

November 10, 2005  
Nemaha Natural Resources District  
Regular Meeting  
Tecumseh, Nebraska

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

Chair Jim Wirth called the three hundred sixty-eighth meeting of the Nemaha Natural Resources District Board of Directors to order at 8:05 p.m. Thursday, November 10, 2005, at the NRD Headquarters in Tecumseh, Nebraska.

<b>DIRECTORS</b>	John Albrecht	Scott Kudrna	Chuck Starr
<b>PRESENT:</b>	Jeff Crunk*	Roland Meyer	Duane Sugden
	Orval Gigstad*	Dave Neddenriep	Dan Watermeier
<i>*Arrived late or left early</i>	Ted Godemann	Gerald Royal	Paul Weber
	Ron Heskett	Don Siske	Jim Wirth
	David Hunzeker		

<b>DIRECTORS</b>	Jim Rush	Mike Speece	Tom White
<b>ABSENT:</b>	Steve Sherrow	Bruce Walker	

<b>STAFF</b>	Bob Hilske, Manager
<b>PRESENT:</b>	Scott Nelson, Assistant Manager
	Jane Kuhl, Administrative Assistant
	Artis Fisher, Business Assistant
	Chuck Wingert, Water Resources Manager
	Charlie Pierce, Water Resources Technician

<b>GUESTS</b>	Wes Pope, NRCS, Tecumseh
<b>PRESENT:</b>	Art White, Art White & Associates, Tarkio, MO
	Lewis Rogers, Pawnee City
	David Rogers, Pawnee City
	Diane Droge, Pawnee City
	Carol Friedly, Pawnee City
	June Hess, Pawnee City
	Lyle Hess, Pawnee City
	Lisa Beethe, Elk Creek
	Eric Dove, Olsson Associates
	Mike Sotak, Olsson Associates
	Richard Droge, Pawnee City
	Bryan Mellage, Auburn
	Ferd Friedly, Pawnee City
	Randy Bennett

Following the Pledge of Allegiance, a moment of silence was observed.

2. **PROOF OF PUBLICATION**

Proof of Publication was presented and is on file.

3. **EXCUSED ABSENCES**

Requests for excused absences were received from Jim Rush, Steve Sherrow, Mike Speece, Bruce Walker, and Tom White.

**Sugden moved, seconded by Siske, to approve the excused absences of Jim Rush, Steve Sherrow, Mike Speece, Bruce Walker, and Tom White. Motion carried on consent agenda.**

4. **OPEN FORUMS**

All directors, staff, and guests introduced themselves.

5. **MINUTES**

Starr stated he would like to amend the minutes on Page 6 following Sherrow's question, "Sherrow agreed that we need to have a master plan and wondered if Starr would be proposing one." He asked that the following sentence be inserted: "Starr replied that as the project stands now, he was opposed to it and, therefore, would not propose a master plan."

**Starr moved, seconded by Hunzeker, to amend Page 6 of the minutes by adding Starr's reply to Sherrow's question. Motion carried.**

**AYE:** Albrecht, Crunk, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Siske, Starr, Sugden, Watermeier, Weber, Wirth

**ABSTAINING:** Godemann

**NOT PRESENT:** Gigstad, Rush, Sherrow, Speece, Walker, White

**Sugden moved, seconded by Siske, to approve the minutes as amended. Motion carried on consent agenda.**

6. **TREASURER'S REPORT**

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

9. **STANDING COMMITTEES**

**C. Executive Committee**

1. ***Discussion/Action on FY 04/05 Audit:*** Art White reviewed with the board the audit report for the year ended June 30, 2005. He specifically drew attention to the Schedule of Findings and explained that the audit revealed no problems.

**Godemann moved, seconded by Watermeier, to accept the audit report as presented by Art White. Motion carried.**

**AYE:** Albrecht, Crunk, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Siske, Starr, Sugden, Watermeier, Weber, Wirth

**ABSTAINING:** Gigstad

**NOT PRESENT:** Rush, Sherrow, Speece, Walker, White

**7. STAFF REPORT**

Hilske and Nelson reviewed their written reports. Starr asked what master plan was discussed with the Louisiana Purchase Group and their lawyers. Hilske referred to the six questions that were presented to the LPG, which needed to be addressed before we could consider going any further. Starr also asked where these questions came from. Hilske replied that staff came up with the questions. Starr asked if LPG has title to any land yet, and Hilske replied that to his knowledge they do not; but if they should acquire title, these are some questions that would need to be answered. Starr felt that Nelson was directed to act as a liaison but that staff is going forward and working with an entity with whom we have no formal agreement and without board input; and he felt that the landowners and their input are being ignored. Hunzeker asked why we are spending so much time on this proposal when the landowners are not interested in the project. Godemann referred to the August, 2003, motion stating it was very detailed in giving a road map for proceeding. Godemann also stated he received letters from some landowners who are interested in the project. Hunzeker replied that several landowners had talked to him about their opposition. He felt that those with the most to lose are not as positive and that those with nothing to lose are most interested. Starr stated he had a different understanding on what the August, 2003, motion directed staff to do. He felt we owe it to the landowners to get their input on the six key questions too.

**8. AGENCY/ASSOCIATION REPORTS**

**A. Natural Resources Conservation Service**

Pope had provided a written report and invited all board members to an open house on December 1 recognizing the retirement of Pope, Kent Reiersen, and Steve Wilson. Hilske then presented a photo collage to Pope on behalf of the NRD board in appreciation for his years of service.

**B. Five Rivers RC&D**

Kudrna reviewed their last meeting adding that their insurance had been dropped due to their household hazardous waste collections. Therefore, RC&D will assist counties with applications for grants for the collections instead of serving as the grant applicant.

**C. Nebraska Association of Resources Districts**

Gigstad reviewed the new interlocal agreement with the National Forest Service at Halsey for our tree program. The new retirement program representatives will be visiting each NRD over the next few weeks, and the health insurance is back in the black. Next year's state Envirothon will be at Hastings College, and there will be two new educator awards next year. NARD is looking at a basin tour in the upper reaches of the Platte next year. Gigstad also thanked the staff who provided a tour earlier in the day for some NACD officials.

**D. Nebraska Natural Resources Commission**

Watermeier stated they would be meeting the following week and that he would be on a committee to review the Resource Development Fund.

**E. Pawnee County Lake Steering Committee**

1. Hilske reported on their meeting which centered on reviewing what types of recreation facilities the committee might envision for this project.
2. Hilske then stated that Don Siske had asked to be removed from the Steering Committee.

**Sugden moved, seconded by Neddenriep, to remove Don Siske from the Pawnee County Lake Steering Committee. Motion carried.**

**AYE:** Albrecht, Crunk, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Starr, Sugden, Watermeier, Weber, Wirth

**ABSTAINING:** Siske

**NOT PRESENT:** Rush, Sherrow, Speece, Walker, White

**F. Water Policy Task Force Report**

Sugden reported that he has been reappointed to the Task Force for a four-year term. He also read an article about the future of water issues as concerns LB962 and the 10-50 rule. Hilske commented on the different concerns about the overlap of lines between NRDs that would occur with the 10-50 rule.

**9. WATER DEPARTMENT BIENNIAL REPORT**

Charlie Pierce and Chuck Wingert provided updates on the water programs and the following topics: Toxic Algae, Clean Lakes Study, Statewide Groundwater Monitoring Network, Network Monitoring Well Report, Phase II Area Sampling, Pesticide Sampling, Network Observation Well Monitoring, Well Abandonment, Chemigation, Well Permits, and Irrigation Well Development History.

## 10. STANDING COMMITTEES

### **A. Programs & Projects Committee**

1. *Select Engineering Consultant – Taft Special Project:* Neddenriep explained that the committee reviewed two proposals from JEO Consultants and King and Associates. The committee was recommending King and Associates from Holton, Kansas, who is well recommended and whose proposal was very similar to JEO.

**Neddenriep moved, seconded by Sugden, to pursue negotiations with King and Associates for engineering services on the Taft Special Project. Motion carried.**

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

2. *Action on Mower Bids:* Kudrna reported that Speece had been talking with the Everride Company about providing a better deal on their mower but that he had not been able to talk directly with the manager yet. Therefore, there would be no action yet on this item.

### **B. Operations & Education Committee**

1. *Support for Brownville Tree Planting Project Along Trail:* Heskett explained that the Governor Furnas Arboretum was applying for a grant from the Nebraska Statewide Arboretum to fund establishment of trees and other plant materials along the Steamboat Trace in Brownville. Because the design for the project could involve some trail right-of-way, they were requesting NRD authorization to plant on the right-of-way.

**Heskett moved, seconded by Sugden, to authorize the Governor Furnas Arboretum to apply for a grant from the Nebraska Statewide Arboretum for establishment of tree plantings along the Steamboat Trace provided the NRD has the final approval of the planting design. After further discussion, motion carried.**

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

### **C. Executive Committee**

1. ***Concern Regarding Allowing Access Easements on Steamboat Trace Right-of-Way:*** Godemann explained that there would be more discussion on this item after the Manager has had a chance to contact USDA to clarify some issues. He added that the most recent easement approved has not been filed yet. No action.
  
3. ***Review Agreement with Olsson Associates Regarding Pawnee County Lake Assistance:***  
**Starr moved, seconded by Watermeier, to rescind an agreement that the Board entered into with Olsson Associates on December 11, 2003, as recorded in the December 11, 2003, board meeting minutes.** Starr stated this motion has outlived its usefulness since the project has taken on a new direction. Mike Sotak agreed that this arrangement was no longer suitable as the project has taken different turns and that Olsson Associates still supports the NRD and is anxious to work with the District on this project and others in the future. **Motion carried.**  
  

**AYE:** Albrecht, Gigstad, Godemann, Heskett, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Siske, Starr, Sugden, Watermeier, Weber, Wirth  
**NOT PRESENT:** Crunk, Rush, Sherrow, Speece, Walker, White
  
4. ***Discussion/Action Clarifying District Role in Pawnee County Lake Master Plan:***  
**Albrecht moved, seconded by Sugden, to clarify the intent of the motion made in August, 2005, as it was to allow the staff to work with the developer on putting together a master plan to be presented to the board in the near future.** Albrecht clarified that the Pawnee County Lake Committee, the staff, or somebody should work on the plan. Hilske read the motion from August, 2005. Discussion centered around what this new motion accomplishes in comparison to the August motion. Watermeier thought Crunk had asked for this on the agenda because it was not clear that the staff has permission to work on the master plan or that the board was even aware that we would be helping with the plan. Starr questioned whether the board is comfortable working with an entity that no one has checked out. Watermeier did not feel we need to check out this LPG 100 percent; at this point we haven't voted on any money to be spent. He felt we are allowing our staff to help them put together something that is presentable to us. Hunzeker felt he did not want to spend time working with an entity that he cannot find out anything about in the event we find out they are someone we do not want to work with in the future. Godemann replied that when they get the plan completed and they bring it to us, we will have an ample amount of time to answer the questions. He added that these people have offered to assist us with the project in a certain way, they need to put information together, we need information, and until we get it we can't make any kind of intelligent decisions. Upon roll call vote, **motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Heskett, Kudrna, Neddenriep, Sugden, Watermeier, Weber, Wirth

**NAY:** Hunzeker, Royal, Starr

**ABSTAINING:** Meyer, Siske

**NOT PRESENT:** Crunk, Rush, Sherrow, Speece, Walker, White

**Starr moved, seconded by Hunzeker, that staff diligently work with any entity or group in opposition to this project to develop a master plan for its defeat.** Royal offered an amendment to include any group whether in favor or opposed to the project; however, the amendment died for lack of a second. Godemann felt this motion would be in conflict with the original motion from 2003 to pursue this project. Upon roll call vote, **motion failed.**

**AYE:** Hunzeker, Starr

**NAY:** Albrecht, Gigstad, Godemann, Heskett, Kudrna, Meyer, Neddenriep, Royal, Siske, Sugden, Watermeier, Weber, Wirth

**NOT PRESENT:** Crunk, Rush, Sherrow, Speece, Walker, White

5. ***Discussion of Consent Agenda:*** Hilske reviewed some of the possible times when this could be used in addition to those recurring agenda items that have been placed on the consent agenda. Some discussion was held on what items should be placed on the consent agenda and that the committees may want to discuss what to place on the consent agenda prior to the board meeting. Consensus was to continue to include the consent agenda as part of the meeting agenda. No action.

6. ***Set December through March Board Meeting Times:***

**Godemann moved, seconded by Albrecht, to move the December, January, February, and March board meetings to 7:00 with committees meeting at 6:00. Motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Heskett, Hunzeker, Meyer, Royal, Siske, Starr, Sugden, Watermeier, Weber, Wirth

**NAY:** Kudrna, Neddenriep

**NOT PRESENT:** Crunk, Rush, Sherrow, Speece, Walker, White

#### 11. ANNOUNCEMENTS, DECEMBER MEETING DATE/TIME & AGENDA ITEM REQUESTS

Wirth stated the next meeting would be held December 8 at 7:00 with committees at 6:00.

12. **CONSENT AGENDA**

**Sugden moved, seconded by Albrecht, 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, Siske, Starr, Sugden, Watermeier, Weber, Wirth  
**NOT PRESENT:** Crunk, Rush, Sherrow, Speece, Walker, White

13. **ADJOURNMENT**

**Kudrna moved, seconded by Albrecht, to adjourn. Motion carried.**

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

The meeting adjourned at 10:20 p.m. The next regular meeting of the board of directors will be Thursday, December 8, 2005, at 7:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

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Secretary, Nemaha Natural Resources District