

January 11, 2007
Nemaha Natural Resources District
Regular Meeting
Tecumseh, Nebraska

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

Chair Jim Wirth called the three hundred eighty-first meeting of the Nemaha Natural Resources District Board of Directors to order at 7:12 p.m. Thursday, January 11, 2007, at the NRD Headquarters in Tecumseh, Nebraska.

DIRECTORS	John Albrecht	Scott Kudrna	Bruce Walker
PRESENT:	Lisa Beethe	Roland Meyer	Dan Watermeier
	Jeff Crunk*	Steve Sherrow	Paul Weber
<i>*Left Early</i>	Orval Gigstad	Don Siske	Tom White
	Ted Godemann	Chuck Starr	Jim Wirth
	David Hunzeker	Duane Sugden	

DIRECTORS	Ron Heskett	Mike Speece
ABSENT:		

STAFF	Bob Hilske, Manager
PRESENT:	Scott Nelson, Assistant Manager
	Jane Kuhl, Administrative Assistant
	Chuck Wingert, Water Resources Manager
	Allison Caspers, Administrative Secretary
	Shawn Kreienhop, Resources Specialist

GUESTS	Tom Snodgrass, Nebraska City	Jim Dieckgrafe, Cook
PRESENT:	Dan Swanson, Nebraska City	Steve Kean, Dawson
	David Rogers, Pawnee City	Richard Binder, Table Rock
	Stephen Kennedy, NRCS, Auburn	Todd Binder, Table Rock
	Tyler Binder, Table Rock	Jim Rush, Tecumseh
	Kent Zimmerman, Dept of Natural Resources, Lincoln	

Following the Pledge of Allegiance, a moment of silence was observed. Chair Wirth announced that the Open Meetings Act was posted on the wall at the back of the room.

2. **PROOF OF PUBLICATION**

Proof of Publication was presented and is on file.

3. **OATH OF OFFICE TO BOARD MEMBERS ELECTED IN NOVEMBER, 2006**

Scott Nelson, a notary public, administered the oath of office to the following board members elected in November: John Albrecht, Lisa Beethe, Scott Kudrna, Don Siske, Duane Sugden, Bruce Walker, Dan Watermeier, Paul Weber, and Jim Wirth. Ron Heskett was also elected in November but was not present to take the oath of office.

4. **APPOINTMENT OF DIRECTOR TO FILL VACANCY IN SUBDISTRICT 6**

Wirth reported that Jim Rush had submitted a letter of interest for the position and that no other letters had been received.

Starr moved, seconded by Watermeier, to appoint Jim Rush to fill the vacancy in Subdistrict 6. Motion carried.

Scott Nelson administered the oath of office to Jim Rush, who then took his seat on the board.

AYE: Albrecht, Beethe, Crunk, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

NOT PRESENT: Heskett, Speece

5. **CAUCUS TO SELECT NEMAHA BASIN REPRESENTATIVE TO NEBRASKA NATURAL RESOURCES COMMISSION**

Kent Zimmerman from the Department of Natural Resources conducted the caucus. After explaining the Commission, the caucus, and the election procedures, and taking roll call, he asked for nominations. Tom White nominated Dan Watermeier. With no further nominations, a secret ballot vote was taken; and Dan Watermeier was elected. He will take office on January 18.

6. **ELECTION OF BOARD OFFICERS**

Wirth stated that Paul Weber had presented a slate of candidates for the offices as follows:

Chair: Ted Godemann

Vice-Chair: Scott Kudrna

Secretary/Treasurer: Duane Sugden

NARD Representative: Orval Gigstad

Wirth then opened the floor for additional nominations for Chair. Being none, nominations were closed. Following a secret ballot, Ted Godemann was elected Chair with 14 votes.

No additional nominations were submitted for Vice-Chair. Therefore, following a secret ballot, Scott Kudrna was elected Vice-Chair with 16 votes.

No additional nominations were submitted for Secretary/Treasurer. Following a secret ballot, Duane Sugden was elected Secretary/Treasurer with 18 votes.

No additional nominations were submitted for NARD representative. Following a secret ballot, Orval Gigstad was elected NARD representative with 18 votes.

The floor was opened for nominations for NARD alternate. Rush nominated Lisa Beethe.

With no further nominations, Lisa Beethe was elected NARD alternate with 17 votes.

7. **EXCUSED ABSENCES**

White moved, seconded by Siske, to approve the excused absences requested by Ron Heskett and Mike Speece. Motion carried on consent agenda.

8. **OPEN FORUMS**

All directors, NRD staff, NRCS staff, and guests introduced themselves.

9. **MINUTES**

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

10. **TREASURER'S REPORT**

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

11. **STAFF REPORT**

Hilske reviewed his written report and reviewed some of the new legislation. He added that he and Chuck Wingert had been working on the consultant proposals and that there has been a lot of interest. Hunzeker questioned whether we would still make our two-year time period for getting the studies done. Hilske stated the consultants have a fall deadline. Nelson then reviewed his written report. Caspers provided an update and overview of the SWCP program and answered questions regarding funds and cancellations. Kreienhop gave a PowerPoint presentation on the Kirkman's Cove and Iron Horse Watershed Projects.

12. **AGENCY/ASSOCIATION REPORTS**

A. Natural Resources Conservation Service

Stephen Kennedy presented the NRCS report and provided an updated on EQIP and the budget.

B. Five Rivers RC&D

Kudrna reported he and some of the other RC&D leaders had met with Governor Heinemann recently. They are also working on an area plan and sending out a needs questionnaire.

C. Nebraska Association of Resources Districts

Gigstad thanked the board for their confidence in electing him to continue as NARD representative. He commented on some of the legislation and reminded directors of the upcoming Legislative Conference.

D. Nebraska Natural Resources Commission

Watermeier stated they held a special meeting in December to evaluate the Resource Development Fund but felt it would be several months before they get it all figured out.

E. Water Policy Task Force Report

Sugden stated they met January 4 in Kearney; They are working on a road map for what they want and how the funding should be used. They came up with nine steps, and a new committee will be working on this along with providing the Governor and Legislature with answers to why they want the funding, what it is going to be used for, and what their intentions are. Their next meeting will be in March in Lincoln.

13. STANDING COMMITTEES

A. Programs & Projects Committee

1. *Discussion on General Guidelines that will be Considered When Addressing Requests for Variances to the Well Permit Moratorium:* Sherrow stated the committee felt that the guidelines were adequately set in the groundwater rules and regulations and should be used for considering the variances. No action.

2. *Request by Binder Farms to Reconsider their Request for a Variance to the Well Permit Moratorium to Allow the Construction of 2 Wells Near Sterling for Irrigation Use:*

Sherrow moved, seconded by Rush, to rescind the previous board action that denied a variance request by Binder Farms for construction of two wells; and to approve their variance request to the well permit moratorium for the two wells near Sterling, contingent upon the Nebraska Department of Natural Resources granting permission to convey water in the North Fork of the Big Nemaha River.

Tyler Binder addressed the board explaining that they may only need the water for a couple of weeks in August each year. Sugden felt that they already have a well at Sterling that they could pipe down to the river. He was also concerned about taking water from that area so far away. He felt we need to know from DNR how much water loss there will be in moving this water so far before voting on this. Starr was concerned about the precedence that might be set if this is allowed. Mr. Binder brought up that the State law allows them to transport this water down the stream. Starr asked if this has ever been done elsewhere in the state, and Wingert replied that apparently it had but that he was not personally aware of any of this distance. Wirth agreed that this action does affect the aquifer. Wingert reminded the board that the NRD's authority only extends to groundwater and that once it becomes surface water, it is DNR's responsibility. Rush questioned how this is different than at Lake McConnaughy where water is transported by canals. Sugden countered that we do not want to lose our water like the people out west have. Beethe asked if recharge rates are considered when approving these applications, but Wingert replied they are not.

Crunk referred to list of 16 more questions that the Binders have to get answered before they can get approval from DNR. After considerable discussion, **motion carried.**

AYE: Beethe, Crunk, Godemann, Hunzeker, Rush, Sherrow, Siske, Watermeier, Weber, White

NAY: Albrecht, Gigstad, Meyer, Starr, Sugden, Walker, Wirth

ABSTAINING: Kudrna

NOT PRESENT: Heskett, Speece

3. *Variance Request by Tom Snodgrass for 2 Irrigation Wells West of Julian:*
Sherrow moved, seconded by White, to approve the variance request from Tom Snodgrass for two irrigation wells west of Julian. Motion carried.

AYE: Beethe, Gigstad, Godemann, Hunzeker, Meyer, Rush, Sherrow, Siske, Starr, Walker, Watermeier, Weber, White, Wirth

NAY: Kudrna, Sugden

ABSTAINING: Albrecht

NOT PRESENT: Crunk, Heskett, Speece

4. *Variance Request by James Dieckgrafe for 1 Irrigation Well Southeast of Cook:*
Sherrow moved, seconded by White, to approve the variance request from James Dieckgrafe for one irrigation well southeast of Cook. Some discussion was held on the original purpose of the moratorium. After further discussion, **motion carried.**

AYE: Beethe, Gigstad, Godemann, Hunzeker, Meyer, Rush, Sherrow, Siske, Starr, Walker, Watermeier, Weber, White, Wirth

NAY: Albrecht, Kudrna, Sugden

NOT PRESENT: Crunk, Heskett, Speece

5. *Draft Long Range Plan:*
Sherrow moved, seconded by White, to approve the Long Range Plan as presented and amended by previous committee action. Starr had an issue with the long-range financial needs listed on page 25 as referred to increasing tax requests if grants were approved. He also felt the statement on page 35 which indicated the Turkey Creek large lake project was tabled until further direction from the board was inaccurate.

Starr moved, seconded by Rush, to amend the Long Range Plan as follows: on page 25, item A under Long Range Financial Needs, delete the second sentence; on page 35, delete the Turkey Creek Large Lake Project. Motion carried.

AYE: Albrecht, Beethe, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece

Upon roll call vote on the main motion as amended, **motion carried.**

AYE: Albrecht, Beethe, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece

C. Executive Committee

- 1. Revisions to District Bylaws Relating to Procedure for Placing Items on Meeting Agendas:*** Kudrna explained that the committee was suggesting one more change as follows: in article I, Item 10, third sentence, after “If the general public wishes to place an item on the agenda they...” insert the following: “...may contact any director to do so but”...

Kudrna moved, seconded by White, to approve the bylaws as amended by the Executive Committee. After further discussion, **motion carried.**

AYE: Albrecht, Beethe, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece

- 2. Revisions to Policy for Reimbursement of Travel Expenses to District Directors:*** **Kudrna moved, seconded by Gigstad, to approve the Expense Reimbursement Guidelines for Directors as presented. Motion carried.**

AYE: Albrecht, Beethe, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece

- 3. Selection of Voting Delegate and Alternate to NARD Legislative Conference:*** **Kudrna moved, seconded by Wirth, to appoint Lisa Beethe as delegate and Don Siske as alternate for the NARD Legislative Conference. Motion carried.**

AYE: Albrecht, Beethe, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece

4. *Update on 2007 Legislative Session:* This item was covered under Staff Report.

5. *Resignation of Dave Neddenriep as Director from Subdistrict 6:* Kudrna reported that Dave Neddenriep had moved out of his subdistrict and, therefore, had submitted his resignation. The board directed staff to advertise to fill the vacancy.

14. **ANNOUNCEMENTS, FEBRUARY MEETING DATE/TIME & AGENDA ITEM REQUESTS**

Hilske asked that any directors interested in going to Washington, DC, in March notify him as soon as possible. He added that the Chair would be organizing the committees for the upcoming year, so directors should let the Chair or Manager know their preference. He also suggested possibly adding an ad-hoc water committee to deal with the increasing number of well permit variance requests. Godemann reminded directors that the February 8 meeting would again be at 7:00 with committees at 6:00.

15. **CONSENT AGENDA**

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

AYE: Albrecht, Beethe, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece

16. **ADJOURNMENT**

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

AYE: Albrecht, Beethe, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece

The meeting adjourned at 10:10 p.m. The next regular meeting of the board of directors will be Thursday, February 8, 2007, at 7:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

(Approved 2/8/07)

Secretary, Nemaha Natural Resources District