

October 9, 2008
Nemaha Natural Resources District
Regular Meeting
Tecumseh, Nebraska

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

Chair Ted Godemann called the four hundred second meeting of the Nemaha Natural Resources District Board of Directors to order at 8:00 p.m. Thursday, October 9, 2008, at the NRD Headquarters in Tecumseh, Nebraska.

DIRECTORS	John Albrecht	David Hunzeker	Chuck Starr
PRESENT:	Lisa Beethe	Scott Kudrna	Duane Sugden
	Rob Bohling	Roland Meyer	Bruce Walker
	Jeff Crunk	Steve Sherrow	Paul Weber
	Orval Gigstad	Don Siske	Tom White
	Ted Godemann	Mike Speece	Jim Wirth

DIRECTORS	Ron Heskett	Dan Watermeier
ABSENT:	Jim Rush	

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

GUESTS	Terry Newell, NRCS, Tecumseh
PRESENT:	Gary Bedea, Table Rock

Following the Pledge of Allegiance, a moment of silence was observed. Chair Godemann 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. **EXCUSED ABSENCES**

White moved, seconded by Siske, to approve the excused absence requested by Jim Rush. Motion carried on consent agenda.

4. **OPEN FORUMS**

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

5. **MINUTES**

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

6. **TREASURER'S REPORT**

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

7. **STAFF REPORT**

Hilske, Nelson, and Wingert reviewed their written reports. Nelson also briefed the Board on a meeting of the Auburn Lake Company that he attended. Hilske also reported on the status of the Wilson Creek 8-H high hazard classification. Wingert reported that the fall well monitoring had just been completed with 120 wells measured.

8. **AGENCY/ASSOCIATION REPORTS**

A. Natural Resources Conservation Service

Terry Newell reviewed his report. Their offices are busy with end-of-year reports and fall workload activities.

B. Five Rivers RC&D

Kudrna reported that at their recent annual conference, Doc Gigstad was honored with the Nebraskan of the Year award. Kudrna also reviewed the funding sources and financial situation of the RC&D.

C. Nebraska Association of Resources Districts

Gigstad reported on the annual conference and specifically the public relations session. He also reported that Jed Wagner had been hired for the new programs position.

D. Nebraska Natural Resources Commission

Hilske stated the last meeting was held during the NARD conference. He had received a questionnaire from DNR on the Resource Development Fund regarding ideas for handling the large number of projects awaiting funding.

E. Water Policy Task Force Report

Sugden reported their next meeting would be October 15. He added that the Legislature may try to eliminate the corn check off and come up with a fee on irrigation wells.

9. **STANDING COMMITTEES**

A. Programs & Projects Committee

1. *Contract with Mainelli, Wagner and Associates for Muddy Creek Project:*
Sherrow moved, seconded by Speece, to approve the proposal submitted by Mainelli, Wagner and Associates for engineering services related to Muddy Creek structures MCB1, MCB2, MCB3, MCB20, AND MCB21 as described in the proposal dated September 22, 2008, with the exception that the preliminary

engineering work on MCB20 and MCB21 will proceed based upon NRD funding availability. Motion carried.

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

2. Bids for McGinley Muddy Creek Structure: Bids received were as follows:

Contractor	Bid
B.A.B., Inc.	\$36,952.65
Gyhra Construction	\$44,100.00
<i>Engineer's Estimate: \$40,000</i>	

Sherrow moved, seconded by Siske, to approve the bid of \$36,952.65 submitted by B.A.B., Inc., for the McGinley Muddy Creek Structure. Motion carried.

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

3. Bids for Dan Hill Structure: Bids received were as follows:

Contractor	Bid
B.A.B., Inc.	\$41,018.49
Gyhra Construction	\$49,260.00
<i>Engineer's Estimate: \$37,601.09</i>	

Sherrow moved, seconded by Speece, to approve the bid of \$41,018.49 submitted by B.A.B., Inc., for the Dan Hill structure. Motion carried.

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

4. **Bids for Brownell 2-1 Repair Work:** Bids received were as follows:

Contractor	Bid
Kuhl Trenching & Exc., Inc.	\$19,905.00
B.A.B., Inc.	\$36,797.77
<i>NRD Budget: \$20,000.00</i>	

Sherrow moved, seconded by Meyer, to approve the bid of \$19,905.00 submitted by Kuhl Trenching & Excavating, Inc., for the Brownell 2-1 repair. Motion carried.

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

B. Water Resources Committee

1-8: Variance Requests for Irrigation Wells: Duane Parde, Bryce & Richard Andrew, Gwyn “Bud” Wingate, Mike Schaardt, Blane Anthony, Paul Saathoff, Kalin Farms, Inc., Herr Farms, Inc.:

Weber moved, seconded by Hunzeker, to approve the variances requested for the following irrigation wells: Duane Parde-4.5 miles northwest of Crab Orchard; Bryce & Richard Andrew-1.5 miles north of Brownville; Gwyn Wingate-3 miles northeast of Adams; Mike Schaardt-2 wells 1 mile southwest of Elk Creek; Blane Anthony-1 mile west of St. Mary; Paul Saathoff-3.5 miles south of Sterling; Kalin Farms, Inc.-2 wells 1/2 mile south of Steinauer; Herr Farms, Inc.,-5 miles northwest of Humboldt. Gary Bedea addressed the Board regarding his concern about the number of irrigation wells in this part of the state. He questioned whether this was in reverse of what the Board talked about last month. Hilske explained that these wells could not be drilled until the stay that is being considered expires or until after a hearing and further action by the Board.. Starr asked if these were all put in after the Board meeting. It was clarified that the stay would be effective immediately if approved. Crunk asked how this action would be affected if the Governor puts a stay on all wells. Hilske answered that such action would supersede anything we do. Bedea questioned how many wells the NRD would allow throughout the area before the Board stops approving wells. He added that after talking with Senator Heidemann that he suggested Bedea protest any well permit within two miles of their Rural Water District wells and that this was his purpose in speaking against the Herr Farms well. Wingert clarified that the Herr Farms well would be within three miles of the Pawnee Rural Water wells but not within two miles. Wirth pointed out that if there is a problem that public water systems have priority. Bedea questioned if we have to wait until there is a problem to do something

about it. Kudrna felt the NRD is using the best information and tools available and cannot deny someone's request for a well without good cause. After further discussion, **motion carried.**

AYE: Beethe, Bohling, Crunk, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Sherrow, Siske, Speece, Sugden, Walker, Weber, White, Wirth

NAY: Albrecht, Starr

NOT PRESENT: Heskett, Rush, Watermeier

9. *Proposed Revisions to Groundwater Management Plan Rules and Regulations:*

Hilske relayed information from DNR regarding why they had not been able to provide their opinion on the plan prior to the last meeting. He added that after checking with our attorney, he advised not to proceed without DNR's approval. Therefore, no action was taken on the rules and regulations.

10. *Resolution Ordering Immediate, Six-Month Stay on Issuance of Well Permits:*

Weber moved, seconded by White, to approve a resolution ordering an immediate, temporary stay for a period of not more than 180 days on the construction of any new water wells designed and constructed to pump greater than 50 gallons per minute. Motion carried.

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

NOT PRESENT: Heskett, Rush, Watermeier

C. Executive Committee

1. *Meeting Times for November, 2008, through March, 2009, Board Meetings:*

Kudrna moved, seconded by Sugden, to set the meeting times for November through March at 7:00 p.m. for the regular meeting and committees prior, generally at 6:00 p.m. or as scheduled each month. Motion carried.

AYE: Beethe, Bohling, Gigstad, Godemann, Kudrna, Sherrow, Speece, Starr, Sugden, Walker, Weber, White

NAY: Albrecht, Meyer, Siske, Wirth

ABSTAINING: Crunk, Hunzeker

NOT PRESENT: Heskett, Rush, Watermeier

2. Personnel Policy Revision to Add a Definition for Temporary Employees:

Kudrna moved, seconded by Siske, to approve the revision to the District's personnel policy to add a definition for temporary employees. Hilske explained

that this definition would apply generally to employees hired under grants that are for a specific period of time or in the event an employee requires an extended leave of absence which would require the hiring of a temporary employee to fill their spot. As part of this definition, no insurance or retirement benefits would be provided unless specifically authorized by the Board. **Motion carried.**

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

NOT PRESENT: Heskett, Rush, Watermeier

3. Salary Schedule for Duck and Buck Watershed Technician Position: Kudrna stated the committee did not feel insurance or retirement benefits should be provided for this position, which would be classified as a temporary employee. No action.

10. ANNOUNCEMENTS, NOVEMBER MEETING DATE/TIME & AGENDA ITEM REQUESTS

Hilske directed attention to an information sheet about the grazing at Kirkman's Cove this year. Crunk commented on Nebraska City's plans for its trail system in the future.

Godemann stated the next meeting would be November 13 at 7:00 p.m.

11. 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, Bohling, Crunk, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Sherrow, Siske, Speece, Starr, Sugden, Walker, Weber, White, Wirth

NOT PRESENT: Heskett, Rush, Watermeier

12. ADJOURNMENT

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

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

NOT PRESENT: Heskett, Rush, Watermeier

The meeting adjourned at 9:20 p.m. The next regular meeting of the board of directors will be Thursday, November 13, 2008, at 7:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

Approved November 13, 2008

Secretary, Nemaha Natural Resources District