TREASURER'S REPORT**

D. Sugden moved, seconded by Siske, to approve the Treasurer's Report as submitted. Motion carried on consent agenda.

9. **STAFF REPORTS**

Hilske reviewed his report as well as current legislation. Nelson reviewed his report.

10. AGENCY/ASSOCIATION REPORTS

A. Natural Resources Conservation Service

Reichmuth provided a written report and also reported on EQIP ranking and allocations as well as increased interest in the continuous CRP.

B. Five Rivers RC&D

D. Sugden reported that their meeting would be next week.

C. Nebraska Association of Resources Districts

Gigstad reported on the NARD board meeting and announced that the basin tour would be June 13-14 starting in York.

D. Nebraska Natural Resources Commission

1. State Erosion & Sediment Control Program Update

Kent Zimmerman representing the Nebraska Department of Natural Resources thanked the board for allowing him to conduct a public meeting as part of the board meeting. He highlighted some of the changes that the Legislature passed last year regarding the Erosion & Sediment Control Program. He added that the changes are on their website or you could email him as well. Hilske briefly reviewed the purpose of the program and how it works and that the Nemaha NRD would be holding a public hearing on its local program and plan as well. Zimmerman then opened the floor for questions.

2. Public Comments on State Program Update

Don Jorn asked about a specific situation on his farm. Duane Sugden asked if there has to be a certain amount of sediment loss and how you determine whether there is a claim. Hilske explained that economic damages must be determined and the requirement to bring the soil loss down to T value. Reichmuth explained T value of soil. Zimmerman asked for any additional comments by April 19.

3. Commission Meeting Report

S. Sugden stated their next meeting would be April 19, and he asked Kent Zimmerman to review the water quality fund applications process. Zimmerman reported there were 27 applications received with one from the Omaha sewer separation project, 14 small applications (\$250,000 or less) and 12 large applications. The total fund is \$29 million with \$2.9 going to the sewer project and \$2.9 to the smaller applications, which total less than \$2.9 in requests. The large applications, however, total about twice the amount available. A committee will score the projects and submit them to the Commission for final approval.

11. STANDING COMMITTEES

A. Programs & Projects Committee

1. *Review/Action on Well Permit Applications:* Applications received were as follows:

Permit#	Applicant Name	Well Location	GPM	Purpose	**Score
N656	Lynn Binder	NE¼ SE¼ of Section 21-6N-9E, Johnson County	1000	Irrigation	259
N657	Matthew Bauman	Center NE¼ Section 5-2N-15E, Richardson County	200	Irrigation	260
N658	Matthew Bauman	NW¼ NE¼ Section 5-2N-15E, Richardson County	200	Irrigation	288

Gerweck moved, seconded by D. Sugden, to approve well permit #N656 for Lynn Binder. Motion carried.

AYE: Beethe, Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Moss, Niedfeldt, Romine, Speece, Stukenholtz, D. Sugden, S. Sugden, Thorne

ABSTAINING: Siske

NOT PRESENT: Iske

Gerweck commented on the concerns expressed by neighbors about the Matt Bauman wells. He suggested waiting until next month to allow some of the domestic wells in that area to be registered so that we could get a focus on the problem that is perceived by the public and many board members. Gary Jorn agreed since his well is not registered and he thought possibly four or five other wells. Don Jorn felt the NRD should have sent letters out so that the neighboring landowners could have registered their wells. Dustin Elliott admitted he did not understand about registering their domestic wells and did not feel they should have to drill their wells deeper just because others are pumping water for irrigation. D. Sugden was concerned whether these wells could be registered in time for the next board meeting. Wingert added that any wells registered after the permit is received won't count in scoring the permits anyway based on our current rules. Dave Bauman asked if we can limit the amount he can pump. Wingert replied that we cannot limit the flow rate but that there could be an allocation. Unfortunately, there has to be a drop in the water table to prove that prior to that determination. There was concern from the neighbors that their domestic wells should be allowed to be considered as an amendment to the rules. S. Sugden explained that the board cannot change the rules for this situation since any changes require a public hearing first.

D. Sugden moved, seconded by Gerweck, to postpone action on well permits N657 and N658 for Matt Bauman until next month. Niedfeldt asked if the permits will be rescored based on the domestic wells in the area once they are registered. Wingert felt that information would help him to determine what impact the irrigation wells might have in that area. Beethe and S. Sugden both expressed concern about the precedence of not following the rules as established. Romine felt that we did not have

enough information when the minimum score for approval was set. Hilske cautioned that acting based on the additional domestic wells could result in landowners near previously approved wells coming back and asking why they did not have the same opportunity. After further discussion, **motion carried**.

AYE: Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Niedfeldt, Romine, Siske, Speece, Stukenholtz, D. Sugden, Thorne

NAY: Beethe, Moss, S. Sugden

NOT PRESENT: Iske

B. Operations & Education Committee

- 1. *Urban Special Projects – Intent to Apply Submissions:*** Duryea briefly reviewed the six applications received from Auburn Public Schools, Johnson-Brock Public Schools, Freeman Public Schools, Shubert for Kids, Inc., City of Syracuse, and Lewiston Public Schools. Staff will work with each applicant to determine what parts of their application are eligible, and each will then need to develop a detailed application, which is due May 1. No action.
- 2. *Proposed Changes to District’s Park Rules & Regulations:*** Duryea briefly reviewed the recommended changes to the rules and why they were being considered. Hilske reviewed the suggested group permit changes, which were the most significant changes proposed. Duryea added there would be a public hearing next month prior to approving the changes. No action.
- 3. *Timetable for Duck Creek Recreation Facility Development:*** Duryea discussed the items coming up and the bids for doing some of the dirt work and roads as well as other projects at this facility. No action.

C. Executive Committee

- 1. *Hazard Mitigation Plan Update Adoption Resolution:*** Hilske explained that this document conveys the District’s approval of the plan.

Hodges moved, seconded by Gerweck, to approve the Resolution Number 2-16-01 adopting the Hazard Mitigation Plan. Motion carried.

AYE: Beethe, Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Moss, Niedfeldt, Romine, Siske, Speece, Stukenholtz, D. Sugden, S. Sugden, Thorne

NOT PRESENT: Iske

- 2. *Agreement with Edwards/Yost Family to Accept Donation of Land Adjacent to Steamboat Trace:*** Hodges reviewed the requirements and costs required for an appraisal.

Hodges moved, seconded by Gigstad, to approve the Donation Agreement with the Edwards/Yost family for donation of 4.6 acres adjacent to the Steamboat Trace in Otoe County. Motion carried.

AYE: Beethe, Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Moss, Niedfeldt, Romine, Siske, Speece, Stukenholtz, D. Sugden, S. Sugden, Thorne

NOT PRESENT: Iske

12. ANNOUNCEMENTS, MARCH MEETING DATE/TIME & AGENDA ITEM REQUESTS

The next meeting is scheduled for Thursday, March 10, at 7:00 p.m. with committees to start at 6:00 p.m. S. Sugden stated committee members will remain the same for 2016 unless someone expressly requests a change. McDonald asked to have on the next agenda something about how we are handling well registrations since this keeps coming up and any other related topics.

13. CONSENT AGENDA

D. Sugden moved, seconded by Siske, to approve the consent agenda. Consent agenda items: Excused Absences, Minutes, Treasurer's Report. **Motion carried.**

AYE: Beethe, Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Moss, Niedfeldt, Romine, Siske, Speece, Stukenholtz, D. Sugden, S. Sugden, Thorne

NOT PRESENT: Iske

14. ADJOURNMENT

Gerweck moved, seconded by Siske, to adjourn. Motion carried.

AYE: Beethe, Bohling, Duryea, Gerweck, Gigstad, Guhde, Hodges, Kearney, Keithley, Loseke, McDonald, Moss, Niedfeldt, Romine, Siske, Speece, Stukenholtz, D. Sugden, S. Sugden, Thorne

NOT PRESENT: Iske

The meeting adjourned at 8:55 p.m. The next regular meeting of the Board of Directors will be Thursday, March 10, 2016, at 7:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

Approved March 10, 2016

Secretary, Nemaha Natural Resources District