

August 11, 2005
Nemaha Natural Resources District
Regular Meeting
Tecumseh, Nebraska

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

Vice-Chair Ted Godemann called the three hundred sixty-fifth meeting of the Nemaha Natural Resources District Board of Directors to order at 8:00 p.m. Thursday, August 11, 2005, at the NRD Headquarters in Tecumseh, Nebraska.

DIRECTORS PRESENT:	John Albrecht Jeff Crunk* Orval Gigstad Ted Godemann Ron Heskett David Hunzeker	Scott Kudrna Roland Meyer Dave Neddenriep Gerald Royal Jim Rush Don Siske	Mike Speece Duane Sugden Paul Weber Tom White
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**Left early*

DIRECTORS ABSENT:	Steve Sherrow Chuck Starr	Bruce Walker Dan Watermeier	Jim Wirth
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STAFF PRESENT:	Bob Hilske, Manager Scott Nelson, Assistant Manager Jane Kuhl, Administrative Assistant
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GUESTS PRESENT:	Gary Bedea, Table Rock Mike Korber, Pawnee City Rod Vandenberg, Falls City Carol Farwell, DuBois Ed & Mary Ruegge, Pawnee City Dick Droge, Pawnee City Nathan Farwell, DuBois Ronald Puhalla, Pawnee City Scott Farwell, DuBois Diane Droge, Pawnee City June Hess, Pawnee City Carol Sisco, Pawnee Republican, Pawnee City Bryan Mellage, Auburn Wes Pope, NRCS, Tecumseh Gary Farwell, DuBois Shirley Oenbring, Pawnee City Edward Bohm, DuBois	Ed Hartman, Falls City Lisa Beethe, Elk Creek By Ruegge, Pawnee City John Huber, Falls City Bruce Rogers, Pawnee City Ferd Friedly, Pawnee City Bev Puhalla, Pawnee City Carol Friedly, Pawnee City Charles Flanagan, Pawnee City Betty Flanagan, Pawnee City Bill Straw, Humboldt William Reed, Falls City David Rogers, Pawnee City Marianne Farwell, DuBois Alan Richard, Pawnee City Edwin Oenbring, Pawnee City Phanetta Bohm, DuBois
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Following the Pledge of Allegiance, Vice-Chair Godemann opened the meeting with a moment of silence.

2. **PROOF OF PUBLICATION**

Proof of Publication was presented and is on file.

3. **EXCUSED ABSENCES**

Requests for excused absences had been received from Steve Sherrow, Chuck Starr, Bruce Walker, Dan Watermeier and Jim Wirth.

White moved, seconded by Siske, to approve the excused absences of Steve Sherrow, Chuck Starr, Bruce Walker, Dan Watermeier and Jim Wirth. Motion carried on consent agenda.

4. **OPEN FORUMS**

All directors and staff introduced themselves. Godemann then asked if anyone wished to make a public comment. Hilske stated that Scott Farwell had contacted the office a couple of days ago asking to be on the agenda regarding two items. The first, the Lake Neiamoka survey, was already on the agenda. The second was to answer any questions regarding the handbook and materials given to the board at the last meeting. However, since they had not intended to have any discussion on that subject at this meeting, Hilske did not feel it was appropriate to add this item without making it know to other parties and invite Coach Reed and anyone else who would want to join in that discussion. He added that anyone is eligible to make comments during the public comment period and that Mr. Farwell's request could be handled through this agenda item. Scott Farwell stated he had wanted to be on the agenda to help further the process along for the survey. Godemann stated that Mr. Farwell could be brought into the agenda under Item 9.A.6.

5. **MINUTES**

Sugden moved, seconded by White, to approve the minutes as submitted. Motion carried on consent agenda.

6. **TREASURER'S REPORT**

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

6.b. **LAKE NEIAMOKA PUBLIC WATER SUPPLY ISSUES-GARY BEDEA, PAWNEE COUNTY RWD**

Gary Bedea addressed the board regarding his concern that the Rural Water District had not been approached regarding their water lines and customers that would be affected by this project. He stated the RWD stands to lose 28 customers if this project goes through, and 6-7 miles of existing water line would be under water. Bedea cited a federal statute, Title 7 U.S. Code Section 1926b, which protects the rights of the water district to provide water to its customers without interference. He added that if this project went in and water was provided

from a water treatment plant, it would be in violation of the law. Hilske commented that the pre-feasibility study of the project had addressed utility issues. However, the NRD was far from this point at the time when the developer became involved.

7. **STAFF REPORT**

Hilske and Nelson reviewed their written reports. Nelson added that a cost-benefit analysis may be needed to determine recreation benefits of the Lake Neiamoka project in order to determine the NRD's role.

8. **AGENCY/ASSOCIATION REPORTS**

A. Natural Resources Conservation Service

Pope reviewed his written report and commented on the engineering assistance received from Iowa. He also answered questions about the CSP program.

B. Five Rivers RC&D

Kudrna distributed their annual newsletter and summary report and commented on the Americorps program.

C. Nebraska Association of Resources Districts

Gigstad reminded board members of the upcoming annual conference in Kearney September 26-27. He also reported on an NACD meeting he attended.

D. Nebraska Natural Resources Commission

No report.

E. Pawnee County Lake Steering Committee

No report.

F. Water Policy Task Force Report

Sugden reported the Task Force is working on coming up with funding to send to the Legislature. Some suggestions include taxes on irrigation wells, irrigated land, bottled water and soda, and possibly even reinstating the fertilizer tax.

9. **STANDING COMMITTEES**

A. Programs & Projects Committee

1. Request by Blaine Horalek to Lift Easement Restrictions: Speece stated the committee felt this issue had been resolved. Nelson explained how Mr. Horalek's property boundary could be moved based upon the actual amount of habitat required in exchange for a new ingress-egress route.

Speece moved, seconded by Sugden, to allow the habitat area at Upper Big Nemaha 27 to be re-delineated to reflect the new boundaries as well as the new ingress-egress route. Motion carried.

AYE: Albrecht, Crunk, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White
ABSENT: Sherrow, Starr, Walker, Watermeier, Wirth

2. ***Request by Craig Hemje to Assist with Leakage Problems on His Dam:*** Speece reported that there are some new ideas being used in Kansas for similar problems and that Nelson would be suggesting these to Mr. Hemje. He would also stay in contact with NRCS on this issue. No action.
3. ***Amend Agreement with NRCS on Duck/Buck Creek:*** Hilske explained the increased costs for the geological work. The NRCS share would increase to \$160,000 with the NRD's share at \$50,000. However, if the total cost exceeds \$210,000, the NRD would be responsible for picking up the difference.

Speece moved, seconded by Neddenriep, to authorize the Chair to sign the amendment to the agreement with NRCS to complete the geological work on Duck and Buck Creek. Motion carried.

AYE: Albrecht, Crunk, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White
ABSENT: Sherrow, Starr, Walker, Watermeier, Wirth

4. ***Rankings for Small Dams:*** The dams recommended for FY 06-07 are as follows:

Bob & Cleo Taft, Richardson County
Construction Estimate: \$50,000
Engineering: \$19,800
Cost-Share Rate: 40%

Ken Brinkman, Johnson County
Construction Estimate: \$27,000
Engineering: \$12,150
Cost-Share Rate: 65%

Lloyd Beethe, Johnson County
Construction Estimate: \$37,000
Engineering: \$16,650
Cost-Share Rate: 65%

Alternates:

Robert Salomons, Johnson County
Construction Estimate: \$17,000
Engineering: \$7,650
Cost-Share Rate: 50%

Delwin Antholz, Otoe County
Construction Estimate: \$14,000
Engineering: \$6,300
Cost-Share Rate: 50%

Nelson reviewed the three dams being considered this year and the idea of building the Taft structure as a special project to protect Highway 73. He is investigating opportunities for additional funding for this project. Since Lloyd Beethe had not yet confirmed his participation, two alternate sites were chosen should he decide not to proceed.

Speece moved, seconded by White, to prioritize the small dams for FY 06-07 as presented. Motion carried.

AYE: Albrecht, Crunk, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Sherrow, Starr, Walker, Watermeier, Wirth

5. ***Approval of Fencing Bids in Kirkman's Cove Watershed Projects:*** Bids received were as follows:

Contractor	Bid (per Linear Foot)
Quality Contracting, Inc.	\$1.27
Ruether Bros. Fencing	\$1.40
Siske Fencing	\$1.48

Speece moved, seconded by Siske, to approve the bid of \$1.27/linear foot from Quality Contracting, Inc., for fencing six dams in the Kirkman's Cove watershed. Motion carried.

AYE: Albrecht, Crunk, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Sherrow, Starr, Walker, Watermeier, Wirth

6. ***Lake Neiamoka Survey:***

Speece moved, seconded by Sugden, to delay conducting the Lake Neiamoka landowner survey until a master plan is completed and the role of the NRD is defined with a target date of the October 13 board meeting for a draft of the master plan. Scott Farwell asked Speece to explain what the master plan would include. Speece replied that the NRD needs to know geographic boundaries and to meet with other entities such as Game and Parks, Rural Water Districts, etc. Farwell agreed that this sounded reasonable. He also stated that at the last board meeting,

some may have thought he was representing many of the landowners. Farwell apologized if he gave the impression of representing all or a majority of the landowners and clarified that he had talked with some landowners who seemed to share his views of the project. Farwell also asked Godemann to clarify his statement from the last meeting that stated "Scott Farwell did not shut out the lake." Godemann stated he was referring to a statement Farwell had made about not being really for or against the project but that if the money was right, he might consider it. Farwell clarified that the figure he mentioned was a high, ludicrous one in an attempt to show that some landowners don't know how to say they aren't interested. Crunk suggested that to simplify things for everyone, perhaps the landowners directly involved should form a group or committee and get all their collective thoughts together. Farwell responded that each landowner also has his or her own opinions, which may not be the same as the group. Hilske further explained that proceeding with a master plan and determining the District's role would influence the kinds of questions to include in a landowner survey. Lisa Beethe asked if this master plan would be one made by the NRD or taken from the developer to determine what the NRD's role would be. Speece thought NRD staff was already working on a master plan with the various developers adding that several directors have things they would potentially like to see if there is a lake sited including a public water supply. Beethe also asked if the lake steering committee would ever be involved in the project again. Godemann responded that would be something that remains to be discussed at another meeting. With no further discussion, upon roll call vote, **motion carried.**

AYE: Albrecht, Crunk, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Sherrow, Starr, Walker, Watermeier, Wirth

7. ***FY 05/06 Budget Review:*** Speece reported the committee covered the items that directly affect that committee. Nelson added that no funds had been included for the Hemje seepage issue. He further reviewed other items not currently included in the budget.

B. Operations & Education Committee

1. ***Request to Allow Horses on Trail:*** White explained that a request had been received recently to allow a 4-H horse club to ride on the Steamboat Trace.

White moved, seconded by Sugden, to deny the request to allow horses on the Steamboat Trace. Some discussion was held on the safety and maintenance issues involved. Speece stated when the trail was developed, the local saddle clubs were contacted but that there was little interest. However, he felt if there was a section of the trail that could be cleared and developed, it would be used. Kudrna questioned whether there were any long stretches that could be developed, but Hilske felt there

were not many right now that would work. More discussion was held on the cost to develop an adjacent trail for horses and if any of these groups would be willing to help pay the cost. Staff was directed to investigate this possibility. After further discussion, **motion carried.**

AYE: Albrecht, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Crunk, Sherrow, Starr, Walker, Watermeier, Wirth

2. ***Proposed RTP Grant Application for Trail Improvements:*** White reviewed the possible projects that could be included in this application, which is due in October. Godemann asked how much of the District's share must be cash, and White replied that at least five percent of the District's 20 percent match must be cash. The committee recommended proceeding with the application with the final application presented to the board in September for approval prior to submission.
3. ***Funding Request for Auburn School Pond Project:*** White explained that this request had components that would qualify for Urban Special Project funds. However, since this year's deadlines have passed, the committee recommended notifying the school of next year's application deadlines. No action.
4. ***FY 05/05 Budget:*** White stated the committee reviewed the budget but had no additional recommendations.

C. Executive Committee

1. ***FY 05/06 Budget Review:*** Kudrna stated the committee had no recommendations for the budget.
2. ***Request from Margaret Paulsen to Release Property Associated with Upper Little Nemaha 25 from Easement:*** Kudrna reviewed the property involved and explained that the release would be on parcels not affected by the structure.

Kudrna moved, seconded by White, to approve the release of easement as presented for the parcels not affected by the Upper Little Nemaha 25 structure.

Hilske added that we would still maintain access to the portion within Parcel F which involves our structure as well as the ingress/egress route, and this would be stated in the easement. **Motion carried.**

AYE: Albrecht, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Crunk, Sherrow, Starr, Walker, Watermeier, Wirth

3. ***Request from USDA Commodity Credit Corporation for Easement on Steamboat Trace to Access Hahn Property:*** Kudrna explained this easement would allow USDA to cross and travel adjacent to the trail to access property that will be in the Wetland Reserve Program. Hilske explained that there is very limited access to some of these properties and that it is needed for inspection or development for WRP.

Kudrna moved, seconded by Sugden, to approve the easement with USDA-CCC for access to the Hahn property. Motion carried.

AYE: Albrecht, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Crunk, Sherrow, Starr, Walker, Watermeier, Wirth

10. **1% RESTRICTED FUNDS INCREASE FOR FY2006 BUDGET**

Hilske explained the advantages of increasing the restricted funds by one percent. However, a minimum 75% of the board must be present and voting in favor to approve the increase; so no vote could be taken with only 15 members were present. No action.

11. **ANNOUNCEMENTS, SEPTEMBER MEETING DATE/TIME & AGENDA ITEM REQUESTS**

Godemann stated the next meeting would be Thursday, September 8, with committees at 7:00 p.m. and the regular meeting at 8:00 p.m. A budget hearing would also be held at 7:00 p.m. Hilske reminded board members of the deadline for NARD conference registrations. He also asked board members to try and submit any agenda items no later than the Thursday prior to the board meeting so they could be included in the printed agenda that is mailed out on the Friday before the meeting.

12. **CONSENT AGENDA**

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

AYE: Albrecht, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Crunk, Sherrow, Starr, Walker, Watermeier, Wirth

13. **ADJOURNMENT**

White moved, seconded by Albrecht, to adjourn. Motion carried.

AYE: Albrecht, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Siske, Speece, Sugden, Weber, White

ABSENT: Crunk, Sherrow, Starr, Walker, Watermeier, Wirth

The meeting adjourned at 9:55 p.m. The next regular meeting of the board of directors will be Thursday, September 8, 2005, at 8:00 p.m. at the NRD headquarters at 62161 Hwy 136 in

Tecumseh.

(Approved 9/8/05)

Secretary, Nemaha Natural Resources District