

September 11, 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 first meeting of the Nemaha Natural Resources District Board of Directors to order at 8:00 p.m. Thursday, September 11, 2008, at the NRD Headquarters in Tecumseh, Nebraska.

DIRECTORS	John Albrecht	Ron Heskett	Duane Sugden
PRESENT:	Lisa Beethe	Roland Meyer	Bruce Walker
	Rob Bohling	Jim Rush	Dan Watermeier
<i>*Left early</i>	Jeff Crunk*	Steve Sherrow	Paul Weber
	Orval Gigstad	Don Siske	Tom White
	Ted Godemann	Chuck Starr	Jim Wirth

DIRECTORS	David Hunzeker	Mike Speece
ABSENT:	Scott Kudrna	

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

GUESTS	Terry Newell, NRCS, Tecumseh	Michael Sandfort, Brock
PRESENT:	Leroy Stokes, NRCS, Lincoln	Blaine Anthony, Talmage
	Ross Sandfort, Brock	Lyle Brinkman, Brock
	Gary Bedea, Table Rock	John Boellstorff, Brock
	Daniel & Betty Boellstorff, Talmage	Dale Damme, Talmage

Following the Pledge of Allegiance, a moment of silence was observed with emphasis on those affected by the events of the 9/11 tragedies. 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**

Wirth moved, seconded by White, to approve the excused absences requested by Mike Speece, Scott Kudrna, and David Hunzeker. Motion carried on consent agenda.

4. **OPEN FORUMS**

All directors, NRD staff, and NRCS staff 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 Albrecht, to approve the Treasurer's Report as submitted. Motion carried on consent agenda.

7. **STAFF REPORT**

Hilske, Nelson, and Wingert reviewed their written reports.

8. **AGENCY/ASSOCIATION REPORTS**

A. Natural Resources Conservation Service

Terry Newell reviewed his report adding that their offices were busy with end-of-year activities. They will be filling a position in the Falls City office.

B. Five Rivers RC&D

Hilske stated that the household hazardous waste grant application had been submitted. RC&D will have an open house on September 18.

C. Nebraska Association of Resources Districts

Gigstad reminded directors of the annual conference in Kearney September 28-30. He thanked staff for helping with Husker Harvest Days this year.

D. Nebraska Natural Resources Commission

Watermeier stated their next meeting would be during the NARD conference in Kearney.

E. Water Policy Task Force Report

Sugden reported their next meeting is scheduled October 19 in Kearney.

9. **STANDING COMMITTEES**

A. Programs & Projects Committee

1. *Contract with Mainelli, Wagner and Associates for Muddy Creek Project:* No action was taken since the contract had not been received prior to the meeting.

2. *Agreement with Cornhusker Council-Boy Scouts for Camp Cornhusker Lake Renovation:*

Sherrow moved, seconded by Siske, to approve the agreement with the Cornhusker Council-Boy Scouts of America for the lake renovation project at Camp Cornhusker. Motion carried.

AYE: Albrecht, Bohling, Crunk, Gigstad, Godemann, Heskett, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

ABSTAINING: Beethe

NOT PRESENT: Hunzeker, Kudrna, Speece

3. ***Camp Catron Girl Scout Camp Request for Streambank Erosion Assistance:***
Sherrow stated it is the committee's opinion that this is a worthy project which fits within the District's programs; however, because of the timing of the request, money is not available in this year's budget to assist with the project. No action.

B. Water Resources Committee

1. ***Discuss Proposed Revisions to Groundwater Management Plan & Review Public Hearing Testimony:*** Godemann asked for any additional testimony on the Groundwater Management Plan before officially closing the hearing that was continued from September 4. Wingert explained that the required approval or denial from the Department of Natural Resources had not been received.

Blaine Anthony addressed the board with his concerns. He did not feel he is overwatering and does not see any by others in the area. They are aware of the value of water. He added that the Hauberg's and Roy Baker have never run out of water and have never had less than 46 feet of water in their wells. The NRD has measured these wells. Hopp's have run low on water but have rural water available in their front yard. Shutting down irrigation is also costly. He believes the NRD needs more time to develop a better plan and not rush into a plan. The problems in their area are not as bad as led to believe. The flow meters and more strict well permits are okay. The rules for the next phase need to be more defined. He is not against the plan, but we need more information.

Lyle Brinkman also addressed the board. He felt the concern about the triggers for phases is legitimate. The only accurate baseline that can be determined is to consider the depth of water before any well was drilled. He gave a comparison of a well to a straw in a barrel of water. Based on this scenario, we should use the depth of the gravel in the bottom as the starting point.

Gary Bedea spoke on behalf of Pawnee County Rural Water District. His concern was their well fields northeast of Table Rock. They serve 530 rural hookups; and five communities and if something happens to their water source, they have 1700 people without good drinking water. If the trend continues allowing irrigation wells, he feels they could lose their source of water. He also expressed concern about the setback of 1,320 feet and felt it should be ½ mile from a municipal well.

John Boellstorff added that this whole thing needs to be based on fact as much as

possible. He suggested because of the complexity of the geology, the Conservation and Survey maps are misleading. On every well that is drilled if they had an electric logger to give an accurate measure, that would help build maps over time of individual aquifers.

With no further testimony offered, the hearing was declared closed at 8:50 p.m. Wingert then reviewed the five major issues brought up at the hearing.

2. ***Issuance of Administrative Order Adopting Revisions to the Groundwater Management Plan Rules and Regulations:*** Wingert explained that at this time the revisions to the rules and regulations could not be adopted as planned because DNR had not provided their approval or denial of the plan that was submitted back in June. He explained the options to the board and what happens if nothing is done. The option suggested to be put into place at the October meeting would be to impose a District-wide stay for 180 days on well construction. This would also allow time to address some of the issues brought up at the public hearing on the groundwater management plan. Wingert suggested waiting until we receive notice from DNR that they have approved the plan, make any changes, and then approve our rules.
3. ***Request for Well Permit Variance by Rick Barnes:*** Weber explained briefly that this request was for a well to create wetlands for waterfowl staging and hunting. He also reviewed the concerns from the City of Falls City regarding security of their nearby wells.

Weber moved, seconded by White, to deny the variance requested by Rick Barnes for a well ¼ mile southeast of Rulo for irrigation. Motion carried.

AYE: Albrecht, Beethe, Bohling, Crunk, Gigstad, Heskett, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

NAY: Godemann

NOT PRESENT: Hunzeker, Kudrna, Speece

C. Executive Committee

1. ***Agreement with Nemaha County Rural Water District #1:***
Gigstad moved, seconded by Siske, to approve the agreement with Nemaha County Rural Water District #1 to Provide Emergency Watershed Protection Funds to assist with repairing damages to their water system as a result of 2008 storm damage. Motion carried.

AYE: Albrecht, Beethe, Bohling, Gigstad, Godemann, Heskett, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

NOT PRESENT: Crunk, Hunzeker, Kudrna, Speece

2. ***Voting Delegate and Alternate for 2008 NARD Annual Conference:*** Chair Godemann appointed Orval Gigstad as delegate and Lisa Beethe as alternate.
3. ***District Positions on Resolutions for 2008 Annual Conference:*** Gigstad reviewed the four resolutions received. There was significant discussion about the resolution regarding transferring certified irrigated acres and whether this was something the NRDs should be involved with.

Gigstad moved, seconded by Wirth, to support all four of the resolutions submitted for the 2008 NARD Annual Conference. Motion carried.

AYE: Albrecht, Beethe, Bohling, Gigstad, Godemann, Heskett, Sherrow, Siske, Sugden, Walker, Watermeier, Weber, White, Wirth

NAY: Meyer, Rush, Starr

NOT PRESENT: Crunk, Hunzeker, Kudrna, Speece

4. ***Discussion on Reducing the Number of Representatives on the NRD Board:***
Gigstad referred to a handout regarding the number of directors in each of the NRDs and suggested timelines if changes were to be made. The committee suggested that we wait until the 2010 census is complete to consider making any changes. The staff was asked to get some input from other Districts regarding the pros and cons of different board sizes and bring that back to the board at a later date. Sugden stated he was not in favor of a smaller board and compared it to the Water Policy Task Force board. Gigstad added that it did not appear that a lot of money would be saved by reducing the board size though there would be some reductions in costs. Godemann stated he brought this up because of the budget concerns this year, and he wants everyone to think about it and get some more information. Sherrow felt that a lot of work is done in committees and that a smaller board may not afford this opportunity.
5. ***Agreement with NRCS to Hire Staff to Provide Technical Assistance:*** Hilske reviewed the funding breakdown for the position. There would be enough in-kind match that the NRD's share of \$40,000 would come from that and from NDEQ funds.

Gigstad moved, seconded by Siske, to approve the agreement with NRCS to provide technical assistance for the Buck and Duck Creek Watershed project.

Starr asked if we should be contracting these positions instead of hiring them as employees. Beethe felt the job description is very similar to our current staff. Sherrow asked if this is a standard agreement and plan of work. Hilske explained that this is new territory for NRCS. Terry Newell added that this is a spinoff of the TSP concept used for providing foresters in the state. Newell felt it would be hard to find someone to do this on a contract basis and that it may cost more that way. After further discussion, **motion carried.**

AYE: Albrecht, Beethe, Bohling, Gigstad, Godemann, Heskett, Meyer, Rush, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

ABSTAINING: Sherrow

NOT PRESENT: Crunk, Hunzeker, Kudrna, Speece

10. DISCUSSION/ACTION ON FY2009 BUDGET AND RESOLUTION TO APPROVE AMOUNT OF PROPERTY TAX TO BE COLLECTED AND SET LEVY REQUEST

Sugden moved, seconded by Gigstad, to approve the FY2009 budget of \$3,685,985 as presented. Caspers reviewed some of the changes made in the budget since last month as well as the resulting property tax request and levy. Upon roll call vote, **motion carried.**

AYE: Albrecht, Beethe, Bohling, Gigstad, Godemann, Heskett, Meyer, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

NAY: Rush

NOT PRESENT: Crunk, Hunzeker, Kudrna, Speece

Sugden moved, seconded by White, to approve the resolution setting the property tax request at \$1,579,570.31 and the levy at 0.043145. Motion carried.

AYE: Albrecht, Beethe, Bohling, Gigstad, Godemann, Heskett, Meyer, Sherrow, Siske, Sugden, Walker, Watermeier, Weber, White, Wirth

NAY: Rush, Starr

NOT PRESENT: Crunk, Hunzeker, Kudrna, Speece

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

Sherrow asked to have the board meeting times for winter meetings on the October agenda. Godemann stated the October meeting would be on the 9th beginning at 8:00 p.m.

12. CONSENT AGENDA

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

AYE: Albrecht, Beethe, Bohling, Gigstad, Godemann, Heskett, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

NOT PRESENT: Crunk, Hunzeker, Kudrna, Speece

13. ADJOURNMENT

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

AYE: Albrecht, Beethe, Bohling, Gigstad, Godemann, Heskett, Meyer, Rush, Sherrow, Siske, Starr, Sugden, Walker, Watermeier, Weber, White, Wirth

NOT PRESENT: Crunk, Hunzeker, Kudrna, Speece

The meeting adjourned at 9:55 p.m. The next regular meeting of the board of directors will be Thursday, October 9, 2008, at 8:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

Approved 10/9/08

Secretary, Nemaha Natural Resources District