

September 14, 2006  
Nemaha Natural Resources District  
Regular Meeting  
Tecumseh, Nebraska

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

Chair Jim Wirth called the three hundred seventy-seventh meeting of the Nemaha Natural Resources District Board of Directors to order at 8:00 p.m. Thursday, September 14, 2006, at the NRD Headquarters in Tecumseh, Nebraska.

<b>DIRECTORS</b>	John Albrecht	Jim Rush	Dan Watermeier
<b>PRESENT:</b>	Orval Gigstad	Steve Sherrow	Paul Weber
	Ted Godemann	Don Siske	Tom White
	David Hunzeker	Duane Sugden	Jim Wirth
	Gerald Royal	Bruce Walker	

<b>DIRECTORS</b>	Jeff Crunk	Roland Meyer	Chuck Starr
<b>ABSENT:</b>	Ron Heskett	Dave Neddenriep	
	Scott Kudrna	Mike Speece	

<b>STAFF</b>	Bob Hilske, Manager
<b>PRESENT:</b>	Scott Nelson, Assistant Manager
	Jane Kuhl, Administrative Assistant
	Artis Fisher, Business Assistant

<b>GUESTS</b>	Terry Newell, NRCS, Tecumseh
<b>PRESENT:</b>	Art White, Art White & Associates, Tarkio, MO
	Arden Bredemeier, DuBois

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. **EXCUSED ABSENCES**

**Sugden moved, seconded by Siske, to approve the excused absences requested by Roland Meyer, Scott Kudrna, Ron Heskett, and Jeff Crunk. Motion carried on consent agenda.**

4. **OPEN FORUMS**

All directors, NRD staff, NRCS staff, and guests introduced themselves. Arden Bredemeier expressed his concern regarding the \$225,000 budgeted for a water study and the 90 percent cost-share being provided for land treatment in the Iron Horse watershed. Sherrow relayed that he had received some positive comments from a family who rides on the Steamboat Trace trail.

5. **MINUTES**

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

6. **TREASURER'S REPORT**

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

7. **STAFF REPORT**

Hilske reviewed his written report. Nelson then reviewed his written report.

8. **AGENCY/ASSOCIATION REPORTS**

**A. Natural Resources Conservation Service**

Terry Newell provided his written report. He also followed up on the Hemje dam issue. He reviewed the CRP, CSP, and new RC in Pawnee City, Robert Rothwell. He added that Jerry Neeman is working on the NRI. The local EQIP work group will meet the following week. Newell also provided and reviewed a handout on what NRCS is doing for southeast Nebraska. He concluded by expressing appreciation for the NRD clerks and the role they play in helping implement the programs.

**B. Five Rivers RC&D**

No report.

**C. Nebraska Association of Resources Districts**

Gigstad reminded directors of the annual conference later in the month in Kearney. He also reviewed a recent NACD board meeting he had attended.

**D. Nebraska Natural Resources Commission**

Watermeier stated they would be meeting September 26<sup>th</sup> in Kearney.

**E. Water Policy Task Force Report**

Sugden reported they had met August 23 and had a lot of discussion on funding and whether the Task Force should continue or disband. They questioned if the irrigators are willing to put forth more money to get this started even though they are already paying more. They agreed to try and let LB962 work without making any changes. Their next meeting is November 15.

9. **REVIEW AND ACTION ON FY2006 AUDIT REPORT**

Art White reviewed the audit report and pointed out that the part of the report that indicated they experienced no difficulties in performing the audit. Sherrow asked if there were any recommendations for policy changes or program changes. White responded there were none.

With no further discussion on the audit, **Sugden moved, seconded by White, to accept the audit report as presented. Motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Hunzeker, Royal, Rush, Sherrow, Siske, Sugden, Walker, Watermeier, Weber, White, Wirth

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

10. **STANDING COMMITTEES**

**A. Programs & Projects Committee**

***1&2. Bids to Repair South Fork Structure 3-D and Winnebago-Bean Structure 41-3a:***

Weber asked to combine these agenda items and take action on them together. The projects were for rock riprap work on each structure, and bids received were as follows:

<b>South Fork 3-D</b>		
<b>Bidder</b>	<b>Unit Cost/ton</b>	<b>Total Cost</b>
Kuhl Trenching & Exc., Inc.	\$25.30	\$11,385.00
Lottman-Carpenter	\$31.90	\$14,355.00
G.R. Sunneberg Construction	\$36.50	\$16,425.00

<b>Winnebago-Bean 41-3a</b>		
<b>Bidder</b>	<b>Unit Cost/ton</b>	<b>Total Cost</b>
Thomas Construction	\$28.70	\$11,480.00
Kuhl Trenching & Exc., Inc.	\$30.20	\$12,080.00
Lottman-Carpenter	\$36.75	\$14,700.00

**Weber moved, seconded by White, to accept the low bid of \$25.30/ton from Kuhl Trenching & Exc., Inc. for the South Fork 3-D project and the low bid of \$28.70/ton from Thomas Construction for the Winnebago-Bean 41-3a project. Motion carried.**

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

3. *Proposed Policy to Allow Livestock Access to Water in Reservoirs During Drought Conditions:*

**Weber moved, seconded by Sugden, to approve the policy to allow livestock access to water in reservoirs during drought conditions.** Rush felt the landowners should be consulted about the policy to make sure it meets their needs. He felt the policy should define more specifically what constitutes damages that the landowner may have to repair. Hilske stated basically anything that would result in permanent damage to the vegetation or cause erosion around the structure would be considered damages. There was some discussion on the procedures used in the past. After further discussion, **motion carried.**

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

4. *Small Dams Approval Priority List:*

**Weber moved, seconded by White, to accept the Small Dams Program priority list for FY07-08 which includes structures for Arlen Grotrian and Klaus Hartmann. Motion carried.**

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

5. *Report on Visit to Structure J-34 as per Request by Keith Joekel:*

Sugden reported on the site visit which was also attended by Royal, Siske, Albrecht, Wirth, Hilske, and Nelson. After visiting the site, Sugden felt that allowing Mr. Joekel to irrigate would not significantly impact the Wolff structure downstream. It was pointed out that if the downstream landowner would ask for water to be provided that it would be the NRD's authority to give the water. The staff will work on a new agreement with Mr. Joekel that would not be as restrictive. If the Board decides to allow Mr. Joekel to irrigate, the District would have to first obtain a permit to store water. Siske was concerned that Mr. Joekel could pump all the water out of this structure, leaving it dry; however, it was pointed out that the agreement could be written to address this concern.

6. *Request by Kechley Farms for Variance to Allow Modification of an Existing Well:* **Weber moved, seconded by White, to approve the variance for Kechley Farms to allow them to increase the pumping capacity of an existing well from 40 gpm to 100 gpm.** Hilske confirmed that this meets the requirements for the variance rules and would not have any detrimental effect on surrounding well owners nor the local aquifer. **Motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Hunzeker, Royal, Rush, Sherrow, Siske, Sugden, Watermeier, Weber, White, Wirth

**ABSTAINING:** Walker

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

7. *Request by City of Auburn for Variance to Allow Construction of New Public Water Supply Well Approximately 1.5 miles East of Village of Nemaha:* Weber reported that the committee was recommending waiting until more information is received prior to taking action on this request. Hilske added that waiting until the October board meeting would still fall within the 45-day window for action.

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

1. *Replacement Restroom Purchase for Iron Horse Trail Lake Recreation Area:* **White moved, seconded by Siske, to approve the purchase of a concrete replacement restroom at Iron Horse Trail Lake.** The bid price for the building and vault is \$13,122.17. **Motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Hunzeker, Royal, Rush, Sherrow, Siske, Sugden, Walker, Watermeier, Weber, White, Wirth

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

## **C. Executive Committee**

1. *NRD Positions on Resolutions Proposed for NARD Conference:* Godemann reported the committee had reviewed the two resolutions received. They recommended supporting resolution 2006-1, "State Support for Offsetting Water Consumption by Ethanol Plants and Other New Industrial Water Uses." On resolution 2006-2, "Require DNR to Evaluate Basins Once Every Five Years Rather Than Annually", the committee recommended changing this to three years instead of five. Hilske added there would likely be much discussion and potentially some amendments to this resolution at the conference.

**2. *Select Voting Delegates for NARD Conference:***

**Godemann moved, seconded by Royal, to designate Orval Gigstad as delegate and Dan Watermeier as alternate for the NARD Conference. Motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Hunzeker, Royal, Rush, Sherrow, Siske, Sugden, Walker, Watermeier, Weber, White, Wirth

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

- 3. *Update on District Attempt to Collect Randy Frey Overdue Account:*** Godemann reported that the judge ruled our claim was premature and dismissed the case. The committee felt to appeal would not be productive; however, the committee asked the staff to look into some other options.

**11. FY2007 BUDGET AND RESOLUTION TO APPROVE AMOUNT OF PROPERTY TAX TO BE COLLECTED AND SET LEVY REQUEST**

**Godemann moved, seconded by Sugden, to approve the FY 2007 budget of \$2,726,735 as presented.** Hilske explained that the changes suggested last month had been incorporated and that the new valuations had been received since last month. Upon roll call vote, **motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Hunzeker, Royal, Sherrow, Siske, Sugden, Walker, Watermeier, Weber, White, Wirth

**NAY:** Rush

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

**Godemann moved, seconded by White, to approve the Resolution Setting the Property Tax Request at \$1,292,631.33 and the levy at 0.040471.** Hilske reviewed the valuations received and resulting property tax amounts. **Motion carried.**

**AYE:** Albrecht, Gigstad, Godemann, Hunzeker, Royal, Sherrow, Siske, Sugden, Walker, Watermeier, Weber, White, Wirth

**NAY:** Rush

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

**12. ANNOUNCEMENTS, OCTOBER MEETING DATE/TIME & AGENDA ITEM REQUESTS**

Sherrow commended the District staff for attention to detail in preparing the budget and the positive comments in the annual audit. Wirth stated the next meeting would be October 12 at 8:00 p.m. Specific committee meeting times will be listed on the draft agenda.

**13. 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, Gigstad, Godemann, Hunzeker, Royal, Rush, Sherrow, Siske, Sugden,  
Walker, Watermeier, Weber, White, Wirth

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

12. **ADJOURNMENT**

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

**AYE:** Albrecht, Gigstad, Godemann, Hunzeker, Royal, Rush, Sherrow, Siske, Sugden,  
Walker, Watermeier, Weber, White, Wirth

**NOT PRESENT:** Crunk, Heskett, Kudrna, Meyer, Neddenriep, Speece, Starr

The meeting adjourned at 10:00 p.m. The next regular meeting of the board of directors will be Thursday, October 12, 2006, at 8:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

*(Approved 10/12/06)*

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Secretary, Nemaha Natural Resources District