

January 13, 2011
Nemaha Natural Resources District
Regular Meeting
Tecumseh, Nebraska

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

Chair Kudrna called the four hundred twenty-eighth meeting of the Nemaha Natural Resources District Board of Directors to order at 7:00 p.m. Thursday, January 13, 2011, at the NRD Headquarters in Tecumseh, Nebraska.

DIRECTORS PRESENT:	John Albrecht	Ted Godemann	Bruce Walker
	Lisa Beethe	Scott Kudrna	Dan Watermeier
	Rob Bohling	Don Siske	Paul Weber
	Charles Duryea	Duane Sugden	Tom White
	Orval Gigstad	Steve Sugden	
	Mike Gilson	William Umland	

DIRECTORS ABSENT: Wayne Goering
Mike Speece

STAFF PRESENT: Bob Hilske, Manager
Scott Nelson, Assistant Manager
Jane Kuhl, Administrative Assistant

GUESTS PRESENT:	Roger Reichmuth, NRCS, Tecumseh	Ben Steffen, Humboldt
	Judy Albrecht, Nebraska City	Jim Rush, Tecumseh
	Steve Sherrow, Nebraska City	Kevin Branek, Pawnee City
	Kent Zimmerman, Dept of Natural Resources, Lincoln	

Following the Pledge of Allegiance, a moment of silence was observed. Chair Kudrna 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. **OATH OF OFFICE TO NEWLY ELECTED BOARD MEMBERS**

Scott Nelson, Assistant Manager and a notary public, administered the oath of office to the following newly elected board members: John Albrecht, Lisa Beethe, Mike Gilson, Scott Kudrna, Don Siske, Duane Sugden, Bruce Walker, Dan Watermeier, and Paul Weber.

4. **ELIGIBILITY OF CYNTHIA BUROW, AT-LARGE REPRESENTATIVE ELECT, TO SERVE ON THE BOARD OF DIRECTORS**

Beethe moved, seconded by White, since Cynthia Burow fails to meet eligibility requirements set forth in the Nebraska State Constitution Article XV-2 and the Revised Nebraska State Statutes Chapter 29, Section 112, that Cynthia J. Burow be ruled

ineligible to serve on the Nemaha NRD Board of Directors and as a result the at-large seat be declared vacant. Hilske explained the investigation into the requirements for holding a public office as well as his attempts to contact Ms. Burow regarding this issue. Letters and information received from the District's attorney as well as Ms. Burow were provided for the board's review. **Motion carried.**

AYE: Albrecht, Beethe, Bohling, Duryea, Gigstad, Gilson, Godemann, Kudrna, Siske, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White

NOT PRESENT: Goering, Speece

5. **RESIGNATION OF LYNN HENG, SUBDISTRICT 3 REPRESENTATIVE**

Beethe moved, seconded by Gigstad, to accept the resignation of Lynn Heng as Subdistrict 3 representative and declare the seat vacant. Motion carried.

AYE: Albrecht, Beethe, Bohling, Duryea, Gigstad, Gilson, Godemann, Kudrna, Siske, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White

NOT PRESENT: Goering, Speece

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

Kent Zimmerman from the Nebraska Department of Natural Resources conducted the caucus beginning with a roll call of all eligible voting members. He read the explanation, the purpose, and the guidelines for the conduct of the caucus. He then opened the floor to nominations. Gigstad nominated Dan Watermeier. With no further nominations, Zimmerman declared them closed. Motion was made by Steve Sugden to use a voice vote instead of ballot. Watermeier then stated he was willing to serve again and enjoyed serving on the Commission. Upon voice vote, Watermeier was elected. Zimmerman then closed the caucus.

7. **ELECTION OF OFFICERS**

Steve Sugden and Tom White provided the nominating committee report beginning with the office of Chair. The nominations of Beethe and Siske were placed on the floor. It was moved and seconded that nominations cease. Upon secret ballot vote, Beethe was elected Chair with 12 votes; Siske received 4 votes.

The nominations of Bohling and Siske for Vice-Chair were placed on the floor. It was moved and seconded that nominations cease. Upon secret ballot vote, Bohling was elected Vice-Chair with 14 votes; Siske received 2 votes.

The nomination of Siske for Secretary-Treasurer was placed on the floor. It was moved and seconded that nominations cease. Upon secret ballot vote, Siske was elected Secretary-Treasurer with 16 votes.

The nomination of Gigstad for NARD representative was placed on the floor. It was moved and seconded that nominations cease. Upon secret ballot vote, Gigstad was elected NARD representative with 16 votes.

The nomination of Siske for NARD alternate was placed on the floor. It was moved and seconded that nominations cease. Upon secret ballot vote, Siske was elected NARD alternate with 16 votes.

8. **EXCUSED ABSENCES**

Godemann moved, seconded by Gigstad, to approve the excused absences requested by Wayne Goering and Mike Speece. White expressed his concern with Speece's absence from so many board meetings. D. Sugden added that his concern was that there is probably someone else that could be representing these constituents if he is unable to. Watermeier felt it would be appropriate for the Chair to contact Speece regarding his future plans on the board. Beethe agreed to contact Speece. **Motion carried on consent agenda.**

9. **OPEN FORUMS**

All directors, NRD staff, and guests introduced themselves. Kevin Branek representing Pawnee County Rural Water expressed concern about three wells that were planned within close proximity to the Pawnee County Rural Water wells. He felt more rules need to be in place to control the number of irrigation wells going in. Jim Rush questioned on what science Branek was basing his information.

10. **MINUTES**

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

11. **TREASURER'S REPORT**

White moved, seconded by Siske, to approve the Treasurer's Report as submitted. Motion carried on consent agenda. Hilske added that each director had received a copy of the budget-to-date report prepared as of December 31.

12. **STAFF REPORT**

Hilske reviewed his written report. He also reminded directors of the upcoming NARD Legislative Conference and Washington, DC, trip. Nelson reviewed his report.

13. **AGENCY/ASSOCIATION REPORTS**

A. Natural Resources Conservation Service

Roger Reichmuth highlighted some items from his written report. Their staff is working on ranking EQIP applications and also on a lot of contract obligations.

B. Five Rivers RC&D

Kudrna distributed their monthly activities report for December. He added that they will be applying for a grant to do another computer collection.

C. Nebraska Association of Resources Districts

Gigstad referred to a report of the upcoming legislation adding that there will not be a lot of bills because of all the budget cuts. There is a push to raid the Environmental Trust Fund again. He encouraged directors to consider attending the upcoming NARD Legislative Conference and the Washington, DC, trip in March.

D. Nebraska Natural Resources Commission

Watermeier reported he had met with Lavon Heidemann and some others as part of the Legislative Committee. They talked about the Resources Development Fund cap and possibly changing how it works.

14. STANDING COMMITTEES

A. Programs & Projects Committee

1. *Review Draft of District's 10-Year Master Plan:* No action.
2. *Well Permit Applications:* The following applications for well permits were reviewed by the Committee:

Name	Location	Capacity	Purpose
Jim Rush	NW 20-6N-12E Johnson County	500 gpm	Irrigation
Jim Rush #1	NE ¼ 7-3N-12E Pawnee County	150 gpm	Irrigation
Jim Rush #2	NE ¼ 7-3N-12E Pawnee County	150 gpm	Irrigation
Jim Rush #3	NE ¼ 7-3N-12E Pawnee County	150 gpm	Irrigation
John Hawley	NE1/4 8-6N-14E Nemaha County	450 gpm	Irrigation
Andrew Wellensiek	NW1/4 3-6N-11E Johnson County	800 gpm	Irrigation
Wade Caspers	SE1/4 6-6N-13E Nemaha County	500 gpm	Irrigation
Leroy Caspers	NW1/4 19-5N-12E Johnson County	800 gpm	Irrigation
Keith Wellensiek	SE1/4 34-07N-11E Otoe County	700 gpm	Irrigation

Watermeier stated no action would be taken at this meeting on the permits submitted by Andrew Wellensiek and Wade Caspers. The Committee was recommending both landowners consider moving their wells as far as possible to avoid potential conflicts with other nearby wells.

Watermeier moved, seconded by D. Sugden, to approve the following

applications for well permits for irrigation wells: Jim Rush 20-6-12, Johnson County; Jim Rush #1, Jim Rush #2, & Jim Rush #3, all in 7-3-12 Pawnee County; John Hawley 8-6-14 Nemaha County; Leroy Caspers 19-5-12 Johnson County; and Keith Wellensiek 34-7-11 Otoe County. Bohling asked if the three wells for Jim Rush were too close together, but Rush replied he would be moving them a little farther apart, and that he won't drill all three if he can get the amount of water he needs from one or two. There was some discussion about the rights of landowners to the water and the data used to determine adequate water supplies. Upon roll call vote, **motion carried.**

AYE: Albrecht, Beethe, Bohling, Duryea, Gigstad, Gilson, Godemann, Kudrna, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White
ABSTAINING: Siske
NOT PRESENT: Goering, Speece

B. Operations & Education Committee

1. ***Bids for 3-Year Contract to Mow District Park Areas:*** Bids received were as follows:

Bidder	Total Annual Bid
JC Dirt Work, Cook	\$12,999.84
Rieger Lawn & Landscape, Auburn	\$14,035.00
Kudu Lawn Care, Tecumseh ¹	\$14,860.00
Jeff McClintock, Pawnee City ²	\$14,953.40
Stan Borchter Mowing, Sterling	\$16,974.00
Leland & Sam Laue, Pawnee City	\$21,490.56

¹Bid security not acceptable.

²Did not submit required equipment list.

S. Sugden reported after meeting with JC Dirt Work, staff concluded they did not have the equipment necessary to complete the mowing as required.

S. Sugden moved, seconded by White, to approve the bid submitted by Stan Borchter Mowing in the annual amount of \$16,974.00 to mow at Kirkman's Cove, Iron Horse Trail Lake, Wirth Brothers Lake, and Prairie Owl. There was some discussion about Stan Borchter Mowing, who had stepped in on late notice to assume the contract requirements last year and had done a good job.

AYE: Albrecht, Duryea, Gigstad, Gilson, Godemann, Siske, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White
NAY: Beethe, Bohling, Kudrna
NOT PRESENT: Goering, Speece

2. **Review Draft of District's 10-Year Master Plan:** S. Sugden reported the Committee discussed the Master Plan but wanted time to take it home and review it. No action.

C. Executive Committee

1. **Bids for New, 3/4-Ton, 4x4, Diesel Pickup:** Bids received were as follows:

Dealer	Make/Model	Bid Price	Trade Allowance	Net Bid
Sid Dillon Crete	Ford F250 XL	\$32,530.00	\$9,000.00	\$23,530.00
Field Ford Tecumseh	Ford F250 XL	\$45,700.00	\$21,200.00	\$24,500.00
Beatrice Ford	Ford F250 XL	\$32,983.00	\$7,600.00	\$25,383.00
Sid Dillon Wahoo	Chevy Silverado 2500	\$35,630.00	\$9,000.00	\$26,630.00
Field Ford Tecumseh	Ford F250 XLT	\$50,385.00	\$22,505.00	\$27,880.00
Twin Rivers Beatrice	Dodge Ram 2500	\$37,993.00	\$8,100.00	\$29,893.00

D. Sugden moved, seconded by Gigstad, to approve the bid submitted by Field Ford in the net amount of \$24,500 for a 2011 Ford F250 XL pickup. Godemann pointed out that staying local will save money in future service costs. **Motion carried.**

AYE: Albrecht, Beethe, Bohling, Duryea, Gigstad, Gilson, Godemann, Kudrna, Siske, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White
NOT PRESENT: Goering, Speece

2. **Review Draft of District's 10-Year Master Plan:** Directors were urged to share any thoughts they have regarding the plan with the staff. Hilske stated the goal is to have the plan done by June 30. No action.
3. **Procedure and Timeline to Fill Vacant Board Seats:** Procedures for filling the vacancies will be to advertise for letters of application to be considered at the February board meeting. Kudrna strongly encouraged the other directors in the subdistricts where the vacancies exist to help find someone to fill the spots.
4. **Increasing Director Per Diem: Godemann moved, seconded by Gigstad, to set the director per diem at the state statute maximum effective July 1, 2011.** Godemann explained he suggested raising it to the maximum, which is now \$70, to possibly

encourage more people to serve. Duane Sugden stated he was happy with the current \$50 and that money should not be a reason for serving. Steve Sugden said he had a problem with raising taxes and then voting in a pay raise for directors. Beethe agreed that with the economy as it is, she didn't feel it was right to increase per diem now. After further discussion, **motion failed**.

AYE: Gigstad, Godemann

NAY: Albrecht, Beethe, Bohling, Duryea, Gilson, Kudrna, Siske, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White

NOT PRESENT: Goering, Speece

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

The next meeting was scheduled for Thursday, February 10, at 7:00 p.m.

16. CONSENT AGENDA

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

AYE: Albrecht, Beethe, Bohling, Duryea, Gigstad, Gilson, Godemann, Kudrna, Siske, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White

NOT PRESENT: Goering, Speece

17. ADJOURNMENT

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

AYE: Albrecht, Beethe, Bohling, Duryea, Gigstad, Gilson, Godemann, Kudrna, Siske, D. Sugden, S. Sugden, Umland, Walker, Watermeier, Weber, White

NOT PRESENT: Goering, Speece

The meeting adjourned at 8:48 p.m. The next regular meeting of the Board of Directors will be Thursday, February 10, 2011, at 7:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

Approved February 10, 2011

Secretary, Nemaha Natural Resources District