

**BOARD OF DIRECTORS MEETING**  
**January 20, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 20, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Scott Snell Ken Feather, Marie Krausnick, Jeff Ball, Randy Saathoff, Dan Leininger, Jack Hultquist, Richard Hayes, Katie Lemke, Don Adams and Bryan Euse of York NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting January 6, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Thirteen directors were present for roll call. Moore and Jackson arrived shortly after roll call.

**ITEM 3. DIRECTORS' OATHS OF OFFICE.**

Turnbull administered the oath of office to the board members elected in the November general election.

**ITEM 4. DIRECTORS' REQUESTS FOR EXCUSED ABSENCES.**

Austin and Luebbe requested that their absences from the January 20, 2005 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Yvonne Austin and Linda Luebbe from the January 20, 2005 board of directors meeting as requested.  
The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson, Luebbe

**ITEM 5. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Moore and seconded by Hansen to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson, Luebbe

**ITEM 6. \*ADOPTION OF AGENDA.**

It was moved by Moore and seconded by Hansen to approve the agenda for the January 20, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson, Luebbe

**ITEM 7. \*APPROVAL OF MINUTES OF THE DECEMBER 16, 2004 BOARD OF DIRECTORS MEETING.**

It was moved by Moore and seconded by Hansen to approve the minutes of the December 16, 2004 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson, Luebbe

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Regier reported that the Projects & Programs Committee met on January 11, 2005 and presented the committee's recommendations.

**ITEM 9. PROPOSED AMENDMENT TO PARKS AND RECREATION PROGRAM.**

There was discussion at the December 2004 Committee meeting about cost-sharing on tree planting for both public and private cemeteries.

It was moved by Regier and seconded by Volkmer that the Upper Big Blue Natural Resources District cost-share on tree planting on both public and private cemeteries at the rate of 25% of the local share not to exceed \$2,500.00 per application per year. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None  
NOT PRESENT: Austin, Jackson, Luebbe

**ITEM 10. REVISE WILD NEBRASKA CONTRACT FROM BETTGER BROTHERS TO ROBERT E. BETTGER.**

The Bettger Brothers enrolled a parcel of land located in Fillmore County into the Wild Nebraska Program in November 2000 for a period of ten years. Since that time the Bettger Brothers have divided some of their land among themselves. This parcel of land is now under the ownership of Robert E. Bettger.

It was moved by Regier and seconded by Volkmer that Wild Nebraska contract 393 under the name Bettger Brothers, located in the NE 1/4 of Section 25, Twp. 8N, Range 3W of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, be changed to read Robert E. Bettger. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT VOTING: Jackson  
NOT PRESENT: Austin, Luebbe

**ITEM 11. REVISE WILDLIFE HABITAT IMPROVEMENT CONTRACT FROM RICHARD MARESH TO RUTH MARESH.**

In March 1997 Richard Maresh enrolled a parcel of land into the Wildlife Habitat Improvement Program for a period of ten years. In November of 2004 Richard passed away. His wife Ruth wants to have the contract put into her name.

It was moved by Regier and seconded by Hansen that Wildlife Habitat Improvement Contract 387 under the name of Richard Maresh located in the SW 1/4 of Section 3, Twp. 6N, Range 1W and the W 1/2 NE 1/4 of Section 9, Twp. 6N, Range 1W, of the 6<sup>th</sup> P.M., Fillmore County be changed to read Ruth Maresh. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Luebbe

**ITEM 12. NSWCP LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Regier and seconded by Jackson that payments totaling \$7,705.99 be made on 4 applications for Land Treatment Program NSWCP funds, as reviewed by the Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Austin, Luebbe

**ITEM 13. NRD LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Regier and seconded by Friesen that payments totaling \$20,000.00 be made on 4 applications for Land Treatment Program NRD funds, as reviewed by the Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 14. PROGRESS PAYMENT TO VILLAGE OF MCCOOL FOR DRAINAGE IMPROVEMENT.**

The Village of McCool has completed construction of their storm sewer improvements, except for the seeding and mulching over the pipeline route. The total storm sewer construction cost is \$295,039.31. The City received a 50% grant for this work, leaving a local share of \$147,519.66. Seeding work to be completed this spring is estimated to cost \$8,000. The local share of completed work is then \$139,519.66 (\$147,519.66 - \$8,000.00). The Interlocal Agreement between the NRD and Village requires the NRD to pay for 25% of the local share, not to exceed \$50,000. Staff recommends that the District reimburse the Village in the amount of \$34,879.92 (25% of completed work), and that reimbursement for seeding and mulching be deferred until work is completed.

It was moved by Regier and seconded by Brown that the District reimburse the Village of McCool Junction in the amount of \$34,879.92 for work completed as of December 2004 on their storm water drainage improvements, in accordance with the Interlocal Agreement between the Village and District. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 15. FINAL PAYMENT FOR PLUM CREEK TRAIL AT HIGHWAY 34 BRIDGE.**

The Plum Creek Trail at Seward was constructed under two separate agreements with Nebraska

Department of Roads. The majority of trail work was completed under an agreement using Transportation Enhancement Funds and was closed out in 2004. The portion of the trail that was constructed within the Highway 34 right-of-way was included in the bridge construction contract (STPB 34-6(129); the Nebraska Department of Roads has submitted an invoice in the amount of \$8,192.01 for this portion of the trail to close out the project. Staff recommends that the District make payment of \$8,192.01 to NDOR for the Highway 34 portion of the trail. The District will request the City of Seward to reimburse the District in the amount of \$8,192.01 for the City's share, in accordance with our Interlocal Agreement. Since the NRD maximum contribution of \$93,690 has been reached, the City is obligated to reimburse the NRD for the full amount of the remaining balance.

It was moved by Regier and seconded by Dickinson that the District reimburse the Nebraska Department of Roads (NDOR) in the amount of \$8,192.01 as final payment for construction of the Highway 34 Bridge portion of the Plum Creek Trail at Seward, in accordance with NDOR Invoice No. 0585353 and the Agreement between NDOR and the District. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 16. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on January 11, 2005 and presented the committee's recommendations.

**ITEM 17. \* FOURTH QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Moore and seconded by Hansen to approve payment of fourth quarter directors' per diem of \$6,930.00 and expenses of \$1,581.85. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson, Luebbe

**ITEM 18. NEBRASKA HABITAT CONSERVATION COALITION BILL.**

A bill for \$2,500 has been received from the Nebraska Habitat Conservation Coalition for the

2004 assessment. The Coalition is the group formed to bring legal action against the US Fish and Wildlife Service for the Critical Habitat Designation on the Platte River. \$5,000 was budgeted in the current budget for this item. An initial payment of \$5,000 was made in February 2002, and a second payment of \$2,500 was made in January 2003. No further payment has been made. The Lower Elkhorn handles the funds for the Coalition.

It was moved by Brown and seconded by Regier to approve payment of \$2,500 to the Nebraska Habitat Conservation Coalition for the 2004 assessment. The motion was approved

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 19. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

The January edition of the District's newsletter has been distributed. A billing has been received from York Printing Company for \$4,222.53 for the printing.

It was moved by Brown and seconded by Dickinson to approve payment of \$4,222.53 to York Printing for printing the January edition of the District's newsletter. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 20. TECHNICAL SERVICE PROVIDER AGREEMENT WITH NARD.**

The NARD has entered into an agreement with the USDA Natural Resources Conservation Service to administer the Technical Service Provider contributions. That agreement runs through September 30, 2007. The District should enter into an interlocal agreement with the NARD so that the reimbursement of funds can be handled by the NARD. The District has two employees whose time is reimbursed 100% by the NRCS for work on Farm Bill conservation practices. Currently they are funded with 2004 money. The NARD asks that we continue to work with our existing agreement with NRCS for reimbursement until the 2004 funds are used up. Then future time would be reimbursed through the NARD/NRD interlocal agreement. Turnbull reviewed the proposed agreement with the committee. The proposed agreement would run until January 2008. It was written by the NARD's attorney, Steve Seglin.

It was moved by Brown and seconded by Regier to enter into the Interlocal Agreement to Administer USDA-NRCS Funds for Technical Service Providers among participating Natural Resources Districts. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 21. LEGISLATIVE BILLS.**

Turnbull reviewed the Legislative bills and the Executive Committee's recommendations to the Board regarding this NRDs position on each bill.

It was moved by Brown and seconded by Moore that the Upper Big Blue NRD Board of Directors:

- Monitor LB 3 - Unconstitutional language correction relating to recreational lands;
- Monitor LB 617 - Recreational Lands, exceptions to charges for persons entering, \$15,000 limit;
- Monitor LB 620 - Recreational Lands, exceptions to charges for persons entering, NRD payments, etc.;
- Monitor LB 31 - NARD Bill for the Lower Platte North to allow NRDs to require permits for dewatering wells in place for 30 days instead of 90 days;
- Support LB 32 - NRD Directors Per Diem;
- Support LB 102 - Papio and Lower Platte South legislative bill for storm water management;
- Support LB 137 - NARD Bill to reallocate Water Well Decommissioning Fund on a 3 year basis instead of 1 year;
- Support LB 508 - NARD Bill to allow NRDs to cost share on well abandonment at 60%;
- Support LB 140 - Add natural resources technician to the Water Well Standards and Licensing Board;
- Support LB 154 If Amended - Change restrictions on who can construct a water well;
- Oppose LB 293 - Change length of time counties have to review livestock waste management permit applications;

- Oppose LB 335 - Exemption under the Industrial Ground Water Regulatory Act;
- Support LB 359 - Change qualifications of the Director of the Department of Natural Resources;
- Oppose LB 472 Unless amended - Provide income tax credit for conservation easements and provide for water well fee (\$10 to \$40 per registered well);
- Oppose LB 553 - Change population ratios in NRD election subdistrict to 1.5 to 1, and require that only one director be from each subdistrict;
- Monitor LB 619 - Dam Safety Act; and
- Oppose LB 708 - Exempt Municipal Domestic use from NRD regulations.

The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 22. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met on January 13, 2005 and presented the committee's recommendations.

**ITEM 23. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Moore and seconded by Hansen to approve cost-share payments for 10 well abandonments, as reviewed by the committee, totaling \$2,908.39. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson, Luebbe

**ITEM 24. FINANCIAL REPORT DECEMBER 1, 2004 THROUGH DECEMBER 31, 2004, AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2004.**



Turnbull reviewed the financial report for the period December 1, 2004 through December 31, 2004 that we had distributed. It was moved by Volkmer and seconded by Regier to accept the financial report for December 2004 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Luebbe

**ITEM 24. NOMINATING COMMITTEE REPORT.**

Dickinson reported that the Nominating Committee met January 11, 2005 and presented the slate of candidates for 2005. The board accepted the Nominating Committee's report and proceeded with voting by secret ballots.

**ITEM 25. NOMINATIONS FOR CHAIRMAN.**

The nominees for chairman of the board were Roger Houdersheldt and Larry Moore. There were no other nominations from the floor, so the board members were instructed to cast their ballots.

Jay Bitner and Rod DeBuhr were asked to collect and count the ballots. Houdersheldt was elected chairman by a vote of 14 to 1.

**ITEM 26. NOMINEES FOR VICE CHAIRMAN.**

The nominees for vice chairman were Curt Friesen and Mike Nuss. There were no other nominations from the floor, so the chair instructed the board members to cast their ballots. Friesen was elected vice chairman by a vote of 11 to 4.

**ITEM 27. NOMINEES FOR SECRETARY.**

The nominees for secretary were Doug Bruns and Gary Eberle. There were no nominations from the floor, so the chair instructed the board members to cast their ballots. Bruns was elected secretary by a vote of 10 to 5.

**ITEM 28. NOMINEES FOR TREASURER.**

The nominees for treasurer were Gus Brown and Steve Buller. There were no nominations from the floor, so the chair instructed the board members to cast their ballots. Brown was elected treasurer by a vote of 8 to 7.

**ITEM 29. NOMINEES FOR NARD REPRESENTATIVE & VOTING DELEGATE.**

The nominees for NARD representative and voting delegate were Doug Dickinson and Yvonne Austin. There were no nominations from the floor. The chair instructed the board members to cast their ballots for NARD representative and voting delegate. The candidate with the most votes will serve as representative and the runner-up will be the alternate. Dickinson was elected NARD representative by a vote of 9 to 6. Austin will serve as alternate.

There being no other business the chairman adjourned the meeting at 4:00 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on January 20, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 17, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 17, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Scott Snell Ken Feather, Marie Krausnick, Russ Gierhart, Ray Naber and Richard Hayes of York NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting February 3, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Regier arrived a few minutes later.

**ITEM 3. DIRECTORS' REQUESTS FOR EXCUSED ABSENCES.**

Austin requested that her absence from the February 17, 2005 board of directors meeting be excused.

It was moved by Volkmer and seconded by Jackson to excuse the absence of Yvonne Austin from the February 17, 2005 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Hansen and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Hansen and seconded by Dickinson to approve the revised agenda for the February 17, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 20, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Hansen and seconded by Dickinson to approve the minutes of the January 20, 2005 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Regier reported that the Projects & Programs Committee met on February 8, 2005 and presented the committee's recommendations.

**ITEM 8. PAYMENTS OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Regier and seconded by Luebbe that payments totaling \$8,879.69 be made on 3 applications for Land Treatment Program NSWCP funds, as reviewed by the Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 9. PAYMENTS OF NRD LAND TREATMENT PROGRAM FUNDS.**

It was moved by Regier and seconded by Volkmer that payments totaling \$25,000.00 be made

on 5 applications for Land Treatment Program NRD funds, as reviewed by the Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 10. VILLAGE OF FAIRMONT DRAINAGE IMPROVEMENTS PROGRESS PAYMENT.**

The Interlocal Agreement between the District and Village of Fairmont states that the District will pay for 25 percent of the local share of drainage improvement project cost, subject to the following provisions:

- (1) The District's share of actual cost will not exceed \$117,000.
- (2) The District's share of project cost will not exceed \$28,000 between March 2004 and April 2005.
- (3) The remaining balance of the District's share will be paid between May 2006 and August 2009.
- (4) The District's share of project cost will be computed on the basis of actual cost less any grants or other financial assistance.

The Interlocal Agreement termination date is August 2009.

The Village has submitted a claim in the amount of \$23,848 for Phase I of the drainage improvements. Staff recommends that the District reimburse \$5,962 (25%) to the Village as the District's share of Phase I cost.

It was moved by Regier and seconded by Hansen that the District reimburse \$5,962 to the Village of Fairmont for work completed on the Fairmont drainage improvements, in accordance with the Interlocal Agreement between the District and Village. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 11. PROPOSAL FOR SEALING PIONEER TRAILS LAKE.**

Staff presented a proposal to the Projects & Programs Committee for sealing 17 acres of the Pioneer Trails lake bed. Two alternatives were considered. Alternative A would include tilling and re-compacting the lake bed soil, and Alternative B would include tilling the lake bed, incorporating soda ash, and re-compaction of the lake bed soil. Staff requested authorization to

obtain contractor proposals for the proposed construction work.

It was moved by Regier and seconded by Moore that staff is authorized to obtain proposals from contractors to perform construction work needed to seal the Pioneer Trails lake bed, in accordance with geotechnical engineering recommendations as presented to the Committee as Alternatives A and B. The motion failed.

AYE: Buller, Eberle, Hansen, Moore, Nuss, Regier, Houdersheldt

NAY: Bruns, Dickinson, Friesen, Jackson, Kuehner, Luebbe, Teegerstrom, Volkmer

NOT VOTING: Brown

NOT PRESENT: Austin

## **ITEM 12. CITY OF HENDERSON STORMWATER DRAINAGE IMPROVEMENTS.**

The District and City of Henderson entered into an Interlocal Agreement in 1996 to plan, design, and construct drainage improvements in the City's industrial park area. The District completed preliminary design of the drainage improvements and delivered a final report to the City in July 1998. The City has not taken action since July 1998 to implement the plan or to pursue funding for the plan. The Interlocal Agreement expiration date was December 30, 1999. Staff recommends that the project be suspended from the priority list. The City has verbally agreed that this project should be suspended until the City is ready to pursue funding.

It was moved by Regier and seconded by Luebbe that the City of Henderson drainage improvement project, as specified in the 1996 Interlocal Agreement between the District and City, be suspended. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin

## **ITEM 13. KEZAN CREEK PROJECT.**

Staff briefed the Projects & Programs Committee on recent meetings with the Natural Resources Commission, landowners, and Butler County Road and Bridge Committee. The Commission is expected to determine project grant eligibility in March 2005. Staff recommends that work on the detailed feasibility study should begin immediately after eligibility is determined.

It was moved by Regier and seconded by Volkmer that staff is authorized to obtain proposals for detailed mapping and geotechnical engineering on the Kezan Creek project. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Nuss  
NOT PRESENT: Austin

**ITEM 14. SOUTHEAST COMMUNITY COLLEGE DRAINAGE IMPROVEMENTS.**

Saathoff briefed the Committee on the status of final design for the SECC drainage improvements. SECC administrators have accepted final design and staff requested authorization to advertise for bids on the project.

It was moved by Regier and seconded by Luebbe that staff is authorized to advertise for bids on the Southeast Community College, Milford Campus, drainage improvement project, in accordance with the Interlocal Agreement between the District and Southeast Community College. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Austin

**ITEM 15. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on February 8, 2005 and presented the committee's recommendations.

**ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Dickinson to approve cost-share payments for eight well abandonments, as reviewed by the committee, totaling \$3,085.76. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Austin

**ITEM 17. ET GAGE PROJECT.**

An ET gage (also called an atmometer) is a device that can be used to estimate crop water use to provide data for irrigation scheduling. The NRD used an ET gage at CROP-TIP in 2004. Since 1980 the NRD has used weather station data from a station near Recharge Lake to provide crop water use information. The staff feels that ET gages may provide better data because they can be located closer to the fields where the data is used.

The staff recommends that the NRD purchase six ET gages for the 2005 irrigation season and work with the County Extension Educators to place these gages with cooperators who will report the daily ET to the NRD and/or Extension. The cost of the gages is approximately \$180 each.

It was moved by Moore and seconded by Friesen to approve the purchase of six ET gages. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner

NOT PRESENT: Austin, Volkmer

#### **ITEM 18. TRAILER PURCHASE FOR RIVER RUN MODEL.**

The “Water for the West” grant application included the purchase of a 2005 H & H enclosed cargo trailer at an estimated cost of \$5,550. The trailer will be used to transport the pieces of the River Run Model from site to site. Snell contacted H & H Trailers’ headquarters in Clarinda, Iowa about purchase and was referred to Neels Trailer Outlet in Elmwood, Nebraska. Snell was offered a new 2005 H & H enclosed cargo trailer standard - CT 7x14 tandem axle (which is 2 foot longer than originally budgeted for) at a cost of \$4,380. The district has until February 25 to take possession of the trailer at this negotiated price. The entire purchase cost will be paid for by the “Water for the West” grant.

Snell obtained purchase quotes from two other suppliers. Russell Trailer Sales of Stromsburg, Nebraska quoted the same trailer at \$4,900 and Pittman Trailer Sales of Lincoln, Nebraska quoted an Atlas brand trailer at \$4,500.

Normally an item of this nature would have first been presented to the Executive Committee for review. Due to the limited time frame to purchase the trailer through Neels at the negotiated price, staff is asking the board to authorize the purchase.

It was moved by Moore and seconded by Regier to purchase the 2005 H & H enclosed cargo trailer standard CT 7 x 14 tandem axle at a cost of \$4,380 from Neels Trailer Outlet in Elmwood, Nebraska. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Volkmer

#### **ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on February 8, 2005 and presented the



committee's recommendations.

**ITEM 20. AUTHORIZATION TO PURCHASE COLOR PRINTER.**

The staff has requested that a color printer be purchased to replace two old printers, both of which are worn out. The quotes for the color printer are:

|                                      |               |            |
|--------------------------------------|---------------|------------|
| Advanced Office Automation, Lincoln  | Savin CLP35D  | \$4,646.00 |
| Eakes Office Plus, Grand Island      | Sharp ARC260P | \$5,205.00 |
| Eakes Office Plus, Grand Island      | HP 5550 hdn   | \$6,299.00 |
| Hamilton Information Systems, Aurora | HP 5550 hdn   | \$6,537.00 |

Brisk recommends the purchase of the Savin printer from Advanced Office Automation.

It was moved by Brown and seconded by Nuss to approve the purchase of a Savin CLP35D from Advanced Office Automation of Lincoln, for \$4,646.00. The motion was approved.

AYE: Brown, Burns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 21. ADDITIONAL FIELD DATA FOR THE EASTERN SUB-REGIONAL MODEL.**

Bitner briefed the board on the need for more testing of river bed conductance for our area of the COHYST work, which is the Eastern Sub-Regional Model. The Conservation and Survey Division of the University is doing work for the District under an existing contract. It is necessary to test more sites along the West Fork of the Blue River, as well as other possible areas. The work needs to be done as soon as possible after the weather permits. Bitner recommends an extension of the existing agreement not to exceed \$15,000.

It was moved by Brown and seconded by Regier to approve additional river bed conductance testing by the Conservation and Survey Division of the University of Nebraska, not to exceed \$15,000. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 22. APPROVAL OF COMMITTEE ASSIGNMENTS.**

| <b>Committee Assignments - February 2005</b> |                                |  |
|--|--------------------------------|--|
| <b>Projects &amp; Programs</b>               | <b>Water &amp; Regulations</b> | <b>Executive</b>                       |
| Buller                                       | Austin                         | Chairman<br>Roger Houdersheldt         |
| Hansen                                       | Eberle                         | Vice Chairman*<br>Curt Friesen         |
| Jackson                                      | Kuehner                        | Secretary*<br>Doug Bruns               |
| Luebbe                                       | Moore                          | Treasurer*<br>Gus Brown                |
| Regier                                       | Nuss                           | NARD Representative*<br>Doug Dickinson |
| Teegerstrom                                  | Volkmer                        | Projects Chairman                      |
| Board Officer<br>Brown                       | Board Officer<br>Bruns         | Water Chairman                         |
| Board Officer<br>Dickinson                   | Board Officer<br>Friesen       | Projects Representative                |
| Board Chairman<br>Houdersheldt               | Board Chairman<br>Houdersheldt | Water Representative                   |

\* Any one of these officers may be appointed to the committees but may not serve as Committee Chairman or Vice Chairman

Brown reviewed the committee assignments.

It was moved by Brown and seconded by Regier to approve the committee assignments. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Volkmer

The Board recessed at 2:10 p.m. in order for The Projects & Programs Committee and Water & Regulations committee to convene and elect a chair and vice chair and for the Executive Committee to appoint a representative from each committee. The board reconvened at 2:30 p.m. The following is a list of committee members and appointees.

| <b>Committee Members - February 2005</b> |                                |  |
|--|--------------------------------|--|
| <b>Projects &amp; Programs</b>           | <b>Water &amp; Regulations</b> | <b>Executive</b>                       |
| Buller - Chairman                        | Austin                         | Chairman<br>Roger Houdersheldt         |
| Hansen                                   | Eberle                         | Vice Chairman*<br>Curt Friesen         |
| Jackson                                  | Kuehner                        | Secretary*<br>Doug Bruns               |
| Luebbe - Vice Chairman                   | Moore - Chairman               | Treasurer*<br>Gus Brown                |
| Regier                                   | Nuss - Vice Chairman           | NARD Representative*<br>Doug Dickinson |
| Teegerstrom                              | Volkmer                        | Projects Chairman<br>Buller            |
| Board Officer<br>Brown                   | Board Officer<br>Bruns         | Water Chairman<br>Moore                |
| Board Officer<br>Dickinson               | Board Officer<br>Friesen       | Projects Representative<br>Regier      |
| Board Chairman<br>Houdersheldt           | Board Chairman<br>Houdersheldt | Water Representative<br>Austin         |

It was moved by Hansen and seconded by Bruns to approve the committee appointments for 2005 and 2006. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 23. FINANCIAL REPORT FOR JANUARY 1, 2005 THROUGH JANUARY 31, 2005 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2005.**

Turnbull reviewed the financial report for the period January 1, 2005 through January 31, 2005 that we had distributed. It was moved by Brown and seconded by Luebbe to accept the financial report for December 2004 as presented, and approve payments of the accounts payable.

and publish the expenditures. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Volkmer

There being no other business the chairman adjourned the meeting at 3:47 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on February 17, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**UPPER BIG BLUE NRD  
BOARD OF DIRECTORS MEETING  
March 17, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 17, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Scott Snell Ken Feather, Marie Krausnick, Russ Gierhart, Dan Leininger, Richard Jiskra, NNRC, Bryan Euse York NRCS and Kristi Schleif, Osceola NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting March 3, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Seventeen directors were present for roll call.

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Teegerstrom adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Teegerstrom to approve the agenda for the March 17, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 5. \*APPROVAL OF MINUTES OF THE FEBRUARY 17, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Teegerstrom to approve the minutes of the February 17, 2005 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 6. DIRECTOR'S RECOGNITION.**

Larry Moore was recognized with an engraved plaque for 30 years of service as an Upper Big Blue NRD board member.

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on March 8, 2005 and presented the committee's recommendations.

**ITEM 8. WILDLIFE HABITAT PAYMENTS.**

The wildlife habitat contracts have been inspected and recommended for payment. The total contract payments are \$2,038.75. The NRD share is 25 percent. The Nebraska Game and Parks will reimburse the District 75 percent of the contract totals.

It was moved by Buller and seconded by Luebbe that the Upper Big Blue Natural Resources District make payments totaling \$2,038.75 to the cooperators of the Wildlife Improvement Program for the month of March. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 9. MAX MILLER CORNERS FOR WILDLIFE CONTRACT.**

Max Miller has a pivot corner located in the SE corner of the NW 1/4 of Section 7, Township 7 North, Range 2 West of the 6<sup>th</sup> P.M., in Fillmore County, Nebraska. He wants to seed 3.0 acres of the corner to a warm season grass mix for wildlife cover. The contract is paid for with funds from the local Pheasants Forever Chapter and Environmental Trust. Max Miller will receive \$40.00/acre for a 5-year period on this 3.0 acre corner. The NRD will receive the funds before making payment to the landowner.

It was moved by Buller and seconded by Hansen that the Upper Big Blue NRD enter into the Corners for Wildlife contract submitted by Max Miller for a 5-year period with an annual payment of \$120.00/year. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 10. RECHARGE LAKE DEMONSTRATION WELL.**

Rod DeBuhr requested authorization to drill a demonstration well at Recharge Lake. The test well would be drilled to demonstrate proper well drilling techniques when drilling into a confined aquifer. The test well would be located in the Recharge Lake recreation area, and could be developed into a water supply well for the recreation area. The drilling cost will be paid by the Well Drillers Association. If the District wants to keep the well for water supply, the cost of well casing, well screen, and pump will be paid by the District. The District's cost is estimated to be \$1,100.

It was moved by Buller and seconded by Luebbe that the District allow the Well Drillers Association to drill a demonstration water supply well, to be drilled into the confined aquifer, at the Recharge Lake recreation area, and that the District pay for the cost of screen, casing, and pump to develop the well for water supply. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 11. PAYMENTS OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Austin that payments totaling \$15,858.03 be made on 7 applications for Land Treatment Program NSWCP funds, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 12. PAYMENTS OF NRD LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Brown that payments totaling \$10,000.00 be made on 2 applications for Land Treatment Program NRD funds, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,

Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 13. INCREASE LAND TREATMENT PROGRAM BUDGET.**

Bitner reviewed the budget status for the Land Treatment Program. All funds budgeted for FY 2005 have been obligated, and a waiting list has been compiled. The FY 2005 budget includes \$153,000 in the Governmental Cost Share line that was to be spent for the City of York drainage improvements. Since this work will not be done until after July 1, 2005, a portion of those funds could be used to fund additional land treatment practices in FY 2005. There are currently 27 applications on file that are eligible for funding.

It was moved by Buller and seconded by Austin that staff is authorized to obligate an additional \$50,000 (\$245,000 maximum) for NRD funded Land Treatment Program applications in FY 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt  
NAY: Volkmer

**ITEM 14. \* NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Teegerstrom that payments totaling \$7,493.95 be made on 14 Nebraska Buffer Strip Program contracts, as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 15. KEZAN CREEK PROJECT AERIAL PHOTOGRAPHY AND MAPPING.**

Bitner briefed the Committee on project status. Presentations have been given to the landowners and tenants, NNRC Commissioners, DNR staff, and Butler County Commissioners. On March 23, the NNRC Commissioners will decide on project eligibility to file a formal application for a Resource Development Fund grant. If the project is determined to be eligible, a detailed feasibility study will be prepared to support the grant application.

Proposals for aerial photography and mapping have been received from Western Air Maps (\$31,900) and Horizons, Inc. (\$35,200); both firms are qualified and have done mapping on other District projects. Bitner requested authorization to enter into a contract with Western Air Maps for the mapping work at Kezan Creek, subject to the Natural Resources Commission determination that the Kezan Creek project is eligible for a Resources Development Fund grant.



It was moved by Buller and seconded by Hansen that staff is authorized to enter into a contract with Western Air Maps, Inc. for aerial photography and mapping for the Kezan Creek Project, in accordance with Western Air Maps' proposal No. P5115, subject to determination by the Nebraska Natural Resources Commission that the Kezan Creek Project is eligible for a Resource Development Fund grant. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Nuss

**ITEM 16. PROJECT PRIORITIES - PIONEER TRAILS.**

Staff recommends that the lake sealing project proposed for Pioneer Trails be suspended from the active Projects Priority List. If local support is shown in the future for sealing the lake, the project can be reactivated and given a priority at that time.

It was moved by Buller and seconded by Luebbe that the lake sealing project proposed for Pioneer Trails be suspended. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Buller

**ITEM 17. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on March 8, 2005 and presented the committee's recommendations.

**ITEM 18. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Teegerstrom to approve cost-share payments for four well abandonments, as reviewed by the committee, totaling \$1,600.00. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 19. COUPLED IRRIGATION SYSTEMS AND SOIL WATER MANAGEMENT RESEARCH.**

A copy of a research proposal for Coupled Irrigation Systems and Soil Water Management prepared by Suat Irmak of the University of Nebraska was distributed to the committee. The research will look at management practices such as residue management and reduced tillage under pivot, subsurface drip and low pressure subsurface drip irrigation. It will also look at irrigation scheduling techniques to take advantage of rainwater to reduce crop demand on irrigation. The research will be conducted at the UNL research facility at Clay Center. The total cost of the proposal is \$123,500 over four years. The project has been approved for a \$50,000 grant from the Burlington Northern Endowment Fund. The University of Nebraska has committed \$35,980 of in kind services. This leaves \$37,520 needed to fund the project. Mr. Irmak has asked the Little Blue, Central Platte and Upper Big Blue NRDs to consider assisting with the project. The staff recommends that the District assist by contributing \$3,333.33 per year for the next three years for a total of \$10,000.

It was moved by Moore and seconded by Nuss that the District assist the Coupled Irrigation Systems and Soil Water Management Research Project by contributing \$3,333.33 per year for the next three fiscal years for a total contribution of \$10,000. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

#### **ITEM 20. WELL PERMIT EXPIRATION DATE.**

LB962, made law last year, provides that the Department of Natural Resources (DNR) shall determine by January 1 of each year if a river basin is fully appropriated. If all or part of a river basin is determined to be fully appropriated, a stay on the drilling of new wells will be implemented 10 days after the determination. Because the District does not know what part of the District will be designated fully appropriated, or what year such a designation will occur, the staff recommends that the District amend its Ground Water Management Area Regulations (Rule 5) to provide that a well drilling permit expire on December 31 of the year in which it is issued. During the discussion it was pointed out that the fully appropriated determination could occur more than 10 days prior to December 31. It was discussed that any change should also take this possibility into account.

It was moved by Moore and seconded by Hansen to approve the following proposed change to District Rule 5, Chapter 5, for the purpose of conducting a public hearing.

##### 10 Permit Expiration Date -

A permit shall expire on either of the following dates:

10.01 December 31 of the year in which the permit is issued, or

10.02 Ten days following the Department of Natural Resources' determination of a fully appropriated basin which encompasses the location of the proposed well.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe,  
Moore, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Nuss, Volkmer

It was moved by Austin and seconded by Friesen that we hold the Public Information Meeting and the Public Hearing at 7:00 p.m. prior to the Water Committee meeting on Thursday, April 14, 2005 and accept public comment through May 6, 2005 and that any proposed action on the matter be added to the agenda for consideration at the May board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe,  
Moore, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Nuss

NOT VOTING: Volkmer

#### **ITEM 21. LATE PERMIT USDA/FSA.**

United States Department of Agriculture constructed two wells near the Village of Utica for the purpose of cleaning up ground water contamination from an abandoned USDA grain storage facility. The ground water is pumped to a wetland north of Utica and sprayed into the air over a wetland. This process allows the contaminant to be volatilized. The wetland then benefits from the decontaminated water. During the planning of this project, the NRD staff met with the planning group and explained the permitting process. The application was filled out and signed by the applicant in March of 2004, prior to construction, but was not submitted to the NRD. Since the wells are in series, they can be permitted under one application. The staff has determined that the wells do not violate any of the District's ground water regulations. The \$250 late permit fee has been paid.

It was moved by Moore and seconded by Hansen to approve a late permit for USDA/FSA for two wells in a series, designated as GWEX-1 and GWEX-3, located in Section 29-T11N-R1E, Seward County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe,  
Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Kuehner, Nuss

#### **ITEM 22. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on March 8, 2005 and presented the committee's recommendations.

**ITEM 23. LOWER PLATTE NORTH NRD SALARIES REIMBURSEMENT.**

We received a bill from the Lower Platte North NRD for salaries for the Butler County NRCS clerk in the amount of \$5,919.08 and part time technician work in the amount of \$888.76 for a total of \$6,807.84 for the past six months.

It was moved by Brown and seconded by Regier to approve payment of \$ 6,807.84 to the Lower Platte North NRD for NRCS office salaries for half of FY 05 (July 1 through Dec 31, 2004).  
The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Moore, Nuss,  
Regier, Teegerstrom, Volkmer  
NAY: Buller, Kuehner, Luebbe, Houdersheldt

**ITEM 24. COLOR PRINTER.**

The Savin CLP35D color printer has been installed by Advanced Office Automation of Lincoln. An invoice for \$4,646.00 has been received and is recommended for payment.

It was moved by Brown and seconded by Friesen to approve the payment of \$4,646.00 for the Savin CLP35D to Advanced Office Automation of Lincoln. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 25. DIRECTOR PER DIEM AND EXPENSES.**

Yvonne Austin recently returned from the NACD Convention in Atlanta. Her per diem for that trip is \$350.00 for five days and her expenses are \$1,185.29.

It was moved by Regier and seconded by Teegerstrom to approve payment of \$350.00 for per diem and \$1,185.29 for expenses for the period February 5 through February 9, 2005 to Yvonne Austin. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 26. RIVER RUN MODEL.**

The River Run Model funded by the "Water for the West" grant is under construction. It is time to have the electrical work done, as well as the painting and signs. Krieger Electric from Hastings has agreed to do the electrical work for an estimated cost of \$3,235.80. Wallingford

Signs of York will do the painting and signs work for an estimate of \$6,842. Snell asked for the approval of these expenditures, which will all be reimbursed by the "Water for the West" grant.

It was moved by Brown and seconded by Regier to approve electrical work on the River Run Model by Krieger Electric of Hastings for a cost not to exceed \$3,500, and to approve the painting and sign work by Wallingford Signs of York for a cost not to exceed \$7,000. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Volkmer, Houdersheldt

NAY: Teegerstrom

**ITEM 27. FINANCIAL REPORT FOR FEBRUARY 1, 2005 THROUGH FEBRUARY 28, 2005 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2005.**

Turnbull reviewed the financial report for the period February 1, 2005 through February 28, 2005 that we had distributed. It was moved by Brown and seconded by Nuss to accept the financial report for February 2004 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

There being no other business the chairman adjourned the meeting at 4:38 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on March 17, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

PUBLIC HEARING  
UPPER BIG BLUE NRD  
GROUND WATER MANAGEMENT AREA REGULATIONS - RULE 5  
April 14, 2005

The Upper Big Blue Natural Resources District board met Thursday, April 14, 2005 at 7:00 p.m. at the Holiday Inn Hotel, located at I-80 and Highway 81 South, York, Nebraska. The purpose of the meeting was to conduct a public information meeting concerning expected changes to our rules and regulations as a result of the implementation of LB 962 and then to conduct a public hearing to receive comments on the proposed changes to the NRD's Ground Water Management Area Regulations (Rule 5). There were approximately 25 members of the public present during the hearing.

BOARD MEMBERS

Yvonne Austin  
Augustus Brown, Treasurer  
Doug Bruns, Secretary  
Steve Buller  
Doug Dickinson  
Gary Eberle  
Curtis Friesen, Vice Chairman  
Wayne Hansen  
Roger Houdersheldt, Chairman  
James Jackson  
William Kuehner  
Linda Luebbe  
Larry Moore  
Michael Nuss  
Vance Teegerstrom  
Merlin Volkmer

STAFF MEMBERS

John Turnbull, General Manager  
Rodney DeBuhr, Water Department Mgr.  
Scott Snell  
Nancy Brisk  
Linda Martindale  
Marie Krausnick  
Dan Leininger  
Ken Feather  
Russ Gierhart

PUBLIC TESTIMONY

Clint Hohndorf, Rising City  
Fred Blase, Hordville

Chairman Houdersheldt opened the public hearing at 9:05 p.m. and appointed Rodney DeBuhr as Hearing Examiner.

DeBuhr: My name is Rod DeBuhr. I'm the Water Department Manager for the District and I will serve as Hearing Examiner. I have before me proof of publication from the York News-Times showing that notice of this hearing was published on March 23, March 30 and April 6 to comply with state law. The purpose of this hearing as was previously described in the information meeting is to consider a change to the District's Ground Water Regulations, Rule 5, Chapter 5. The change deals with the issuance of permits for construction of wells. It's a simple change that states that:

10 Permit Expiration Date -

A permit shall expire on the earlier of the following dates:

10.01 December 31 of the year in which the permit is issued, or

10.02 Ten days following the Department of Natural Resources determination of a fully appropriated basin which encompasses the location of the proposed well.

The procedure from here on is that we will no longer take questions. We want to receive your comments. The procedure is that if you wish to testify we ask that you come forward to the table here. There is a sign-in sheet so please sign-in your name, address, and if you're representing someone other than yourself, who you're representing. And then please state your name for the record so that we can get it recorded and then present your testimony. After we receive the verbal testimony we will also accept written testimony and the record will remain open until 5:00 p.m. May 6. Those written comments should be delivered to the NRD Office, or mailed to the NRD Office, at 105 North Lincoln Avenue, York, Nebraska 68467. Is there anyone who wishes to testify? Going once? If there's no one wishing to testify I'll close the hearing, but I don't want to cut anybody off. I want to give you every opportunity.

Hohndorf: My name's Clint Hohndorf. I live in the northern edge of the Upper Big Blue. I'd just like to repeat a couple of things that I said earlier in the question and answer session. Whatever your decision is, if you allow me to drill a well please find an avenue to allow me to use it. That's all I ask. Tell me what the rules are. I'd like some clarification. I know this is not a question and answer, but just make it clear before you allow me to drill a well what my options are.

DeBuhr: Thank you. Anyone else?

Blase: My name is Fred Blase. I live at Hordville and I have a piece of ground that I farm with my mother over by Marquette which would be close to the Wellhead Protection District that I've heard them talk about that's proposed for Marquette. Right now it's all dryland. It's also contingent a little bit on whether the railroad right-of-way is abandoned or not whether a fellow could put a half turn pivot on the thing. And the other thing would be I've heard you mention and I've read about it a little bit, the code agency DNR, State of Nebraska DNR, has the right to declare this a fully appropriated basin. That puts that out of your hands, the board's hands. Would that be right?

DeBuhr: That's correct.

Blase: But you're also...I'm trying to think of the way I want to say it...you're in charge of this District, this NRD District. Am I correct? So the State has some input on what you do also. Would that be right? And that applies across the state to all the

Districts? Okay. Sometimes you have to learn how to ask the question to come up with a question to start with, but back to this 80 acres that I farm south of Marquette, I'd love to irrigate it, I'd love to have had a well there two or three years ago to prevent the last couple of deals. But if it was to stay dryland it would stay dryland taxes and I just got a deal from the FSA Office that I can go back to 2003 because my corn was like 11 bushels to the acre, the beans were 8 or 9, and there's been years I raised 150 bushel dryland corn there. So I guess if it stays dryland I'd like to know there's some protection for my efforts. That's about all I've got to say. If there are any questions, why I'll do my best to answer them. Thank you.

DeBuhr: Thank you. Anyone else? The District has received one written testimony from the Department of Natural Resources which is a letter we received by fax today from the Director (this will be entered into the record for the board to see when the full record is complete) basically supporting us and saying they're glad we're getting the word out to people. That will also be part of the record. Anyone else? Last call. Well then, I'll turn this back to the Chairman to close the hearing.

Houdersheldt: All right, seeing no more comments we will close this Public Hearing. Thank you all for attending and we'll do our best to keep you updated on what's going on.

The hearing was closed at 9:11 p.m.

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Douglas Bruns, Secretary

:ndb



**BOARD OF DIRECTORS MEETING**  
**April 21, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 21, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Scott Snell Ken Feather, Bryan Euse, York NRCS and Mark Nowack, Aurora NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting April 7, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call. Luebbe arrived at 7:34 p.m..

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Volkmer to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Volkmer to approve the agenda for the April 21, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 5. \*APPROVAL OF MINUTES OF THE MARCH 17, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Volkmer to approve the minutes of the March 17, 2005 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 6. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on April 12, 2005 and presented the committee's recommendations.

**ITEM 7. SMITH CREEK PROJECT BOAT RAMP.**

A boat ramp has been designed for the Smith Creek Recreation Area. The ramp is 64.5 feet long, 14 feet wide and 6 inches thick. Staff budgeted \$12,000 for the project. Wyad Utility Contractor, Inc. of York submitted a bid of \$7,500.00 to construct and install the boat ramp at Smith Creek Recreation Area.

It was moved by Buller and seconded by Bruns that the Upper Big Blue Natural Resources District accept the bid from Wyad Utility Contractors, Inc. to construct and install the boat ramp at Smith Creek Recreation Area for the amount of \$7,500.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 8. PAYMENTS OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Luebbe that payments totaling \$21,577.10 be made on 13 applications for Land Treatment Program NSWCP funds, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 9. PAYMENTS OF NRD LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Volkmer that payments totaling \$15,000.00 be made on 3 applications for Land Treatment Program NRD funds, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: Jackson, Nuss

**ITEM 10. SOUTHEAST COMMUNITY COLLEGE DRAINAGE IMPROVEMENTS PROJECT BIDS.**

Contractor bids were received on April 4, 2005 for construction of the proposed drainage improvements at Southeast Community College, Milford campus. Two alternative methods, Alternatives A and B, were designed for handling the stormwater runoff. Contractors were asked to bid both alternatives, and the College will decide which alternative to accept.

Bids were received from VanKirk Brothers (\$106,767.50 for Alternative A, and \$92,045.25 for Alternative B) and General Excavating (\$122,095.75 for Alternative A, and \$111,212.45 for Alternative B). Staff recommended that VanKirk Brothers be awarded the contract for constructing the SECC drainage improvements, subject to alternative selection and approval by SECC.

The Interlocal Agreement between the District and SECC specifies that the District's share of project cost is to be 30%, not to exceed \$37,500, and SECC's share is to be 70%, not to exceed \$87,500.

It was moved by Buller and seconded by Austin that VanKirk Brothers be awarded the contract for constructing drainage improvements at the Southeast Community College, Milford Campus, in accordance with their bid for Alternative A (\$106,767.50) subject to approval of the bid by Southeast Community College. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 11. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on April 12, 2005 and presented the committee's recommendations.

**ITEM 12. SUMMER ORIENTATION ABOUT RIVERS REQUEST FOR FUNDING.**

Jan Whitney from the Prairie Plains Resources Institute was present at the Committee meeting to request funding for the SOAR program (Summer Orientation about Rivers). She gave a short slide presentation on the program of youth environmental education for 3<sup>rd</sup> through 6<sup>th</sup> graders. The week long event includes exploring and enjoying natural, historic, and Ag sites in and around the Platte River in Hamilton County. Approximately 140 students attend the summer

session.

It was moved by Brown and seconded by Moore to approve a grant of \$1,500 to the SOAR program for 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Houdersheldt

NAY: Luebbe, Teegerstrom, Volkmer

**ITEM 13. \* FIRST QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter and recommended payment.

It was moved by Regier and seconded by Volkmer to approve payment of first quarter directors' per diem of \$9,380.00 and expenses of \$2,798.78. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 14. NARD WASHINGTON, D.C. HOTEL BILL.**

A bill for \$3,554.08 has been received from the NARD for the hotel rooms for Moore, Nuss, and Turnbull during the Washington, D.C. trip. The billing also included \$23.00 for the NRD Managers' Meeting breakfast with the Nebraska Legislature's Natural Resources Committee on March 3, and the NARD Board Meeting room expenses of \$45.45 on March 7. The total bill is \$3,622.53.

It was moved by Brown and seconded by Regier to approve payment of \$3,622.53 to the NARD for the Washington, D.C. conference hotel charges, NRD Managers Meeting breakfast on March 3 and the NARD Board of Directors March 7 meeting expenses. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Nuss

**ITEM 15. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on April 14, 2005 and presented the committee's recommendations.

**ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Volkmer to approve cost-share payments for 22 well abandonments, as reviewed by the committee, totaling \$6,946.05. The motion was approved as a part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Brown, Buller

**ITEM 17. APPROVAL OF ADDITIONAL AQWACAP FUNDS EXPENDITURE.**

The funds budgeted for well abandonment cost-share have already been spent with three months remaining in the fiscal year. The cost-share history for the past five years indicates that approximately \$8,000 - \$12,000 has been spent during the last three months of each fiscal year. The staff recommended that an additional \$10,000 be added to the well abandonment program for the remainder of the fiscal year. There are other budgeted items in the Water Department that will not be spent this fiscal year so that the overall budget will not be exceeded.

It was moved by Moore and seconded by Eberle to add \$10,000 to the AQWACAP program for Fiscal Year 2005 for a total of \$45,000. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

**ITEM 18. ATMOMETER AND SOIL MOISTURE PROJECT.**

Leininger has been working with Suat Irmak, UNL Irrigation Specialist, and several of the UNL Extension Educators on an Atmometer and Soil Moisture Project. The project would put atmometers and Watermark sensors at 10 - 12 cooperators' farms throughout the Upper Big Blue Natural Resources District. The purpose of this project is to track soil moisture use of crops throughout the District by measuring evapotranspiration (ET) with the atmometers and keeping track of soil moisture at each atmometer site with four Watermark sensors placed at 1, 2, 3 and 4 foot depths. County agents from York, Hamilton, and Clay counties will assist in compiling data from the atmometers and sensors, as well as amount of rainfall and irrigation at the sites. We will use this data to show how evapotranspiration can vary across the District, as well as how the sensors and atmometers can be tools used to schedule irrigation.

It was moved by Moore and seconded by Bruns to authorize up to \$4,000 for the purchase of additional atmometers, Watermark Sensors and other supplies for Crop ET and Soil Water

Management Research and Demonstration activities. The motion was carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 19. APPROVAL OF LATE PERMIT FOR USDA/FSA.**

The United States Department of Agriculture constructed two wells near the Village of Utica for the purpose of cleaning up ground water contamination from an abandoned USDA grain storage facility. The ground water is pumped to a wetland north of Utica and sprayed into the air over a wetland. This process allows the contaminant to be volatilized. The wetland then benefits from the decontaminated water. During the planning of this project, the NRD staff met with the planning group and explained the permitting process. Last month the Board approved a late permit for two wells at this site. The NRD has received an application for another late permit. This well was originally drilled as a monitoring well and did not require a permit. The well was upgraded to pump 70 g.p.m. in the fall of 2004. A permit was required for this upgrade. The \$250 late permit fee has been paid.

It was moved by Moore and seconded by Brown to approve a late permit for USDA/FSA for an extraction well located in Section 29-T11N-R1E, Seward County. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Austin, Kuehner

**ITEM 20. LATE PERMIT POLICY FOR IMPROPERLY REGISTERED WELLS.**

46-602 (2)(a) and (b) N.R.S. states that for the purpose of registering a replacement well, the original water well will be abandoned within one year after such construction.

The original Ground Water Management Act statutes only allowed the NRD to issue permits for new wells. Beginning in September of 1995, the statutes changed to require permits for both new and replacement wells. Recently DNR has received notices of well abandonment for original wells that were not completed in the one year time frame. According to DNR this makes the existing well illegal. In order to get the well legal status for a well constructed prior to September 1995, the NRD would need to issue a late permit for the active well. DNR would then re-register the well as a new well instead of a replacement well. DeBuhr has argued with DNR that, even though the statute has a one-year decommissioning provision, that the intent was an encouragement not a "drop dead" date. Staff from several other NRDs have also made similar points with DNR but so far we have lost the argument. DeBuhr suspects that if certification is required for a fully appropriated basin and/or the NRDs current regulations, there will be several more wells that will be considered illegal wells as a result of the DNR's ruling on the matter. For this reason, he recommends that the board adopt the following policy to address these late

permits.

### Late Permit Policy for Improperly Registered Wells

WHEREAS, Nebraska Statutes did not require well construction permits for replacement wells until September 9, 1995, and

WHEREAS, the Department of Natural Resources has ruled that a well cannot be registered as a replacement well if the original well is not properly abandoned within one year after the replacement well is constructed, and

WHEREAS, the owners and water well contractors of such wells may not have been aware that abandonment of the original well must occur within one year of construction.

NOW THEREFORE, be it resolved that the District waive the permit fee for the issuance of a late permit for any well for which the construction and operation meets the following criteria:

- 1) The well was constructed prior to September 9, 1995.
- 2) The well replaced another registered well.
- 3) The well irrigates the same tract of land as the original well.
- 4) The use of the original well was permanently discontinued prior to operation of the new well.
- 5) The original well has been decommissioned.
- 6) The well does not violate any other provisions of District Rule 5.

FURTHER BE IT RESOLVED, that a well permit issued under this policy shall not require the well to be equipped with a flow meter.

It was moved by Moore and seconded by Luebbe to approve the Late Permit Policy for Improperly Registered Wells. The motion was approved.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Bruns, Hansen, Nuss

NOT VOTING: Volkmer

### **ITEM 21. LATE PERMITS FOR IMPROPERLY REGISTERED WELLS.**

#### **ITEM 21a. THOMAS J. PEED REVOCABLE TRUST LATE PERMIT.**

Thomas J. Peed Revocable Trust has made application for a late permit for a well that was constructed as a replacement well in 1983. The original well was not properly abandoned within the one year required by 46-602 (2)(a), therefore, the well must be registered as a new well. No other NRD regulations appear to be violated by the construction or operation of this well. This

well permit falls under the policy considered in the previous item.

It was moved by Moore and seconded by Austin to approve a late permit for a well owned by Thomas J. Peed Revocable Trust, located in the SE1/4 of Section 34-T10N-R3W, York County.  
The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Nuss

NOT VOTING: Buller

**ITEM 21b. GLANTZ LAND COMPANY LLC LATE PERMIT.**

Glantz Land Company LLC has made application for a late permit for a well that was constructed as a replacement well in 1989. The original well was not properly abandoned within the one year required by 46-602 (2)(a), therefore, the well must be registered as a new well. No other NRD regulations appear to be violated by the construction or operation of this well. This well permit falls under the same policy as the previous motion.

It was moved by Moore and seconded by Austin to approve a late permit for a well owned by Glantz Land Company LLC, located in the NW1/4 of Section 5-T7N-R7W, Clay County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Nuss

**ITEM 22. CROP-TIP LAND LEVELING.**

The land leveling on the CROP-TIP field is complete. The Board previously agreed to split this cost with Cornerstone Bank. The NRD has received the bill from Rick Doremus Construction Company for \$2,500. Cornerstone Bank has been billed for their half of the \$2,500.

It was moved by Moore and seconded by Teegerstrom to pay Rick Doremus Construction Company \$2,500 for the land leveling done at CROP-TIP. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Brown

**ITEM 23. PURCHASE OF MOISTURE BLOCKS FOR RESALE.**

The District ordered and received 1,000 moisture blocks for resale. Delmhorst Instrument



Company has billed the NRD for these blocks in the amount of \$5,515.24.

It was moved by Moore and seconded by Austin to pay Delmhorst Instrument Company \$5,515.24 for moisture blocks. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 24. RIVER RUN MODEL COST INCREASES.**

Turnbull reviewed the progress on construction of the river run model. Due to some design changes Snell has requested an additional \$5,600 to complete the project. The amount of previously approved expenditures is \$16,275. With the additional increase the total cost will be \$21,875. Of that amount \$15,417 is being funded by a grant from Water for the West.

It was moved by Friesen and seconded by Eberle to approve additional costs and expenditures of \$2,100 for materials, \$2,600 for Krieger Electric's work and \$900 for Wallingford Signs' work on the River Run Model. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 25. AUTHORIZATION TO REPAIR HAIL DAMAGE.**

Turnbull advised the board that the NRD Office, garage and treatment plant buildings and one of the district's vehicles sustained hail damage during a storm on the afternoon of April 18. Our insurance agent has been contacted and an adjustor will be inspecting the buildings and vehicle in the near future. Turnbull requested authorization to proceed with repairs following the adjustor's report.

It was moved by Dickinson and seconded by Regier that the damage caused by the April 18, 2005 hail storm to the NRD Office Building and the 2005 Ford pickup be repaired pending the result of the insurance adjustment. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Hansen, Nuss

**ITEM 26. FINANCIAL REPORT FOR MARCH 1, 2005 THROUGH MARCH 31, 2005 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2005.**

Turnbull reviewed the financial report for the period March 1, 2005 through March 31, 2005 that

we had distributed. It was moved by Regier and seconded by Volkmer to accept the financial report for March 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

There being no other business the chairman adjourned the meeting at 9:55 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on April 21, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**May 19, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 19, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Scott Snell Ken Feather, Marie Krausnick and Jim Husbands of York NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting May 5, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Austin and Teegerstrom arrived a short time later.

**ITEM 3. DIRECTORS' REQUESTS FOR EXCUSED ABSENCES.**

Jackson requested that his absence from the May 19, 2005 board of directors meeting be excused.

It was moved by Hansen and seconded by Luebbe to excuse the absence of Jim Jackson from the May 19, 2005 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Nuss,  
Regier, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson, Moore, Teegerstrom

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Luebbe to approve the agenda for the May 19, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson

**ITEM 6. \*APPROVAL OF MINUTES OF THE APRIL 14, 2005 PUBLIC HEARING.**

It was moved by Regier and seconded by Luebbe to approve the minutes of the April 14, 2005 Public Hearing for Ground Water Management Area Rule 5. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson

**ITEM 7. \*APPROVAL OF MINUTES OF THE APRIL 21, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Luebbe to approve the minutes of the April 21, 2005 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson

**ITEM 8. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on May 10, 2005 and presented the committee's recommendations.

**ITEM 9. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Luebbe to approve cost-share payments for eighteen

well abandonments, as reviewed by the committee, totaling \$5,526.36. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Jackson

**ITEM 10. ATMOMETER AND SOIL MOISTURE PROJECT.**

In April the Board authorized the expenditure of up to \$4,000 for equipment needed for the Atmometer and Soil Moisture Project. The District purchased 90 stainless steel Watermark sensors for \$2,160 and 4 Watermark digital meters for \$876 for a total cost of \$3,046.96.

It was moved by Moore and seconded by Hansen that the District pay Irrrometer Company Inc. \$3,046.96 for equipment received for the Atmometer and Soil Moisture Project. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson

The District also purchased 4 Model A - ET gages at a cost of \$739.24 from ETgage Company, Loveland, Colorado.

It was moved by Moore and seconded by Friesen that the District pay ETgage Company \$739.24 for equipment received for the Atmometer and Soil Moisture Project. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Jackson

**ITEM 11. DISTRICT RULE 5 CHANGES.**

The proposed change to District Rule 5, Chapter 5, paragraph 10 reads as follows:

*10 Permit Expiration Date -*

*A permit shall expire on the earlier of the following dates:*

*10.01 December 31 of the year in which the permit is issued, or*

*10.02 Ten days following the Department of Natural Resources determination of a fully appropriated basin which encompasses the location of the*

*proposed well.*

The Committee reviewed the testimony from the April 14 public hearing and statutes related to a well permit and a fully appropriated basin. The following resolution was presented to the committee.

ORDER OF ADOPTION  
No. 2005-1

WHEREAS, the Upper Big Blue Natural Resources District Board of Directors has reviewed the proposed changes to Rule 5 - Upper Big Blue Natural Resources District Ground Water Management Area Rules and Regulations, and

WHEREAS, a Public Hearing was held on April 14, 2005 in accordance the State Statutes and District Rules and Regulations, and

WHEREAS, the District deems it to be in the best interest of the District and its citizens.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Upper Big Blue Natural Resources District adopt the Revised Rule 5 as amended May 19, 2005.

FURTHER BE IT RESOLVED, that Rule 5 as amended May 19, 2005 shall become effective on June 20, 2005.

It was noted that a word had been left out of the proposed change to District Rule 5, Chapter 5, paragraph 10, section 10.02. It should read “Ten days following the Department of Natural Resources *preliminary* determination of a fully appropriated basin which encompasses the location of the proposed well.”

It was also noted that the second paragraph of the Order of Adoption needs to be corrected to read “WHEREAS, A Public Hearing was held on April 14, 2005 in accordance *with* the State Statutes and District Rules and Regulations, and . . . ”

It was moved by Moore and seconded by Regier to forward Order of Adoption No. 2005-1 to the board for approval as corrected. The motion failed.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Moore, Houdersheldt

NAY: Austin, Dickinson, Hansen, Kuehner, Nuss, Regier, Volkmer

NOT VOTING: Luebbe, Teegerstrom

NOT PRESENT: Jackson

**ITEM 12. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on May 10, 2005 and presented the committee's recommendations.

**ITEM 13. SUB-REGIONAL MODEL CONSULTANTS REVIEW.**

Bitner recommended that the District hire Hemenway Groundwater Engineering, Inc., of Parker, Colorado, to review the Sub-Regional Model, which has been developed by Bitner from the COHYST Models. The Sub-Regional Model geographic area includes Adams, Hamilton, Clay, Polk, and York counties in this NRD plus surrounding counties. The computer mathematical model is being used to determine the connection of surface water and groundwater in the Blue River Basin and the interrelationships to the Platte River. It is planned that the model will provide data to establish the boundary of the fully appropriated basins.

Courtney Hemenway is currently reviewing the COHYST computer models for the Platte River. He will review the Upper Big Blue Sub-Regional Model for "fatal flaws" and to provide recommendations for improving and modifying the model to meet the intended purpose. Hemenway has submitted a proposal for the first stage of review of the Sub-Regional Model for an initial cost of \$6,400.

It was moved by Friesen and seconded by Hansen to approve the proposal for review of the Sub-Regional Model by Hemenway Groundwater Engineering, Inc., of Parker, Colorado, for an initial cost of \$6,400. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Jackson

**ITEM 14. ATTORNEYS' FEES.**

The attorney's fees for the month are \$7,792.14 for Steve Seglin's work concerning the Nebraska Groundwater Management and Protection Act and NRD water regulations.

It was moved by Friesen and seconded by Moore to approve payment of \$7,792.14 to Crosby Guenzel LLP, for Steve Seglin's work through April 15, 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Jackson

**ITEM 15. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

A bill for \$4,389.59 has been received from York Printing Company for newsletter printing.

It was moved by Friesen and seconded by Bruns to approve payment of \$4,389.59 to York Printing Company for printing the newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Jackson

**ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on May 12, 2005 and presented the committee's recommendations.

**ITEM 17. WILD NEBRASKA PAYMENT FOR GREG BERGEN & LOWELL SIEBERT.**

On December 16, 2004, the District agreed to enter into a WILD Nebraska Contract with Greg Bergen and Lowell Siebert and the Nebraska Game & Parks Commission to seed 13.0 acres to a warm season grass mix. The agreement stated that the District, along with the Game & Parks Commission would pay up to \$80.00 per acre for grass seed and an additional \$15.00 per acre for ground preparation which would total \$1,040.00 for grass seed and \$195.00 for ground preparation for a grand total of \$1,235.00. Greg and Lowell spent a total of \$1,251.40 for grass seed which exceeded the \$80.00 per acre.

It was moved by Buller and seconded by Regier that the Upper Big Blue Natural Resources District make a payment of \$1,235.00 to Greg Bergen and Lowell Siebert for the seeding of warm season grasses and ground preparation on the 13.0 acres enrolled in the WILD Nebraska program located in the SE ¼ of Section 35-T9N-R4W, York County, Nebraska. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Jackson

**ITEM 18. WILD NEBRASKA PAYMENT FOR WEEDIN FARMS, INC.**

In November 2002, the District agreed to enter into a WILD Nebraska Contact with Weed in Farms, Inc. to seed and plant trees and shrubs on a 2.3 acre parcel of ground located in the S ½ NW ¼ of Section 24-T11N-R7W, Hamilton County, Nebraska. The District did reimburse Weed in Farms, Inc. for the grass seed and tree and shrub planting but did not make the transition payment in the year 2003 and 2004. The transition payment is \$117.76 per year for a total of \$235.52.



It was moved by Buller and seconded by Regier that the District make the transition payment in the amount of \$235.52 to Weedin Farms, Inc. for the lands enrolled in the WILD Nebraska Contract located in the S ½ NW ¼ of Section 24-T11N-R7W, Hamilton County for the years 2003 and 2004. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Jackson

**ITEM 19. PAYMENT TO LINCOLN OAKES NURSERIES.**

The District purchased 16,025 trees and shrubs from Lincoln Oakes Nurseries located in Bismarck, North Dakota, for the planting of farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings for a total cost of \$6,389.80.

It was moved by Buller and seconded by Luebbe that the Upper Big Blue Natural Resources District make payment of \$6,389.80 to Lincoln Oakes Nurseries in Bismarck, North Dakota, for the trees and shrubs purchased in the spring of 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Jackson

**ITEM 20. PAYMENTS OF LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Luebbe that payments totaling \$44,677.01 be approved for 1 NSWCP application and 26 NRD applications for Land Treatment Program funds, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Jackson

NOT VOTING: Buller

**ITEM 21. KEZAN CREEK PROJECT MAPPING.**

Western Air Maps has submitted an invoice in the amount of \$19,800 for mapping work completed to-date on the Kezan Creek Project. Aerial photography and 75% of the mapping are completed; final product is to be delivered in June. The total contract for Western Air Maps is \$31,900.

It was moved by Buller and seconded by Hansen that Western Air Maps be paid \$19,800 for work completed to-date on the mapping for Kezan Creek project. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Jackson

NOT VOTING: Nuss

**ITEM 22. KEZAN CREEK PROJECT - GEOTECHNICAL ENGINEERING.**

Proposals for final design geotechnical engineering, including drilling, laboratory testing, and design recommendations, have been received from Terracon, Inc. (\$20,046.40) and Geotechnical Services, Inc. (\$6,105.00). Both firms have performed these services for District dams in the past. Staff has reviewed the proposals and recommends that the District hire Geotechnical Services, Inc.

It was moved by Buller and seconded by Luebbe that Geotechnical Services, Inc. be hired to conduct final design geotechnical engineering for the Kezan Creek Dam, in accordance with their proposal dated May 9, 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Houdersheldt

NAY: Nuss, Regier

NOT PRESENT: Jackson

**ITEM 23. FINANCIAL REPORT APRIL 1, 2005 THROUGH APRIL 30, 2005, AND CONSIDERATION OF EXPENDITURES FOR APRIL 2005.**

Turnbull reviewed the financial report for the period April 1, 2005 through April 30, 2005 that we had distributed. It was moved by and seconded by Volkmer to accept the financial report for April 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Jackson

NOT VOTING: Houdersheldt

There being no other business the chairman adjourned the meeting at 9:22 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District

held on May 19, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**June 16, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 16, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Scott Snell Ken Feather, Emily Houdersheldt, Dave Kohls, Bryan Euse of York NRCS and Dick Jiskra with NNRC. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting June 2, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Austin and Dickinson arrived a short time later.

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Volkmer and seconded by Hansen to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Volkmer and seconded by Hansen to approve the agenda for the June 16, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 5. \*APPROVAL OF MINUTES OF THE MAY 19, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Volkmer and seconded by Hansen to approve the minutes of the May 19, 2005 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 6. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met on June 7, 2005 and presented the committee's recommendations.

**ITEM 7. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Volkmer and seconded by Hansen to approve cost-share payments for ten well abandonments, as reviewed by the committee, totaling \$3,717.75. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Dickinson

**ITEM 8. SOILTEST 2006 COMPUTER PROGRAM PROPOSAL.**

Richard Ferguson, Professor of Soil Science at UNL, has prepared a proposal for an up-to-date Web and CD-ROM based application to generate University of Nebraska fertilizer recommendations. Staff feels that this would be beneficial to producers and crop consultants in the NRD. It could be especially beneficial in the Phase II management areas. Staff recommends contributing \$5,000 to the effort.

It was moved by Buller and seconded by Hansen that the District contribute \$5,000 to the SOILTEST 2006 computer programming project. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Nuss, Volkmer

NOT VOTING: Austin

**ITEM 9. AQUIFER HYDRAULIC CONDUCTIVITIES AND STREAMBED CONDUCTANCE.**

The University of Nebraska Conservation and Survey Division (CSD) has billed the District for their work completed to-date as part of the ground water modeling project being conducted jointly by this NRD, Central Platte NRD and CSD. The first payment due to CSD is \$4,211.65. The District will be reimbursed by the Central Platte NRD for one-half of this cost. The CSD has provided \$18,249.96 in matching funds so far for CSD personnel wages and benefits.

It was moved by Nuss and seconded by Teegerstrom to pay University of Nebraska Conservation and Survey Division \$4,211.65 for activities completed thus far as part of the ground water modeling project being conducted jointly by this NRD, Central Platte NRD and CSD. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Nuss

**ITEM10. MOISTURE BLOCKS FOR RESALE.**

It was moved by Nuss and seconded by Luebbe to pay Delmhorst Instrument Company \$1,104.82 for 200 gypsum blocks. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 11. PAYMENT TO IRROMETER FOR WATER SENSORS.**

The District needed six additional sensors for the Atmometer and Soil Moisture Demonstration Project. The Hamilton and York County Extension Educators and a private individual also requested Watermark sensors and meters. A total of 43 sensors and two meters were received with this order. The cost is \$1,477.17. The District's share of the bill is \$144.69. The NRD will be reimbursed the remaining \$1,332.48.

It was moved by Nuss and seconded by Austin to pay Irrrometer Company, Inc. \$1,477.17 for 43 Watermark sensors and two Watermark meters. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 12. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on June 9, 2005 and presented the committee's recommendations.

**ITEM 13. CITY OF HENDERSON TREE PLANTING AT THE LAKEVIEW PARK AND DOWNTOWN PARK.**

Dale Buller and Harris Peters representing the City of Henderson Park Board came to the committee asking for funds to plant trees and shrubs at the Lakeview Park and Downtown Park in the City of Henderson. The total cost of trees and planting comes to \$1,590.00. The District policy is to cost-share at the rate of 25% of the local share which would be \$397.50.

It was moved by Buller and seconded by Hansen that the Upper Big Blue Natural Resources District fund the tree planting at Lakeview Park and the Downtown Park in an amount not to exceed \$400.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 14. CITY OF YORK TREE PLANTING AT THE NEW SWIMMING POOL.**

In the Fall of 2005 the City of York plans to do an extensive tree planting at the City's new swimming pool. The total estimated cost of the project is \$42,582.00. The City of York received a \$12,000 grant from the Nebraska Greenspace Stewardship Initiative for this phase of the project which leaves the City's share at \$30,582.00. The District's policy for cost-share on parks is 25% of the local share. The District's share based on 25% of the City's local share would be \$7,645.50.

It was moved by Buller and seconded by Austin that the Upper Big Blue Natural Resources District fund the tree planting at the new swimming pool in the City of York at the rate of 25% of the local share, not to exceed \$7,650.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Nuss, Volkmer

**ITEM 15. SPRING LAKES ESTATES AT MCCOOL REQUEST FOR ASSISTANCE.**

During recent flooding events on the West Fork Big Blue River, the Spring Lakes Estates residential development near McCool Junction experienced flood damage. Residents and interested parties from the Spring Lakes Estates development attended the Projects & Programs

Committee Meeting to request assistance from the District to evaluate the problem and make recommendations. After some discussion, the Committee suggested that a reconnaissance level evaluation be done and reported back to Committee for further consideration.

A reconnaissance level evaluation will include an on-site review and recommendations as to possible structural and nonstructural solutions to the flooding problem. No engineering or project cost estimates will be prepared at this level of study.

It was moved by Buller and seconded by Luebbe that staff is authorized to conduct a reconnaissance level evaluation, as discussed by the Committee, to evaluate the flooding problem at Spring Lakes Estates near McCool Junction. The motion was approved.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Bruns, Kuehner

NOT VOTING: Moore, Nuss

**ITEM 16. CORNERS FOR WILDLIFE PAYMENTS.**

These wildlife areas are pivot corners or portions of pivot corners that have been developed for wildlife. The payments are being made with funds from the Environmental Trust through the Pheasants Forever Chapters.

It was moved by Buller and seconded by Jackson that the Upper Big Blue Natural Resources District make payments of \$2,685.00 to the cooperators of the Corners for Wildlife program. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 17. WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENTS FOR JUNE 2005.**

The Wildlife Habitat Improvement Program areas have been inspected and recommended for their annual payments. The payments are funded 75% by Nebraska Game & Parks Commission and 25% by the Upper Big Blue Natural Resources District.

It was moved by Buller and seconded by Volkmer that the Upper Big Blue Natural Resources District make payments totaling \$1,047.50 to the cooperators of the Wildlife Habitat Improvement Program for the month of June. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt



NAY: None

**ITEM 18. PAYMENT TO NEBRASKA ASSOCIATION OF RESOURCES DISTRICT FOR TREES.**

The District purchased 21,475 trees and shrubs from the Nebraska Association of Resources District for the planting of farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings.

It was moved by Buller and seconded by Teegerstrom that the Upper Big Blue Natural Resources District make payment of \$10,265.88 to the Nebraska Association of Resources District for the purchase of 21,475 trees and shrubs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 19. PAYMENTS OF LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Regier that payments totaling \$91,377.97 be made on 52 applications for Land Treatment Program NRD funds, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Hansen, Nuss

NOT VOTING: Buller

**ITEM 20. NEW LAND TREATMENT PROGRAM PRACTICE.**

The Resources Commission has added a new cost-share practice for brush management on pasture land. Bryan Euse explained that in this District the practice would primarily be used for clearing cedar trees from pasture land. Bitner explained that the cost-share rate for this practice is 75%. If the practice is added to the District's Land Treatment Program, practice implementation would be in accordance with NRCS technical guidelines, and both NSWCP and NRD funds could be used.

It was moved by Buller and seconded by Bruns that the District authorize the pasture brush management practice to be added to the list of practices that are eligible for District Land Treatment Program cost share assistance. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Jackson, Moore, Regier, Volkmer, Houdersheldt

NAY: Buller, Hansen, Kuehner, Luebbe, Nuss, Teegerstrom

**ITEM 21. \* NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Volkmer and seconded by Hansen that payments totaling \$12,580.07 be made on 24 Nebraska Buffer Strip Program contracts, as reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Austin, Dickinson

**ITEM 22. AERIAL MAPPING OF KEZAN CREEK PROJECT.**

Western Air Maps has submitted an invoice in the amount of \$12,700.00 as final payment for aerial photography and mapping on the Kezan Creek Project. The final work products have been received by the District. The total contract amount is \$32,500.00.

It was moved by Buller and seconded by Regier that Western Air Maps be paid \$12,700.00 as final payment for aerial photography and mapping on the Kezan Creek project. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Nuss

**ITEM 23. SOUTHEAST COMMUNITY COLLEGE DRAINAGE IMPROVEMENT PROJECT.**

The contractor, Van Kirk Brothers, has started construction work on the drainage improvements at Southeast Community College, Milford. Work completed to date includes some site clearing, construction of a retaining wall, and delivery of pipe materials. Staff recommends payment of \$36,203.72 to Van Kirk Brothers for the work completed to date.

It was moved by Buller and seconded by Luebbe that VanKirk Brothers be paid \$36,203.72 for construction work completed on the drainage improvement project at Southeast Community College in Milford, in accordance with the construction contract. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Kuehner

**ITEM 24. VILLAGE OF WACO FLOOD PROTECTION PROJECT.**

The flood protection project at Waco has been delayed due to complications in dealing with the Burlington Santa Fe Railroad. Due to delays of several years on this project, staff recommends that the Interlocal Agreement be amended to revise the term of agreement, termination date and project cost sharing as shown on the attached Amendment No. 1 to the agreement.

It was moved by Buller and seconded by Hansen that Amendment No. 1 to the Interlocal Agreement between the Village of Waco and Upper Big Blue Natural Resources District, revising the term of agreement and maximum project cost-shares of the District and Village of Waco, as reviewed by the Committee, be approved. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Volkmer

**ITEM 25. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on June 9, 2005 and presented the committee's recommendations.

**ITEM 26. ATTORNEY FEES.**

It was moved by Friesen and seconded by Regier to approve payment of \$ 3,994.54 to Crosby Guenzel LLP, for Steve Seglin's work through May 15, 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 27. RENEWAL OF PROPERTY, AUTO AND LIABILITY INSURANCE.**

York Insurance submitted a renewal quote of \$41,514 for Commercial Property, Commercial General Liability, Inland Marine, Commercial Automobile, Workers Compensation, Linebacker (Errors and Omission), and the Commercial Umbrella policies. Last year's premiums were \$43,009.

It was moved by Friesen and seconded by Bruns to approve the renewal of the York Insurance and Inspro package of Liability, Fire, and Casualty Insurance for FY 2006 for \$ 41,514.00 and to make payment to York Insurance. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 28. FY 2006 SALARY AND WAGE ADJUSTMENTS.**

Turnbull reviewed the Salary Survey & Salary Classifications June 2005 report with the committee. Based on this information Turnbull recommends that the Upper Big Blue NRD job classifications increase from 1% to 5%, depending on the job market. The salary schedule sets the minimum, midpoint, and maximum for each position. Individual salaries and wages then need to be within those limits

It was moved by Friesen and seconded by Brown to approve the changes in the midpoint of the salary schedules as listed to stay in line with the job market, and that such changes and adjusted salary schedules be effective on July 1, 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Luebbe

NOT VOTING: Volkmer

Turnbull reviewed the individual staff salaries with the Executive Committee. The proposal is that the board authorize \$24,500 for salary increases for the staff, which is an overall change of 4.00 % from the payroll budget base.

It was moved by Friesen and seconded by Regier to adjust the annual salaries (effective July 1, 2005) of the District staff, with the exception of the General Manager, by an amount not to exceed \$24,500. To authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Luebbe, Nuss, Volkmer

It was moved by Friesen and seconded by Hansen to increase the General Manager's salary 6% (from \$80,157 to \$84,966), effective July 1, 2005.

It was moved by Brown and seconded by Dickinson to go into Executive Session at 8:29 p.m. for the purpose of discussing the General Manager's performance and salary. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Jackson

It was moved by Regier and seconded by Teegerstrom to return to open session at 8:47 p.m. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

The question was called on the motion to increase the General Manager's salary. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt  
NAY: None  
NOT VOTING: Volkmer

**ITEM 29. PAYMENT TO IMAGES II FOR RIVER RUN MODEL WORK.**

Turnbull explained that this work, which was previously approved by the board, was to have been billed through Wallingford Sign Company of York. The company has requested they be paid directly since they were asked to put a rush on the job. The work has been completed and is satisfactory. Turnbull recommends payment of \$4,213.75 to Images II of Lincoln, Nebraska.

It was moved by Regier and seconded by Hansen to make payment of \$4,213.75 to Images II of Lincoln, Nebraska for work on the River Run model. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 30. FINANCIAL REPORT MAY 1, 2005 THROUGH MAY 31, 2005, AND CONSIDERATION OF EXPENDITURES FOR MAY 2005.**

Turnbull reviewed the financial report for the period May 1, 2005 through May 31, 2005 that we had distributed. It was moved by Volkmer and seconded by Regier to accept the financial report for May 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

There being no other business the chairman adjourned the meeting at 9:37 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on June 16, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the

principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**July 21, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 21, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather and Dick Hayes of York NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting July 8, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Nuss and Volkmer arrived a short time later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Luebbe requested that her absence from the July 21, 2005 Board meeting be excused due to out-of-state travel.

It was moved by Teegerstrom and seconded Hansen to excuse the absence of Linda Luebbe from the July 21, 2005 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Hansen and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Hansen and seconded by Dickinson to approve the agenda for the July 21, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 16, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Hansen and seconded by Dickinson to approve the minutes of the June 16, 2005 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 7. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on July 12, 2005 and presented the committee's recommendations.

**ITEM 8. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Dickinson to approve a cost-share payment for one well abandonment, as reviewed by the committee, totaling \$400. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 9. COUPLED IRRIGATION STUDY PAYMENT.**



The District has been billed \$3,333.33 by the University of Nebraska for the first installment of the District's share of the Coupled Irrigation Study. The District agreed to provide a total of \$10,000 over three years.

It was moved by Moore and seconded by Austin that the District pay the University of Nebraska \$3,333.33 for the first payment toward the Coupled Irrigation Study. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 10. RECHARGE LAKE WEATHER STATION PAYMENT.**

The University of Nebraska High Plains Climate Center has billed the District \$1,000.00 for the 2004-05 maintenance of the Recharge Lake weather station, as per the agreement with the Center.

It was moved by Moore and seconded by Regier to pay the University of Nebraska High Plains Climate Center \$1,000.00 for operation and maintenance of the Recharge Lake weather station. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 11. VAVRA SEMLER DAM WATER USE PERMIT.**

Stanley Vavra has used the Vavra-Semler road structure as an irrigation reuse facility since the dam was built in the mid 1970s. Last year the Department of Natural Resources (DNR) ruled that Mr. Vavra was required to have a storage use permit to pump from the reservoir. When he applied for the permit DNR rejected it and indicated that since the NRD held the storage permit, the NRD must also hold the use permit.

It was moved by Moore and seconded by Bruns to authorize the staff to submit a storage use permit for the Vavra-Semler road structure on behalf of Stanley Vavra, provided Mr. Vavra pays the \$50.00 application fee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 12. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on July 14, 2005 and presented the committee's recommendations.

**ITEM 13. SMITH CREEK RECREATION AREA BOAT RAMP.**

The boat ramp at Smith Creek Recreation Area has been completed except for back filling the approach. Wy-Ad Utility Contractors, Inc. bid the project at \$7,500.00 and completed the work for that amount. The District had Wy-Ad haul two truck loads of extra dirt from the site to Oxbow Trail Reservoir for placement around the shelter and had an extra 14.07 tons of white rock hauled in and placed from the approach to the parking area, which brings the total project cost to \$8,359.54.

It was moved by Buller and seconded by Regier that the Upper Big Blue Natural Resources District make payment to Wy-Ad Utility Contractors, Inc. for constructing and installing the boat ramp at Smith Creek Recreation Area for the amount of \$8,359.54. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 14. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Regier that payments totaling \$12,793.20 be approved for 8 NRD land treatment fund applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 15. LAND TREATMENT PROGRAM DELINQUENT WATER USE REPORTS.**

It is the District's policy that recipients of cost-share for irrigation practices will report their irrigation water use for three years after receiving cost-share. During the reporting period 1998 - 2005 the District has received repayment of cost-share from seven applicants who did not wish to fill out the irrigation water reports. During this same period there have been thirteen cost-share recipients who have not completed the reports and who have not repaid the cost-share. Staff has notified these applicants that they must either complete the reports or repay the cost-

share. It is the staff's recommendation that the District deny these recipients any future cost-share unless the reports are provided or cost-share is reimbursed. If NSWCP cost-share is reimbursed, it will be returned to the State of Nebraska.

It was moved by Buller and seconded by Austin that future cost-share be denied to James Klute, York, Shirley Koenig, Harvard, Shari Ditloff, York, Logan Otto Jr., York, Delmar Richters, Seward, Lee Saathoff, Hastings, Leona Epp, Henderson, Wendell Mankin, Aurora, John Wendland Trust, Columbus, Ronald Perry, Aurora, Wayne Rath, Aurora, and Edwin Gartner, Hastings, recipients of NSWCP and NRD cost-share who have failed to either report their irrigation water use, or repay cost-share, in accordance with their cost-share agreement, and that such restriction shall be lifted if these cost-share recipients either report their irrigation water use or repay the cost-share, as required by the District's Land Treatment Program policy. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner

NOT VOTING: Nuss, Volkmer

NOT PRESENT: Luebbe

**ITEM 16. LAND TREATMENT PROGRAM FY 2006 TREE PLANTING ALLOCATION.**

In FY2005 the District held \$20,000 in the Land Treatment Program for the planting of trees and windbreak renovations till March 30 and at that time the monies not spent became available for other land treatment practices. The total dollars spent for planting of trees and windbreak renovation was \$21,956.02.

It was moved by Buller and seconded by Bruns that the Upper Big Blue Natural Resources District Board of Directors set aside \$20,000 for cost-sharing on windbreak planting, field windbreaks, and windbreak renovations. If the monies are not spent as designated by March 30, 2006 then the monies are available for other cost-share practices. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on July 14 and 21, 2005 and presented the committee's recommendations.

**ITEM 18. \* SECOND QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Executive Committee reviewed the Directors' per diem and expenses for the quarter and recommended payment.

It was moved by Hansen and seconded by Dickinson to approve payment of second quarter Directors' per diem of \$9,380.00 and expenses of \$2,361.37. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Nuss, Volkmer

**ITEM 19. RIVER RUN MODEL EXPENSES.**

The Fantastic Fun River Run has been completed and is being used. Wallingford Sign Company has billed the District \$2,119.25 for lettering on the River Run display. Images II of Lincoln did the photo work and has been paid \$4,213.75, with Wallingford doing application of the photos and the lettering. The two bills combined equal the \$7,000.00 which was approved for the lettering and photos for the display.

Krieger Electric Company of Hastings has billed the District for electrical work on the River Run display. The Board had approved a total of \$6,100. The job was more expensive than Krieger had estimated. After negotiations they agreed to being paid \$6,352.43, which is \$252.43 more than approved. It is the staff recommendation that the bills be paid.

It was moved by Friesen and seconded by Brown to approve payments of \$2,119.25 to Wallingford Sign Company of York, and \$6,352.43 to Krieger Electric Company of Hastings for work on the River Run display. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 20. NARD RESOLUTION - GROUNDWATER IRRIGATION RUNOFF AND SURFACE WATER PERMITS.**

The staff recommends that the Board of Directors submit the following resolution to the NARD for consideration in September.

**Groundwater Irrigation Runoff  
2005 NARD Annual Conference**

**Submitted by the Upper Big Blue NRD**

WHEREAS, Chapter 46-708, ¶(1). R.R.S.2004 states that *“In order to conserve ground water supplies and to prevent the inefficient or improper runoff of such ground water, each person who uses ground water irrigation in the state shall take action to control or prevent the runoff of water used in such irrigation.”* ; and

WHEREAS, Chapter 46-283, R.R.S.2004 states that *“The legislature hereby finds and declares that the practice of reusing ground water from irrigation water reuse pits on irrigated land contributes to the efficient use and conservation of the state’s water resources and that such reuse may be more feasible when done from irrigation water reuse pits located within natural streams.”* ; and

WHEREAS, Natural Resources Districts have primary responsibility for the control of irrigation runoff from ground water; and

WHEREAS, Past changes in statutes and Department of Natural Resources implementation of surface water permit requirements have resulted in confusion over where and when surface water use permits were required; and

WHEREAS, the “Headwaters” exemption found in Chapter 46-286 and 46-287 R.R.S.2004 have not adequately addressed this confusion, thus resulting in groundwater runoff to be administered by the Department of Natural Resources as surface water.

NOW, THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts pursue changes to statutes to provide that ground water irrigation runoff may be captured and reused without requiring a surface water use permit.

It was moved by Friesen and seconded by Hansen to adopt the Groundwater Irrigation Runoff resolution and submit it to the NARD for consideration at the fall conference. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 21. AMENDMENT TO COHYST INTERLOCAL AGREEMENT.**

The COHYST Agreement needs to be extended. The Little Blue NRD has decided to drop out of the Agreement which causes a redistribution of the costs among the remaining sponsors. The Committee discussed the amendment and the costs to the Upper Big Blue. The first three years annual costs to the District was \$15,000 and the last three payments have been \$15,666.67 each.

The proposed amendment to the agreement would place the Upper Big Blue NRD cost at \$16,534 for next year. The anticipated budget of COHYST would require \$15,966 for FY 2007, and \$12,000 for FY 2008.

Turnbull informed the board that since the Executive Committee meeting on July 14 he had received correspondence from other sponsors regarding the Agreement. Based on that correspondence he recommends that the board not take action on the matter at this time. The reason being that some of the sponsors want to make wording changes to the amended Agreement. Turnbull said the Agreement will likely be reconsidered at the August 15 COHYST meeting and he would like to wait until then to see what changes, if any, are made.

It was moved by Friesen and seconded by Hansen to table action on the COHYST Interlocal Agreement until the August board meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

## **ITEM 22. FY2006 BUDGET.**

It was moved by Friesen and seconded by Regier to adopt the FY2006 Budget for the purpose of public hearing.

Turnbull reviewed the changes to the proposed budget from last month as a result of the June 30 cash position. He gave a brief overview of the funds budgeted for water policy issues, such as the COHYST Agreement, the groundwater model review, the riverbed conductance study and legal fees. He also reviewed the funding for the Kezan Creek Project.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Luebbe

It was moved by Friesen and seconded by Regier to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Volkmer

NOT PRESENT: Luebbe

**ITEM 23. FY06 BUDGET HEARING SCHEDULE.**

Turnbull recommended that the Budget Hearing be held in conjunction with the regular August board meeting. He also recommended that the special hearing on the final tax and tax rate be held at the regular September board meeting.

It was moved by Friesen and seconded by Dickinson to schedule the FY2006 Budget Hearing for 7:30 p.m., Thursday, August 18, 2005 and further to schedule a Special Hearing for the FY2006 Tax Request for 7:30 p.m., Thursday, September 15, 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 24. FINANCIAL REPORT JUNE 1, 2005 THROUGH JUNE 30, 2005, AND CONSIDERATION OF EXPENDITURES FOR JUNE 2005.**

Turnbull reviewed the financial report for the period June 1, 2005 through June 30, 2005 that we had distributed. It was moved by Regier and seconded by Dickinson to accept the financial report for June 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

There being no other business the chairman adjourned the meeting at 8:37 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on July 21, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Doug Bruns, Secretary

:ndb



**BOARD OF DIRECTORS MEETING  
& FY 06 BUDGET HEARING  
August 18, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 18, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Gene & Sandy Bartunek of David City and Bryan Euse of York NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting August 11, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Hansen requested that his absence from the August 18, 2005 board meeting be excused for medical reasons.

It was moved by Volkmer and seconded Regier to excuse the absence of Hansen from the August 18, 2005 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Hansen

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Bruns and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None  
NOT PRESENT: Hansen

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Bruns and seconded by Dickinson to approve the agenda for the August 18, 2005 board of directors meeting and FY 06 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None  
NOT PRESENT: Hansen

**ITEM 6. \*APPROVAL OF MINUTES OF THE JULY 21, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Dickinson to approve the minutes of the July 21, 2005 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None  
NOT PRESENT: Hansen

**ITEM 7. OPEN FY 06 BUDGET HEARING.**

Chairman Houdersheldt opened the FY 06 Budget Hearing at 7:35 p.m. He advised those present that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on August 2, 2005 as required by law. He then turned the Hearing over the John Turnbull, General Manager, to review the proposed budget.

Turnbull distributed a summary of the budget that was approved last month for the purpose of this public hearing. He briefly reviewed the major categories in the budget and asked for questions or comments from those present. There were no comments. Turnbull reminded the board that following the budget hearing they can make changes to the proposed budget prior to adoption. The tax levy will not be set until the September 15, 2005 Board Meeting & Tax Levy Hearing.

Houdersheldt closed the hearing at 7:50 p.m.

**ITEM 8. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on August 9, 2005 and presented the committee's recommendations.

**ITEM 9. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Bruns and seconded by Dickinson to approve cost-share payments for 14 well abandonments, as reviewed by the committee, totaling \$4,735.42. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Hansen

**ITEM 10. ENVIRONMENTAL TRUST GRANT APPLICATION FOR FLOW METERS.**

The committee reviewed the draft grant application for Environmental Trust funding for flow meter cost-share assistance. The application is similar to last year's application.

It was moved by Moore and seconded by Bruns to authorize the staff to submit the grant application for Environmental Trust funding for flow meter cost-share assistance. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Volkmer

NOT PRESENT: Hansen

**ITEM 11. DEPARTMENT OF AGRICULTURE AGREEMENT FOR OPERATION OF PESTICIDE TESTING EQUIPMENT.**

Last year the Nebraska Department of Agriculture provided pesticide testing equipment to several NRDs including the Upper Big Blue. The initial agreement between the NRD and NDA for housing and operation of the equipment was for one year. NDA has requested a new perpetual agreement. The agreement may be terminated at any time by written notice.

It was moved by Moore and seconded by Nuss to enter into the agreement with the Nebraska Department of Agriculture for housing and operation of the laboratory equipment for the testing of pesticides in water. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Luebbe, Moore,

Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: Kuehner  
NOT PRESENT: Hansen

**ITEM 12. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on August 9, 2005 and presented the committee's recommendations.

**ITEM 13. LOWER PLATTE NORTH NRD SALARIES REIMBURSEMENTS.**

An invoice for \$6,053.43 has been received from the Lower Platte North NRD for salaries for the Butler County NRCS clerk and some part time technician work for the past six months.

It was moved by Friesen and seconded by Brown to approve payment of \$6,053.43 to the Lower Platte North NRD for NRCS office salaries for half of FY 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Hansen

**ITEM 14. LOWER BIG BLUE NRD SALARIES REIMBURSEMENTS.**

An invoice for \$6,126.15 has been received from the Lower Big Blue NRD for salaries for the Saline County NRCS clerk and some technical assistance for FY 2005.

It was moved by Friesen and seconded by Regier to approve payment of \$6,126.15 to the Lower Big Blue NRD for NRCS office salaries for FY 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Hansen

**ITEM 15. LITTLE BLUE NRD SALARIES REIMBURSEMENTS.**

An invoice for \$4,506.42 has been received from the Little Blue NRD for salaries for the Adams and Clay County NRCS clerks and some technical assistance in Clay County for FY 2005.

It was moved by Friesen and seconded by Nuss to approve payment of \$4,506.42 to the Little Blue NRD for NRCS office salaries for FY 2005. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Hansen

**ITEM 16. NEWSLETTER PRINTING BILL.**

A bill for \$4,419.41 has been received from York Printing Company for printing the District newsletter "Blueprint."

It was moved by Friesen and seconded by Luebbe to approve payment of \$4,419.41 to York Printing Company for printing the newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Hansen

**ITEM 17. NARD DUES.**

The Nebraska Association of Resources District invoiced the District \$15,730.00 for our annual membership dues. The dues have remained the same since 2002.

It was moved by Friesen and seconded by Regier to approve payment of \$15,730.00 to the Nebraska Association of Resources Districts for FY 2006 dues. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Volkmer

NOT PRESENT: Hansen

**ITEM 18. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on August 11, 2005 and presented the committee's recommendations.

**ITEM 19. NSWCP LAND TREATMENT PAYMENTS.**

It was moved by Buller and seconded by Regier that a payment of \$740.00 be approved for 1 NSWCP fund Land Treatment application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe,

Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Hansen

**ITEM 20. SOUTHEAST COMMUNITY COLLEGE DRAINAGE IMPROVEMENT PROJECT.**

A Corps of Engineers 404 Permit has been obtained, and the contractor, Van Kirk Brothers, resumed work on July 13. Work completed during July includes an outlet structure, channel rip rap, storm sewer pipe, inlet structure, and earth fill. Staff recommends payment of \$16,572.60 to Van Kirk Brothers for the work completed in July 2005.

It was moved by Buller and seconded by Luebbe that Van Kirk Brothers be paid \$16,572.60 for construction work completed in July 2005 on the drainage improvement project at Southeast Community College in Milford, in accordance with the construction contract. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Hansen

**ITEM 21. LAND TREATMENT PROGRAM COST SHARE POLICY.**

In July 2000, the Projects Committee recommended, and the Board approved, a policy to withhold cost-share on any NRD programs to cost-share applicants who fail to report their irrigation water use, as required.

Staff recommends that the policy approved in July 2000 be amended to include restrictions on cost-share applicants receiving cost-share from NRD funds, and remove the requirement that landowners appear before the Committee.

It was moved by Buller and seconded by Luebbe that the Land Treatment Program Policy regarding compliance with irrigation water use reporting be amended to read as follows: "Landowners who receive cost-share from the District's Land Treatment Program for NC-17 (irrigation water management) practices, either with NRD funds or Nebraska Soil and Water Conservation Funds (NSWCP), be required to report their irrigation water use during the irrigation season, May through September, for the first three years after receiving cost-share. Landowners who fail to comply with this requirement will be issued a notice to repay the cost-share funds to the District, if NRD funds were used, or the Nebraska State Treasury, if NSWCP funds were used. If the landowner either fails to report his irrigation water use as required, or fails to repay the cost-share within 30 days of the District's notice to him, then that landowner shall not be eligible for cost-share from any NRD funded programs until he is in compliance with this policy." The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Volkmer

NOT PRESENT: Hansen

**ITEM 22. ADOPTION OF FY 06 BUDGET.**

It was moved by Regier and seconded by Friesen to adopt the FY 2006 Budget. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Moore, Regier, Teegerstrom,  
Houdersheldt

NAY: Jackson, Kuehner, Luebbe, Nuss, Volkmer

NOT PRESENT: Hansen

**ITEM 23. FINANCIAL REPORT JULY 1, 2005 THROUGH JULY 31, 2005, AND CONSIDERATION OF EXPENDITURES FOR JULY 2005.**

Turnbull reviewed the financial report for the period July 1, 2005 through July 31, 2005 that we had distributed. It was moved by Volkmer and seconded by Bruns to accept the financial report for July 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

There being no other business the chairman adjourned the meeting at 8:50 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on August 18, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
& FY 06 TAX REQUEST HEARING  
September 15, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 15, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, Jim Jackson, William Kuehner, Larry Moore, Michael Nuss, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Scott Snell and Kent Norquest of Fillmore County NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on September 8, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Twelve directors were present for roll call. Bruns and Moore arrived later in the meeting.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Hansen, Luebbe and Regier requested that their absences from the September 15, 2005 board of directors meeting be excused.

It was moved by Volkmer and seconded Buller to excuse the absence of Hansen, Luebbe and Regier from the September 15, 2005 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Hansen, Luebbe, Moore, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Dickinson and seconded by Teegerstrom to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Burns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt



NAY: None

NOT PRESENT: Hansen, Luebbe, Moore, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Dickinson and seconded by Teegerstrom to approve the agenda for the September 15, 2005 board of directors meeting and FY 06 Tax Request Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Hansen, Luebbe, Moore, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE AUGUST 18, 2005 BOARD OF DIRECTORS MEETING & FY 06 BUDGET HEARING.**

It was moved by Dickinson and seconded by Teegerstrom to approve the minutes of the August 18, 2005 Board of Directors Meeting and FY 06 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Hansen, Luebbe, Moore, Regier

**ITEM 7. FY 06 PROPERTY TAX REQUEST HEARING.**

Houdersheldt opened the FY 06 Property Tax Request Hearing at 7:38 p.m. He noted for the record that the notice of special hearing to set the property tax request for FY 2006 was published in the York News-Times on August 25, 2005.

Turnbull advised the board that after adopting the budget last month and following certification of the property valuations by the nine county assessors it is necessary to adopt a resolution to set the property tax request for FY 2006. The FY 2006 Budget that was adopted has a property tax requirement of \$1,992,548.37 and will require a property tax rate of \$0.038325. Turnbull recommended that following this hearing the board pass a resolution to that effect.

Houdersheldt officially closed the hearing at 7:44 p.m.

**ITEM 8. ADOPT RESOLUTION TO SET FY 2006 PROPERTY TAX LEVY.**

It was moved by Austin and seconded by Friesen to adopt the FY 2006 property tax levy resolution. The motion was carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Houdersheldt

NAY: Volkmer

NOT PRESENT: Hansen, Luebbe, Moore, Regier

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Projects & Programs Committee met on September 6, 2005 and presented the committee's recommendations.

**ITEM 10. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Teegerstrom that a payment of \$1,882.10 be approved for 1 NSWCP fund Land Treatment application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Hansen, Luebbe, Moore, Regier

**ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Teegerstrom that payments totaling \$16,834.43 be approved for 17 Nebraska Buffer Strip contracts, as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Hansen, Luebbe, Moore, Regier

**ITEM 12. FY2006 TREE PROGRAM PRICES.**

The Nebraska Association of Resources District (NARD) may raise the price of trees and shrubs for FY2006. Bessy Nursery at Halsey has not set the prices for the coming year. The District paid \$.4485 per tree in FY2005 and sold them for \$.60 per tree.

It was moved by Brown and seconded by Austin that the Upper Big Blue Natural Resources District set the planting cost for FY2006 at \$.45 and the cost of the trees and shrubs at \$.65 per tree. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss,

Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Hansen, Luebbe, Moore, Regier

**ITEM 13. SOUTHEAST COMMUNITY COLLEGE DRAINAGE IMPROVEMENT PROJECT.**

Work completed during August includes inlets, trench drains and grading. Work on the project is expected to be completed by mid September. Staff recommends payment of \$38,285.01 to Van Kirk Brothers for the work completed in August 2005.

It was moved by Brown and seconded by Bruns that Van Kirk Brothers be paid \$38,285.01 for construction work completed in August 2005 on the drainage improvement project at Southeast Community College in Milford, in accordance with the construction contract. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Hansen, Luebbe, Moore, Regier

**ITEM 14. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on September 8, 2005 and presented the committee's recommendations.

**ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Teegerstrom to approve cost-share payments for five well abandonments, as reviewed by the committee, totaling \$1,830.87. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Dickinson, Eberle, Friesen, Jackson, Kuehner, Nuss, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Bruns, Hansen, Luebbe, Moore, Regier

**ITEM 16. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on September 8, 2005 and presented the

committee's recommendations.

**ITEM 17. COHYST INTERLOCAL AGREEMENT.**

The amendment to the COHYST Agreement has been held up for two months pending final revisions. Those are now complete, but the amendment has changed very little. The Little Blue NRD has decided to drop out of the Agreement. The first three years the District contributed \$15,000 per year. The next three years' payments were \$15,666.67 each. The proposed amendment to the agreement would place the Upper Big Blue NRD cost at \$16,534 for next year. The anticipated budget of COHYST would require \$15,966 for FY 2007, and \$12,000 for FY 2008. Turnbull recommends that the District enter into the amendment of the Cooperative Hydrology Study Interlocal Cooperation Agreement.

It was moved by Friesen and seconded by Austin to approve, and to authorize John Turnbull to sign, the amendment to the Cooperative Hydrology Study Interlocal Cooperation Agreement.  
The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: Kuehner

NOT VOTING: Moore

NOT PRESENT: Hansen, Luebbe, Regier

**ITEM 18. NARD RESOLUTIONS.**

Three resolutions have been submitted to the NARD for the fall conference. One of the resolutions is from this district. The other two were discussed by the committee.

Resolution 2005-1 Groundwater Irrigation Runoff, Submitted by Upper Big Blue NRD

Resolution 2005-2 Chemigation Resolution, Submitted by Tri-Basin NRD

Resolution 2005-3 Proposed Water Use Fee, Submitted by Upper Republican NRD

It was moved by Friesen and seconded by Brown to support Resolution 2005-2 and to oppose Resolution 2005-3. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Hansen, Luebbe, Regier

**ITEM 19. FINANCIAL REPORT AUGUST 1, 2005 THROUGH AUGUST 31, 2005, AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2005.**

Turnbull reviewed the financial report for the period August 1, 2005 through August 31, 2005 that we had distributed. It was moved by Volkmer and seconded by Teegerstrom to accept the financial report for August 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Jackson, Kuehner, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Hansen, Luebbe, Regier

There being no other business the chairman adjourned the meeting at 8:35 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on September 15, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
October 20, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 20, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug

Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Jim Jackson, William Kuehner, Larry Moore, Linda Luebbe, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Scott Snell, Dan Leininger, Randy Mierau and Tina Hunzeker of Mierau & Company and Mark Nowack of Hamilton County NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on October 11, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Austin arrived at 7:47 p.m..

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Houdersheldt requested that his absence from the October 20, 2005 board of directors meeting be excused.

It was moved by Volkmer and seconded by Hansen to excuse the absence of Houdersheldt from the October 20, 2005 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: Friesen

NOT PRESENT: Austin, Houdersheldt

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Dickinson to approve the agenda for the October 20, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2005 BOARD OF DIRECTORS MEETING & FY 06 TAX REQUEST HEARING.**

It was moved by Brown and seconded by Dickinson to approve the minutes of the September 15, 2005 Board of Directors Meeting and FY 06 Tax Request Hearing. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 7. PRESENTATION OF FY 05 AUDIT.**

Randy Mierau of Mierau & Company was present to review the FY 05 Audit. He discussed briefly some changes to the format of the audit as well as changes to the capital assets as a result of our decision to show depreciated values. Staff recommended that the board wait until the November board meeting to accept the audit. This will allow staff and board members time to review the audit in greater detail.

**ITEM 8. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on October 11, 2005 and presented the committee's recommendations.

**ITEM 9. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Dickinson to approve cost-share payments for nine well abandonments, as reviewed by the committee, totaling \$2,808.51. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 10. USGS RECORDER WELLS.**

A year ago the District entered into an agreement with USGS for the operation and maintenance of the Aurora, Burress, Rising City and Seward automated recorder wells. The agreement required that the District pay \$1,800 of the \$3,550 total cost.

It was moved by Moore and seconded by Hansen to pay the United States Geological Survey \$1,800.00 for the operation and maintenance of the Aurora, Burress, Rising City and Seward automated recorder wells as per the FY 2005 Joint Funding Agreement. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 11. CROP-TIP REPORT.**

Dan Leininger, Water Conservationist for the District, briefed the board on the initial test results for harvest at the CROP-TIP site which was just completed. He told the board he would be putting together a more detailed report in the next few weeks.

**ITEM 12. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on October 13, 2005 and presented the committee's recommendations.

**ITEM 13. SOUTHEAST COMMUNITY COLLEGE DRAINAGE IMPROVEMENT PROJECT.**

Work on the Southeast Community College drainage improvement project is completed. Staff recommends approval of \$16,724.97 as final payment to Van Kirk Brothers Construction Company. The final payment amount includes release of retainage.

It was moved by Buller and seconded by Luebbe that Van Kirk Brothers be paid \$16,724.97 as final payment for construction work completed on the drainage improvement project at Southeast Community College in Milford, in accordance with the construction contract. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 14. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**



Brown reported that the Executive Committee met on October 13, 2005 and presented the committee's recommendations.

**ITEM 15. DIRECTORS' PER DIEM AND EXPENSES.**

It was moved by Brown and seconded by Dickinson to approve payment of fourth quarter directors' per diem of \$9,240 and expenses of \$2,794.64. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 16. CONSULTANT'S BILLING FOR SUB-REGIONAL MODEL REVIEW.**

The District hired Hemenway Groundwater Engineering, Inc., of Parker, Colorado to review the sub-regional model, which has been developed by Bitner from the COHYST models. The sub-regional model geographic area includes Adams, Hamilton, Clay, Polk and York Counties in this NRD plus surrounding counties. The computer mathematical model is being used to determine the connection of surface water and groundwater in the Blue River Basin and the interrelationships to the Platte River. The model is providing data to establish the boundary of the fully appropriated basins.

Courtney Hemenway has reviewed the Upper Big Blue sub-regional model for "fatal flaws" and provided recommendations for improving and modifying the model to meet the intended purpose. His proposal for the review of the sub-regional model was for a cost of \$6,400. The final billing has been received and it is for \$1,884.50.

It was moved by Brown and seconded by Austin to approve payment of \$1,884.50 to Hemenway Groundwater Engineering, Inc., of Parker, Colorado for review work on the Upper Big Blue sub-regional model. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: Kuehner

NOT PRESENT: Houdersheldt

**ITEM 17. RIVER RUN DISPLAY BILLS.**

Wallingford Sign Company was hired to put signs on the River Run Display trailer. That cost was \$2,198.76. Wallingford also made an Upper Big Blue banner and other display signs for the River Run. Those costs were \$958.89. No more grant funds are available for expenses associated with the River Run Display.

It was moved by Brown and seconded by Regier to approve payment of \$3,157.65 to Wallingford Signs of York, Nebraska for signs, banner and trailer signs for the River Run Display. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 18. FINANCIAL REPORT SEPTEMBER 1, 2005 THROUGH SEPTEMBER 30, 2005, AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2005.**

Turnbull reviewed the financial report for the period September 1, 2005 through September 30, 2005 that we had distributed. It was moved by Regier and seconded by Volkmer to accept the financial report for September 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer

NAY: None

NOT PRESENT: Houdersheldt

There being no other business the chairman adjourned the meeting at 9:02 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on October 20, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**November 17, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 17, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Larry Moore, Linda Luebbe, Michael Nuss, Kenneth Regier and Vance Teegerstrom.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Scott Snell, Randy Saathoff, Jeff Ball, Rita Hoblyn, Ray Naber, Kristi Schleif of Polk County NRCS and Bryan Euse of York County NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on November 10, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Twelve directors were present for roll call. Austin, Luebbe and Nuss arrived a short time later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Dickinson and Volkmer requested that their absence from the November 17, 2005 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Moore to excuse the absence of Dickinson and Volkmer from the November 17, 2005 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson, Luebbe, Nuss, Volkmer

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Hansen and seconded by Kuehner to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson, Luebbe, Nuss, Volkmer

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Hansen and seconded by Kuehner to approve the agenda for the November 17, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier,  
Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson, Luebbe, Nuss, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE OCTOBER 20, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Hansen and seconded by Kuehner to approve the minutes of the October 20, 2005 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier,  
Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson, Luebbe, Nuss, Volkmer

**ITEM 7. FY 05 AUDIT.**

Randy Mierau, of Mierau & Company, presented the fiscal year 2005 audit at the October 20, 2005 board meeting. We decided to wait until November to accept the audit to allow the board and staff additional time to review the audit.

It was moved by Regier and seconded by Friesen to accept the FY 05 Audit. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier,  
Teegerstrom, Houdersheldt

NAY: Nuss

NOT PRESENT: Austin, Dickinson, Luebbe, Volkmer

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on November 10, 2005 and presented the committee's recommendations.

**ITEM 9. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Luebbe that payments totaling \$2,687.92 be approved for 2 NSWCP fund Land Treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Volkmer

**ITEM 10. NOVEMBER WILDLIFE HABITAT PROGRAM PAYMENTS.**

The wildlife contract areas have been inspected and recommended for payment. The total contract payments are \$1,244.01. The NRD share is 25% of the total amount. The Nebraska Game and Parks will reimburse the District 75%.

It was moved by Buller and seconded by Brown that the Upper Big Blue Natural Resources District make payments totaling \$1,244.01 to the cooperators of the Wildlife Habitat Improvement Program and Wild Nebraska Program for the months of October and November. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Volkmer

**ITEM 11. RELEASE OF ALL CLAIMS FOR KEZAN CREEK CROP DAMAGES.**

According to the Butler County Register of Deeds records, Robert G. Sandelin and Leora K. Sandelin are the owners of the property located in the NE 1/4 SE 1/4 and the NE 1/4 of Section 26, Township 14 North, Range 2 East of the 6<sup>th</sup> P.M., Butler County, Nebraska. William T. Helgoth rented the lands located in the NE 1/4 SE 1/4 and the NE 1/4 of Section 26, Township 14 North, Range 2 East of the 6<sup>th</sup> P.M., Butler County, Nebraska from Robert G. Sandelin and Leora K. Sandelin on a 60/40 rent basis for the purpose of planting and harvesting a crop. In the spring of 2005 corn and beans were planted on the above described lands. In the summer of 2005 the District entered the property to do soil borings and sampling on the lands located in the NE 1/4 SE 1/4 and the NE 1/4 of said Section 26. Approximately .54 of an acre of corn and .48 of an acre of beans were destroyed during the process of obtaining the soil samples.

In accordance with the agreement pertaining to crop damages dated June 8, 2005 and June 14, 2005, the District will settle for the crop damages on the average yield of said field of corn and beans based on the market value at the time of harvest. The tenant has harvested the corn and beans located in the NE 1/4 SE 1/4 & NE 1/4 of said Section 26, the corn produced 125 bushels

per acre at a price of \$2.02 per bushel for corn and the beans produced 52 bushels per acre at a price of \$5.62 per bushels for beans.

It was moved by Buller and seconded by Hansen that the Upper Big Blue Natural Resources District make payment of \$165.98 to William T. Helgoth and a payment of \$110.65 to Robert G. Sandelin and Leora K. Sandelin for the crop damage that occurred in the summer of 2005 on the lands located in the NE 1/4 SE 1/4 and the NE 1/4 of Section 26, Township 14 North, Range 2 East of the 6<sup>th</sup> P.M., Butler County, Nebraska. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Volkmer

## **ITEM 12. PIONEER TRAILS RECREATION DEVELOPMENT.**

Staff advised the Projects and Programs Committee that Tom Pesek and Gayle Starr, Nebraska Department of Natural Resources, visited with staff concerning the District's progress toward completing the water-based recreation components at Pioneer Trails. Tom and Gayle suggested that a comprehensive project be developed to include extension of the hiking and bicycle trail from Aurora to Pioneer Trails.

Staff briefed the Committee that no work has been done on this project since it was suspended in March 2005. If the Board of Directors authorizes this project to be reinstated, staff will contact the City of Aurora and Game and Parks Commission to determine if they are interested in participating in a comprehensive project including the trail and water-based recreation at the lake.

It was moved by Buller and seconded by Regier that development of a water-based recreation plan for Pioneer Trails be reinstated to the Project Priority list.

It was moved by Moore and seconded by Hansen to strike the word "water-based." The amendment carried.

AYE: Austin, Brown, Bruns, Buller, Friesen, Hansen, Jackson, Luebbe, Moore, Teegerstrom

NAY: Eberle, Kuehner, Regier, Houdersheldt

NOT VOTING: Nuss

NOT PRESENT: Dickinson, Volkmer

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Eberle, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Friesen, Luebbe

NOT PRESENT: Dickinson, Volkmer

**ITEM 13. CITY OF YORK DRAINAGE IMPROVEMENTS INTERLOCAL AGREEMENT.**

The January 2003 Interlocal Agreement between the Upper Big Blue NRD and City of York expired on June 30, 2005. The City has requested that the agreement be amended to reset the termination date to January 1, 2007. The original agreement was approved in January 2003, but the City has experienced delays in design, land-rights, and construction. If the agreement is amended, staff suggested removing Paragraph H, which stipulates that only half of the cost share can be paid to the City in a fiscal year. The District's full share of cost is currently in the budget for FY 2006.

It was moved by Buller and seconded by Luebbe that the January 2003 Interlocal Agreement between the Upper Big Blue Natural Resources District and City of York, for implementing drainage improvements within the City of York, be amended as follows:

- Change the termination date in Article II, Sections 2.01 and 2.02 to January 1, 2007
- Remove Paragraph H
- Change the label for Paragraph I to H
- Change the label for Paragraph J to I

The motion was approved.

AYE: Austin, Brown, Buller, Eberle, Friesen, Hansen, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Bruns, Jackson, Kuehner, Nuss

NOT PRESENT: Dickinson, Volkmer

**ITEM 14. CITY OF AURORA DRAINAGE MASTER PLAN INTERLOCAL AGREEMENT.**

March 2004 Interlocal Agreement between the Upper Big Blue NRD and City of Aurora will expire on December 30, 2005. Since work is not completed on the drainage master plan, staff recommends that the agreement be amended to extend the termination date to December 20, 2006.

It was moved by Buller and seconded by Regier that the March 2004 Interlocal Agreement between the Upper Big Blue Natural Resources District and City of Aurora, for developing a drainage master plan as described in the Agreement, be amended as follows:

- Change the termination date in Article II, Sections 2.02 and 2.03 to December 30, 2006.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Nuss

NOT PRESENT: Dickinson, Volkmer

**ITEM 15. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Chairman Houdersheldt reported that the Water & Regulations Committee met on November 10, 2005 and presented the committee's report.

**ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Kuehner to approve cost-share payments for ten well abandonments, as reviewed by the committee, totaling \$2,641.47. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson, Luebbe, Nuss, Volkmer

**ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on November 10, 2005 and presented the committee's recommendations.

**ITEM 18. NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS DUES.**

A bill for \$1,775.00 has been received for FY 2006 dues to the NACD. The dues have remained the same for several years.

It was moved by Friesen and seconded by Regier to approve payment of \$1,775.00 to the National Association of Conservation Districts for FY 2006 dues. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Nuss

NOT PRESENT: Dickinson, Volkmer

**ITEM 19. PAYMENT TO MIERAU & COMPANY FOR FY05 AUDIT.**



The FY 2005 Audit was presented to the Board at the October meeting. The bill for the audit from Mierau & Company is \$2,700.00.

It was moved by Friesen and seconded by Bruns to approve payment of \$2,700.00 to Mierau & Company for the FY 2005 Audit. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Dickinson, Volkmer

**ITEM 20. FINANCIAL REPORT OCTOBER 1, 2005 THROUGH OCTOBER 31, 2005, AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2005.**

Turnbull reviewed the financial report for the period October 1, 2005 through October 31, 2005 that we had distributed. It was moved by Moore and seconded by Regier to accept the financial report for October 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Volkmer

There being no other business the chairman adjourned the meeting at 3:00 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on November 20, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb



**BOARD OF DIRECTORS MEETING  
December 15, 2005**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 15, 2005, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Larry Moore, Linda Luebbe, Michael Nuss, Kenneth Regier and Vance Teegerstrom.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Ken Feather, Scott Snell, Jeff Ball, Linda Martindale, Dan Leininger, Dick Jiskra of NNRC and Bryan Euse of York County NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on December 8, 2005 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Moore and Regier arrived a few minutes later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Volkmer requested that his absence from the December 15, 2005 board of directors meeting be excused for medical reasons.

It was moved by Teegerstrom and seconded by Luebbe to excuse the absence of Volkmer from the December 15, 2005 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Dickinson and seconded by Friesen to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Moore  
NOT PRESENT: Volkmer

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Dickinson and seconded by Friesen to approve the agenda for the December 15, 2005 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Moore  
NOT PRESENT: Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE NOVEMBER 17, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Friesen to approve the minutes of the November 17, 2005 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Moore  
NOT PRESENT: Volkmer

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Projects & Programs Committee met on December 8, 2005 and presented the committee's recommendations.

**ITEM 8. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Luebbe and seconded by Regier that payments totaling \$5,435.55 be approved for 3 NSWCP Fund Land Treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 9. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Luebbe and seconded by Regier that payments totaling \$15,000.00 be approved for 3 NRD Fund Land Treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Volkmer

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Friesen that payments totaling \$252.82 be approved for 2 Nebraska Buffer Strip contracts, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Moore

NOT PRESENT: Volkmer

**ITEM 11. CONTRACTOR QUOTES FOR PROJECT MAINTENANCE.**

Contractors' quotes were received for removal of trees and brush from the Friesen and Bulgrin dams in York County. VanKirk Brothers' quote for this work was \$16,200 and General Excavating's quote was \$5,000. The General Excavating quote requires the NRD to furnish Tordon chemical for treating tree stumps. Staff recommends that General Excavating be hired to perform the tree and brush removal and that the District agree to purchase the Tordon.

It was moved by Luebbe and seconded by Brown that General Excavating be hired, based on their quote of \$5,000, to remove trees and brush from the Bulgrin and Friesen dams in York County, and that the District agrees to purchase the Tordon chemical to be used in treating stumps. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 12. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on December 8, 2005 and presented the committee's report.

**ITEM 13. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Friesen to approve cost-share payments for 11 well abandonments, as reviewed by the committee, totaling \$3,796.12. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Buller, Moore

NOT PRESENT: Volkmer

**ITEM 14. LATE WELL PERMIT.**

Richard Carnes of Marquette constructed a series of three wells in 1979 in the NE1/4 of Section 3-T12N-R6W, Hamilton County. Mr. Carnes did not get a permit. Mr. Carnes has applied for a late permit. The wells do not violate any other provisions of the District's rules and regulations.

It was moved by Nuss and seconded by Bruns to approve a late permit for three wells (G-062478, G-062479 and G-062480) in the NE1/4 of Section 3-T12N-R6W, Hamilton County, owned by Richard Carnes. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 15. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on December 8 and 15, 2005 and presented the committee's recommendations.

**ITEM 16. GROUNDWATER MODEL FOR THE BLUE RIVER BASINS.**

Staff briefed the Executive Committee on the work needed to develop a computer-based groundwater model for the Big Blue and Little Blue River Basins. The model is to be used to determine hydrologically connected groundwater and surface water for the geographic areas not covered by the existing groundwater model. The Little Blue NRD is requesting that the Upper Big Blue NRD include the Little Blue Basin in the work and they are willing to share in the cost.

It was moved by Brown and seconded by Regier to authorize the staff to proceed with the development of a groundwater model for the remainder of the Big and Little Blue River Basins.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 17. APPROVAL OF INTERLOCAL AGREEMENT WITH LITTLE BLUE NRD FOR GROUNDWATER MODELING.**

Staff reviewed the request from the Little Blue NRD for groundwater modeling of part of their NRD. An interlocal agreement has been drafted. The work would be included in the work to model the eastern and southern parts of the Upper Big Blue NRD. The Little Blue NRD is willing to pay up to \$35,000 of the cost.

It was moved by Brown and seconded by Hansen to approve the Groundwater modeling Interlocal Agreement with Little Blue NRD. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 18. APPROVAL OF INTERLOCAL AGREEMENT WITH CENTRAL PLATTE NRD - GEOLOGISTS SUPPORT FOR GROUNDWATER MODELING.**

Staff explained the need to hire Larry Cast to do geological work for the groundwater model work in the Big Blue River basin. An agreement is needed with the Central Platte NRD for this work.

It was moved by Brown and seconded by Luebbe to approve the Interlocal Agreement with the Central Platte NRD for geologist support on the Big and Little Blue River Basin groundwater modeling work. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 19. FULLY APPROPRIATED BASIN.**

It was moved by Brown and seconded by Regier to authorize the General Manager and legal counsel to determine whether the statutory requirements are being met with respect to a fully appropriated basin designation, and if they are not, to take appropriate legal action to protect the

interests of the Upper Big Blue NRD. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Moore, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Kuehner, Luebbe, Nuss

NOT PRESENT: Volkmer

**ITEM 20. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

It was moved by Brown and seconded by Austin to approve payment of \$4,781.79 to York Printing for the November 'Blueprint' Newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 21. NRD RETIREMENT PLAN.**

Turnbull first became aware of a potential problem at the November 15 NARD Retirement Committee meeting in North Platte. Turnbull received follow up written information from the NARD on December 7. Willnerd and Associates of Lincoln are the consultants to the NARD on the NARD 414(h) Retirement Plan. Milt Willnerd, a CPA who specializes in retirement plans, is of the opinion that Social Security and Medicare taxes are owed on the contributions made by the employees to the retirement plan. Turnbull has consulted with our accountant Randy Mierau and our attorney Steve Seglin regarding the matter. The District and the employees do need to pay Social Security and Medicare taxes on the employees' retirement contributions.

It was moved by Brown and seconded by Luebbe that the Upper Big Blue NRD make payment of \$4,879.20 for Social Security and Medicare taxes due on employees' retirement plan contributions for calender year 2005 by December 31 to prevent interest and penalties for 2005 contributions.

The employees' shares totaling \$2,439.60 for 2005 are to be reimbursed to the District by each employee by either:

- a. Reimbursing the amount due for that employee in a lump sum either by a check to the District or have it withheld from his or her pay by February 7, 2006, or
- b. Reimbursing the amount due for that employee through equal amounts withheld from his or her paychecks so that the entire amount is repaid by December 31, 2006, however if that employee leaves this District's employment, voluntarily or involuntarily, or retires or dies, any remaining balance shall be withheld out of the



employee's final check.

It was moved by Dickinson and seconded by Regier to go into Executive Session at 2:05 p.m. to discuss the advice of legal counsel and accountants on the retirement plan. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

It was moved by Regier and seconded by Teegerstrom to return to regular session at 2:25 p.m. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

The question was called on the motion. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 22. FINANCIAL REPORT NOVEMBER 1, 2005 THROUGH NOVEMBER 30, 2005, AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2005.**

Turnbull reviewed the financial report for the period November 1, 2005 through November 30, 2005 that we had distributed. It was moved by Austin and seconded by Dickinson to accept the financial report for November 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

There being no other business the chairman adjourned the meeting at 2:42 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District

held on December 15, 2005, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**January 19, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 19, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Scott Snell, Marie Krausnick, Russ Gierhart, Linda Martindale and Bryan Euse of York County NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on January 12, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Seventeen directors were present for roll call.

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Luebbe and seconded by Austin to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Luebbe and seconded by Austin to approve the agenda for the January 19, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 5. \*APPROVAL OF MINUTES OF THE DECEMBER 15, 2005 BOARD OF DIRECTORS MEETING.**

It was moved by Luebbe and seconded by Austin to approve the minutes of the December 15, 2005 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 6. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on January 12, 2006 and presented the committee's recommendations.

**ITEM 7. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Regier that payments totaling \$14,412.39 be approved for 6 NSWCP fund land treatment applications as reviewed by the Committee. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 8. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Austin that payment of \$5,000.00 be approved for 1 NRD fund land treatment application, as reviewed by the Committee. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 9. RETROACTIVE LAND TREATMENT PROGRAM AUTHORIZATION.**

On March 1, 2005, Glade Snoberger applied for NSWCP cost-share, in the amount of \$1,012.00, on a buried water line from a well to a pivot. After he applied for cost-share he became ill and his son took over farming operations for a period of time, during which time his son proceeded with construction without an authorization number. Glade has requested that the NRD allow for retroactive authorization on this application, due to his illness, and since his son apparently did not realize authorization was required.

It was moved by Buller and seconded by Teegerstrom that retroactive authorization be given for the Glade Snoberger NSWCP Land Treatment Program application, dated March 1, 2005 in the amount of \$1,012.00, subject to NRCS certification that completed work actual costs are in

accordance with the NRD Land Treatment Program policy. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 10. WILD NEBRASKA PROGRAM PAYMENT.**

The Wild Nebraska Contract for Greg Bergen and Lowell Siebert has been inspected and recommended for payment. The total contract payment is \$738.40.

It was moved by Buller and seconded by Hansen that the Upper Big Blue Natural Resources District make a payment totaling \$738.40 to the cooperators of the Wild Nebraska Program.  
The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 11. KEZAN CREEK PROJECT.**

Geotechnical Services, Inc. (GSI) has completed geotechnical engineering for the Kezan Creek Dam foundation and embankment design, in accordance with their proposal dated May 5, 2005. GSI agreed to do the required work for a fee not to exceed \$6,105.00. Staff has reviewed the GSI report and recommends payment.

It was moved by Buller and seconded by Luebbe that Geotechnical Services, Inc. be paid \$5,700.00, in accordance with their invoice dated October 1, 2005, for geotechnical engineering on the Kezan Creek Dam. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 12. PLATTE RIVER BASIN GROUNDWATER MODEL TESTING.**

The University of Nebraska Conservation and Survey has submitted an invoice for progress payment on the river bed conductance testing and aquifer pump testing to support development of the Platte River Basin sub-regional groundwater model. The total contract amount of \$91,000.00 is to be paid by the Upper Big Blue NRD and split 50/50 with the Central Platte NRD on a reimbursement basis. Prior expenditures in the amount of \$4,211.65 have been paid, and the current invoice is for \$22,094.18; remaining balance after payment will be \$64,694.17. Staff recommends payment to CSD.

It was moved by Buller and seconded by Regier that the University of Nebraska be paid

\$22,094.18, for aquifer and stream bed characterization testing being conducted by the UNL Conservation and Survey Division, in accordance with their invoice for the period May 1, 2005 through December 31, 2005. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 13. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on January 12, 2006 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Luebbe and seconded by Austin to approve cost-share payments for seven well abandonments, as reviewed by the committee, totaling \$2,600.00. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

**ITEM 15. FULLY APPROPRIATED AREA WELL PERMIT APPLICATION.**

The District received a well permit application on January 3, 2006 for a well in the NW1/4 of Section 6-T10N-R8W, Hamilton County. The applicant is Jay Vavricek. Section 6 is part of the area that was declared fully appropriated on December 30, 2005. State law places an immediate stay on the issuance of any construction permits for new wells in a fully appropriated area. The staff recommends denial of this permit.

It was moved by Moore and seconded by Brown that:

Whereas, Jay Vavricek of Grand Island, Nebraska applied for a permit (UBB-1-3669) to construct a new water well in the NW1/4 of Section 6-T10N-R8W, Hamilton County, and

Whereas, the District received said application on January 3, 2006, and

Whereas, the District received notice from the Director of Natural Resources on December 30, 2005 that an area in Hamilton County, which includes the NW1/4 of Section 6-T10N-R8W, was declared "fully appropriated", and

Whereas, Nebraska Statutes 46-714, N.R.S. requires that “Immediately upon receipt of such notice by the natural resources district, there shall be a stay on issuance of water well construction permits...”

Therefore, the Board of Directors, hereby denies the issuance of a well permit for application number UBB-1-3669, located in the NW1/4 of Section 6-T10N-R8W, Hamilton County.

It was moved by Austin and seconded by Hansen to amend the motion to add “Whereas, the Board of Directors does not have authority to issued the Permit”; before the last paragraph. The amendment carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

#### **ITEM 16. CHEMIGATION PERMIT FEE PAYMENT TO NDEQ.**

The NRD received \$4,730 in chemigation permit fees in 2005. The District owes the Nebraska Department of Natural Resources \$875.00 for their share of the permit fees.

It was moved by Moore and seconded by Regier that the District make payment of \$875.00 to the Department of Natural Resources for their share of the 2005 chemigation permit. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

#### **ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on January 12, 2006 and presented the committee’s recommendations.

#### **ITEM 18. PAYMENT TO YORK PRINTING.**

It was moved by Friesen and seconded by Bruns to approve payment of \$5,439.81 to York Printing for the January *Blueprint* newsletter. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 19. COHYST PAYMENT.**

A bill has been received from the Central Platte NRD for the COHYST in the amount of \$16,534.00. The COHYST agreement was amended in July 2005, with the Upper Big Blue NRD agreeing to a cost at \$16,534.00 for this year. The anticipated budget of COHYST would require \$15,966.00 for FY 2007, and \$12,000.00 for FY 2008. The District has paid \$92,000.00 to COHYST for the six years prior to this bill.

It was moved by Friesen and seconded by Dickinson to approve payment of \$16,534.00 to the Central Platte NRD for COHYST for FY 2006. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 20. PIPING PLOVER HABITAT APPEAL AND COALITION PAYMENT.**

The US Fish and Wildlife Service has filed an appeal of the US District Court's decision voiding the Piping Plover Critical Habitat on the Platte River. The Nebraska Habitat Conservation Coalition has filed a cross appeal. If the Coalition is able to convince the 8<sup>th</sup> Circuit Court to affirm the Federal District Court decision then the attorneys' fees should be reimbursed to the Coalition from the Federal Government. In the meantime a bill has been received from the Coalition for \$2,500.00 for the current year.

It was moved by Friesen and seconded by Regier to approve payment of \$2,500.00 to the Nebraska Habitat Conservation Coalition for current year contribution. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 21. \*FOURTH QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Luebbe and seconded by Austin to approve payment of fourth quarter directors' per diem of \$7,770.00 and expenses of \$2,343.88. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,



Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 22. SICK LEAVE BANKING POLICY.**

Turnbull presented a draft sick leave banking policy which would permit employees to donate vacation leave to other employees who have exhausted their sick leave for a severe medical situation through the Sick Leave Bank. The program would be strictly voluntary.

It was moved Friesen and seconded by Austin to adopt the Sick Leave Banking Policy as presented. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt  
NAY: None  
NOT VOTING: Volkmer

**ITEM 23. NRD UNIFORM CLOTHING POLICY.**

Turnbull presented a draft NRD Uniform policy. The policy would allow reimbursement to employees for District shirts and jackets. The policy sets out when the uniform shirts would be worn and allows for replacements.

It was moved by Friesen and seconded by Dickinson to adopt the NRD Uniform Policy as presented. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe,  
Moore, Nuss, Regier, Teegerstrom, Houdersheldt  
NAY: Kuehner  
NOT VOTING: Volkmer

**ITEM 24. NARD VOTING DELEGATE AND ALTERNATE.**

It was moved by Friesen and seconded by Luebbe to appoint Doug Dickinson as the District voting delegate and Yvonne Austin as the alternate for the January NARD Conference. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None

**ITEM 25. LEGISLATIVE BILLS.**

It was moved by Hansen and seconded by Bruns to support LB 1099 "Change water reuse pit

definitions for irrigation.” The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

**ITEM 26. NOMINATING COMMITTEE REPORT.**

Brown reported that the Nominating Committee met January 12, 2006 and presented the committee’s report and the slate of candidates.

It was moved by Jackson and seconded by Luebbe to accept the Nominating Committee’s report and proceed with voting. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

Chairman Houdersheldt turned the Chair over to Friesen during the election of the Chairman for 2006. Russ Gierhart and Marie Krausnick were asked to count the ballots.

**ITEM 27. NOMINEES FOR CHAIRMAN.**

Nominees for the office of Chairman were Roger Houdersheldt and Larry Moore. There were no further nominations from the floor. The Board was instructed to cast their vote for Chairman. Houdersheldt received 11 votes and Moore 6 votes. Houdersheldt will serve as Chairman for a one year term. Friesen turned the Chair back to Houdersheldt.

**ITEM 28. NOMINEES FOR VICE CHAIRMAN.**

Nominees for the office of Vice Chairman were Curt Friesen and Ken Regier. There were no further nominations from the floor. The Board was instructed to cast their vote for Vice Chairman. Friesen received 9 votes and Regier 8 votes. Friesen will serve as Vice Chairman for a one year term.

**ITEM 29. NOMINEES FOR SECRETARY.**

Nominees for the office of Secretary were Doug Bruns and Jim Jackson. Austin nominated Bill Kuehner. The Board was instructed to cast their vote for Secretary. Bruns received 10 votes, Jackson 2 votes and Kuehner 5 votes. Bruns will serve as Secretary for a one year term.

**ITEM 30. NOMINEES FOR TREASURER.**

Nominees for the office of Treasurer were Linda Luebbe and Vance Teegerstrom. There were

no further nominations from the floor. The Board was instructed to cast their vote for Treasurer. Luebbe received 10 votes and Teegerstrom 7 votes. Luebbe will serve as Treasurer for a one year term.

**ITEM 31. NARD REPRESENTATIVE AND ALTERNATE.**

The nominees for NARD Representative and Alternate were Doug Dickinson and Yvonne Austin. There were no further nominations from the floor. The Board was instructed to cast their vote. The nominee with the highest number of votes will serve as Representative and the other nominee will serve as the Alternate. Dickinson received 14 votes and Austin 3 votes. Dickinson will serve as NARD Representative and Austin will serve as NARD Alternate for a one year term.

**ITEM 32. FINANCIAL REPORT DECEMBER 1, 2005 THROUGH DECEMBER 31, 2005, AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2005.**

Turnbull reviewed the financial report for the period December 1, 2005 through December 31, 2005 that we had distributed. It was moved by Regier and seconded by Bruns to accept the financial report for December 2005 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Eberle

There being no other business the chairman adjourned the meeting at 4:00 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on January 19, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 16, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 16, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, Linda Luebbe, Larry Moore, Michael Nuss, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Ken Feather, Jeff Ball, Dan Leininger, Richard Hayes and Bryan Euse of York County NRCS and Dick Jiskra of NNRC. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on February 9, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Nuss arrived a few minutes late.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Ken Regier requested an excused absence due to out-of-state travel. Bill Kuehner requested that his absence be excused for personal reasons.

It was moved by Teegerstrom and seconded by Kuehner to excuse the absence of Regier and Kuehner from the February 16, 2006 Board of Directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer,

NAY: Houdersheldt

NOT PRESENT: Kuehner, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Austin and seconded by Brown to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Austin and seconded by Brown to approve the agenda for the February 16, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 19, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Austin and seconded by Brown to approve the minutes of the January 19, 2006 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Hansen reported that the Projects & Programs Committee met on February 9, 2006 and presented the committee's recommendations.

**ITEM 8. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Luebbe that payments totaling \$13,888.00 be approved for 7 NSWCP fund land treatment applications as reviewed by the Committee. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

**ITEM 9. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Volkmer that payments totaling \$10,000.00 be approved for 2 NRD fund land treatment applications, as reviewed by the Committee. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

**ITEM 10. REPAIR RESTROOM AT PIONEER TRAILS.**

The restroom at Pioneer Trails is in need of structural repair and the vault needs to be replaced. John Rogers, owner of Work-4-U, submitted a quote in the amount of \$2,000 for the necessary repairs.

It was moved by Hansen and seconded by Teegerstrom that the Upper Big Blue NRD enter into a contractual agreement with John Rogers in the amount of \$2,000 to repair the restroom at Pioneer Trails Recreation Area. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

**ITEM 11. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on February 9, 2006 and presented the committee's recommendations.

**ITEM 12. ET GAGE IRRIGATION SCHEDULING PROGRAM.**

Gary Zoubek presented a summary of the information gathered in 2005. The next step is to expand the data to more cooperators with a goal of greater cooperator participation in the data collection and use of the data for irrigation scheduling. The staff recommends that a pilot project be funded for the 2006 growing season.

It was moved by Moore and seconded by Friesen to approve the 2006 ETgage Irrigation Scheduling Pilot Project as follows; That a pilot project be funded for the 2006 growing season. The District will fund one-half of the equipment needed for up to forty ETgage/Water Mark sensor stations. The cooperators will pay the other half of the cost. Equipment for a typical station would consist of the following; 1 ETgage (\$180), 4 to 8 Water Mark sensors (\$24 each) and 1 Water Mark meter (\$219). The actual equipment may vary depending on equipment needed for each site. The NRD and Cooperative Extension staff will assist cooperators in proper siting of the stations. The cooperators agree to provide weekly readings of the ETgage and Water Mark sensors to the NRD. The total pilot project cost will not exceed \$12,000. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe,  
Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

**ITEM 13. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Austin and seconded by Brown to approve cost-share payments for sixteen well abandonments, as reviewed by the committee, totaling \$5,582.04. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore,  
Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Kuehner, Regier

**ITEM 14. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on February 9, 2006 and presented the committee's recommendations.

**ITEM 15. NARD 457 DEFERRED COMPENSATION PLAN.**

Turnbull briefed the Executive Committee on the NARD Board action on January 25, 2006 that approved the deferred compensation plan. The NARD Board also approved Morgan Stanley and Nationwide to be the provider for the plan. The NARD asks that all the NRDs consider approving and entering into the NARD plan, which will replace the existing Upper Big Blue NRD plans as well as the other districts' plans.

It was moved by Friesen and seconded by Austin to adopt the attached resolution. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe,  
Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

It was moved by Friesen and seconded by Austin that the Upper Big Blue NRD require that any new contributions to the Deferred Compensation Plan be invested through the provider as selected by the NARD (currently Morgan Stanley/Nationwide), as soon as the enrollment process is complete; further that the District allow employees to leave their current deferred



compensation investments with Ameritas, if they so choose; also allow employees to rollover their funds in Ameritas to Nationwide, with the understanding that the employees are responsible for any penalties assessed because of early withdrawal. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

#### **ITEM 16. LEGISLATION.**

Turnbull and Friesen reviewed current legislation with the committee. The Water Task Force meeting held Wednesday, February 8, 2006, was also discussed. LB 1226 was an issue with the Task Force. The committee recommended the following action on that bill.

It was moved by Friesen and seconded by Austin to support LB 1226. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

#### **ITEM 17. FINANCIAL REPORT JANUARY 1, 2006 THROUGH JANUARY 31, 2006, AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2006.**

Turnbull reviewed the financial report for the period January 1, 2006 through January 31, 2006 that we had distributed. It was moved by Volkmer and seconded by Dickinson to accept the financial report for January 2006 as presented, and approve payments of the accounts payable, and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Regier

There being no other business the chairman adjourned the meeting at 2:41 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on February 16, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material

discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb  
attachment (1)

**BOARD OF DIRECTORS MEETING**  
**March 16, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 16, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss and Vance Teegerstrom.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Paul Weiss, John Moore and Bryan Euse of York County NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on March 9, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Steve Buller, Ken Regier and Merlin Volkmer requested that their absences from the March 16, 2006 Board of Directors meeting be excused.

It was moved by Teegerstrom and seconded by Hansen to excuse the absence of Buller, Regier and Volkmer from the March 16, 2006 Board of Directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Teegerstrom and seconded by Hansen to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Teegerstrom and seconded by Hansen to approve the agenda for the March 16, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE FEBRUARY 16, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Teegerstrom and seconded by Hansen to approve the minutes of the February 16, 2006 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Hansen reported that the Projects & Programs Committee met on March 9, 2006 and presented the committee's recommendations.

**ITEM 8. PAYMENT OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Hansen and seconded by Austin that payments totaling \$14,441.47 be approved for 4 NSWCP fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 9. PAYMENT OF NRD LAND TREATMENT PROGRAM FUNDS.**

It was moved by Hansen and seconded by Austin that payment of \$5,000.00 be approved for 1 NRD fund land treatment application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,

Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Regier, Volkmer

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Teegerstrom and seconded by Hansen that payments totaling \$9,133.97 be approved for 16 Buffer Strip Program contracts, as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Regier, Volkmer

**ITEM 11. WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENTS.**

The wildlife habitat contracts have been inspected and recommended for payment. The total contract payments are \$831.25. The NRD share is 25% of the total amount. The Nebraska Game and Parks Commission will reimburse the District 75%.

It was moved by Hansen and seconded by Luebbe that the Upper Big Blue Natural Resources District make payments totaling \$831.25 to the cooperators of the Wildlife Habitat Improvement Program for the month of March. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Regier, Volkmer

**ITEM 12. RAINWATER BASIN JOINT VENTURE PROPOSAL.**

Steve Moran, representing the Nebraska Rainwater Basin Joint Venture, spoke to the Committee asking the District to hold conservation easements on wetlands purchased within the District boundaries. Any purchase would be on a willing seller/willing buyer basis, agreed to by the District, landowner, and buyer. The District could decide whether or not to hold the easements on a case-by-case basis. The land would be purchased with funds provided by others, and the District would have no financial obligation in the purchase. Once the lands are developed for wetland use, the original landowner would have first right of refusal to buy the land back. Regardless of whom the eventual owner is, the land would remain on the tax roles. The District would be responsible for periodically inspecting the wetlands and ensuring that the wetland is managed within the terms of the easement. Grazing and harvesting of hay would be allowed on land within the easement, and the landowner would determine if public access would be allowed.

It was moved by Hansen and seconded by Austin that the District authorize staff to work with the Nebraska Rainwater Basin Joint Venture to develop a program, as presented to the Committee, whereby the District could consider holding wetland easements, and that the proposed program be presented to the Committee and Board for consideration of adoption. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 13. ACCEPT CORNERS FOR WILDLIFE PROGRAM CONTRACT.**

John Romohr has a pivot corner located in the SE ¼ of Section 5, Township 11 North, Range 1 West of the 6<sup>th</sup> P. M., in York County, Nebraska. He wants to seed 4.4 acres of the corner to a warm season grass mix and plant 525 trees and shrubs for food and wildlife cover. The contract is paid for with money available through the local Pheasants Forever Chapter and the Environmental Trust. John Romohr will receive \$75.00/acre for a 5-year period. The NRD will receive the monies for the payment through the Pheasants Forever Chapter before making payment to the landowner. The District will plant the trees and shrubs at no cost to the landowner.

It was moved by Hansen and seconded by Teegerstrom that the Upper Big Blue NRD accept the Corners for Wildlife contract submitted by John Romohr for a 5-year period with an annual payment of \$330.00 a year and enter into said agreement. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 14. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on March 9, 2006 and presented the committee's recommendations.

**ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Teegerstrom and seconded by Hansen to approve cost-share payments for six well abandonments, as reviewed by the committee, totaling \$1,683.50. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 16. FLOWMETER COST-SHARE PROGRAM.**

If approved by the Nebraska Environmental Trust Board on April 17, the District can begin processing applications for flowmeter cost-share. The staff recommends that the proposed Flowmeter Cost-Share Assistance Program be adopted.

It was moved by Moore and seconded by Hansen to adopt the Flowmeter Cost-share Assistance Program effective upon final approval of the District's Irrigation Water Management Improvement Project grant by the Nebraska Environmental Trust Board. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 17. APPROVED FLOWMETER LIST.**

Rod distributed a revised Approved Flowmeter List. The revised list includes three additional meters for irrigation, three meters for non-irrigation applications and changes in installation specifications for the Siemans meter.

It was moved by Moore and seconded by Dickinson to adopt the March 2006 Approved Flowmeter List. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 18. PITNEY BOWES POSTAGE METER LEASE.**

The postage meter the District has now was leased from Pitney Bowes in April 2001 for 60 months and the lease will expire soon. We have been anticipating a substantial increase in mailings if we must certify irrigated acres. Brisk is recommending that we lease the DM500 meter which is rated for higher volume than our current meter. The model DM500 also has additional features such as the envelope stacking feed, instant software and prom updates and departmental accounting. The current monthly lease price is \$140. The negotiated lease price on the model DM500 is \$198 a month for 57 months.

It was moved by Austin and seconded by Moore to approve the lease of a new Pitney Bowes meter, model DM500, for 57 months. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on March 9, 2006 and presented the committee's recommendations.

**ITEM 20. BLUE BASIN GROUNDWATER MODEL.**

**ITEM 20 A. STREAMBED TESTING IN THE LITTLE BLUE NRD**

Bitner is working on the groundwater model for the Big Blue and the Little Blue Basins. Part of the work requires more drilling and testing for river bed conductance in the Little Blue River. A quote has been received from the Conservation and Survey Division of the University for the work. The Little Blue NRD will reimburse the Upper Big Blue for 100% of the cost as per the terms in the Interlocal Agreement with the Little Blue NRD.

It was moved by Friesen and seconded by Hansen to authorize the Conservation and Survey Division to proceed with stream bed testing in the Little Blue NRD for a cost not to exceed \$18,000. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 20 B. INTERLOCAL AGREEMENT - LOWER BIG BLUE NRD - GROUNDWATER MODELING.**

Bitner reviewed the request of the Lower Big Blue NRD for groundwater modeling of their NRD. The work will be part of the overall groundwater modeling work for the Blue Basins which includes the eastern and southern parts of the Upper Big Blue and the Little Blue NRDs. An interlocal agreement has been drafted which reads the same as the one approved with the Little Blue NRD in December. The Lower Big Blue NRD agrees to pay up to \$35,000 of the cost, which is Bitner's estimated total cost.

It was moved by Friesen and seconded by Hansen to approve the Groundwater modeling Interlocal



Agreement with Lower Big Blue NRD. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 20 C. INTERLOCAL AGREEMENT AMENDMENT - CENTRAL PLATTE - GEOLOGIST.**

Bitner explained the need to hire Larry Cast to do geological work for the groundwater model work in the Lower Big Blue area of the groundwater modeling effort. An amendment to the Interlocal Agreement with Central Platte is needed for this work. The existing agreement provides for \$4,800 for Larry Cast's time to do work in the Little Blue area. This amendment will extend that work into the Lower Big Blue NRD for a cost not to exceed an additional \$4,800. These additional costs will be reimbursed to the District by the Lower Big Blue NRD because of the recommended Interlocal Agreement with the Lower Big Blue NRD.

It was moved by Friesen and seconded by Luebbe to approve the amendment to the Interlocal Agreement with the Central Platte NRD for geologist support in the Lower Big Blue NRD area groundwater modeling work for a cost not to exceed \$4,800. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 21. NEW STAFF MEMBERS FOR THE WATER DEPARTMENT.**

Turnbull recommends the addition of two staff members to the Water Department. The additional staff is needed because of increasing workloads brought on by the expected grant for water meter cost sharing from Environmental Trust and the impending certification of all of the irrigated lands in this District. Money was budgeted in the current fiscal year for two staff members to be added after March 31.

Turnbull and DeBuhr reviewed job descriptions for the positions. One will be adding an additional Water Technician. The other job is a new one titled Water Data Specialist

The salary schedule was discussed. The water technicians' salary range is already set and it is \$26,269.90 to \$39,404.85. Turnbull recommends a salary schedule of \$30,130.71 to \$45,196.07 for the water data specialist. If the Board approves the addition of these two staff positions, the staff will bring recommendations to the Executive Committee next month for the necessary office furniture and equipment including computers, and a pickup, all of which are in the budget.

It was moved by Friesen and seconded by Austin to authorize two new staff positions, one water

technician and one water data specialist for the Water Department; To adopt the salary schedule as recommended for the water data specialist; and further to authorize the General Manger to fill both positions as soon as possible. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

## **ITEM 22. LOWER PLATTE NORTH SALARIES REIMBURSEMENT.**

A bill for \$6,646.10 was received for salaries for the Butler County NRCS clerk and some part time technician work from the Lower Platte North NRD for the past six months.

It was moved by Friesen and seconded by Brown to approve payment of \$6,646.10 to the Lower Platte North NRD for NRCS office salaries for half of FY 06 (July 1, 2005 - December 31, 2005).  
The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

## **ITEM 23. FIELD OFFICE CLERKS POSITIONS REVIEW.**

Turnbull reviewed the budget data concerning the field office clerks' positions. The committee discussed several possibilities, ranging from eliminating all field office clerical positions and taking over the entire land treatment program to making all field office clerical positions full time.

It was moved by Friesen and seconded by Bruns to continue with part time NRCS field office clerks in Hamilton, Fillmore, Polk and Seward Counties.

Moore told the board that he felt if we were going to provide clerical assistance for the NRCS then the level of staffing should be the same in all the offices. He told the board he felt the matter could be resolved if they would take enough money out of the land treatment cost share budget to cover the cost of going to full time clerks in all five counties. He said he would offer such an amendment if it was in order.

Hansen asked how this would affect the other counties within our district. Turnbull told the board that the other NRDs all have full time field office clerks and we are reimbursing them our share for full time employees. That would remain unchanged by either the motion on the floor or the amendment that Moore was considering. The York County field office clerk's position is already at full time.

Bryan Euse of the York County NRCS provided each board member with a summary of NRCS activities within our NRD.

When we first started discussing this issue there was a backlog of design work to be done on NRD and NSWCP land treatment applications. That was the initial reason we had discussed eliminating the field office positions and hiring our own technicians to do the design work. Bruns asked Bitner whether or not the design work was getting done now. Bitner indicated that there is no longer a backlog of design work and the NRCS is keeping up with the incoming applications. Bruns asked why, if the design work was getting done, we needed to make changes in the current staffing arrangement. Friesen said he felt the same way and he didn't want to take money away from the land treatment program and put it toward administrative costs.

Houdersheldt called a brief five minute recess to review Robert's Rules of Order regarding Moore's question of whether or not his amendment would be in order. Houdersheldt reconvened the meeting at 2:35 p.m. He decision was that Moore could make his amendment.

It was moved by Moore and seconded by Austin to amend the motion to read "to reduce the FY 07 land treatment cost-share budget by \$15,000 and increase the salary line item by \$15,000 to provide funding for full time clerks in the Hamilton, Fillmore, Polk and Seward county NRCS field offices, effective July 1, 2006." The question was called on the amendment. The amendment failed.

AYE: Austin, Dickinson, Eberle, Jackson, Moore, Nuss, Houdersheldt

NAY: Brown, Bruns, Friesen, Kuehner, Luebbe, Teegerstrom

NOT VOTING: Hansen

NOT PRESENT: Buller, Regier, Volkmer

The question was called on the original motion. The motion carried.

AYE: Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Luebbe, Teegerstrom

NAY: Austin, Jackson, Kuehner, Moore, Nuss, Houdersheldt

NOT PRESENT: Buller, Regier, Volkmer

#### **ITEM 24. LEGISLATION.**

Turnbull reviewed current legislation with the committee. An amendment is being considered by Senator Beutler for groundwater use fees of \$1.00 per acre inch in fully and over appropriated basins. It may be amended to any of several bills before the Legislature.

It was moved by Friesen and seconded by Bruns to continue to oppose water use fees. The motion carried.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

**ITEM 25. FINANCIAL REPORT FEBRUARY 1, 2006 THROUGH FEBRUARY 28, 2006, AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2006.**

Turnbull reviewed the financial report for the period February 1, 2006 through February 28, 2006 that we had distributed. It was moved by Austin and seconded by Jackson to accept the financial report for February 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier, Volkmer

There being no other business the chairman adjourned the meeting at 3:45 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on March 16, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

PUBLIC HEARING  
UPPER BIG BLUE NRD  
GROUND WATER MANAGEMENT AREA REGULATIONS - RULE 5  
April 14, 2005

The Upper Big Blue Natural Resources District board met Thursday, April 14, 2005 at 7:00 p.m. at the Holiday Inn Hotel, located at I-80 and Highway 81 South, York, Nebraska. The purpose of the meeting was to conduct a public information meeting concerning expected changes to our rules and regulations as a result of the implementation of LB 962 and then to conduct a public hearing to receive comments on the proposed changes to the NRD's Ground Water Management Area Regulations (Rule 5). There were approximately 25 members of the public present during the hearing.

BOARD MEMBERS

Yvonne Austin  
Augustus Brown, Treasurer  
Doug Bruns, Secretary  
Steve Buller  
Doug Dickinson  
Gary Eberle  
Curtis Friesen, Vice Chairman  
Wayne Hansen  
Roger Houdersheldt, Chairman  
James Jackson  
William Kuehner  
Linda Luebbe  
Larry Moore  
Michael Nuss  
Vance Teegerstrom  
Merlin Volkmer

STAFF MEMBERS

John Turnbull, General Manager  
Rodney DeBuhr, Water Department Mgr.  
Scott Snell  
Nancy Brisk  
Linda Martindale  
Marie Krausnick  
Dan Leininger  
Ken Feather  
Russ Gierhart

PUBLIC TESTIMONY

Clint Hohndorf, Rising City  
Fred Blase, Hordville

Chairman Houdersheldt opened the public hearing at 9:05 p.m. and appointed Rodney DeBuhr as Hearing Examiner.

DeBuhr: My name is Rod DeBuhr. I'm the Water Department Manager for the District and I will serve as Hearing Examiner. I have before me proof of publication from the York News-Times showing that notice of this hearing was published on March 23, March 30 and April 6 to comply with state law. The purpose of this hearing as was previously described in the information meeting is to consider a change to the District's Ground Water Regulations, Rule 5, Chapter 5. The change deals with the issuance of permits for construction of wells. It's a simple change that states that:

10 Permit Expiration Date -

A permit shall expire on the earlier of the following dates:

10.01 December 31 of the year in which the permit is issued, or

10.02 Ten days following the Department of Natural Resources determination of a fully appropriated basin which encompasses the location of the proposed well.

The procedure from here on is that we will no longer take questions. We want to receive your comments. The procedure is that if you wish to testify we ask that you come forward to the table here. There is a sign-in sheet so please sign-in your name, address, and if you're representing someone other than yourself, who you're representing. And then please state your name for the record so that we can get it recorded and then present your testimony. After we receive the verbal testimony we will also accept written testimony and the record will remain open until 5:00 p.m. May 6. Those written comments should be delivered to the NRD Office, or mailed to the NRD Office, at 105 North Lincoln Avenue, York, Nebraska 68467. Is there anyone who wishes to testify? Going once? If there's no one wishing to testify I'll close the hearing, but I don't want to cut anybody off. I want to give you every opportunity.

Hohndorf: My name's Clint Hohndorf. I live in the northern edge of the Upper Big Blue. I'd just like to repeat a couple of things that I said earlier in the question and answer session. Whatever your decision is, if you allow me to drill a well please find an avenue to allow me to use it. That's all I ask. Tell me what the rules are. I'd like some clarification. I know this is not a question and answer, but just make it clear before you allow me to drill a well what my options are.

DeBuhr: Thank you. Anyone else?

Blase: My name is Fred Blase. I live at Hordville and I have a piece of ground that I farm with my mother over by Marquette which would be close to the Wellhead Protection District that I've heard them talk about that's proposed for Marquette. Right now it's all dryland. It's also contingent a little bit on whether the railroad right-of-way is abandoned or not whether a fellow could put a half turn pivot on the thing. And the other thing would be I've heard you mention and I've read about it a little bit, the code agency DNR, State of Nebraska DNR, has the right to declare this a fully appropriated basin. That puts that out of your hands, the board's hands. Would that be right?

DeBuhr: That's correct.

Blase: But you're also...I'm trying to think of the way I want to say it...you're in charge of this District, this NRD District. Am I correct? So the State has some input on what you do also. Would that be right? And that applies across the state to all the

Districts? Okay. Sometimes you have to learn how to ask the question to come up with a question to start with, but back to this 80 acres that I farm south of Marquette, I'd love to irrigate it, I'd love to have had a well there two or three years ago to prevent the last couple of deals. But if it was to stay dryland it would stay dryland taxes and I just got a deal from the FSA Office that I can go back to 2003 because my corn was like 11 bushels to the acre, the beans were 8 or 9, and there's been years I raised 150 bushel dryland corn there. So I guess if it stays dryland I'd like to know there's some protection for my efforts. That's about all I've got to say. If there are any questions, why I'll do my best to answer them. Thank you.

DeBuhr: Thank you. Anyone else? The District has received one written testimony from the Department of Natural Resources which is a letter we received by fax today from the Director (this will be entered into the record for the board to see when the full record is complete) basically supporting us and saying they're glad we're getting the word out to people. That will also be part of the record. Anyone else? Last call. Well then, I'll turn this back to the Chairman to close the hearing.

Houdersheldt: All right, seeing no more comments we will close this Public Hearing. Thank you all for attending and we'll do our best to keep you updated on what's going on.

The hearing was closed at 9:11 p.m.

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Douglas Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**April 20, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 20, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier and Vance Teegerstrom.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Russ Gierhart, Nancy Schuerman, Marie Krausnick, Kent Norquest of Fillmore County NRCS and Bryan Euse of York County NRCS, and Paul Weiss. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on April 6, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Twelve directors were present for roll call. Austin, Dickinson, Friesen and Regier arrived a short time later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Volkmer requested that his absence from the April 20, 2006 Board of Directors meeting be excused.

It was moved by Hansen and seconded by Volkmer to excuse the absence of Merlin Volkmer from the April 20, 2006 Board of Directors meeting. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson, Regier, Volkmer

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Friesen to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,



Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Regier, Volkmer

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Friesen to approve the agenda for the April 20, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Regier, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE MARCH 16, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Friesen to approve the minutes of the March 16, 2006 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Regier, Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE APRIL 11, 2006 KEZAN CREEK PUBLIC HEARING.**

It was moved by Brown and seconded by Friesen to approve the minutes of the April 11, 2006 Kezan Creek Public Hearing. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Regier, Volkmer

**ITEM 8. EMPLOYEE RECOGNITION.**

Marie Krausnick, Water Resources Technician, and Nancy Schuerman, NRD Field Office Secretary, were recognized for 5 years of service to the District. They each were presented with laser engraved paper weights with pencil holders.

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND**

## CONSIDERATION OF RECOMMENDATIONS.

Buller reported that the Projects & Programs Committee met on April 11, 2006 and presented the committee's recommendations.

### ITEM 10. PAYMENT OF NSWCP LAND TREATMENT PROGRAM FUNDS.

It was moved by Buller and seconded by Brown that payments totaling \$26,202.08 be approved for 12 NSWCP fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Regier

NOT PRESENT: Volkmer

### ITEM 11. PAYMENT OF NRD LAND TREATMENT PROGRAM FUNDS.

It was moved by Buller and seconded by Dickinson that payment of \$5,000.00 be approved for 1 NRD fund land treatment application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

### ITEM 12. PROJECT MAINTENANCE - BULGRIN AND FRIESEN DAMS.

General Excavating has completed maintenance work on the Bulgrin and Friesen dams in York County. The original contract was for \$5,000 (\$2,500 at each site). In addition, a \$904 change order was approved for additional clearing at the Friesen site, bringing the contract amount to \$5,904. The work has been accepted as meeting the requirements of the contract; however, the contractor used more labor on the Bulgrin dam than his bid included. The extra labor is due to a misunderstanding between the District's inspector and the contractor's project supervisor as to how the clearing and tree cutting was to be done. The contractor's labor cost for performing the extra work is \$2,500. Staff recommends that a final payment of \$8,404 be made to General Excavating for all work completed on the Bulgrin and Friesen dams.

It was moved by Buller and seconded by Teegerstrom that final payment of \$8,404 be made to General Excavating for maintenance work completed on the Bulgrin and Friesen dams. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,

Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 13. MINCK'S PARK LANDSCAPE COST-SHARE.**

On June 16, 2005, the Upper Big Blue NRD Board of Directors agreed to fund the tree planting at the new swimming pool area in the City of York at a rate of 25% of the local share not to exceed \$7,650.00. The park has now been named Minck's Park. The tree and shrub planting is completed, and the local share of cost is \$28,375.20. The NRD share, per agreement, is \$7,093.80 (25% of \$28,375.20).

It was moved by Buller and seconded by Hansen that the Upper Big Blue NRD make payment of \$7,093.80 to the City of York for the planting of trees and shrubs at Minck's Park. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt  
NAY: Nuss  
NOT PRESENT: Volkmer

**ITEM 14. INTERLOCAL AGREEMENT WITH NARD TO PURCHASE TREES.**

The Interlocal Agreement between the NRD and the NARD to purchase trees and shrubs expired September 30, 2005 and needs to be renewed. The NARD has a signed agreement with the USDA Forest Service.

It was moved by Buller and seconded by Dickinson that the District enter into an interlocal agreement with the NARD for the purpose of purchasing seedling trees and shrubs, subject to the terms and conditions reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 15. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on April 13, 2006 and presented the committee's recommendations.

**ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Friesen to approve cost-share payments for eleven well abandonments, as reviewed by the committee, totaling \$2,866.93. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Regier, Volkmer

**ITEM 17. PAYMENT TO DELMHORST FOR MOISTURE BLOCKS.**

Each year the District sells 1,000 - 2,000 moisture blocks. The initial order of 1,000 blocks for 2006 has been received. The cost is \$5,518.84

It was moved by Moore and seconded by Hansen to pay Delmhorst Instrument Company \$5,518.84 for 1,000 moisture blocks for resale. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on April 13, 2006 and presented the committee's recommendations.

**ITEM 19. APPROVAL TO PURCHASE STEELCASE WORKSTATIONS.**

Turnbull reviewed the existing office floor plan and workstation layout with the committee. He went over a proposed plan for rearranging the existing workstations and the need for two additional desk areas.

Quotes were received from Eakes Office Plus of Grand Island. The first quote was for \$23,167.03 plus installation costs. After several modifications, including the use of refurbished components, the final proposal came in at a cost of \$9,315.00.

Staff recommends the District add to its Steelcase 9000 series workstation system by purchasing refurbished components to add two workstations and additional wall panels for traffic and sound control. In addition, the purchase and installation should include electrical wiring harnesses in the panels to furnish power in the base strips to all of the existing and new workstations. Eakes Office Plus has quoted a price of \$9,315.00 for the additional components, freight, and installation.

It was moved by Friesen and seconded by Regier to purchase refurbished Steelcase 9000 workstation components, including panels, desk returns, drawers and electrical wiring harnesses, from Eakes Office Plus of Grand Island for \$9,315.00 including freight and installation. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Nuss

NOT PRESENT: Volkmer

**ITEM 20. ACCEPTANCE OF BID TO PURCHASE PICKUP.**

Pickup bids have been received for an additional Water Department ½ ton 2 wheel drive pickup.

|                                  |                          |             |
|----------------------------------|--------------------------|-------------|
| Gene Steffy Ford - Columbus      | 2006 Ford XL F-150       | \$17,273.00 |
| Gene Steffy Ford - Columbus      | 2006 Ford XLT F-150      | \$19,088.00 |
| John Kohl - York                 | 2006 Chevrolet Silverado | \$20,513.00 |
| Great Plains Chrysler - Hastings | 2006 Dodge RAM 1500 ST   | \$21,742.00 |
| Russwood Chrysler - Crete        | 2005 Dodge Quad Cab      | \$26,287.00 |
| Russwood Chrysler - Crete        | 2006 Dodge RAM 1500 SLT  | \$26,988.00 |

The staff recommended acceptance of the low bid of \$17,273.00 from Gene Steffy Ford, Columbus. After a discussion about how the vehicles would be equipped it was suggested by the Executive Committee that the District buy the 2006 Ford XLT F-150 from Gene Steffy Ford for \$19,088.00.

It was moved by Friesen and seconded by Hansen to accept the bid of \$19,088.00 for a 2006 Ford XLT F-150 from Gene Steffy Ford, Columbus. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Kuehner, Moore, Teegerstrom

NAY: Eberle, Friesen, Jackson, Luebbe, Nuss, Regier, Houdersheldt

NOT PRESENT: Volkmer

**ITEM 21. ALL-TERRAIN VEHICLE QUOTES.**

The District requested quotes for another all-terrain vehicle for the Water Department. The District already owns 2 Kawasaki ATVs.

Seven companies have submitted quotes ranging from \$4,400.00 to \$5,700.00. The staff suggested the low quote of \$4,400.00 be approved. After some discussion the Executive Committee recommended the Suzuki with automatic transmission and differential lock so that either 2 wheel or 4 wheel drive can be selected.

It was moved by Friesen and seconded by Hansen to purchase a Suzuki Eiger 400 with automatic

transmission and differential lock from Wolfe Cycle Sports, Hastings for \$4,697.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Nuss

NOT PRESENT: Volkmer

**ITEM 22. \*FIRST QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Brown and seconded by Friesen to approve payment of first quarter directors' per diem of \$9,170.00 and expenses of \$3,072.02. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT PRESENT: Austin, Regier, Volkmer

**ITEM 23. HOTEL EXPENSES FOR THE WASHINGTON, D.C. NARD CONFERENCE.**

Turnbull, Eberle and Luebbe attended the Washington Conference. The hotel bill has been received from the NARD for \$3,141.88.

It was moved by Friesen and seconded by Bruns to approve payment of \$3,141.88 to the NARD for hotel rooms for the Washington, D.C. NARD Conference. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Eberle, Luebbe

NOT PRESENT: Volkmer

**ITEM 24. FINANCIAL REPORT MARCH 1, 2006 THROUGH MARCH 31, 2006, AND CONSIDERATION OF EXPENDITURES FOR MARCH 2006.**

Turnbull reviewed the financial report for the period March 1, 2006 through March 31, 2006 that we had distributed. It was moved by Brown and seconded by Austin to accept the financial report for March 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Nuss

NOT PRESENT: Volkmer

There being no other business the chairman adjourned the meeting at 8:55 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on April 20, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**May 18, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 18, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Dan Leininger, Russ Gierhart, Paul Weiss, Jim Cook of NDNR, Bill Gilg of Hamilton County NRCS, Alexis Kiblon, Shawn Hutsell, Katelyn Klute and Danielle Dose of Hampton FFA and their advisor Marlin Seeman. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on May 11, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Moore requested that his absence from the May 18, 2006 Board of Directors meeting be excused for medical reasons. Doug Dickinson also requested an excused absence from the board meeting.

It was moved by Regier and seconded by Volkmer to excuse the absence of Larry Moore and Doug Dickinson from the May 18, 2006 Board of Directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Hansen and seconded by Regier to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss,



Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson, Moore

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Hansen and seconded by Regier to approve the agenda for the May 18, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE APRIL 20, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Hansen and seconded by Regier to approve the minutes of the April 20, 2006 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson, Moore

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on May 9, 2006 and presented the committee's recommendations.

**ITEM 8. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Hansen that payments totaling \$23,039.12 be approved for 9 NSWCP fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss,  
Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson, Moore

**ITEM 9. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Volkmer that payments totaling \$9,662.20 be approved for 7 NRD fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 10. PIONEER TRAILS RECREATION AREA RESTROOM REPAIR.**

In February 2006 the Upper Big Blue NRD Board of Directors agreed to hire John Rogers, a local contractor in Aurora, doing business as Work 4-U. He was hired to put a vault and new skids under the restroom and do necessary repairs for \$2,000.00. John has completed the work for a total of \$1,769.00.

It was moved by Buller and seconded by Teegerstrom that the Upper Big Blue Natural Resources District Board of Directors make payment of \$1,769.00 to John Rogers (Work 4-U) for the repair work completed on the restroom at Pioneer Trails Recreation Area. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 11. OXBOW TRAIL RESERVOIR SHELTER.**

The District has been counting on a volunteer group from Ulysses to complete the shelter, but the work isn't getting done. The District staff has contacted local contractors about constructing the roof to complete the project. Most of the contractors wouldn't have time to get the work completed this summer. Batterton Home Improvement Center, Inc. of York has agreed to complete the project for \$2,500.00.

It was moved by Buller and seconded by Regier that the Upper Big Blue Natural Resources District Board of Directors hire Batterton Home Improvement Center, Inc. to complete the work on the shelter at Oxbow Trail Reservoir in the amount of \$2,500.00. The motion was approved.

AYE: Brown, Eberle, Friesen, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Austin, Bruns, Buller, Kuehner, Volkmer

NOT PRESENT: Dickinson, Moore

**ITEM 12. HAMPTON FFA GROUP.**

Students from the Hampton FFA Land Judging team and their advisor, Marlin Seeman, addressed the board to thank them for underwriting a portion of the team's expenses to attend the National Land Judging contest in Oklahoma City. The past three years the chapter's teams have been recognized as the top team in the North Central Region. They placed fifth in the national competition.

**ITEM 13. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met on May 11, 2006 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Regier to approve cost-share payments for ten well abandonments, as reviewed by the committee, totaling \$3,359.18. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 15. FLOW METER COST-SHARE PAYMENTS.**

The office received 73 flow meter cost-share applications from April 18 to May 11. Five flow meters have been installed and the staff has inspected and approved the installation.

It was moved by Nuss and seconded by Austin that the District make cost-share payments for five flow meters, as reviewed, totaling \$2,500.00. The motion was approved.

AYE: Austin, Brown, Bruns, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Dickinson, Moore

**ITEM 16. GROUND WATER MANAGEMENT AREA #1**

**ITEM 16a. SPRING 2006 GROUND WATER LEVEL CHANGE.**

The District average ground water level declined 0.87 feet from the spring of 2005 to the spring of 2006. The District average ground water level is 0.52 feet below the reporting trigger and 2.48

feet above the allocation trigger.

**ITEM 16b. REPORTING TRIGGER RESOLUTION.**

The District's Ground Water Management Area Regulations (District Rule 5) provides that when the District average ground water level falls below the reporting trigger, Chapters 12, 13 and 14 of the District Rule 5 take effect. These chapters require reporting of wells and irrigated acres by March 1, 2007 and annual ground water withdrawal reports with the first report due by December 31, 2007. Resolution 2006-1 is attached. The staff recommended that the Board adopt this resolution to initiate implementation of District Rule 5, Chapters 12, 13 and 14.

It was moved by Nuss and seconded by Austin that the District adopt Resolution 2006-1 to implement District Rule 5, Chapters 12, 13 and 14. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Luebbe, Nuss, Volkmer

NOT PRESENT: Dickinson, Moore

**ITEM 17. NEBRASKA AG WATER MANAGEMENT DEMONSTRATION NETWORK.**

**ITEM 17a. IRRIGATION SEASON 2006 PARTICIPANTS.**

There are currently thirty-two participants in the Nebraska Agricultural Water Management Demonstration Network. Twenty-nine new ETgages and 244 Watermark sensors will be installed for the 2006 irrigation season.

**ITEM 17b. PAYMENT FOR WATERMARK SENSORS.**

The District has been billed \$13,203.64 for 265 Watermark sensors and 31 Watermark meters. This includes the NAWMDN participants and sensors for the Little Blue NRD and the Village of Edger. The Little Blue NRD and Village of Edger will reimburse the District for their share of the cost.

It was moved by Nuss and seconded by Hansen that the District pay Irrometer Company, Inc. \$13,203.64 for Watermark sensors and meters. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 17c. PAYMENT FOR ETGAGES.**

The District has been billed \$6,728.60 for 36 ETgages, 20 ETgage covers, and 3 sets of bird wires. This includes the NAWMDN participants and gages for the Little Blue NRD and the Village of Edger. The Little Blue NRD and Village of Edger will reimburse the District for their share of the cost.

It was moved by Nuss and seconded by Austin that the District pay ETgage Company \$6,728.60 for ETgages, covers and bird wires. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on May 11, 2006 and presented the committee's recommendations.

**ITEM 19. TELEPHONE SYSTEM REPLACEMENT.**

The District purchased the existing phone system in April of 1991 for \$8,190. The system needs to be replaced. We are experiencing difficulties in getting replacement phones and parts and no longer have enough working phones for the office and we still need a phone for the new Water Data Specialist. The current system also does not allow for more expansion.

Three quotes were received for a 20-phone system with voice mail as well as the capacity for expansion. The quotes include estimates for installation costs. The installation costs may vary depending on how much work needs to be done to change from the existing system to the new one. The existing wiring should be adequate, but the wiring will be tested to make sure by the installer.

|  |             |
|--|-------------|
| Americom - Lincoln                           | \$12,525.00 |
| Alltel - Lincoln                             | \$9,350.00  |
| Telephone Systems of Nebraska - Grand Island | \$9,296.88  |

The staff recommends that the District consider the quote from Telephone Systems of Nebraska. There is not enough money in the office equipment budget this year for the purchase, however, there is enough money in the overall unspent budget to cover the cost. The other option would be to include the cost in next year's budget and make the purchase in July.

It was moved by Friesen and seconded by Regier to purchase the new telephone system this fiscal year from Telephone Systems of Nebraska, Grand Island, as quoted for \$9,296.88. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 20. RETIREMENT PLAN 2003 AND 2004 SOCIAL SECURITY & MEDICARE REPAYMENT.**

Due to a misunderstanding of the tax code neither the District nor the employees have paid Social Security or Medicare taxes on the employees' contributions to the retirement plan. However, the District and the employees are liable for Social Security and Medicare taxes on the employees' contributions. The District corrected the situation for calendar year 2005 in December 2005.

The amount of Social Security and Medicare taxes due for 2003 and 2004 have been calculated. Milt Willnerd, the CPA who specializes in retirement plans, was retained by the Manager to assist in this matter. He has reviewed the District records and is recommending that payment be made. He will handle the matter before the IRS.

Turnbull recommended that the District make payment of \$8,376.98 for Social Security and Medicare taxes due on employees' retirement plan contributions for calendar years 2003 and 2004 as advised by Willnerd and Associates as follows:

1. The District make payments for both the District's and employees' share.
2. The District pay the cost of any interest and penalties after notice from the IRS on the amounts due.
3. The District pay the cost for any prior employees.
4. The current employees' shares are to be reimbursed to the District by the employees as follows:
  - a. Each employee shall reimburse the District by either:
    - (1) Reimbursing the NRD the amount due for that employee in a lump sum either by a check to the District or have it withheld from his or her pay by July 7, 2006, or
    - (2) Reimbursing the amount due for that employee over 12 months through an equal amount withheld from his or her paycheck beginning with the July paycheck on July 7, 2006, however, if that employee leaves this District's employment, voluntarily or involuntarily, or retires or dies, any remaining balance shall be withheld out of the employee's final check.

It was moved by Friesen and seconded by Regier that the District make payment of \$8,376.98 for Social Security and Medicare taxes due on employees' retirement plan contributions for calendar years 2003 and 2004 as advised to do so by the Willnerd and Associates as follows: (1) The District make payments for both the District's and employees' share; (2) The District pay the cost of any interest and penalties after notice from the IRS on the amounts due; and (3) The District pay the cost for any prior employees.

It was moved by Volkmer and seconded by Bruns to amend the motion to add "4. The current employees' shares are to be reimbursed to the District by the employees as follows: a. Each employee shall reimburse the District by either: (1) Reimbursing the NRD the amount due for that employee in a lump sum either by a check to the District or have it withheld from his or her pay by July 7, 2006, or (2) Reimbursing the amount due for that employee over 12 months through an equal amount withheld from his or her paycheck beginning with the July paycheck on July 7, 2006, however, if the employee leaves this District's employment, voluntarily or involuntarily, or retires or dies, any remaining balance shall be withheld out of the employees' final check." The amendment was approved.

AYE: Bruns, Friesen, Hansen, Kuehner, Luebbe, Teegerstrom, Volkmer, Houdersheldt

NAY: Austin, Brown, Buller, Eberle, Jackson, Nuss, Regier

NOT PRESENT: Dickinson, Moore

The question was called on the original motion as amended. The motion was approved.

AYE: Brown, Bruns, Friesen, Hansen, Kuehner, Luebbe, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Austin, Buller, Eberle, Jackson, Nuss

NOT PRESENT: Dickinson, Moore

Milt Willnerd asked for power of attorney to represent the District before the IRS. The power of attorney would be limited to the Retirement Plan Social Security and Medicare payments for 2003 and 2004.

It was moved by Friesen and seconded by Regier to grant Milton A. Willnerd and Matthew M. Westenburg of Willnerd & Associates, LLC, power of attorney for the purpose of representation before the IRS, concerning the tax matters of Retirement Plan Social Security and Medicare payments for tax years 2003 and 2004. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: Hansen, Volkmer

NOT PRESENT: Dickinson, Moore

## **ITEM 21. PAYMENT TO YORK PRINTING FOR THE BLUEPRINT**

## NEWSLETTER.

It was moved by Friesen and seconded by Hansen to approve payment of \$5,468.31 to York Printing for 30,250 Blueprint Newsletters. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

### **ITEM 22. FINANCIAL REPORT APRIL 1, 2006 THROUGH APRIL 30, 2006, AND CONSIDERATION OF EXPENDITURES FOR APRIL 2006.**

Turnbull reviewed the financial report for the period April 1, 2006 through April 30, 2006 that we had distributed. It was moved by Volkmer and seconded by Regier to accept the financial report for April 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

### **ITEM 23. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.**

Jim Cook with Nebraska Department of Natural Resources updated the board on the status of the Platte River Recovery Implementation Program and the Nebraska New Depletions Plan.

There being no other business the chairman adjourned the meeting at 9:47 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on May 18, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.



Doug Bruns, Secretary

:ndb  
attachment

**BOARD OF DIRECTORS MEETING**  
**June 15, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 15, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Russ Gierhart, Kurt VanDeWalle, Eric Kamler, Spencer Bolte, Paul Weiss, Kristi Schleif of Polk County NRCS and Bryan Euse of York County NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on June 8, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Moore arrived a short time later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Luebbe requested that her absence from the June 15, 2006 Board of Directors meeting be excused due to out-of-state travel.

It was moved by Volkmer and seconded by Teegerstrom to excuse the absence of Linda Luebbe from the June 15, 2006 Board of Directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Moore

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Hansen and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,

Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Luebbe, Moore

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Hansen and seconded by Dickinson to approve the agenda for the June 15, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Luebbe, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE MAY 18, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Hansen and seconded by Teegerstrom to approve the minutes of the May 18, 2006 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Luebbe, Moore

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on June 6, 2006 and presented the committee's recommendations.

**ITEM 8. PROPOSED HIKING AND BICYCLE TRAIL - CITY OF YORK AND YORK COUNTY.**

Jack Vavra, York City Administrator, and Bob Wolfe, York County Board of Supervisors, were present at the committee meeting to request assistance from the Upper Big Blue NRD to extend the York Linear Park Trail westward to Recharge Lake. The NRD staff presented a preliminary plan for the trail extension, which is similar to the trail that was built at Seward. The preliminary cost estimate is \$1.0 million, and it is expected that the project will be eligible for \$560,000 in grants from NDOR and NGPC. Staff recommended that the District offer to assist the City of York and York County on this project, to develop interlocal agreements with the City and County, and file letters of intent to apply for grants from the Nebraska Department of Roads and Nebraska Game and Parks Commission.

It was moved by Buller and seconded by Austin that the District offer to assist the City of York and York County with extension of the City of York's Linear Park hiking and bicycle trail westward to the District's Bruce Anderson Recreation Area at Recharge Lake, and to develop interlocal agreements between the District, City, and County, and to file letters of intent to apply for grants on this project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Brown

NOT PRESENT: Luebbe

**ITEM 9. PAYMENTS OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Teegerstrom that payment of \$225.00 be approved for 1 NSWCP fund land treatment application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 10. PAYMENTS OF NRD LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Hansen that payments totaling \$88,851.76 be approved for 44 NRD fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Luebbe

**ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Dickinson that payments totaling \$12,250.07 be approved for 23 Nebraska Buffer Strip contracts, as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Nuss, Regier, Teegerstrom, Volkmer,

NAY: None  
NOT VOTING: Houdersheldt  
NOT PRESENT: Luebbe, Moore

**ITEM 12. NEBRASKA CENTRAL BASINS CREP PROGRAM.**

A program for implementing CREP on irrigated land has been developed by the Nebraska Corn Growers Association. Under this plan, applicants can apply for CREP funding on irrigated lands that qualify under FSA rules. The FSA will pay the dryland rate on these lands, and the applicant can apply for additional payment from the NRD up to the irrigated rate, which is 150% of the dryland rate. For their part in this plan, the Nebraska Corn Growers will make a one-time direct payment to the NRD for their share to offset a portion of the difference between irrigated and dryland rates. The Corn Growers' share is a pass through grant from the Nebraska Environmental Trust. Under this plan, if the District approves 10 year contracts for 200 acres, the Corn Growers' share would be \$4,000 per year (or \$40,000 for all ten years), and the NRD share would be \$2,000 per year (or \$20,000 for all ten years). If the District invests the \$40,000 one time payment from the Corn Growers, the interest over ten years (\$11,000) would reduce the NRD's actual out of pocket share to \$9,000.

Staff recommends that the District enter into an agreement with the Nebraska Corn Growers to implement the Nebraska Central Basins CREP Program as outlined in the above example.

It was moved by Buller and seconded by Brown that the District enter into an agreement with the Nebraska Corn Growers Association to implement the Nebraska Central Basins CREP Program, as presented to the Committee, and that \$6,000 be appropriated in the FY 2007 budget to fund contract payments on 200 acres for the first year of the CREP Program. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt  
NAY: None  
NOT VOTING: Nuss, Volkmer  
NOT PRESENT: Luebbe

**ITEM 13. CORNERS FOR WILDLIFE PAYMENTS.**

These wildlife areas are pivot corners or portions of pivot corners that have been developed for wildlife. The payments are being made with funds from the Environmental Trust through the Pheasants Forever Chapters.

It was moved by Buller and seconded by Hansen that the Upper Big Blue Natural Resources District make payments of \$3,585.00 to the cooperators of the Corners for Wildlife program. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 14. WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENTS.**

These areas have been inspected and recommended for their annual payment. The payment is funded 75% Nebraska Game & Parks Commission and 25% Upper Big Blue Natural Resources District.

It was moved by Buller and seconded by Brown that the Upper Big Blue Natural Resources District make payments totaling \$1,047.50 to the cooperators of the Wildlife Habitat Improvement Program for the month of June. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 15. PAYMENT TO NARD FOR TREES.**

The District purchased 23,575 trees and shrubs from the Nebraska Association of Resources District for the planting of farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings.

It was moved by Buller and seconded by Dickinson that the Upper Big Blue Natural Resources District make payment of \$12,086.07 to the Nebraska Association of Resources District for the purchase of 23,575 trees and shrubs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 16. LINCOLN OAKES NURSERIES PAYMENT FOR TREES.**

The District purchased 8,200 trees and shrubs from Lincoln-Oakes Nurseries located in Bismark, North Dakota for the purpose of planting farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings.

It was moved by Buller and seconded by Hansen that the Upper Big Blue Natural Resources District approve payment of \$3,307.00 to Lincoln Oakes Nurseries for the purchase of 8,200 trees and shrubs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 17. CITY OF SUTTON - SCHOOL CREEK TRAILS PROJECT.**

On November 15, 2004, the Upper Big Blue Natural Resources District entered into an Interlocal Agreement with the City of Sutton on a trail project starting at Ash Street and ending at the Public High School. The City of Sutton has entered into a contract to start the project and is to be completed by August 18, 2006. The Interlocal Agreement between the City of Sutton and the Upper Big Blue Natural Resources District will expire June 30, 2006.

The City of Sutton is now asking the Upper Big Blue NRD to extend the Interlocal Agreement. This Interlocal Agreement also stated that the Upper Big Blue NRD would fund 25% of the local share of the project costs not to exceed \$10,000.

It was moved by Buller and seconded by Hansen that the Upper Big Blue Natural Resources District amend the Interlocal Agreement signed and agreed to by the City of Sutton and the Upper Big Blue Natural Resources District on November 15, 2004 - Section 2.01 and Section 2.02 under Article II Term of Agreement to read that the Agreement will continue through the design and construction phase of the project and cannot be terminated prior to June 30, 2007 without the consent of the governing bodies of the participants. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 18. OXBOW TRAIL RESERVOIR SHELTER - PAYMENT TO BATTERTON HOME IMPROVEMENT CENTER, INC.**

May 2006 the Upper Big Blue NRD Board of Directors agreed to have Batterton Home Improvement Center, Inc. construct the roof on the shelter at Oxbow Trail Reservoir for the amount of \$2,500.00. The District had extra tongue and groove 2 x 6's and roofing felt but the District had to purchase nails, galvanized edging, 2 x 6 fascia board and twenty bundles of shake shingles which added an extra cost of \$1,112.52 for a total cost of \$3,612.52 to complete the roof.

It was moved by Buller and seconded by Austin that the Upper Big Blue Natural Resources District make payment of \$3,612.52 to Batterton Home Improvement Center, Inc. for the construction of the roof and materials on the shelter at Oxbow Trail Reservoir. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 19. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on June 8, 2006 and presented the committee's recommendations.

**ITEM 20. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Dickinson to approve cost-share payments for four well abandonments, as reviewed by the committee, totaling \$1,581.88. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe, Moore

**ITEM 21. FLOW METER COST-SHARE PAYMENTS.**

Eleven flow meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Hansen that the District make cost-share payments for eleven flow meters, as reviewed by the Committee, totaling \$5,494.56. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Brown, Buller

NOT PRESENT: Luebbe

**ITEM 22. WATER-TIP PROGRAM - PAYMENT FOR WATERMARK SENSORS.**

The District has been billed \$2,716.62 for 25 Watermark sensors and two Watermark meters. This includes the WATER-TIP participants.



It was moved by Moore and seconded by Austin that the District pay Irrometer Company, Inc. \$2,716.62 for Watermark sensors and meters. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 23. PAYMENT TO KERRY'S RESTAURANT FOR CATERING WATER-TIP MEETING.**

The District has been billed by Kerry's Restaurant for the supper served at the WATER-TIP participant meeting on March 30. Seventy meals were served at \$9.95 each.

It was moved by Moore and seconded by Austin that the District pay Kerry's Restaurant and Catering, Inc. \$696.50 for catering the March 30, 2006 WATER-TIP participant meeting.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 24. WEATHER STATION MAINTENANCE PAYMENT.**

The District has been billed \$1,000 for the FY 2006 maintenance of the High Plains Climate Center weather station located at Recharge Lake. This is the amount agreed upon between the Center and the District. This amount has not changed since the station was installed in the mid 1990s.

It was moved by Moore and seconded by Teegerstrom that the District pay the University of Nebraska High Plains Climate Center \$1,000 for the FY 2006 maintenance of the Recharge Lake weather station. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Kuehner, Nuss

NOT VOTING: Volkmer

NOT PRESENT: Luebbe

**ITEM 25. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on June 8, 2006 and presented the

committee's recommendations.

**ITEM 26. CONSERVATION AND SURVEY DIVISION STREAM BED TESTING - LOWER BIG BLUE NRD.**

Bitner is working on the Groundwater Model for the Big Blue and the Little Blue Basins. Part of the work requires more drilling and testing in the Lower Big Blue NRD for river bed conductance in the Big Blue River. A quote has been received from the Conservation and Survey Division of the University for the work. The Lower Big Blue NRD will reimburse the Upper Big Blue for 100% of the cost as per the terms in the Interlocal Agreement with the Lower Big Blue NRD.

It was moved by Friesen and seconded by Regier to authorize the Conservation and Survey Division to proceed with stream bed testing in the Lower Big Blue NRD for a cost not to exceed \$16,000. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 27. FY 2007 SALARY AND WAGE ADJUSTMENTS.**

Turnbull reviewed the Salary Survey & Salary Classifications June 2006 report with the committee. A recommended salary schedule is included in the report. Based on this information Turnbull recommends that two Upper Big Blue NRD job classifications increase from 4%, due to the job market. The salary schedule sets the minimum, midpoint, and maximum for each position. Individual salaries and wages then need to be within those limits.

It was moved by Friesen and seconded by Hansen to approve the changes in the midpoint of the salary schedules as listed to stay in line with the job market, and that such changes and adjusted salary schedules be effective on July 1, 2006. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Luebbe

Turnbull requested that the committee consider \$28,172 for salary increases for the staff, which is an overall change of 4.2 % from the payroll budget base. The committee discussed the impact of the changes in health insurance on employees and the District. The committee asked that the salary request be held over until the July meeting so that the costs of insurance can be considered with any salary changes.

**ITEM 28. PROPERTY, AUTO AND LIABILITY INSURANCE.**

York Insurance Group submitted a renewal quote for Commercial Property, Commercial General Liability, Inland Marine, Commercial Automobile, Workers Compensation, Linebacker (Errors and Omission), and the Commercial Umbrella policies.

It was moved by Friesen and seconded by Regier to approve the renewal of the York Insurance and INSPRO package of Liability, Fire, and Casualty Insurance for FY 2007 for \$40,901 and to make payment to York Insurance. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 29. FINANCIAL REPORT MAY 1, 2006 THROUGH MAY 31, 2006, AND CONSIDERATION OF EXPENDITURES FOR MAY 2006.**

Turnbull reviewed the financial report for the period May 1, 2006 through May 31, 2006 that we had distributed. It was moved by Regier and seconded by Bruns to accept the financial report for May 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Burns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

There being no other business the chairman adjourned the meeting at 9:04 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on June 15, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**July 20, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 20, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Jim Jackson, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Paul Weiss, and Jim Husbands of York County NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on July 13, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Twelve directors were present for roll call. Austin and Moore arrived a short time later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Gus Brown and Roger Houdersheldt requested that their absences from the July 20, 2006 Board of Directors meeting be excused.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Gus Brown and Roger Houdersheldt from the July 20, 2006 Board of Directors meeting. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Hansen and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Hansen and seconded by Luebbe to approve the agenda for the July 20, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 15, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Hansen and seconded by Luebbe to approve the minutes of the June 15, 2006 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on July 11, 2006 and presented the committee's recommendations.

**ITEM 8. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Regier that payments totaling \$50,423.45 be approved for 31 NRD fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 9. YORK LINEAR PARK TRAIL EXTENSION - INTERLOCAL AGREEMENT.**

The interlocal agreement as proposed would be entered into by the Upper Big Blue NRD, City of York, and York County for the purpose of defining responsibilities for planning, design, construction, ownership, operation, and maintenance of a hiking and bicycle trail to extend from the existing linear park trail in York to the District's Recharge Lake, Bruce Anderson Recreation Area.

It was moved by Buller and seconded by Regier that the District enter into the Interlocal Agreement between the City of York and York County, as presented to the Projects and Programs Committee, for the purpose of building a hiking and bicycle trail to extend from the existing linear park trail in York to the District's Recharge Lake, Bruce Anderson Recreation Area. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 10. WELL DRILLING AT RECHARGE LAKE - PAYMENT TO PIEPER'S, INC.**

In March of 2005 the Upper Big Blue Natural Resources District authorized the staff to drill a demonstration well at Recharge Lake. A number of well drillers were present to watch the demonstration. The cost of drilling the well was paid by the Well Drillers Association. It was determined at the time that the well would be cased, screened and a hand pump would be installed to provide water at the picnic area at Recharge Lake. Pieper's, Inc. of York, Nebraska agreed to install the pump and all the necessities needed to provide water at Recharge Lake for a cost of \$2,300.00. The pump is mounted on a 6' x 6' x 6" concrete base.

It was moved by Buller and seconded by Jackson that the Upper Big Blue Natural Resources District make payment of \$2,300.00 to Pieper's, Inc. of York, Nebraska for the installation of a hand pump at Recharge Lake. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Houdersheldt

**ITEM 11. FY 2007 TREE PROGRAM COST-SHARE ALLOCATION.**

In FY 2006 the District held \$20,000 in the Land Treatment Program for the planting of trees and windbreak renovations until March 30 and at that time the monies not spent became available for other land treatment practices. The total dollars spent for planting of trees and windbreak renovations was \$27,196.33.

It was moved by Buller and seconded by Dickinson that the Upper Big Blue Natural Resources District Board of Directors set aside \$25,000 for cost-sharing on windbreak, planting, field windbreaks, and windbreak renovations. If the monies are not spent as designated by March 30, 2007 then the monies are available for other cost-share practices. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Houdersheldt

**ITEM 12. WILD NEBRASKA - WETLAND ENHANCEMENT PROJECT - DAVID K. WOOD.**

This is a Seasonal Habitat Improvement Project (SHIP) in Fillmore County involving the following partners: Natural Resources Conservation Service Nebraska, Game and Parks Commission, Rainwater Basin Joint Venture, Ducks Unlimited, U.S. Fish and Wildlife and the Upper Big Blue NRD.

The purpose of this project is to provide shallow water wetland habitat within the Rainwater Basin during the non-cropping season, and to disperse waterfowl populations throughout the area during the peak of the spring migration. This project will annually restore/enhance a temporary wetland totaling 23 acres by capturing and ponding spring runoff water. The wildlife cooperator will allow water to be ponded immediately after harvest until at least March 31 of each year.

The total project cost is estimated to be \$35,750.00.

|   |                    |
|---|--------------------|
| Dirt-work Cost:   |                    |
| Project survey and design (DU in-kind contribution)                                   | \$3,000.00         |
| Dirt-work (7,500 cubic yards excavation,<br>7,500 cubic yards fill @ \$1.50/cu. yard) | \$11,250.00        |
| Tree Removal  | \$7,500.00         |
| 18" Inline water control structure 3' tall  | \$1,000.00         |
| 18" Corrugated Polyethylene Pipe (50 lf. @ \$30.00/lf.)                               | \$1,500.00         |
| Total Dirt-work Cost  | \$24,250.00        |
|   |                    |
| Total Seasonal Habitat Incentive Program<br>Payment                                   | \$11,500.00        |
|   |                    |
| Total Cost  | <b>\$35,750.00</b> |

The annual payment will be made by the Rainwater Basin Joint Venture using Nebraska Environmental Trust Fund. The wildlife cooperator will receive \$50.00/acre per year for ten years. (Annual payment \$50 x 23 = \$1,150.00)



The Nebraska Game and Parks Commission is contributing \$6,000 and the Upper Big Blue NRD share in this project cost would \$2,000.00 for the total cost of \$8,000.00 from WILD Nebraska funds which would be contributed to the dirt-work cost. This project is a WILD Nebraska project for a Seasonal Habitat Improvement Project located in the SE ¼ of Section 18, Township 6 North, Range 3 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska.

It was moved by Buller and seconded by Teegerstrom that the Upper Big Blue Natural Resources District enter into a WILD Nebraska agreement with David K. Wood and the Nebraska Game and Parks Commission in the amount of \$8,000.00 for the restoration of a Seasonal Habitat Improvement Project located in the SE ¼ of Section 18, Township 6 North, Range 3 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska. (25% NRD funds, 75% Nebraska Game and Parks Commission funds).

Volkmer asked if this was supposed to be farm ground. Feather said it was. Volkmer asked if anyone had taken a look at the area. Feather said he had. Volkmer said the area was low ground and has water there most of the time already. Feather said that is why it has Scott soil.

Turnbull asked whether Volkmer felt we should not enter into this agreement. Volkmer said he recalled when they drained the area about 15 years ago there were some disagreements. They changed the drainage on it; they took it south down through where he lives instead of going straight east across the road.

Feather said he didn't feel that entering this area into the program would pose any more of a problem to Volkmer than it does right now.

Volkmer said if it was full of water on March 31 and they released the water, as slow as it drains, he would have a problem because it drains south. It looks like it should go across to the east, but they've cut a ditch and brought the drainage south. Then it crosses the road and comes over on his property. Volkmer said he thought we should look into the matter further.

It was moved by Volkmer and seconded by Austin to refer the matter back to the Projects & Programs Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

### **ITEM 13. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on July 18, 2006 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Hansen and seconded by Luebbe to approve cost-share payments for five well abandonments, as reviewed by the committee, totaling \$979.06. The motion was approved as a part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 15. CHANGES IN AQWACAP PROGRAM .**

LB508, passed in 2006, changes the requirements for NRDs to qualify for reimbursement from the Water Well Decommissioning Fund. The District must provide a minimum cost-share of at least 60% up to five-hundred dollars per well, other than hand dug wells. The minimum cost-share rate for hand dug wells is 60% up to \$700. The District's current program has a cost-share rate of 65% up to \$300 for small diameter wells (<12") , \$400 for large diameter wells (12" or larger) and \$700 for hand dug wells. The staff recommends changing the AQWACAP program policy to provide 60% cost-share up to \$500 for all wells except hand dug. The maximum cost-share for hand dug wells would remain at \$700.

It was moved by Moore and seconded by Nuss to adopt changes to the Aquifer Quality Well Abandonment Cost-Share Assistance Program to comply with the provisions of LB508. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 16. FLOW METER COST-SHARE PAYMENTS.**

Sixty flow meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Bruns that the District make cost-share payments for sixty flow meters as reviewed by the committee, totaling \$28,605.50. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 17. APPROVED FLOW METER LIST ADDITIONS.**

Jan Windscheffel of NETAFIM USA was present. He asked that the District add two models of meters to the District's Approve Flow Meter List. They are the Irrigation Water Meter Model IRT and the Woltman Silver Model WST. Both meters are manufactured by ARAD Company for NETAFIM.

It was moved by Moore and seconded by Hansen to add the NETAFIM Model IRT and WST water meters to the Approved Flow Meter List. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Friesen  
NAY: None  
NOT VOTING: Volkmer  
NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 18. WATER-TIP PROGRAM.**

**ITEM 18A. PAYMENT FOR WATERMARK SENSORS.**

The District has been billed \$2,079.90 for eight Watermark meters and one Watermark data logger. The sensors are for the WATER-TIP cost-share program. The data logger is for CROP-TIP.

It was moved by Moore and seconded by Bruns that the District pay Irrometer Company, Inc. \$2,079.90 for Watermark meters and data logger. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Friesen  
NAY: None  
NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 18B. PAYMENT FOR ETGAGES.**

The District has been billed \$498.75 for two ET gages and some replacement parts for ET gages. These are for the WATER-TIP cost-share program.

It was moved by Moore and seconded by Austin that the District pay ETgage Company \$498.75 for two ET gages and some replacement parts. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 19. WELL PERMIT CONDITION.**

LB 1226, passed in 2006, included several amendments to the Ground Water Management and Protection Act relating to integrated management. It provides that the NRD condition well permits, putting the permit holder on notice that, in the event an area is determined to be fully appropriated, the new well could be subject to existing and/or future regulations adopted meet the requirement of the law. Don Blankenau drafted the language for the permit condition, which is as follows:

*“A well constructed under this permit shall be subject to any rules and/or regulations that have been or may be adopted by the natural resources district to meet the objectives of Neb. Rev. Stat. § 46-715(3) if the area where the proposed well is to be located is preliminarily determined to be fully appropriated prior to January 1 of the coming year.”*

The staff recommends that this language be added to the conditions listed on the District’s well construction permits.

It was moved by Moore and seconded by Hansen that the following conditional language be added to the District’s well construction permits: “A well constructed under this permit shall be subject to any rules and/or regulations that have been or may be adopted by the natural resources district to meet the objectives of Neb. Rev. Stat. § 46-715(3) if the area where the proposed well is to be located is preliminarily determined to be fully appropriated prior to January 1 of the coming year.” The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Luebbe, Moore, Regier, Teegerstrom,  
Friesen

NAY: Jackson, Nuss, Volkmer

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on July 18, 2006 and presented the committee’s recommendations.

**ITEM 21. \* SECOND QUARTER DIRECTORS’ PER DIEM & EXPENSES.**

The Committee reviewed the directors’ per diem and expenses for the quarter.

It was moved by Hansen and seconded by Luebbe to approve payment of second quarter directors' per diem of \$8,610.00 and expenses of \$2,489.10. The motion was approved as a part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Kuehner, Moore, Houdersheldt

**ITEM 22. PAYMENT TO CONSERVATION AND SURVEY DIVISION FOR RIVER BED TESTING.**

A bill for \$20,306.63 was received from the University of Nebraska Conservation and Survey Division for Platte River bed testing. According to the terms of our interlocal agreement with the Central Platte NRD they will reimburse us one-half of the cost.

It was moved by Luebbe and seconded by Regier to approve payment of \$20,306.63 to the University of Nebraska Conservation & Survey Division for Platte River bed testing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 23. PAYMENT TO EAKES OFFICE FOR STEELCASE WORKSTATIONS.**

An invoice for \$9,594.00 was received from Eakes Office Plus of Grand Island for the Steelcase workstations. The quote was for \$9,315.00. Turnbull deleted one acoustic wall panel from the order, added four shelf units, two drawers and an electrical outlet. An end panel and back panel were also added to a make a desk free standing. These changes increased the cost by \$279.00. The staff recommends payment of \$9,594.00.

It was moved by Luebbe and seconded by Hansen to approve payment of \$9,594.00 to Eakes Office Plus of Grand Island for the Steelcase workstations. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 24. PAYMENT TO TELEPHONE SYSTEMS OF NEBRASKA.**

Telephone Systems of Nebraska has completed the installation of the Avaya phone and

messaging system. During the course of installation it was found that the District needed an extra expansion card to allow eight more phones to be added to the system in the future. The expansion card increased the original quote from \$9,296.88 to \$9,750.48. Staff recommends payment be made in the amount of \$9,750.48.

It was moved by Luebbe and seconded by Regier to approve payment of \$9,750.48 to Telephone Systems of Nebraska of Grand Island, Nebraska for the installed Avaya phone system. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 25. NRD SALARY REIMBURSEMENTS.**

A bill in the amount of \$8,303.36 was received from the Little Blue NRD for salaries for the Adams County NRCS clerk (\$2,500.17) and Clay County NRCS Clerks (5,803.19) for the past 12 months ended June 30.

A bill in the amount of \$7,039.02 was also received from the Lower Platte North NRD for salaries for the Butler County NRCS Clerk (\$6,237.03) and for hours worked by technicians (\$801.99) for the past six months.

It was moved by Luebbe and seconded by Hansen to approve payments for NRCS office salaries of \$8,303.36 to the Little Blue NRD for FY 04 (July 1, 2005 thru June 30, 2006), and \$7,039.02 to the Lower Platte North NRD for half of FY 06 (January 1 thru June 30, 2006). The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: Buller

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 26. FISCAL YEAR 2007 SALARIES.**

Turnbull reviewed the individual staff salaries with the Executive Committee. The proposal is that the board authorize \$28,164 for salary increases for the staff, which is an overall change of 4.2 % from the payroll budget base.

It was moved by Luebbe and seconded by Regier to adjust the annual salaries (retroactive to July 1, 2006) of the district staff, with the exception of the General Manager, by an amount not to exceed \$28,164. To authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Friesen

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Brown, Kuehner, Houdersheldt

It was moved by Luebbe and seconded by Hansen to increase the General Manager's salary 3.5% (from \$84,966 to \$87,940), retroactive to July 1, 2006. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Friesen

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 27. FISCAL YEAR 2007 BUDGET.**

The June 30, 2006 cash balances were reviewed in addition to the main budget line items and the lid limit computations. The budget includes funding for the Kezan Creek Project, water issues including fully appropriated basins, and costs of the certification phase of the Groundwater regulations.

It was moved by Luebbe and seconded by Regier to adopt the FY 2007 Budget for the purpose of public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 28. APPROVE ADDITIONAL 1 PERCENT BUDGET AUTHORITY.**

It was moved by Luebbe and seconded by Hansen to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved by a two-thirds majority.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Friesen

NAY: Volkmer

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 29. FY 07 HEARING SCHEDULE.**

Turnbull recommended that the Budget Hearing be held in conjunction with the regular August

board meeting. He also recommended that the special hearing on the final tax and tax rate be held at the regular September board meeting.

It was moved by Luebbe and seconded by Regier to schedule the FY 2007 Budget Hearing for 7:30 p.m., Thursday, August 17, 2006 and further to schedule a Special Hearing for the FY 2007 Tax Request for 7:30 p.m., Thursday, September 21, 2006. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

**ITEM 30. FINANCIAL REPORT JUNE 1, 2006 THROUGH JUNE 30, 2006, AND CONSIDERATION OF EXPENDITURES FOR JUNE 2006.**

Turnbull reviewed the financial report for the period June 1, 2006 through June 30, 2006 that we had distributed. It was moved by Volkmer and seconded by Bruns to accept the financial report for June 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Brown, Kuehner, Houdersheldt

There being no other business the chairman adjourned the meeting at 9:20 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on July 20, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb



**BOARD OF DIRECTORS MEETING  
AND  
FY 07 BUDGET HEARING  
August 17, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 17, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Russ Gierhart, Dave Kohls and Bryan Euse of York County NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on August 10, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Austin and Moore arrived a short time later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

There were no requests for excused absences for the August 17, 2006 board of directors meeting. However, Bill Kuehner had submitted a request that his absence from last months board meeting be excused. The Chairman asked if anyone wanted to make a motion to that effect. Hearing no motion on the matter, no action was taken on Kuehner's request.

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Hansen to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Hansen to approve the agenda for the August 17, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JULY 20, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Hansen to approve the minutes of the July 20, 2006 Board of Directors Meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Regier

**ITEM 7. FY 07 BUDGET HEARING.**

Chairman Houdersheldt opened the FY 07 Budget Hearing at 7:35 p.m. He advised those present that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on August 10, 2006 as required by law. He then turned the Hearing over to John Turnbull, General Manager, to review the proposed budget.

Turnbull distributed a summary of the budget that was approved last month for the purpose of this public hearing. He briefly reviewed the major categories in the budget and asked for questions or comments from those present. There were no comments. Turnbull reminded the board that following the budget hearing they can make changes to the proposed budget prior to adoption. The tax levy will not be set until the September 21, 2006 Board Meeting & Tax Levy Hearing.

Houdersheldt closed the hearing at 7:40 p.m.

**ITEM 8. ADOPTION OF FY 07 BUDGET.**

It was moved by Hansen and seconded by Eberle to adopt the FY 2007 Budget. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Regier

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on August 8, 2006 and presented the committee's recommendations.

**ITEM 10. NEBRASKA CENTRAL BASINS CONSERVATION RESERVE PROGRAM.**

Staff reviewed a proposed agreement between the District and Nebraska Corn Growers Association regarding the Nebraska Central Basins Conservation Reserve Program application and funding processes. The program, as previously approved by the District, would provide supplemental cost-share, up to the FSA irrigated land rental rate, for installation of filter strips and riparian buffers on irrigated land. Staff recommended that the District enter into the agreement as reviewed by the Committee.

It was moved by Buller and seconded by Hansen that the District enter into the agreement, as reviewed by the Projects and Programs Committee, with the Nebraska Corn Growers Association for the purpose of providing supplemental cost-share for the installation of filter strips and riparian buffers on irrigated land, in accordance with the Nebraska Central Basins Conservation Reserve Program. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Luebbe, Teegerstrom, Houdersheldt

NAY: Austin, Jackson, Kuehner, Nuss, Volkmer

NOT VOTING: Moore

NOT PRESENT: Regier

**ITEM 11. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on August 10, 2006 and presented the committee's recommendations.

**ITEM 12. PHILLIP AND JAMES E. ASKEY LATE WELL PERMIT.**

In April of 1998 an irrigation well was constructed in the SE ¼ of Section 2-T8N-R9W, Adams County. The well replaced a well that was abandoned because of construction of the Trumbull spur. Mr. Askey explained that the property in question was just purchased a couple of months prior to the Department of Roads construction project. There was confusion over who was responsible for the permitting and registration of the well. Mr. Askey thought that the Department of Roads was taking care of this. The well was registered on January 1, 2006. Mr.

Askey requested that the late permit fee be waived because of the confusion with the Department of Roads. No other NRD regulations were violated by the construction of this well.

It was moved by Moore and seconded by Hansen to waive payment of the late fee and approve issuance of a permit for well G-13738, located in the SE ¼ of Section 2-T8N-R9W, Adams County, owned by Phillip and James E. Askey of Trumbull, Nebraska. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 13. JOHN E. DOUGHERTY TRUST LATE WELL PERMIT.**

A well was constructed in late July in the SE ¼ of Section 14-T11N-R2W, York County by the John E. Dougherty Trust. The driller overlooked getting a permit. No other NRD regulations were violated by the construction of this well. The \$250 late permit fee has been paid.

It was moved by Moore and seconded by Austin to approve issuance of a late permit for a well in the SE ¼ of Section 14-T11N-R2W, York County, owned by the John E. Dougherty Trust in care of Cornerstone Bank Trust Department, York, Nebraska. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Regier

**ITEM 14. FAIRMONT ETHANOL PLANT SUPPLEMENTAL PERMIT.**

Advanced Bio Energy made application for a permit to use two existing wells to supply water for the ethanol plant under construction near Fairmont. The wells are located in the East half of Section 36-T8N-R3W, Fillmore County. Advanced Bio Energy submitted a hydrologic evaluation for the proposed water withdrawal. The evaluation was done by Olsson Associates. The proposed withdrawal is 1,500 g.p.m. The annual withdrawal will be approximately 2,420 acre feet annually. The evaluation indicates that the additional drawdown caused by operation of these wells is approximately 3.5 feet one-half mile from the wells and approximately 2 feet three miles from the wells. The data provided and additional reviews of wells near the proposed site by NRD staff indicate that this additional drawdown will not significantly impact the ability of nearby wells to continue to withdraw water. The committee discussed the need for more groundwater level monitoring in a 3-mile radius of the plant. NRD staff will contact adjacent well owners for permission to measure groundwater levels in future years.

It was moved by Moore and seconded by Jackson to approve issuance of a supplemental permit to Advanced Bio Energy for wells G-072524 and G-023211 located in the East Half of Section 36-T8N-R3W, Fillmore County, for the Advanced Bio Energy Plant near Fairmont.

Some of the directors expressed concern about the large amount of water that the ethanol plant would use. There was also discussion about the number of proposed ethanol plants in the planning stages right now and how this might trigger a fully appropriated basin determination in the future.

Turnbull explained that when staff reviews the hydrologic evaluations they look at the total quantity of water pumped annually and at the impact it will have to the aquifer and wells in the surrounding area.

The question was asked whether or not the ethanol plants' wells would be metered. DeBuhr said yes that it was a permit requirement.

DeBuhr told the board that Advanced Bio Energy could use up to 2,420 acre feet annually under the terms of the permit as determined by their evaluation. The way our regulations are set up for the large user, provided we are not under allocation, the only restriction to Advanced Bio Energy would be if they exceeded the evaluation number by 250 acre feet. Then they would have to do another hydrologic evaluation and apply for an additional permit. However, under our allocation rules they will receive 100 percent of their actual use for the first 3-year allocation. If they don't use as much as their permit allows their future allocation will be based on their actual use.

After a considerable amount of discussion regarding the matter the question was called. The motion carried.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Moore,  
Houdersheldt  
NAY: Kuehner, Luebbe, Nuss, Teegerstrom, Volkmer  
NOT VOTING: Austin  
NOT PRESENT: Regier

**ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Hansen to approve cost-share payments for four well abandonments, as reviewed by the committee, totaling \$625.88. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Regier

**ITEM 16. FLOW METER COST-SHARE PAYMENTS.**

Forty-four flow meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Bruns that the District make cost-share payments for forty-four flow meters, as reviewed by the committee, totaling \$20,998.82. The motion was carried.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Buller, Volkmer

NOT PRESENT: Regier

**ITEM 17. COUPLED IRRIGATION SYSTEMS RESEARCH.**

The District agreed to fund part of the local share of a subsurface drip irrigation research project being conducted by Suat Irmak, UNL Irrigation Specialist. The District’s total contribution is to be \$10,000 split over three years. The second payment of \$3,333.33 is due.

It was moved by Moore and seconded by Friesen to pay the University of Nebraska \$3,333.33 for the second of three contributions to the Coupled Irrigation Systems Research Project. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on August 10, 2006 and presented the committee’s recommendations.

**ITEM 19. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS DUES.**

An invoice for \$18,309.65 for the FY 07 NARD dues was received.

It was moved by Bruns and seconded by Austin to approve payment of \$18,309.65 to the Nebraska Association of Resources Districts for FY 2007 dues. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,

Luebbe, Moore, Nuss, Teegerstrom, Houdersheldt  
NAY: Volkmer  
NOT PRESENT: Regier

**ITEM 20. NEWSLETTER PRINTING BILL.**

An invoice for \$5,489.55 was received from York Printing Company for printing the Blueprint newsletter.

It was moved by Bruns and seconded by Friesen to approve payment of \$5,489.55 to York Printing Company for printing the newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner,  
Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

**ITEM 21. REQUEST FOR SALARY REIMBURSEMENT - LOWER BIG BLUE NRD.**

An invoice for \$7,205.21 was received from the Lower Big Blue NRD for salaries for the Saline County NRCS clerk and some part time technician work for the past 12 months ending June 30.

It was moved by Bruns and seconded by Hansen to approve payment of \$7,205.21 to the Lower Big Blue NRD for NRCS office salaries for FY 06 (July 1, 2005 thru June 30, 2006). The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Moore, Nuss,  
Teegerstrom, Volkmer  
NAY: Buller, Kuehner, Luebbe, Houdersheldt  
NOT PRESENT: Regier

**ITEM 22. DIRECTORS' COMPENSATION, EXPENSES, AND SPOUSES' TRAVEL POLICY.**

The NARD requested a legal opinion from Steve Seglin concerning the increase in the maximum per diem per year for the directors. His response was that the Board of Directors needs to take action approving the new maximum of \$3,600 per year before the new board members are sworn in. Article III, Section 19 of the Nebraska Constitution states “. . . the compensation of all members . . . may be increased or decreased at the beginning of the full term of any member thereof.”

Turnbull recommends that the Board of Directors amend Operating Policy #5 by changing the maximum of \$2,800 per year to \$3,600 per year, and make it effective with the swearing in of Directors elected to the next 4-year term.

It was moved by Bruns and seconded by Moore to amend Operating Policy #5: Directors' Compensation, Expenses, and Spouse Travel, paragraph II as follows: Directors' compensation shall be at a per diem rate, not to exceed the amount authorized by law, and approved by the board. The rate is \$70 per day, with a maximum of \$3,600 per calendar year effective with the swearing in of board members in January of 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: Kuehner

NOT PRESENT: Regier

**ITEM 23. GROUNDWATER MODELING INTERLOCAL AGREEMENTS WITH THE LITTLE BLUE AND LOWER BIG BLUE NRD.**

The District is applying for a grant of \$84,000 from the Department of Natural Resources for the groundwater studies in the Big and Little Blue River Basins. The grant application deadline is August 28, 2006. The cost of the groundwater modeling study is \$105,000 split evenly between the 3 NRDs. If the grant is awarded for the full amount requested, it will reduce each NRD's cost from \$35,000 to \$7,000. It is necessary to amend the interlocal agreements to handle the possible grant.

It was moved by Bruns and seconded by Austin to approve Amendment # 1 to the Interlocal Agreements with the Little Blue and Lower Big Blue NRDs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 24. EMPLOYEE RECOGNITION.**

The Board recognized Office Manager Nancy Brisk for 25 years of service to the District. She was presented with a wall mount clock.

**ITEM 25. FINANCIAL REPORT JULY 1, 2006 THROUGH JULY 31, 2006, AND CONSIDERATION OF EXPENDITURES FOR JULY 2006.**

Turnbull reviewed the financial report for the period July 1, 2006 through July 31, 2006 that we had distributed. It was moved by Volkmer and seconded by Bruns to accept the financial report for July 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Houdersheldt

NAY: None



NOT PRESENT: Regier

There being no other business the chairman adjourned the meeting at 9:25 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on August 17, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
AND  
FY 07 TAX REQUEST HEARING  
September 21, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 21, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Doug Dickinson, Gary Eberle, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Paul Weiss, Scott Luedtke of Nebraska Game and Parks Commission - Lincoln, and Bryan Euse of York County NRCS. Houdersheldt called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on September 14, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Austin arrived a few minutes later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Buller requested that his absence from the September 21, 2006 board meeting be excused.

It was moved by Brown and seconded by Volkmer that Steve Buller's absence from the September 21, 2006 board of directors meeting be excused. The motion was approved.

AYE: Brown, Bruns, Dickinson, Eberle, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Friesen

NOT VOTING: Kuehner

NOT PRESENT: Austin, Buller

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Hansen to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Hansen to approve the agenda for the September 21, 2006 board of directors meeting and FY07 tax request hearing. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller

**ITEM 6. \*APPROVAL OF MINUTES OF THE AUGUST 17, 2006 BOARD OF DIRECTORS MEETING AND FY07 BUDGET HEARING.**

Ken Regier was incorrectly shown as having attended the meeting. Voting on the board motions did correctly show him as absent.

It was moved by Brown and seconded by Hansen to approve the minutes of the August 17, 2006 Board of Directors Meeting and FY07 Budget Hearing, as corrected. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller

**ITEM 7. FY07 TAX REQUEST HEARING.**

Houdersheldt opened the FY 07 Property Tax Request Hearing at 7:37 p.m. He stated for the record that the notice of special hearing to set the property tax request for FY 2007 was published in the York News-Times on September 11, 2006.

Turnbull advised the board that after adopting the budget last month and following certification of the property valuations by the nine county assessors it is necessary to adopt a resolution to set the property tax request for FY 2007. The FY 2007 Budget that was adopted has a property tax requirement of \$2,010,986.69 and will require a property tax rate of \$0.036834. Turnbull recommended that following this hearing the board pass a resolution to that effect.

Houdersheldt officially closed the hearing at 7:43 p.m.

**ITEM 8. RESOLUTION SETTING FY07 PROPERTY TAX REQUEST.**

It was moved by Austin and seconded by Dickinson to adopt the resolution to set the FY07 property tax request. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Nuss, Volkmer

NOT PRESENT: Buller

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Projects & Programs Committee met on September 12, 2006 and presented the committee's recommendations.

**ITEM 10. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Bruns that payments totaling \$4,787.26 be approved for two NSWCP fund land treatment applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Hansen that payments totaling \$9,829.43 be approved for 14 Nebraska buffer strip contracts, as reviewed by the committee. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller

**ITEM 12. WILD NEBRASKA WETLAND ENHANCEMENT PROJECT - DAVID K. WOOD.**

This is a Seasonal Habitat Improvement Project (SHIP) in Fillmore County involving the following partners: Natural Resources Conservation Service, Nebraska Game and Parks Commission, Rainwater Basin Joint Venture, Ducks Unlimited, U.S. Fish and Wildlife and the

Upper Big Blue NRD.

The purpose of this project is to provide shallow water wetland habitat within the Rainwater Basin during the non-cropping season, and to disperse waterfowl populations throughout the area during the peak of the spring migration. This project will annually restore/enhance a temporary wetland totaling 23 acres by capturing and ponding spring runoff water. The wildlife cooperator will allow water to be ponded immediately after harvest until March 31 of each year.

The total project cost is estimated to be \$35,750.00.

Dirt-work Cost:

|   |             |
|---|-------------|
| Project survey and design (DU in-kind contribution)                                   | \$3,000.00  |
| Dirt-work (7,500 cubic yards excavation,<br>7,500 cubic yards fill @ \$1.50/cu. yard) | \$11,250.00 |
| Tree Removal  | \$7,500.00  |
| 18" Inline water control structure 3' tall  | \$1,000.00  |
| 18" Corrugated Polyethylene Pipe (50 lf. @ \$30.00/lf.)                               | \$1,500.00  |
| Total Dirt-work Cost  | \$24,250.00 |

Total Seasonal Habitat Incentive Program

|   |             |
|---|-------------|
| Payment (\$50.00/acre on 23 acres for 10 year period) | \$11,500.00 |
|---|-------------|

|            |                    |
|------------|--------------------|
| Total Cost | <b>\$35,750.00</b> |
|------------|--------------------|

The annual payment will be made by the Rainwater Basin Joint Venture using Nebraska Environmental Trust Fund. The wildlife cooperator will receive \$50.00/acre per year for ten years. (Annual payment \$50 x 23 = \$1,150.00)

The Nebraska Game and Parks Commission is contributing \$6,000 and the Upper Big Blue NRD share in this project cost would be \$2,000.00 for a total cost of \$8,000.00 from WILD Nebraska funds which will be contributed to the cost of dirt-work. This project is a WILD Nebraska project for a Seasonal Habitat Improvement Project located in the SE ¼ of Section 18, Township 6 North, Range 3 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska.

It was moved by Brown and seconded by Jackson that the Upper Big Blue Natural Resources District enter into a WILD Nebraska agreement with David K. Wood and the Nebraska Game and Parks Commission in the amount of \$8,000.00 for the restoration of a Seasonal Habitat Improvement Project located in the SE ¼ of Section 18, Township 6 North, Range 3 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska. (25% NRD funds, 75% Nebraska Game and Parks Commission funds).

Volkmer voiced his opposition to the project because in his opinion the project will adversely affect his property and that of Mr. Dietrich. Scott Luedtke of Nebraska Game & Parks Commission gave a slide presentation explaining the project. He specifically addressed

Volkmer's concerns and answered questions from other board members regarding the project.

Following a lengthy discussion the question was called on the motion. The motion failed.

AYE: Austin, Brown, Dickinson, Eberle, Friesen, Jackson, Regier, Houdersheldt

NAY: Bruns, Kuehner, Luebbe, Nuss, Teegerstrom, Volkmer

NOT VOTING: Hansen, Moore

NOT PRESENT: Buller

**ITEM 13. REPORT OF WATER & REGULATIONS COMMITTEE AND  
CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on August 14, 2006 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE  
ASSISTANCE PROGRAM PAYMENTS.**

Twelve well abandonments were completed and claims have been submitted for cost-share payment.

It was moved by Brown and seconded by Hansen that the District make cost-share payments for twelve well abandonments, as reviewed by the committee, totaling \$3,187.51. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller

**ITEM 15. FLOW METER COST-SHARE PAYMENTS.**

Thirty-nine flow meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Austin that the District make cost-share payments for 39 flow meters, as reviewed by the committee, totaling \$18,804.29. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Kuehner, Luebbe, Moore,  
Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Jackson

NOT VOTING: Nuss

NOT PRESENT: Buller

**ITEM 16. NEBRASKA AGRICULTURAL WATER MANAGEMENT PROJECT (WATER-TIP).**

During 2006 the District offered a pilot program for cost-share in the form of an up-front price break of 50 percent of the cost of ETgages, Watermark sensors and meters. The goal of the program was to get 40 cooperators to operate ETgages and report the data to the NRD. The total amount authorized was \$12,000. Thirty-seven cooperators participated. The NRD cost was \$8,938.50. Overall the staff felt the program was a good start in developing the ETgage network across the NRD. The Nebraska Agricultural Water Management Project was spawned from this effort. The project team is currently made up of Suat Irmak, Gary Zoubek, Jenny Rees, Brandy VanDeWalle, Dan Leininger and Rodney DeBuhr. Suat was successful in obtaining a grant through the NRCS to expand this effort to other parts of the state. Suat, Dan and Rod will make a presentation at the NARD Conference on September 25 to explain the project and invite other NRDs to participate.

The staff feels that an additional 15 to 20 ETgage sites in the NRD would improve the network. Therefore, the staff recommends that the ETgage Irrigation Scheduling Pilot Project be continued in 2007 as follows: The District will fund one-half of the equipment needed for up to twenty ETgage/Watermark sensor stations. The cooperators will pay the other half of the cost. Equipment for a typical station would consist of the following: 1 ETgage (\$180), 4 to 8 Watermark Sensors (\$24 each) and 1 Watermark meter (\$219). The actual equipment may vary depending on equipment needed for each site. The NRD and Cooperative Extension staff will assist cooperators in proper siting of the stations. The cooperators agree to provide weekly readings of the ETgage to the NRD. The total pilot project cost will not exceed \$6,000.

It was moved by Moore and seconded by Austin that the ETgage Irrigation Scheduling Pilot Project be continued in 2007 as follows: The District will fund one-half of the equipment needed for up to twenty ETgage/Watermark sensor stations. The cooperators will pay the other half of the cost. The cooperators agree to provide weekly readings of the ETgage to the NRD. The total pilot project cost shall not exceed \$6,000. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Jackson, Kuehner, Luebbe, Nuss

NOT VOTING: Volkmer

NOT PRESENT: Buller

**ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on September 14, 2006 and presented the committee's recommendations.

**ITEM 18. YORK LINEAR PARK TRAIL EXTENSION.**

Bitner briefed the Executive Committee on the plan for the York Linear Park Trail Extension. York County has decided not to participate. The City of York is interested but a final decision on their part has not yet been made. However, September 29 is the deadline to apply for Transportation Enhancement Funds for this year. The staff recommends that the District apply for the funding with the understanding that if the City of York does not enter into the interlocal agreement then the trail project will be put on hold.

It was moved by Friesen and seconded by Austin that the Upper Big Blue Natural Resources District (District) apply for funding from the Transportation Enhancement Fund for the purpose of constructing the York Linear Park Hiking and Bicycle Extension from the existing trail head on Nobes Road in York to Recharge Lake, subject to the following criteria:

- The trail will generally follow a preliminary route as shown in the Final Application for NDOR Transportation Enhancement Funds, and
- The District will act as Lead Agency for the project and agrees to provide a minimum of 20% of the project cost, and
- The District will provide for financial capability to operate and maintain the completed facility in a safe and attractive manner for public use, and
- The Final Application and supporting documents were made available for public view at the September 2006 public meeting of the District's Board of Directors.

The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Houdersheldt

NAY: Kuehner, Teegerstrom

NOT VOTING: Volkmer

NOT PRESENT: Buller

#### **ITEM 19. ATTORNEY FEES.**

The attorney's fees for the month are \$3,368.78 for the fully appropriated basin legal case.

It was moved by Friesen and seconded by Luebbe to approve payment of \$3,368.78 to Crosby Guenzel LLP, for Steve Seglin's work through August 15, 2006. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 20. BLUE BASIN GROUNDWATER MODEL CONSULTANT REVIEW.**

The staff requested a proposal from Hemenway Groundwater Engineering, Inc., to review the Blue Basin groundwater computer model development. Courtney Hemenway did the review work for the Platte model that Bitner developed and also has conducted the reviews of the main COHYST



effort. The costs will be shared with the Lower Big Blue and the Little Blue NRDs.

It was moved by Friesen and seconded by Hansen to hire Hemenway Groundwater Engineering, Inc., Parker, Colorado, to review the Blue Basin Groundwater Computer Model as per the scope of work for a cost not to exceed \$7,500. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Kuehner

NOT PRESENT: Buller

## **ITEM 21. DIRECTORS' VACANCIES POLICY.**

The committee considered three options for revising the Directors' Vacancies policy. A revision is necessary in order to comply with the Nebraska Open Meetings Law.

It was moved by Friesen and seconded by Luebbe to amend the Operating Policy No. 3, Directors' Vacancies as follows (option # 2):

### **Operating Policy No. 3: DIRECTORS' VACANCIES**

Neb. Rev. Stat. SS2-3215 governs vacancies in the office of a Director, and authorizes the Board to fill such vacancies. The procedure which the Board shall follow in filling such vacancies is:

- I. Notice of the vacancy shall be given to the Board at the first regular meeting following the vacancy.
- II. The General Manager shall publish notice of the vacancy which shall contain a request that persons interested in filling the vacated position shall submit a letter of application to the Board Chairman. The letters of application shall, at a minimum, state place of residence and the fact that the individual is registered to vote. (Neb. Constitution, Article VI, Neb. Rev. Stat. SS32-4,157 - 32-4,158)
- III. The General Manager shall also give notice to persons who have previously indicated an interest in serving as a Director and reside in the subdistrict where the vacancy has occurred, or whose names have been supplied by Directors as possible candidates.
- IV. After letters of applications have been received, the Executive Committee shall review them, and forward all that are lawfully qualified for the vacancy to be a member of the Board of Directors.
- V. At the next board meeting the board shall appoint one of the applicants forwarded

by the Executive Committee to fill the existing vacancy for the balance of the unexpired term. A Director is appointed when a majority of the Directors present vote for the applicant and the vacancy is declared filled.

- A. If there is more than one applicant to consider, the Chairman, in open session, shall conduct a roll call election by polling each board member for their vote, which shall be recorded in the minutes.
- B. If there are more than two applicants, the two with the most votes will be the only ones considered in the second round of the roll call election.
- C. The polling will continue until a majority of the Directors present vote in open session for one of the applicants or
- D. The board by motion rejects the applications and directs the General Manager to republish the notice of the Board vacancy.

The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 22. NARD SEPTEMBER CONFERENCE VOTING DELEGATE.**

It was moved by Friesen and seconded by Luebbe to appoint Yvonne Austin as the voting delegate and Larry Moore as the alternate for the September NARD conference. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT:

**ITEM 23. NARD RESOLUTIONS.**

**ITEM 23A. RESOLUTION 2006-1 STATE FUNDING FOR ETHANOL FACILITY WATER OFFSET - TBNRD.**

It was moved by Friesen and seconded by Jackson to oppose resolution 2006-1, State Funding for Ethanol Facility Water Offsets, submitted by the Tri-Basin NRD. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 23B. RESOLUTION 2006-2 BASIN EVALUATION EVERY FIVE YEARS - LENRD.**

It was moved by Friesen and seconded by Jackson to support resolution 2006-2, Basin Evaluation Every Five Years, submitted by the Lower Elkhorn NRD. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller, Teegerstrom

**ITEM 24. PLATTE RIVER COOPERATIVE AGREEMENT.**

Turnbull reviewed a COHYST draft study with the Executive Committee that was done for DNR. The study was conducted to try to estimate the amount and general location of new irrigated acres in the COHYST study area since 1997. The Committee also was briefed on the cost estimates to the State for implementing fully and over-appropriated basin regulations and the estimated costs of the Platte River Cooperative Agreement. Hearings are being held by DNR to provide input to the Governor on the pending decision on the Platte River Cooperative Agreement. The Executive Committee took no action.

It was moved by Jackson and seconded by Friesen to take a position against the State of Nebraska signing the Platte River Cooperative Agreement.

It was moved by Moore and seconded by Bruns to refer the matter to the October Executive Committee meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Hansen, Kuehner, Moore, Regier, Teegerstrom, Houdersheldt

NAY: Eberle, Friesen, Jackson, Luebbe, Nuss, Volkmer

NOT PRESENT: Buller

**ITEM 25. FINANCIAL REPORT AUGUST 1, 2006 THROUGH AUGUST 31, 2006, AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2006.**

Turnbull reviewed the financial report for the period August 1, 2006 through August 31, 2006 that we had distributed. It was moved by Volkmer and seconded by Kuehner to accept the financial report for August 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

There being no other business the chairman adjourned the meeting at 9:55 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on September 21, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**October 19, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 19, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Wayne Hansen, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Russ Gierhart, Lee Scott, Edith Scott, David Ziska, and Jim Husbands of NRCS. Bruns called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Bruns reported that we published the legal notice of the board of directors' meeting on October 12, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Eleven directors were present for roll call. Austin and Regier arrived at 7:35 p.m. and Gary Eberle arrived at 7:48 p.m.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Brown, Friesen and Houdersheldt requested that their absences from the October 19, 2006 board meeting be excused.

It was moved by Volkmer and seconded by Moore that Houdersheldt, Brown, and Friesen's absence from the October 19, 2006 board of directors meeting be excused. The motion was approved.

AYE: Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Austin, Brown, Eberle, Friesen, Regier, Houdersheldt

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Dickinson and seconded by Hansen to adopt the consent agenda. The motion was approved.

AYE: Austin, Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Dickinson and seconded by Hansen to approve the agenda for the October 19, 2006 board of directors meeting and FY07 tax request hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier,  
Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 21, 2006 BOARD OF DIRECTORS MEETING AND FY07 TAX REQUEST HEARING.**

It was moved by Dickinson and seconded by Hansen to approve the minutes of the September 21, 2006 Board of Directors Meeting and FY07 Tax Request Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier,  
Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on October 10, 2006 and presented the committee's recommendations.

**ITEM 8. PAYMENT OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Buller and seconded by Regier that payment of \$1,182.56 be approved for 1 NSWCP fund land treatment application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier,  
Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 9. SUTTON SCHOOL CREEK TRAIL PROJECT PAYMENT.**

On November 15, 2004 the Upper Big Blue Natural Resources District entered into an Interlocal

Agreement with the City of Sutton to participate in the construction of a hiking and biking trail that would extend from Ash Street to the Sutton Public High School. The District agreed to fund the project at the rate of 25 percent of the local share not to exceed \$10,000.00.

The cost break down is as follows:

|                              |              |
|------------------------------|--------------|
| Total Cost                   | \$207,052.77 |
| Federal Grant                | \$151,800.00 |
| Game & Parks Grant           | \$ 18,975.00 |
| Local Share (City of Sutton) | \$ 36,277.77 |
| 25% of local share           | \$ 9,069.44  |

It was moved by Buller and seconded by Dickinson that the Upper Big Blue Natural Resources District make final payment of \$9,069.44 to the City of Sutton for the construction of a hiking and biking trail from Ash Street to the Sutton Public High School in the City of Sutton, Nebraska. The motion was approved.

AYE: Austin, Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 10. TREE AND TREE PLANTING PRICES FOR FY 2007.**

The Nebraska Association of Resources District (NARD) has kept the tree prices the same for the 2-0 conifers, 2-0 hardwoods and the 1-0 hardwoods.

It was moved by Buller and seconded by Regier that the Upper Big Blue Natural Resources District set the planting cost for FY 2007 at 45¢ and the cost of the trees and shrubs at 65¢ per tree. The motion was approved.

AYE: Austin, Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 11. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on October 12, 2006 and presented the committee's recommendations.

**ITEM 12. AURORA WEST ETHANOL PLANT WELL CONSTRUCTION PERMIT.**

Aventine Renewable Energy, Inc. has applied for two well construction permits for the proposed

Aurora West Ethanol Plant. The plant is to be located just west of Aurora, in Section 6, Township 10 North, Range 6 West, Hamilton County. The facility will have the capacity to produce 220 million gallons of ethanol per year from 80 million bushels of corn.

The plant requires two production wells with a third well as a backup. There are two existing irrigation wells on the property which are to be converted to commercial use. Application UBB-1-3762 is for the two existing wells (A-006147 and G-006375) conversion from irrigation to commercial use and withdrawal of over 500 acre feet annually. Application UBB-1-3763 is for construction of a new well.

Olsson Associates conducted a hydrologic evaluation of the proposed use. The estimated annual ground withdrawal is 3,548 acre feet annually. Additional drawdown in the water level is estimated to be fourteen feet near the wells, four feet at three miles and two feet at five miles. The saturated thickness of the aquifer at this location is 100 to 120 feet. The evaluation indicates that the plant operation would not have a significant impact on the ability of nearby wells to continue to withdraw water at their current rate.

It was moved by Moore and seconded by Regier that the District issue well permits UBB-1-3762 and UBB-1-3763 to Aventine Renewable Energy, Inc. for the Aurora West Ethanol Plant wells.  
The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Hansen, Jackson, Moore, Regier, Bruns

NAY: Kuehner, Nuss, Teegerstrom, Volkmer

NOT VOTING: Luebbe

NOT PRESENT: Brown, Friesen, Houdersheldt

### **ITEM 13. SUTTON ETHANOL PLANT WELL CONSTRUCTION PERMIT.**

American Ethanol has applied for a construction permit for the proposed Sutton Ethanol Plant. The plant is to be located seven miles west of Sutton, in Section 4, Township 7 North, Range 6 West, Clay County. The facility will have the capacity to produce 110 million gallons of ethanol per year from 40 million bushels of corn.

The plant requires one production well with a second well as a backup. There is one existing irrigation well on the property which is to be converted to commercial use. Application UBB-1-3768 is for the existing well (G-025090) conversion from irrigation to commercial use and construction of a second well, for the purpose of withdrawing over 500 acre feet annually.

Olsson Associates conducted a hydrologic evaluation of the proposed use. The estimated annual ground withdrawal is 1,935 acre feet annually. Additional drawdown in the water level is estimated to be ten feet near the wells, two feet at three miles and one foot at five miles. The saturated thickness of the aquifer at this location is 100 to 120 feet. The evaluation indicates that the plant operation would not have a significant impact on the ability of nearby wells to continue to withdraw water at their current rate.



It was moved by Moore and seconded by Jackson that the District issue well permit UBB-1-3768 to American Ethanol for the Sutton Ethanol Plant wells. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Hansen, Jackson, Moore, Regier, Bruns

NAY: Kuehner, Volkmer

NOT VOTING: Luebbe, Nuss, Teegerstrom

NOT PRESENT: Brown, Friesen, Houdersheldt

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

Six well abandonments were completed and claims have been submitted for cost-share payment.

It was moved by Dickinson and seconded by Hansen that the District make cost-share payments for six well abandonments, as reviewed by the committee, totaling \$2,676.71. The motion was approved as a part of the consent agenda.

AYE: Austin, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier,  
Teegerstrom, Volkmer, Bruns

NAY: None

NOT VOTING: Buller

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 15. FLOW METER COST-SHARE PAYMENTS.**

Fifty flow meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Austin that the District make cost-share payments for 50 flow meters, as reviewed by the committee, totaling \$23,859.63. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier,  
Teegerstrom, Volkmer

NAY: None

NOT VOTING: Buller, Hansen

NOT PRESENT: Brown, Friesen, Houdersheldt

**ITEM 16. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Regier reported that the Executive Committee met on October 12, 2006 and presented the committee's recommendations.

**ITEM 17. \* THIRD QUARTER DIRECTORS' PER DIEM & EXPENSES.**

The Committee reviewed the Directors' per diem and expenses for the third quarter.

It was moved by Dickinson and seconded by Hansen to approve payment of third quarter directors' per diem of \$8,960 and expenses of \$3,144.19. The motion was approved as a part of the consent agenda.

AYE: Austin, Buller, Dickinson, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Eberle, Friesen, Houdersheldt

**ITEM 18. BLUE BASIN GROUNDWATER MODEL - IWMPPF GRANT CONTRACT.**

At the September NNRC Board Meeting the Commissioners approved a \$105,600 grant application for the Blue Basin Groundwater Model. Staff reviewed NDNR's grant contract with the Committee, and recommended that the District enter into the Contract.

It was moved by Regier and seconded by Moore that the Upper Big Blue Natural Resources District (Recipient) enter into the Interrelated Water Management Plan Program Grant Award Contract No. 06-01-001 with the Nebraska Department of Natural Resources (Department) for the purpose of developing the Blue Basin Groundwater Model, and that John C. Turnbull, NRD General Manager, be designated as the Recipient's Representative. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Friesen, Houdersheldt

**ITEM 19. PLATTE RIVER COOPERATIVE AGREEMENT.**

The Committee discussed the Platte River Cooperative Agreement with regard to possible impacts to the Upper Big Blue NRD and the State of Nebraska. The Committee is concerned that not all of the costs to the residents of Nebraska have been fully explained or evaluated, and that if the Agreement is signed it could have long-lasting negative impacts to the economy of Nebraska.

It was moved by Regier and seconded by Volkmer that the Upper Big Blue Natural Resources District encourage the Governor of Nebraska to not sign the Cooperative Agreement.

It was moved by Moore and seconded by Volkmer to amend the motion to strike the word "encourage" and insert the words "send a letter asking." The amendment was approved.

AYE: Buller, Dickinson, Jackson, Kuehner, Luebbe, Moore, Regier, Volkmer

NAY: Austin, Eberle, Nuss, Bruns

NOT VOTING: Hansen, Teegerstrom

NOT PRESENT: Brown, Friesen, Houdersheldt

The question was called on the original motion as amended. The motion was approved.

AYE: Buller, Dickinson, Jackson, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Bruns

NAY: Austin, Eberle, Hansen, Nuss

NOT PRESENT: Brown, Friesen, Houdersheldt

**ITEM 20. POWER OF ATTORNEY FOR WILLNERD AND ASSOCIATES.**

Staff recommends that Willnerd and Associates be authorized to represent the Upper Big Blue NRD in employment and payroll tax matters. This will require that Willnerd and Associates' Power of Attorney be revised to include the years 2003 through 2006.

It was moved by Regier and seconded by Austin that the Upper Big Blue NRD authorize the General Manager to sign a revised Power of Attorney for Willnerd and Associates to extend the effective time period of that Power of Attorney from 2003 through 2006 for the purpose of allowing Willnerd and Associates to represent the Upper Big Blue NRD in tax matters relating to employment and payroll taxes. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Friesen, Houdersheldt

**ITEM 21. FINANCIAL REPORT SEPTEMBER 1, 2006 THROUGH SEPTEMBER 30, 2006, AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2006.**

Turnbull reviewed the financial report for the period September 1, 2006 through September 30, 2006 that we had distributed. It was moved by Moore and seconded by Regier to accept the financial report for September 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Bruns

NAY: None

NOT PRESENT: Brown, Friesen, Houdersheldt

There being no other business the chairman adjourned the meeting at 9:08 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on October 19, 2006, that all of the subjects discussed at the meeting were contained in the

agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doug Bruns, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**December 21, 2006**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 21, 2006, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Doug Dickinson, Gary Eberle, Curt Friesen, Wayne Hansen, Roger Houdersheldt, Jim Jackson, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Paul Weiss, Dan Leininger, Dick Jiskra of NNRC, and Bill Gilg of Aurora NRCS. Houdersheldt called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on December 14, 2006 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call.

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Volkmer to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Volkmer to approve the agenda for the December 21, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 5. \*APPROVAL OF MINUTES OF THE NOVEMBER 16, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Volkmer to approve the minutes of the November 16, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 6. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Hansen reported that the Projects & Programs Committee met on December 14, 2006 and presented the committee's recommendations.

**ITEM 7. LAND TREATMENT PROGRAM - NSWCP FUND PAYMENTS.**

It was moved by Hansen and seconded by Dickinson that payments totaling \$10,000 be approved for 2 NSWCP fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 8. LAND TREATMENT PROGRAM - NRD FUND PAYMENTS.**

It was moved by Hansen and seconded by Teegerstrom that payments totaling \$15,000 be approved for 3 NRD fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 9. LAND TREATMENT PROGRAM POLICY CHANGE.**

The District's ground water control area regulations will begin requiring that ground water users report their water use beginning in 2007. Therefore, staff recommends that the Land Treatment Program policy requiring irrigation water use reporting be rescinded.

It was moved by Hansen and seconded by Regier that the District rescind the Land Treatment Program water use reporting requirement on NC-17 Irrigation Water Management practices, effective January 1, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Volkmer that payments totaling \$252.82 be approved for two Nebraska Buffer Strip Program applications, as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 11. RURAL FIRE DEPARTMENT DRY HYDRANT PROGRAM PAYMENT.**

In October 2005, the McCool Rural Fire Department applied for 50% cost-share for a dry hydrant to be installed at Spring Lakes Estates near McCool Junction, in accordance with the District's Rural Fire Department Dry Hydrant Program. The work is now completed, and staff recommends that cost-share payment be approved.

It was moved by Hansen and seconded by Regier that a payment of \$838.66 is approved for the McCool Junction Rural Fire Department Dry Hydrant application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 12. NEBRASKA CENTRAL BASINS CONSERVATION RESERVE ENHANCEMENT PROGRAM AGREEMENT.**

Staff reviewed the agreement between the District and Nebraska Corn Growers Association. The program as proposed will provide a cost-share payment of 150% of the CRP average soil rental rate, not to exceed \$150 per acre to applicants for Filter Strips and Riparian Buffer Strips. The agreement specifies that of the 150% payment, FSA will pay 130%, Nebraska Corn Growers will pay 13.5%, and the District will pay 6.5%. Staff recommends that the District enter into the agreement with the Nebraska Corn Growers.

It was moved by Hansen and seconded by Brown that the District enter into the Nebraska Central Basins Conservation Reserve Enhancement Program Agreement with the Nebraska Corn Growers Association, as reviewed by the Committee, to facilitate placement of Filter Strips and

Riparian Buffer Strips, and to share in the cost of implementing the Program as specified in the Agreement. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 13. AURORA CITY PARK TREE PLANTING.**

The project is located along a walking and hiking trail in the northwest section of Aurora known as the McBride subdivision. The trail is an extension of the walking and hiking trail along Lincoln Creek that the District helped fund a number of years ago. The park area is located on the south side of the street located at the corner of Donegal Road and Woodland Road. The estimated cost of the planting is \$1,675.79. The District's policy is to fund these types of projects at 25% of the estimated project cost.

It was moved by Hansen and seconded by Regier that the Upper Big Blue Natural Resources District fund the tree planting in the McBride subdivision on the south side of the street located at Donegal Road and Woodland Road in and amount not to exceed \$420.00. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 14. CITY OF YORK NORTH LINCOLN AVENUE DRAINAGE PROJECT - PROGRESS PAYMENT.**

In January 2003 the District entered into Agreement with the City of York, and agreed to share the engineering and construction costs for drainage improvements along North Lincoln Avenue near the intersection of Highways 34 and 81 with the new Highway 81 bypass. Kirkham and Michael Engineers estimated the cost of this work to be \$611,630, and the District agreed to pay 25% of actual cost not to exceed \$153,000. The cost of work completed to date is \$437,461.51, and the City has invoiced the District for \$109,365.38 (25%). Staff recommends payment of the amount due.

It was moved by Hansen and seconded by Teegerstrom that the District make payment of \$109,365.38 to the City of York for work completed to date on the North Lincoln Avenue Drainage Improvement Project, in accordance with the Agreement between the District and City of York dated January 16, 2003. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt



NAY: None  
NOT PRESENT: Buller

**ITEM 15. CITY OF YORK NORTH LINCOLN AVENUE DRAINAGE PROJECT - AGREEMENT AMENDMENT.**

The Interlocal Agreement between the District and City of York for implementing the North Lincoln Avenue Drainage Project will expire on January 1, 2007. The project is nearly completed; however, final payment invoices will not be submitted until after January 1, 2007. Staff recommends that the Agreement be amended to revise the termination date to June 30, 2007.

It was moved by Hansen and seconded by Regier that Amendment No. 2 of the January 16, 2003 Interlocal Agreement between the District and City of York, for implementing the North Lincoln Avenue Drainage Project, be approved to revise the termination date of the Agreement from January 1, 2007 to June 30, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None  
NOT PRESENT: Buller

**ITEM 16. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on December 14, 2006 and presented the committee's recommendations.

**ITEM 17. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

Nine well abandonments were completed and claims have been submitted for cost-share payments.

It was moved by Brown and seconded by Volkmer that the District make cost-share payments for nine well abandonments, as reviewed by the committee, totaling \$3,144.66. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None  
NOT PRESENT: Buller

**ITEM 18. FLOW METER COST-SHARE APPLICATION FINAL PAYMENTS.**

Seventy meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Hansen that the District make cost-share payments for 70 flow meters, as reviewed by the committee, totaling \$34,505.27. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 19. CROP-TIP YEAR END RESULTS, SUB-SURFACE DRIP IRRIGATION PROPOSAL.**

NRD staff presented a proposal to install a sub-surface drip irrigation system on one-half of the CROP-TIP demonstration site owned by Cornerstone Bank. The initial quote was received from Diversity D, Inc. located in Brownsville, Texas. Diversity D, Inc. is the dealer that installed the SDI systems at Clay Center, for the University of Nebraska. The estimated cost of the project is \$14,599.85. Cornerstone Bank asked that quotes be solicited from local installers. A quote was received from Dennis Johnson of Polk working with Western Irrigation, Inc. of Garden City, Kansas. That quote was \$19,200.00. Scott-Hourigan Co. was solicited for a quote, but chose not to submit one.

Diversity D, Inc. and Netafim have experience with research and demonstration types of installations and come highly recommended by Suat Irmak, who is doing the SDI research at Clay Center. Cornerstone Bank has verbally agreed to go with Diversity D, Inc.'s quote.

The staff has drafted an agreement based on discussions with representatives of Cornerstone Bank. The agreement provides that the cost of construction will be shared 50/50 between the District and the Bank. The bank will pay all custom farming costs and other farming expenses. The NRD will manage the farming and irrigation and provide labor for operating the irrigation. Cornerstone Bank will receive all revenues from the crops grown.

It was moved by Moore and seconded by Kuehner to hire Diversity D, Inc. to install the sub-surface drip irrigation system at the CROP-TIP demonstration field and enter into the Drip Irrigation Agreement with Cornerstone Bank. Both items are contingent on approval by Cornerstone Bank. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Hansen

NOT PRESENT: Buller

**ITEM 20. GROUNDWATER TRANSFER RULE.**

Merlin Volkmer requested that the District review the transfer rule. At least three transfers are being considered in Fillmore County. The current transfer rule allows groundwater to be pumped from a tract of land in one section to any land in a section that is adjacent to that tract. Irrigation under such transfers is limited to the number of acres equal to the acres in the tract that the water originates from. Volkmer suggested that the rule be changed to limit transfer to adjacent land rather than the whole section.

It was moved by Moore and seconded by Volkmer that the Board direct the staff to draft changes to the transfer rule for Board review.

Following a brief discussion it was moved by Volkmer and seconded by Friesen to table the motion. The motion failed.

AYE: Friesen, Hansen, Luebbe, Teegerstrom, Volkmer

NAY: Austin, Brown, Bruns, Dickinson, Eberle, Jackson, Kuehner, Moore, Nuss, Regier, Houdersheldt

NOT PRESENT: Buller

The question was called on the original motion. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Houdersheldt

NAY: Hansen, Teegerstrom, Volkmer

NOT PRESENT: Buller

**ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on December 14, 2006 and presented the committee's recommendations.

**ITEM 22. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

A bill was received from York Printing for the November Blueprint newsletter for \$5,510.75.

It was moved by Luebbe and seconded by Regier to approve payment of \$5,510.75 to York Printing Company for the November newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 23. FY 2006 AUDIT.**

Mierau & Company submitted a bill of \$2,700.00 for the FY 2006 audit.

It was moved by Luebbe and seconded by Volkmer to approve payment of \$2,700.00 to Mierau & Co., P.C. for the FY 2006 audit. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 24. 2007 NARD LEGISLATIVE CONFERENCE.**

The voting delegate and alternate need to be named for the annual NARD conference which will be held on January 23 and 24, 2007 in Lincoln.

It was moved by Luebbe and seconded by Jackson to appoint Doug Dickinson as the voting delegate and Yvonne Austin as the alternate for the 2007 NARD Legislative Conference. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 25. FINANCIAL REPORT NOVEMBER 1, 2006 THROUGH NOVEMBER 30, 2006, AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2006.**

Turnbull reviewed the financial report for the period November 1, 2006 through November 30, 2006 that we had distributed. It was moved by Regier and seconded by Dickinson to accept the financial report for November 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Friesen, Hansen, Jackson, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT PRESENT: Buller

There being no other business the chairman adjourned the meeting at 3:15 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on December 21, 2006, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an

emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Doug Bruns, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**January 18, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 18, 2007, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Curt Friesen, Wayne Hansen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Steve Poots of Seward, Bryan Euse of York County NRCS and Steve Moseley of the York News-Times. Houdersheldt called the meeting to order at 1:30 p.m.

### **ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Houdersheldt reported that we published the legal notice of the board of directors' meeting on January 11, 2007 in the York News-Times.

### **ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Nuss arrived a short time later.

### **ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Eberle requested that his absence from the board meeting be excused for medical reasons.

It was moved by Hansen and seconded by Volkmer to excuse the absence of Gary Eberle from the January 18, 2007 board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Moore, Nuss

### **ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Bruns and seconded by Hansen to adopt the consent agenda. Buller stated that he would vote in favor of adopting the consent agenda, but asked that his vote on the approval of abandoned wells cost-share be recorded as an abstention due to the fact that he had done the work for at least one of the applicants. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Nuss

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Bruns and seconded by Hansen to approve the agenda for the January 18, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Nuss

**ITEM 6. \*APPROVAL OF MINUTES OF THE DECEMBER 21, 2006 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Hansen to approve the minutes of the December 21, 2006 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Nuss

**ITEM 7. EMPLOYEE RECOGNITION.**

Ken Feather was recognized for 30 years of service to the District as the Parks and Forestry Department Manager. Ken was presented with a framed print.

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on January 11, 2007 and presented the committee's recommendations.

**ITEM 9. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Regier that payments totaling \$26,626.86 be approved for 9 NSWCP fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 10. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Regier that payments totaling \$20,000.00 be approved for 4 NRD fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 11. GREG BERGEN & LOWELL SIEBERT WILD NEBRASKA PROGRAM PAYMENT.**

The Wild Nebraska Contract has been inspected and recommended for payment. The total contract payment is \$738.40. The NRD share is 25% of the total amount. The Nebraska Game and Parks will reimburse the District 75 percent.

It was moved by Buller and seconded by Volkmer that the Upper Big Blue Natural Resources District make a payment totaling \$738.40 to the cooperators of the Wild Nebraska Program for the month of January. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 12. NEW CORNERS FOR WILDLIFE PROGRAM CONTRACTS.**

Monte W. Romohr has a pivot corner located in the NW corner of the S ½ SE ¼ of Section 34, Township 13 North, Range 1 West of the 6<sup>th</sup> P.M., Polk County, Nebraska. He wishes to seed 5.60 acres of the corner to a warm season grass mix and plant 425 trees and shrubs for food and wildlife cover. The second corner is located in the NE corner of the N ½ SE ¼ of Section 34, Township 13 North, Range 1 West of the 6<sup>th</sup> P.M., Polk, Nebraska. He will seed 5.60 acres to a warm season grass and plant 425 trees and shrubs in this corner. The contract is paid for by monies available through the local Pheasants Forever Chapter and the Environmental Trust. Monte W. Romohr will receive \$75.00/acre for a 5-year period on these 11.20 acres. The NRD will receive the monies for the payment through the Pheasants Forever Chapter before making payment to the landowner. The District will plant the trees and shrubs at no cost to the landowner. The acceptance of these contracts relies on the funding being available in February 2007.

It was moved by Buller and seconded by Luebbe that the Upper Big Blue NRD accept the Corners for Wildlife contracts submitted by Monte W. Romohr located in the NW corner of the S ½ SE ¼ of Section 34, Township 13 North, Range 1 West of the 6<sup>th</sup> P.M., in Polk County, Nebraska and in the NE corner of the N ½ SE ¼ of Section 34, Township 13 North, Range 1 West of the 6<sup>th</sup> P.M., Polk County, Nebraska for a period of 5 years with an annual payment of \$840.00 per year and enter into said agreement providing that funding becomes available in



February of 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 13. WILD NEBRASKA CONTRACT NO. 394 - NORM RECKNOR.**

The Norm Recknor estate has sold their property located in the NW ¼ Section 21- T12N-R4W, York County, Nebraska. Within this NW 1/4 was 27.5 acres of wetland enrolled in the Wild Nebraska program. Jason Schneider is now the new owner of this property. Jason wishes to continue with the Wild Nebraska contract but does not want to continue with the public access option. The Norm Recknor estate has reimbursed the District for the agreed portion of the monies paid to them for providing public access on these 27.5 acres. The following is a breakdown on how this project was funded in FY2002:

Contributions by Agencies/Organizations:

|   |             |
|---|-------------|
| Contributions by Service - US Fish & Wildlife Service.....      | \$6,000.00  |
| Contribution by NGPC - Nebraska Game & Parks Commission.....    | \$6,000.00  |
| Contribution by UBBNRD - Upper Big Blue NRD.....                | \$2,000.00  |
| Contribution by the RWBJV - Rainwater Basin Joint Venture ..... | \$13,750.00 |

TOTAL COST OF PROJECT.....\$27,750.00

The Wild Nebraska Wildlife Habitat Agreement:

|   |            |
|---|------------|
| Wetland Restoration - sediment removal..... | \$8,000.00 |
| Nebraska Game & Parks Commission.....       | \$6,000.00 |
| Upper Big Blue NRD.....                     | \$2,000.00 |

|                                    |          |
|------------------------------------|----------|
| Public Access option \$3/acre..... | \$825.00 |
| Nebraska Game & Parks .....        | \$618.75 |
| Upper Big Blue NRD.....            | \$206.25 |

27.5 x \$3 = \$82.50/year

\$82.50 x 4 years = \$330.00 used portion of public access monies

\$825.00 - \$330.00 = \$495.00 unused portion of public access monies

\$495.00 x 75% = \$371.25 - NE Game & Parks share

495.00 x 25% = \$123.75 - Upper Big Blue NRD share

It was moved by Buller and seconded by Volkmer that the Upper Big Blue Natural Resources District make payment of \$371.25 to the Nebraska Game & Parks Commission for the unused portion of the public access monies paid out to Norm Recknor's Wild Nebraska Wildlife Habitat Agreement Contract #394. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Kuehner, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Weiss

NAY: Friesen, Houdersheldt

NOT PRESENT: Eberle

**ITEM 14. WACO FLOOD PROTECTION PROJECT - ADVERTISEMENT FOR BIDS.**

The Village of Waco is currently considering the final agreement between the Village and Burlington Northern Santa Fe Railroad to allow construction of 60 inch diameter culvert under the BNSF right-of-way. Staff requested authorization to advertise for construction bids, pending Village of Waco approval of the BNSF Agreement.

It was moved by Buller and seconded by Volkmer that staff be authorized to advertise for construction bids on behalf of the Village of Waco for construction of the Waco Flood Protection Project, subject to the Village of Waco entering into the Agreement with BNSF Railroad and obtaining all permits and insurances. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 15. WACO FLOOD PROTECTION PROJECT - GEOTECHNICAL ENGINEERING.**

Final design of the Waco Flood Protection Project is completed, except for the final drilling and testing to confirm final design configuration. The drilling and testing was postponed until the Village could confirm that they intended to proceed with the project. Staff recommends that Geotechnical Services, Inc., Grand Island, be hired to perform the geotechnical engineering work for a fee not to exceed \$2,000.

It was moved by Buller and seconded by Dickinson that the District hire Geotechnical Services, Inc., for a fee not to exceed \$2,000, for the purpose of providing drilling, testing, and geotechnical engineering recommendations to support final design of the Waco Flood Protection Project, as reviewed by the Committee, and that the Contract with Geotechnical Engineering Services not be executed until the Village of Waco has entered into Agreement with BNSF Railroad. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 16. LANGWORTHY ROAD DAM - IRRIGATION RE-USE STRUCTURE.**

Steve Poots, representing the Langworthy Trust, was present to request permission to construct two earth approach ramps, 10 feet wide and 50 feet long each, and a bridge, 100 feet in length, within the conservation pool of the Langworthy Dam. The purpose of these structures is to provide a pivot crossing over the reservoir.

It was moved by Buller and seconded by Dickinson that the District authorize construction of two earth ramps and a bridge within the conservation pool of the Langworthy Dam, located in the NW ¼ of Section 19, Township 11 North, Range 2 East of the 6<sup>th</sup> P.M., Seward County, Nebraska, for the purpose of providing a pivot crossing, and that construction of the proposed structures not be initiated until an Agreement has been approved by the District and all necessary permits have been obtained. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: Nuss

NOT PRESENT: Eberle

**ITEM 17. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on January 11, 2007 and presented the committee's recommendations.

**ITEM 18. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

Four well abandonments were completed and claims have been submitted for cost-share payments.

It was moved by Bruns and seconded by Hansen that the District make cost-share payments for four well abandonments, as reviewed by the committee, totaling \$1,781.85. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Eberle, Nuss

**ITEM 19. FLOW METER COST-SHARE APPLICATION FINAL PAYMENTS.**

Fifty-three meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Austin that the District make cost-share payments for 53 flow meters, as reviewed by the committee, totaling \$25,859.60. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss,  
Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Eberle

**ITEM 20. RESALE IRRIGATION SCHEDULING EQUIPMENT PRICES.**

The Water Committee reviewed the sales and prices for gypsum blocks, soil probes, ETgages and Watermark sensors. Blocks and soil probes have been sold by NRD since 1998. Prior to that, they were sold by the Blue River Association of Groundwater Districts.

ETgages and Watermark sensors were sold to WATER-TIP program participants at 50 percent of NRD cost with a \$300 maximum discount in 2005 and 2006. The Board previously approved funding for up to twenty more WATER-TIP participants. The staff recommends that prices be established for resale of these items for other individuals wishing to purchase them. The prices proposed are based on NRD cost plus 10 percent to cover shipping and handling. If approved, the 2007 prices will be as follows: ETgages - \$198.00, Watermark Sensors - \$26.95, Watermark Meter - \$240.90.

It was moved by Moore and seconded by Brown to add ETgages, Watermark sensors and Watermark meters to the irrigation equipment for resale program. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Friesen reported that the Executive Committee met on January 11, 2007 and presented the committee's recommendations.

**ITEM 22. PAYMENT TO YORK PRINTING COMPANY.**

An invoice for \$5,519.75 was received from York Printing for printing the Blueprint Newsletter.

It was moved by Friesen and seconded by Regier to approve payment of \$5,519.75 to York Printing for the January Blueprint Newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 23. BLUE BASIN MODEL - PAYMENT TO UNL CONSERVATION & SURVEY DIVISION.**

An invoice for \$23,946.58 was received from the UNL Conservation and Survey Division for streambed conductance testing for the Blue Basin groundwater model.

Blue Basin Groundwater Modeling Costs to date:

|                               |                                  |
|-------------------------------|----------------------------------|
| Groundwater model development | \$ 2,882.32                      |
| Geology Interpretation        | 43.20                            |
| Streambed Conductance Study   | 23,946.58                        |
| <u>GIS Mapping</u>            | <u>3,871.68</u>                  |
| Total                         | \$30,743.78 (80% from DNR grant) |
| <br>                          |                                  |
| DNR Grant Money Received      | \$63,600.00                      |
| DNR Grant Expended (80%)      | 24,592.02                        |

It was moved by Friesen and seconded by Austin to approve payment of \$23,946.58 to the University of Nebraska for the Conservation and Survey Division Blue River Basin Streambed Conductance Study. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 24. \* DIRECTORS' PER DIEM & EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Bruns and seconded by Hansen to approve payment of 4th quarter directors' per diem of \$7,000.00 and expenses of \$2,336.74. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Nuss

**ITEM 25. DIRECTOR'S EXPENSES FOR GMDA CONFERENCE.**

Linda Luebbe attended the January GMDA conference in Albuquerque, New Mexico. She requested reimbursement of the hotel bill of \$456.57 this month instead of at the end of the first quarter for regular payment of directors' per diem and expenses.

It was moved by Friesen and seconded by Volkmer to reimburse Linda Luebbe \$456.57 for hotel expenses for the GMDA January Conference in Albuquerque, New Mexico. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Eberle

**ITEM 26. GENERAL ELECTION COSTS.**

Bills have been received from five counties for the general election costs. Adams County \$112.16; Clay County \$598.54; Fillmore County \$3,031.80; Hamilton County \$909.70 and Seward County \$1,178.27 for a total of \$5,830.47.

It was moved by Friesen and seconded by Volkmer to pay the following general election costs: Adams \$112.16, Clay \$598.54, Fillmore \$3,031.80, Hamilton \$909.70, and Seward \$1,178.27, for a total of \$5,830.47. The motion was approved.

AYE; Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Houdersheldt

NAY: Kuehner, Nuss, Weiss

NOT PRESENT: Eberle

**ITEM 27. LEGISLATIVE BILLS.**

**ITEM 28. LB 224 - WELL DRILLING MORATORIUM, KOPPLIN.**

Turnbull reviewed current legislation including LB 224 calling for a 2-year well drilling moratorium. (The bill was withdrawn on January 11). A long discussion took place about well drilling moratoriums. It is anticipated that some form of legislation dealing with a statewide moratorium will be debated by the Legislature this year. (Kopplin has since introduced another bill, LB 594 - Temporary suspension of new well permits and surface water rights for irrigation.)

It was moved by Friesen and seconded by Dickinson to oppose a statewide well drilling moratorium because such action infringes on the basic local control that has been mandated to the NRDs by the Legislature as far back as 1975 with the passage of the original Groundwater Management Act. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 29. LB 17 - PROHIBIT NRD DUAL OFFICE HOLDING, MINES.**

Adds NRD office holders to the list of high elective offices that would be prohibited from filing as a candidate for another high elective office. Current law defines higher elective office as a member of the Legislature, county, city, or school district.

It was moved by Moore and seconded by Hansen to oppose LB 17. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Friesen, Kuehner, Luebbe, Moore, Nuss, Regier,  
Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT VOTING: Brown, Hansen

NOT PRESENT: Eberle

**ITEM 30. LB 295 - IRRIGATION AND WATER WELLS, NATURAL RESOURCES COMMITTEE.**

This bill makes a number of changes at the request of the Nebraska Department of Natural Resources.

- It includes the U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse.
- It provides that NDNR will issue an order of cancellation of a surface water right within sixty days after receipt of a voluntary unconditional relinquishment.
- It adds the following new language regarding wells that are entitled to spacing protection: (i) Registered irrigation wells unless (A) the water well's location is incorrect in the department's water well registration data base and the well's actual location cannot be determined or (B) the irrigation well is used to irrigate two acres or less; and (ii) Unregistered irrigation wells that have been constructed within the last sixty days.
- It prohibits irrigation from a well registered for another purpose until the well registration has been changed to irrigation and then only if the well is not within six hundred feet of an existing registered irrigation well or an irrigation well that has been constructed within the last sixty days.
- It extends the time period for nonuse of a permit under the Municipal and Rural Domestic Ground Water Transfers Permit Act from 3 to 5 years before revocation or modification by the director of NDNR.
- It prohibits increases in irrigated acres watered from an unconstructed water well that has been permitted prior to the stay once NDNR declares the area overappropriated.

It was moved by Friesen and seconded by Moore to oppose LB 295. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore,  
Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 31. LB 314 - ADDS DUG PITS TO DEFINITION OF WATER WELLS, LOUDEN.**

The bill adds to the definition of water well any excavation made for any purpose if ground water flows into the excavation under natural pressure and a pump or other device is placed in the excavation for the purpose of withdrawing water from the excavation for irrigation. For such excavations, construction means placing a pump or other device into the excavation for the purpose of withdrawing water for irrigation.

**LB 458 - INTEGRATED MANAGEMENT PLANS AND REMOVING VEGETATION, CARLSON, *ET AL.***

The bill requires as a part of an integrated management plan adopted pursuant to section 46-715, the plan shall include provisions to remove vegetation that has a negative impact on those river basins, subbasins, or reaches that have been declared fully appropriated or overappropriated. Any integrated management plan in existence on the effective date of this act shall be amended to include provisions pertaining to such vegetation. The amendment to the integrated management plan shall be commenced within six months after the effective date of this act. For purposes of this section, negative impact shall mean vegetation within the banks of the natural stream and any vegetation identified as a nonnative invasive species.

It was moved by Volkmer and seconded by Regier to monitor LB 314 and LB 458. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 32. LB 564 - RECREATION LIABILITY ACT, FRIEND, *ET AL.***

This bill is in response to a Nebraska Supreme Court decision that struck recreational liability protection for political subdivision and state-owned property. The bill adds the State of Nebraska, a state agency, a political subdivision, to the list of private landowners, tenants, lessee, occupant or other person in control of the premises who receive recreational liability protection if they do not charge the public for access.

**LB 566 - RECREATIONAL LIABILITY ACT, LOUDEN, *ET AL.***

The bill adopts the Public Recreation Liability Act which extends some recreational liability protection to the land owners (defined as the state, a state agency, including the University of Nebraska and any state college or community college, or a political subdivision that is the title holder, tenant, lessee, occupant, or otherwise in control of the land). The liability protection would apply to the owner who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes. If there is no charge, the owner does not thereby (1) extend any assurance that the premises are safe for any purpose, (2) confer upon such



persons the legal status of an invitee or licensee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such person.

The liability protection would not extend for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity for an injury suffered in any case where the owner of land charges the person or persons who enter or go onto the land.

**LB 567 - EXTEND RECREATIONAL LIABILITY PROTECTION TO PRIVATE LANDOWNERS THAT CHARGE ACCESS, LOUDEN, *ET AL.***

The bill extends recreational liability protection to private landowners and private entities that charge for access. Current law provides this protection if they do not charge for access.

It was moved by Austin and seconded by Moore to support the concept of political subdivisions being covered by the Recreation Liability Act. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 33. LB 701 - CREATE A BASIN-WIDE MANAGEMENT AUTHORITY AND COMMITTEE, CHRISTENSEN.**

The bill creates a basin-wide management authority and committee for any river basin which as of July 1, 2007, is subject to the interstate compact. Water users in the basin shall be subject to regulation by a basin administration committee.

It was moved by Austin and seconded by Brown to oppose LB 701. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Eberle

**ITEM 34. LB 387 - REQUIRE WATER METERS ON NEW CONSTRUCTION, LANGEMEIER.**

Beginning January 1, 2008, the bill would require all new residential construction equipped with plumbing shall have water meters and plumbing installed in such a way as to separate potable water used outside the residence from potable water used inside the residence. Beginning January 1, 2015, all new construction equipped with plumbing and all new water service changes shall have water meters and plumbing installed in such a way as to separate potable water used outside the building or residence from potable water used inside the building or residence. The

costs of implementing this section shall be borne by the property owner, except that water meters shall be supplied and maintained by the water service provider.

It was moved by Volkmer and seconded by Austin to oppose LB 387.

Following a short discussion it was moved by Friesen and seconded by Hansen to table the matter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Friesen, Luebbe, Moore, Regier, Teegerstrom, Weiss, Houdersheldt

NAY: Dickinson, Kuehner

NOT VOTING: Hansen, Nuss, Volkmer

NOT PRESENT: Eberle

### **ITEM 35. OTHER LEGISLATION.**

It was moved by Moore and seconded by Friesen to direct the Executive Committee to take action as necessary on legislative bills during the 2007 legislative session and to give board members at the NARD Legislative Conference the authority to take a position on behalf of the Board. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

### **ITEM 36. TRAILBLAZER RC & D.**

A letter was received from the Trailblazer RC & D requesting the appointment of a representative to the RC & D.

It was moved by Friesen and seconded by Hansen to appoint Merlin Volkmer to be the Upper Big Blue NRD representative on the Trailblazer RC & D Council. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Weiss, Houdersheldt

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Eberle

### **ITEM 37. FINANCIAL REPORT DECEMBER 1, 2006 THROUGH DECEMBER 31, 2006, AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2006.**

Turnbull reviewed the financial report for the period December 1, 2006 through December 31, 2006 that we had distributed. It was moved by Volkmer and seconded by Bruns to accept the

financial report for December 2006 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

### **ITEM 38. NOMINATING COMMITTEE REPORT.**

Volkmer reported that the Nominating Committee met at Applebee's in York on Wednesday, December 27, 2006 and presented the committee's slate of candidates.

It was moved by Moore and seconded by Brown to accept the Nominating Committee's report and proceed with voting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

Houdersheldt appointed Bitner and DeBuhr to count the ballots.

### **ITEM 39. ELECT BOARD CHAIRMAN.**

Nominees for the office of Chairman were Doug Bruns and Curt Friesen. Regier nominated Roger Houdersheldt.

It was moved by Volkmer and seconded by Dickinson that nominations for Chairman cease and we proceed with voting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

The Board was instructed to cast their vote for Chairman. Friesen received 7 votes, Houdersheldt 6 votes and Bruns 3 votes. Friesen will serve as Chairman for a one year term.

### **ITEM 40. ELECT VICE CHAIRMAN.**

Nominees for the office of Vice Chairman were Gary Eberle and Gus Brown.

It was moved by Moore and seconded by Luebbe that nominations for Vice Chairman cease and we proceed with voting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

The Board was instructed to cast their vote for Vice Chairman. Gary Eberle received 6 votes and Gus Brown 10 votes. Brown will serve as Vice Chairman for a one year term.

**ITEM 41. ELECTION OF SECRETARY.**

Nominees for the office of Secretary were Steve Buller and Mike Nuss. Nuss nominated Doug Bruns.

It was moved by Luebbe and seconded by Regier that nominations for the office of Secretary cease and we proceed with voting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Friesen, Hansen, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Houdersheldt

NAY: None

NOT PRESENT: Eberle

The Board was instructed to cast their vote for Secretary. Buller received 7 votes, Nuss 4 votes and Bruns 5 votes. Buller will serve as Secretary for a one year term.

**ITEM 42. ELECT TREASURER.**

Nominees for the office of Treasurer were Linda Luebbe and Merlin Volkmer. There were no nominations from the floor. Houdersheldt declared that nominations cease and instructed the board to proceed with voting. The first vote resulted in a tie. Houdersheldt instructed the board to recast their ballots. Volkmer received 9 votes and Luebbe 7 votes. Volkmer will serve as Treasurer for a one year term.

**ITEM 43. ELECT NARD REPRESENTATIVE AND ALTERNATE.**

Nominees for NARD Representative and Alternate were Douglas Dickinson and Yvonne Austin. The candidate with the most votes will serve as Representative and the runner up will serve as Alternate. There were no nominations from the floor. Houdersheldt declared that nominations cease and instructed the board to proceed with voting. Dickinson received 14 votes and Austin 2 votes. Dickinson will serve as NARD Representative and Austin as NARD Alternate Representative for a one year term.

There being no other business the chairman adjourned the meeting at 4:27 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on January 18, 2007, that all of the subjects discussed at the meeting were contained in the

agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 15, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 15, 2007, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Curtis Friesen, Wayne Hansen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Jim Husbands and Bryan Euse of York County NRCS, Matt Howe of Seward and Steve Moseley of the York News-Times. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on February 8, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Nuss arrived a short time later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Ken Regier and Gary Eberle requested that their absences from the board meeting be excused.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Gary Eberle and Ken Regier from the February 15, 2007 board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Houdersheldt and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the February 15, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 18, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Dickinson to approve the minutes of the January 18, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Projects & Programs Committee met on February 8, 2007 and presented the committee's recommendations.

**ITEM 8. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Hansen that payments totaling \$8,011.80 be approved for 2 NSWCP fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 9. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Buller and seconded by Austin that payment of \$5,000.00 be approved for 1 NRD fund land treatment application, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 10. LANGWORTHY DAM SUPPLEMENTAL AGREEMENT.**

Staff reviewed design, submitted by the Langworthy Trust, for a proposed pivot crossing to be installed within the conservation pool easement of the District's Langworthy dam. Staff also reviewed the agreement between the District, Seward County, and Langworthy Trust, regarding the construction, operation and maintenance of the pivot crossing.

It was moved by Buller and seconded by Luebbe that the agreement as reviewed by the Committee, between the District, Seward County, and Langworthy Trust, be approved to allow a pivot crossing structure to be built in the conservation pool of the Langworthy dam. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 11. SEWARD COUNTY HAZARD MITIGATION PLANNING.**

Gary Peterson, representing Seward County Emergency Management, was present at the Projects Committee meeting to request that the District participate in a Hazard Mitigation Planning Study for all of Seward County. The study is expected to cost about \$70,000, of which FEMA will pay 75% (\$52,500). The remaining 25% local share (\$17,500) would be paid by the study sponsors. At this time the County expects to pay about half of the local share, and is requesting that the District join with other sponsors to help pay the balance. The Hazard Mitigation Plan considers all types of hazards, and will permit entities within Seward County to obtain federal funding for construction of facilities that would reduce future damages from hazards such as ice storms, tornados, flooding, etc. Seward County would be the lead agency, and will hire a consulting engineer to perform the study; the planning study is expected to be completed in about one year. The District's share of cost would be established before an agreement between the District and County is approved.

It was moved by Buller and seconded by Houdersheldt that the District agree to participate in the Seward County Hazard Mitigation Planning Study, as requested by Seward County, subject to approval of an Interlocal Agreement between the District and County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Eberle, Regier



**ITEM 12. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on February 8, 2007 and presented the committee's recommendations.

**ITEM 13. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

Three well abandonments were completed and claims have been submitted for cost-share payments.

It was moved by Houdersheldt and seconded by Dickinson that the District make cost-share payments for three well abandonments, as reviewed by the committee, totaling \$515.41. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Nuss, Regier

**ITEM 14. FLOW METER COST-SHARE APPLICATION FINAL PAYMENTS.**

Eighty-four meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Luebbe that the District make cost-share payments for 84 flow meters, as reviewed by the committee, totaling \$41,250.85. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Eberle, Regier

**ITEM 15. PAYMENT TO NDEQ FOR CHEMIGATION PERMIT FEES.**

Fees collected for chemigation permits are divided by law between the NRD and NDEQ. For new permits the fee is divided  $\$25$  (NRD) +  $\$5$  (NDEQ) =  $\$30$ . Renewal permits are divided  $\$8$  (NRD) +  $\$2$  (NDEQ) =  $\$10$ . The NRD collects the entire fee so we owe NDEQ their share. Thirty-seven new and 291 renewal permits were received in 2006.  $\$4,020$  in chemigation fees were collected. The NRD owes NDEQ  $\$767$ .

It was moved by Moore and seconded by Houdersheldt that the District make payment to the Nebraska Department of Environmental Quality of  $\$767$  for their share of the 2006 chemigation permit fees. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 16. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed the irrigated acres that have been approved for certification by the staff as of January 31, 2007. A total of 382,558.7 acres are included for certification. This represents approximately 33 percent of the total irrigated acres shown on the county assessors' records.

It was moved by Moore and seconded by Hansen that the Board of Directors certify the irrigated acres approved by the staff through January 31, 2007, as presented. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Executive Committee met on February 8, 2007 and presented the committee's recommendations.

**ITEM 18. HEALTH INSURANCE RESERVE.**

The NARD Board took action at the January meeting to raise enough funds to cover the health insurance program losses from previous years. This loss must be made up so that a positive cash reserve is shown before the insurance risk pool for all the NRDs is formed. The Nebraska Department of Insurance requires that a cash reserve be maintained into the future in order for the NARD insurance to be approved by the Department of Insurance.

The total reserve funds needed by the end of June are about \$1,055,000, based on the worst case scenario. The NARD Board action requests a payment this month from each district of \$2,000 per employee. That assessment will raise \$605,000. There are 343 employees across the state in the insurance plan.

That leaves a balance to raise of \$450,000. However, the insurance program has been able to increase the cash on hand each month since July due to the increase in premiums and reasonable claim expenses. If that trend continues then the second assessment later in the fiscal year may not be necessary.

The District budgeted \$2,900 per employee, \$60,900, for the health insurance reserve assessment. The NARD request is for \$42,000.

It was moved by Houdersheldt and seconded by Austin to approve payment of \$42,000 to the NARD for the health insurance program cash reserve requirement. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

#### **ITEM 19. GENERAL ELECTION COSTS.**

A bill for \$360.37 has been received from Saline County for general election costs for the November 2006 elections.

It was moved by Houdersheldt and seconded by Kuehner to approve payment of \$360.37 to Saline County for November 2006 general election costs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

#### **ITEM 20. WATER DEPARTMENT SUMMER INTERN.**

Each flowmeter installed under the cost-share program is inspected for proper installation. This summer that program on top of other programs will tax the limits of the existing staff to get the work done in a timely manner. DeBuhr is therefore recommending that the District hire a summer intern. The intern will do other jobs for the water department as well. The District has hired college students as summer interns in the past. The position will be hourly with no benefits. But a vehicle will need to be provided along with other equipment.

It was moved by Houdersheldt and seconded by Austin to approve the hiring of a summer intern for the Water Department. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

#### **ITEM 21. WATER DEPARTMENT PICKUP BID AUTHORIZATION.**

The 1996 GMC pickup has over 140,000 miles on it. It is scheduled to be replaced this year. The staff recommends that bids be advertised now so that a vehicle can be delivered by May. It is recommended that the District not trade the 1996 GMC, but keep it for the summer intern to drive and then decide in the fall whether or not to sell it.

It was moved by Houdersheldt and seconded by Austin to authorize the staff to advertise and

accept bids for a new half-ton two wheel drive pickup. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe,  
Moore, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Nuss

NOT PRESENT: Eberle, Regier

**ITEM 22. WATER DEPARTMENT COMPUTER EQUIPMENT PURCHASE.**

For the past three years Marie Krausnick has used a Personal Data Assistant (PDA) to collect field data such as water levels, well locations, etc. When Jon Reiter was hired in June of 2006, we purchased a second PDA for his use. Both PDAs are equipped with GPS receivers so they eliminate the need for a separate GPS unit. These units work well and both Marie and Jon like them. It is recommended that the District purchase two more PDA setups, one for Russ Gierhart to and the other for the summer intern to share with Dan Leininger and Rod DeBuhr. It is also recommended to purchase a newer version of Arc Pad software. The estimated cost is as follows:

|                         |     |            |                |
|-------------------------|-----|------------|----------------|
| Axim X51 PDA            | (2) | \$ 399 ea. | \$ 798         |
| Pharos GPS receivers    | (2) | \$ 135 ea. | \$ 270         |
| <u>Arc Pad software</u> |     |            | <u>\$1,495</u> |
| Total                   |     |            | \$2,563        |

It was moved by Houdersheldt and seconded by Volkmer to approve the purchase of two AXIM Personal Data Assistants (PDA), two Pharos GPS receivers, and Arc Pad Software for a cost not to exceed \$2,563.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Hansen, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 23. SUBDISTRICT THREE BOARD VACANCY.**

The Chairman received two applications for appointment to the Board to fill the unexpired term in subdistrict three, which runs until January 2011.

The Executive Committee found the two candidates to be lawfully qualified to be members of the Board of Directors, and the two applicants' names, William Stahly and Matthew Howe, were forwarded to the Board of Directors for consideration. Their letters of application and resumes were distributed to the board members.

Chairman Friesen asked each candidate to address the board and give a brief history and then allowed the board members to ask questions. He then called for a voice vote indicating each board member's choice of candidate to fill the vacancy in subdistrict three. Matt Howe received 5 votes. Bill Stahly received 10 votes. Mr. Stahly was appointed to subdistrict three. John Turnbull administered the oath of office and Mr. Stahly was seated on the board, replacing Wayne Hansen.

VOTING FOR HOWE: Austin, Brown, Dickinson, Houdersheldt, Volkmer  
 VOTING FOR STAHLY: Bruns, Buller, Hansen, Kuehner, Luebbe, Moore, Nuss,  
 Teegerstrom, Weiss, Friesen

**ITEM 24. COMMITTEE ASSIGNMENTS.**

| <b>Committee Members - February 2007</b> |                                |  |
|--|--------------------------------|--|
| <b>Projects &amp; Programs</b>           | <b>Water &amp; Regulations</b> | <b>Executive</b>                         |
| Bruns                                    | Austin                         | Chairman<br>Curt Friesen                 |
| Eberle                                   | Kuehner                        | Vice Chairman*<br>Gus Brown              |
| Houdersheldt                             | Luebbe                         | Secretary*<br>Steve Buller               |
| Nuss                                     | Moore                          | Treasurer*<br>Merlin Volkmer             |
| Weiss                                    | Regier                         | NARD Representative*<br>Doug Dickinson   |
| Stahly                                   | Teegerstrom                    | Projects Chairman<br><i>Houdersheldt</i> |
| Board Officer<br>Brown                   | Board Officer<br>Buller        | Water Chairman<br><i>Moore</i>           |
| Board Officer<br>Dickinson               | Board Officer<br>Volkmer       | Projects Representative<br><i>Bruns</i>  |
| Board Chairman<br>Friesen                | Board Chairman<br>Friesen      | Water Representative<br><i>Austin</i>    |

\* Any one of these officers may be appointed to the committees but may not serve as Committee Chairman or Vice Chairman

It was moved by Houdersheldt and seconded by Dickinson to approve the committee assignments as recommended by the Executive Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
 Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

The board recessed briefly to allow the Projects & Programs Committee and the Water & Regulations Committee to meet to elect their chairman and vice chairman. Roger Houdersheldt and Paul Weiss were elected chairman and vice-chairman respectively for the Projects and Programs Committee. Larry Moore and Vance Teegerstrom were elected chairman and vice-chairman respectively for the Water & Regulations Committee. Houdersheldt and Moore became members of the Executive Committee as a result of their election as chairmen of the Projects and Water subcommittees. The Executive Committee then met briefly to select two additional members from the two subcommittees to serve as representatives on the committee. They selected Doug Bruns as the Projects Committee representative and Yvonne Austin as the Water Committee representative. The board meeting as reconvened and the completed list of committee assignments was presented to the board for their review.

It was moved by Houdersheldt and seconded by Volkmer to approve the final committee assignments as presented. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

#### **ITEM 25. LEGISLATION,**

LB 594, the state wide well drilling moratorium bill was discussed. The Board took action last month to oppose the bill. It was suggested that the Chairman testify in opposition to the bill at the legislative hearing. The hearing is scheduled for 1:30 p.m. March 1. The committee encouraged the Chairman to contact senators about the issue prior to the hearing.

It was moved by Houdersheldt and seconded by Kuehner that the Chairman of the Board of Directors offer testimony in opposition to LB 594 when the bill comes up for hearing. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss

NAY: None

NOT VOTING: Friesen

NOT PRESENT: Eberle, Regier

#### **ITEM 26. MARCH BOARD MEETING.**

The annual NARD Washington, D.C. lobbying trip is scheduled for March 12-14. The General Manager and two board members will be attending. It is necessary to move the board meeting to the March 22 so the General Manager can be present.

It was moved by Houdersheldt and seconded by Teegerstrom to move the March board of directors meeting from March 15 to March 22, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 27. FINANCIAL REPORT JANUARY 1, 2007 THROUGH JANUARY 31, 2007,  
AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2007.**

Turnbull reviewed the financial report for the period January 1, 2007 through January 31, 2007 that we had distributed. It was moved by Volkmer and seconded by Houdersheldt to accept the financial report for January 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

There being no other business the chairman adjourned the meeting at 3:52 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on February 15, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**March 22, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 22, 2007, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Bryan Euse of York County NRCS and Melanie Wilkinson of the York News-Times. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on March 15, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Houdersheldt and Moore arrived a short time later.

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Bruns to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Moore

NOT PRESENT: Houdersheldt

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Bruns to approve the agenda for the March 22, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Moore

NOT PRESENT: Houdersheldt



**ITEM 5. \*APPROVAL OF MINUTES OF THE FEBRUARY 15, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Bruns to approve the minutes of the February 15, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Moore

NOT PRESENT: Houdersheldt

**ITEM 6. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Teegerstrom reported that the Water & Regulations Committee met on March 8, 2007 and presented the committee's recommendations.

**ITEM 7. FLOW METER COST-SHARE APPLICATION FINAL PAYMENTS.**

Forty-four meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Teegerstrom and seconded by Austin that the District make cost-share payments for 44 flow meters, as reviewed by the committee, totaling \$21,729.27. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

**ITEM 8. LATE WELL PERMIT.**

A well was drilled without a permit in 1993 in the NE 1/4 of Section 24-T9N-R8W, Hamilton County for Mary Chadderdon. The driller was Nunnenkamp Well Company. Mary Chadderdon has applied for a late permit. The fee has been paid. No other NRD regulations were violated by the construction of the well.

It was moved by Teegerstrom and seconded by Brown that the District approve late permit UBB-1-3848, a well constructed in the NE 1/4 of Section 24-T9N-R8W, Hamilton County owned by Mary Chadderdon. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 9. PAYMENT TO CENTRAL DISTRICT HEALTH DEPARTMENT.**

The Central District Health Department Laboratory tested 179 water samples for nitrates for the District in 2006 at \$6.00 each for a total of \$1,074.00.

It was moved by Teegerstrom and seconded by Austin that the District pay the Central District Health Department \$1,074.00 for water sample analyses in 2006. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 10. ADDITION TO APPROVED FLOW METER LIST.**

Netafim Company has requested that the District add the ARAD High Pressure Hydrometer to the District's approved flowmeter list. This meter would most likely be used in special installations where automation is desired. The meter is actually a meter/valve combination which will redirect water flow based on the volume of water passing through the meter. Netafim uses this in some of their sub-surface drip systems.

It was moved by Teegerstrom and seconded by Austin that the District add the ARAD High Pressure Hydrometer to the District's approved flowmeter list. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 11. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on March 8, 2007 and presented the committee's recommendations.

**ITEM 12. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Luebbe that payments totaling \$11,464.20 be approved for four NSWCP fund land treatment applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 13. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Austin that payment of \$5,000 is approved for 1

NRD fund land treatment application, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 14. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Bruns that payments totaling \$11,188.97 be approved for 18 Nebraska Buffer Strip contracts, as reviewed by the committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Moore

NOT PRESENT: Houdersheldt

**ITEM 15. MARCH WILDLIFE HABITAT PROGRAM PAYMENTS.**

The March wildlife contracts have been inspected for compliance and are recommended for payment. The total payment for March contracts is \$831.25. The Nebraska Game & Parks Commission will reimburse the District for 75 percent.

It was moved by Houdersheldt and seconded by Brown that the Upper Big Blue Natural Resources District make payments totaling \$831.25 to the cooperators of the Wildlife Habitat Improvement Program for the month of March as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 16. TRAIL FROM MINCKS PARK TO SWIMMING POOL - CITY OF YORK.**

Orville Davidson, Public Works Director for the City of York, was present at the Projects and Programs Committee meeting to discuss the layout and cost estimate for a proposed trail that would connect Mincks Park, city schools, and the new swimming pool/water park complex. The estimated cost of the trail is \$222,830 and the local share is \$48,130. The City of York has applied for a \$174,700 grant through the Nebraska Department of Roads 'Safe Routes to School Program'. The City is requesting that the Upper Big Blue NRD cost-share one-third of the \$48,130 local share. The District's policy under the Parks and Recreation Program is to fund these projects at 25 percent of the local share.

It was moved by Houdersheldt and seconded by Brown that the Upper Big Blue Natural

Resources District provide cost-share in the amount of 25% of the local share of project cost, not to exceed \$16,000, to the City of York for the proposed trail to connect Mincks Park, city schools and the swimming pool/water park complex, subject to approval of an interlocal agreement between the City and District. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Kuehner, Regier, Weiss

**ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on March 8, 2007 and presented the committee's recommendations.

**ITEM 18. NEW PICKUP BIDS.**

Bids were opened recently for a 2007 half-ton extended cab two-wheel drive pickup for the Water Department. The staff recommends approval of the low bid from Gene Steffy Ford of Columbus, Nebraska.

| Company                     | Purchase Price | Vehicle Make/Model        |
|-----------------------------|----------------|---------------------------|
| Jack Keefe, Crete           | \$24,991.50    | 2007 Chevy Silverado 1500 |
| John Kohl, York             | \$27,673.00    | 2007 Chevy Silverado 1500 |
| Herpolsheimer's, Seward     | \$21,722.00    | 2007 Dodge Ram 1500       |
| Gene Steffy Ford, Columbus  | \$18,758.00    | 2007 Ford F-150 XLT       |
| Jerry Spady GMC, Hastings   | \$21,769.00    | 2007 Sierra GMC           |
| Ernst Auto Center, Columbus | \$25,347.00    | 2007 Chevy Silverado 1500 |

It was moved by Brown and seconded by Houdersheldt to accept the bid of \$18,758, without a trade-in, from Gene Steffy Ford, Columbus, Nebraska, for a 2007 Ford F-150 as specified. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Nuss

**ITEM 19. FINANCIAL REPORT FEBRUARY 1, 2007 THROUGH FEBRUARY 28, 2007, AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2007.**

Turnbull reviewed the financial report for the period February 1, 2007 through February 28, 2007 that we had distributed. It was moved by Houdersheldt and seconded by Volkmer to accept the financial report for February 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

There being no other business the chairman adjourned the meeting at 3:12 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on March 22, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**April 19, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 19, 2007, at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Sylvia Jividen, Steve Moseley of the York News-Times, Ken Schneider, Jim Penwell, Eugene R. Griffith, Charles H. Nilson, Polly Nilson and Bryan Euse of York County NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on April 12, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Austin arrived a few minutes later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Houdersheldt requested that his absence from the April 19 board meeting be excused.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Roger Houdersheldt from the April 19, 2007 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Brown to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Brown to approve the agenda for the April 19, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 6. \*APPROVAL OF MINUTES OF THE MARCH 22, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Brown to approve the minutes of the March 22, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 7. EMPLOYEE RECOGNITION.**

Sylvia Jividen, NRD secretary in the Geneva field office, was recognized by the board for 5 years of service to the Upper Big Blue NRD.

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on April 10, 2007 and presented the committee's recommendations.

**ITEM 9. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Weiss and seconded by Austin that payments totaling \$17,716.89 be approved for nine NSWCP fund land treatment applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller, Regier

NOT PRESENT: Houdersheldt

**ITEM 10. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Weiss and seconded by Austin that payments totaling \$10,000 be approved for 2 NRD fund land treatment application, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 11. CENTRAL CITY TO MARQUETTE TRAIL REQUEST FOR ASSISTANCE.**

Ross Greathouse, representing the Nebraska Trails Foundation, was present at the committee meeting to request that the Upper Big Blue NRD consider participating with the Central Platte NRD, Central City, Village of Marquette, City of Aurora, and other government subdivisions for the purpose of building a proposed trail along the “rail-banked” railroad right-of-way from Central City to Marquette. The right-of-way for the trail has been purchased for \$150,000 by the Trails Foundation using funds provided by the Merrick Foundation, Farr Foundation and other contributors. The Trails Foundation’s estimate of construction and engineering cost is \$475,000 which includes 8 miles of chipped limestone surfacing and placing decking and railings on the existing bridge over the Platte River near Central City.

Mr. Greathouse explained that the NRDs are being asked to take ownership of the right-of-way, administer project implementation, and file for the Nebraska Department of Roads Transportation Enhancement Grant to pay for design and construction. He explained that the other subdivisions, including the cities and counties, are being asked to take care of the project maintenance costs.

Mr. Greathouse explained that donations and grants will pay for all of the land, design, and construction, so the only out-of-pocket expenditure by the NRDs would be for staff time to apply for grants and administer the project. If the District provides engineering assistance, that cost would be reimbursed from the grant funds. It is expected that sufficient donations will be available to create a trust fund that will pay for the majority of maintenance costs.

It was moved by Weiss and seconded by Nuss that the Upper Big Blue Natural Resources District offer to participate in the implementation of the Central City to Marquette Trail, as proposed by the Nebraska Trails Foundation and reviewed by the Projects and Programs Committee, subject to approval of the Interlocal Agreement between the Upper Big Blue NRD, Central Platte NRD, and the other participating government subdivisions.

Representatives from the Marquette Rural Fire Board No. 7 presented a letter to Chairman Friesen stating that at their meeting on April 13, 2007 they unanimously voted to go on the record in opposition of the proposed trail project. Their letter outlined the reasons for their opposition, which included safety, litter and accessibility to the trail by emergency vehicles. Chairman Friesen read the letter aloud and circulated photographs that the Fire Board submitted with the letter. The Fire Board stated they had also sent the same letter to the Central Platte



NRD. A copy of the letter is attached.

Following a few questions from the board and members of the public there was a call for the question. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Moore, Nuss, Regier, Teegerstrom, Friesen

NAY: Eberle, Kuehner, Luebbe, Stahly, Volkmer, Weiss

NOT PRESENT: Houdersheldt

#### **ITEM 12. RECHARGE LAKE MAINTENANCE.**

Drainage improvements are needed for the entrance road to Recharge Lake. Staff has obtained a bid of \$5,510 from Wy-Ad Utility Contractors for ditch grading and culvert placement to improve the drainage.

It was moved by Weiss and seconded by Austin that Wy-Ad Utility Contractors be hired to improve drainage along the entrance road to Recharge Lake in accordance with their bid of \$5,510. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 13. INTERLOCAL AGREEMENT WITH CITY OF YORK FOR TRAIL PROJECT.**

The Projects Committee reviewed the Interlocal Agreement between the Upper Big Blue NRD and the City of York pertaining to a trail project connecting Mincks Park, the city schools and the new swimming pool/water park complex and recommended approval.

It was moved by Weiss and seconded by Kuehner that the Upper Big Blue Natural Resources District enter into an Interlocal Agreement with the City of York pertaining to a trail project connecting Mincks Park, the city schools and the new swimming pool/water park complex. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Kuehner, Weiss

NOT PRESENT: Houdersheldt

#### **ITEM 14. REPORT OF WATER & REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on April 12, 2007 and presented the committee's recommendations.

**ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Regier and seconded by Brown that the District make cost-share payments for thirteen well abandonments, as reviewed by the committee, totaling \$5,190.04. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 16. FLOW METER COST-SHARE APPLICATION FINAL PAYMENTS.**

One hundred eight meters have been installed this month and the staff has inspected and approved the installation.

It was moved by Moore and seconded by Bruns that the District make cost-share payments for 108 flow meters, as reviewed by the committee, totaling \$53,054.55. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller, Luebbe, Regier

NOT PRESENT: Houdersheldt

**ITEM 17. PAYMENT TO DELMHORST FOR MOISTURE BLOCKS.**

The District ordered and received 1,000 Delmhorst moisture blocks for resale. The cost is \$5,711.88.

It was moved by Moore and seconded by Luebbe that the District make payment of \$5,711.88 to Delmhorst Instrument for 1,000 moisture blocks for resale. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 18. GROUND WATER MANAGEMENT AREA 1 - CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified through March 2007. The March certification includes 465,326.4 irrigated acres. This will bring the total acres certified to 832,029 acres.

It was moved by Moore and seconded by Regier that the Board certify the March 2007 irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on April 12, 2007 and presented the committee's recommendations.

**ITEM 20. PAYMENT TO UNL CONSERVATION AND SURVEY FOR STREAM BED CONDUCTANCE STUDY.**

A bill has been received from the University of Nebraska Conservation and Survey Division for the streambed conductance study in the Blue River Basin. The amount of the invoice is \$17,484.31. Eighty percent of the cost will be reimbursed by the grant from DNR, with the balance split among the Lower Big Blue, Little Blue and Upper Big Blue NRDs.

It was moved by Brown and seconded by Austin to approve payment of \$17,484.31 to the University of Nebraska Conservation & Survey Division for the streambed conductance study in the Blue River Basin. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: Kuehner

NOT PRESENT: Houdersheldt

**ITEM 21. PAYMENT TO CENTRAL PLATTE NRD FOR WORK ON BLUE BASIN GROUND WATER MODELS.**

An invoice for \$3,804.81 was submitted by the Central Platte NRD for Larry Cast's geologic work for the Blue Basin ground water models. The amount is within the limits set by the agreement with the Central Platte NRD. Eighty percent of the cost will be reimbursed by the grant from DNR, with the balance split among the Lower Big Blue, Little Blue and the Upper Big Blue NRDs.

It was moved by Brown and seconded by Buller to approve payment of \$3,804.81 to the Central Platte NRD for Larry Cast's geologic work for the Blue Basin ground water models. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None  
NOT PRESENT: Houdersheldt

**ITEM 22. \*FIRST QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The committee reviewed the directors' per diem and expenses for the first quarter.

It was moved by Regier and seconded by Brown to approve payment of first quarter directors' per diem of \$10,500 and expenses of \$3,902.16. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Houdersheldt

**ITEM 23. LITTLE BLUE GROUND WATER STUDY ASSISTANCE FOR ETHANOL PLANTS.**

The Little Blue NRD has requested assistance from the Upper Big Blue NRD to review ethanol plant water use studies. The review work would be the same as Bitner is now doing for the studies submitted by large water users in this district. The Little Blue NRD will reimburse the Upper Big Blue NRD for Bitner's time. Turnbull recommended that we approve this request and enter into an interlocal agreement to conduct this work for the Little Blue NRD.

It was moved by Brown and seconded by Luebbe to provide staff review of large water user studies for the Little Blue NRD through an interlocal agreement that includes provisions of staff cost reimbursement to this district. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Houdersheldt

**ITEM 24. PAYMENT TO YORK COUNTY FOR 2006 GENERAL ELECTION COSTS.**

An invoice in the amount of \$2,354.95 has been submitted by the York County Clerk for the 2006 general election costs.

It was moved by Volkmer and seconded by Bruns to approve payment of \$2,354.95 to the York County Clerk for the November 2006 general election costs. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Kuehner, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen  
NAY: Luebbe

NOT VOTING: Brown  
NOT PRESENT: Houdersheldt

**ITEM 25. FINANCIAL REPORT MARCH 1, 2007 THROUGH MARCH 31, 2007,  
AND CONSIDERATION OF EXPENDITURES FOR MARCH 2007.**

Turnbull reviewed the financial report for the period March 1, 2007 through March 31, 2007 that we had distributed. It was moved by Regier and seconded by Dickinson to accept the financial report for March 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Houdersheldt

There being no other business the chairman adjourned the meeting at 9:08 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on April 19, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**May 17, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 17, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Linda Martindale, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell and Bryan Euse of York County NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on May 10, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Eberle requested that his absence from the May 17 board meeting be excused.

It was moved by Luebbe and seconded by Teegerstrom to excuse the absence of Gary Eberle from the May 17, 2007 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Bruns and seconded by Brown to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Bruns and seconded by Brown to approve the agenda for the May 17, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 6. \*APPROVAL OF MINUTES OF THE APRIL 19, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Brown to approve the minutes of the April 19, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on May 8, 2007 and presented the committee's recommendations.

**ITEM 8. PAYMENT OF NSWCP LAND TREATMENT COST SHARE FUNDS.**

It was moved by Weiss and seconded by Austin that payments totaling \$19,688.62 be approved for 13 NSWCP fund land treatment applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 9. PAYMENT OF NRD LAND TREATMENT COST SHARE FUNDS.**

It was moved by Weiss and seconded by Austin that payments totaling \$8,016.51 be approved for 3 NRD fund land treatment applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 10. PAYMENT TO LINCOLN-OAKES NURSERIES.**

The District purchased 8,705 trees and shrubs from Lincoln-Oakes Nurseries of Bismark, North Dakota for the district's tree program.

It was moved by Weiss and seconded by Volkmer that the Upper Big Blue Natural Resources District approve payment of \$4,178.60 to Lincoln-Oakes Nurseries for the purchase of 8,705 trees and shrubs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 11. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on May 8, 2007 and presented the committee's recommendations.

**ITEM 12. PAYMENT TO BUTLER COUNTY FOR 2006 GENERAL ELECTION COSTS.**

The Butler County Clerk invoiced the District \$358.70 for the November 2006 general election expenses.

It was moved by Brown and seconded by Kuehner to approve payment of \$358.70 to the Butler County Clerk for the November 2006 general election costs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on May 10, 2007 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Bruns and seconded by Brown that the District make cost-share payments for sixteen well abandonments, as reviewed by the committee, totaling \$6,222.04. The motion was approved as part of the consent agenda.



AYE: Austin, Brown, Bruns, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Eberle

**ITEM 15. FLOW METER COST-SHARE PAYMENTS.**

Sixty-six flow meters were installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Regier that the District make costs-share payments for 66 flow meters, as reviewed by the committee, totaling \$31,996.85. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Eberle

**ITEM 16. PAYMENTS FOR IRRIGATION SCHEDULING EQUIPMENT.**

The District ordered and received numerous items for resale and NRD use for irrigation scheduling as part of the Nebraska Ag Water Management Demonstration Network and CROP-TIP.

It was moved by Moore and seconded by Luebbe that the District make payments for irrigation scheduling equipment as follows: Clements Associates, Inc. \$3,788.05; Irrrometer Company, Inc. \$16,348.33 and Etagage Company \$3,143.29 for a total of \$23,279.67. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 17. GROUND WATER MANAGEMENT AREA 1 - CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres to be certified through April 2007. The April 2007 certification includes 57,859 irrigated acres. This will bring the total acres certified to 878,354 acres.

It was moved by Moore and seconded by Regier that the Board certify the April 2007 irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,

Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Eberle

**ITEM 18. DISTRICT RULE 5 - GROUND WATER MANAGEMENT AREA REGULATIONS.**

The Committee reviewed the draft changes to District Rule 5, including large user rule, ground water transfers and well spacing and recommended that the changes to Rule 5 be adopted for the purpose of public hearing.

It was moved by Moore and seconded by Regier to adopt proposed changes to District Rule 5 for the purpose of public hearing. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Eberle

It was moved by Moore and seconded by Kuehner to hold the hearing on changes to Rule 5 on June 21, 2007 at 7:30 p.m. in conjunction with the June board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Eberle

**ITEM 19. RECHARGE LAKE RECOVERY WELL.**

Staff reported that despite efforts to restore recovery well #3, the well will not pump water. The pump was rebuilt but the well screen is plugged and will not pump water. Sargent attempted to open the screen with an acid surge but it was not effective. The District owes Sargent Drilling \$6,650 for the motor, rebuilt pump and labor. The staff plans to cap the well at this time.

It was moved by Moore and seconded by Volkmer to pay Sargent Drilling \$6,650 for equipment and labor for work done on recovery well #3 at Recharge Lake. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Eberle

**ITEM 20. FINANCIAL REPORT APRIL 1, 2007 THROUGH APRIL 30, 2007 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2007.**

Turnbull reviewed the financial report for the period April 1, 2007 to April 30, 2007 that was distributed. It was moved by Regier and seconded by Volkmer to accept the financial report for April 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

There being no other business the chairman adjourned the meeting at 8:55 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held May 17, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
AND  
PUBLIC HEARING ON PROPOSED CHANGES TO RULE 5  
June 21, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 21, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, William Kuehner, Linda Luebbe, Larry Moore, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Linda Martindale, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Russ Gierhart, Nancy Beach, Lamoine Einspahr, Leon Nienhueser, Clint Hondorf, Bryan Euse of York County NRCS and Steve Moseley of York News-Times. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on June 14, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Thirteen directors were present for roll call. Austin arrived at 7:35 p.m.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Regier, Nuss and Houdersheldt requested that their absences from the June 21, 2007 board meeting be excused.

It was moved by Teegerstrom and seconded by Stahly to excuse the absences of Regier, Nuss and Houdersheldt from the June 21, 2007 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Houdersheldt, Nuss, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Luebbe and seconded by Brown to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Luebbe and seconded by Brown to approve the agenda for the June 21, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE MAY 17, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Luebbe and seconded by Brown to approve the minutes of the May 17, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 7. PUBLIC HEARING ON PROPOSED CHANGES TO RULE 5.**

Chairman Friesen opened the public hearing on proposed changes to Rule 5 - Ground Water Management Area Rules and Regulations at 7:40 p.m. Friesen stated for the hearing record that legal notice of the public hearing was published in the York News-Times on May 24, May 31 and June 7, 2007 as required by law.

Chairman Friesen asked Rod DeBuhr, NRD Water Department Manager, to explain the purpose of the hearing and review the proposed changes to Rule 5.

Rod explained that the purpose of the hearing is to receive comments on proposed changes to the District Ground Water Management Area Regulations Rule 5. A general description of the

proposed changes are as follows: 1) Add provisions requiring a permit for ground water transfers. 2) Require that all sources of ground water combined for one activity be considered to determine the need for a hydrologic evaluation. 3) Add provisions for the applicant of a permit that requires a hydrologic evaluation, to pay for the cost of peer review and make a \$5,000 deposit with the District to cover said cost. Any unused amount of the deposit will be refunded. 4) Require that a hydrologic evaluation include impacts to current ground water users and a minimum twenty-year impact on potential future uses. 5) Add criteria for determining whether a well permit should be issued to include, the use of accepted methods in conducting the hydrologic evaluation, satisfactory compliance with District rules and regulations, the goals and objectives of these rules and regulations, preference of use as follows: a) domestic, b) agriculture and c) manufacturing and industry, reasonable probability of adversely impacting other ground water or surface water users, any adverse impacts on the State's ability to comply with an interstate compact or decree or to fulfill the provisions of any other formal state contract or agreement, and protection of the public's interest and welfare. 6) Require 1,000 feet spacing between wells including those under the same ownership. 7) Limit a new ground water transfer for irrigation to an adjacent tract of land in an adjacent government survey section and limit the maximum transfer allowed equal to the number of acres in the tract of land where the well is located or 160 acres, whichever is less. 8) Add the requirement that a ground water transfer for an activity other than irrigation is limited to the adjacent government survey section and that such proposed transfers greater than 250 acre feet annually must conduct a hydrologic evaluation.

DeBuhr suggested a change be made to the proposed wording on page 5-16, Chapter 10 - Water Well Spacing, Paragraph 05 - Water Well Spacing Exemption. His suggested change was to add paragraph 05 as follows.

05      Commingled, combined, clustered or joined wells -  
This chapter shall apply to each individual water well whether or not said water well is  
commingled, combined, clustered or joined, with other water wells.

Friesen asked for comments from the Board regarding the draft of proposed changes to Rule 5.

Merlin Volkmer expressed his opposition to the proposed change to Chapter 10 - Water Well Spacing that would imposed the 1,000 foot minimum spacing between wells on wells under the same ownership.

Bill Kuehner also spoke against requiring a minimum of 1,000 foot spacing between wells of the same ownership.

Gary Eberle express concern about changes to Chapter 5 - Water Wells, subparagraph 05.01 which reads In addition to the required non refundable permit fee, the applicant shall reimburse the District for its actual costs expended for peer review and assessment of the hydrologic evaluation. A five-thousand (\$5,000) dollar deposit shall be paid to the District prior to the

review. Any additional costs shall be paid prior to issuing a permit. The applicant will be reimbursed any unused portion of the deposit.

Eberle felt the District should handle the peer review and permit process at no additional cost to the applicant because it is the District's responsibility to review the hydrologic evaluation.

General Manager John Turnbull said it is not unusual for staff performing the reviews to be tied up for a week or more on a major set of documents. When you take into account staff time and overhead, you're looking at around \$4,000.

Jay Bitner, Projects Department Manager, indicated that staff routinely completes a minimum of two hydrologic reviews for each application received. In some cases we're waiting for a third hydrologic report for review. In effect we are acting as consultants to the applicants.

DeBuhr entered into the hearing record letters of support received from the Water Quality Division of the Nebraska Department of Environmental Quality and from Director Ann Bleed of Nebraska Department of Natural Resources. Copies are attached to these minutes.

Chairman Friesen asked for comments from the public who were in attendance.

Lamoine Einspahr of Hastings, Nebraska read the following written testimony for the record.

I object to the 1000-foot well spacing on land of the same ownership. These are the facts in my farm experience.

I have two farm properties. One in Central Platte NRD has almost 100 feet of water gravel and would pump enough water with a large pump to water 240 acres. Water static level was 65 feet when new with gravel to the bottom at 200 feet. Has not been measured by me for some years. The second in the Upper Big Blue NRD has but 40 to 50-foot of sand-gravel-clay mixture with a 150-foot bottom.

The second farm already had a well on it when I bought it in 1975. The static water was 94 feet in 1968...and Fairbanks Irrigation measured the same well in 2006, directly after harvest at 97 feet, a drop of 3 feet in 38 years. This drop was documented and is available at NRD headquarters. I must mention that the second farm is only one-half mile from the city limits of Hastings where there has been a drop in the water table of more than 50 feet. This after 8 years of the worst drought I have seen in my 58 years of my involvement in farming.

If you pass the 1000-foot spacing on land of the same ownership it may make it a burden for farmers with a thin gravel layer even though there may be 60 feet of standing water in this area. Sadly, the gravel layer varies and one must sometimes put a well closer than that to find enough useable gravel.

Whether a pump is 1000- feet or 600- feet would make no difference in the allowed water use.

You are allowing only so much water and a fixed number of acres. Economics of related irrigation costs would prevent pumping the thin gravel layer dry with a multitude of pumps. It simply cannot be done, given the economy of well and pump costs.

Let us face the facts. You already have rules about water usage, number of irrigated acres, and pumping water off the farm to a distant place. These rules already prevent pumping any more water on the acres in use. I believe it is foolish to allow one pump to pump a huge amount of water and then put restrictions on a pump to be placed into a thin geological layer of gravel. Therefore, I object to the 1000-foot restriction.

A second area of concern is the \$5,000 charge for a water study. If you place this into the rules, would you attempt to amend rule five to add agriculture wells at some time later just as you are making these changing the well placement restrictions? Bear in mind \$5,000 would be a very small drop in the bucket for a huge industrial user, but would absolutely destroy a farmer drilling a well or replacing a well. I am concerned about creeping bureaucracy in this regard. Don't let the camel get his nose under the tent on this proposed change.

Clint Hondorf of Rising City, Nebraska commented that he had no objections to the proposed changes to Rule 5, but he thought our ground water rules should apply to livestock waste facilities too.

Friesen closed the public hearing at 8:10 p.m.

#### **ITEM 8. ADOPT CHANGES TO RULE 5.**

It was moved by Eberle and seconded by Moore to adopt the proposed changes to Rule 5, as presented.

Following a discussion about the changes to the 1,000 foot spacing between wells under the same ownership it was moved by Kuehner and seconded by Volkmer to amend the motion to strike all changes to Chapter 10 - Well Spacing and revert back to the existing language and address the matter later. The amendment carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

Following discussion of Section 05.01 of Chapter 5 - Water Wells it was moved by Eberle and seconded by Austin to amend the motion to strike Section 05.01 of the proposed changes to Chapter 5.

It was moved by Austin and seconded by Moore to amend the amendment to retain Section 05.01 and have it read "In addition to the required non refundable permit fee, the applicant shall



reimburse the District for its actual costs expended for peer review and assessment of the hydrologic evaluation subsequent to the first review. A five-thousand (5,000) dollar deposit shall be paid to the District prior to the second review. Any additional costs shall be paid prior to issuing a permit. The applicant will be reimbursed any unused portion of the deposit.” The question was called on the motion. The amendment carried.

AYE: Austin, Brown, Bruns, Buller, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Dickinson, Eberle, Friesen

NOT PRESENT: Houdersheldt, Nuss, Regier

The question was called on the original amendment, as amended. Amendment carried.

AYE: Austin, Brown, Bruns, Buller, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Dickinson, Friesen

NOT VOTING: Eberle

NOT PRESENT: Houdersheldt, Nuss, Regier

It was moved by Austin and seconded by Moore to amend the motion to have Chapter 11, Section 02.01 to read “A ground water user shall only be allowed to initiate new ground water transfers for irrigated crop production to a destination tract that is directly adjacent or diagonal to the tract of land on which the ground water withdrawal originates.” The amendment carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Dickinson, Eberle

NOT PRESENT: Houdersheldt, Nuss, Regier

The following resolution was introduced.

#### ORDER OF ADOPTION

No. 2007-1

WHEREAS, the Upper Big Blue Natural Resources District Board of Directors has reviewed the proposed changes to Rule 5 - Upper Big Blue Natural Resources District Ground Water Management Area Rules and Regulations, and

WHEREAS, a Public Hearing was held on June 21, 2007 in accordance with State Statutes and District Rules and Regulations, and

WHEREAS, the District deems it to be in the best interest of the District and its citizens.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Upper Big Blue Natural Resources District adopt the Revised Rule 5 as amended June 21, 2007.

FURTHER BE IT RESOLVED, that Rule 5 as amended June 21, 2007 shall become effective on August 1, 2007.

It was moved by Moore and seconded by Austin to approve the Order of Adoption , No. 2007-1.  
The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer,  
Weiss, Friesen

NAY: Dickinson, Eberle

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND  
CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on June 12, 2007 and presented the committee's recommendations.

**ITEM 10. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Weiss and seconded by Stahly that payments totaling \$92,473.91 be approved for 41 NRD fund land treatment applications as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Luebbe and seconded by Brown that payments totaling \$12,250.07 be approved for 23 Nebraska buffer strip contracts as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 12. PAYMENT TO NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FOR TREES.**

The District purchased 26,525 trees and shrubs from the NARD to be planted for windbreaks, wildlife, timber and riparian areas.

It was moved by Weiss and seconded by Dickinson that the Upper Big Blue Natural Resources District make payment of \$12,706.54 to the Nebraska Association of Resources Districts for the purchase of 26,525 trees and shrubs, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 13. CORNERS FOR WILDLIFE PROGRAM PAYMENTS.**

Eleven sites which are pivot corners or portions of pivot corners have been developed for wildlife habitat under the Corners for Wildlife Program. The contracts are funded by money from the Environmental Trust and Pheasants Forever Chapters.

It was moved by Weiss and seconded by Brown that the Upper Big Blue Natural Resources District make payments of \$3,915.00 to eleven cooperators of the Corners for Wildlife Program, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 14. WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENTS.**

Two Wildlife Habitat Improvement Program contracts have been inspected and payments are recommended.

It was moved by Weiss and seconded by Teegerstrom that the Upper Big Blue Natural Resources

District make payments totaling \$1,047.50 for two Wildlife Habitat Improvement Program contracts as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 15. PAYMENT TO CITY OF AURORA FOR TREE PLANTING IN MCBRIDE SUBDIVISION.**

In December 2006 the Upper Big Blue NRD Board of Directors voted to approve a tree planting in the park area located at the corner of Donegal Road and Woodland Road in the McBride Subdivision of the City of Aurora in an amount not to exceed \$420. The total cost of the planting was \$1,675.79. The District's policy is to fund these types of projects at 25% of the estimated or actual cost, whichever is less.

It was moved by Weiss and seconded by Luebbe that the Upper Big Blue Natural Resources District make payment for the tree planting in the McBride Subdivision on the south side of the street located at Donegal Road and Woodland Road in the amount of \$418.95. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 16. PAYMENT TO CITY OF YORK FOR HIGHWAY 81 & 34 DRAINAGE IMPROVEMENT PROJECT.**

Construction work is complete on the City of York drainage improvements along Highways 34 and 81. The final project cost is \$460,235.72 and the District's share of cost based on the Interlocal Agreement is \$115,058.93. The District's share is 25% of the local share not to exceed \$153,000. The District has already paid \$109,365.38, leaving a balance due of \$5,693.55 under the Interlocal Agreement.

It was moved by Weiss and seconded by Luebbe that the District make final payment of \$5,693.55 to the City of York, in accordance with the Interlocal Agreement dated December 12, 2002 and amended January 4, 2007, between the District and City, for the District's share of project cost for drainage improvements in the City of York along Highways 81 and 34. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 17. RECHARGE LAKE MAINTENANCE.**

Construction of drainage improvements along the entrance road to Recharge Lake has been completed. The work was done under a lump sum contract with Wy-Ad Utility Contractors, Inc.

It was moved by Weiss and seconded by Teegerstrom that a lump sum final payment of \$5,510 be made to Wy-Ad Utility Contractors, Inc., for construction work previously approved by the District on April 23, 2007 to improve drainage along the entrance road to Recharge Lake. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 18. OVERLAND TRAILS MAINTENANCE.**

Huebert Land Leveling submitted a quote of \$9,622 to repair erosion at the Overland Trails project located in Section 15, Township 10 North, Range 2 West of York County. The engineering cost estimate for the work was \$7,036. The difference between the estimate and the quote is likely due to the extra cost the contractor assigns to each work item for a small project. Staff recommends approval of Huebert's quote for the work.

It was moved by Weiss and seconded by Austin that the District hire Huebert Land Leveling to perform the items of work, as reviewed with the Committee, necessary to repair erosion at the Overland Trails Project in York County for the lump sum price of \$9,622. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 19. KEZAN CREEK PROJECT FEASIBILITY STUDY UPDATE.**

Staff reviewed the status of the District's application for a Resources Development Fund (RDF) grant through the Nebraska Natural Resources Commission (NNRC) and Nebraska Department of Natural Resources (DNR). The final application submittal is pending revision of the RDF guidelines. In order for the Kezan Creek Project to be feasible, the RDF recreation day benefit needs to be increased from the current level of \$5.74 to more than \$15.00 per recreation day. The NNRC will discuss changing the recreation day value at their meeting in July. After some

discussion about the recreation day benefit with Larry Moore the current Blue Basin representative on the NNRC, the Projects Committee felt that the NRD managers should communicate with the Commissioners to express concerns about the low value allowed for recreation.

It was moved by Weiss and seconded by Austin that the Upper Big Blue NRD support increasing the recreation day benefit, as used in the Nebraska Natural Resource Commission's Development Fund Guidelines, from the current value of \$5.74 per recreator day to a value of a least \$20.00 per recreator day to be more consistent with the value recommended by Nebraska Game and Parks. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 20. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on June 14, 2007 and presented the committee's recommendations.

**ITEM 21. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Luebbe and seconded by Brown that the District make cost-share payments for seven well abandonments, as reviewed by the committee, totaling \$3,207.60. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 22. FLOW METER COST-SHARE PAYMENTS.**

Thirty-six flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Luebbe that the District make cost-share payments for thirty-six flow meters, as reviewed by the committee, totaling \$17,734.25. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom,  
Friesen

NAY: Weiss

NOT VOTING: Buller

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 23. NEPTUNE FLOW METER.**

Great Plains Meter has requested that the Neptune High Performance Turbine Meter be added to the District's approved flow meter list. This meter's primary use will be for industry. It is similar to Master Meter, which is already on the approved list. The staff recommends adding this meter to the Approved Flow meter List.

It was moved by Moore and seconded by Brown that the District include the Neptune High Performance Turbine Meter on the District's Approved Flow Meter List. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 24. PAYMENTS FOR IRRIGATION SCHEDULING EQUIPMENT.**

The District ordered and received numerous items for resale as part of the Nebraska Ag Water Management Demonstration Network and other irrigation scheduling activities. The purchases for June total \$6,693.58 from four vendors.

It was moved by Moore and seconded by Stahly that the District make payments for irrigation scheduling equipment for resale as follows; Clements Associates, Inc. - \$913.15, Irrometer Company, Inc. - \$3,337.18, ETgage Company - \$1,298.58 and Delmhorst Instrument Company - \$1,144.67. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 25. GROUND WATER MANAGEMENT AREA#1 - CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified through June 2007. The June 2007 certification includes 10,531.7 irrigated acres. This will bring the total acres certified to 885,640 acres.

It was moved by Moore and seconded by Luebbe that the Board certify the June 2007 irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

#### **ITEM 26. CROP-TIP SOIL MOISTURE MONITORING.**

The subsurface drip irrigation system is being installed at CROP-TIP at this time. As part of the data to be collected for the demonstration, the staff would like to collect soil moisture levels on a frequent interval to see how the SDI reacts to crop water use compared to the gated pipe irrigation. To do this data loggers are needed for each of the five fields. The District currently owns one of the five data loggers and 15 of the 30 sensors needed. The additional equipment to be purchased would cost approximately \$1,170. In addition, \$707.50 worth of equipment would be taken out of the District's resale inventory for a total of \$1,877.50.

It was moved by Moore and seconded by Luebbe that the Board authorize the purchase of and transfer from resale inventory the needed equipment of soil moisture monitoring at CROP-TIP with an estimated cost of \$1,877.50. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

#### **ITEM 27. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on June 14, 2007 and presented the committee's recommendations.

#### **ITEM 28. JULY BOARD AND COMMITTEE MEETINGS.**

Staff recommended that the Executive Committee and the Board meeting dates for July be changed to allow sufficient time to complete the end of year accounting and draft FY 08 budget documents.

It was moved by Brown and seconded by Austin to change the July board meeting date to Thursday, July 26; further that the Projects Committee meet on Tuesday, July 10, Water Committee meet on Thursday, July 12, and that the Executive Committee meet on Thursday, July 19. The motion was approved.



AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 29. LIABILITY AND CASUALTY INSURANCE RENEWAL.**

York Insurance submitted a renewal quote of \$41,281 for commercial property, commercial general liability, inland marine, commercial automobile, workers' compensation, linebacker (errors and omissions), and the commercial umbrella policies.

It was moved by Brown and seconded by Volkmer to approve the renewal of the York Insurance and INSPRO package of liability, fire, and casualty insurance for FY 2008 for \$41,281 and to make payment to York Insurance. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 30. PAYMENT TO CROSBY GUENZEL LLC FOR ATTORNEY FEES.**

The attorney's fees for the month are \$3,338.00 for the court hearing just held on the fully appropriated basin boundary issue, and conflict of interest question raised by a board member.

It was moved by Brown and seconded by Stahly to approve payment of \$3,338.00 to Crosby Guenzel LLP, for Steve Seglin's work through May 15, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Friesen

NAY: None

NOT VOTING: Weiss

NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 31. COHYST PAYMENT FOR FISCAL YEAR 2007.**

An invoice for \$12,180 was received from the Central Platte NRD for FY 2007 for our share of the COHYST expenses. That is 6% of \$203,000 worth of expenses for the year. The amount budgeted by the Upper Big Blue was \$16,600.

It was moved by Brown and seconded by Moore to approve payment of \$12,180.00 to the Central Platte NRD for COHYST expenses in FY 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Stahly, Teegerstrom,

Volkmer, Weiss, Friesen  
NAY: Kuehner  
NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 32. NARD INTERGOVERNMENTAL RISK POOL MANAGEMENT ASSOCIATION.**

Turnbull reviewed the Risk Pool for health and dental insurance. The NARD Risk Pool is to be established by the NARD and it is to go into operation on July 1, 2007.

It was moved by Brown and seconded by Austin to adopt the Upper Big Blue NRD Resolution of the Board of Directors which authorizes the establishment and participation in the NARD Intergovernmental Risk Management Pool Association, approves the agreement and the bylaws for the Risk Management Pool and authorizes other matters stated in the resolution. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Houdersheldt, Nuss, Regier

It was moved by Brown and seconded by Moore to appoint Doug Dickinson as a member, and Yvonne Austin as the alternate member, of the Board of Directors of the NARD Intergovernmental Risk Pool Management Association. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT VOTING: Austin, Dickinson  
NOT PRESENT: Houdersheldt, Nuss, Regier

**ITEM 33. FY 2008 SALARIES AND WAGES.**

Turnbull handed out a Salary Survey he had written which included wage comparisons from all 23 NRDs and 94 other Nebraska firms and units of government. He reviewed each staff position this district has with other employers similar positions shown in the report. A proposed salary schedule is also included in the report. Based on this information Turnbull recommends that the Upper Big Blue NRD job classifications increase as per the proposed salary schedule, due to the job market. The salary schedule sets the minimum, midpoint, and maximum for each position. Individual salaries and wages then need to be within those limits.

It was moved by Brown and seconded by Bruns to approve the changes in the salary schedules as listed in the June 2007 Upper Big Blue NRD Salary Survey & Salary Classification report to stay in line with the job market, and that such changes and adjusted salary schedules be effective on

July 1, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

Turnbull reviewed the individual staff salaries with the committee. The proposal is that the board authorize \$33,148 for salary increases for the staff, which is an overall change of 4.78 % from the payroll budget base.

It was moved by Brown and seconded by Bruns to adjust the annual salaries of the district staff, with the exception of the General Manager, by an amount not to exceed \$33,148, and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

It was moved by Brown and seconded by Kuehner to increase the General Manager's salary \$4,397 ( 5%) from \$87,940 to \$92,337, effective July 1, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Moore, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Houdersheldt, Nuss, Regier

#### **ITEM 34. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

A bill for \$5,985.59 has been received from York Printing for printing the Blueprint newsletter.

It was moved by Brown and seconded by Austin to approve payment of \$5,985.59 to York Printing for the May Blueprint newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

#### **ITEM 35. FINANCIAL REPORT MAY 1, 2007 THROUGH MAY 31, 2007 AND CONSIDERATION OF EXPENDITURES FOR MAY 2007.**

Turnbull reviewed the financial report for the period May 1, 2007 to May 31, 2007 that was distributed. It was moved by Volkmer and seconded by Teegerstrom to accept the financial report for May 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Regier

There being no other business the chairman adjourned the meeting at 10:05 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held June 21, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

Attachments (2)

**BOARD OF DIRECTORS MEETING**  
**July 26, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 26, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Nancy Beach, Jim Husbands of York County NRCS and Marcia Schlegelmilch of York News-Times. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on July 19, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Moore arrived a few minutes later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Buller and Regier requested that their absence from the July 26, 2007 board meeting be excused.

It was moved by Houdersheldt and seconded by Brown to excuse the absences of Buller and Regier from the July 26, 2007 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Moore, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Austin and seconded by Bruns to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None  
NOT PRESENT: Buller, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Austin and seconded by Bruns to approve the agenda for the July 26, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Buller, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 21, 2007 BOARD OF DIRECTORS MEETING AND PUBLIC HEARING.**

It was moved by Austin and seconded by Bruns to approve the minutes of the June 21, 2007 board of directors meeting and public hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Buller, Regier

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on July 10, 2007 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM - NRD FUND PAYMENTS.**

It was moved by Houdersheldt and seconded by Luebbe that payments totaling \$32,212.56 be approved for 17 NRD fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Buller, Regier

**ITEM 9. PROJECT MAINTENANCE - RECHARGE LAKE.**

A drainage problem has developed along the entrance road to Recharge Lake near the boat ramp and dock area. Staff has developed a plan to relieve the drainage problem, including installation of guard rail posts to keep vehicles from driving through the low area. Staff requested quotes from contractors to install the drainage repairs. The only quote received was from WyAd Utility Contractors in the amount of \$11,424. The engineer's estimated cost was \$12,400. Staff recommends that the District hire WyAd Utility Contractors to perform the required work.

It was moved by Houdersheldt and seconded by Stahly that WyAd Utility Contractors be hired to install drainage improvements along the entrance road to Recharge Lake, in accordance with the District's design and WyAd's quote dated July 9, 2007, for a lump sum price of \$11,424. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 10. LAND TREATMENT PROGRAM FUNDS RESERVED FOR THE TREE PROGRAM.**

Staff recommends that the District authorize \$25,000 of the FY 2008 Land Treatment Program budget to be held in reserve, until March 30, 2008, for cost-share on tree and windbreak planting applications. In FY 2007 the District held \$25,000 in reserve until March 30, 2007, and the total actual expenditure for tree and windbreak planting was \$31,398.26.

It was moved by Houdersheldt and seconded by Volkmer that the District reserve \$25,000 of the FY 2008 Land Treatment Program budget, until March 30, 2008, for cost-share applications on tree and windbreak planting, and that the balance of reserved funds not obligated by March 30, 2008 be made available to all Land Treatment Program applicants. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on July 12, 2007 and presented the committee's recommendations.

**ITEM 12. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Austin and seconded by Bruns that the District make cost-share payments for nine well abandonments, as reviewed by the committee, totaling \$4,464.82. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

### **ITEM 13. FLOW METER COST-SHARE PAYMENTS.**

Sixty-four flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Brown that the District make cost-share payments for sixty-four flow meters, as reviewed by the committee, totaling \$30,928.38. The motion was approved.

AYE: Austin, Brown, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Bruns

NOT PRESENT: Buller, Regier

### **ITEM 14. BADGER FLOW METER.**

Bill Klug representing Hydro Metering Technology reviewed the no tampering features that he and his staff developed to address concerns about meter tampering with the Water & Regulations Committee. The staff recommended that the Badger SDI Flow Sensor be added to the District's Approved Flowmeter List.

It was moved by Moore and seconded by Luebbe that the District include the Badger SDI Flow Sensor on the District's Approved Flowmeter List. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

### **ITEM 15. PAYMENTS FOR IRRIGATION SCHEDULING EQUIPMENT.**

The District ordered and received items for resale as part of the Nebraska Ag Water Management Demonstration Network and for irrigation scheduling and soil moisture data collection at CROP-TIP. The purchases for July total \$3,289.13 from three vendors as follows: Etagge Company -



\$753.39, Irrrometer Company, Inc - \$1,510.48 and Menard's - \$1,025.26.

It was moved by Moore and seconded by Austin that the District make payments for irrigation scheduling equipment for resale and demonstration at CROP-TIP as follows: Etgage Company - \$753.39, Irrrometer Company, Inc - \$1,510.48 and Menard's - \$1,025.26. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 16. GWMA #1 CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified through July 2007. The July 2007 certification includes 87,160.7 irrigated acres. This will bring the total acres certified to 964,680 acres.

It was moved by Moore and seconded by Teegerstrom that the Board certify the July 2007 irrigated acres as reviewed by the Water and Regulations Committee. The motion carried.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 17. HIGH PLAINS CLIMATE CENTER WEATHER STATION MAINTENANCE PAYMENT.**

The High Plains Climate Center has billed the District \$1,000 for the FY 2006-07 maintenance of the automated weather station at Recharge Lake.

It was moved by Moore and seconded by Austin to pay the High Plains Climate Center \$1,000 as per our agreement for the maintenance of York Weather Station located at Recharge Lake. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 18. COUPLED IRRIGATION TILLAGE RESEARCH PAYMENT.**

The District agreed to contribute \$10,000 over three years for research being conducted by the

University of Nebraska on irrigation practices under various types of tillage practices. This research is being done under the direction of Professor Suat Irmak. The third and final payment of \$3,333.34 is due.

It was moved by Moore and seconded by Houdersheldt to pay the University of Nebraska the final payment of \$3,333.34 as per our agreement for the Coupled Irrigation - Tillage Research Project. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on July 19, 2007 and presented the committee's recommendations.

**ITEM 20. \* SECOND QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Austin and seconded by Bruns to approve payment of second quarter directors' per diem of \$9,370.00 and expenses of \$2,974.75. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 21. CONSERVATION AND SURVEY DIVISION - PAYMENT FOR RIVER BED TESTING.**

A bill was received from the University of Nebraska Conservation and Survey Division for Blue River Basin riverbed testing in the amount of \$13,083.19.

It was moved by Brown and seconded by Volkmer to approve payment of \$13,083.19 to the University of Nebraska for Blue River Basin riverbed testing. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 22. NRD SALARY REIMBURSEMENTS.**

The Little Blue NRD has submitted an invoice for reimbursement of \$2,571.61 for the Adams County NRCS and \$6,496.32 for the Clay County NRCS clerks' salaries for Fiscal Year 2007 totaling \$9,067.93.

The Lower Platte North NRD has submitted an invoice for \$6,480.17 for the Butler County NRCS clerk's salary and reimbursement for work performed by a technician the past six months.

It was moved by Brown and seconded by Austin to approve payments for NRCS office salaries of \$9,067.93 to the Little Blue NRD for FY 07 (July 1, 2006 to June 30, 2007), and \$6,480.17 to the Lower Platte North NRD for half of FY 07 (January 1 to June 30, 2007). The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Buller, Regier

**ITEM 23. FY 2008 BUDGET.**

The June 30, 2007 cash balances, the main budget items, and compliance with the tax lid were reviewed. Interlocal Agreements were reviewed since the funds used in the agreements are exempt from the lid. Capital expenses, which are also exempt from the lid, were reviewed.

It was moved by Brown and seconded by Houdersheldt to adopt the FY 2008 Budget for the purpose of public hearing. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 24. ADDITIONAL 1% RESTRICTED FUNDS AUTHORITY.**

It was moved by Brown and seconded by Teegerstrom to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved by a three-fourths majority.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Stahly,  
Teegerstrom, Weiss, Friesen

NAY: Kuehner, Volkmer  
NOT PRESENT: Buller, Regier

**ITEM 25. HEARING SCHEDULE.**

Turnbull recommended that the Budget Hearing be held in conjunction with the regular August board meeting. He also recommended that the special hearing on the final tax and tax rate be held at the regular September board meeting.

It was moved by Brown and seconded by Luebbe to schedule the FY 2008 Budget Hearing for 7:30 p.m., Thursday, August 16, 2007 and further to schedule a Special Hearing for the FY 2008 Tax Request for 7:30 p.m., Thursday, September 20, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Buller, Regier

**ITEM 26. ADDITIONAL VACATION DAY FOR NRD HEADQUARTER'S STAFF.**

It was recommended by one of the board members to reward the NRD headquarters staff for a good job well done during the irrigated acres certification process.

It was moved by Brown and seconded by Moore to close the NRD office on December 24, 2007 and to grant the headquarters staff one additional day of paid annual leave for exceptional teamwork in certifying irrigated acres. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT VOTING: Luebbe  
NOT PRESENT: Buller, Regier

**ITEM 27. PUBLIC RELATIONS JOB POSITION CLASSIFICATION - PERSONNEL POLICY NO. 10**

Turnbull recommended that the Public Relations Specialist position be reclassified as an exempt position from a nonexempt position. A review of the duties of the job and the Federal Fair Labor Standards Act was conducted. That act requires 1 ½ time for overtime work for nonexempt employees.

Scott Snell, the Public Relations Specialist, operates on the same level as the Department Managers, he has certain purchase order authority, operates his own budget, makes independent decisions on public relations matters, and advises the General Manager and Board of Directors

on public relations.

It was moved by Brown and seconded by Moore to amend *Personnel Policy No. 10: Workweek, Office Hours, Overtime* by reclassifying the Public Relations Specialist position from nonexempt to exempt from overtime and renaming the position to Public Relations Manager; adding the Water Data Specialist to the nonexempt category; further to amend the salary levels for exempt employees to match the current requirements of the Fair Labor Standards Act. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 28. PROJECTS DEPARTMENT COMPUTER.**

Bitner recommends the purchase of a new NX860LX laptop computer from Gateway for a cost not to exceed \$4,000. He will use the computer for ground water modeling. The basic specifications are 17.1" display, 2.16Ghz processor, 4 GB of RAM, 160 GB hard drive, and a DVD read and write drive. A request has been submitted to COHYST for half of the cost.

It was moved by Brown and seconded by Volkmer to approve the purchase of one Gateway NX860LX laptop computer. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 29. FINANCIAL REPORT JUNE 1, 2007 THROUGH JUNE 30, 2007 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2007.**

Turnbull reviewed the financial report for the period June 1, 2007 to June 30, 2007 that was distributed. It was moved by Volkmer and seconded by Eberle to accept the financial report for June 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Regier

There being no other business the chairman adjourned the meeting at 8:55 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held July 26, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
and  
FY 2008 BUDGET HEARING  
August 16, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 16, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Bryan Euse of York County NRCS and Steve Moseley of the York News-Times. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on August 9, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Austin arrived a few minutes later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Luebbe and Moore requested that their absence from the August 16, 2007 board meeting and FY 2008 Budget Hearing be excused.

It was moved by Stahly and seconded by Brown to excuse the absences of Luebbe and Moore from the August 16, 2007 board of directors meeting and FY 2008 Budget Hearing as requested.  
The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Luebbe, Moore

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Houdersheldt and seconded by Bruns to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Luebbe, Moore

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Houdersheldt and seconded by Bruns to approve the agenda for the August 16, 2007 board of directors meeting and FY 08 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Luebbe, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE JULY 26, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Bruns to approve the minutes of the July 26, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Luebbe, Moore

**ITEM 7. FY 2008 BUDGET HEARING.**

Chairman Friesen opened the FY 08 Budget Hearing at 7:35 p.m. He advised those present that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on August 7, 2007 as required by law. He then turned the Hearing over to John Turnbull, General Manager.

Turnbull reviewed a summary of the budget that was approved last month for the purpose of this public hearing. He told the board that earlier in the day it was discovered that a math error had occurred due to a missing formula in one of the budget worksheets. The Projects Department budget shows \$28,572 in revenue from other NRDs. This amount was included in the documents presented to the committee and board during the budget planning process. However, this figure did not pull forward to the consolidated worksheet. The total for the line item should read \$52,704.52 instead of \$24,132.52.

Since the time the Board approved the draft FY08 Budget and set it for public hearing the District has become aware of the need for additional funding for professional services. It was



suggested that the professional services line item be increased by the amount of the anticipated revenue from other districts. This would not change the budget request as originally presented and published in the York News-Times.

Turnbull asked for questions or comments from those present. There were no comments. Turnbull reminded the board that any changes they might want to make to the proposed budget could be made following the close of the budget hearing. The tax levy will not be set until the September 20, 2007 Board Meeting & Tax Levy Hearing.

Friesen closed the hearing at 7:42 p.m.

**ITEM 8. ADOPTION OF FY 2008 BUDGET.**

It was moved by Houdersheldt and seconded by Austin to adopt the FY 2008 Budget as amended to correct revenue line item number 350 - 'Reimbursement by Other NRDS for Expenses' to read \$52,704.52 and to change expenditure line item 439 - 'Professional Services' to read \$88,572. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on August 7, 2007 and presented the committee's recommendations.

**ITEM 10. WILD NEBRASKA WETLAND ENHANCEMENT PROJECT - MELVIN W. TAYLOR.**

This is a wetland and upland restoration project for migratory waterfowl in Fillmore County involving the following partners: Natural Resources Conservation Service, Nebraska Game and Parks Commission, Rainwater Basin Joint Venture, Ducks Unlimited, U.S. Fish and Wildlife Service and the Upper Big Blue NRD.

The purpose of this project is to provide shallow water wetland habitat within the Rainwater Basin, and to disperse waterfowl populations throughout this hydric soil complex during the peak of the spring migration.

The total project cost is estimated to be \$317,878.00.

|   |                    |
|---|--------------------|
| <b>Dirt Work Cost:</b>                              |                    |
| Project survey and design (DU in-kind contribution) | \$12,000.00        |
| Culvert Removal (3 x \$150.00)                      | \$450.00           |
| Culvert Installation (70 ft 18 in CMP x \$25.00/ft) | \$1,750.00         |
| South Retainment Dike (1675 CY x \$1.50/CY)         | \$2,512.50         |
| Embankment - off WRP (854 CY x \$1.50/CY)           | \$1,281.00         |
| Low water crossing                                  | \$1,000.00         |
| Ditch Fill (1375CY x \$1.50 CY)                     | \$2,062.50         |
| <b>Dirt Work Total</b>                              | <b>\$21,056.00</b> |

|  |                    |
|--|--------------------|
| <b>WRP (33 acres)</b>  |                    |
| Tree Removal (20 acres x \$1,390.50 (\$27,810.00) 75%)           | \$27,810.00        |
| Native Grass Establishment (33 acres x @112.40 (\$3,709.20) 75%) | \$3,709.20         |
| Embankment (4,113 CY x \$1.27/CY (\$5,223.51) 75%)               | \$5,223.51         |
| Rock Rip Rap (60 CY x \$40.00/CY (\$2,400.00) 75%)               | \$2,400.00         |
| Structure (6 CY concrete x \$160/CY installed (\$960.00) 75%)    | \$960.00           |
| <b>WRP area total cost</b>                                       | <b>\$40,102.71</b> |
| <b>WRP Total cost share</b>                                      | <b>\$30,077.00</b> |
| <b>Remainder</b>   | <b>\$10,025.71</b> |

|   |                    |
|---|--------------------|
| <b>EQIP (133 acres)</b>   |                    |
| Native Grass Establishment (124 acres x \$112.40 (\$13,937.60) 50%) | \$13,937.60        |
| Incentive/Transition (110 acres x \$100.00 (\$11,000/00) x 3 yrs)   | \$33,000.00        |
| <b>EQIP area total cost</b>   | <b>\$46,937.60</b> |
| <b>EQIP Total cost share</b>  | <b>\$39,968.80</b> |
| <b>Remainder</b>  | <b>\$6,968.80</b>  |

|                               |                     |
|-------------------------------|---------------------|
| <b>Total Restoration Cost</b> | <b>\$108,096.31</b> |
|-------------------------------|---------------------|

|                       |                     |
|-----------------------|---------------------|
| <b>Easement</b>       |                     |
| DU NAWCA              | \$209,782.00        |
| <b>Easement Total</b> | <b>\$209,782.00</b> |

|   |              |
|---|--------------|
| <b>Contributions by Agencies/Organizations:</b> |              |
| Contribution by DU (in-kind survey and design)  | \$12,000.00  |
| Contribution by UBBNRD                          | \$3,300.00   |
| Contribution by NGPC                            | \$10,000.00  |
| Contribution by the Service                     | \$7,000.00   |
| Contribution by NRCS WRP                        | \$29,582.00  |
| Contribution by NRCS EQIP                       | \$38,728.80  |
| Contribution by DU NAWCA                        | \$209,782.00 |
| Contribution by DU EPA                          | \$7,485.20   |

|                           |                     |
|---------------------------|---------------------|
| <b>Total Project Cost</b> | <b>\$317,878.00</b> |
|---------------------------|---------------------|

The Nebraska Game & Parks Commission is contributing \$10,000 and the Upper Big Blue NRD share in this project cost would be \$3,300 for the total cost of \$13,300 from Wild Nebraska funds which would be contributed to the dirt work cost and native grass establishment on 124 acres of crop land. This project is a Wild Nebraska Project partnered with other agencies to enhance and restore wetland habitat for migratory waterfowl in the SW ¼ of Section 30, Township 8 North, Range 1 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District enter into a Wild Nebraska agreement with Melvin W. Taylor and the Nebraska Game & Parks Commission in the amount of \$13,300 for the restoration of a wetland and upland restoration project for migratory waterfowl located in the SW ¼ of Section 30, Township 8 North, Range 1 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska. (25% NRD funds, 75% Nebraska Game & Parks funds.) The motion was approved.

AYE: Austin, Brown, Dickinson, Eberle, Houdersheldt, Regier, Stahly, Teegerstrom, Weiss,  
Friesen

NAY: Bruns, Buller, Kuehner, Nuss, Volkmer

NOT PRESENT: Luebbe, Moore

**ITEM 11. WILD NEBRASKA AGREEMENT - NORM RECKNOR TO JASON SCHNEIDER.**

In September of 2002 the Upper Big Blue Natural Resources District entered into a Wild Nebraska Agreement between the Upper Big Blue Natural Resources District, Nebraska Game & Parks Commission and Norm Recknor for a Wetland Restoration Project located in the W ½ of Section 21, Township 12 North, Range 4 West of the 6<sup>th</sup> P.M., York County, Nebraska. In the spring of 2007 Jason Schneider purchased the project lands and adjacent lands from Norm Recknor. Jason has agreed to continue the project as agreed to by Norm Recknor, excluding the public access. The District and the Nebraska Game & Parks Commission have already collected the unused public access monies from Norm Recknor. The Wild Nebraska Agreement with Jason Schneider will continue until September 18, 2012.

It was moved by Weiss and seconded by Brown that the Upper Big Blue Natural Resources District accept the remaining portion of the ten-year Wild Nebraska Agreement from Jason Schneider previously owned by Norm Recknor for the restoration of the Rainwater Basin Wetland located in the W ½ of Section 21, Township 12 North, Range 4 West of the 6<sup>th</sup> P.M., York County, Nebraska. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Nuss, Regier, Stahly, Teegerstrom, Friesen

NAY: Austin, Houdersheldt, Kuehner, Volkmer, Weiss

NOT PRESENT: Luebbe, Moore

**ITEM 12. WILDLIFE EXTENSION AGREEMENT FOR MELVIN W. TAYLOR WETLAND & UPLAND RESTORATION PROJECT.**

Feather advised the Board that since the Projects & Programs Committee he was informed that the landowner is also contributing \$11,000 toward the project making the total project cost \$328,878. The \$11,000 was payment to Ducks Unlimited as fee for holding the easement on the land.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District enter into a Wildlife Extension Agreement with the Nebraska Game and Parks Commission, Rainwater Basin Joint Venture, Ducks Unlimited, Natural Resources Conservation Services and the U. S. Fish and Wildlife Service for the purpose of providing additional funding for the Melvin W. Taylor Wetland & Upland Restoration Project for Migratory Waterfowl located in the SW ¼ of Section 30, Township 6 North, Range 1 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska. The motion was approved.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Regier, Stahly,  
Teegerstrom, Weiss, Friesen  
NAY: Bruns, Nuss, Volkmer  
NOT PRESENT: Luebbe, Moore

**ITEM 13. PAYMENT TO GEOTECHNICAL SERVICES FOR WACO FLOOD PROTECTION PROJECT.**

Geotechnical Services, Inc. invoiced the District \$2,435 for drilling and testing of the railroad embankment at Waco. The work is completed and staff recommends payment. The Village of Waco will reimburse the District for 75%, in accordance with our Interlocal Agreement.

It was moved by Weiss and seconded by Bruns that the District pay Geotechnical Services, Inc. \$2,435, in accordance with their invoice number 37030, for drilling and testing work done as part of the Waco Flood Protection Project. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Luebbe, Moore

**ITEM 14. AMEND INTERLOCAL AGREEMENT FOR WACO FLOOD PROTECTION PROJECT.**

The Village of Waco has requested that the scope of the Flood Protection Project be revised to include addition of culverts at Norval Street. This addition, and construction cost inflation since 2004, increases the estimated project cost to \$200,000. Staff recommends that the Interlocal Agreement between the District and Waco be amended (Amendment No. 2) such that the District's maximum share of project cost would be \$50,000 and the Village of Waco's maximum share of project cost would be \$150,000.

It was moved by Weiss and seconded by Nuss that the District approve Amendment No. 2 of the May 10, 2004 Interlocal Agreement between the District and Village of Waco, as reviewed by the Committee, which increases the District's maximum share of project cost to \$50,000 and increases the Village of Waco maximum share of project cost to \$150,000. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Luebbe, Moore

**ITEM 15. ADVERTISE FOR BIDS FOR WACO FLOOD PROTECTION PROJECT.**

Design work has been completed for the Waco Flood Protection project. Staff recommends that the District authorize advertisement for bids.

It was moved by Weiss and seconded by Bruns that the District authorize staff to advertise for bids on the Waco Flood Protection project, as reviewed by Committee, subject to the Village of Waco also providing approval to advertise for bids. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Kuehner

NOT PRESENT: Luebbe, Moore

**ITEM 16. AMEND INTERLOCAL AGREEMENT WITH CITY OF AURORA FOR STORMWATER MASTER PLANNING.**

Staff has completed the majority of work for the stormwater master plan at Aurora. Work completed includes aerial photography and mapping, inventory of storm sewer system, development of storm water system GIS database, computer modeling of storm sewer system hydraulics, and analysis of possible flooding problems. Additional time is needed to provide analysis of stormwater detention storage and to finish the final report. Staff recommends that the Interlocal Agreement with Aurora be amended (Amendment No. 2) to revise the agreement termination date to December 30, 2008.

It was moved by Weiss and seconded by Austin that the District approve Amendment No. 2 of the March 18, 2004 Interlocal Agreement with Aurora, as reviewed by the Committee, which changes the termination date of the Agreement to December 30, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

**ITEM 17. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Teegerstrom reported that the Water & Regulations Committee met on August 9, 2007 and presented the committee's recommendations.

**ITEM 18. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Bruns that the District make cost-share payments for two well abandonments, as reviewed by the committee, totaling \$1,000.00. The

motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Luebbe, Moore

**ITEM 19. FLOW METER COST-SHARE PAYMENTS.**

Eighty flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Teegerstrom and seconded by Austin that the District make cost-share payments for eighty flow meters, as reviewed by the committee, totaling \$38,954.14. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Luebbe, Moore

**ITEM 20. HASTINGS NW FLOOD CONTROL STRUCTURE EMERGENCY PREPAREDNESS PLAN.**

The Hastings NW Structure was built in 1979. It is classified as a high hazard structure because of its location upstream of a populated area. The original emergency preparedness plan was written in the 1980s. The plan describes the procedures to follow in the event that a dam failure occurs or is likely to occur. In the 2006 inspection report the Department of Natural Resources recommended that the Plan be updated. Rod worked with Loran Uden, Adams County Emergency Manager, and the Department to revise the plan. The staff recommends that the Board approve the revised Emergency Preparedness Plan dated August 2007.

It was moved by Teegerstrom and seconded by Brown that the District approve the revised Emergency Preparedness Plan for the Hastings NW Flood Control Structure dated August 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

**ITEM 21. GROUND WATER MANAGEMENT AREA#1 CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 20,292.6 irrigated acres. This will bring the total acres certified to 985,462 acres.

It was moved by Teegerstrom and seconded by Stahly that the Board certify the August 2007 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

#### **ITEM 22. PAYMENT FOR ELECTRICAL WORK AT CROP-TIP.**

When the SDI system at CROP-TIP was being installed, we also wanted to be able to turn the well on and off with the SDI controller. In order to do this, wiring needed to be installed from the control box at the well to the SDI controller at the east end of the field. K & S Sales and Service did the electrical work at a cost of \$550.00. This will be included in the total cost of the SDI installation, which will be shared 50/50 with Cornerstone Bank. Diversity D has not billed the District for the SDI installation yet.

It was moved by Teegerstrom and seconded by Austin to pay K & S Sales and Service \$550 for electrical work performed at CROP-TIP. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

#### **ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on August 9, 2007 and presented the committee's recommendations.

#### **ITEM 24. FULLY APPROPRIATED BASIN LAWSUIT.**

Steve Seglin, our attorney, was present at the committee meeting for the discussion on the fully appropriated basin lawsuits. Two lawsuits were filed: a Petition for Declaratory Judgement and a Petition for Review, both against DNR and the Director. The Lancaster County District Court has ruled against the District in both cases which deal with the boundary of the Platte River Fully Appropriated Basin. The deadline to file appeals is the end of August.

It was moved by Brown and seconded by Dickinson to direct Steve Seglin to file appeals of the



Lancaster County District Court action on the Platte River Basin Fully Appropriated Basin boundary lawsuits. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

**ITEM 25. COOPERATIVE HYDROLOGY STUDY GROUND WATER MODELING WORK.**

Turnbull has discussed providing Jay Bitner's services to COHYST with Ron Bishop of Central Platte NRD, and Don Krause of Central Nebraska Public Power and Irrigation District. Both reacted favorably to the offer. A draft agreement with the COHYST sponsors was received from the COHYST Sponsors chairman, Don Krause. It was reviewed with the committee. The agreement would authorize up to 40 hours of Bitner's time each month for a 2-year period at a reimbursable rate of \$51.48 per hour. The Sponsors will consider the agreement on August 16.

It was moved by Brown and seconded by Austin to approve entering into a Memorandum of Understanding among the COHYST Sponsors and the Upper Big Blue NRD for Services of Groundwater Modeler. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

**ITEM 26. FY 2008 NARD DUES.**

An invoice was received from the NARD for the FY 08 annual dues in the amount of \$19,957.52.

It was moved by Brown and seconded by Dickinson to approve payment of \$19,957.52 to the Nebraska Association of Resources Districts for FY 2008 dues. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: Volkmer

NOT PRESENT: Luebbe, Moore

**ITEM 27. LOWER BIG BLUE NRD REQUEST FOR SALARY REIMBURSEMENT.**

An invoice in the amount of \$5,901.56 was received for salaries for the Saline County NRCS clerk and some part time technician work from the Lower Big Blue NRD, for the past 12 months

ending on June 30.

It was moved by Brown and seconded by Bruns to approve payment of \$5,901.56 to the Lower Big Blue NRD for NRCS office salaries for FY 2007 (July 1, 2006 thru June 30, 2007). The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Buller, Houdersheldt, Kuehner, Friesen

NOT PRESENT: Luebbe, Moore

**ITEM 28. FINANCIAL REPORT JULY 1, 2007 THROUGH JULY 31, 2007 AND CONSIDERATION OF EXPENDITURES FOR JULY 2007.**

Turnbull reviewed the financial report for the period July 1, 2007 to July 31, 2007 that was distributed. It was moved by Volkmer and seconded by Houdersheldt to accept the financial report for July 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Luebbe, Moore

There being no other business the chairman adjourned the meeting at 9:15 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held August 16, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
and  
FY 2008 TAX REQUEST HEARING  
September 20, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 20, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Scott Snell, Ken Feather, Linda Martindale, Nancy Beach, Bryan Euse of York County NRCS and Tina Hunzeker of Mierau & Company. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on September 13, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Austin arrived a few minutes later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Buller requested that his absence from the September 20, 2007 board meeting and FY 2008 tax request hearing be excused.

It was moved by Regier and seconded by Brown to excuse the absence of Buller from the September 20, 2007 board of directors meeting and FY 2008 tax request hearing as requested.  
The motion was approved.

AYE: Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Buller

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Houdersheldt and seconded by Volkmer to adopt the consent agenda. The

motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Houdersheldt and seconded by Volkmer to approve the agenda for the September 20, 2007 board of directors meeting and FY 08 tax request hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 6. \*APPROVAL OF MINUTES OF THE AUGUST 16, 2007 BOARD OF DIRECTORS MEETING AND FY 2008 BUDGET HEARING.**

It was moved by Houdersheldt and seconded by Volkmer to approve the minutes of the August 16, 2007 board of directors meeting and FY 2008 budget hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 7. FY 2008 TAX REQUEST HEARING.**

Chairman Friesen opened the FY 08 tax request hearing at 7:35 p.m. He advised those present that a Notice of Budget Change and the Notice of Special Hearing were published in the York News-Times on August 28, 2007 as required by law. Turnbull advised those present that following the hearing the District needs to adopt a resolution to set the final tax request to fund the FY 2008 Budget that was adopted last month. There were no questions from anyone present.

Friesen closed the hearing at 7:37 p.m.

**ITEM 8. RESOLUTION TO SET FINAL TAX REQUEST.**

Resolution

**Whereas** the FY 2008 Budget for the Upper Big Blue NRD, as adopted by this board of directors on August 16, 2007, has a property tax requirement of \$1,924,776.53;

**Whereas** the final total valuation of the NRD is \$5,759,936,491;

**Whereas** the FY 2007 Budget (prior year) required a tax request of \$2,010,986.69 and a property tax rate of \$ 0.036834;

**Whereas** the FY 2008(current year) property tax rate would be \$0.034913 to generate \$2,010,986.69;

**Therefore be it resolved** by this Board of Directors on September 20, 2007 to set the **FY 2008 tax request at \$1,924,776.53** for the Upper Big Blue Natural Resources District which will require a **property tax rate of \$ 0.033417**.

It was moved by Houdersheldt and seconded by Dickinson to adopt the resolution to set the FY 2008 property tax request. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

#### **ITEM 9. EMPLOYEE RECOGNITION.**

Linda Martindale, receptionist and secretary for the district, was recognized for five years of dedicated service to the Upper Big Blue NRD.

#### **ITEM 10. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on September 11, 2007 and presented the committee's recommendations.

#### **ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Volkmer that payments totaling \$9,829.43 be approved for 14 Nebraska Buffer Strip Contracts, as reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 12. TREE PLANTING PRICES FOR FY 2008.**

The Nebraska Association of Resource District (NARD) will continue to receive 3¢ per tree purchased by the NRD's. Bessey Nursery at Halsey has raised their prices from \$460 per 1,000 to \$485 per 1,000 which brings the purchase price of the trees for the NRD's to 51.5¢ per tree.

It was moved by Houdersheldt and seconded by Regier that the Upper Big Blue Natural Resources District set the planting cost for FY 2008 at 50¢ per tree and the cost of the trees and shrubs at 70¢ each. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 13. WACO FLOOD PROTECTION PROJECT - CONSTRUCTION CONTRACT.**

Bids for the Waco Flood Protection Project were opened on Monday, September 10, 2007. The low bid of \$237,544.50 was submitted by K. W. Boring from Omaha.

The bid for placing culverts under Norval Street was \$21,888.92 higher than the engineer's estimate. Staff recommends that the items for Norval Street, items 6 through 14, be deleted from the contract. Bitner has discussed this with the Waco Village Board, and they agreed to this deletion. The Norval Street work can be considered under a separate contract, and the Interlocal Agreement will need to be amended to cover the increased costs for these items.

It was moved by Houdersheldt and seconded by Bruns that a contract be awarded to K.W. Boring, Inc., based on their alternate bid of \$190,534.20 to install items 1, 2Alt., 4, 5, and to provide obstruction removal and/or abandonment in accordance with items 1A and 2A if required, for the Waco Flood Protection Project, subject to the terms and conditions of the Contract Documents. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 14. OVERLAND TRAILS PROJECT MAINTENANCE.**

Huebert Land Leveling has completed maintenance work at the Overland Trails Project. Staff briefed the Committee on items of work completed, and recommended that payment to Huebert

Land Leveling be approved.

It was moved by Houdersheldt and seconded by Regier that Huebert Land Leveling be paid \$11,067.00 for maintenance work at the Overland Trails Project, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 15. BURY ELECTRIC LINE AT BRUCE L. ANDERSON RECREATION AREA.**

The staff has been working with the Nebraska Public Power District and WY-AD Utility Contractors, Inc. to lay an electric line to the picnic area to help resolve the vandalism in this area of the recreation area. Dale Radcliff, county sheriff, has stated he thinks this will be a great asset to the area.

The Nebraska Public Power District will furnish the wire, labor and the light. They will also replace the light if it burns out or is vandalized. The NRD is responsible for the trenching and laying of the conduit, backfilling the trench and the power pole that the light is installed on. The project's total cost will not exceed \$4,000.00.

It was moved by Houdersheldt and seconded by Luebbe that the Upper Big Blue Natural Resources District work with the Nebraska Public Power District and WY-AD Utility Contractors, Inc. to lay an electric line to the picnic area at the Bruce L. Anderson Recreation Area at Recharge Lake at a cost not to exceed \$4,000.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom

NAY: Brown, Houdersheldt, Kuehner, Volkmer, Weiss, Friesen

NOT PRESENT: Buller

**ITEM 16. FISCAL YEAR 2007 AUDIT.**

Tina Hunzeker, the auditor from Mierau & Company, P.C., was present at the meeting to review the FY 2007 Audit.

It was moved by Austin and seconded by Volkmer to accept the FY 2007 audit as presented by Mierau & Company. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 17. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on September 13, 2007 and presented the committee's recommendations.

**ITEM 18. TRANSFER AUTHORIZATION REQUEST.**

Cheryl, Kent and Kurt Myers of Geneva, Nebraska made application for authorization to transfer ground water using well # G-143363 in the NE $\frac{1}{4}$  of Section 34-T6N-R2W to irrigate part of the SW $\frac{1}{4}$  of Section 35-T6N-R2W in Fillmore County. G-143363 is also currently being used to transfer water to the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 35-T6N-R2W. This was allowed under the District's previous transfer regulations. The NE $\frac{1}{4}$  of Section 34-T6N-R2W, owned by Cheryl Myers contains 160 deeded acres. The proposed transfer would irrigate no more than a total of 160 acres in the existing transfer irrigated parcel (N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 35-T6N-R2W) and the proposed transfer irrigated parcel (SW $\frac{1}{4}$  of Section 35-T6N-R2W). These parcels are owned by Kent and Kurt Myers.

It was moved by Moore and seconded by Regier that the Board authorize the transfer of ground water from the NE $\frac{1}{4}$  of Section 34-T6N-R2W to irrigate part of the SW $\frac{1}{4}$  of Section 35-T6N-R2W in Fillmore County with the condition that the combined total irrigated acres in the SW $\frac{1}{4}$  of Section 35-T6N-R2W and the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 35-T6N-R2W shall not exceed 160 acres, and further that the actual irrigated acres in each of the two parcels must be determined and reported to the District prior to being irrigated in 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: Nuss

NOT VOTING: Volkmer

NOT PRESENT: Buller

**ITEM 19. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Volkmer that the District make cost-share payments for fifteen well abandonments, as reviewed by the committee, totaling \$5,506.51. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller



**ITEM 20. FLOW METER COST-SHARE PAYMENTS.**

Thirty-eight flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Stahly that the District make cost-share payments for thirty-eight flow meters, as reviewed by the committee, totaling \$18,846.34. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 21. GROUND WATER MANAGEMENT AREA#1 CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 88,656.1 acres. This will bring the total acres certified to 1,070,369 acres.

It was moved by Moore and seconded by Regier that the Board certify the September 2007 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 22. IRRIGATED ACRES REPORTS PAST DUE.**

The staff has completed the review of the reports due from Fillmore and York Counties. Past due notices were sent with a specific deadline for response. It is recommended that the board authorize the staff to initiate the complaint process to determine violation of the District's Ground Water Management Area Rules and Regulations.

It was moved by Moore and seconded by Luebbe that the Board authorize the issuance of complaints against those individuals on the attached list who have not submitted irrigated acres reports as required by the District Ground Water Management Area Rules and Regulations. The motion was approved.

|                            |                                      |
|----------------------------|--------------------------------------|
| Lanelle E. Herink          | Richard L. Herink                    |
| Glenn E. Kovanda           | Gregory Krupicka                     |
| McKnight Farms Co. LTD     | James F. Motis                       |
| Marion E. & Irene Petracek | Helen W. & Richard A. Smith Trust    |
| Wetland America Trust Inc. | Ralph G. Epp                         |
| Wilbur G. Epp              | Kermith D. & Marcia J. Friesen       |
| Donald Hughes              | Donald & Edna Hughes                 |
| Donald & Larry Hughes      | Kelvin Jorgensen                     |
| Guy Leif                   | Guy P. & Annette M. Leif             |
| Diane Marie Moore          | Robert A. & Gary C. & Joel D. Potter |
| Kenneth D. Strong          | Jack M. Vanness                      |
| Wayne E. Zima              |                                      |

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 23. CROP-TIP PROTECTIVE PIPE GUARDS FOR SDI VALVE STATIONS.**

Tietmeyer Machine constructed 5 - 3' x 5' and 5 - 2' x 2' protective pipe guards to protect the SDI valve stations at CROP-TIP. Kroy Industries applied an epoxy coat to the guards. The cost was: Tietmeyer Machine - \$2,200 and Kroy Industries - \$200 for a total of \$2,400.

It was moved by Moore and seconded by Luebbe that the District make payment of \$2,200 to Tietmeyer Machine and payment of \$200 to Kroy Industries for construction and painting of ten protective pipe guards to protect the SDI valve stations at CROP-TIP. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF**

## RECOMMENDATIONS.

Brown reported that the Executive Committee met on September 13, 2007 and presented the committee's recommendations.

### **ITEM 25. \* SECOND QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Committee reviewed Ken Regier's per diem and expenses for the second quarter.

It was moved by Houdersheldt and seconded by Volkmer to approve payment of second quarter directors per diem of \$350.00 and expenses of \$116.40 to Ken Regier. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

### **ITEM 26. NRD SALARY REIMBURSEMENT.**

An invoice in the amount of \$6,480.17 was received for salary for the Butler County NRCS clerk from the Lower Platte North NRD for the last six months of 2006.

It was moved by Brown and seconded by Austin to approve payment for NRCS office clerk's salary of \$6,480.17 to the Lower Platte North NRD for half of FY 07 (July 1, 2006 through December 31, 2006). The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Houdersheldt, Kuehner, Weiss

NOT PRESENT: Buller

### **ITEM 27. GMC PICKUP SALE.**

Turnbull recommends that the District sell the 1996 GMC ½ ton pickup.

It was moved by Brown and seconded by Volkmer to authorize the sale of the 1996 GMC pickup by sealed bids with a minimum bid. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 28. NARD RESOLUTIONS.**

Seven resolutions have been submitted to the NARD for consideration at the fall conference.

It was moved by Brown and seconded by Houdersheldt to take the following positions on the resolutions for the fall conference:

|         |   |
|---------|---|
| Neutral | <u>2007-1- State Prescribed Burning. Submitted by Central Platte NRD</u>  |
| Support | <u>2007-2 - Reaffirm Qualifications of Director of the Department of Natural Resources. Submitted by Upper Republican NRD</u>   |
| Support | <u>2007-3 - Interrelated Water Review Board Structure. Submitted by Upper Republican NRD</u>  |
| Support | <u>2007-4 - Support for Conservation and Survey Division. Submitted by Upper Republican NRD</u>   |
| Neutral | <u>2007-5 - Supplemental wells. Submitted by Upper Republican NRD</u>   |
| Support | <u>2007-6 - Accounting for purchased or leased water using River Flow Enhancement Bonds or river flows resulting from programs that reduce groundwater pumping to enhance streamflow. Submitted by Upper Republican NRD</u> |
| Support | <u>2007-7 - Relationship between an Integrated Management Plan and the District's Ground Water Management Area Rules and Regulations. Submitted by Upper Republican NRD</u>   |

The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Buller

**ITEM 29. RESOLUTION 2007-08 VEGETATION (INVASIVE SPECIES) MANAGEMENT. SUBMITTED BY PAPIO MISSOURI RIVER NRD.**

This resolution was submitted late and requires a two-thirds majority vote for consideration at the NARD fall conference.

It was moved by Austin and seconded by Eberle to oppose Resolution 2007-08 Vegetation (Invasive Species) Management. Submitted by Papio Missouri River NRD. The motion was approved.

AYE: Austin, Brown, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Bruns, Nuss, Regier

NOT PRESENT: Buller

**ITEM 30. NARD DELEGATE AND ALTERNATE.**

It was moved by Brown and seconded by Moore to appoint Yvonne Austin as the Delegate and Larry Moore as the Alternate for the NARD Fall Conference. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 31. AUTOCADD SOFTWARE UPGRADE & LICENSE RENEWAL.**

The AUTOCADD software for engineering drafting is licensed to the District and it is time to renew the license and upgrade the software. The license renewal is \$4,721.67 and the annual upgrade cost is an additional \$1,510.56 for a total due of \$6,232.23. The annual cost for 2009 and 2010 will be \$1,510.56. The quoted costs are GSA price rates.

The license renewal amount of \$4,721.67 is for upgrades not purchased over the last three years. They must be purchased at this time to avoid having to buy the total package as new software for around \$15,000. If the District waits to buy three years of licenses at a time instead of paying an annual fee, the cost is \$1,572.45 per year.

It was moved by Brown and seconded by Volkmer to approve the purchase of AUTOCADD upgrades and license for a cost of \$6,232.23 from DLT Solutions, Inc. of Herndon, Virginia. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 32. FINANCIAL REPORT AUGUST 1, 2007 THROUGH AUGUST 31, 2007 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2007.**

Turnbull reviewed the financial report for the period August 1, 2007 to August 31, 2007 that was

distributed. Moore raised a question regarding the buffer strip payment to Tuls, LLC. He was concerned that the land in the program was also being used for wetland mitigation. Kuehner raised a question about the payment to the Donald Detamore Estate. He said he believed the estate had been settled and questioned whether we should continue to send the payment to the personal representative of record.

It was moved by Moore and seconded by Teegerstrom to approve the financial report for August as presented, make payments of the accounts payable, with the exception of the payment to Tuls, LLC and publish the expenditures. The motion failed.

AYE: Moore, Regier, Teegerstrom

NAY: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Stahly, Volkmer, Weiss, Friesen

NOT PRESENT: Buller

It was moved by Volkmer and seconded by Austin to accept the financial report for August 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Moore

NOT PRESENT: Buller

There being no other business the chairman adjourned the meeting at 9:18 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held September 20, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**October 18, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 18, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Gary Eberle, Curtis Friesen, William Kuehner, Linda Luebbe, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Scott Snell, Ken Feather, Nancy Beach, Terry Werth, James Gordan and Robert Hoffman of Bradshaw and Jim Husbands of York County NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on October 11, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Thirteen directors were present for roll call. Austin arrived at 7:40 p.m.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Dickinson, Houdersheldt and Moore requested that their absence from the October 18, 2007 board meeting be excused.

It was moved by Regier and seconded by Volkmer to excuse the absence of Doug Dickinson, Roger Houdersheldt and Larry Moore from the October 18, 2007 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Bruns to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Bruns to approve the agenda for the October 18, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 20, 2007 BOARD OF DIRECTORS MEETING AND FY 2008 TAX REQUEST HEARING.**

It was moved by Brown and seconded by Bruns to approve the minutes of the September 20, 2007 board of directors meeting and FY 2008 tax request hearing. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on October 9, 2007 and presented the committee's recommendations.

**ITEM 8. PAYMENT OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Weiss and seconded by Bruns that payment of \$5,000 be approved for 1 NSWCP fund land treatment application as reviewed by the Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**



Teegerstrom reported that the Water & Regulations Committee met on October 11, 2007 and presented the committee's recommendations.

**ITEM 10. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Bruns that the District make cost-share payments for eight well abandonments, as reviewed by the committee, totaling \$3,366.46. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 11. FLOW METER COST-SHARE PAYMENTS.**

Thirty-five flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Teegerstrom and seconded by Luebbe that the District make cost-share payments for thirty-five flow meters, as reviewed by the committee, totaling \$17,311.86. The motion was approved.

AYE: Brown, Bruns, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 12. GROUND WATER MANAGEMENT AREA#1 CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres to be certified. It includes 33,030.5 acres. This brings the total acres certified to 1,109,818 acres.

It was moved by Teegerstrom and seconded by Luebbe that the Board certify the October 2007 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 13. GROUND WATER MANAGEMENT AREA #1 PAST DUE IRRIGATED ACRES REPORTS.**

Staff has completed the review of the reports due from Polk County. A list of landowners who have not reported the irrigated acres and other required information is attached. Past due notices were sent with a specific deadline for response. It was recommended that the board authorize the staff to initiate the complaint process to determine violation of the District's Ground Water Management Area Rules and Regulations.

It was moved by Teegerstrom and seconded by Brown that the Board authorize the issuance of complaints against those individuals on the attached list who have not submitted irrigated acres reports as required by the District Ground Water Management Area Rules and Regulations. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Luebbe, Regier, Stahly Teegerstrom, Volkmer, Weiss, Friesen

NAY: Kuehner, Nuss

NOT PRESENT: Dickinson, Houdersheldt, Moore

**ITEM 14. VILLAGE OF BRADSHAW CONDITIONAL WELL PERMIT VARIANCE.**

The Village of Bradshaw plans to construct a well north of the Village to supplement the existing well and blend water due to increasing nitrates in the existing well. The NRD has issued a construction permit but the Village also needs a Municipal Rural Domestic Transfer Permit from the Department of Natural Resources (DNR) in order to comply with the District's regulations. DNR has indicated that the permit process will take nine months to a year. Rod discussed the situation with Bob Hoffman, Village Board Chairman, and Chris Miller of Miller and Associates. The Village is proceeding with getting the Municipal Rural Domestic Transfer Permit from DNR. The staff recommends that a variance be granted with the condition that the Village proceed with the process of obtaining this permit.

RESOLUTION  
VILLAGE OF BRADSHAW  
TRANSFER VARIANCE

WHEREAS, the Village of Bradshaw desires to construct a public water supply well in Section 14, T11N-R4W, York County, and transfer ground water to the Village of Bradshaw in Sections 34 and 35, T11N-R4W, York County, and

WHEREAS, the Upper Big Blue Natural Resources District Ground Water Management Rules

and Regulations (Rule 5, Chapter 11) require any person who intends to transfer ground water from one government survey section to another, to obtain a transfer authorization from the District, and

WHEREAS, Rule 5, Chapter 11 provides that ground water transfers authorized by the Municipal Rural Domestic Ground Water Transfers Permit Act are exempt from the District's transfer authorization requirements, and

WHEREAS, the Village of Bradshaw was not made aware of the transfer authorization requirements, due to an oversight by the District staff, and

WHEREAS, the Department of Natural Resources has indicated the process time for obtaining the Municipal Rural Domestic Ground Water Transfer Permit could take up to one year.

NOW THEREFORE BE IT RESOLVED, that the Upper Big Blue Natural Resources District grant the Village of Bradshaw a variance from Rule 5, Chapter 11, allowing the proposed well in Section 14, T11N-R4W, York County to be constructed prior to obtaining a Municipal Rural Domestic Ground Water Transfer Permit.

BE IT FURTHER RESOLVED, that the continued operation of the proposed well be conditional on obtaining a Municipal Rural Domestic Ground Water Transfers Permit for the proposed and current Village of Bradshaw water wells located outside the Village corporate limits.

It was moved by Teegerstrom and seconded by Brown that the Board adopt the Bradshaw Transfer Variance Resolution.

Bob Hoffman, Board Chairman of the Village of Bradshaw, asked to address the NRD Board regarding the municipal transfer permit requirement. Mr. Hoffman indicated that their board was of the understanding that the transfer permit from DNR was optional. He said the Village had already spent \$40,000 developing this well site before they became aware that the permit was required by the NRD. He estimated that the Village would have to spend an additional \$5,000 to \$7,000 to obtain the permit from DNR. He didn't feel it was fair to place this additional financial burden on the Village.

Chairman Friesen explained that it would be in the best interest of the Village of Bradshaw to obtain the municipal transfer permit. This permit would provide the village water supply some protection if another water user filed a claim alleging damages due to the use of this well. With the permit the Village could continue to operate their well while the matter of the lawsuit was being decided. Without the permit they could be required to shut the well down immediately.

Mr. Hoffman stated that their engineers had told them this rule had never been tested in court and there was no proof they would be protected by the permit if it came to a lawsuit. He said if the Village had known about the permit requirement before, they may have tried to find a site closer to town to avoid this additional expense. At this point they have invested a great deal of money

selecting a site and they haven't even drilled yet. He said they are looking at \$250,000 for a drinking water well. Now they are looking at an additional \$5,000 to \$7,000 and only have a population of 330 people.

Turnbull told Mr. Hoffman that the District's rules are published and are available for everyone to see. The District did not come in after the fact with this rule. This rule has been around for some time and is in effect whether or not you are made aware of it by your engineer or the NRD. No agency requires a permit while you're in the planning stage. We're trying to work with you and help you through this process.

DeBuhr said the reason it's in our rules, and it's been in the rules for several years, is that we don't allow ground water transfers within our District for any use. The furthest you can go is from one square mile to the next. This includes farmers and everyone else. We have no variance in our rules for farmers. We had to find some way to exempt communities so that they could transfer water. Since the State of Nebraska had this procedure in place we chose to use it so that we could give communities an exemption from the transfer rule. Otherwise the wells you have north of town couldn't be there and you wouldn't have a place to get water that isn't high in nitrates.

Friesen asked whom the Village hired to do the engineering. Mr. Hoffman indicated it was Miller and Associates. He said they were surprised by our requirement for the permit as was the Village.

DeBuhr said Chris Miller of Miller & Associates had told him they did have a copy of the NRD's regulations and that he had reviewed them and he simply missed it. DeBuhr said he did not have any direct contact with the Village regarding their plans to drill the well, but had heard talk from others that the Village was looking at a well site.

Friesen said that while the NRD tries to take a proactive approach whenever possible, he felt it was really the duty of the consulting engineer to advise their clients and make sure that the proper permits are in place. He did not feel the NRD should accept responsibility for that. He thanked Mr. Hoffmann for coming before the Board and expressing his opinion regarding the need for changes to the transfer permit requirement.

It was moved by Weiss and seconded by Kuehner to refer the matter back to committee. The motion to refer to committee failed.

AYE: Kuehner, Weiss

NAY: Austin, Brown, Bruns, Buller, Eberle, Luebbe, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Friesen

NOT PRESENT: Dickinson, Houdersheldt, Moore

The question was called on the original motion. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly  
Teegerstrom, Volkmer, Friesen

NAY: Weiss

NOT PRESENT: Dickinson, Houdersheldt, Moore

**ITEM 15. LATE WELL PERMIT.**

In 1989 a replacement well was drilled by Alfs Well Drilling for Marlyce Seaman, in the SE 1/4 of Section 18-T11N-R1W, York County. The pump was removed from the well and placed in the newly constructed well. The old well was reported to DNR as abandoned, but was not properly decommissioned. In 2007 the well was properly decommissioned by Volzke Well Drilling. Volzke Well Drilling filed the abandonment papers with DNR. Since the original well was not properly abandoned within the required time, the replacement well should have been permitted by the NRD in 1989. The existing well does not violate any other NRD regulations. In past situations such as this, the NRD has waived the permit fee.

It was moved by Teegerstrom and seconded by Luebbe that the Board approve a late permit for a well drilled in 1989 in the SE 1/4 of Section 18-T11N-R1W, York County, owned by Marlyce Seaman and waive payment of the permit fee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson, Houdersheldt, Moore

**ITEM 16. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on October 11, 2007 and presented the committee's recommendations.

**ITEM 17. \* THIRD QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Committee reviewed per diem and expenses for the third quarter.

It was moved by Brown and seconded by Bruns to approve payment of third quarter directors' per diem of \$10,290 and expenses of \$3,508.04. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt, Moore

**ITEM 18. PAYMENT TO UNL FOR RIVER BED TESTING.**

A final invoice for \$7,431.36 was received from the UNL Conservation & Survey Division for streambed conductance testing.

It was moved by Brown and seconded by Stahly to approve payment of \$7,431.36 to the University of Nebraska for Blue River Basin river bed testing. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson, Houdersheldt, Moore

**ITEM 19. FISCAL YEAR 2007 AUDIT.**

A bill for \$3,000 for the FY 2007 audit was received from Mierau & Company.  
It was moved by Brown and seconded by Bruns to approve payment of \$3,000 to Mierau & Co., P.C., of York, for the FY 2007 audit. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson, Houdersheldt, Moore

**ITEM 20. COMPUTER SERVER AND NETWORK IMPROVEMENTS.**

The District has outgrown the computer server hard drive space. The lack of space is creating storage and speed problems. Additional disk storage and additional RAM should solve the problem. The battery backup also needs to be replaced. The battery backup provides safety from power failures. Turnbull is also concerned about network security from outsiders. The computer technician from Computer Concepts of Grand Island has provided a quote for equipment to address these issues. Installation of equipment is estimated at 4 hours at \$75 per hour.

It was moved by Brown and seconded by Austin to approve the purchase of the following computer equipment from Computer Concepts, Inc., of Grand Island for \$3,034.00, plus installation costs.

|  |                 |
|--|-----------------|
| Tripp-Lite Smartpro 1500 UPS (battery backup device)       | \$ 269.00       |
| Pro-Safe Router (internet hookup for all of the computers) | 219.00          |
| 4 GB of RAM for existing computer server                   | 596.00          |
| Network Attached Storage - 1.5 Terabytes (4-500 GB drives) | <u>1,950.00</u> |
| Total Equipment Cost                                       | \$3,034.00      |

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson, Houdersheldt, Moore

**ITEM 21. AUTOCAD DRAFTING SOFTWARE.**

The AutoCAD upgrade has been received, but staff discovered that an additional license is needed so that three people can use the software at the same time. The amount previously approved was \$6,232.23. The additional cost is \$2,181.68 for the next three years. Turnbull instructed the staff to order the extra license prior to the October 16 expiration date.

It was moved by Brown and seconded by Austin to approve the purchase of the additional license from DLT Solutions, Inc, of Herndon, Virginia for \$2,181.68. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson, Houdersheldt, Moore

**ITEM 22. FINANCIAL REPORT SEPTEMBER 1, 2007 THROUGH SEPTEMBER 30, 2007 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2007.**

Turnbull reviewed the financial report for the period September 1, 2007 to September 30, 2007 that was distributed.

It was moved by Luebbe and seconded by Regier to accept the financial report for September 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson, Houdersheldt, Moore

There being no other business the chairman adjourned the meeting at 9:14 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held October 18, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten

working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb  
attachments (2)



IRRIGATED LANDS NOT REPORTED AFTER NOTICES SENT

| LAST NAME                         | FIRST NAME            | County   | Township | Section | Tract  | Acres           |
|-----------------------------------|-----------------------|----------|----------|---------|--|-----------------|
| ANDERSON                          | JACK R                | POLK     | 13N03W   | 08      | SE1/4  | 153             |
| ANDERSON                          | JACK R & ELAINE C     | POLK     | 13N03W   | 09      | E1/2 SW1/4 (LESS TAX LOT A)                          | 66              |
| ANDERSON                          | VAYDEN R              | POLK     | 13N03W   | 14      | SW1/4 (LESS NW 20 ACRES) & W1/2 SE1/4                | 212             |
| BECKLER IRA C/O JONES BANK        | RICHARD               | YORK     | 09N01W   | 24      | SE 1/4   | 128             |
| BECKLER IRA C/O JONES BANK        | RW                    | SEWARD   | 09N03E   | 07      | W 1/2 NE 1/4   | 65              |
| BECKLER IRA C/O JONES BANK        | RW                    | SEWARD   | 09N03E   | 07      | E 1/2 NE 1/4   | 56              |
| BLASE JR                          | HENRY                 | POLK     | 15N01W   | 33      | S1/2 N1/2 SE1/4 & S1/2 SE1/4                         | 28              |
| BRAASCH                           | JANICE J              | POLK     | 15N01W   | 36      | W1/2 E1/2 NW1/4                                      | 40              |
| GABEL                             | MARK                  | POLK     | 14N02W   | 22      | S1/2 NW1/4 (LESS TRACT FOR LAGOON)                   | 60              |
| HUGHES                            | MERVIN L              | POLK     | 13N03W   | 27      | N1/2 NE1/4   | 74              |
| HUGHES                            | MERVIN L              | POLK     | 13N03W   | 23      | S1/2 SW1/4   | 44              |
| KOPCHO FARMS LLC                  |                       | YORK     | 10N03W   | 01      | S 1/2 NW 1/4 NW 1/4 & SW 1/4 NW 1/4 EXC IRR TR & HWY | 45.43           |
| MEISTER                           | STACY L               | POLK     | 14N02W   | 22      | N1/2 SW1/4 (LESS TAX LOT A) & SW1/4 SW1/4            | 96              |
| NEUJAHR                           | AUSTIN LEWIS          | POLK     | 13N03W   | 27      | S1/2 SE1/4& S 20 ACRES IN N1/2 SE1/4                 | 71              |
| OQUIST                            | DUANE L & BRENDA P    | POLK     | 13N03W   | 26      | E1/2 SW1/4 (LESS TAX LOT A)                          | 78              |
| PETERS                            | BETTE J               | YORK     | 12N03W   | 22      | SE 1/4   | 128             |
| PETERS                            | GARET J               | POLK     | 13N03W   | 15      | W1/2 NW1/4   | 77              |
| PETERSON                          | ALLEN                 | POLK     | 14N03W   | 30      | S1/2 SE1/4(LESS 350' X 510' TRACT)                   | 73              |
| PETTEY TRUSTEE & BARBARA A BUDLER | LUELLA M              | YORK     | 11N04W   | 11      | NE 1/4   | 142             |
| PETTEY TRUSTEE & BARBARA A BUDLER | LUELLA M              | YORK     | 11N04W   | 11      | SE 1/4   | 153             |
| REETZ                             | EUGENE & LOLA         | POLK     | 13N03W   | 14      | NW1/4  | 136             |
| SUDRLA ETAL                       | VIRGINIA EKELER       | FILLMORE | 08N01W   | 21      | S1/2 SE1/4   | 0 *             |
| TROUT & MARVIN PAUL GRAFF         | BARBARA LOU           | POLK     | 13N01W   | 04      | W1/2 NW1/4 & SW1/4 (LESS TAX LOT B)                  | 152             |
| VANHOUSEN                         | TERRY J & REBECCA L   | POLK     | 13N04W   | 25      | NE1/4 (LESS TAX LOT A) & E1/2 NW1/4                  | 225             |
| VANHOUSEN                         | TERRY J & REBECCA L   | POLK     | 13N03W   | 30      | SW1/4  | 127             |
| VANHOUSEN                         | TERRY J & REBECCA L   | POLK     | 13N03W   | 30      | IN W1/2 NW1/4  | 57              |
| WATERMARK INVESTMENTS LLC         |                       | POLK     | 14N01W   | 18      | N1/2 SW1/4   | 79              |
| WIDGA                             | LESTER                | POLK     | 13N03W   | 03      | W1/2 SW1/4   | 18              |
| WIDGA                             | LESTER O & ANNA MARIE | POLK     | 13N03W   | 09      | NE1/4 (LESS A TRACT IN NE1/4 NE1/4)                  | 32              |
| WIDGA                             | LESTER O & ANNA MARIE | POLK     | 13N03W   | 10      | W1/2 NW1/4   | 51              |
| WOLFE                             | BONNIE L              | YORK     | 12N03W   | 07      | TR IN NE4 SE4  | 3               |
|                                   |                       |          |          |         |  | <u>2,669.43</u> |

\*Assessor shows as dryland, but they have a well on their property so they were sent a certification form to verify if irrigating and the status of the well.

NON-IRRIGATED WELLS NOT CERTIFIED AFTER NOTICES SENT

| Well Number | Last Name          | First Name  | CntyName | Tw | Rng | RngDir | Section | Use ID     | GPM  |
|-------------|--------------------|-------------|----------|----|-----|--------|---------|------------|------|
| G-068416    | CANADY             | SANDRA      | Seward   | 12 | 2   | E      | 6       | Commercial | 180  |
| G-059057    | GRANTSKI           | JOSEPHINE M | Seward   | 9  | 1   | E      | 2       | Domestic   | 150  |
| G-087753    | TROUDT             | CHAD        | York     | 9  | 1   | W      | 9       | Other      | 1200 |
| G-103062    | VANHOUSEN FEED LOT |             | Polk     | 13 | 3   | W      | 30      | Stock      | 75   |
| G-104912    | VANHOUSEN FEED LOT |             | Polk     | 13 | 3   | W      | 30      | Commercial | 1000 |

**BOARD OF DIRECTORS MEETING**  
**November 15, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 15, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Ken Feather, Nancy Beach, Randy Saathoff and Bryan Euse of York County NRCS. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on November 8, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Moore arrived at 1:38 p.m. and Austin arrived at 2:27 p.m.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Austin contacted the office stating she might not make it to the meeting due to car trouble. She requested an excused absence in the event she was unable to make it in time.

It was moved by Regier and seconded by Dickinson to excuse the absence of Yvonne Austin from the November 15, 2007 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

Buller asked that the October 18, 2007 minutes of the board of directors meeting be corrected to

show the roll call vote on Item 11 - Flow Meter Cost-share Payments.

It was moved by Houdersheldt and seconded by Eberle to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 5. \*ADOPTION OF REVISED AGENDA.**

It was moved by Houdersheldt and seconded by Eberle to approve the revised agenda for the November 15, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 6. \*APPROVAL OF CORRECTED MINUTES OF THE OCTOBER 18, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Eberle to approve the minutes of the October 18, 2007 board of directors meeting as corrected. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 7. EMPLOYEE RECOGNITION FOR SERVICE.**

Randy Saathoff, NRD engineering technician, was recognized with an engraved pen set for 10 years of dedicated service to the District.

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on November 8, 2007 and presented the committee's recommendations.

**ITEM 9. PAYMENT OF NSWCP LAND TREATMENT PROGRAM FUNDS.**

It was moved by Houdersheldt and seconded by Luebbe that payments totaling \$6,622.09 be approved for two NSWCP fund land treatment applications as reviewed by the Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 10. OCTOBER AND NOVEMBER WILDLIFE PAYMENTS.**

The wildlife contracts for October and November have been inspected and recommended for payment. The total contact payments are \$1,244.01. The District will be reimbursed 75% of the cost by Nebraska Game & Parks.

It was moved by Houdersheldt and seconded by Volkmer that the Upper Big Blue Natural Resources District make payments totaling \$1,244.01 to the cooperators of the Wildlife Improvement Program and Wild Nebraska Program for the months of October and November. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 11. CORNERS FOR WILDLIFE AGREEMENT - TRANSFER FROM CHAD KLUTE TO WESLEY FRIESEN AND JOHN R. MARTENS.**

In October 2004 Chad Klute entered into a Corners for Wildlife agreement between the Upper Big Blue Natural Resources District and Pheasants Forever for a period of five years with an annual payment of \$397.50. In June 2007 he sold this property to Wesley Friesen and John R. Martens. The property is located in the E ½ SW ¼ of Section 26, Township 11 North, Range 5 West of the 6<sup>th</sup> P.M., Hamilton County, Nebraska. Wesley Friesen and John R. Martens wish to continue with the Corners for Wildlife contract until the expiration date of June 1, 2010 with each receiving a payment of \$198.75 per year on the remaining portion of the contract.

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue Natural Resources District enter into the Corners for Wildlife agreement with Wesley Friesen and John R. Martens which was previously held by Chad Klute for the remaining contract term which expires June 1, 2010 with an annual payment of \$397.50 of which Wesley Friesen and John R. Martens will each receive \$198.75 annually. The motion carried.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 12. WACO FLOOD PROTECTION PROJECT CONSTRUCTION CONTRACT.**

At the September 20, 2007 Board of Directors meeting, a motion was made (Item 13) to award the construction contract to K. W. Boring, Inc., based on bid and subject to the terms and conditions of the Contract Documents, for construction of the Waco Flood Protection Project. During the process of developing the Contract, staff learned that K.W. Boring, Inc. does not employ certified welders, as required by the Burlington Railroad and the Contract Documents. K. W. Boring, Inc. has requested that the Contract amount be increased to include an additional \$5,000 for that firm to employ certified welders.

Staff recommends that the Board of Directors rescind their September 20, 2007 motion to award contract to K.W. Boring, Inc.

It was moved by Houdersheldt and seconded by Bruns that the Upper Big Blue NRD's September 20, 2007 board motion for item 13 to award a construction contract to K. W. Boring, Inc., for construction of the Waco Flood Protection Project, be rescinded since K.W. Boring, Inc. does not employ certified welders as required in the specifications, and since K. W. Boring, Inc. would not provide certified welders without additional compensation under their contract. The motion carried.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

Staff further recommends that the Board of Directors award a construction contract to Horizontal Boring and Tunneling Company, Exeter, Nebraska, for construction of the Waco Flood Protection Project in accordance with their proposal dated November 7, 2007 and subject to the terms and conditions of the Contract Documents.

It was moved by Houdersheldt and seconded by Brown that a construction contract be awarded to Horizontal Boring and Tunneling Company, Exeter, Nebraska, based on their proposal of \$179,327.00 dated November 7, 2007, to install items 1, 2A, 4 and 5 of the Waco Flood Protection Project, and to provide additional work as required for obstruction removal, abandonment, and substituting rip rap in accordance with Items 1A, 2A, 1B, 2B, 3B and 4B as shown in their proposal, subject to the terms and conditions of the Contract Documents. The motion carried.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

### ITEM 13. HAZARD MITIGATION PLANNING.

The Little Blue NRD, acting as Lead Agency, is planning to do Hazard Mitigation Planning in the counties and communities in their District. The Little Blue NRD has asked the Upper Big Blue and Lower Big Blue NRDs to participate in funding and in-kind services for the portion of planning that is within those respective districts. The planning will be done by a consultant who has not yet been selected. The Little Blue NRD plans to develop an interlocal agreement that includes the Little Blue NRD, Upper Big Blue NRD, Lower Big Blue NRD, and the Counties of Adams, Clay, Fillmore, Thayer, Nuckolls, Webster, Gage, Jefferson and Saline.

The estimated cost of the hazard mitigation planning is \$200,000 to be funded as follows:

|                   |                |
|-------------------|----------------|
| Local share (25%) | \$ 50,000      |
| FEMA share (75%)  | <u>150,000</u> |
| Total             | \$200,000      |

The local share will be paid by the counties and the NRDs. The Little Blue has suggested that the Upper Big Blue NRD contribute on the basis of \$2,000 for each whole county in the Upper Big Blue, prorated based on area.

#### Upper Big Blue NRD Estimated Share

|          |       |               |                           |
|----------|-------|---------------|---------------------------|
| Adams    | (13%) | \$ 260.00     |                           |
| Clay     | (43%) | 860.00        |                           |
| Fillmore | (75%) | 1,500.00      |                           |
| Saline   | (11%) | <u>220.00</u> |                           |
|          |       | \$2,840.00    | cash and in-kind services |

It was moved by Houdersheldt and seconded by Stahly that the Upper Big Blue NRD participate in the Hazard Mitigation Planning with the Little Blue and Lower Big Blue NRD and the Counties of Adams, Clay, Fillmore, Saline, Gage, Jefferson, Thayer, Nuckolls and Webster and that the Upper Big Blue NRD's share of cost not exceed \$3,000, subject to approval of an Interlocal Agreement. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

### ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND

**CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on November 8, 2007 and presented the committee's recommendations.

**ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Eberle that the District make cost-share payments for six well abandonments, as reviewed by the committee, totaling \$1,712.16. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 16. FLOW METER COST-SHARE PAYMENTS.**

Sixty flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Luebbe that the District make cost-share payments for sixty flow meters, as reviewed by the committee, totaling \$29,749.71. The motion was approved.

AYE: Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin

**ITEM 17. GROUND WATER MANAGEMENT AREA#1 CERTIFICATION OF IRRIGATED ACRES.**

The Water & Regulations Committee reviewed irrigated acres to be certified. It includes 4,124.4 acres.

It was moved by Moore and seconded by Luebbe that the Board certify the November 2007 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen



NAY: None

NOT PRESENT: Austin

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on November 8, 2007 and presented the committee's recommendations.

**ITEM 19. ATTORNEY FEES.**

The attorney's fees for the month are \$3,116.50 for the fully appropriated basin lawsuit.

It was moved by Brown and seconded by Volkmer to approve payment of \$3,116.50 to Crosby, Guenzel LLP for legal work through October 15, 2007. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 20. PAYMENT TO YORK PRINTING.**

A bill for \$6,019.45 was received from York Printing for the Blueprint newsletter.

It was moved by Brown and seconded by Houdersheldt to approve payment of \$6,019.45 to York Printing for the October Blueprint newsletter. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 21. ST. JOHN CHILD DEVELOPMENT CENTER OUTDOOR CLASSROOM.**

St. John Child Development Center, Seward, Nebraska has requested funding assistance for an outdoor classroom. The committee reviewed the plan. The Programs book outlines the funding criteria for outdoor classrooms. All schools located within the Upper Big Blue NRD are eligible for funding. The cost-share rate is 50% of payment for grass seed, construction materials and related items. The District will cover either actual costs, or costs up to \$800, whichever is least. Labor costs are excluded.

It was moved by Brown and seconded by Volkmer to grant St. John Child Development Center,

Seward, Nebraska \$550 for outdoor classroom materials cost in accordance with the District Outdoor Classroom Program. The motion carried.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 22. FINANCIAL REPORT OCTOBER 1, 2007 THROUGH OCTOBER 31, 2007 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2007.**

Turnbull reviewed the financial report for the period October 1, 2007 to October 31, 2007 that was distributed.

It was moved by Houdersheldt and seconded by Regier to accept the financial report for October 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

There being no other business the chairman adjourned the meeting at 2:35 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held November 15, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Steve Buller, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**December 20, 2007**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 20, 2007 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Ken Feather, Rod DeBuhr, Steve Moseley of York News-Times and Bryan Euse of York County NRCS. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on December 13, 2007 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Austin and Nuss arrived a short time later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Gus Brown requested that he be excused from the December 20, 2007 board meeting due to the death of his mother.

It was moved by Luebbe and seconded by Kuehner to excuse the absence of Gus Brown from the December 20, 2007 board of directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Nuss

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,

Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Austin, Brown, Nuss

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Luebbe to approve the agenda for the December 20, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Austin, Brown, Nuss

**ITEM 6. \*APPROVAL OF MINUTES OF THE NOVEMBER 15, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Luebbe to approve the minutes of the November 15, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Austin, Brown, Nuss

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on December 13, 2007 and presented the committee's recommendations.

**ITEM 8. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Weiss and seconded by Volkmer that payments totaling \$35,048.16 be approved for 11 NSWCP fund land treatment applications, as reviewed by the Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Austin, Brown, Nuss

**ITEM 9. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Luebbe that payments totaling \$252.82 be approved for 2 Nebraska buffer strip contracts, as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Nuss

**ITEM 10. RECHARGE LAKE MAINTENANCE CONTRACT PAYMENT.**

WyAd Utility Contractors has completed work at Recharge Lake, including grading to improve drainage, installation of a culvert pipe, and placement of guardrail posts. Staff has inspected and accepted the work, and recommends that WyAd be paid \$11,424 in accordance with their contract.

It was moved by Weiss and seconded by Luebbe that final payment of \$11,424.00 be made to WyAd Utility Contractors Inc. for maintenance work completed at Recharge Lake, as reviewed by the Projects and Programs Committee, and in accordance with WyAd Utility Contractors Inc. quotation dated July 9, 2007. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Nuss

**ITEM 11. PROJECT MAINTENANCE - TREE AND BRUSH REMOVAL.**

Staff reviewed a proposal from Henry Thompson Tree Services, Grand Island, to remove trees and other woody vegetation from 13 projects, including dams and other structures, owned by the District. The contractor's quote for this work is \$38,700. The engineer's estimate for the work is \$38,900. Staff recommends that Henry Thompson Tree Services be hired to perform the work as quoted.

It was moved by Weiss and seconded by Bruns that Henry Thompson Tree Service be hired to remove trees and other woody vegetation from 13 District projects, as reviewed by the Projects and Programs Committee, based on their quote of \$38,700.00. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Nuss

**ITEM 12. HAZARD MITIGATION PLANNING REQUEST FOR ASSISTANCE.**

The Little Blue NRD (LBNRD), acting as project lead agency, is developing an "All-Hazards Mitigation Plan" for Adams, Clay, Fillmore, Gage, Jefferson, Nuckolls, Saline, Thayer, and Webster Counties. The estimated cost of the plan is \$190,000. The LBNRD estimates that FEMA will pay 75% of the cost, and is requesting the State, Counties, Lower Big Blue NRD (LBBNRD), and Upper Big Blue NRD (UBBNRD) provide in-kind and cash contributions to pay the remaining balance. The UBBNRD share of in-kind and cash would be a maximum of \$3,000 to help pay the cost of planning for the portions of Adams, Clay, Fillmore, and Saline Counties that lie within the UBBNRD.

It was moved by Weiss and seconded by Volkmer that the Upper Big Blue NRD approve the Interlocal Agreement to participate in the Hazard Mitigation Planning with the Little Blue NRD, Lower Big Blue NRD, and the Counties of Adams, Clay, Fillmore, Saline, Gage, Jefferson, Thayer, Nuckolls, and Webster, as reviewed by the Projects and Programs Committee, and that the Upper Big Blue NRD's share of cost shall not exceed \$3,000. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Nuss

**ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on December 13, 2007 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Luebbe that the District make cost-share payments for fourteen well abandonments, as reviewed by the committee, totaling \$5,673.01. The motion was approved as part of the consent agenda.

AYE: Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Bruns, Buller

NOT PRESENT: Austin, Brown, Nuss

**ITEM 15. FLOW METER COST-SHARE PAYMENTS.**

Sixty-three flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Volkmer that the District make cost-share payments for sixty-three flow meters, as reviewed by the committee, totaling \$31,123.49. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Brown

#### **ITEM 16. CERTIFICATION OF IRRIGATED ACRES.**

It was moved by Moore and seconded by Luebbe that the Board certify the December 2007 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown

#### **ITEM 17. IRRIGATED ACRES REPORT VIOLATIONS.**

A list of landowners who have not reported their irrigated acres and other required information is attached. Past due notices have been sent with a deadline for response. It is recommended that the board authorize the staff to initiate the complaint process to determine violation of the District's Ground Water Management Area Rules and Regulations.

It was moved by Moore and seconded by Regier that the Board authorize the issuance of complaints against those individuals on the attached list who have not submitted irrigated acres reports as required by the District Ground Water Management Area Rules and Regulations. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Nuss

NOT PRESENT: Brown

#### **ITEM 18. CROP-TIP SEMINAR CATERING BILL.**

Kerry's Restaurant & Catering submitted a bill for \$2,260.50 for catering the December 5, 2007 CROP-TIP Seminar. The District will be reimbursed this cost by some of the vendors, NPPD

and Cornerstone Bank. The contributing vendors are Ecodrip, Netafim, Eurodrip, Diversity D and Great Plains Meter.

It was moved by Moore and seconded by Luebbe that the Board approve payment of \$2,260.50 to Kerry's Restaurant & Catering for catering of the December 5, 2007 CROP-TIP Field Day Seminar. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown

**ITEM 19. CROP-TIP SUBSURFACE DRIP IRRIGATION INSTALLATION PAYMENT.**

Diversity D has billed the NRD for the installation of the subsurface drip system at CROP-TIP. The total bill is \$17,983.96. This bill and three other invoices already paid bring the total project cost to \$18,890.01. Under our agreement with Cornerstone Bank this cost will be split 50/50.

It was moved by Moore and seconded by Eberle that the Board approve payment of \$17,983.96 to Diversity D for installation of the subsurface drip system at CROP-TIP. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown

**ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Executive Committee met on December 13, 2007 and presented the committee's recommendations.

**ITEM 21. ATTORNEY FEES.**

The attorney fees for the month are \$3,854.90, of which \$3,726.90 is for the fully appropriated basin lawsuit, \$70 is for the Waco Project, and \$58 is for review of the Integrated Management Plan.

It was moved by Volkmer and seconded by Austin to approve payment of \$3,854.90 to Crosby Guenzel LLP, for legal work through November 15, 2007. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,



Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Brown

**ITEM 22. AUDITS AND BOOKKEEPING.**

Several board members expressed concern about having the same firm provide both the bookkeeping and auditing services. No problems have been noted but the committee felt that it would be in the Board's best interest to have the audit done by someone who does not do the monthly accounting. Turnbull reviewed the costs of the audits over the last 10 years and suggested that if the Board wants to separate the services that the District ask several firms for quotes on conducting the annual audit.

It was moved by Volkmer and seconded by Stahly that the District hire separate firms to do the monthly accounting and the annual audits.

Following a brief discussion it was moved by Buller and seconded by Moore to amend the motion to strike the word "hire" and insert the words "request quotes from". The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Brown

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Brown

**ITEM 23. PAYMENT FOR SERVER UPGRADE.**

The bill for the computer server upgrade has been received. The bill of \$3,158.00 includes \$525 of installation time (seven hours) and \$2,633 for the equipment. The original quote was \$3,034 for the equipment plus installation time.

It was moved by Volkmer and seconded by Kuehner to approve payment of \$3,158 for the server upgrade by Computer Concepts, Inc., of Grand Island. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None

NOT PRESENT: Brown

**ITEM 24. 2008 NARD LEGISLATIVE CONFERENCE VOTING DELEGATE & ALTERNATE.**

It was moved by Volkmer and seconded by Eberle to appoint Doug Dickinson as the Voting Delegate and Yvonne Austin as the Alternate for the 2008 NARD Legislative Conference. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Brown

**ITEM 25. HOLIDAY LEAVE FOR FIELD OFFICE CLERKS.**

In July the Board of Directors decided to reward the NRD headquarters staff for a job well done during the irrigated acres certification process by closing the office on Monday, December 24, 2007. This action did not include the four field office clerks. On December 10, Turnbull was informed by the NRCS District Conservationist that the NRCS offices nationwide would be closed on December 24. It is a normal workday for our field office clerks. That means they will have to take a day of annual leave or take the day off without pay, whereas the rest of the NRD staff has the day off with pay without charge against their annual leave.

Turnbull recommends that the Board grant the Field Office Clerks December 24, 2007 off with pay as an extra day of annual leave.

It was moved by Volkmer and seconded by Austin to grant the Field Office Clerks one additional day of paid annual leave for December 24, 2007. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown

**ITEM 26. SALE OF 1996 GMC PICKUP.**

The Manager advertised the sale of the 1996 GMC pickup in the York, Grand Island, Clay County and Seward newspapers. Written offers with a minimum bid of \$2,500 were requested. Two written bids were received: Gary Foster, \$1,000 and Gary Eberle, \$1,750. Turnbull recommends that the GMC pickup be sold to Gary Eberle for \$1,750.

It was moved by Volkmer and seconded by Bruns to approve the sale of the 1996 GMC pickup

to Gary Eberle for \$1,750. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Eberle

NOT PRESENT: Brown

**ITEM 27. NACD WASHINGTON, D.C. BUILDING REPAIR AND REMODEL FUND.**

The NACD leaders are launching a campaign to raise money to maintain, repair and remodel the NACD building in Washington, D.C. Orval Gigstad, past NARD President from Syracuse, Nebraska, has suggested that Nebraska's NRDs contribute \$200 each.

It was moved by Volkmer and seconded by Austin to table the NACD Building Repair and Remodel fund request until after the February Legislative Conference. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Kuehner

NOT PRESENT: Brown

**ITEM 28. SOUTH CENTRAL NEBRASKA RC&D.**

The South Central RC&D has requested that the District appoint a representative to the council. The South Central area includes Adams, Buffalo, Dawson, Gosper, Hall, Hamilton, Kearney, Merrick and Phelps counties.

It was moved by Volkmer and seconded by Nuss to appoint Bill Kuehner as the Upper Big Blue NRD representative on the South Central RC&D Council. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Kuehner

NOT PRESENT: Brown

**ITEM 29. JANUARY 2008 BOARD MEETING DATE.**

Turnbull has requested several days off, including January 17, the date of the regularly scheduled January Board meeting, so he can attend a special art show and family gathering in honor of his father. The Executive Committee suggested leaving the date of the committee meetings

Thursday, January 10 as scheduled, but to change the Board meeting date.

It was moved by Volkmer and seconded by Moore to reschedule the regular January Board meeting for Thursday, January 24, 2008. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown

**ITEM 30. FINANCIAL REPORT NOVEMBER 1, 2007 THROUGH NOVEMBER 30, 2007 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2007.**

Turnbull reviewed the financial report for the period November 1, 2007 to November 30, 2007 that was distributed.

It was moved by Regier and seconded by Volkmer to accept the financial report for November 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown

There being no other business the chairman adjourned the meeting at 2:50 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held December 20, 2007, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Steve Buller, Secretary

Upper Big Blue NRD  
Board of Directors Meeting  
December 20, 2007  
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:ndb  
attachment (1)

**IRRIGATED LANDS NOT REPORTED AFTER FIRST NOTICE SENT**

| LASTNAME                                      | FIRSTNAME              | County   | Township | Sec | Parcel #  | Tract   | Acres   |
|---|------------------------|----------|----------|-----|-----------|---|---------|
| BEAVER CROSSING/TERRY ZIEG VILLAGE CHAIRMAN   | VILLAGE OF             | SEWARD   | 09N01E   | 12  | 800011643 | NE 1/4 NW 1/4 & NW 1/4 NE 1/4                           | 43.58   |
| BECKLER                                       | TRESSA M               | SEWARD   | 09N02E   | 31  | 800015428 | PART OF NE 1/4  | 52.46   |
| BECKLER                                       | TRESSA M               | SEWARD   | 09N02E   | 21  | 800106008 | PART OF SW 1/4  | 132     |
| DAEHLING LIFE USE                             | LUCILLE                | SEWARD   | 12N02E   | 29  | 800028430 | S 1/2 SW 1/4 & S 50 AC N 1/2 SW 1/4                     | 39.2    |
| EICH  | WILLIAM C              | FILLMORE | 06N02W   | 25  | 300040978 | S 1/2 NE 1/4  | 0 *     |
| HANSEN LIFE USE ETAL/MICHAEL MULLALLY PER REP | CARROLL                | SEWARD   | 10N02E   | 20  | 800007166 | SE 1/4 S & W OF HWY                                     | 121.78  |
| HOHNBAUM                                      | MARLEN W               | SEWARD   | 09N01E   | 11  | 800011473 | NW 1/4 NE 1/4 S OF RIVER--TL 11 & SE 1/4 & S 1/2 NE 1/4 | 167.44  |
| KLINTWORTH                                    | MITCH A & PRISCILLA P  | SEWARD   | 12N02E   | 33  | 800028775 | SE 1/4  | 84.21   |
| MILLER  | CHARLES W              | SEWARD   | 11N01E   | 35  | 800034082 | W 1/2 SE 1/4  | 67.39   |
| MILLER  | CHARLES W              | SEWARD   | 11N01E   | 35  | 800034066 | SW 1/4  | 150.9   |
| MILLER  | MILDRED RUTH           | SEWARD   | 10N01E   | 34  | 800010299 | SW 1/4 NW 1/4 & SW 1/4                                  | 121.2   |
| NEBR GAME & PARKS COMMI/SALLY WEBSTER REALTY  |                        | SEWARD   | 11N01E   | 20  | 800213432 | PART OF NW4 SW4   | 18.02   |
| NEIL ETAL                                     | RUTH                   | SEWARD   | 10N02E   | 10  | 800006453 | NW 1/4  | 137.1   |
| NEIL ETAL                                     | RUTH                   | SEWARD   | 10N02E   | 01  | 800098498 | S 1/2 NE 1/4 & E 1/2 NW 1/4                             | 134     |
| ROTH  | CECIL D & JUDY LEE     | SEWARD   | 09N03E   | 32  | 800208323 | PART OF SE 1/4 & PART OF S 1/2 NE 1/4 INC TL 16         | 133.46  |
| ROTH  | CECIL D & JUDY LEE     | SEWARD   | 09N03E   | 32  | 800019113 | NW 1/4 NE 1/4   | 39      |
| SMITH TRUST/STEVEN SMITH                      | HELEN W & RICHARD A JR | FILLMORE | 08N04W   | 34  | 300030023 | NE LESS HWY ROW & TRACTS                                | 120     |
| ST LOUIS                                      | SHAWN & LISA M         | SEWARD   | 09N01E   | 31  | 800012984 | S 1/2 SE 1/4  | 46.3    |
| VEHRS TRUSTEES/LIFE USE                       | JAMES A & BEVERLY J    | SEWARD   | 09N02E   | 12  | 800014189 | W 1/2 SW 1/4  | 57.5    |
| ANDERSON                                      | STEVEN L               | POLK     | 13N03W   | 18  | 720004886 | E1/2 SW1/4 & S1/2 SE1/4                                 | 94      |
| ANDERSON                                      | STEVEN L               | POLK     | 13N03W   | 19  | 720004935 | SE1/4   | 138     |
| HENGELFELT TRUSTEES                           | SETH L & AMANDA R      | POLK     | 13N03W   | 15  | 720004718 | W1/2 SE1/4  | 8       |
| TULS PROPERTIES LLC/TODD D TULS MGR           |                        | POLK     | 13N01W   | 02  | 720000063 | NE1/4   | 119     |
|   |                        |          |          |     |           |   | 2024.54 |

\* The assessor doesn't show this as irrigated land, however, there is a well on the property and GIS indicates part of the land is being irrigated.

**BOARD OF DIRECTORS MEETING**  
**January 24, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 24, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Ken Feather, Dan Leininger, Bryan Euse of York County NRCS and Steve Moseley of York News-Times. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on January 17, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Eberle requested that he be excused from the January 24, 2008 board meeting.

It was moved by Brown and seconded by Austin to excuse the absence of Eberle from the January 24, 2008 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Luebbe to adopt the consent agenda. The motion was

approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Luebbe to approve the agenda for the January 24, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 6. \*APPROVAL OF MINUTES OF THE DECEMBER 20, 2007 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Luebbe to approve the minutes of the December 20, 2007 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on January 10, 2008 and presented the committee's recommendations.

**ITEM 8. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Stahly that payments totaling \$12,154.74 be approved for six NSWCP fund land treatment applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller



NOT PRESENT: Eberle

**ITEM 9. WILD NEBRASKA PROGRAM - GREG BERGEN & LOWELL SIEBERT PAYMENT.**

The Wild Nebraska contract for Greg Bergen and Lowell Siebert has been inspected and payment is recommended. The annual contract payment is \$738.40. Seventy-five percent of the payment will be reimbursed by Nebraska Game & Parks Commission.

Based on the committee's recommendation it was moved by Houdersheldt and seconded by Kuehner that the Upper Big Blue Natural Resources District make a payment of \$369.20 to Greg Bergen and \$369.20 to Lowell Siebert for a total of \$738.40 for the Wild Nebraska contract for the month of January.

After the Projects & Programs Committee meeting staff realized that the payments have been made out to the landowners as a partnership rather than as individuals. As a result it was moved by Houdersheldt and seconded by Brown to amend the motion to read "that the Upper Big Blue NRD make the annual payment of \$738.40 to Greg Bergen & Lowell Siebert Partnership for their Wild Nebraska contract." The amendment was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 10. PAYMENT TO WY-AD UTILITY CONTRACTORS FOR WORK AT BRUCE L. ANDERSON RECREATION AREA.**

On September 18, 2007, the NRD Board voted to work with Nebraska Public Power District and Wy-Ad Utility Contractors, Inc., to lay an electrical line from the main line on the District's east property line to the picnic area at the Bruce L. Anderson Recreation Area at Recharge Lake at a cost not to exceed \$4,000. Wy-Ad Utility Contractors, Inc. have trenched and laid the conduit and four sweeps at a cost of \$3,520. Nebraska Public Power District has laid the electrical line, set the transformer, power pole and light. Everything is installed and working.

It was moved by Houdersheldt and seconded by Kuehner that the Upper Big Blue Natural Resources District pay Wy-Ad Utility Contractors, Inc., in the amount of \$3,520 for the trenching and laying of the conduit and four sweeps at the Bruce L. Anderson Recreation Area at Recharge Lake. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Teegerstrom reported that the Water & Regulations Committee met on January 10, 2008 and presented the committee's recommendations.

**ITEM 12. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Luebbe that the District make cost-share payments for three well abandonments, as reviewed by the committee, totaling \$1,430.10. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Eberle

**ITEM 13. FLOW METER COST-SHARE PAYMENTS.**

Sixty-two flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Teegerstrom and seconded by Regier that the District make cost-share payments for sixty-two flow meters, as reviewed by the committee, totaling \$30,701.74. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Eberle

**ITEM 14. CERTIFICATION OF IRRIGATED ACRES.**

The Water & Regulations Committee reviewed irrigated acres to be certified, which includes 12,547 acres.

It was moved by Teegerstrom and seconded by Moore that the Board certify the January 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 15. IRRIGATED ACRES REPORT VIOLATIONS.**

A list of landowners who have not reported their irrigated acres and other required information is attached. Past due notices were sent with a specific deadline for response. The staff recommends that the board authorize them to initiate the complaint process to determine violations of the District's Ground Water Management Area Rules and Regulations.

It was moved by Teegerstrom and seconded by Austin that the Board authorize the issuance of complaints against those individuals on the attached list who have not submitted irrigated acres reports as required by the District Ground Water Management Area Rules and Regulations. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Kuehner, Nuss, Weiss

NOT PRESENT: Eberle

**ITEM 16. IRRIGATION SCHEDULING EQUIPMENT SALES.**

Since the county Ground Water Conservation Districts were dissolved in the early 90s, the District has sold moisture blocks and soil probes for irrigation scheduling. Over the past few years the NRD has offered various discounts on irrigation scheduling equipment with certain conditions and sold to other individuals at cost. The most recent discount programs were temporary and were used to establish a network of ET gages across the NRD. Some individuals have asked if the District would consider discounting irrigation scheduling equipment to promote its use. The staff prepared the following summary of irrigation scheduling equipment for sale with 2008 pricing. The FY07-08 Water Department 'materials for resale' line item budget is \$19,000, of which more than \$18,500 remains to be spent.

**Irrigation Scheduling - Pricing Options for 2008**

|                                 | List Price | NRD cost | NRD Price* | 50% of list** | 50% of NRD Price |
|---------------------------------|------------|----------|------------|---------------|------------------|
| ET gage                         | \$180.00   | \$180.00 | \$198.00   | \$90.00       | \$99.00          |
| <b>Irrrometer Watermark</b>     |            |          |            |               |                  |
| Sensors                         | \$32.25    | \$26.00  | \$28.60    | \$16.13       | \$14.30          |
| Meter                           | \$280.00   | \$219.00 | \$240.90   | \$140.00      | \$120.45         |
| Data Logger                     | \$432.00   | \$324.00 | \$356.40   | \$216.00      | \$178.20         |
| Data Logger (wireless receiver) | \$674.00   | \$539.00 | \$592.90   | \$337.00      | \$296.45         |
| Data Transmitter (wireless)     | \$199.00   | \$159.00 | \$174.90   | \$99.50       | \$87.45          |
| <b>IMC soil probes</b>          |            |          |            |               |                  |
| Backsaver handle                | \$323.00   | \$323.00 | \$355.30   | \$161.50      | \$177.65         |
| Standard handle (24")           | \$61.80    | \$61.80  | \$67.98    | \$30.90       | \$33.99          |
| Consultant tube (12")           | \$71.45    | \$71.45  | \$78.60    | \$35.73       | \$39.30          |
| Consultant tube (18")           | \$81.20    | \$81.20  | \$89.32    | \$40.60       | \$44.66          |
| <b>Delmhorst</b>                |            |          |            |               |                  |
| Sensors (blocks)                | \$8.25     | \$6.19   | \$6.81     | \$4.13        | \$3.40           |
| Meter                           | \$315.00   | \$236.25 | \$259.88   | \$157.50      | \$129.94         |

\* NRD Price includes 10% shipping and handling

\*\* Rounded up

It was moved by Teegerstrom and seconded by Houdersheldt that the Board adopts the following irrigation scheduling equipment pricing for 2008.

- 1) For sales to irrigators operating in the Upper Big Blue NRD, irrigation scheduling equipment will be sold at 50 percent of the NRD price.
- 2) For all other sales, irrigation scheduling equipment will be sold at the NRD price.
- 3) The FY07-08 Water Department Material for Resale expenditures shall not exceed \$19,000.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 17. LATE PERMIT CONSIDERATION.**

Smith Plumbing and Well Service constructed a domestic well for Mike Bjorkman of Phillips, Nebraska in the NE ¼ of Section 29-T11N-R7W, Hamilton County. The well was equipped

with a 60 g.p.m. pump. State law requires all wells greater than 50 g.p.m. be permitted by the NRD prior to construction. This well complies with all NRD regulations. The staff recommends that the Board approve the late permit.

It was moved by Teegerstrom and seconded by Bruns that the Board approve a late permit, number UBB-1-3976 for a domestic well owned by Mike Bjorkman in the NE ¼ of Section 29-T11N-R7W, Hamilton County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 18. PAYMENT TO UNL FOR SOIL ANALYSES.**

The University of Nebraska Soil Laboratory has billed the District for 211 soil analyses for November 2007 samples taken at CROP-TIP and from fields near the District's eight dedicated monitoring well sites. The costs are CROP-TIP - \$414.00, dedicated monitoring well sites - \$673.88, for total of \$1,087.88.

It was moved by Teegerstrom and seconded by Regier that the Board approve payment of \$1,087.88 to the University of Nebraska for 211 analyses of soil samples collected in November 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Brown reported that the Executive Committee met on January 10, 2008 and presented the committee's recommendations.

**ITEM 20. \*FOURTH QUARTER DIRECTORS PER DIEM AND EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Regier and seconded by Luebbe to approve payment of fourth quarter directors' per diem of \$6,720.00 and expenses of \$2,194.27. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,

Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Eberle

**ITEM 21. LOWER PLATTE NORTH SALARY REIMBURSEMENT.**

The Lower Platte North NRD submitted an invoice in the amount of \$6,784.74 for the Upper Big Blue NRD's share of salary and benefits for the Butler County NRCS clerk from July 1, 2007 to December 31, 2007.

It was moved by Brown and seconded by Volkmer to approve payment of \$6,784.74 to the Lower Platte North NRD for NRCS office salaries for half of FY 2008 (July 1, 2007 - December 31, 2007). The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Kuehner, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen  
NAY: Houdersheldt, Luebbe  
NOT PRESENT: Eberle

**ITEM 22. BOARD AND COMMITTEE MEETING SCHEDULE FOR 2008.**

Turnbull recommends that the March Executive Committee meeting be held on March 18 rather than March 13 due to a conflict with the Environmental Quality Council Meeting. Turnbull is a member of that Council. Turnbull further recommends that the July Board Meeting be held on July 24 instead of July 17 to allow the financial statement to include the year-end county treasurers' balances. The county information will not be available until July 15. The July committee meetings should also be scheduled one week later than normal.

It was moved by Brown and seconded by Houdersheldt to schedule the March Executive Committee meeting for March 18; to schedule the July committee meetings for July 15 and 17; and to schedule the July Board Meeting for July 24, 2008.

It was moved by Austin and seconded by Regier to amend the motion to schedule all the March committee meetings for March 18. The amendment carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Eberle

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 23. ACTION ON PROPOSED LEGISLATION.**

Turnbull distributed a summary of bills that might be of particular interest to NRDs.

It was moved by Moore and seconded by Houdersheldt to support LB 798, LB 1150, LB 924 and LB 1041. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

It was moved by Moore and seconded by Houdersheldt to oppose LB 1094. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 24. FINANCIAL REPORT DECEMBER 1, 2007 THROUGH DECEMBER 31, 2007 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2007.**

Turnbull reviewed the financial report for the period December 1, 2007 to December 31, 2007 that was distributed.

It was moved by Volkmer and seconded by Dickinson to accept the financial report for December 2007 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 25. NOMINATING COMMITTEE REPORT.**

Houdersheldt reported that the Nominating Committee met January 10, 2008 and presented the

committee's report and the slate of candidates.

Chairman Friesen turned the meeting over to Houdersheldt during the election of officers. Bitner and Feather were asked to count the ballots.

**ITEM 26. NOMINEES FOR CHAIRMAN.**

The only nominee for the office of Chairman was Curt Friesen. There were no further nominations from the floor.

It was moved by Moore and seconded by Regier that nominations for the office of Chairman cease and the board declare Curt Friesen as chairman. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: None

NOT VOTING: Friesen

NOT PRESENT: Eberle

Friesen will serve as Chairman for a one year term.

**ITEM 27. NOMINEES FOR VICE CHAIRMAN.**

Nominees for the office of Vice Chairman were Gus Brown and Linda Luebbe. There were no further nominations from the floor. The Board was instructed to cast their vote for Vice Chairman. Brown received 8 votes and Luebbe 8 votes. Rather than have a second vote for vice chairman, Brown conceded the position to Luebbe. Luebbe will serve as Vice Chairman for a one year term.

**ITEM 28. NOMINEES FOR SECRETARY.**

Nominees for the office of Secretary were Steve Buller and Mike Nuss. There were no nominations from the floor. The Board was instructed to cast their vote for Secretary. Buller received 8 votes and Nuss 8 votes. The Board was instructed to recast their votes for Secretary. Buller received 7 votes and Nuss 9 votes. Nuss will serve as Secretary for a one year term.

**ITEM 29. NOMINEES FOR TREASURER.**

Nominees for the office of Treasurer were Merlin Volkmer and Bill Stahly. There were no further nominations from the floor. The Board was instructed to cast their vote for Treasurer. Volkmer received 5 votes and Stahly 11 votes. Stahly will serve as Treasurer for a one year term.

**ITEM 30. NARD REPRESENTATIVE AND ALTERNATE.**



The nominees for NARD Representative and Alternate were Doug Dickinson and Yvonne Austin. There were no further nominations from the floor. The Board was instructed to cast their vote. The nominee with the highest number of votes will serve as Representative and the other nominee will serve as the Alternate. Dickinson received 12 votes and Austin 4 votes. Dickinson will serve as NARD Representative and Austin will serve as NARD Alternate for a one year term.

There being no other business the chairman adjourned the meeting at 3:53 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held January 24, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb  
attachment (1)

| IRRIGATED LANDS NOT REPORTED AFTER FIRST NOTICE SENT |                       |                   |          |        |          |          |     |       |
|--|-----------------------|-------------------|----------|--------|----------|----------|-----|-------|
| LAST NAME  | FIRST NAME            | Original Due Date | Notice   |        | County   | Township | Sec | Acres |
|  |                       |                   | Sent     | Due    |          |          |     |       |
| ALBERTS ETAL   | ALFRED A              | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 2N05W    | 08  | 147   |
| CAMPBELL   | MARILYN               | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 08N05W   | 65  | 63    |
| BIHAL  | SUSIE L               | 3/19/07           | 12/11/07 | 1/7/08 | BUTLER   | 33N01E   | 15  | 142   |
| BIHAL  | SUSIE L               | 3/19/07           | 12/11/07 | 1/7/08 | BUTLER   | 33N01E   | 15  | 144   |
| BIERINGER  | MARY FRANCES          | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N09W   | 24  | 0     |
| BOUBLE H FARM INC                                    |                       | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 22N06W   | 60  | 66    |
| BOUBLE H FARM INC                                    |                       | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 22N07W   | 66  | 289   |
| BUER ETAL  | SUSAN J               | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 33N02E   | 28  | 33    |
| BUER ETAL  | SUSAN J               | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 33N02E   | 28  | 133   |
| CLEGG TRUSTEES                                       | DONALD & MARCELLA M   | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 07N05W   | 21  | 132   |
| CUNNINGHAM   | DANIEL R              | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 08N07W   | 08  | 120   |
| CARNEY   | MARY JANE             | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 22N07W   | 65  | 124   |
| CARNEY   | MARY JANE             | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 21N06W   | 06  | 138   |
| CARNEY ETAL  | DONALD O              | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 22N06W   | 61  | 118   |
| CARNEY ETAL  | DONALD O              | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 22N06W   | 61  | 67    |
| COFFMAN ETAL   | PAULINE               | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N09W   | 22  | 0     |
| COHLEN   | KAREN, ROBT, WM, DOUG | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 23  | 39    |
| COHLEN   | ROGER D               | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 15  | 9.5   |
| COHLEN   | ROGER D               | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 15  | 7     |
| COHLEN   | ROGER D               | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 15  | 22    |
| COHLEN   | ROGER D               | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 15  | 40    |
| COHLEN   | ROGER D               | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 23  | 39.5  |
| COHLEN   | ROGER D & KAREN J     | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N09W   | 15  | 144.8 |
| COHLEN ETAL  | KAREN J               | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 23  | 38    |
| COHNSON  | JOHN R & HARRY L      | 3/1/07            | 12/7/07  | 1/7/08 | SALINE   | 08N01E   | 11  | 103   |
| COHNSON IMP'L HOMES                                  |                       | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 24  | 0     |
| CARPSEK  | DONALD                | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 33N02E   | 20  | 3     |
| CARPSEK  | DONNIE                | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 33N02E   | 17  | 27    |
| CAUK TRUST   | RAYMOND & LENORA      | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 08N06W   | 22  | 137   |
| CHRSKA & JULIE LISKA                                 | LYLE B                | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 33N02E   | 62  | 67    |
| CHRSKA & JULIE LISKA                                 | LYLE B                | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 33N02E   | 62  | 40    |
| CHANKIN  | WENDELL C             | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 20N06W   | 06  | 64    |
| CHANKIN ETUX   | WENDELL C             | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 20N06W   | 06  | 76    |
| CHANKIN ETUX   | WENDELL C             | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 20N06W   | 06  | 78    |
| CHANKIN FARMS INC                                    |                       | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 20N06W   | 06  | 73    |
| CHANKIN FARMS INC                                    |                       | 3/1/07            | 12/7/07  | 1/7/08 | HAMILTON | 21N06W   | 62  | 130   |
| CHITTO   | GARY & SANDRA K       | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 33N01E   | 26  | 92    |
| CHIRKS   | EUGENE A & JANE M     | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 07N09W   | 04  | 0     |
| CHICHENBACH  | S A                   | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 34N01E   | 11  | 3.24  |
| CHREMLINGTON FARMS INC                               |                       | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 07N08W   | 09  | 152   |
| CHREMLINGTON FARMS INC                               |                       | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 07N08W   | 07  | 131   |
| CHAMUELSON   | ROBB P & LORIL        | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 08N08W   | 18  | 27    |
| CHAMUELSON   | ROBB P & LORIL        | 3/1/07            | 12/10/07 | 1/7/08 | CLAY     | 08N08W   | 18  | 22    |
| CHYE LOCH LLC  |                       | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 25  | 0.2   |
| CHYE LOCH LLC  |                       | 3/1/07            | 12/10/07 | 1/7/08 | ADAMS    | 08N10W   | 25  | 3.54  |
| CHAYLOR TRUST  | JAMES M               | 3/1/07            | 12/11/07 | 1/7/08 | BUTLER   | 34N01E   | 11  | 62    |

**BOARD OF DIRECTORS MEETING**  
**February 21, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 21, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Ken Feather, Rod DeBuhr, Dan Leininger, Nancy Beach, Russ Gierhart, David Kohls of Hamilton County NRCS and Steve Moseley of York News-Times. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on February 14, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Austin arrived at 1:37 p.m.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

There were no requests for excused absence.

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Dickinson to approve the agenda for the February 21, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 24, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Dickinson to approve the minutes of the January 24, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 7. EMPLOYEE RECOGNITION.**

John Turnbull was presented with a framed print in appreciation of 30 years of service to the district.

**ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on February 14, 2008 and presented the committee's recommendations.

**ITEM 9. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Dickinson that the District make cost-share payments for four well abandonments, as reviewed by the committee, totaling \$1,543.37. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 10. FLOW METER COST-SHARE PAYMENTS.**

Fifteen flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Luebbe that the District make cost-share payments for fifteen flow meters, as reviewed by the committee, totaling \$7,384.52. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Regier

**ITEM 11. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed an additional 12,451.1 irrigated acres to be certified. This brings the total certified acres to 1,137,216.2, which represents 99.6 % of the total estimated irrigated acres.

It was moved by Moore and seconded by Teegerstrom that the Board certify the February 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 12. IRRIGATED ACRES REPORT VIOLATIONS.**

A list of landowners who have not reported their irrigated acres and other required information is attached. Past due notices were sent with a specific deadline for response. The staff recommends that the board authorize the staff to initiate the complaint process to determine violation of the District's Ground Water Management Area Rules and Regulations.

It was moved by Moore and seconded by Brown that the Board authorize the issuance of complaints against those individuals on the attached list who have not submitted irrigated acres reports as required by the District Ground Water Management Area Rules and Regulations. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 13. LATE PERMIT CONSIDERATION.**

Nunnenkamp Well Company constructed an irrigation well for Paul and Jeanette Grothen in the SE ¼ of Section 25-T8N-R10W, Adams County in 1996. The well was a replacement well for well G-042368. However, the original well was not properly abandoned within the required time so the well could not be registered as a replacement well. This requires the new well to be permitted. In the past the Board has waived the late fee in similar situations. The standard \$50.00 fee has been paid. This well complies with all NRD regulations. The staff recommends that the Board approve the late permit.

It was moved by Moore and seconded by Austin that the Board approve a late permit No. UBB-1-3989 for an irrigation well owned by Paul and Jeanette Grothen in the SE ¼ of Section 25-T8N-R10W, Adams County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 14. GROUND WATER TRANSFER PERMIT CONSIDERATION.**

Morgan Norval has applied for a permit to transfer ground water from the SW¼ of Section 36-T10N-R1W to the N½NW¼ of Section 1-T9N-R1W all in York County. The transfer is created by a proposed center pivot crossing into Section 1. There is no county road between Section 32 and Section 6. The proposed transfer complies with the District's Ground Water Management Area regulations.

It was moved by Moore and seconded by Volkmer that the Board approve the proposed Morgan Norval ground water transfer from the SW¼ of Section 36-T10N-R1W to the N½NW¼ of Section 1-T9N-R1W all in York County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 15. CHEMIGATION FEES DUE DEPARTMENT OF ENVIRONMENTAL QUALITY.**

The District received 275 renewals and 31 new chemigation permit applications in 2007. The District received \$3,680 in permit fees, of which \$705 is owed to the Department of Environmental Quality.

It was moved by Moore and seconded by Luebbe that the Board approve the proposed payment of \$705 to the Department of Environmental Quality for their share of chemigation permit fees collected in 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 16. PAYMENT TO CENTRAL DISTRICT HEALTH DEPARTMENT.**

The Central District Health Department in Grand Island did 141 nitrate analyses for the District in 2007, at a cost of \$6.00 per test. The total cost is \$846.00. The tests were for wells sampled across the NRD for the Ground Water Quality Management Area.

It was moved by Moore and seconded by Austin to pay the Central District Health Department \$846.00 for water tests conducted in 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on February 14, 2008 and presented the committee's recommendations.

**ITEM 18. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Austin that land treatment program payments of \$4,853.48 for two NSWCP applications and \$5,000 for 1 NRD application, be approved as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 19. PROPOSAL FOR HIGH ALTITUDE PHOTO MAPPING.**

The Rainwater Basin Joint Venture (RWB JV) is proposing to conduct high altitude aerial photography in the southeastern portion of Nebraska. The RWB JV has applied for grants to

assist with the more than \$2,000,000 project cost, and they are requesting the NRDs to assist with portions of the local share of cost. The Upper Big Blue NRD's share is estimated to be \$6,000 per year for two consecutive years. The aerial photo mapping would show land contours at 2 foot intervals, which is consistent with what this District uses for design work. Staff recommends that the District participate in this project.

It was moved by Houdersheldt and seconded by Brown that the Upper Big Blue Natural Resources District participate in the Rainwater Basin Joint Venture aerial mapping project, and that the District's share of cost be \$6,000 per year for two consecutive years. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 20. WACO FLOOD PROTECTION PROJECT CONSTRUCTION PROGRESS PAYMENT.**

Construction work has been started on the Waco Flood Protection Project. Staff recommends that progress payment 1 be made to Horizontal Boring for pipe materials.

It was moved by Houdersheldt and seconded by Bruns that Horizontal Boring & Tunneling Company be paid \$52,367.30 in accordance with the contract and progress payment 1 for work completed on the Waco Flood Protection Project. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 21. PROJECT MAINTENANCE FINAL PAYMENT FOR TREE REMOVAL.**

Tree and brush removal from District owned dams and other structures has been completed as previously approved. Staff recommends that final payment be made to Henry Thompson Tree Service in accordance with our project maintenance agreement.

It was moved by Houdersheldt and seconded by Austin that Henry Thompson Tree Service be paid \$38,700 for removal of trees and brush from District owned structures, in accordance with the project maintenance agreement dated December 3, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None



NOT PRESENT: Regier

**ITEM 22. RECHARGE LAKE ARCHERY RANGE - REQUEST TO PURCHASE STORAGE CONTAINER.**

The storage shed at the archery range is in need of a great deal of repair. Rodents are getting into the building through the rotted floor. The building is used to store the mowers, tools, targets and other materials used by the archery club. The archery club has requested that the NRD purchase a storage container to replace the existing shed. Callaway, Inc. of Shelby, Nebraska has given the District a quote of \$2,150.00, plus \$200 delivery charge, for a 20' x 8' metal storage container. There also would be an additional \$250.00 charge for having it painted.

It was moved by Houdersheldt and seconded by Brown that the Upper Big Blue Natural Resources District purchase the 20' x 8' metal storage container for the archery range to be used by the Upper Big Blue Archery Club to store their mowers, weed eater, targets, tools, etc. at a cost of \$2,600.00 which includes delivery and painting of the storage container. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on February 14, 2008 and presented the committee's recommendations.

**ITEM 24. NRD OFFICE BUILDING ROOF REPLACEMENT.**

The roof on the older section of the office building needs to be replaced. It is an area about 50 ft. x 100 ft. The work would include removal of the old roof down to the plywood roof decking, removal of old air conditioning platforms, and replacing any rotted plywood decking and installation of new half-inch underlayment, rubber roof membrane, new flashing and roof drain inserts.

It was moved by Luebbe and seconded by Houdersheldt to advertise for bids for roof replacement on the NRD office building. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 25. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

A bill for \$6,024.39 was received from York Printing for printing the Blueprint Newsletter.

It was moved by Luebbe and seconded by Bruns to approve payment of \$6,024.39 to York Printing for the January Blueprint newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

**ITEM 26. DIRECTOR EXPENSES.**

Merlin Volkmer has submitted a request for payment of expenses for his attendance at the Four States Irrigation Council meeting in Ft. Collins, Colorado. The mileage cost is \$467.64 and other expenses are \$215.23.

It was moved by Luebbe and seconded by Stahly to authorize payment of \$682.87 to Merlin Volkmer for expense reimbursement for the Four States Irrigation Council meeting at Ft. Collins, Colorado. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Regier

**ITEM 27. NACD WASHINGTON, D.C. BUILDING REPAIR AND REMODEL FUND.**

The NACD leaders are conducting a campaign to raise money to maintain, repair and remodel the NACD building in Washington, D.C. Orval Gigstad, past NARD President from Syracuse, Nebraska, has suggested that Nebraska's NRDs contribute some funds. Most Districts are contributing \$250 - \$300.

It was moved by Luebbe and seconded by Houdersheldt to approve payment of \$300 to the NACD 509 Capitol Court Campaign for the NACD headquarters building repair and improvement, and further to suggest that the NACD establish an endowment for future building repair and remodeling. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Weiss

NOT PRESENT: Regier

**ITEM 28. FINANCIAL REPORT JANUARY 1, 2008 THROUGH JANUARY 31, 2008  
AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2008.**

Turnbull reviewed the financial report for the period January 1, 2008 to January 31, 2008 that was distributed.

It was moved by Volkmer and seconded by Eberle to accept the financial report for January 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Regier

There being no other business the chairman adjourned the meeting at 3:05 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held February 21, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb  
attachment (1)

| IRRIGATED LANDS NOT REPORTED AFTER FIRST NOTICE SENT      |            |             |            |                          |                     |          |            |         |
|---|------------|-------------|------------|--------------------------|---------------------|----------|------------|---------|
| Parcel #  | Due Date   | Notice Sent | Notice Due | LAST NAME                | FIRST NAME          | County   | Legal      | Acres   |
| A038452   | 12/21/2007 | 1/2/2008    | 2/1/2008   | HALLER                   | FRANK H & ALLISON M | ADAMS    | 26-08N-10W | 29      |
| 300028644   | 12/17/2007 | 1/2/2008    | 2/1/2008   | RATH                     | LEONA               | FILLMORE | 08-08N-04W | 0 *     |
| 410026212   | 12/21/2007 | 1/2/2008    | 2/1/2008   | MANKIN                   | WENDELL C           | HAMILTON | 31-11N-06W | 122.326 |
| 410169477   | 12/21/2007 | 1/2/2008    | 2/1/2008   | NE COLORADO CELLULAR INC |                     | HAMILTON | 30-10N-07W | 5       |
|   |            |             |            |                          |                     |          |            | 156.326 |
| * Active well on property, but assessor shows as dryland. |            |             |            |                          |                     |          |            |         |

**BOARD OF DIRECTORS MEETING  
March 20, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 20, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Ken Regier, Bill Stahly, Vance Teegerstrom and Merlin Volkmer.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Ken Feather, Rod DeBuhr, Bryan Euse of York County NRCS, and Steve Moseley of York News-Times. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on March 13, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

There were no requests for excused absence.

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Kuehner to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Kuehner to approve the agenda for the March 20, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen  
NAY: None  
NOT PRESENT: Weiss

**ITEM 6. \*APPROVAL OF MINUTES OF THE FEBRUARY 21, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Kuehner to approve the minutes of the February 21, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen  
NAY: None  
NOT PRESENT: Weiss

**ITEM 7. EMPLOYEE RECOGNITION.**

Jay Bitner was presented with a framed print in appreciation of 30 years of service to the district.

**ITEM 8. DIRECTOR RECOGNITION.**

Doug Dickinson was presented with an engraved walnut plaque carved in the shape of the state of Nebraska. Dickinson has served on the Upper Big Blue NRD Board for 25 years.

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on March 18, 2008 and presented the committee's recommendations.

**ITEM 10. FLOW METER COST SHARE PAYMENTS.**

Ten flow meters have been installed this month and staff has inspected and approved the installations.

It was moved by Moore and seconded by Luebbe that the District make cost share payments for ten flow meters, as reviewed by the committee, totaling \$4,907.03. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 11. GROUND WATER TRANSFER AUTHORIZATIONS.**

**ITEM 11 A. TONY SCHWEITZER GROUND WATER TRANSFER.**

Tony Schweiter proposes to construct a new well in the SE $\frac{1}{4}$  of Section 5-T8N-R3E, to irrigate 65 acres in the W $\frac{1}{2}$  of Section 4-T8N-R3E all in Saline County. Mr. Schweitzer owns 270 acres in the source tract. This transfer meets the requirements of the District Rule 5.

It was moved by Moore and seconded by Luebbe to approve transfer authorization T-003, which authorizes the transfer of ground water from the SE $\frac{1}{4}$  Section 5-T8N-R3E, to irrigate 65 acres in the W $\frac{1}{2}$  of Section 4-T8N-R3E all in Saline County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 11B. WILLIAM AND SHIRLEY OBERMIER GROUND WATER TRANSFER.**

William and Shirley Obermier propose to use existing well G-052276 in the SE $\frac{1}{4}$  Section 7-T10N-R1W, to irrigate 57.3 acres in the SW  $\frac{1}{4}$  of Section 8-T10N-R1W all in York County. Mr. & Mrs. Obermier own 157 acres in the source tract. This transfer meets the requirements of the District Rule 5.

It was moved by Moore and seconded by Bruns to approve transfer authorization T-004, which authorizes the transfer of ground water from the SE $\frac{1}{4}$  Section 7-T10N-R1W, to irrigate 57.3 acres in the SW $\frac{1}{4}$  of Section 8-T10N-R1W all in York County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 7,179.4 acres. This brings the total certified acres to 1,138,446.6.

It was moved by Moore and seconded by Brown that the Board certify the March 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 13. IRRIGATED ACRES REPORT VIOLATIONS.**

A list of landowners who have not reported their irrigated acres and other required information is attached. Past due notices were sent with a specific deadline for response. The staff recommends that the board authorize the staff to initiate the complaint process to determine violation of the District's Ground Water Management Area Rules and Regulations.

It was moved by Moore and seconded by Stahly that the Board authorize the issuance of complaints against those individuals on the attached list who have not submitted irrigated acres reports as required by the District Ground Water Management Area Rules and Regulations. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 14. BRADSHAW INDUSTRIAL WELL FIELD STUDY.**

Derek Ryter of Olsson Associates was present at the Projects and Programs Committee meeting to explain the hydrologic study procedure and findings. There were several questions and comments from the committee and others in attendance about the study and existing wells near the proposed well site. Concern was expressed over some wells near the proposed well site that are constructed in an aquifer that has limited ability to produce the water desired for full irrigation. After the discussion the committee made the motion to hold action on consideration of the hydrologic study for the proposed Bradshaw industrial well site and request that Olsson Associates work with the NRD staff and local well owners to refine the model to assess potential impact on the wells constructed in the limited water area near the proposed well site.

**ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on March 18, 2008 and presented the committee's recommendations.

**ITEM 16. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Bruns that land treatment program payments of \$8,259.82 for 5 NSWCP applications and \$5,000.00 for 1 NRD application, be approved, as



reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Weiss

**ITEM 17. \* NEBRASKA BUFFER STRIP PROGRAM MARCH 2008 PAYMENTS.**

It was moved by Regier and seconded by Kuehner that March quarterly payments totaling \$11,188.97 be made for 18 Nebraska Buffer Strip Program applications, as reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 18. CONTRACT PAYMENT FOR WACO EAST DRAINAGE IMPROVEMENT PROJECT.**

Staff recommends progress payment be made to Horizontal Boring for construction work completed between February 13 and March 7, 2008 on the Waco Flood Protection Project.

It was moved by Houdersheldt and seconded by Bruns that Horizontal Boring & Tunneling be paid \$110,785.82 in accordance with the Contract and Progress Payment No. 2 for work completed between February 13, 2008 and March 7, 2008 on the Waco Flood Protection Project.  
The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 19. HAZARD MITIGATION PLANNING INTERLOCAL AGREEMENT WITH LOWER PLATTE NORTH NRD.**

The Lower Platte North NRD (LPNNRD) is conducting Hazard Mitigation Planning for the entire area of their District. The LPNNRD has offered to include that portion of Butler County that is within the Upper Big Blue NRD. If this additional area is included, the total cost would be \$20,000. Seventy-five percent is grant eligible and the remaining 25% (\$5,000) would be paid by the Upper Big Blue NRD, less any contributions by villages in that area. Staff recommends the District enter into an Interlocal Agreement with the LPNNRD to include in their

study that portion of Butler County that is within the Upper Big Blue NRD.

It was moved by Houdersheldt and seconded by Volkmer that the Upper Big Blue NRD enter into an Interlocal Agreement with the Lower Platte North Natural Resources District for Hazard Mitigation Planning in that portion of Butler County located within the Upper Big Blue NRD, and that the Upper Big Blue NRD agree to pay 25% of the planning cost, not to exceed \$5,000, for including that portion of Butler County in the planning study. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 20. HAZARD MITIGATION PLANNING AGREEMENT WITH SEWARD COUNTY.**

The District previously agreed to assist Seward County with the cost of Hazard Mitigation Planning, pending approval of an Interlocal Agreement. The County has submitted a Memorandum of Understanding requesting that the District contribute \$500 toward the total cost of \$70,409.50 for Hazard Mitigation Planning in Seward County. Staff recommends approval of the Memorandum of Understanding.

It was moved by Houdersheldt and seconded by Teegerstrom that the Upper Big Blue NRD enter into a Memorandum of Understanding with Seward County for their Hazard Mitigation Plan, and that the District's share of planning cost not exceed \$500.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 21. SEWARD WEST TRAIL PROJECT INTERLOCAL AGREEMENT.**

The City of Seward desires to construct a hiking and biking trail within the city of Seward, adjacent to the Big Blue River, and extending from the existing trail head on South Columbia Street westward to the city swimming pool.

An Interlocal Agreement has been approved by the City and submitted to the Upper Big Blue NRD for consideration. In the agreement it stipulates that the District would act as the lead agency and will do the design work, apply for grants, administer the contracts and do the construction inspection. The City would pay 75% of the local share of project cost, not to exceed \$225,000, and the District would pay 25% of the local share of project cost, not to exceed \$75,000. Total project cost is estimated to be \$800,000, and grants of \$560,000 will be applied for. The City of Seward will acquire land rights and be responsible for operation and

maintenance of the project once complete. Staff recommends approval of the agreement.

It was moved by Houdersheldt and seconded by Brown that the Upper Big Blue Natural Resources District enter into the Interlocal Agreement with the City of Seward to design and construct a hiking and biking trail adjacent to the Big Blue River extending from the existing trail head on South Columbia Street westward to the new swimming pool with the District share of project cost not to exceed \$75,000. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

## **ITEM 22. PROPOSED TRAIL - AURORA TO PIONEER TRAILS RECREATION AREA.**

The City of Aurora and Upper Big Blue NRD have discussed constructing a trail from the city eastward along Lincoln Creek to the Pioneer Trails Recreation Area. Staff presented a preliminary plan to the Committee with an estimated cost of \$550,000. Fifty percent to be paid by the City and 50% to be paid by the NRD.

The recommendation that the Board considering funding the project failed in committee. Ken Regier, who was not present at the committee meeting, asked for an explanation of why the committee voted not to fund the project. In addition, he asked that project not be dropped from the active projects list.

During the discussion it was brought up that as a rule the NRD has contributed 25% of the local share on trail projects. Because there are currently no grants or other sources of funding for the project, and the proposed trail would lead from the city of Aurora to the District owned Pioneer Trails Reservoir, it was suggested by staff that we consider funding at 50%. It appears to be the percentage of funding that prevented the project from moving forward. The City had not seen the proposal. Staff will contact the City to discuss the matter.

Regier asked that the item be put on the agenda for consideration by the committee next month. He asked that the proposal be discussed with the City before a decision is made. He felt that there may be the possibility of additional funding through one of the local foundations.

## **ITEM 23. LAND TREATMENT PROGRAM CANCELLATION REQUEST.**

The District has received a request from Blaine Richards to cancel his cost-share practice for a pitless reuse system. The District approved cost-share of \$3,795.89 for this practice in 2001, and the practice has been operational for seven years (2001 - 2007). Mr. Richards has asked if he will be required to repay any cost-share for the remaining three years of project design life. After some discussion about this, the Committee recommended that staff follow current policy. On

this basis, Blaine Richards will need to reimburse the District the full cost share amount \$3,795.89.

Buller asked to discuss the matter further. Buller indicated he was not acquainted with Mr. Richards and had not spoken with him regarding the matter. Buller said it was his understanding that Mr. Richards was using a pitless reuse system for conserving groundwater and wants to discontinue that and go to another water saving device by putting on a pivot, which would increase the water efficiency. Buller asked that despite our current rules we revisit the matter and consider the circumstances. He said he didn't feel it was right to make Mr. Richards repay all the cost share for the three years remaining on the contract.

It was moved by Buller and seconded by Moore that the cost share to be reimbursed by Blaine Richards for his pitless reuse system be prorated for the remaining three years of the practice.

It is currently our policy that if a practice is removed or altered prior to the end of the design life that all the cost share is to be repaid. Bitner explained that prior to this policy the amount to be repaid was prorated.

Bitner realized after the committee meeting that the initial application signed by Mr. Richard's in 2001 had not been updated to reflect the new repayment policy. The agreement he signed states that he is to repay a portion of the cost share.

Houdersheldt felt that at the very least there should be some sort of penalty for terminating the contract prior to the end of the ten years.

It was moved by Houdersheldt and seconded by Volkmer to amend the motion to read "plus an additional 10% of the total cost share amount (\$379.59)." The amendment failed.

AYE: Austin, Eberle, Houdersheldt, Kuehner, Stahly, Teegerstrom, Volkmer, Friesen  
NAY: Brown, Bruns, Buller, Dickinson, Luebbe, Moore, Nuss, Regier  
NOT PRESENT: Weiss

The question was called on the original motion. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer  
NAY: Houdersheldt, Nuss, Friesen  
NOT PRESENT: Weiss

#### **ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on March 18, 2008 and presented the committee's recommendations.

**ITEM 25. ATTORNEY FEES.**

The attorney fees for the month are \$4,508.04, of which \$420.00 is for the Matulka land treatment application and \$4,088.04 is for the fully appropriated basin lawsuit.

It was moved by Luebbe and seconded by Houdersheldt to approve payment of \$4,508.04 to Crosby Guenzel LLP, for legal work through February 15, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 26. LOWER PLATTE NORTH SALARIES REIMBURSEMENT.**

An invoice in the amount of \$2,142.24 for 199 hours of technical assistance provided in Butler County on behalf of the Upper Big Blue NRD was submitted by the Lower Platte North NRD. The work was completed during the first half of fiscal year 2008.

It was moved by Luebbe and seconded by Austin to approve payment of \$2,142.24 to the Lower Platte North NRD for NRCS technical salaries for first half of FY 08. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Houdersheldt

NOT PRESENT: Weiss

**ITEM 27. GROUNDWATER MODELING.**

Bitner explained that more review and consultation work is required for Hemenway Groundwater Engineering on the Blue Basin groundwater model. The current contract has an upper limit of \$9,000. Bitner recommends that the agreement be amended to change the maximum amount to \$15,000. Also, a bill has been received from that firm for work completed through March 4, 2008.

It was moved by Luebbe and seconded by Brown to amend maximum authorization limit to \$15,000 in the agreement with Hemenway Groundwater Engineering. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

It was moved by Luebbe and seconded by Stahly to approve payment of \$4,872.00 to Hemenway Groundwater Engineering for work completed on the Blue River Basin model through 4 March 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Volkmer, Friesen

NAY: None

NOT PRESENT: Teegerstrom, Weiss

**ITEM 28. NEW SECRETARY FOR WATER DEPARTMENT.**

The certification of acres has created a continuous demand, and now that water use reports are required, more staff time is required to handle the incoming data. On a temporary basis, the water technicians and the water conservationist have been handling many walk-in customers and computer data entry, but they need to complete their field work. The computer data specialist has been entering a lot of data but she needs to have uninterrupted time to work on the data base and computer software. The water department secretary is unable to handle the increasing workload without assistance.

Turnbull recommends that the Board authorize an additional position of Water Department Secretary and that the position be filled as soon as possible. This second Water Department Secretary should be full time with benefits. The current wage scale has a pay range of \$9.08 to \$13.62 an hour. It will be necessary to purchase a computer for the new position, but the work station already exists.

It was moved by Luebbe and seconded by Austin to authorize a second Water Department Secretary and that the position be filled as soon as possible. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: None

NOT PRESENT: Weiss

**ITEM 29. ADVERTISEMENT FOR BIDS ON VEHICLE.**

The staff is recommending that the 1994 Ford Taurus be replaced with a crossover/mid-size SUV. Funds were budgeted this year for the replacement vehicle.

It was moved by Luebbe and seconded by Bruns to authorize the staff to advertise and accept bids for a new crossover/mid-size SUV vehicle with trade in. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,

Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen  
NAY: None  
NOT PRESENT: Weiss

**ITEM 30. FINANCIAL REPORT FEBRUARY 1, 2008 THROUGH FEBRUARY 29, 2008 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2008.**

Turnbull reviewed the financial report for the period February 1, 2008 to February 29, 2008 that was distributed.

It was moved by Volkmer and seconded by Regier to accept the financial report for February 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen  
NAY: None  
NOT PRESENT: Weiss:

**ITEM 31. WASHINGTON, D.C. TRIP REPORT.**

Turnbull gave a slide presentation and report on his recent trip to Washington, D.C. as a part of the NARD's annual lobbying trip.

There being no other business the chairman adjourned the meeting at 3:45 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held March 20, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb  
attachment (1)



| REQUESTING BOARD ACTION TO FILE FORMAL COMPLAINTS - DID NOT RESPOND TO NOTICES |          |             |            |          |          |         |   |                                 |       |
|--|----------|-------------|------------|----------|----------|---------|---|---------------------------------|-------|
| Parcel #   | Due Date | Notice Sent | Notice Due | County   | Township | Section | LAST NAME                                 | Tract                           | Acres |
| 410013870  | 2/11/08  | 2/13/08     | 3/10/08    | HAMILTON | 10N06W   | 07      | BERTHELSEN TURKEY RANCH INC               | E1/2 NE1/4 EXC TR               | 0 *   |
| 930050681  | 2/11/08  | 2/13/08     | 3/10/08    | YORK     | 11N02W   | 11      | KEVIN P & NANCY J HEINE TRUSTEES          | E1/2 NW1/4                      | 77    |
| 930086562  | 2/11/08  | 2/13/08     | 3/10/08    | YORK     | 12N02W   | 25      | KNM LTD PARTNERSHIP & KPH FARMS EAST BEEF | IRR TRS 1 & 4 VILLAGE OF THAYER | 11.42 |
| 720044682  | 2/11/08  | 2/13/08     | 3/10/08    | POLK     | 13N03W   | 24      | SCHOOL DISTRICT #15 (CROSS COUNTRY)       | TRACT IN S1/2 SE1/4             | 0 *   |

\* Assessor does not show any irrigated acres; however, DNR shows they have an active well on the property.

**BOARD OF DIRECTORS MEETING**  
**April 17, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 17, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Ken Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Nancy Beach, Terry Smith, Bryan Euse of York County NRCS, and Steve Moseley of York News-Times. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on April 10, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call. Bruns arrived a few minutes later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

There were no requests for excused absence.

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Luebbe to approve the agenda for the April 17, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None

**ITEM 6. \*APPROVAL OF MINUTES OF THE MARCH 20, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Luebbe to approve the minutes of the March 20, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on April 8, 2008 and presented the committee's recommendations.

**ITEM 8. NEBRASKA SOIL & WATER CONSERVATION PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Austin that land treatment program payments totaling \$4,092.15 for three Nebraska Soil & Water Conservation Program applications be approved as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT VOTING: Buller

**ITEM 9. LAND TREATMENT PROGRAM POLICY VARIANCE REQUEST.**

In October 2007 Edward Matulka applied for cost-share to install terrace outlets on the W $\frac{1}{2}$  of Section 21-T13N-R3W. The work was authorized in October 2007. In November 2007 Dorothy Matulka applied for cost-share to install terrace outlets in the SW $\frac{1}{4}$  of Section 21-T13N-R3W. At the time of the applications, the NRCS certified that the applications were for separate landowners. However, after the work was completed, the District found that title for the entire west half of the section was held in a trust, and the trust should have been considered as the only landowner, thus limiting the cost-share to \$5,000 for the entire west half of the section.

Staff notified the applicants that they would only be eligible for cost-share on one of the applications, since title for the land was in the name of the trust. Subsequently, the applicants hired an attorney to take the two quarter sections of land out of the trust and to reassign ownership of the NW¼ to Edward Matulka and reassign ownership of the SW¼ to Dorothy Matulka. The reassignment of ownership was filed at the Butler County courthouse in March 2008.

The Matulkas' attorney has notified the District that for now the Matulkas do not plan to use the trust to hold title to the land. On this basis, the Matulkas are requesting that the District retroactively approve cost-share for Edward Matulka in the amount of \$4,639.23 on the NW¼ and for Dorothy Matulka in the amount of \$5,000 on the SW¼. Staff informed the Committee that this should be a Board consideration, since retroactive approval of cost-share based on change of ownership after completion of the work would not be in accordance with current policy.

It was moved by Houdersheldt and seconded by Kuehner that cost-share in the amount of \$4,639.23 be approved for Edward Matulka's October 25, 2007 application to install terrace outlets on the NW ¼ of Section 21, Township 13 North, Range 3 East, and that cost-share in the amount of \$5,000.00 be approved for Dorothy Matulka's November 8, 2007 application to install terrace outlets in the SW¼ of Section 21, Township 13 North, Range 3 East. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Teegerstrom  
NAY: Austin, Moore, Nuss, Regier, Stahly, Weiss, Friesen  
NOT VOTING: Volkmer

**ITEM 10. WACO FLOOD PROTECTION PROJECT CONTRACTOR PAYMENT.**

Horizontal Boring and Tunneling Company has completed construction work to install a 60-inch diameter steel culvert under the Burlington Railroad at Waco. Staff recommends that final payment be made for the work.

It was moved by Houdersheldt and seconded by Bruns that final payment of \$18,128.13 be made to Horizontal Boring and Tunneling Company for construction work completed on the Waco Flood Protection Project, in accordance with the contract dated December 10, 2007. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on April 10, 2008 and presented the committee's recommendations.

**ITEM 12. BJORKMAN FLOWMETER VARIANCE.**

Bjorkman Farms, Inc. has requested a variance from District Rule 5 for a 60 g.p.m. well that will be used for domestic purposes. The larger pump was installed to speed the filling of sprayer tanks for Mr. Bjorkman's farming operation. Without metering, the well would also be exempt from allocation, should allocation be necessary.

It was moved by Moore and seconded by Regier to adopt the Bjorkman Farm, Inc. flowmeter variance resolution to exempt his domestic well identified by permit number UBB-1-3976 from the applicable provisions of District Rule 5. The motion was approved.

AYE: Brown, Buller, Houdersheldt, Kuehner, Moore, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Austin, Bruns, Dickinson, Eberle, Luebbe, Nuss, Weiss

**ITEM 13. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are eleven final payments for well abandonments in March totaling \$4,579.66.

It was moved by Brown and seconded by Luebbe that the District make cost-share payments for eleven well abandonments, as reviewed by the committee, totaling \$4,579.66. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

**ITEM 14. FLOWMETER COST-SHARE FINAL PAYMENTS.**

Thirty-four flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Regier that the District make cost-share payments for thirty-four flowmeters, as reviewed by the committee, totaling \$16,854.12. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Houdersheldt, Nuss

NOT VOTING: Buller

**ITEM 15. PURCHASE OF CHEMICAL INJECTION SYSTEM FOR CROP-TIP SUBSURFACE DRIP IRRIGATION.**

NETAFIM and Eco-Drip have recommended an 8 gallon per hour injector pump for use at CROP-TIP. Eco-Drip will assist with installation and provide any other items needed to complete the installation. The cost is \$869.75.

It was moved by Moore and seconded by Luebbe to purchase an 8 gallon per hour injector pump for CROP-TIP from Eco-Drip for \$869.75. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Weiss

**ITEM 16. LINCOLN CREEK WATER SAMPLING FOR PIONEER TRAILS.**

The staff met with representatives of Aventine Renewable Energy, the City of Aurora, and the Department of Environmental Quality to explore the potential for the use of water from Aventine's ethanol plant on the west side of Aurora to maintain water in Pioneer Trails Reservoir, east of Aurora. State and Federal regulations prohibit the direct discharge of industrial waste to a lake. Indirect discharge from Lincoln Creek would not be regulated by Department of Environmental Quality, however, it appears that the constituents in the discharge water may cause some undesirable effects, such as excess algae blooms and possible ground water contamination. What is not known is how much the contaminants would be diluted and degraded as they flow four to five miles down Lincoln Creek to the potential pump site near the reservoir. The Department of Environmental Quality has suggested that the District consider testing the water in the creek for a season before and after the ethanol plant's operation. The cost of two full seasons of analysis is estimated at approximately \$12, 331.52. If the analysis shows that the water is not suitable at any point in the sampling project, the project could be discontinued.

It was moved by Moore and seconded by Teegerstrom to authorize the staff to conduct water sampling on Lincoln Creek to determine the suitability of water from the Creek to Pioneer Trails Reservoir. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Buller, Friesen

**ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 3,393.4 acres, which brings

the total certified acres to 1,140,051.6.

It was moved by Moore and seconded by Regier that the Board certify the April 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 18. IRRIGATION EQUIPMENT FOR RESALE.**

The District has received shipment of irrigation scheduling items for resale from the following companies and payment is due. Irrrometer Company, Inc. \$12,420.65. Clements Associates, Inc. \$ 405.80.

It was moved by Moore and seconded by Austin to pay Irrrometer Company, Inc. \$12,420.65 and Clements Associates, Inc. \$405.80 for irrigation scheduling equipment for resale. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

NOT VOTING: Volkmer

ABSENT: Dickinson

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on April 10, 2008 and presented the committee's recommendations.

**ITEM 20. \* FIRST QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Brown and seconded by Luebbe to approve payment of first quarter directors' per diem of \$7,980.00 and expenses of \$2,722.30. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 21. ACCEPT BID TO PURCHASE VEHICLE.**

Bids were opened on Wednesday, April 9 for a replacement vehicle for the Public Relations Department. Six bids were received, but one was rejected.

| COMPANY                          | PRICE                                  | YEAR                         | TRADE IN VALUE | DELIVERY              |
|----------------------------------|--|------------------------------|----------------|-----------------------|
| GENE STEFFY FORD<br>COLUMBUS     | \$24,448.00                            | 2008 FORD EDGE               | \$650          | 30 TO DAY<br>DELIVERY |
| MOSES MOTOR<br>COMPANY<br>YORK   | \$23,252.00                            | 2008 FORD EDGE               | \$300          | 6 TO 8<br>WEEKS       |
| GENE STEFFY FORD<br>COLUMBUS     | \$21,993.00                            | 2008 FORD<br>TAURUS X        | \$650          | 30 TO 60<br>DAYS      |
| MOSES MOTOR<br>COMPANY<br>YORK   | \$21,973.00                            | 2008 FORD<br>TAURUS X        | \$300          | 6 TO 8<br>WEEKS       |
| ADVANTAGE<br>CHEVROLET<br>AURORA | \$21,410.10                            | 2008 CHEVROLET<br>EQUINOX LS | \$500          | 6 TO 8<br>WEEKS       |
| SUBWAY MOTORS<br>MILFORD         | BID REJECTED - INCOMPLETE & INACCURATE |                              |                |                       |

The Executive Committee reviewed the bids. Because Moses Motor Company of York currently provides all the maintenance for the fleet, they recommended going with the bid from Moses Motor.

It was moved by Luebbe and seconded by Volkmer to award the vehicle bid to Moses Motor Company, York, Nebraska for a 2008 Ford Taurus X as specified for \$21,973.00 with trade in of the 1994 Taurus station wagon.

Regier spoke in favor of awarding the bid to Advantage Chevrolet of Aurora since they were the low bid and also located within the Upper Big Blue NRD boundary.

The question was called and the motion failed.

AYE: Bruns, Nuss, Volkmer

NAY: Austin, Brown, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Weiss, Friesen

It was moved by Regier and seconded by Moore to accept the bid from Advantage Chevrolet of Aurora, Nebraska for a 2008 Chevrolet Equinox LS as specified for \$21,410.10, less any applicable rebate, with trade-in of the 1994 Ford Taurus station wagon. The motion was



approved.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Bruns, Nuss

**ITEM 22. TRAIL BLAZER RC & D REPRESENTATIVE.**

Merlin Volkmer has been the Upper Big Blue NRD representative on the Trail Blazer RC & D. It is time to reappoint Volkmer or someone else to this position.

It was moved by Luebbe and seconded by Austin to appoint Merlin Volkmer as Representative and Hugh Wilkins as the Alternate to the Trail Blazer RC & D. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

NOT VOTING: Volkmer

**ITEM 23. FINANCIAL REPORT MARCH 1, 2008 THROUGH MARCH 31, 2008 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2008.**

Turnbull reviewed the financial report for the period March 1, 2008 to March 31, 2008 that was distributed.

It was moved by Volkmer and seconded by Regier to accept the financial report for March 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

ABSENT: Volkmer

There being no other business the chairman adjourned the meeting at 9:08 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held April 17, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an

emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**May 15, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 15, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Gary Eberle, Curtis Friesen, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Ken Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Nancy Beach, Russ Gierhart, Jeff and Teresa Ball, James Green of Village of McCool and Jim Husbands of York County NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on May 8, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Thirteen directors were present for roll call. Austin arrived at 7:40 p.m.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Doug Dickinson requested that his absence from the May 15, 2008 board meeting be excused due to out-of-state travel for his daughter's graduation. Roger Houdersheldt requested his absence be excused for medical reasons.

It was moved by Luebbe and seconded by Volkmer to excuse the absence of Doug Dickinson and Roger Houdersheldt from the May 15, 2008 board of directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Dickinson, Houdersheldt

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Kuehner and seconded by Eberle to adopt the consent agenda. The motion was

approved.

AYE: Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Dickinson, Houdersheldt

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Kuehner and seconded by Eberle to approve the agenda for the May 15, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Dickinson, Houdersheldt

**ITEM 6. \*APPROVAL OF MINUTES OF THE APRIL 17, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Kuehner and seconded by Eberle to approve the minutes of the April 17, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Dickinson, Houdersheldt

**ITEM 7. EMPLOYEE RECOGNITION.**

Jeff Ball was presented with a framed print in appreciation of 30 years of service to the district.

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on May 6, 2008 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM FUND PAYMENTS.**

It was moved by Weiss and seconded by Stahly that land treatment program payments of \$6,749.69 for seven NRD applications and \$42,086.80 for 16 Nebraska Soil & Water Conservation Program applications, be approved, as reviewed by the Committee. The motion

was approved.

AYE: Austin, Bruns, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 10. LAND TREATMENT PROGRAM - MATULKA APPLICATIONS.**

At the April 17, 2008 Board of Directors meeting, cost-share of \$4,639.23 was approved for Edward Matulka, and \$5,000 for Dorothy Matulka. The Board's approval was based on legal action taken by the Matulka's to divide ownership of the west half of Section 21, Township 13 North, Range 3 East into separate ownerships; the NW $\frac{1}{4}$  now owned by Edward and the SW $\frac{1}{4}$  owned by Dorothy. Subsequent to the Board decision to allow both cost-share payments, the District requested the NRCS to verify the amount of conservation work actually completed on each quarter section. The NRCS notified the NRD that the original applications were correct as filed. Upon review of the project maps for each application, and a field review of the completed work, the District staff determined that the conservation work completed under both applications was done on the SW $\frac{1}{4}$ . Since Dorothy Matulka is now the only owner of the SW $\frac{1}{4}$ , and since Dorothy's application received the maximum cost-share allowed per 160 acres, the District staff recommends that the previous Board motion to approve cost-share for Edward Matulka be rescinded.

It was moved by Weiss and seconded by Austin that the April 17, 2008 board motion approving land treatment program cost-share for Edward Matulka, in the amount of \$4,639.23, for conservation work on the W $\frac{1}{2}$  of Section 21, Township 13 North, Range 3 East, be rescinded.  
The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 11. CONSIDER LAND TREATMENT PROGRAM POLICY CHANGE.**

The District's current land treatment program cost-share policy limits the amount of cost-share to any landowner in a fiscal year to \$5,000. The policy also limits the amount of cost-share to \$5,000 that can be paid for a practice, or combination of practices, during the design life of the practice or practices, on up to 160 contiguous acres. For the NC 17 practice (irrigation water management) the policy also allows a landowner to waive his right to the cost-share by assigning those rights to a tenant.

The original intent of the tenant waiver was to allow an absentee landowner, or landowner that no longer does the farming, to waive his/her rights to the cost-share by assigning those cost-share rights to someone who farms the land for them.

Recently the District has found that family farm operations are now assigning rights to family members as tenants, to obtain multiple cost-share on NC 17 practices. For example, a family farm operation files for \$5,000 cost-share on 160 acres in the name of the family farm operation, and then assigns cost-share rights to a family member, acting as tenant, on land owned by the family farm. In this way the family farm operation could get more than one \$5,000 cost-share in a fiscal year.

Staff recommends that the tenant waiver be removed from the Land Treatment Program Policy, and that only landowners be eligible to apply for cost-share.

It was moved by Weiss and seconded by Austin that the District's Land Treatment Program Policy be amended to remove the "Tenant and Landowner Waiver" and that only landowners, or the landowner's designated power of attorney, be eligible to apply for cost-share from the program. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 12. PAYMENT TO LINCOLN OAKES NURSERIES.**

The District purchased 7,600 trees and shrubs from Lincoln Oakes Nurseries located in Bismark, North Dakota for the purpose of establishing windbreaks, wildlife, timber and riparian plantings.

It was moved by Weiss and seconded by Volkmer that the Upper Big Blue Natural Resources District approve payment of \$3,692.00 to Lincoln Oakes Nurseries for the purchase of 7,600 trees and shrubs. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 13. CITY OF AURORA HIKING AND BICYCLE TRAIL.**

Mayor Marlin Seeman, representing the City of Aurora, spoke in support of constructing a hiking and bicycle trail beginning at the existing trail head location east of the trailer court adjacent to Lincoln Creek and ending at or near the boat ramp at Pioneer Trails Recreation Area. Also present in support of the project were the Aurora Trails Committee and Jerry Hoegh, chairman

of the County Board.

The City of Aurora has contacted the landowners that would have lands affected by the trail and there seems to be support for the project. The City of Aurora would like to enter into an Interlocal Agreement based on a 60/40 cost-share agreement. (60% - City of Aurora and 40% - Upper Big Blue Natural Resources District.)

It was moved by Weiss and seconded by Austin that the staff develop an Interlocal Agreement with the City of Aurora for the construction of a hiking and bicycle trail beginning at the existing trail head location east of the trailer court adjacent to Lincoln Creek and ending at or near the boat ramp at Pioneer Trails Recreation Area.

There was some discussion about the proposed 40% cost share on the part of the NRD. Our policy has been to cost share at the rate of 25%. Staff explained that this was the amount suggested by the City of Aurora. If the motion is approved an interlocal agreement will be drafted and brought back to the committee and then the board for final approval. It was also mentioned that the City of Aurora is continuing to look for additional funding, which under the terms of the interlocal agreement would reduce the amount paid by the District.

The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Friesen

NAY: Weiss

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 14. VILLAGE OF WACO FLOOD PROTECTION PROJECT - REQUEST FOR REIMBURSEMENT.**

The first phase of construction has been completed for the Waco Flood Protection Project, and the Village of Waco has been invoiced for \$134,394.02. The Interlocal Agreement with Waco requires that they reimburse the District within 30 days of invoice. The Village of Waco is planning to issue a bond to pay for the work, but the bond will not be issued until mid to late June 2008.

The Committee felt that the District should not finance the village share of project cost more than 30 days from date of invoice. The Committee recommended the NRD assess the village for interest on the unpaid balance at the rate of 4% per year for a period not to exceed 90 days beyond the 30 day payment period specified in the Interlocal Agreement.

It was moved by Weiss and seconded by Austin that the District assess the Village of Waco for interest on the unpaid balance of the village's share of Waco Flood Protection Project cost that is more than 30 days past due, and that the rate of interest be 4% per year, computed monthly, for a period not to exceed 90 days beginning 30 days after the District's invoice to the Village. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss

NAY: Friesen

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 15. VILLAGE OF WACO - PHASE II FLOOD PROTECTION PROJECT.**

The Village of Waco has requested the District to act as Lead Agency for the design and construction of the Waco Flood Protection Project - Phase II. As noted in previous discussions, this project is designed to protect the village wastewater treatment plant from flooding. Phase I of the project included construction of a 60-inch diameter culvert under the BNSF main line at Waco. Phase II includes construction to increase culvert capacities at Norval Street. The estimated cost for this additional work is \$40,000.

Staff recommends approval of Amendment No. 3 to the original Interlocal Agreement with the Village of Waco. This Amendment changes the termination date of the Agreement to June 30, 2009, increases the District's share of project cost to \$60,000 (a \$10,000 increase), and increases the Village's share of project cost to \$180,000 (a \$30,000 increase).

It was moved by Weiss and seconded by Bruns that the Upper Big Blue Natural Resources District agree to assist the Village of Waco with design and construction of the Norval Street culverts, and that Amendment Number 3 to the Interlocal Agreement between the District and Village of Waco be approved as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 16. HAZARD MITIGATION PLANNING FOR POLK COUNTY.**

The Central Platte Natural Resources District is conducting Hazard Mitigation Planning for their entire District. The CPNRD overlays a portion of Polk County, and the remainder of Polk County is in the Upper Big Blue NRD. The CPNRD has offered to include all of Polk County in their hazard mitigation plan if the UBBNRD will reimburse them for the local share of cost to include that portion of Polk County in the UBBNRD. The total cost for the additional work is \$11,500. Seventy-five percent (\$8,265) will be paid by FEMA and 25% (\$2,875) would be paid by the UBBNRD. Staff recommends that the District enter into an Interlocal Agreement with



CPNRD for this purpose, and agree to pay the non-grant portion of this cost, not to exceed \$2,875.

It was moved by Weiss and seconded by Kuehner that the District enter into an Interlocal Agreement with the Central Platte Natural Resources District (CPNRD) for the purpose of conducting Hazard Mitigation Planning for that portion of Polk County located within the Upper Big Blue Natural Resources District (UBBNRD), and that the UBBNRD agree to reimburse the CPNRD for 25% (non-grant portion) of planning cost to include that portion of Polk County within the UBBNRD, not to exceed \$2,875. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 17. VILLAGE OF MCCOOL JUNCTION - HIKING AND BICYCLE TRAIL.**

Jim Green from the Village of McCool Junction presented to the committee the plans for construction of a Hiking and Bicycle Trail in the Village of McCool Junction in FY2009. The Hiking and Bicycle Trail would begin at the southeast corner of M Street and 4<sup>th</sup> Avenue, then continuing east along M Street to the Village Hall which is located at M Street and 4<sup>th</sup> Street, then continuing north along 4<sup>th</sup> Street to the corner of 4<sup>th</sup> Street and L Street, then east along L Street to the corner of 5<sup>th</sup> Street and L Street, then north along 5<sup>th</sup> Street to Northside Park located in the Village of McCool Junction and continuing along the Northside Park parking lot and ending at 6<sup>th</sup> Street. The total cost of the Hiking and Bicycle Trail is estimated at \$275,000. The Village of McCool Junction has received an 80% grant from the Department of Roads Highway Administration Fund leaving the local share of \$55,000. The Upper Big Blue NRD policy is to fund these projects at 25% of the local share.

It was moved by Weiss and seconded by Kuehner that the Upper Big Blue Natural Resources District fund the Hiking and Bicycle Trail located in McCool Junction at a cost not to exceed \$15,000 and enter into an Interlocal Agreement with the Village of McCool Junction regarding the funding of the Hiking and Bicycle Trail in McCool Junction. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Friesen

NAY: Weiss

NOT VOTING: Volkmer

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 18. PAYMENT TO CALLAWAY INC. FOR ARCHERY RANGE STORAGE SHED.**

On February 21, 2008 the Upper Big Blue Natural Resources District Board of Directors voted to

purchase an 8' x 20' storage shed from Callaway, Inc. of Shelby, Nebraska at a cost of \$2,600.00. The 8' x 20' shed was purchased from Callaway, Inc. for \$2,150.00. The delivery cost was \$200.00 and painting was \$250.00 for a total of \$2,600.00.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District make the payment of \$2,600.00 to Callaway, Inc. for the purchase of a storage shed for the Upper Big Blue Archers at the archery range located at the Bruce L. Anderson Recreation area. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Weiss, Friesen

NAY: Volkmer

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 19. KEZAN CREEK PROJECT.**

During the past couple of years staff has been working with NDNR and the Nebraska Natural Resources Commission to increase the recreator day value allowed by the Natural Resources Development Fund (NRDF). Kezan Creek Project benefits are largely recreational, so the recreator day value will govern project economic feasibility. To date, NDNR and the Commission have not allowed the recreator day value to increase significantly. Without grants from the NRDF, or other sources, the project cost would be paid from local tax revenues.

Due to difficulties with economic feasibility, staff requested guidance from the Board of Directors as to whether or not the Kezan Creek Project should remain on the Priority List. If the project remains on the Priority List, staff will propose allocation of time and budget for the project in FY 2009 and beyond.

It was moved by Weiss and seconded by Moore that the Kezan Creek Project be suspended from the District's Project Priority List.

In light of the fact that Houdersheldt was unable to attend the meeting for medical reasons, and because he has been a proponent of the project from the start, it was moved by Buller and seconded by Moore to table the matter for 30 days. The motion to table was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 20. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on May 8, 2008 and presented the

committee's recommendations.

**ITEM 21. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are five final payments for Aquifer Quality Well Abandonment Cost-share Assistance Program applications this month.

It was moved by Kuehner and seconded by Eberle that the District make cost-share payments for five well abandonments, as reviewed by the committee, totaling \$2,051.04. The motion was approved as a part of the consent agenda.

AYE: Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Brown, Dickinson, Houdersheldt

**ITEM 22. FLOWMETER COST-SHARE FINAL PAYMENTS.**

Nine flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Regier that the District make cost-share payments for nine flowmeters, as reviewed by the committee, totaling \$4,270.22. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 23. IRRIGATION SCHEDULING EQUIPMENT PAYMENTS.**

Irrigation scheduling equipment was purchased for resale and use at CROP-TIP.

| Vendor                   | Resale             | CROP-TIP        | TOTAL              |
|--------------------------|--------------------|-----------------|--------------------|
| Delmhorst Instrument Co. | \$1,886.77         |                 | <b>\$1,886.77</b>  |
| ETgage Company           | \$3,691.97         |                 | <b>\$3,691.97</b>  |
| Irrrometer Company, Inc. | \$5,601.47         | \$529.12        | <b>\$6,130.59</b>  |
| <b>TOTAL</b>             | <b>\$11,180.21</b> | <b>\$529.12</b> | <b>\$11,709.33</b> |

It was moved by Moore and seconded by Luebbe that the District make payments to Delmhorst Instrument Company, ETgage Company, and Irrrometer Company, per the table shown above, for irrigation scheduling equipment for resale and use at CROP-TIP for the total amount of \$11,709.33. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 24. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 73,648.5 acres. Most of the acres re-certified are in Fillmore County. This was a result of the County assessor re-measuring fields. This brings the total certified acres to 1,141,245.5.

It was moved by Moore and seconded by Luebbe that the Board certify the May 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 25. HIGH PLAINS CLIMATE CENTER WEATHER STATION MAINTENANCE.**

The District has been billed for the annual maintenance payment of \$1,000 for the High Plains Climate Center York weather station at Recharge Lake.

It was moved by Moore and seconded by Regier to pay the High Plains Climate Center \$1,000 for the annual maintenance of the York weather station at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 26. PAYMENT TO PIEPER'S INC. FOR CROP-TIP DRAIN VALVE INSTALLATION.**

Dan and Rod were concerned that the part of the sub-surface drip system at CROP-TIP would not drain properly without the installation of a valve to allow drainage in the fall. Pieper's, Inc.

was hired to install the drain valve. The total cost was \$754.10.

It was moved by Moore and seconded by Teegerstrom to pay Pieper's, Inc. \$754.10 for the installation of the drain valve at CROP-TIP. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 27. PAYMENT TO COLE-PARMER WATER TESTING EQUIPMENT.**

The equipment, dissolved oxygen meter, for the Lincoln Creek water sampling approved last month has been ordered. Two other water testing instruments (conductivity meter and pH meter) needed to be replaced. The staff could ordinarily order without board authorization via purchase order, but to save shipping cost we ordered everything at once. The total cost is \$1,299.90 plus estimated shipping of \$74.00 for a total of \$1,373.90.

It was moved by Moore and seconded by Regier to authorize payment of \$1,299.90 plus shipping to Cole-Parmer for water testing equipment. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

#### **ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on May 8, 2008 and presented the committee's recommendations.

#### **ITEM 29. ACCEPT BID TO REPLACE OFFICE BUILDING ROOF.**

A full set of plans and specifications were prepared by the Projects Department for bidding of the roof replacement on the west half of the office roof. The plans and specs call for a membrane roof with a 15-year warranty. The membrane is specified to be 60 mil EPDM (Ethylene Propylene Diene Monomer) in 7 ft. or wider rolls to reduce the number of seams. The old roofing will need to be taken off. Some sheeting will need to be replaced because of water damage. The final cost will vary somewhat from the bid price because the contractor will be paid for the actual square feet of sheeting replaced. The cost of the new roofing will be a fixed price.

The warranty required in the specifications states “The roofing system manufacturer shall provide the District with a 15-year Premium System Warranty. The Premium warranty shall be a “No Dollar Limit”, labor and material warranty that covers the EPDM roofing membrane, other components supplied by the EDPM roofing membrane manufacturer and approved products (such as metal flashing, insulation, insulation adhesive or other pre-approved accessories) installed by a EPDM roofing membrane manufacturer’s Warranty Eligible Applicator.”

Two potential bidders picked up plans and specs prior to the bid opening on May 5. One bid was submitted by Conner Roofing Company, Inc., York, Nebraska.

| <u>Bid</u>   |          |           |
|--|----------|-----------|
| Remove old roofing                                     |          | 2,860.00  |
| Remove damaged sheeting and parapet walls              | estimate | 1,170.00  |
| Install new roofing (material and labor) - white color |          | 28,920.00 |
| <hr/>  |          |           |
| Total Bid  |          | 32,950.00 |
| <br>   |          |           |
| <u>Alternate Bid</u>                                   |          |           |
| Remove old roofing                                     |          | 2,860.00  |
| Remove damaged sheeting and parapet walls              | estimate | 1,170.00  |
| Install new roofing (material and labor) - black color |          | 25,320.00 |
| <hr/>  |          |           |
| Total Bid  |          | 29,350.00 |

The staff recommends that the District accept the alternate bid.

It was moved by Luebbe and seconded by Nuss to award the roofing contract, as specified in the plans and specifications, to Conner Roofing Company, Inc., of York, Nebraska for a black EPDM membrane roof with a Premium System Warranty for the bid price of \$29,350.00. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Teegerstrom

NOT PRESENT: Brown, Dickinson, Houdersheldt

### **ITEM 30. BLUE BASIN GROUNDWATER MODEL CONSULTANT REVIEW.**

An invoice in the amount of \$3,045.00 was received for review and consultation work by Hemenway Groundwater Engineering on the Blue Basin groundwater model.

It was moved by Luebbe and seconded by Austin to approve payment of \$3,045.00 to Hemenway Groundwater Engineering for work completed on the Blue River Basin model through May 1, 2008. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,

Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 31. COHYST PAYMENT FOR FISCAL YEAR 2008.**

An invoice for \$21,993.00 was received from the Central Platte NRD for FY 2008 for our share of the COHYST (Cooperative Hydrology Study for the Platte River Basin) expenses. The amount budgeted by the Upper Big Blue was \$21,500.00. The District has paid \$120,714 for the COHYST effort over the past eight years. This billing brings the total to \$142,707.

It was moved by Luebbe and seconded by Stahly to approve payment of \$21,993.00 to the Central Platte NRD for COHYST expenses in FY 2008. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

**ITEM 32. OUT OF STATE TRAVEL AUTHORIZATION.**

The Executive Committee approved out of state travel for Russ Gierhart and Jon Reiter, June 11 - 13, 2008 for the purpose of attending the Ground Water Management Districts Association summer meeting in El Paso, Texas.

The Executive Committee approved out of state travel for Scott Snell, May 23 - 26, 2008 to take the River Run Exhibit to Kirbyville, Missouri for the Missouri State University.

**ITEM 33. FINANCIAL REPORT APRIL 1, 2008 THROUGH APRIL 30, 2008 AND CONSIDERATION OF EXPENDITURES FOR APRIL 2008.**

Turnbull reviewed the financial report for the period April 1, 2008 to April 30, 2008 that was distributed.

It was moved by Regier and seconded by Moore to accept the financial report for April 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Dickinson, Houdersheldt

There being no other business the chairman adjourned the meeting at 9:15 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held May 15, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb



**BOARD OF DIRECTORS MEETING**  
**June 19, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 19, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Ken Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Nancy Beach, Bryan Euse, Trent Anderson, Bob Hoffman, Terry Werth, Jim Daro, Russ Moravec, Tom Zegers, Judy Zegers, Joe Zegers, Leander Stara, Richard Moravec, Margaret A. Topel, LeRoy A. Topel, Alice Policky, Marjorie Klingmann, Marianne Ziethen, Kenny Cast, Dolores Cast, and Kent Norquest of Fillmore County NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on June 12, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Regier arrived at 7:35 p.m.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Gary Eberle requested that his absence from the June 19, 2008 board meeting be excused.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Gary Eberle from the June 19, 2008 board of directors meeting as requested. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Austin to adopt the consent agenda. The motion was

approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Austin to approve the agenda for the June 19, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE MAY 15, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Austin to approve the minutes of the May 15, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 7. RECOGNITION OF DISTRICT CONSERVATIONIST.**

Bryan Euse, Liaison District Conservationist for the Upper Big Blue NRD, announced his early retirement effective June 13 to pursue other career opportunities. Bryan was presented with an engraved plaque in appreciation of his work with the District the past five years.

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on June 10, 2008 and presented the committee's recommendations.

**ITEM 9. NRD FUND LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Weiss and seconded by Luebbe that land treatment program payments totaling \$97,055.18 for 37 NRD applications be approved, as reviewed by the Committee. The motion

was approved.

AYE: Austin, Brown, Bruns, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss

NAY: None

NOT VOTING: Buller, Friesen

NOT PRESENT: Eberle, Regier

**ITEM 10. LAND TREATMENT PROGRAM COST-SHARE DOCKET.**

Beginning July 1, 2008, the Natural Resources Conservation Service (NRCS) and Nebraska Soil and Water Conservation Fund (NSWCP) will be using a new format for computing cost-share on conservation practices. The current method computes cost-share based on unit prices per unit of work for each component, such as earthwork, fencing, etc. The new method computes cost-share based on unit prices per unit of completed work, including all components. For example, cost-share on a terrace will now be paid on a single price per foot of terrace.

It was moved by Weiss and seconded by Nuss that the Upper Big Blue Natural Resources District's Land Treatment Program cost-share rates, effective July 1, 2008, be established in accordance with the Nebraska Practice Payment Schedule - NSWCP, which has been adopted by the Nebraska Natural Resources Commission. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Regier

NOT PRESENT: Eberle

**ITEM 11. \* NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Austin that payments totaling \$18,434.69 be approved for 26 Nebraska Buffer Strip Contracts, as reviewed by the Committee. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 12. PAYMENT TO NEBRASKA ASSOCIATION OF RESOURCES DISTRICT FOR TREES.**

The District purchased 24,425 trees and shrubs from the Nebraska Association of Resources District for windbreak, wildlife, timber and riparian planting at a cost of \$12,164.57.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District make payment of \$12,164.57 to the Nebraska Association of Resources District for the purchase of 24,425 trees and shrubs, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 13. CORNERS FOR WILDLIFE PROGRAM PAYMENTS.**

Corners for Wildlife sites are pivot corners, or portions of pivot corners, that have been developed for wildlife habitat. The payments are being made with funds from the Environmental Trust through the Pheasants Forever Chapters.

It was moved by Weiss and seconded by Houdersheldt that the Upper Big Blue Natural Resources District make payments totaling \$5,640.75 to 15 cooperators of the Corners for Wildlife program, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 14. JUNE WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENTS.**

The Wildlife Habitat Improvement Program areas have been inspected and it is recommended that payments be approved.

It was moved by Weiss and seconded by Stahly that the Upper Big Blue Natural Resources District make payments totaling \$1,047.50 for two Wildlife Habitat Improvement Program contracts, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 15. INTERLOCAL AGREEMENT WITH CITY OF AURORA FOR HIKING AND BICYCLE TRAIL.**

The City of Aurora has requested the District enter into an Interlocal Agreement to construct a hiking and bicycle trail from the city of Aurora to Pioneer Trails. The estimated project cost is \$685,000.

It was recommended by the Projects and Programs Committee that any services provided by the county or other agencies be credited to the City and the District shares based on the 70/30 split and that the City and District be the only participants in the Interlocal Agreement.

It was moved by Weiss and seconded by Brown that the Upper Big Blue Natural Resources District enter into an Interlocal Agreement with the City of Aurora, as amended, for constructing a Hiking and Bicycle Trail from the corner of McCullough Street and N Street adjacent to Lincoln Creek in the City of Aurora to the boat ramp at Pioneer Trails. The motion was approved.

AYE: Austin, Brown, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Friesen

NAY: Bruns, Volkmer, Weiss

NOT PRESENT: Eberle

#### **ITEM 16. KEZAN CREEK PROJECT.**

It was moved by Moore and seconded by Bruns to take the question of suspending the Kezan Creek Project from the District's Project Priority List from the table. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

The motion to be considered was moved by Weiss and seconded by Moore that the Kezan Creek Project be suspended from the District's Project Priority List.

Houdersheldt addressed the Board in support of the Kezan Creek Project. He expressed his views about the merits of the project, especially the flood control, fishery and recreational benefits, and reminded the Board of the local support for the project.

Moore, who made the motion last month to suspend the project, told the board that he has worked hard to try to secure some state funding for the project through the NRDF because he felt Kezan Creek would provide recreational benefit to the whole state, not just our District. It does not appear any outside funding will be available for the project and he was hesitant to proceed with only local funding. He indicated that after reviewing our financial position he felt we could afford to build the project with our own funds. In light of the public support and the quality of the project he said he would support the project.

Several landowners that would be affected by the project were present to express their desire to see the project built.

Russ Moravec from David City told the board that his family had experienced damage on four

separate occasions this spring due to heavy rains and flooding in the area.

Jim Daro of Garrison stated that the town of Garrison would be excited to have a dam of this size in the area. He reminded the Board that the public hearing held in Garrison had approximately 65 people in attendance and there was very little opposition to the project. The main objection was from one family that was concerned about the loss of some bottom ground near an ancillary creek. He urged the Board to move forward with the project.

Friesen said that as Chairman he felt some of the Projects and Programs Committee concerns should be discussed. He stated he personally had supported the project from the beginning and still felt it was one of the best projects we had considered. However, he felt one of the main concerns was that there was the assumption that the NRD would get cost share from the state at 50 to 60 percent and the balance would be covered by our budget. If we construct the project with funds from only our budget there will be huge property tax increases. The question is, can we fund the project by ourselves? Every project we have done has run over cost estimates and construction costs are climbing weekly. There is also the matter of obtaining the 404 permit. The main concern remains the budget amount, not the project itself, or the location.

The question was called on the motion to suspend the project. The motion failed.

AYE; Regier, Weiss, Friesen

NAY: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer

NOT PRESENT: Eberle

**ITEM 17. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on June 12, 2008 and presented the committee's recommendations.

**ITEM 18. BRADSHAW MUNICIPAL WATER SUPPLY WELL.**

Derek Ryter of Olsson Associates was at the Water & Regulations Committee meeting to present the findings of the hydrologic evaluation for a municipal well intended to supply water for the proposed Big Red Ethanol plant to be built near Bradshaw. The proposed well site is in the NW¼ of section 10-T11N-R4W, York County. After the presentation, several questions were asked by board members and others in attendance. The staff reviewed the criteria for the issuance of a permit as stated in District Rule 5 and a proposed draft resolution for the committee to consider.

It was moved by Moore and seconded by Bruns that the board adopt the Village of Bradshaw Large Water User Review resolution and amend the maximum allowable annual withdrawal to 970 acre feet. (970 acre feet equals approximately 600 g.p.m. continuously).

Kuehner asked whether the area could handle pumping the additional water for this well.

Turnbull said that was why the hydrologic study was conducted to determine what would happen if the well was pumped at certain rates for certain periods of time. What the study shows based on 900 g.p.m. is an impact to some wells that would decrease pumping in the worst case scenario of around 7 to 8 percent on a couple of wells and the rest in the range of 4 to 5 percent. The farther out from the well the less impact. The worse case wells were the ones adjacent to this property.

Bitner said to keep in mind that irrigation wells don't pump all year round, but the ethanol plant well would. So there would be a large period of time during the year when the ethanol plant would be pumping and no one else would. This needs to be taken into account and the model does that.

Moore said the committee compromised between the 900 g.p.m. requested by proposing a maximum of 600 g.p.m. The Committee was attempting to protect existing wells and still provide water for development.

Bruns asked if the two municipal wells in Bradshaw, which are not currently being used due to high nitrates, could be used to supplement the water supply during peak ethanol production.

Bob Hoffman, Chairman of the Village Board, indicated they might have to look into that. He stressed the Village of Bradshaw's main concern was obtaining the water to supply the ethanol plant without adversely impacting anyone else's supply. The Village will drill the test well and conduct the draw down testing.

He believes through changes in technology the water usage for ethanol production will drop in the next few years.

The question was called for. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Houdersheldt, Kuehner, Moore, Regier, Friesen

NAY: Dickinson, Luebbe, Nuss, Stahly, Teegerstrom, Volkmer, Weiss

NOT PRESENT: Eberle

**ITEM 19. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are fifteen final payments for Aquifer Quality Well Abandonment Cost-share Assistance Program applications this month.

It was moved by Brown and seconded by Austin that the District make cost-share payments for fifteen well abandonments, as reviewed by the committee, totaling \$6,285.27. The motion was approved as a part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 20. FLOWMETER COST-SHARE PROGRAM PAYMENTS.**

Thirty-six flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Bruns that the District make cost-share payments for thirty-six flowmeters, as reviewed by the committee, totaling \$17,864.60. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: None

NOT VOTING: Buller, Friesen

NOT PRESENT: Eberle

**ITEM 21. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 17,262.3 acres. This brings the total certified acres to 1,146,785.2.

It was moved by Moore and seconded by Regier that the Board certify the June 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 22. IRRIGATED ACRES REPORT VIOLATIONS.**

A list of landowners who have not reported their irrigated acres and other required information is attached. Past due notices were sent with a specific deadline for response. The staff recommends that the board authorize the staff to initiate the complaint process to determine violation of the District Ground Water Management Area Rules and Regulations.

It was moved by Moore and seconded by Austin that the Board authorize the issuance of complaints against those individuals on the attached list who have not submitted irrigated acres reports as required by the District Ground Water Management Area Rules and Regulations. The motion was approved.



AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 23. CROP-TIP FERTILIZER INJECTION PUMP.**

In April the Board authorized the purchase of a fertilizer injection pump for the CROP-TIP Demonstration from Eco-Drip at a cost of \$869.75. The actual cost of the pump, control box fitting was \$983.00. Eco-Drip is donating the control box and fittings. The actual cost to the District is \$800.17.

It was moved by Moore and seconded by Luebbe to pay Eco-Drip \$800.17 for purchase of the fertilizer injection pump to be used at the CROP-TIP demonstration. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Friesen

NAY: Weiss

NOT PRESENT: Eberle

**ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on June 12, 2008 and presented the committee's recommendations.

**ITEM 25. BLUE BASIN GROUNDWATER MODEL CONSULTANT REVIEW.**

An invoice in the amount of \$1,674.75 was received from Hemenway Groundwater Engineering for peer review of the Blue River Basin groundwater model.

It was moved by Luebbe and seconded by Volkmer to approve payment of \$1,674.75 to Hemenway Groundwater Engineering for work completed on the Blue River Basin model through June 4, 2008. The motion was approved.

AYE: Austin, Brown, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Bruns, Eberle

**ITEM 26. PAYMENT TO YORK PRINTING.**

It was moved by Luebbe and seconded by Austin to approve payment of \$6,424.00 to York Printing for the May issue of the Blueprint newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

#### **ITEM 27. OFFICE IMPROVEMENTS.**

Brisk reviewed plans for converting the conference room to a copy room. The existing copy room will be converted to an office and work will be done in the main office area to replace the paneling with sheet rock and paint the walls.

Quotes were obtained from several firms. It is the Manager's intent to handle all the billings by purchase order except for the carpentry work. Firms that provided quotes are K&S Sales & Electrical Services, Computer Concepts, Jensen Lumber, Sandall Construction, and Howe's House of Carpets.

It was moved by Luebbe and seconded by Houdersheldt to approve the remodeling of the copy room, new office space, and replacing the paneling in the main office for an estimated total cost of \$17,700 including carpentry; further to hire Sandall Construction of York to do the carpentry work for an amount not to exceed \$7,500.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

#### **ITEM 28. AUDIT AND BOOKKEEPING SERVICES.**

The Board decided that the audit and accounting services need to be done by separate firms. Mierau & Co. currently provides oversight on our bookkeeping and conducts the annual audit.

Quotes were requested for the overview of accounting and the annual audit. One quote was received for accounting related services from Mierau & Company of York for \$1,680.00 per year. Four firms were contacted for quotes on the audit. Two firms submitted quotes. Almquist, Maltzahn, Galloway & Luth, P.C., of Grand Island \$5,150.00 and Romans, Wiemer & Associates of York \$3,500 for the audit and an additional \$900 for a federal audit if needed.

Turnbull recommends hiring Mierau & Co., to do the accounting services, and Romans, Wiemer & Associates to conduct the audit.

It was moved by Luebbe and seconded by Stahly to engage Romans, Wiemer & Associates of York, Nebraska to conduct the FY 2008 Audit for \$3,500.00 with an additional \$900 if an audit of Federal funds is required; further to engage Mierau & Co., of York, to perform accounting related services for the District, for an annual fee of \$1,680.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 29. LIABILITY & CASUALTY INSURANCE.**

Cornerstone Insurance Group obtained two quotes for general liability, property, auto, inland marine, worker's compensation, errors and omissions, and umbrella coverage for the District.

|                     |             |   |
|---------------------|-------------|---|
| EMC Insurance       | \$37,219.00 | Includes increase in umbrella coverage to \$3,000,000 |
| Continental Western | \$38,471.00 | Includes increase in umbrella coverage to \$3,000,000 |

It was moved by Luebbe and seconded by Brown to approve the renewal of EMC Insurance for liability, fire and casualty insurance through Cornerstone Insurance Group, with \$3,000,000 umbrella coverage for a total premium of \$37,219.00. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Luebbe, Moore, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: Kuehner, Nuss

NOT PRESENT: Eberle

**ITEM 30. FY 2009 SALARIES AND WAGES.**

Turnbull handed out a Salary Survey he had written which included wage comparisons from all 23 NRDs and 94 other Nebraska firms and units of government. He reviewed each staff position this District has with other employers' similar positions shown in the report. A proposed salary schedule is also included in the report. Based on this information Turnbull recommends that the Upper Big Blue NRD job classifications increase as per the proposed salary schedule, due to the job market. The salary schedule sets the minimum, midpoint, and maximum for each position. Individual salaries and wages then need to be within those limits.

It was moved by Luebbe and seconded by Regier to approve the changes in the salary schedules as listed in the June 2008 Upper Big Blue NRD Salary Survey & Salary Classification report to stay in line with the job market, and that such changes and adjusted salary schedules be effective on July 1, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Eberle

Turnbull reviewed the individual staff salaries with the Executive Committee. The proposal is that the board authorize \$42,000 for salary increases for the staff, which is an overall change of 5.57 % from the payroll budget base.

It was moved by Luebbe and seconded by Regier to adjust the annual salaries of the District staff, with the exception of the General Manager, by an amount not to exceed \$42,000, and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

It was moved by Houdersheldt and seconded by Dickinson to go to Executive Session at 9:01 p.m. for the purpose of discussing the General Manager's performance and salary. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Moore

NOT PRESENT: Eberle, Friesen

It was moved by Volkmer and seconded by Regier to return from Executive Session to open session at 9:18 p.m. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

It was moved by Dickinson and seconded by Kuehner to increase the general manager's salary by 5.05% (\$4,663) from \$92,337 to \$97,000 effective July 1, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle

**ITEM 31. FINANCIAL REPORT MAY 1, 2008 THROUGH MAY 31, 2008 AND**

### **CONSIDERATION OF EXPENDITURES FOR MAY 2008.**

Turnbull reviewed the financial report for the period May 1, 2008 to May 31, 2008 that was distributed.

It was moved by Regier and seconded by Bruns to accept the financial report for May 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Eberle, Moore

There being no other business the chairman adjourned the meeting at 10:05 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held June 19, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb  
attachment

**BOARD OF DIRECTORS MEETING**  
**July 24, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 24, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Ken Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Russ Gierhart, Nancy Beach, and Dennis Schroeder of NRCS. Luebbe called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Luebbe reported that we published the legal notice of the board of directors' meeting on July 17, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Austin arrived at 7:41 p.m., and Moore arrived at 7:54 p.m.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Friesen requested that his absence from the July 24, 2008 board meeting be excused.

It was moved by Brown and seconded by Stahly to excuse the absence of Curt Friesen from the July 24, 2008 board of directors meeting as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Austin, Moore, Friesen

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Houdersheldt and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,

Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Austin, Moore, Friesen

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the July 24, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Austin, Moore, Friesen

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 19, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Dickinson to approve the minutes of the June 19, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Austin, Moore, Friesen

**ITEM 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects & Programs Committee met on July 15, 2008 and presented the committee's recommendations.

**ITEM 8. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Brown that land treatment program payments totaling \$55,748.05 for 25 applications be approved, as reviewed by the Committee. The motion was approved.

AYE: Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Austin, Moore, Friesen

**ITEM 9. LAND TREATMENT PROGRAM CARRY-OVER AUTHORIZATION.**

At the end of FY2008, one cost-share application, for Harold Kuhn of Seward County, was not completed due to wet ground conditions. Mr. Kuhn's application is for construction of a sediment control basin. The application was authorized on May 19, 2008 and work was to be completed by June 30, 2008; placement of topsoil and finish grading remain to be done. The amount of cost-share authorized on this application is \$3,140.15. Staff recommends that the Board of Directors authorize an extension of time to complete this practice in FY2009.

It was moved by Houdersheldt and seconded by Brown that an extension of time be granted for Harold Kuhn, Seward County, to complete work in FY2009 on his Land Treatment Program cost-share application to construct a sediment control basin. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Austin, Moore, Friesen

**ITEM 10. REPLACEMENT TREES FOR WINDBREAKS LOST TO TORNADOS & WINDSTORMS.**

The committee discussed a program for replacing trees in windbreaks lost to tornados and windstorms.

This temporary program is to help replant shelterbelts damage by the tornados in the spring of 2008, is limited to farmsteads and field windbreaks in the Upper Big Blue NRD hit directly by the tornados.

The following restrictions apply to the program:

1. The owner will be given a maximum of 100 seedlings, to be planted by the recipient or District.
2. Seedlings species will include anything that is available at the time the application is made and are available in bundles of 25 per species. The seedlings will be available after April 1 for spring planting.
3. The trees being replaced due to the tornado damage will have to be reviewed and inspected by the District Forester and the Manager of the Forestry & Wildlife Department of the Upper Big Blue NRD.
4. The landowner may apply for cost-share under the District's Land Treatment Program, which will pay for a part of the cost of Renovating the site and planting. Any additional trees will be cost-shared under the program guidelines.
5. The NRD must be contacted by November 1, 2008 to participate. The recipients may decide to plant the seedlings next spring (2009) or the spring of (2010). In either case, the NRD must be contacted by November 1, 2008.
6. The program is limited to farmsteads and field windbreaks hit directly by a tornado in the spring of 2008.



It was moved by Houdersheldt and seconded by Eberle to adopt the Upper Big Blue Natural Resources District's Replacement Program for Windbreaks Lost to Tornadoes or Windstorms.

Staff recommended that paragraph three be stricken. Inspection is already required when an individual is getting cost-share for renovation of a windbreak. If someone applied for free trees as a part of a renovation project, it would be inspected because of program guidelines. However if someone is only applying for 100 seedlings it is not worth the cost of staff time to require an inspection.

It was moved by Houdersheldt and seconded by Stahly to amend the motion and strike paragraph three. The amendment carried.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Austin, Moore, Friesen

The question was called on the original motion, as amended. The motion carried.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Austin, Moore, Friesen

**ITEM 11. REPAIR TORNADO DAMAGE AT OXBOW TRAIL RECREATION AREA.**

On June 5, 2008, a tornado hit Oxbow Trail Reservoir and destroyed the restroom and the rules and regulations sign and damaged the roof of the picnic shelter. The insurance company estimated the damages for the restroom at \$11,201.46 and \$4,385.96 for the shelter roof. The sign is not covered by insurance. Staff estimated the cost to replace the sign at \$750.

The contractor estimates received to replace the restroom were higher than the insurance estimate, but the insurer doesn't anticipate a problem. The estimates are: Mike Wright Construction \$16,229.75, Batterton Home Improvement \$17,057 and Stelling Carpentry & Construction \$13,160.27.

It was moved by Houdersheldt and seconded by Kuehner that the Upper Big Blue Natural Resources District accept the quote of \$13,160.27 from Stelling Carpentry & Construction to construct a new restroom at Oxbow Trail Reservoir, which includes a PVC drain field, and repair the shelter for an additional cost.

Turnbull advised the board that since the Committee meeting he has met with staff to review the

structural design of the restroom. As a result of this review he recommended that the board not proceed with the work at this time, because there have been significant design changes. He felt we should have the contractors submit new quotes, based on the new drawings.

The question was called on the motion. The motion failed.

AYE: Kuehner, Regier

NAY: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NOT PRESENT: Moore, Friesen

It was moved by Houdersheldt and seconded by Dickinson to refer the matter back to the Projects and Programs Committee. The motion carried.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Moore, Friesen

#### **ITEM 12. VILLAGE OF WACO FLOOD PROTECTION PROJECT.**

On June 9, 2008, the District and Village of Waco approved Amendment No. 3 of the Interlocal Agreement for the Waco Flood Protection Project. This amendment authorizes funding for the Norval Street phase of work. The District staff has completed design, and the Village has passed a motion to advertise for bids. Staff recommends that the District pass a similar motion to authorize advertisement for bids. Staff will present bids for the Village and NRD Board of Directors to consider.

It was moved by Houdersheldt and seconded by Austin that staff be authorized to advertise for construction bids on the Norval Street phase of the Waco Flood Protection Project. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Moore, Friesen

#### **ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Teegerstrom reported that the Water & Regulations Committee met on July 17, 2008 and presented the committee's recommendations.

#### **ITEM 14. GROUND WATER TRANSFER PERMIT.**

Wetlands America Trust has applied for a permit to transfer ground water from 120 acres in the SE $\frac{1}{4}$  Section 22-T7N-R6W to apply water to 120 acres in the W $\frac{1}{2}$  Section 27-T7N-R6W, all in Clay County. The proposed transfer is for wetland habitat management. The proposed transfer meets the requirements and limitations of the Rule 5, Chapter 11.

It was moved by Teegerstrom and seconded by Austin to approve transfer authorization T-005, which authorizes the transfer of ground water from a 120 acre parcel in the SE $\frac{1}{4}$  Section 22-T7N-R6W, for wetland habitat management on 120 acres in the W $\frac{1}{2}$  Section 27-T7N-R6W, all in Clay County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Luebbe, Nuss

NOT PRESENT: Moore, Friesen

**ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are six final payments for Aquifer Quality Well Abandonment Cost-share Assistance Program applications this month.

It was moved by Houdersheldt and seconded by Dickinson that the District make cost-share payments for six well abandonments, as reviewed by the committee, totaling \$2,557.52. The motion was approved as a part of the consent agenda.

AYE: Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Moore, Friesen

**ITEM 16. FLOWMETER COST-SHARE PROGRAM PAYMENTS.**

Seventy-four flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Teegerstrom and seconded by Regier that the District make cost-share payments for seventy-four flowmeters, as reviewed by the committee, totaling \$36,752.83. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT VOTING: Buller

NOT PRESENT: Moore, Friesen

**ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 5,218.3 acres. This brings the total certified acres to 1,146,957.3.

It was moved by Teegerstrom and seconded by Regier that the Board certify the July 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Moore, Friesen

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Stahly reported that the Executive Committee met on July 24, 2008 and presented the committee's recommendations.

**ITEM 19. \*SECOND QUARTER DIRECTORS PER DIEM AND EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Houdersheldt and seconded by Dickinson to approve payment of second quarter directors' per diem of \$8,470.00 and expenses of \$2,715.72. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Austin, Moore, Friesen

**ITEM 20. PAYMENT TO YORK PRINTING COMPANY.**

A bill for \$6,749.80 has been received from York Printing Company for the special water use edition of the Blueprint newsletter.

It was moved by Stahly and seconded by Bruns to approve payment of \$6,749.80 to York Printing Company for the special edition Blueprint newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss,

Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Friesen

**ITEM 21. LOWER PLATTE NORTH NRD AND LITTLE BLUE NRD SALARIES REIMBURSEMENTS.**

An invoice was received for \$7,035.40 from the Lower Platte North NRD for Butler County NRCS clerical and technical salaries for the past six months. An invoice in the amount of \$9,235.26 was also received from the Little Blue NRD for clerical salaries in the Adams and Clay County NRCS offices for the fiscal year ended June 30.

It was moved by Stahly and seconded by Austin to approve payment for NRCS office salaries of \$7,035.40 to the Lower Platte North NRD for half of FY 2008 (January 1 - June 30, 2008) and \$9,235.26 to the Little Blue NRD for FY 2008 (July 1, 2007 - June 30, 2008). The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: Houdersheldt  
NOT PRESENT: Friesen

**ITEM 22. BLUE BASIN GROUNDWATER MODEL CONSULTANT REVIEW.**

A bill was received for review and consultation work by Hemenway Groundwater Engineering on the Blue Basin groundwater model for \$2,758.47.

It was moved by Stahly and seconded by Austin to approve payment of \$2,758.47 to Hemenway Groundwater Engineering for work completed on the Blue River Basin model through July 1, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Friesen

**ITEM 23. PAYMENT TO CORNERSTONE INSURANCE GROUP FOR LIABILITY AND CASUALTY INSURANCE.**

An invoice in the amount of \$37,360 for the Liability and Casualty Insurance has been received. It is \$141 higher than the quoted amount approved by the Board in June.

It was moved by Stahly and seconded by Houdersheldt to approve payment of \$37,360.00 to Cornerstone Insurance Group, York, Nebraska for Liability and Casualty Insurance for FY 2009.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Friesen

**ITEM 24. CHRISTMAS AND NEW YEAR'S HOLIDAY.**

Yvonne Austin requested that the Board consider closing the office on Friday, December 26, 2008 and Friday, January 2, 2009. Federal office holiday closings were discussed.

It was moved by Stahly and seconded by Brown to close the NRD office and grant all the staff a paid holiday on Friday, December 26, 2008, and on Friday, January 2, 2009 if the federal government offices close on January 2. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Luebbe

NOT PRESENT: Friesen

**ITEM 25. FISCAL YEAR 2009 BUDGET.**

The Executive Committee reviewed the June 30, 2008 cash balances, the main budget items and the compliance with the tax lid limit. Capital expenses which are exempt from the lid were also reviewed. A long discussion followed about how much money should be set aside in the sinking fund in FY 2009 for Kezan Creek. The staff recommendation was to transfer \$300,000 to the sinking fund for Kezan Creek. Board members suggested that if more money were raised this year the tax increases in future years would not have to be as much. The changes to the overall budget and property taxes were presented with various levels of sinking fund transfers.

The Executive Committee changed the draft budget by transferring \$530,000 to the sinking fund for Kezan Creek instead of \$300,000 and recommended that the budget be forwarded to the board for adoption and public hearing.

It was moved by Stahly and seconded by Austin to adopt the FY 2009 Budget, with a transfer of \$530,000 from the general fund to the sinking fund for Kezan Creek, for the purpose of public hearing.

It was moved by Regier and seconded by Brown to amend the motion to transfer \$300,000 from the general fund to the sinking fund for Kezan Creek.

Following a lengthy discussion regarding the Kezan Creek project time frame and local funding needed for the project it was moved by Buller and seconded by Volkmer to amend the

amendment to transfer zero dollars from the general fund to the sinking fund for Kezan Creek.  
The amendment failed.

AYE: Buller, Weiss

NAY: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Luebbe

NOT PRESENT: Friesen

Question was called on the original amendment. The amendment failed.

AYE: Brown, Moore, Regier, Stahly, Volkmer, Luebbe

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Nuss, Teegerstrom,  
Weiss

NOT PRESENT: Friesen

The question was called on the original motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Teegerstrom

NAY: Brown, Kuehner, Regier, Stahly, Volkmer, Weiss, Luebbe

NOT PRESENT: Friesen

**ITEM 26. ADDITIONAL 1 PERCENT RESTRICTED FUNDS BUDGET AUTHORITY.**

Turnbull reviewed the lid calculations with the Executive Committee. He recommended that the board approve the additional 1% restricted funds authority.

It was moved by Stahly and seconded by Austin to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved by a three-fourths majority.

AYE: Austin, Brown, Burns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Luebbe

NAY: Kuehner, Volkmer, Weiss

NOT PRESENT: Friesen

**ITEM 27. FY 09 BUDGET HEARING AND FINAL TAX REQUEST HEARING SCHEDULE.**

Turnbull recommended that the Budget Hearing be held in conjunction with the regular August board meeting. He also recommended that the special hearing on the final tax and tax rate be held at the regular September board meeting.

It was moved by Stahly and seconded by Bruns to schedule the FY 2009 Budget Hearing for

7:30 p.m., Thursday, August 21, 2008 and further to schedule a Special Hearing for the FY 2009 Tax Request for 7:30 p.m., Thursday, September 18, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Regier, Stahly, Volkmer, Weiss, Luebbe

NAY: Teegerstrom

NOT PRESENT: Friesen

**ITEM 28. FINANCIAL REPORT JUNE 1, 2008 THROUGH JUNE 30, 2008 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2008.**

Turnbull reviewed the financial report for the period June 1, 2008 to June 30, 2008 that was distributed.

It was moved by Houdersheldt and seconded by Dickinson to accept the financial report for June 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Friesen

There being no other business the chairman adjourned the meeting at 9:06 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held July 24, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb





**UPPER BIG BLUE**  
**Natural Resources District**

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**BOARD OF DIRECTORS MEETING  
and  
FY 2009 BUDGET HEARING  
August 21, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 21, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Russ Gierhart, Nancy Beach, Dennis Schroeder, and Steve Moseley of York News-Times. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on August 14, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call. Austin arrived at 7:35 p.m.

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Luebbe to approve the agenda for the August 21, 2008 board of directors meeting and FY 09 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 5. \*APPROVAL OF MINUTES OF THE JULY 24, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Luebbe to approve the minutes of the July 24, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Austin

**ITEM 6. FY 2009 BUDGET HEARING.**

Chairman Friesen opened the FY 09 Budget Hearing at 7:33 p.m. The Notice of Budget Hearing and Budget Summary was published in the York News-Times on July 31, 2008. Friesen asked for comments on the proposed budget from the public. There was no one present from the general public who had questions.

Turnbull reviewed a summary of the budget that was approved last month for the purpose of this public hearing. He indicated that if anyone had questions he would be glad to give an explanation.

Volkmer asked whether we could eliminate some people to cut salaries to offset part of the tax increase. Turnbull asked what programs he would like to cut. Volkmer indicated he wanted to cut the staff who was hired to read meters during allocation. Turnbull explained that we did not hire additional staff for that purpose. It was proposed that we hire additional staff if we went into allocation. The additional staff that we hired was to help with the process of certifying irrigated acres and updating our database.

Brown said he felt a 30 percent increase is too high and he would have a hard time voting in favor of it. He stated it was the wrong time to be increasing the budget that much.

Regier agreed with Brown that 30 percent is too high. He did not feel we were in need of that type of budget increase and did not think it appropriate.

Turnbull reminded the board that any changes they might want to make to the proposed budget could be made following the close of the budget hearing.

Friesen asked if there were any more comments. Friesen closed the hearing at 7:38 p.m.

**ITEM 7. ADOPTION OF FY 2009 BUDGET.**

It was moved by Bruns and seconded by Houdersheldt to adopt the FY 2009 Budget as presented.

Volkmer amended the motion to make the motion to transfer \$300,000 to the sinking fund for the Kezan Creek project and limit the tax increase to 17%. The amendment failed.

AYE: Brown, Luebbe, Regier, Stahly, Volkmer, Weiss, Friesen

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss,  
Teegerstrom

It was moved by Houdersheldt and seconded by Buller to amend the motion to reduce line item 46 for the building to \$75,000 instead of \$150,000.

It was moved by Moore and seconded by Austin to amend the amendment and deduct \$100,000 from the land treatment line item. The question was called on the amendment. The amendment carried.

AYE: Austin, Buller, Dickinson, Houdersheldt, Kuehner, Moore, Teegerstrom, Volkmer, Weiss

NAY: Brown, Bruns, Eberle, Luebbe, Nuss, Regier, Stahly, Friesen

The question was called on the original amendment, as amended. The amendment failed.

AYE: Buller, Houdersheldt, Kuehner, Moore, Teegerstrom, Volkmer, Weiss

NAY: Austin, Brown, Bruns, Dickinson, Eberle, Luebbe, Nuss, Regier, Stahly, Friesen

It was moved by Volkmer and seconded by Kuehner to amend the motion to remove the \$530,000 transfer for Kezan Creek. The amendment failed.

AYE: Brown, Buller, Kuehner, Luebbe, Regier, Volkmer, Weiss, Friesen

NAY: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Stahly, Teegerstrom

It was moved by Moore and seconded by Stahly to amend the motion to change line item 43 - Transfer to Other Funds to \$400,000.

It was moved by Houdersheldt and seconded by Eberle to amend the amendment to reduce the land treatment line item to \$145,000.

Chairman Friesen told the board that if they could not reach a number that they were satisfied with, then maybe they should send it back to committee.

It was moved by Volkmer and seconded by Moore to refer the FY 09 Budget back to committee.  
The motion was approved.

AYE: Brown, Buller, Dickinson, Kuehner, Luebbe, Regier, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Austin, Bruns, Eberle, Houdersheldt, Moore, Nuss, Stahly

#### **ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on August 12, 2008 and presented the committee's recommendations.

#### **ITEM 9. 2008 CORNERS FOR WILDLIFE PROGRAM.**

In recent years, the Nebraska Environmental Trust Board and others have questioned the program's use of red cedar when other conservation program dollars are being expended to control and remove eastern red cedar from Nebraska grasslands. As such, the use of eastern red cedar on Corners for Wildlife areas will be eliminated as an option in this program unless the landowner has a specific need for them to be included in the project design. Instead, the emphasis will be on the creation of thickets using native shrubs.

In 1995, the Corners for Wildlife Program was set up to provide annual rental payments of \$40 per acre for grass seeding and up to \$75 per acre for grass seeding that includes a planting of 400 or more trees and shrubs. In projects where a landowner selected 400 or more trees and shrubs, the NRD does the planting at no charge to the landowner. Grass must be seeded by May 10.

In an effort to provide landowners with increased incentive, the annual rental payment rates will increase to \$60 per acre for grass planting and \$100 per acre for grass planting that incorporates two thickets 1,500 square feet in size, using wildlife shrubs planted with two foot by two foot spacing. This coincides with the recommendations that are in the new USDA conservation program: CP38.

It was moved by Weiss and seconded by Nuss that the Upper Big Blue Natural Resources District adopt the 2008 Corners for Wildlife Program with the following rental rates:

- Planting a selected nesting cover mixture without trees and shrubs up to \$60 per acre.
- Planting a selected nesting cover mixture with at least 400 shrubs and trees in a traditional row planting up to \$75 per acre.
- Planting a selected nesting cover mixture with two shrub plantings that are each 1,500 square foot in size (a total of 534 shrubs) up to \$100 per acre.
- The Upper Big Blue Natural Resources District will continue to plant the trees, over 400 in number, at no cost to the cooperator.

The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss

NAY: Dickinson, Friesen

#### **ITEM 10. REPAIR BOAT DOCK AT OXBOW TRAIL RESERVOIR.**

The boat dock at Oxbow Trail Reservoir is in need of repair. Two sections have been vandalized and are jeopardizing the structural integrity of the dock. Trade Winds Distributing, Incorporated provided a quote of \$2,829.50 to repair the damage.

Work also needs to be performed near the gangway. A steel plate must be welded to keep rock from rolling under the gangway and to prevent the loss of chip limestone on the walkway to the gangway. Huebert Land Leveling has given the District a quote of \$2,485.09 to make the needed repairs and replace 29 tons of rock and 5.2 tons of chip limestone.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District have Trade Winds Distributing, Inc. replace the two broken sections of the boat dock at Oxbow Trails Reservoir at a cost of \$2,829.50 and have Huebert Land Leveling repair the gangway frame and place rock on the jetty walkway to the boat dock at Oxbow Trails Reservoir at a cost of \$2,485.09, for a total cost of \$5,314.59. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Weiss, Friesen

NAY: Kuehner, Volkmer

NOT VOTING: Moore

#### **ITEM 11. TRANSPORTATION ENHANCEMENT PROGRAM APPLICATION FOR**

### **SEWARD WEST TRAIL PROJECT.**

The staff has submitted an intent-to-apply and draft application forms to the Nebraska Department of Roads and Transportation Enhancement Program for the Seward West Trail Project. Staff is presently working on the final application, which if accepted would provide \$500,000 for the Seward West Trail Project at Seward, Nebraska.

Sinclair Hille Architects of Lincoln have been selected by the Nebraska Department of Roads to review all projects being submitted for funding. Sinclair Hille Architects will perform a project walk through on September 9. The final application for the Transportation Enhancement Fund is due September 22, 2008.

It was moved by Weiss and seconded by Luebbe that the Upper Big Blue Natural Resources District make final application to the Nebraska Department of Roads for a \$500,000 grant for planning, designing, and construction of the Seward West Trail Project through the Transportation Enhancement Program Fund. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

### **ITEM 12. TRANSPORTATION ENHANCEMENT PROGRAM FUND RESOLUTION FOR SEWARD WEST TRAIL PROJECT.**

The Nebraska Department of Roads requires grant applicants requesting funding through the Transportation Enhancement Program to sign a resolution.

It was moved by Weiss and seconded by Brown that the Upper Big Blue Natural Resources District Board of Directors adopt the Nebraska Department of Roads Transportation Enhancement Fund Resolution. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

### **ITEM 13. TRANSPORTATION ENHANCEMENT PROGRAM APPLICATION FOR AURORA EAST TRAIL PROJECT.**

The staff has submitted an intent-to-apply and the draft application forms to the Nebraska Department of Roads and Transportation Enhancement Program for the Aurora East Trail

Project. The staff is presently working on the final application, which if accepted, would provide \$500,000 for the Aurora East Trail Project at Aurora, Nebraska. On August 28 Sinclair Hille Architects of Lincoln will do a project walk through. Sinclair Hille Architects were selected by the Nebraska Department of Roads to review all projects being submitted for funding. The final application for the Transportation Enhancement Fund is due September 22, 2008.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District make final application to the Nebraska Department of Roads for a \$500,000 grant for the planning, designing and construction of the Aurora East Trail Project through the Transportation Enhancement Fund. The motion was approved.

AYE: Austin, Brown, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Bruns

**ITEM 14. TRANSPORTATION ENHANCEMENT PROGRAM FUND  
RESOLUTION FOR AURORA EAST TRAIL PROJECT.**

The Nebraska Department of Roads requires grant applicants for the Transportation Enhancement Program Fund to sign a resolution.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District Board of Directors adopt the Nebraska Department of Roads Transportation Enhancement Program Fund Resolution. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Houdersheldt

**ITEM 15. RECREATIONAL TRAIL PROGRAM - APPLICATION FOR AURORA  
EAST TRAIL PROJECT.**

The Recreational Trail Program through the Nebraska Game and Parks Commission has funding available for constructing trails. The funds available through this program are directed toward recreational trails and not transportation. If this grant would be accepted there could be \$150,000 available for constructing the Aurora East Trail Project.

It was moved by Weiss and seconded by Nuss that the Upper Big Blue Natural Resources District make application to the Nebraska Game and Parks Commission for a \$150,000 grant for

planning, designing, purchasing easements and construction of the Aurora East Trail Project.  
The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 16. RECREATIONAL TRAIL PROGRAM FUND RESOLUTION FOR  
AURORA EAST TRAIL PROJECT.**

The Nebraska Game and Parks Commission has asked that everyone applying for a grant from the Recreational Trail Program Fund sign a resolution.

It was moved by Weiss and seconded by Austin that the Upper Big Blue Natural Resources District Board of Directors adopt the Nebraska Game and Parks Commission Recreational Trail Program Fund Resolution. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 17. REPORT OF WATER AND REGULATIONS COMMITTEE AND  
CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on August 14, 2008 and presented the committee's recommendations.

**ITEM 18. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE  
ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Luebbe that the District make cost-share payments for eight well abandonments, as reviewed by the committee, totaling \$2,999.91. The motion was approved as part of the consent agenda.

AYE: Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin

**ITEM 19. FLOW METER COST-SHARE PAYMENTS.**



Ninety-one flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Regier that the District make cost-share payments for 91 flow meters, as reviewed by the committee, totaling \$44,565.91. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

**ITEM 20. CERTIFICATION OF IRRIGATED ACRES.**

It was moved by Moore and seconded by Regier that the board certify the August 2008 irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 21. CERTIFICATION OF WETLANDS ACRES.**

The Committee reviewed wetlands acres with wells that can be used to apply water to the wetland. To date 1,271.0 acres have been reported.

It was moved by Moore and seconded by Regier that the board certify the August 2008 wetlands acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

**ITEM 22. CERTIFICATION OF OTHER WATER USES.**

The committee reviewed other water uses which include aquiculture, commercial, lake supply, livestock and other miscellaneous uses. The estimated groundwater withdrawal for these uses is 2.2 billion gallons or 81 thousand acre inches.

It was moved by Moore and seconded by Regier that the board certify the August 2008 other water uses as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None

**ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on August 14, 2008 and presented the committee's recommendations.

**ITEM 24. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS DUES.**

An invoice in the amount of \$21,953.27 has been received for the FY 2009 dues.

It was moved by Luebbe and seconded by Austin to approve payment of \$21,953.27 to the Nebraska Association of Resources Districts for FY 2009 dues. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss,  
Regier, Stahly, Teegerstrom, Friesen  
NAY: Volkmer, Weiss  
NOT VOTING: Moore

**ITEM 25. LOWER BIG BLUE NRD SALARY REIMBURSEMENTS.**

An invoice in the amount of \$7,384.92 was received from the Lower Big Blue NRD for clerical and technical salaries for the fiscal year ended June 30.

It was moved by Luebbe and seconded by Austin to approve payment of \$7,384.92 to the Lower Big Blue NRD for NRCS office salaries for FY 2008 (July 1, 2007 to June 30, 2008). The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Friesen  
NAY: Dickinson, Houdersheldt, Moore, Weiss

**ITEM 26. NARD VOTING DELEGATE.**

The board needs to appoint a voting delegate and alternate for the fall NARD conference.

It was moved by Luebbe and seconded by Stahly to appoint Yvonne Austin as the NARD

delegate and Linda Luebbe as the alternate. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Austin, Luebbe

**ITEM 27. FINANCIAL REPORT JULY 1, 2008 THROUGH JULY 31, 2008 AND  
CONSIDERATION OF EXPENDITURES FOR JULY 2008.**

Turnbull reviewed the financial report for the period July 1, 2008 to July 31, 2008 that was distributed. It was moved by Volkmer and seconded by Houdersheldt to accept the financial report for July 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe,  
Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

There being no other business the chairman adjourned the meeting at 9:25 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held August 21, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb



**UPPER BIG BLUE**  
**Natural Resources District**

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**BOARD OF DIRECTORS MEETING**  
**September 18, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 18, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Doug Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Carleen Light, Marie Krausnick, Russ Gierhart, Nancy Beach, Dennis Schroeder and Kris Ethridge of NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on September 11, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Weiss arrived at 7:37 p.m.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Buller requested that his absence from the September 18, 2008 board of directors meeting be excused due to out-of-state travel.

It was moved by Bruns and seconded by Luebbe to excuse the absence of Steve Buller from the September 18, 2008 board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Moore and seconded by Kuehner to adopt the consent agenda.

Moore requested that the motion regarding payments for Nebraska Buffer Strip program contracts be pulled from the consent agenda and voted on separately. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Moore and seconded by Kuehner to approve the agenda for the September 18, 2008 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 6. \*APPROVAL OF MINUTES OF THE AUGUST 21, 2008 BOARD OF DIRECTORS MEETING AND FY 2009 BUDGET HEARING.**

It was moved by Moore and seconded by Kuehner to approve the minutes of the August 21, 2008 board of directors meeting and FY 2009 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 7. RUNOFF HEARING.**

Chairman Friesen appointed Jay Bitner to act as Hearing Examiner during the runoff hearing.

Bitner opened the runoff hearing at 7:35 p.m. in the case of Duane and Jesse Merkel, complainants versus Duane and Darin Danielson, defendants. Bitner explained the purpose of the hearing was to allow the parties involved to present testimony regarding the matter of the runoff complaint. He entered into the record Exhibits 1 through 4, which were the formal complaint, the formal request for hearing, proof of publication of the hearing notice, and District Rule 3 - Conduct of Formal Adjudicatory Hearing Before the District and Rule 4 - Rules and

Regulations for the Enforcement of the Groundwater Management and Protection Act.

Bitner asked that the record show that the complainants, Duane and Jesse Merkel were not present.

He then asked the district's Compliance Officer, Marie Krausnick, to review the complaint and her findings. She submitted Exhibit 5 - Formal Notice for Alternative Actions and Schedule of Compliance and Exhibit 6 which was an aerial photograph showing the properties involved in the complaint. Bitner ordered the exhibits entered into the hearing record.

Krausnick said she was contacted on August 1, 2008 by Duane Merkel regarding irrigation runoff onto his property. She visited the site of the alleged runoff and followed the water upstream to its source, which was some gravity irrigated rows from the Danielson field. The gravity rows were about 730 to 750-foot long and flowing to the west then down through the adjacent property, under a bridge, and then across the Merkel property. The Merckels have an 80-acre pivot that swings back and forth and when it ran down to the draw it got stuck. They have had problems in past years and decided to file a complaint. Jesse Merkel signed the formal complaint. She attempted to contact the Danielsons, but no one was at home at that time. The complaint was sent by certified mail to the Danielsons. They were given 10 days to provide a remedy to prevent further runoff. The Danielsons returned the schedule of compliance within that time frame. A short time later Duane Merkel called in with a second runoff complaint. Russ Gierhart investigated that complaint. Marie contacted Duane and Darin Danielson and they found that the water was a result of a leak in their system. At that time Duane Merkel requested a formal hearing before the board.

Bitner asked the defendant, Darin Danielson, to testify. Mr. Danielson indicated that this was their first year farming this piece of property. He indicated that the first time they irrigated they ran the water very slowly for a longer period of time, which resulted in runoff. The second time over they irrigated for only two or three hours before checking the rows. When he was contacted by Marie Krausnick regarding the second runoff complaint, they were not irrigating on the same ground. After investigating the source of the water it was found to be coming from a leak in the pivot. They fixed the leak. He felt they had complied as best they could at this time, but agreed that they needed to put additional measures in place for next year to prevent runoff. He indicated they had not yet provided their plan for next year to the district. They have applied for EQIP funding for water conservation measures and will look into other measures after harvest is complete.

Bitner allowed time for the Board to ask questions before closing the hearing at 7:48 p.m. A complete transcript of the hearing is available by contacting the office.

**ITEM 8. RUNOFF HEARING FORMAL ACTION.**

It was moved by Moore and seconded by Regier to table action on the runoff complaint. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Houdersheldt

NOT PRESENT: Buller

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Projects & Programs Committee met on September 9, 2008 and presented the committee's recommendations.

**ITEM 10. NEBRASKA SOIL & WATER CONSERVATION PROGRAM PAYMENTS.**

It was moved by Weiss and seconded by Volkmer that land treatment program payment of \$1,810.18 for one NSWCP application be approved as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Weiss and seconded by Brown that payments totaling \$9,829.43 be approved for 14 Nebraska buffer strip contacts as reviewed by the committee.

There was a brief discussion about the buffer strip payment to Tuls Property LLC. Moore asked if this contract was one that had been transferred from another owner. The property was purchased from Keith Houdersheldt. The land was already in the program at the time of the sale and they chose to continue the contract. Staff indicated the property had been field checked last year to make sure it was in compliance with the buffer strip program guidelines.

The question was called on the motion. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Moore

NOT PRESENT: Buller

**ITEM 12. TREE PROGRAM PRICES FOR FY2009.**

The Nebraska Association of Resources Districts (NARD) will continue to receive 3¢ per tree purchased by the NRDs. Bessey Nursery at Halsey has raised their price from \$485 per 1,000 to \$550 per 1,000 which brings the purchase price for the NRDs to 55¢ per tree.

It was moved by Weiss and seconded by Nuss that the Upper Big Blue NRD set the planting cost for FY 2009 at 55¢ per tree and the cost of the trees and shrubs at 80¢ per tree. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 13. REPAIR STORM DAMAGE AT OXBOW TRAIL RECREATION AREA.**

On June 5, 2008 a tornado damaged the restroom, sign and shelter at Oxbow Trail Recreation Area. Staff has been working with our insurance company to reach a settlement for the damages. The adjustor estimated the cost to replace the restroom at \$11,201.46 and cost to replace the roof on the shelter at \$4,385.96. The NRD will replace the rules and regulations sign at an estimated cost of \$750. Because of the flowing springs near the recreation area the NRD needs to put in a PVC drain around the restroom to limit the number of times the vault has to be pumped.

It was moved by Weiss and seconded by Austin that the Upper Big Blue NRD accept the quote of \$19,721.87 from Stelling Carpentry & Construction to construct a new restroom at Oxbow Trail Reservoir, which includes a PVC drain field and repair of the shelter. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 14. HAZARD MITIGATION PLANNING FOR YORK COUNTY.**

York County's Hazard Mitigation Officer, Gary Peterson, was present at the Projects and



Programs Committee meeting to request that the Upper Big Blue NRD provide cost-share assistance for hazard mitigation planning in York County. This type of assistance is being provided for other counties that are preparing hazard mitigation plans within the district. York County has hired JEO Engineers to do the planning for a cost of \$16,460. York County will pay \$8,230 (50%) and the County is requesting \$1,000 cost-share from the NRD. The County will be requesting cost-share from cities and villages in the county to pay the remaining \$7,230 balance. Staff recommends that the district enter into an Interlocal Agreement with York County for the planning assistance as requested.

It was moved by Weiss and seconded by Austin that the Upper Big Blue NRD enter into an Interlocal Agreement with York County and agree to provide \$1,000 cost-share for hazard mitigation planning in York County, as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Brown

NOT PRESENT: Buller

#### **ITEM 15. HAZARD MITIGATION PLANNING FOR SEWARD COUNTY.**

The District has received an invoice from Seward County for \$500 to pay the District's share of hazard mitigation planning. The invoiced amount is in accordance with the Interlocal Agreement between the District and Seward County. Staff recommends payment.

It was moved by Weiss and seconded by Dickinson that the Upper Big Blue NRD pay Seward County \$500 for hazard mitigation planning in accordance with the Interlocal Agreement between the District and Seward County. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

#### **ITEM 16. VILLAGE OF WACO FLOOD PROTECTION PROJECT BIDS.**

Construction bids for the Waco Flood Protection Project Norval Street culverts were received on September 8, 2008. The General Excavating, Inc. bid of \$52,030.74 was the low bid. Staff recommends that General Excavating be awarded the construction contract.

It was moved by Weiss and seconded by Bruns that the District award a contract to General Excavating, Inc. for the purpose of constructing the Waco Flood Protection Project drainage

improvements on Norval Street, in accordance with General Excavating, Inc.'s bid of \$52,030.74. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Nuss

NOT PRESENT: Buller

**ITEM 17. DAVID CITY DRAINAGE IMPROVEMENTS - REQUEST FOR ASSISTANCE.**

Joe Johnson, David City Administrator, requested engineering assistance to complete the David City Northwest Drainage Improvements. Of the four phases originally proposed in 2002, only phase I was completed. David City is in the process of obtaining construction funds to complete the project. A draft interlocal agreement, reviewed by the committee, specifies that David City would pay 50% of the engineering cost, Lower Platte North would pay 25%, and the Upper Big Blue NRD would pay 25%. David City would pay for all land rights, construction, and maintenance costs. Staff recommended that the District provide engineering assistance in accordance with the agreement.

It was moved by Weiss and seconded by Luebbe that the Upper Big Blue NRD agree to provide engineering assistance in cooperation with the Lower Platte North NRD and David City to complete the remaining phases of the David City Northwest Drainage Improvement Project, and that the District work with the LPNNRD and the City to develop an interlocal agreement for the project.

Dickinson expressed concern about providing drainage improvement assistance to the city of David City. Turnbull pointed out that our boundary is located on the west edge of the city limits. The drainage comes out of David City and right down the NRD boundary between the Upper Big Blue and Lower Platte North and then drains into the Struebing Dam site. Several years ago our engineer designed a project that they didn't build. That's what they want to do now, but with a few changes. We have recommended that as the drainage leaves the city, before it gets to the Struebing Dam, that there be another detention facility so that we don't increase flows of water, or the speed of water, across neighbors between the Struebing Dam and the city. Without the District being involved in the project we may not get this done. The District is also recommending that the city pay 50% of the engineering costs and the balance be split between the NRDs. In the past the city has not paid any of the engineering costs. The city has also agreed to pay all of the construction costs and operation and maintenance.

It was moved by Houdersheldt and seconded by Dickinson to amend the motion that if project construction does not begin within 3 years the city repay 100% of the engineering costs. The amendment carried.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: Nuss

NOT PRESENT: Buller

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 18. FISCAL YEAR 2008 AUDIT.**

Gayle Steiger, CPA, of Romans, Wiemer & Associates conducted the District's audit for fiscal year 2008. He presented the audit to the board and answered questions. He told the board that there were no findings to report and that in their opinion the financial statements represent fairly, and in all material respects, the finances of the District.

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on September 9, 2008 and presented the committee's recommendations.

**ITEM 20. BLUE BASIN GROUNDWATER MODEL REVIEW.**

An invoice in the amount of \$959 was received for review and consultation work by Hemenway Groundwater Engineering on the Blue Basin groundwater model.

It was moved by Luebbe and seconded by Volkmer to approve the final payment of \$959.00 to Hemenway Groundwater Engineering for the completed review of the Blue River Basin model.  
The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller, Houdersheldt

**ITEM 21. OFFICE ROOF REPLACEMENT.**

At the time of the committee meeting Connor Roofing Company had almost completed work on the office roof. A change order will be issued for the installation of roof vents. The total bid, without the roof vents was \$29,350. The progress payment for the work completed is \$23,724.90. After withholding 10% retainage, staff recommends payment of \$21,352.41 be made to Connor Roofing Company.

It was moved by Luebbe and seconded by Austin to approve a progress payment of \$21,352.41 to Connor Roofing Company, Inc., of York, Nebraska for roofing work completed through September 9, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

#### **ITEM 22. FY 2009 BUDGET.**

The FY 2009 Budget presented at the public hearing held August 21, 2008 was reviewed by the board and referred back to the Executive Committee for further discussion.

It was moved by Luebbe and seconded by Bruns to recommend that the FY 2009 Budget be adopted as presented at the public hearing on August 21, 2008, with the following changes: \$0 transferred from the General Fund to the Sinking Fund for the Kezan Creek Project, and \$14,000 be added to professional services for surveying and aerial mapping for the City of Milford.

It was moved by Houdersheldt and seconded by Nuss to amend the motion to strike the \$150,000 from the budget for the building and add a \$300,000 transfer to the sinking fund for Kezan Creek. The amendment failed.

AYE: Austin, Eberle, Houdersheldt, Moore, Nuss, Teegerstrom

NAY: Brown, Bruns, Dickinson, Kuehner, Luebbe, Regier, Stahly, Volkmer, Weiss, Friesen

NOT PRESENT: Buller

The question was called on the original motion. The motion was approved.

AYE: Brown, Bruns, Dickinson, Kuehner, Luebbe, Moore, Regier, Stahly, Teegerstrom, Friesen

NAY: Austin, Eberle, Houdersheldt, Nuss, Volkmer, Weiss

NOT PRESENT: Buller

#### **ITEM 23. LEVY HEARING.**

Turnbull recommends that the tax levy hearing to set the levy and a special board meeting to adopt the levy be held in conjunction with the October committee meetings.

It was moved by Luebbe and seconded by Austin to schedule a Special Hearing and Board Meeting for the FY 2009 Tax Request for 7:30 p.m., Thursday, October 9, 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: Houdersheldt, Nuss

NOT PRESENT: Buller

#### **ITEM 24. NARD RESOLUTIONS.**

There are four resolutions for consideration at the NARD fall conference. Resolutions 2008-3 and 2008-4 were submitted late and require a 2/3 vote at the NARD Conference to be considered.

#### **ITEM 25. RESOLUTION 2008-1 CERTIFIED IRRIGATED LAND TRANSFERS.**

It was moved by Luebbe and seconded by Stahly to support resolution 2008-1, Certified Irrigated Land Transfers. The motion was approved.

AYE: Austin, Brown, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Regier, Stahly,  
Teegerstrom, Friesen

NAY: Bruns, Nuss, Weiss

NOT VOTING: Kuehner, Volkmer

NOT PRESENT: Buller

#### **ITEM 26. RESOLUTION 2008-2 WATER CONTINGENCY REVOLVING FUND.**

It was moved by Luebbe and seconded by Dickinson to remain neutral on Resolution 2008-2, Water Contingency Revolving Fund. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

#### **ITEM 27. RESOLUTION 2008-3 GOVERNMENTAL SUBDIVISION AID.**

It was moved by Luebbe and seconded by Brown to support Resolution 2008-3, Governmental

Subdivision Aid. The motion was approved.

AYE: Austin, Brown, Bruns, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Friesen

NAY: Nuss

NOT PRESENT: Buller, Dickinson

**ITEM 28. RESOLUTION 2008-4 STORAGE PERMIT DEADLINE FOR  
BEGINNING DAM CONSTRUCTION.**

It was moved by Luebbe and seconded by Brown to support Resolution 2008-4, Storage Permit  
Deadline for Beginning Dam Construction. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 29. REPORT OF WATER AND REGULATIONS COMMITTEE AND  
CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on September 11, 2008 and  
presented the committee's recommendations.

**ITEM 30. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE  
ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Moore and seconded by Kuehner that the District make cost-share payments for  
four well abandonments, as reviewed by the committee, totaling \$1,420.66. The motion was  
approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 31. FLOW METER COST-SHARE PAYMENTS.**

Thirty-nine flow meters have been installed this month and the staff has inspected and approved  
the installations.

It was moved by Moore and seconded by Regier that the District make cost-share payments for  
thirty-nine flow meters, as reviewed by the committee totaling \$19,284.36. The motion was

approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 32. CERTIFICATION OF IRRIGATED ACRES.**

There were 852.6 acres to be certified this month, bringing the total number of certified acres to 1,147,711.4.

It was moved by Moore and seconded by Regier that the Board certify the September 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 33. CERTIFICATION OF MUNICIPAL WATER WITHDRAWAL.**

The Committee reviewed municipal data including wells, population and acres served. There are thirty-five communities with a population of 38,560.

It was moved by Moore and seconded by Regier that the Board certify the municipal water withdrawal information for September 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

**ITEM 34. FINANCIAL REPORT AUGUST 1, 2008 THROUGH AUGUST 31, 2008 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2008.**

Turnbull reviewed the financial report for the period August 1, 2008 to August 31, 2008 that was distributed. It was moved by Volkmer and seconded by Austin to accept the financial report for August 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Buller

There being no other business the chairman adjourned the meeting at 9:55 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held September 18, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb



**SPECIAL BOARD OF DIRECTORS MEETING  
and  
FY 2009 TAX REQUEST HEARING  
OCTOBER 9, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 9, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Augustus Brown, Doug Bruns, Steve Buller, Douglas Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Bill Stahly, Vance Teegerstrom, and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather and Dean A. Bruha, Milford City Council. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the special board of directors' meeting on September 30, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Twelve directors were present for roll call.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Moore and Volkmer requested that their absence from the October 9, 2008 special board meeting and FY 2009 tax request hearing be excused.

It was moved by Teegerstrom and seconded by Eberle to excuse the absence of Moore and Volkmer from the October 9, 2008 special board of directors meeting and FY 2009 tax request hearing as requested. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Moore, Nuss, Regier, Volkmer

**ITEM 4. FY 2009 TAX REQUEST HEARING.**

Chairman Friesen opened the FY 09 tax request hearing at 7:34 p.m. He advised those present

that a Notice of Budget Change and the Notice of Special Hearing were published in the York News-Times on September 23, 2008 as required by law.

Turnbull explained that following adoption of the budget last month is it necessary for the board to adopt a resolution to set the property tax request and levy for FY 2009. The budget that was adopted has a property tax requirement of \$1,955,044.35 and will require a property tax rate of \$0.030955. Turnbull recommended that following the hearing the board pass a resolution to that effect.

Friesen closed the hearing at 7:39 p.m.

#### **ITEM 5. RESOLUTION TO SET FINAL TAX REQUEST.**

##### Resolution

**Whereas** the FY 2009 Budget for the Upper Big Blue NRD, as adopted by this board of directors on September 18, 2008, has a property tax requirement of \$1,955,044.35;

**Whereas** the final total valuation of the NRD is \$6,315,722,859.00;

**Whereas** the FY 2008 Budget (prior year) required a tax request of \$1,924,776.53 and a property tax rate of \$ 0.033417;

**Whereas** the FY 2009(current year) property tax rate would be \$0.030476 to generate \$1,924,776.53;

**Therefore be it resolved** by this Board of Directors on October 9, 2008 to set the **FY 2009 tax request at \$1,955,044.35** for the Upper Big Blue Natural Resources District which will require a **property tax rate of \$ 0.030955.**

It was moved by Dickinson and seconded by Stahly to adopt the resolution to set the FY 2009 property tax request. The motion was approved.

AYE: Brown, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Stahly, Teegerstrom, Weiss, Friesen

NAY: None

NOT PRESENT: Austin, Moore, Nuss, Regier, Volkmer

Their being no other business the chairman adjourned the meeting at 7:40 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the special meeting of the Board of Directors of the District held October 9, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at

the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
October 16, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 16, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Nancy Beach and Kris Ethridge of NRCS. Friesen called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on October 9, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call. Houdersheldt arrived at 7:33 p.m.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Brown and Moore requested that their absence from the October 16, 2008 board of directors meeting be excused.

It was moved by Luebbe and seconded by Volkmer to excuse the absence of Brown and Moore from the October 16, 2008 board of directors meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Houdersheldt, Moore

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Regier and seconded by Kuehner to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Kuehner to approve the agenda for the October 16, 2008 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 18, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Kuehner to approve the minutes of the September 18, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 7. \*APPROVAL OF MINUTES OF THE OCTOBER 9, 2008 SPECIAL BOARD OF DIRECTORS MEETING & FY2009 TAX REQUEST HEARING.**

It was moved by Regier and seconded by Kuehner to approve the minutes of the October 9, 2008 special board of directors meeting and FY 2009 tax request hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier,  
Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 8. FY 2008 AUDIT.**

Gayle Steiger, of Romans Wiemer & Associates, presented the FY 2008 audit at the September 18, 2008 board of directors meeting.

It was moved by Austin and seconded by Kuehner to accept the FY 2008 audit as presented by Romans Wiemer & Associates at the September 18, 2008 board of directors meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Teegerstrom reported that the Water & Regulations Committee met on October 7, 2008 and presented the committee's recommendations.

**ITEM 10. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Regier and seconded by Kuehner that the District make cost-share payments for one well abandonment, as reviewed by the committee, totaling \$381.70. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 11. FLOW METER COST-SHARE PAYMENTS.**

Twenty-six flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Teegerstrom and seconded by Luebbe that the District make cost-share payments for twenty-six flow meters, as reviewed by the committee totaling \$12,878.05. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Brown, Moore

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

It was moved by Teegerstrom and seconded by Regier that the board certify the October 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects and Programs Committee met on October 9, 2008 and presented the committee's recommendations.

**ITEM 14. LAND TREATMENT PROGRAM FUNDS FOR TREE PLANTING.**

Staff recommends that the District authorize \$25,000 of the FY 2009 land treatment program budget be held in reserve, until March 30, 2009, for cost-share on tree and windbreak planting applications. In FY 2008 the District held \$25,000 in reserve and the actual expenditure for tree and windbreak planting was \$29,669.48.

It was moved by Houdersheldt and seconded by Bruns that the District reserve \$25,000 of the FY 2009 Land Treatment Program budget, until March 30, 2009, for cost-share applications on tree and windbreak planting, and that the balance of reserved funds not obligated by March 30, 2009, be made available to all land treatment program applicants. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 15. CITY OF MILFORD DRAINAGE MASTER PLAN.**

Dean Bruha, Milford City Council, was present at the Projects and Programs Committee meeting to request drainage master planning assistance. Staff has been working with the City of Milford to develop a scope of work and budget for the planning. The District has provided similar stormwater planning assistance to Seward and Aurora. The estimated total planning cost is \$62,000 and would include aerial photography, digital elevation model, inventory of existing system, hydraulic modeling and analysis, and a documentation report. The city's share of cost would be \$46,500 (75%) and the district's share of cost would be \$15,500 (25%). Staff recommends that the Board authorize the requested drainage planning assistance and approve the interlocal agreement, as reviewed by the Committee.

It was moved by Houdersheldt and seconded by Luebbe that the Upper Big Blue Natural Resources District authorize staff to conduct drainage master planning for the City of Milford, and that the District enter into the interlocal agreement, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

#### **ITEM 16. DAVID CITY NORTHWEST DRAINAGE PROJECT.**

At the September committee meeting, Joe Johnson, David City Administrator, was present to request engineering assistance for completing the David City Northwest Drainage Project. At the September board meeting the board agreed to provide assistance, subject to approval of an agreement.

An interlocal agreement has been accepted by the Lower Platte North Projects Committee (subject to board approval) and the City Council of David City. Estimated engineering cost is \$51,000. The City will reimburse the District \$25,500 (50%) and the Lower Platte North NRD will reimburse the District \$12,750 (25%). The District's share of cost will be \$12,750 (25%).

It was moved by Houdersheldt and seconded by Austin that the Upper Big Blue NRD agree to provide engineering assistance to complete the David City Northwest Drainage Improvement Project, as requested by the City of David City, and that the District enter into the Interlocal Agreement with David City and the Lower Platte North NRD, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

#### **ITEM 17. OXBOW TRAIL RESERVOIR BOAT DOCK.**

Trade Winds Distributing, Inc., has installed the two boat dock sections at Oxbow Trail Reservoir.

It was moved by Houdersheldt and seconded by Austin that the Upper Big Blue NRD make payment of \$4,894.76 to Trade Winds Distributing, Inc., for the installation of two 80" x 10' dock sections, twelve couplers, removing the two vandalized sections and mileage to Oxbow Trail Reservoir recreation area. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier,



Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Brown, Moore

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on October 9, 2008 and presented the committee's recommendations.

**ITEM 19. \*THIRD QUARTER DIRECTORS' PER DIEM & EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Regier and seconded by Kuehner to approve payment of third quarter directors' per diem of \$9,940 and expenses of \$3,122.36. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Brown, Moore

**ITEM 20. PAYMENT TO CONNOR ROOFING.**

Connor Roofing Company has completed the new roof on the office. A change order was issued for roof vents, which increased the total bid from \$29,352.50 to \$30,181.90. A payment was made last month for \$21,352.41. The amount due for final payment, including released retainage, is \$8,829.49.

It was moved by Luebbe and seconded by Bruns to approve final payment of \$8,829.49 to Connor Roofing Company, Inc., of York, Nebraska, for roofing work on the NRD office. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen  
NAY: None  
NOT PRESENT: Brown, Moore

**ITEM 21. ATTORNEY FEES.**

The attorney's fees for the month are \$5,129. Of the total \$315 was for the David City interlocal agreement and \$4,814 for the fully appropriated basin lawsuit.

It was moved by Luebbe and seconded by Austin to approve payment of \$5,129 to Crosby Guenzel LLP, for legal work through September 15, 2008. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 22. FY 2008 AUDIT.**

It was moved by Luebbe and seconded by Volkmer to approve payment of \$3,500 to Romans Wiemer & Associates, York, Nebraska for the FY 2008 audit. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

**ITEM 23. FINANCIAL REPORT SEPTEMBER 1, 2008 THROUGH SEPTEMBER 30, 2008 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2008.**

Staff reviewed the financial report for the period September 1, 2008 to September 30, 2008 that was distributed. It was moved by Volkmer and seconded by Kuehner to accept the financial report for September 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Brown, Moore

There being no other business the chairman adjourned the meeting at 9:20 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held October 16, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media

requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**November 20, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 20, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Lyndsy Schulz, Kristin Phillips, Dee Dee Novotny, Jeff Ball, John Miller and Kris Ethridge of NRCS. Luebbe called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Luebbe reported that we published the legal notice of the board of directors' meeting on November 13, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Moore requested that his absence from the November 20, 2008 board of directors meeting be excused. The Natural Resources Commission is scheduled to meet with the Governor that day. Curt Friesen and Doug Dickinson also requested excused absences.

It was moved by Volkmer and seconded by Eberle to excuse the absence of Moore, Friesen and Dickinson from the November 20, 2008 board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: Houdersheldt

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Volkmer to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Volkmer to approve the agenda for the November 20, 2008 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE OCTOBER 16, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Volkmer to approve the minutes of the October 16, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Regier reported that the Water & Regulations Committee met on November 12, 2008 and presented the committee's recommendations.

**ITEM 8. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Volkmer that the District make cost-share payments for three well abandonments, as reviewed by the committee, totaling \$1,108.78. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,

Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 9. FLOW METER COST-SHARE PAYMENTS.**

Seventy-two flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Regier and seconded by Volkmer that the District make cost-share payments for 72 flow meters, as reviewed by the committee totaling \$35,632.26. The motion was approved.

AYE: Austin, Brown, Bruns, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 10. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified for the month. There are 10,611.9 acres, which brings the total certified acres to 1,148,921.9.

It was moved by Regier and seconded by Houdersheldt that the board certify the November 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 11. ZONE 11 POTENTIAL PHASE II MANAGEMENT AREA.**

The results of the Summer 2008 nitrate sampling indicate that the median nitrate level in management zone 11 is 9.1 mg/l. The trigger level for a potential phase II management area is 9.0 mg/l. The other criteria for determining if phase II management is needed are; 1) less than 60% of the corn and sorghum acres are soil sampled for nitrogen to a depth of 3 feet, and 2) less than 60% of the irrigation is being scheduled using an approved irrigation scheduling method. The District's regulations call for reports to be filed by the operators of land in Zone 11 to determine if these criteria are being met.

Management Zone 11 includes the following townships in Seward County; Township 9 North, Range 3 East ("O" Township), Sections 6, 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33 in

Township 9 North, Range 4 East, (“P” Township), Township 10 North, Range 1 East (“L” Township), Township 10 North, Range 2 East (“K” Township), Township 10 North, Range 3 East (“J” Township), Sections 6, 7, 18, 19, 30 and 31 in Township 10 North, Range 4 East, (“I” Township), Township 11 North, Range 1 East (“E” Township), Township 11 North, Range 2 East (“F” Township), Township 11 North, Range 3 East (“G” Township), and Sections 6, 7, 18, 19, 30 and 31 in Township 11 North, Range 4 East, (“H” Township).

The staff recommends that the Board declare Management Zone 11 a “Potential Phase II Management Area” and authorize the staff to proceed with the potential phase II reporting as required by NRD Rule 5, Chapter 19, ¶ 5.01.

It was moved by Regier and seconded by Brown that the Board declare Management Zone 11 a “Potential Phase II Management Area” and authorize the staff to proceed with the potential Phase II reporting as required by NRD Rule 5, Chapter 19, ¶ 5.01. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 12. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects and Programs Committee met on November 12, 2008 and presented the committee’s recommendations.

**ITEM 13. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Volkmer that land treatment program payments totaling \$8,932.07 for three NSWCP applications be approved as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 14. WILDLIFE HABITAT PROGRAM PAYMENTS FOR NOVEMBER.**

The areas have been inspected and are recommended for payment.

It was moved by Houdersheldt and seconded by Stahly that the Upper Big Blue Natural Resources District make payments of \$617.50 for the Wild Nebraska and Wildlife Habitat Improvement Program contracts, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 15. CITY OF MILFORD STORMWATER DRAINAGE MASTER PLAN.**

Staff is ready to begin work on the stormwater drainage planning for Milford. The interlocal agreement has been approved by the City and NRD. As noted in the scope of work, a detailed map will be required showing accurate land elevations and feature identification. A proposal for the mapping has been received from Aero-Metric, Incorporated of Kansas City to provide the aerial photography, digital terrain model, and color orthophotos of the area for a fee of \$29,950. Staff recommends that Aero-Metric, Incorporated be hired to prepare the required mapping

It was moved by Houdersheldt and seconded by Teegerstrom that the District enter into the agreement with Aero-Metric, Inc., as reviewed by the committee, for the purpose of providing photogrammetric services and mapping to be used for stormwater drainage planning in the City of Milford, and that the fee for Aero-Metric's services not exceed \$25,950 without approval of the District. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 16. PAYMENT TO STELLING CARPENTRY & CONSTRUCTION FOR WORK AT OXBOW TRAIL RECREATION AREA.**

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue Natural Resources District make payment of \$20,536.87 to Stelling Carpentry & Construction for the construction of the new restroom at Oxbow Trail Recreation Area, which includes the drain field and repair of the roof on the shelter. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 17. PAYMENT TO MARTIN MARIETTA AGGREGATES.**

The District purchased rip rap and chip rock to be placed around and on the walkway to the boat dock at Oxbow Trail Recreation Area.

It was moved by Houdersheldt and seconded by Volkmer that the Upper Big Blue Natural



Resources District make payment of \$1,512.03 to Martin Marietta Aggregates for the rip rap rock and chip rock purchased and delivered to Oxbow Trail Recreation Area for the maintenance work done on the walkway to the boat dock. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 18. PAYMENT TO HUEBERT LAND LEVELING.**

On August 21, 2008 the Upper Big Blue NRD board authorized staff to hire Huebert Land Leveling to make repairs to the boat dock and place rip rap and rock at Oxbow Trail Recreation Area.

It was moved by Houdersheldt and seconded by Kuehner that the Upper Big Blue Natural Resources District make payment of \$1,268.00 to Huebert Land Leveling for the steel plate and welding of the plate to the gangway abutment and the placing of the rip rap rock along the boat dock approach and placing the chip rock limestone on the approach and grading on the west and north side of the restrooms. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Executive Committee met on November 12, 2008 and presented the committee's recommendations.

**ITEM 20. PAYMENT TO YORK PRINTING COMPANY FOR INFORMATION BOOKLETS.**

Snell presented the information booklets to the committee. The publications highlight the activities, programs and projects of each department. The publications were requested by the staff to publicize the efforts of the district. The distribution will be widespread to inform the public about what this District has to offer. Copies will be available through this office, Chambers of Commerce, and cooperating agencies. The staff will use the publications when in contact with counties, cities and producers.

A bill from York Printing Company totaling \$8,595 for 5,500 copies (\$1,56 each) was submitted. Prior approval was not obtained due to an oversight.

It was moved by Nuss and seconded by Bruns to approve the printing of the information booklets and payment of \$8,595 to York Printing Company. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

**ITEM 21. FINANCIAL REPORT OCTOBER 1, 2008 THROUGH OCTOBER 31, 2008 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2008.**

Staff reviewed the financial report for the period October 1, 2008 to October 31, 2008 that was distributed. It was moved by Volkmer and seconded by Regier to accept the financial report for October 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Dickinson, Friesen, Moore

There being no other business the chairman adjourned the meeting at 2:25 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held November 20, 2008, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb



**UPPER BIG BLUE**  
**Natural Resources District**

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**BOARD OF DIRECTORS MEETING**  
**December 18, 2008**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 18, 2008 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Gary Eberle, Curtis Friesen, Roger Houdersheldt, William Kuehner, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Ken Feather, Scott Snell, Nancy Beach, Russ Gierhart, Marie Krausnick, Dee Dee Novotny, John Miller and Jim Husbands of NRCS and Steve Moseley of the York News-Times. Friesen called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Friesen reported that we published the legal notice of the board of directors' meeting on December 11, 2008 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present for roll call.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Doug Dickinson requested his absence from the board of directors meeting be excused.

It was moved by Regier and seconded by Volkmer to excuse the absence of Dickinson from the December 18, 2008 board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOTE PRESENT: Dickinson

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Brown and seconded by Kuehner to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Brown and seconded by Kuehner to approve the agenda for the December 18, 2008 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 6. \*APPROVAL OF MINUTES OF THE NOVEMBER 20, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Brown and seconded by Kuehner to approve the minutes of the November 20, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 7. DIRECTOR RECOGNITION.**

Chairman Curt Friesen, whose term ends in January 2009, was recognized for his contributions to the District since he joined the board in 1997. He was presented with an engraved plaque and the gavel used during his term as chairman.

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects and Programs Committee met on December 11, 2008 and presented the committee's recommendations.

**ITEM 9. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Nuss that land treatment payments totaling \$11,959.72 for four NSWCP applications be approved, as reviewed by the committee. The motion was approved.

AYE: Austin, Brown, Bruns, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Buller

NOT PRESENT: Dickinson

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Brown and seconded by Kuehner that payments totaling \$252.82 be approved for two Nebraska Buffer Strip contracts, as reviewed by the committee. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 11. VILLAGE OF WACO FLOOD PROTECTION PROJECT PROGRESS PAYMENT.**

It was moved by Houdersheldt and seconded by Bruns that payment of \$7,254 be made to General Excavating, as reviewed by the committee, for construction work completed on the Waco East Drainage Improvement Project in November 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 12. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on December 11, 2008 and presented the committee's recommendations.

**ITEM 13. DIRECTORS ELECTION BY SUB-DISTRICT.**

Bill Stahly asked that the committee consider changing the method of nomination and election of NRD directors.

The committee discussed the pros and cons of electing directors by individual sub-district. Some committee members were told by voters that they didn't know the candidates who are not from their geographical area and would be more comfortable voting on candidates who are in their sub-district. Some board members felt that it's better when directors consider the impact of their decisions on the district as a whole and that the NRD's current method of election does that.

It was moved by Luebbe and seconded by Bruns that the Upper Big Blue Board of Directors continue to be nominated from sub-districts, and from the District at-large, but elected by voters of the entire District. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Regier, Teegerstrom, Volkmer

NAY: Kuehner, Nuss, Stahly, Weiss

NOT VOTING: Moore, Friesen

NOT PRESENT: Buller

**ITEM 14. MICROSOFT OFFICE 2007.**

Staff currently has Microsoft Office 2000 on their computers and it's time to upgrade to the current version. Microsoft Office 2007 includes Word, Excel, Power Point and Access. The new Access software is needed for the Water Department's database management. We need to purchase 16 user licenses and 1 CD with the software. Quotes were obtained from CDW-G at a cost of \$5,327.08 and Computer Concepts for \$6,130. Staff recommends purchasing the software and licenses online from CDW-G.

It was moved by Luebbe and seconded by Nuss to approve the purchase of Microsoft Office 2007 Pro Plus, which includes 16 licenses and 1 CD with the software, from CDW-G for a total cost of \$5,327.08. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 15. GENERAL ELECTION COSTS.**

An invoice for the November general elections in the amount of \$3,047.33 was received from the

Hamilton County Clerk. Invoices for general election costs less than \$3,000 are being approved by purchase order.

It was moved by Luebbe and seconded by Austin to approve payment of \$3,047.33 to the Hamilton County Clerk for the November 2008 general election costs. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 16. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on December 11, 2008 and presented the committee's recommendations.

**ITEM 17. ADDITION TO APPROVED FLOWMETER LIST.**

Ray Glazer, representing Senninger Irrigation, Inc. presented information about Flo-Wise meters. The Flo-Wise Magmeter is not currently on the District's approved flowmeter list. Mr. Glazer requested that it be added to the list. It was pointed out that information in the literature indicated that the manufacture's fluid condition requirements would not conform with the low pressure and water temperatures found in the irrigation systems in Nebraska. Mr. Glazer indicated that he did not believe the literature was correct and that he would get accurate information from the manufacturer and provide it to the NRD.

It was moved by Moore and seconded by Regier that the Board approve the addition of the Flo-Wise Magmeter to the Approved Flowmeter List, provided that corrected flow condition information is provided. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Teegerstrom, Volkmer Weiss, Friesen

NAY: None

NOT VOTING: Stahly

NOT PRESENT: Dickinson

**ITEM 18. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are twenty-eight final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$9,297.40.

It was moved by Brown and seconded by Kuehner that the District make cost-share payments for twenty-eight well abandonments, as reviewed by the committee, totaling \$9,297.40. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 19. FLOWMETER COST-SHARE - FINAL PAYMENTS.**

Sixty-four flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Teegerstrom that the District make cost-share payments for sixty-four flowmeters, as reviewed by the committee, totaling \$31,717.71. The motion was approved.

AYE: Austin, Brown, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT VOTING: Bruns, Buller

NOT PRESENT: Dickinson

#### **ITEM 20. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 14,698.6 acres. This brings the total certified acres to 1,149,141.7.

It was moved by Moore and seconded by Regier that the Board certify the December 2008 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 21. UNREGISTERED WELLS.**

The staff reported that several unsuccessful attempts have been made to get the owners of the



following wells to register their wells. The staff recommends that the Board authorize the staff to begin the formal complaint process.

NE¼ of Section 17-T14N-R1E, Butler County, owned by Gerald Selden  
NE¼ of Section 27-T10N-R1E, Seward County, owned by Lawrence Beckler

It was moved by Moore and seconded by Regier that the Board direct the staff to begin the formal complaint process against Gerald Selden for an unregistered well in the NE¼ of Section 17-T14N-R1E, Butler County and Lawrence Beckler for an unregistered well in the NE¼ of Section 27-T10N-R1E, Seward County. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 22. PAYMENT TO UNL WATER SCIENCES LABORATORY.**

The District has been invoiced \$660.00 for analysis of water samples taken from Lincoln Creek near Aurora in 2008 as part of the Lincoln Creek - Pioneer Trails Water Quality Study. The staff recommends that the bill be paid.

It was moved by Moore and seconded by Kuehner that the Board pay the UNL Water Sciences Laboratory \$660.00 for analysis of water samples taken from Lincoln Creek near Aurora in 2008 as part of the Lincoln Creek - Pioneer Trails Water Quality Study. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 23. LINCOLN CREEK - PIONEER TRAILS WATER QUALITY STUDY.**

Result of the 2008 water analysis shows that the E-coli bacteria in Lincoln Creek ranged from 10 to 100 times the State water quality standard for safe discharge to Pioneer Trails Reservoir. Average total Nitrogen was approximately 150% of the standard. Recently the construction of the Aurora West Ethanol plant was suspended. Based on the high bacteria values and the delay in the ethanol plant construction, the staff recommends that continued work on the Lincoln Creek - Pioneer Trails Water Quality Study be suspended.

It was moved by Moore and seconded by Luebbe that work on the Lincoln Creek - Pioneer Trails Water Quality Study be suspended. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Regier,  
Stahly, Teegerstrom, Volkmer Weiss, Friesen

NAY: Nuss

NOT PRESENT: Dickinson

**ITEM 24. LATE WELL PERMIT APPLICATION.**

Paul and Nancy Jensen have applied for a late permit for a well drilled in 1989. This well was constructed as a replacement well, however, the original well was converted to a stock well instead of being abandoned. In 1989 permits were not required for replacement wells, but since the original well was not abandoned, this well can't be classified as a replacement well. The staff recommends that the late permit for the Jensen well be approved and that the late permit fee be waived. The well is located in the NE¼ of Section12 T8N-R2W, Fillmore County.

It was moved by Moore and seconded by Kuehner that a late permit for a well in the NE¼ of Section12 T8N-R2W, Fillmore County, owned by Paul and Nancy Jensen, be approved and that the \$250 late permit fee be waived. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

**ITEM 25. FINANCIAL REPORT NOVEMBER 1, 2008 THROUGH NOVEMBER 30, 2008 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2008.**

Staff reviewed the financial report for the period November 1, 2008 to November 30, 2008 that was distributed. It was moved by Regier and seconded by Volkmer to accept the financial report for November 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss,  
Regier, Stahly, Teegerstrom, Volkmer Weiss, Friesen

NAY: None

NOT PRESENT: Dickinson

There being no other business the chairman adjourned the meeting at 3:23 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held December 18, 2008, that all of the subjects discussed at the meeting were contained in the

agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**January 15, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 15, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer and Paul Weiss.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Ken Feather, Scott Snell, Jay Bitner, Nancy Beach, Marie Krausnick, Sam Keezer, Lynn Yates of Geneva, Kris Ethridge and Tim Weltmer of NRCS and Steve Moseley of the York News-Times. Luebbe called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Luebbe reported that we published the legal notice of the board of directors' meeting on January 8, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present for roll call.

**ITEM 3. DIRECTORS' OATH OF OFFICE.**

Turnbull administered the oath of office for the directors elected to the board during the 2008 general election.

**ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

Buller and Moore requested that their absences from the board of directors meeting be excused.

It was moved by Regier and seconded by Houdersheldt to excuse the absence of Buller and Moore from the January 15, 2009 board of directors meeting. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOTE PRESENT: Buller, Moore

**ITEM 5. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Houdersheldt and seconded by Austin to adopt the consent agenda. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Buller, Moore

**ITEM 6. \*ADOPTION OF AGENDA.**

It was moved by Houdersheldt and seconded by Austin to approve the agenda for the January 15, 2009 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Buller, Moore

**ITEM 7. \*APPROVAL OF MINUTES OF THE DECEMBER 18, 2008 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Austin to approve the minutes of the December 18, 2008 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe  
NAY: None  
NOT PRESENT: Buller, Moore

**ITEM 8. DIRECTOR RECOGNITION.**

Ken Regier was recognized for 30 years of service as a director on the Upper Big Blue NRD Board. He was presented with framed bison print.

**ITEM 9. EMPLOYEE SERVICE AWARDS.**

Sam Keezer, who handles the district's maintenance work, was presented with a pair of laser engraved bookends in appreciation of 15 years of service with the NRD. Dan Leininger, Water Conservationist, and Scott Snell, Public Relations Manager, were each presented with a paperweight in recognition of five years service to the District.

**ITEM 10. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Executive Committee met on January 8, 2009 and presented the committee's recommendations.

**ITEM 11. \*FOURTH QUARTER DIRECTORS' PER DIEM & EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Houdersheldt and seconded by Austin to approve payment of fourth quarter per diem of \$6,270.00 and expenses of \$2,050.01. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 12. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

An invoice in the amount of \$6,945 was received from York Printing for the Blueprint.

It was moved by Nuss and seconded by Dickinson to approve payment of \$6,945 to York Printing for the Blueprint newsletter. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 13. NARD VOTING DELEGATES.**

It was moved by Nuss and seconded by Stahly to appoint Doug Dickinson as the voting delegate and Yvonne Austin as the alternate for the January NARD conference. The motion was approved.

AYE: Austin, Brown, Bruns, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Buller, Moore

**ITEM 14. LOWER PLATTE RIVER BASIN FULLY APPROPRIATED DETERMINATION.**

Turnbull attended a meeting with several other NRDs in Lincoln on January 13, 2009 to discuss

the fully appropriated designation. The DNR sent out the announcement of the hearing dates to consider the preliminary determination. There were three hearings scheduled, the last one February 24 in Lincoln. The final decision needs to be made within 30 days of the last hearing. This is a short time frame. A request was made from eight NRDs to Brian Dunnigan, Director of DNR, to reschedule the hearings to a later date. The hearings must be held before the end of March because of the date of the initial declaration. Brian Dunnigan agreed to hold the first three hearings as scheduled, but add an additional hearing March 12 or 13 in Fremont. This will provide the NRDs more time to prepare comments for the hearing.

Representatives from the Upper Elkhorn, Lower Elkhorn, Lower Platte North, Lower Platte South, Papio, Upper Big Blue, Upper Loup and Lower Loup NRDs were at the meeting in Lincoln. Every district that is affected by the recent designations was represented. They discussed whether there was any interest in challenging the decision itself. The general consensus was no. There was discussion regarding the method and data used to make the preliminary determinations. It was suggested that the data used for the Lower Platte, Elkhorn and Loup Basins should be reviewed for accuracy and technical errors and the decision itself be reviewed as far as the application of the law. The goal of this review and any comments is not to challenge DNR's decision, but to obtain an objective third-party review of the science and law applied by DNR. The cost of the review was roughly estimated to be in the range of \$50,000 to \$100,000 with the cost to be split between the participants.

It was moved by Houdersheldt and seconded by Volkmer to approve participation in the study, provided there are at least five NRDs involved.

It was moved by Miller and seconded by Regier to amend the motion to include the wording "not to exceed \$13,000". The amendment was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

## **ITEM 15. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Teegerstrom reported that the Water & Regulations Committee met on January 8, 2009 and presented the committee's recommendations.

**ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are five final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$2,042.49.

It was moved by Houdersheldt and seconded by Austin that the District make cost-share payments for five well abandonments, as reviewed by the committee, totaling \$2,042.49. The motion was approved as part of the consent agenda.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

The Water & Regulations Committee reviewed irrigated acres to be certified. It includes 2,490.5 acres. This brings the total certified acres to 1,148,560.

It was moved by Teegerstrom and seconded by Regier that the Board certify the January 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 18. INTEGRATED MANAGEMENT PLANNING, RULE 9 - RULE OF PRACTICE AND PROCEDURES.**

Nebraska Statutes require that the NRD adopt rules that specify the types of data that will be considered when developing an Integration Management Plan.

The staff recommended that Rule 9 be approved for the purpose of conducting a public hearing. If the Board adopts Rule 9 following the public hearing, Rule 9 must be published three times before it is effective. The effective date would be about March 16, 2009.

That draft Rule 9 - Rules of Practice and Procedures Specifying the Scientific and Other Data Used for Development of Integrated Management Plans, be approved for the purpose of conducting a public hearing. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe



NAY: None

NOT PRESENT: Buller, Moore

**ITEM 19. PAYMENT TO KERRY'S RESTAURANT AND CATERING, INC.**

Kerry's catered the meal for the CROP- TIP seminar. The cost was \$1,712.50 for 125 plates. This included morning rolls and coffee, lunch and the afternoon coffee break. The NRD will be reimbursed for most of this cost by the vendors and Cornerstone Bank.

It was moved by Teegerstrom and seconded by Regier that the District pay Kerry's Restaurant and Catering, Inc. \$1,712.50 for catering of the CROP-TIP Seminar. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 20. PAYMENT TO DELMHORST INSTRUMENT COMPANY.**

Delmhorst offered the District free shipping for orders submitted before January 1 so DeBuhr ordered 900 moisture blocks, which is the typical amount sold each year.

It was moved by Teegerstrom and seconded by Volkmer that the District pay Delmhorst Instrument Company \$5,197.50 for moisture blocks ordered in December 2008. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 21. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects and Programs Committee met on January 8, 2009 and presented the committee's recommendations.

**ITEM 22. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Austin that land treatment program payments of \$17,363.01 for 5 NSWCP applications be approved, as reviewed by the Committee. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly,

Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 23. WILD NEBRASKA PROGRAM - GREG BERGEN & LOWELL SIEBERT PAYMENT.**

The Wild Nebraska contract for Greg Bergen and Lowell Siebert has been inspected and recommended for payment. The total contract payment is \$738.40. The NRD will be reimbursed 75% of the total by Nebraska Game & Parks.

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue Natural Resources District make a payment of \$738.40 to the partnership of Greg Bergen and Lowell Siebert for the annual payment on the Wild Nebraska Contract for the month of January. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 24. HAZARD MITIGATION PLAN - SEWARD COUNTY.**

The Seward County Hazard Mitigation Plan has been completed. Jeff Ball, lead engineering technician, has been representing the District at hazard mitigation planning meetings and briefed the Committee on the Seward County plan. Jeff also reviewed a resolution to adopt the plan as required by FEMA. Staff recommends that the NRD Board of Directors adopt the plan and approve the resolution.

It was moved by Houdersheldt and seconded by Dickinson that the resolution to adopt the Seward County Hazard Mitigation Plan, as reviewed by the Committee, be adopted. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 25. FINANCIAL REPORT DECEMBER 1, 2008 THROUGH DECEMBER 31, 2008 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2008.**

Turnbull reviewed the financial report for the period December 1, 2008 to December 31, 2008 that was distributed. It was moved by Houdersheldt and seconded by Regier to accept the financial report for December 2008 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Brown, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Luebbe

NAY: None

NOT PRESENT: Buller, Moore

**ITEM 26. NOMINATING COMMITTEE REPORT.**

Doug Dickinson presented the Nominating Committee's report and submitted the slate of candidates.

**ITEM 27. ELECTION OF CHAIRMAN.**

Luebbe asked Scott Snell and Ken Feather to collect and tally the ballots.

The nominees for the office of chairman were Gus Brown and Roger Houdersheldt. There were no nominations from the floor. Brown received 8 votes; Houdersheldt 6 votes. Brown will serve as chairman for a one-year term.

**ITEM 28. ELECTION OF VICE CHAIRMAN.**

The nominees for the office of vice chairman were Doug Bruns and Linda Luebbe. There were no nominations from the floor. Bruns received 9 votes; Luebbe 5 votes. Bruns will serve as vice chairman for a one-year term.

**ITEM 28. ELECTION OF SECRETARY.**

The nominees for the office of secretary were Mike Nuss and Merlin Volkmer. There were no nominations from the floor. Nuss received 13 votes; Volkmer 1 vote. Nuss will serve as secretary for a term of one year.

**ITEM 29. ELECTION OF TREASURER.**

The nominees for the office of treasurer were Bill Stahly and Paul Weiss. There were no nominations from the floor. Stahly received 11 votes; Weiss 3 votes. Stahly will serve as treasurer for a one-year term.

**ITEM 30. ELECTION OF NARD REPRESENTATIVE AND ALTERNATE.**

The nominees were Doug Dickinson and Yvonne Austin. Luebbe instructed the board to vote

for one candidate for NARD Representative. The runner-up will serve as the NARD Alternate. There were no further nominations from the floor. Dickinson received 13 votes; Austin 1 vote. Dickinson will serve as NARD Representative and Austin will serve as the Alternate for a one-year term.

There being no other business the chairman adjourned the meeting at 3:08 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held January 15, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members

of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
and  
RULE 9 PUBLIC HEARING  
February 19, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 19, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Ken Feather, Jay Bitner, Dan Leininger, Steve Meyer of the Trailblazer RC&D, Todd Danhauer, Doug Anderson, Curt Friesen, Eugene Ulmer, Kevin Abts, Jeff Kugler, Jim Husbands of NRCS, and Melanie Wilkinson of the York News-Times. Brown called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on February 12, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Thirteen directors were present for roll call. Luebbe and Miller arrived a few minutes later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Regier requested that his absence from the board of directors meeting be excused due to out-of-state travel.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Regier from the February 19, 2009 board of directors meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Brown

NAY: None

NOTE PRESENT: Luebbe, Miller, Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Houdersheldt and seconded by Dickinson to adopt the consent agenda. The

motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the February 19, 2009 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 15, 2009 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Dickinson to approve the minutes of the January 15, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**ITEM 7. APPOINTMENT TO SUBDISTRICT 4.**

The Chairman received three applications for appointment to the Upper Big Blue NRD Board to fill the unexpired term in subdistrict four, which runs until January 2013.

The Executive Committee reviewed the candidates' information and declared them lawfully qualified to serve as members of the Board of Directors. Their letters of application or resumes were forwarded to the board for consideration. The three applicants were Kenneth G. Kroeker, Eugene Ulmer and Lynn Yates.

Chairman Brown asked those candidates present to address the board and give a brief history. He then allowed the board members to ask questions. He called for a voice vote indicating each board member's choice of a candidate to fill the vacancy in subdistrict four. In the first round of voting Kroeker received five votes, Ulmer received three votes and Yates received six votes.

VOTES FOR KROEKER: Buller, Dickinson, Houdersheldt, Luebbe, Brown  
VOTES FOR ULMER: Austin, Nuss, Stahly  
VOTES FOR YATES: Bruns, Eberle, Miller, Moore, Teegerstrom, Weiss  
NOT VOTING: Volkmer  
NOT PRESENT: Regier

Brown informed the board that they would vote again for either Kroeker or Yates. A majority vote of those present is required for an appointment to be made. In the second round of voting Kroeker received six votes and Yates received eight votes.

VOTES FOR KROEKER: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Brown  
VOTES FOR YATES: Bruns, Eberle, Miller, Moore, Stahly, Teegerstrom, Volkmer,  
Weiss  
NOT VOTING: Nuss  
NOT PRESENT: Regier

Lynn Yates was appointed as director to represent subdistrict four. John Turnbull administered the oath of office and Mr. Yates was seated on the board.

#### **ITEM 8. PUBLIC HEARING ON RULE 9.**

Chairman Gus Brown opened the hearing on Rule 9 “Rules of Practice and Procedures Specifying the Scientific and Other Data Used for Development of Integrated Management Plans” at 1:49 p.m.

He noted for the record that the notice of this public hearing was published in the York News-Times for three consecutive weeks, beginning with January 26, 2009 and ending February 10, 2009. The last publication was 10 days prior to the hearing. Chairman Brown asked Rod DeBuhr, Water Department Manager, to explain the reason for the hearing.

DeBuhr provided each of the directors with a copy of proposed Rule 9. The Nebraska Groundwater Management Protection Act that was amended by LB 962, which created the procedure for fully appropriated basins, requires that both the State of Nebraska and the Department of Natural Resources and each NRD where there is an area that is designated as fully appropriated develop a rule that states the information that the Board and the state will consider when developing an Integrated Management Plan (IMP). The Upper Big Blue NRD is in the process of developing an IMP for the small area in Hamilton County in the Upper Platte Basin and may in the future have other areas where we have to do the same thing. This rule lays out the items to be considered while developing the plan. The proposed Rule 9 was patterned after the DNR list so that the criteria match. DeBuhr also presented a proposed order of adoption for Rule 9 for the Board to consider following the hearing.

ORDER OF THE UPPER BIG BLUE NATURAL RESOURCES DISTRICT

Pursuant to the procedures established in Neb. Rev. Stat. §§ 46-712 to 46-744, the Upper Big Blue Natural Resources District (District) is required to adopt rules and regulations specifying the types of scientific data and other information that will be considered in the development of its integrated management plan. The complete text of Rule 9 - Rules of Practice and Procedures Specifying the Scientific and Other Data Used for Development of Integrated Management Plans was included in its entirety in the public hearing notice, which was published in the York News-Times once each week for three consecutive weeks. The last publication was not less than seven days prior to the date of the public hearing. Copies of the Rules of Practice and Procedures Specifying the Scientific and Other Data Used for Development of Integrated Management Plans and related Rules and Regulations were made available during regular business hours to the public on request at the District office, located at 105 N. Lincoln Avenue, York, Nebraska.

A public hearing was held on February 19, 2009 at the District office. All interested persons present were allowed to appear and present testimony.

The District Board of Directors determined, after considering the testimony of interested persons, that Rule 9 - Rules of Practice and Procedures should be approved and adopted with an effective date of March 16, 2009.

IT IS THEREFORE ORDERED BY THE DISTRICT that the Rules of Practice and Procedures Specifying the Scientific and Other Data Used for Development of the Integrated Management Plan and Rules and Related Regulations are approved and adopted and shall become effective March 16, 2009.

During regular business hours, copies of the full text of the Rules of Practice and Procedures may be obtained at the District office. The entire text is as follows:

RULE 9  
RULES OF PRACTICE AND PROCEDURES SPECIFYING THE SCIENTIFIC AND OTHER  
DATA USED FOR DEVELOPMENT OF INTEGRATED MANAGEMENT PLANS  
ADOPTED PURSUANT TO THE AUTHORITY GRANTED IN  
Neb. Stat. § 46-717

1. TYPES OF DATA CONSIDERED - Pursuant to Neb. Rev. Stat. § 46-717, the Upper Big Blue Natural Resources District hereby specifies the following types of scientific data and other information that will be considered in the development of an Integrated Management Plan and related Rules and Regulations for hydrologically connected surface and ground water within fully appropriated areas of the District:
  - 1.1 Historical stream flow data.
  - 1.2 Past, present and potential surface water uses.
  - 1.3 Past, present and potential ground water uses.
  - 1.4 Ground water supplies within the proposed integrated management plan area



- including hydraulic conductivity, saturated thickness, and other ground water reservoir information, and/or ground water models if available.
- 1.5 Local recharge characteristics and rates, if available.
  - 1.6 Precipitation, including variations and trends.
  - 1.7 Crop water needs.
  - 1.8. Water data collection programs.
  - 1.9 Proposed water conservation and supply augmentation programs.
  - 1.10 The availability of supplemental water supply augmentation programs.
  - 1.11 Surface and ground water quality concerns.
  - 1.12 Opportunities to integrate and coordinate the use of water from different sources of supply.
  - 1.13 Existing and potential sub irrigation uses.
  - 1.14 The relative economic value of current and proposed uses of surface and ground water.
  - 1.15 Current and proposed Upper Big Blue Natural Resources District Rules and Regulations for ground water management and use.

Chairman Brown asked for comments from the public. He asked if any written comments had been received. There were none. He closed the public hearing at 1:52 p.m.

**ITEM 9. RULE 9 ORDER OF ADOPTION.**

It was moved by Moore and seconded by Houdersheldt to direct the Chairman to sign the order to adopt Rule 9, with an effective date of March 16, 2009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Brown

NAY: None

NOT VOTING: Yates

NOT PRESENT: Regier

**ITEM 10. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Projects and Programs Committee met on February 12, 2009 and presented the committee's recommendations.

**ITEM 11. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Luebbe that land treatment program payments of \$24,034.99 for 7 NSWCP and NRD applications be approved, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly,

Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Regier

**ITEM 12. URBAN FORESTRY - CITY OF AURORA - EDGERTON  
PARK/MITCHELL FIELD AND REFSHAUGE PARK/FIELD.**

Jim Nietfeld, the Parks and Recreation Superintendent for the City of Aurora, presented the committee a plan for planting trees at the Edgerton Park/Mitchell Field and Refshauge Park/Field. The plans are to replace the dead Austrian Pine with White Pine and Colorado Blue Spruce. The City of Aurora's Parks Department would remove the dead trees and with the help of some Boy Scouts, would plant the new trees. The plans are to plant 25 trees at an approximate cost of \$100.00 each for a total cost of \$2,500.00. The District's policy is to cost-share 25% of the total cost not to exceed \$10,000.

It was moved by Houdersheldt and seconded by Miller that the Upper Big Blue Natural Resources District fund the tree planting at the Edgerton Park/Mitchell Field and Refshauge Park/Field in the amount of 25% of the total estimated cost of \$2,500.00, and the District's share not exceed \$625.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 13. LEE SAATHOFF CORNERS FOR WILDLIFE PROGRAM CONTRACT.**

Lee Saathoff has a pivot corner located in the SE corner of the W ½ NE ¼ of Section 26, Township 8 North, Range 9 West of the 6<sup>th</sup> P.M., Adams County, Nebraska. He wishes to seed 7.5 acres of the corner to a warm season grass mix and plant 1,000 trees and shrubs for food and wildlife cover. The contract is paid for with funds from the local Pheasants Forever Chapter and the Environmental Trust. Lee Saathoff will receive \$100/acre for a 5-year period on 7.5 acres. The NRD will receive the monies for the payments through the Pheasants Forever Chapter before making payments to the landowner. The District will plant the trees and shrubs at no cost to the landowner.

It was moved by Houdersheldt and seconded by Volkmer that the Upper Big Blue NRD accept the Corners for Wildlife contract submitted by Lee Saathoff located in the SE corner of the W ½ NE ¼ of Section 26, Township 8 North, Range 9 West of the 6<sup>th</sup> P.M., Adams County, Nebraska and enter into an agreement for a period of 5 years with an annual payment of \$750.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,

Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Regier

**ITEM 14. CENTRAL CITY TO MARQUETTE TRAIL.**

In April 2007, the Board passed a motion to participate in the Central City to Marquette Trail through a written agreement between several sponsors, including the Central Platte NRD. The project has not seen much activity until this month. A meeting was held between the Central Platte staff, the Central City Administrator, and John Turnbull to talk about pursuing the trail as a joint project. Turnbull recommended that the District proceed with developing an agreement between the sponsors to form some type of joint entity to own and operate the trail. The right of way was acquired by the Nebraska Trails Foundation in the spring of 2007. Any agreement needs to spell out who the parties are, how the design and construction will be handled, and how the operation and maintenance costs are split among the parties. Turnbull suggested to the other sponsors and the Projects Committee that this District's share of O & M could be 20%. It is anticipated that construction funds can come from some sort of trail grant.

It was moved by Houdersheldt and seconded by Austin to continue to participate with the Central Platte NRD, Central City, and other potential parties, in the development of an agreement to establish a trail along the old railroad right of way from Central City to a point approximately 1 mile south of Marquette. The motion failed.

AYE: Austin, Bruns, Buller, Dickinson, Houdersheldt, Moore, Brown  
NAY: Eberle, Luebbe, Miller, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates  
NOT PRESENT: Regier

**ITEM 15. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Moore reported that the Water & Regulations Committee met on February 12, 2009 and presented the committee's recommendations.

**ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There is one final payment for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$202.80.

It was moved by Houdersheldt and seconded by Dickinson that the District make cost-share payment for one well abandonment, as reviewed by the committee, totaling \$202.80. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Stahly,

Teegerstrom, Volkmer, Weiss, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**ITEM 17. FLOWMETER COST-SHARE PAYMENTS.**

Sixty-nine flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Moore and seconded by Bruns that the District make cost-share payments for sixty-nine flowmeters, as reviewed by the committee, totaling \$34,118.08. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Houdersheldt, Regier

**ITEM 18. CERTIFICATION OF IRRIGATED ACRES.**

The Water & Regulations Committee reviewed irrigated acres to be certified. It includes 17,937.2 acres. This brings the total certified acres to 1,148,812.8.

It was moved by Moore and seconded by Luebbe that the Board certify the February 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Regier

**ITEM 19. NITRATE ANALYSIS - PAYMENT TO CENTRAL DISTRICT HEALTH DEPARTMENT.**

Central District Health Department has billed the NRD \$822 for 137 samples analyzed for nitrates in 2008.

It was moved by Moore and seconded by Austin that the board pay Central District Health Department \$822.00 for 137 samples analyzed for nitrates during 2008. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly,

Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Houdersheldt, Regier

**ITEM 20. HAMILTON-SUNDSTRAND GRANT.**

The District has received \$16,500 from Hamilton-Sundstrand. The staff reviewed plans for activities at CROP-TIP for 2009. Plans include upgrading the pump controls to a variable frequency, using SmartCrop and Irrrometer irrigation scheduling technology with internet and cell phone access.

It was moved by Moore and seconded by Luebbe that the board authorize the staff to proceed with the Hamilton-Sundstrand grant project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Houdersheldt, Regier

**ITEM 21. SMARTCROP DEMONSTRATION/RESEARCH.**

The staff discussed demonstration and research options for the SmartCrop irrigation scheduling technology with representatives of Smartfield and Servi-Tech. Smartfield has decided to partner with Servi-Tech to deliver SmartCrop to producers for 2009. This is not an exclusive agreement, but it is Smartfield's preference that for the first year we utilize Servi-Tech to provide consistency in the use of SmartCrop. Staff recommends that the District participate in the limited installation of the SmartCrop irrigation scheduling technology in 2009 as follows:

**Demonstration Project Goal:**

To install SmartCrop equipment in 5 fields each for up to 5 producers for the 2009 growing season. (A total of 25 fields).

**Objective:**

To evaluate the effectiveness and accuracy of the technology to schedule irrigation.

**Project Funding:**

Cooperators pay 50% of SmartCrop equipment cost. SmartCrop will pay 25% of SmartCrop equipment cost. NRD will pay 25% of SmartCrop equipment cost up to \$600 per field. NRD will install and read Watermark sensors in one field in each farm operation at the NRD's expense.

**Project Activities:**

Smartfield and Servi-Tech representatives will install the SmartCrop equipment. Servi-Tech and the producers will use the SmartCrop system to schedule irrigation. District staff will monitor

soil moisture with Watermark sensors in five fields (one per producer). The SmartCrop system data will be available to the NRD via internet for monitoring and evaluation through the irrigation season.

#### Estimated Cost

|                 |          |
|-----------------|----------|
| Cooperators (5) | \$30,000 |
| SmartCrop       | \$15,000 |
| NRD             | \$15,500 |

It was moved by Moore and seconded by Volkmer that the District participate in the 2009 SmartCrop Demonstration. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Brown

NAY: None

NOT VOTING: Yates

NOT PRESENT: Houdersheldt, Regier

#### **ITEM 22. TRANSFER AUTHORIZATION REQUEST.**

Rodney E. And Linda S. Eigsti have requested two transfer authorizations as follows:

1. From the W $\frac{1}{2}$  SW $\frac{1}{4}$  Section 3-T8N-R1E owned by Mr. & Mrs. Eigsti, to E $\frac{1}{2}$  SE $\frac{1}{4}$  (80 acres), Section 4-T8N-R1E (80 acres), owned by Sharon Cullen, to irrigate 65 acres.
2. From the E $\frac{1}{2}$  NE $\frac{1}{4}$  & pt. of the SE  $\frac{1}{4}$  Section 18-T8N-R2E (184 acres) to the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17-T8N-R2E (40 acres) to irrigate 32 acres. Both tracts are owned by Mr. & Mrs. Eigsti.

Both transfers meet all the requirements of District Rule 5, Chapter 11 governing transfers.

It was moved by Moore and seconded by Stahly to approve groundwater transfers as shown above to Rodney E. and Linda S. Eigsti and Sharon Cullen. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

#### **ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on February 12, 2009 and presented the

committee's recommendations.

**ITEM 24. LOWER PLATTE NORTH SALARIES REIMBURSEMENT.**

An invoice in the amount of \$8,081.76 was received for salaries for the Butler County NRCS clerk and some part time technician work from the Lower Platte North NRD for the past six months.

It was moved by Bruns and seconded by Dickinson to approve payment of \$8,081.76 to the Lower Platte North NRD for NRCS office salaries for half of FY 09 (July 1 - December 31, 2008). The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: Buller, Houdersheldt, Luebbe

NOT PRESENT: Regier, Volkmer

**ITEM 25. COMPUTER SOFTWARE PURCHASE.**

The Microsoft Office 2007 Pro Plus software for 16 computers has been received. Payment is due CDW-G of Chicago, IL, in the amount of \$5,302.08 (State of Nebraska contract price).

It was moved by Bruns and seconded by Nuss to approve the payment of \$5,302.08 to CDW-G of Chicago, IL for Microsoft Office 2007 Pro Plus. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 26. VEHICLE REPLACEMENT.**

Ken Feather reported to the Executive Committee that the engine in the 93 Ford ½ ton pickup had lost compression on one cylinder. The options are to replace the engine with a used engine (\$1,650 for parts and labor), or a new engine (\$3,200 for a long block parts and labor or \$3,500 for a short block parts and labor), or to buy a new pickup. Feather and Turnbull recommended that bids be let for a new 4 x 4 pickup. Money was budgeted for a replacement for the 97 Taurus sedan. Turnbull suggested that the money be used for a new pickup instead, and to budget for a new car in the next fiscal year.

It was moved by Bruns and seconded by Houdersheldt to authorize the staff to advertise for bids for a new ½ ton 4 wheel drive pickup, with trade in, to replace the 93 Ford ½ ton 4 x 4, and further not to replace the 97 Ford Taurus sedan this fiscal year. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 27. COMMERCIAL MOWER REPLACEMENT.**

Ken Feather requested that bids be let for a new commercial mower. The basic specs reviewed were, 25 - 30 HP mower with a 60" or 65" deck. Several suggestions were made by board members. The current mower has increasing repair bills. Money was budgeted for a new mower in this year's budget.

It was moved by Bruns and seconded by Volkmer to authorize the staff to advertise for bids for a new commercial mower with trade in. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier, Stahly

**ITEM 28. GROUNDWATER MODELING FOR POLK AND BUTLER COUNTIES.**

Bitner briefed the committee on the model work necessary to better determine the hydrologically connected surface and groundwater area along the Platte River in Polk and Butler counties. Bitner recommends that the District hire Courtney Hemenway, Hemenway Groundwater Engineers from Parker Colorado to advise and review Bitner's work on the groundwater model. The work will be on an hourly basis with a cost not to exceed \$10,000.

It was moved by Bruns and seconded by Houdersheldt to approve hiring of Hemenway Groundwater Engineering, Inc., for advice and review on groundwater modeling of Polk and Butler Counties. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Regier

**ITEM 29. LOWER PLATTE RIVER NRD GROUP.**

In January, the Board authorized the participation in a group of eight NRDs that are reviewing DNRs recent decision on the Lower Platte River Full Appropriation. The group of NRDs interviewed and selected a legal firm and an engineering consultant. An agreement has been circulated for approval that is a contract to hire the engineering firm of Brown & Caldwell, Phoenix, Arizona, and the legal firm of Fennemore Craig, P.C., Denver, Colorado. The contract



is for a fee not to exceed \$45,100 to be split equally between eight NRDs. Each NRD will be billed separately. The committee reviewed the agreement.

It was moved by Bruns and seconded by Austin to authorize John Turnbull, General Manager, to sign the agreement with Fennemore Craig and Brown & Caldwell as specified in the agreement for scientific review of the decision by DNR to preliminarily designate the Lower Platte Basin as fully appropriated. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

Turnbull explained that an agreement with the attorneys is necessary. The agreement from Edstrom, Bromm, Lindahl & Freeman-Caddy was received on February 13. The agreement hires that firm, and through a subcontract, Fennemore Craig. The attorneys agree to coordinate a legal and scientific review of the decision by DNR to preliminarily designate the Lower Platte Basin as fully appropriated. Curt Bromm will also lobby the Nebraska Legislature on behalf of the partnering NRDs. The costs, by agreement, are not to exceed \$40,000, to be split by eight NRDs, after a payment of \$1,000 from the Lower Niobrara NRD is taken into account. The total cost of the technical review by Brown and Caldwell, and the legal and lobbying work of the attorneys is \$85,100, unless the agreements are amended. The expected cost to the Upper Big Blue NRD is \$10,512. The not to exceed figure established by the Board in January is \$13,000.

It was moved by Dickinson and seconded by Houdersheldt to authorize John Turnbull, General Manager, to sign the agreement with Edstrom, Bromm, Lindahl & Freeman-Caddy as specified in the agreement for scientific review of the decision by DNR to preliminarily designate the Lower Platte Basin as fully appropriated. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

It was moved by Buller and seconded by Moore to direct the general manager, or designated staff member, to testify at the hearing to be held by DNR regarding the fully appropriated designation in the Lower Platte Basin; to inform DNR that we are conducting a scientific review of the data used to make the determination and plan to submit our findings for their consideration at a later date. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 30. LEGISLATION.**

The committee conducted a brief review of current legislation. Turnbull stated that he had written a letter to the Natural Resources Committee opposing LB 577, which would make major changes to Improvement Project Area law. He asked that the Board take action to oppose LB 577.

It was moved by Bruns and seconded by Dickinson that the Upper Big Blue NRD Board of Directors oppose LB 577. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 31. COMMITTEE ASSIGNMENTS.**

| <b>Committee Members - February 2009</b> |                                |  |
|--|--------------------------------|--|
| <b>Projects &amp; Programs</b>           | <b>Water &amp; Regulations</b> | <b>Executive</b>                       |
| Eberle                                   | Austin                         | Chairman<br>Gus Brown                  |
| Houdersheldt                             | Buller                         | Vice Chairman*<br>Doug Bruns           |
| Luebbe                                   | Moore                          | Secretary*<br>Mike Nuss                |
| Miller                                   | Regier                         | Treasurer*<br>Bill Stahly              |
| Teegerstrom                              | Volkmer                        | NARD Representative*<br>Doug Dickinson |
| Yates                                    | Weiss                          | Projects Chairman                      |
| Board Officer<br>Bruns                   | Board Officer<br>Dickinson     | Water Chairman                         |
| Board Officer<br>Nuss                    | Board Officer<br>Stahly        | Projects Representative                |

|                         |                         |                      |
|-------------------------|-------------------------|----------------------|
| Board Chairman<br>Brown | Board Chairman<br>Brown | Water Representative |
|-------------------------|-------------------------|----------------------|

\* Any one of these officers may be appointed to the committees but may not serve as Committee Chairman or Vice Chairman

It was moved by Moore and seconded by Volkmer to approve the committee assignments. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

The board recessed at 3:34 p.m. to allow the Projects & Programs Committee and the Water & Regulations Committee to meet to elect their Chairman and Vice Chairman. The Executive Committee then met to appoint the two remaining committee representatives to the Executive Committee. The board reconvened at 3:47 p.m.

The Projects & Programs Committee elected Eberle as chairman and Miller as vice chairman. The Water & Regulations Committee elected Volkmer as chairman and Weiss as vice chairman. The Executive Committee appointed Luebbe as the Projects Representative and Buller as the Water Representative.

It was moved by Bruns and seconded by Volkmer to approve the final committee assignments. The motion carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Moore, Regier, Stahly

**ITEM 32. FINANCIAL REPORT JANUARY 1, 2009 THROUGH JANUARY 31, 2009 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2009.**

Turnbull reviewed the financial report for the period January 1, 2009 to January 31, 2009 that was distributed. It was moved by Volkmer and seconded by Austin to accept the financial report for January 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Moore, Regier

There being no other business the chairman adjourned the meeting at 4:15 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held February 19, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**March 19, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 19, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff and others attending were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Rocky Jones of NRCS, and Steve Moseley of the York News-Times. Brown called the meeting to order at 1:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on March 12, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Seventeen directors were present for roll call.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

There were no requests for excused absences.

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Bruns and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Bruns and seconded by Luebbe to approve the agenda for the March 19, 2009 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,

Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None

**ITEM 6. \*APPROVAL OF MINUTES OF THE FEBRUARY 19, 2009 BOARD OF DIRECTORS MEETING AND PUBLIC HEARING.**

It was moved by Bruns and seconded by Luebbe to approve the minutes of the February 19, 2009 board of directors meeting and public hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None

**ITEM 7. EMPLOYEE RECOGNITION.**

Rod DeBuhr, Water Department Manager, was recognized for 30 years of service to the District. DeBuhr was presented with a framed wildlife print.

**ITEM 8. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on March 9, 2009 and presented the committee's recommendations.

**ITEM 9. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that land treatment program payments totaling \$8,762.90 for three NSWCP applications be approved as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Bruns and seconded by Luebbe that payments totaling \$10,806.87 be approved for 17 Nebraska Buffer Strip contracts, as reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None

**ITEM 11. URBAN FORESTRY - EXETER CEMETERY.**

JoDee Mika with the Exeter Cemetery Association on behalf of the Village of Exeter, presented a plan to the committee for planting trees at the Exeter Cemetery. The total estimated cost of the trees to be replaced is \$5,476.52. The District's policy is to cost-share 25% of the total cost, not to exceed \$10,000.

It was moved by Eberle and seconded by Miller that the Upper Big Blue Natural Resources District fund the tree planting at the Exeter Cemetery in the amount of 25% of the total estimated cost of \$5,476.52 and the District share not exceed \$1,369.13. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

**ITEM 12. DAVID CITY NORTHWEST DRAINAGE IMPROVEMENT PROJECT.**

Final design of the David City N.W. Drainage Improvement Project, Phase II, will require construction of a flood control dam. Staff obtained proposals from Geotechnical Services, Inc. of Grand Island and Terracon Consultants, Inc. of Lincoln to provide geotechnical engineering for the design. Each firm was provided with the same scope of work specifications, and both firms have provided geotechnical engineering services to the NRD on previous projects. Geotechnical Services' proposed fee is \$6,000 and Terracon's proposed fee is \$22,746.70. Staff recommends that Geotechnical Services, Inc. be hired to perform the work.

It was moved by Eberle and seconded by Houdersheldt that Geotechnical Services, Inc. be hired to provide geotechnical engineering in accordance with their proposal dated March 7, 2009, for the flood control dam to be designed as part of the David City N.W. Drainage Improvement Project, and that the fee for these services not exceed \$6,000 without approval of the Upper Big Blue NRD. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

**ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Water & Regulations Committee met on March 9, 2009 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are six final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$2,878.29

It was moved by Bruns and seconded by Luebbe that the district make cost-share payments for six well abandonments, as reviewed by the committee, totaling \$2,878.29. The motion was approved as a part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

#### **ITEM 15. FLOWMETER COST-SHARE PAYMENTS.**

Thirty-seven flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Austin that the District make cost-share payments for thirty-seven flowmeters, as reviewed by the committee, totaling \$18,286.27. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

#### **ITEM 16. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 1,928.9 acres. This brings the total certified acres to 1,149,238.1.

It was moved by Volkmer and seconded by Teegerstrom that the Board certify the March 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

#### **ITEM 17. IRRIGATION WITHDRAWALS NOT REPORTED.**

The committee reviewed a list of 60 irrigators who have not reported 2008 ground water withdrawals. The next step is to contact the landowners, where different. If the landowner does not respond, the next step would be to file formal complaints against the landowner. The staff



requests that the Board authorize the staff to take the steps needed to begin the formal complaint process. DeBuhr advised the Board that since the committee meeting all but 14 irrigators have submitted their reports.

It was moved by Volkmer and seconded by Moore that the Board authorize the staff to initiate the formal complaint process for the 2008 ground water withdrawal reports that are past due.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

**ITEM 18. PAYMENT TO DEPARTMENT OF ENVIRONMENTAL QUALITY FOR CHEMIGATION PERMIT FEES.**

The NRD owes the NDEQ \$812.00 for their share of the 2008 chemigation permit renewal fees collected by the District.

It was moved by Volkmer and seconded by Austin that the Board authorize payment of \$812.00 to the Department of Environmental Quality for their share of the 2008 chemigation permit fees.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Weiss

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on March 9, 2009 and presented the committee's recommendations.

**ITEM 20. BIDS TO PURCHASE NEW VEHICLE.**

The District advertised for bids for a 2009 eight foot box, regular cab, half- ton, 4 x 4 pickup. Six bids were received from four dealers.

It was moved by Bruns and seconded by Nuss that the Upper Big Blue Natural Resources District accept the low bid from Moses Motor Company, York, Nebraska, for the amount of \$20,306.00 for a 2009 eight foot box, regular cab, half- ton, 4 x 4 pickup. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None  
NOT VOTING: Eberle

**ITEM 21. BIDS TO PURCHASE NEW MOWER.**

The District received mower bids from four different businesses for both gas engine and diesel engine mowers.

It was moved by Bruns and seconded by Stahly that the Upper Big Blue Natural Resources District accept the low bid for the Grasshopper Model 725 DT, 25 h.p., 61" deck, liquid cooled, 3 cylinders, diesel engine from Klein's Outdoor Power, Benedict, Nebraska, for the bid price of \$11,650.00. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Dickinson

**ITEM 22. LEGISLATION.**

The committee talked about LB483 and its recent amendment (AM502). LB483 limits the growth of ground and surface water irrigation in a river basin if the status changes from preliminarily fully appropriated to not fully appropriated. That restriction is to remain in place for four years.

The current situation of the Lower Platte River Basin preliminary determination has sparked the bill. A small part of Polk County northwest of Osceola is included in the fully appropriated area. The final Department of Natural Resources hearing was held on Thursday, March 12, in Fremont. If DNR decides not to declare the Lower Platte areas fully appropriated because of new evidence, it does seem like landowners are to be penalized, when in fact there is really no problem. The fear of panic drilling that may occur in the Elkhorn river basin was discussed.

It was moved by Bruns and seconded by Volkmer that the Upper Big Blue Executive Committee only supports LB483 if surface water is restricted in future growth as outlined in AM502 of LB483.

It was moved by Austin and seconded by Luebbe to amend the motion to strike the words "Executive Committee." The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

**ITEM 23. LOWER PLATTE RIVER FULLY APPROPRIATED DESIGNATION.**

Turnbull and Bitner reviewed the findings of the legal firm and consultant on the Lower Platte River Basin designation. Eight NRDs have hired the firms to do the work. The final report was reviewed in Norfolk on Wednesday, March 11 and presented to the Department of Natural Resources at the final hearing held in Fremont on Thursday, March 12.

A bill has been received from the law firm of Edstrom Bromm Lindahl & Freeman-Caddy of Wahoo, for work to-date. The total bill is \$12,454.75. The Upper Big Blue NRD share is \$1,779.25.

It was moved by Bruns and seconded by Luebbe to approve payment of \$1,779.25 to Edstrom Bromm Lindahl & Freeman-Caddy of Wahoo, for legal and lobbying work to date on the Lower Platte River Basin fully appropriated designation. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

**ITEM 24. FINANCIAL REPORT FEBRUARY 1, 2009 THROUGH FEBRUARY 28, 2009 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2009.**

Turnbull reviewed the financial report for the period February 1, 2009 to February 28, 2009 that was distributed. It was moved by Houdersheldt and seconded by Volkmer to accept the financial report for February 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

There being no other business the chairman adjourned the meeting at 3:07 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held March 19, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the

scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**April 16, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 16, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Nancy Beach, Scott Snell, Sarah Reece and Kris Ethridge of NRCS. Brown called the meeting to order at 7:30 p.m.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on April 9, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present for roll call. Austin arrived a short time later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Ken Regier requested that his absence from the April 16, 2009 meeting be excused.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Regier from the April 16, 2009 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Dickinson and seconded by Stahly to adopt the consent agenda. The motion

was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Dickinson and seconded by Stahly to approve the agenda for the April 16, 2009 board of directors meeting as presented. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE MARCH 19, 2009 BOARD OF DIRECTORS MEETING AND PUBLIC HEARING.**

It was moved by Dickinson and seconded by Stahly to approve the minutes of the March 19, 2009 board of directors meeting and public hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Water & Regulations Committee met on April 7, 2009 and presented the committee's recommendations.

**ITEM 8. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are fourteen final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$5,978.82.

It was moved by Dickinson and seconded by Stahly that the district make cost-share payments for fourteen well abandonments, as reviewed by the committee, totaling \$5,978.82. The motion was approved as a part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Regier

**ITEM 9. FLOWMETER COST-SHARE PAYMENTS.**

Eleven flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Luebbe that the District make cost-share payments for eleven flowmeters, as reviewed by the committee, totaling \$5,473.17. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 10. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres to be certified. There are 14,696.4 acres, which brings the total certified acres to 1,151,531.6.

It was moved by Volkmer and seconded by Bruns that the board certify the April 2009 irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 11. GROUNDWATER TRANSFER AUTHORIZATION.**

Lois Glock has requested a transfer authorization. Well G-071955 located in the SE $\frac{1}{4}$  of Section 20-T14N-R2 will be used to irrigate 37.6 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28-T14N-R2E. The proposed transfer meets the requirements of District Rule 5.

It was moved by Volkmer and seconded by Teegerstrom to approve the transfer authorization T-008 for Lois Glock. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,

Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Regier

**ITEM 12. UPPER PLATTE BASIN INTEGRATED MANAGEMENT PLAN.**

The District and the Department of Natural Resources must prepare an Integrated Management Plan for the management of ground water and surface water uses in the fully appropriated area in western Hamilton County near the Platte River. State law provides that the plan should be completed in three years with the option of two additional one-year extensions of time. The District met with the Department on a couple of occasions and has submitted a rough draft for the Department's review. However, the Department has done little on their portion of the plan due to other workload. The Department has requested that the District agree to a one-year extension to April 20, 2010 to complete the Plan.

It was moved by Volkmer and seconded by Austin to approve the Department of Natural Resources request for a one-year extension to April 20, 2010, to complete the Upper Platte Basin Integrated Management Plan. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Regier

**ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on April 9, 2009 and presented the committee's recommendations.

**ITEM 14. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that land treatment program payments totaling \$17,454.59 be made for two NRD and two NSWCP applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Regier

**ITEM 15. WACO FLOOD PROTECTION PROJECT.**



Construction work on the Waco flood protection project, Norval Street culverts, is scheduled for completion in April. Staff recommends that General Excavating be paid \$14,594.11 for work completed in March 2009.

It was moved by Eberle and seconded by Bruns that General Excavating be paid \$14,594.11 in accordance with the construction contract, for work completed in March 2009 on the Waco flood protection project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

#### **ITEM 16. MILFORD STORMWATER MASTER PLAN.**

Aero-Metric, Inc., Minneapolis, MN, has completed the aerial photography and data collection for mapping the City of Milford.

It was moved by Eberle and seconded by Luebbe that Aero-Metric, Inc. be paid \$5,533 for photogrammetric work completed in March 2009 on the Milford Stormwater Master Planning project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

#### **ITEM 17. SEWARD TRAIL PROJECT AGREEMENT WITH NEBRASKA DEPARTMENT OF ROADS.**

The Committee reviewed the agreement between the NRD and Nebraska Department of Roads for the Seward West Trail Project.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Natural Resources District enter into an agreement with the Nebraska Department of Roads for the purpose of designing and constructing the Seward West Trail Project, Project No. ENH -80(32) - State Control No. 13060, along the Big Blue River beginning at the existing trailhead located on South Columbia Street and ending at the north end of Moffitt Park and authorize the general manager, John Turnbull, to sign said Agreement. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Yates, Brown

NAY: Volkmer, Weiss

NOT PRESENT: Regier

**ITEM 18. SEWARD WEST TRAIL PROJECT RESOLUTION.**

The Committee reviewed the Resolution which becomes attachment "Exhibit A" to the agreement with the Nebraska Department of Roads for designing and constructing the Seward West Trail Project.

It was moved by Eberle and seconded by Miller that the Upper Big Blue Natural Resources District sign the resolution pertaining to the Seward West Trail Project , Project No. ENH-80(32) - State Control No. 13060 and which becomes a part of the agreement with the Nebraska Department of Roads and authorize the general manager, John Turnbull, to sign said Resolution.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Weiss

NOT PRESENT: Regier

**ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on April 9, 2009 and presented the committee's recommendations.

**ITEM 20. LOWER PLATTE RIVER FULLY APPROPRIATED DESIGNATION LEGAL AND CONSULTANT FEES.**

Invoices have been received from Edstrom, Bromm, Lindahl, Freeman-Caddy for legal work and Brown and Caldwell for technical work for the joint review of the Lower Platte Basin fully appropriated designation. DNR reversed their decision based on that review work and issued a final order on April 8.

At the January meeting, the Board of Directors authorized participation with a cost to the Upper Big Blue NRD not to exceed \$13,000. The total cost to the NRD, including these invoices is \$9,358.57.

It was moved by Bruns and seconded by Nuss to approve payment of \$1,904.94 to Edstrom, Bromm, Lindahl & Freeman-Caddy of Wahoo, Nebraska, for legal work, and payment of \$5,674.38 to Brown and Caldwell of Phoenix, Arizona, for technical work on the joint review of the Lower Platte Basin Fully Appropriated designation. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None  
NOT PRESENT: Regier

**ITEM 21. FY 2009 AUDIT.**

A quote of \$3,070 was received from Romans, Wiemer & Associates to conduct the FY 2009 Audit. If a single federal audit is required because of federal funds received then the cost will be \$3,970. These quotes are contingent on the accounting rules from GASB staying the same.

It was moved by Bruns and seconded by Luebbe to engage Romans, Wiemer & Associates of York, Nebraska to conduct the FY 2009 Audit for \$3,070.00 with an additional \$900 if an audit of Federal funds is required. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Regier

**ITEM 22. \* FIRST QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter and recommended payment.

It was moved by Dickinson and seconded by Stahly to approve payment of first quarter directors' per diem of \$9,100.00 and expenses of \$3,601.95. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Regier

**ITEM 23. COOPERATIVE HYDROLOGY STUDY.**

Turnbull and Bitner briefed the Executive Committee on the status of COHYST. COHYST has provided a very valuable base for the Upper Platte Basin. Individual sponsors or smaller groups of sponsors are continuing studies that are needed on a sub-regional basis. That was the original intent and still should be the primary goal. The Upper Big Blue has gained tremendously from the COHYST modeling. The effort now is on the central and western part of the Platte Basin and, therefore, doesn't involve the Blue Basin.

Turnbull recommended that the District withdraw from the COHYST agreement and pay any of the District's share that is outstanding. The committee discussed the overall situation and the pros and cons of withdrawing from the agreement.

It was moved by Bruns and seconded by Moore that the Upper Big Blue NRD withdraw from the Cooperative Hydrology Study Interlocal Cooperation Agreement and its amendments effective immediately; and further to request that COHYST finalize a bill for the Upper Big Blue NRD for 6% of the documented actual expenditures through April 16, 2009, which percentage is spelled out in the 2005 Interlocal Agreement amendment. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Regier

**ITEM 24. OUT OF STATE TRAVEL.**

It was moved by Bruns and seconded by Stahly to approve out of state travel for Linda Luebbe, June 7 - 9, 2009, for the purpose of attending the Groundwater Management District Association summer meeting in Estes Park, Colorado. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Regier

**ITEM 25. PAYMENT TO KLEIN'S OUTDOOR POWER FOR MOWER.**

The new park's mower has been delivered. Turnbull recommends approval of the payment.

It was moved by Bruns and seconded by Nuss to approve payment of \$11,650.00 to Klein's Outdoor Power, Benedict, Nebraska, for the Grasshopper Model 725 DT Mower. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

**ITEM 26. FINANCIAL REPORT MARCH 1, 2009 THROUGH MARCH 31, 2009 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2009.**

Turnbull reviewed the financial report for the period March 1, 2009 to March 31, 2009 that was distributed. It was moved by Houdersheldt and seconded by Miller to accept the financial report

for March 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier

There being no other business the chairman adjourned the meeting at 9:09 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held April 16, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**May 21, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 21, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Gary Eberle, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff and others attending were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Scott Snell, Nancy Beach, Dennis Melby, Bill Pfenning, Jack Slocum, Dave Seggerman and Kris Ethridge of NRCS.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on May 14, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Thirteen directors were present during roll call. Austin and Luebbe arrived later.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Dickinson requested that his absence from the May 21, 2009 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Volkmer to excuse the absence of Dickson from the May 21, 2009 board of directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Houdersheldt

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Bruns and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Bruns and seconded by Luebbe to approve the agenda for the May 21, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 6. APPROVAL OF MINUTES OF THE APRIL 16, 2009 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Luebbe to approve the minutes of the April 16, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on May 19, 2009 and presented the committee's recommendations.

**ITEM 8. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Bruns and seconded by Luebbe that the District make cost-share payments for five well abandonments, as reviewed by the committee, totaling \$1,559.25. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 9. FLOW METER COST-SHARE PAYMENTS.**

Forty-six flow meters have been installed this month and the staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Luebbe that the District make cost-share payments for forty-six flow meters, as reviewed by the committee, totaling \$22,852.18. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 10. YORK WELL FIELD HYDROLOGIC EVALUATION REVIEW.**

The staff has recommended that Courtney Hemenway be hired to conduct an independent review of the groundwater model developed for the proposed York well field. The cost of an independent review is not expected to exceed \$5,000.

It was moved by Volkmer and seconded by Austin that the District hire Courtney Hemenway to conduct a review of the York well field model. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 11. WELL SPACING VARIANCE.**

Gene DaMoude and Bobbie Hamit requested a well spacing variance for the construction of a well in the NE ¼ SE ¼ of Section 14-T10N-R8W, Hamilton County. The purpose of the well is to provide water to fill water trucks for Mr. DaMoude's domestic well drilling business. The well is also to be set up so that it can supply water for area fire departments. Ronald Purdy of Purdy Farms has granted written acknowledgement of the wells purpose and has no objections to the operation of the proposed well. A draft of the variance was reviewed. If adopted, the variance will be recorded at the Register of Deeds in Hamilton County.

It was moved by Volkmer and seconded by Miller that the District approve a well spacing variance, as attached, for a well in the NE ¼ SE ¼ of Section 14-T10N-R8W, Hamilton County on property owned by Gene DaMoude and Bobbie Hamit. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Moore

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. They include 7,412.3 acres, which brings the total certified acres to 1,151,406.5.

It was moved by Volkmer and seconded by Regier that the Board certify the May 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.



AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 13. ZONE 11 BEST MANAGEMENT PRACTICES SURVEY.**

In 2008 the median groundwater nitrate level in Zone 11, located in Seward County, was 9.1 ppm. This triggered a potential phase 2 management area survey. The Committee reviewed the survey summary. Over 78% of the row crop reported is in a corn/bean rotation. The staff recommended that no action be taken to implement phase 2 management requirements until the committee has had the opportunity to consider changes to the existing regulations.

**ITEM 14. WATER QUALITY ADVISORY GROUP QUESTIONNAIRE.**

Staff has prepared a questionnaire concerning nitrogen management and would like to have it completed by the board, the past members of the advisory committee and other Ag leaders and interested individuals. The staff feels that this information could be helpful in better addressing the nitrate contamination issue.

It was moved by Volkmer and seconded by Regier to authorize the staff to distribute the nitrogen management advisory group questionnaire. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 15. NEBRASKA AGRICULTURAL WATER MANAGEMENT DEMONSTRATION.**

The District has purchased several items for resale for the Ag Water Management Demonstration. We have received the following invoices. Clements Associates \$2,252.82; ETgage Company \$6,241.65 and Irrrometer Company \$28,692.78 for a total of \$37,187.25.

It was moved by Volkmer and seconded by Austin to approve payments totaling \$37,187.25 for items purchased for resale for the Nebraska Agricultural Water Management Demonstration. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 16. CROP-TIP VARIABLE FREQUENCY DRIVE.**

Nissen Electric, LLC has completed the installation of the variable frequency drive for the well at CROP-TIP. The cost was \$10,175, which was the bid price. This is being funded with private grant funds received from Hamilton-Sundstrand.

It was moved by Volkmer and seconded by Stahly to approve payment of \$10,175 to Nissen Electric LLC for the installation of the variable frequency drive for the well at CROP-TIP. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on May 14, 2009 and presented the committee's recommendations.

#### **ITEM 18. NEBRASKA SOIL & WATER CONSERVATION PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that land treatment program payments totaling \$37,522.06 be approved for 15 NSWCP applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 19. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Nuss that land treatment program payments totaling \$6,394.00 be approved for three NRD applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 20. PAYMENT TO LINCOLN-OAKES NURSERIES.**

It was moved by Eberle and seconded by Yates that the Upper Big Blue Natural Resources District approve payment of \$3,527.49 to Lincoln Oakes Nurseries for the purchase of 6,900 trees and shrubs. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 21. VILLAGE OF FAIRMONT STORMWATER DRAINAGE IMPROVEMENTS.**

Representatives from the Village of Fairmont were present at the Committee meeting to request that the current Interlocal agreement between the Village and District be amended to extend the completion date and to increase the District's share of cost on storm sewer and drainage improvements. The current agreement will terminate in August 2009, and limits the District's share of project cost to 25% of the local share, not to exceed \$117,000. To date the District has paid approximately \$5,500.

Kevin Kruse, JEO Engineers, presented a summary of the work to be done. The estimated project budget is \$1,000,000 and the local share (after CDBG grant) is \$750,000. Twenty-five percent of the current estimated local share would be \$187,500.

It was moved by Eberle and seconded by Yates that the July 30, 2003 Interlocal Agreement between the Upper Big Blue Natural Resources District (District) and Village of Fairmont (Village) be amended to extend the Term of Agreement to June 30, 2011, and that the District's maximum share of project cost be increased to \$187,500. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 22. CITY OF MILFORD STORMWATER MASTER PLAN.**

Aerial photography and mapping for the Milford stormwater planning project are completed, and staff is currently reviewing the work products. The total contract cost for photogrammetry is \$25,950. A progress payment of \$5,533 was made last month. Staff recommends paying the current invoice for \$12,975.

It was moved by Eberle and seconded by Luebbe that Aero-Metric, Inc. be paid \$12,975 in accordance with their May 1, 2009 invoice for photogrammetric and mapping work to be used in the Milford stormwater master plan. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 23. VILLAGE OF WACO FLOOD PROTECTION PROJECT.**

Construction work on the Waco Flood Protection Project, Norvall Street culverts, is completed. Staff recommends final payment of \$26,467.02 to General Excavating, which includes payment of all retainage.

It was moved by Eberle and seconded by Bruns that General Excavating be paid \$26,467.02 as final payment, which includes payment of all retainage, for construction of the Waco Flood Protection Project, Norvall Street Culverts, in accordance with the construction contract. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on May 14, 2009 and presented the committee's recommendations.

#### **ITEM 25. LOWER PLATTE RIVER FULLY APPROPRIATED DESIGNATION.**

It was moved by Bruns and seconded by Nuss to approve payment of \$3,211.32 to Edstrom, Bromm, Lindahl & Freeman-Caddy of Wahoo, Nebraska for legal work on the joint review of the Lower Platte Basin fully appropriated designation. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 26. JULY BOARD MEETING DATE.**

Turnbull recommends that the July board meeting be held on Thursday, July 23 instead of July 16 in order to allow time for the June 30 financial statements to be taken into account in the budget. The Committees would meet during the week of July 13.

It was moved by Bruns and seconded by Austin to change the July board meeting from July 16 to July 23 and to change the committee meeting dates to the week of July 13. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

#### **ITEM 27. OUT OF STATE TRAVEL.**

The Executive Committee approved out of state travel for Dan Leininger and Courtney Woodman June 7-9, 2009 for the purpose of attending the GMDA summer meeting in Estes Park, Colorado; and for Marie Krausnick and Courtney Woodman May 19 and 20, 2009 for the purpose of attending a GIS symposium at the University of South Dakota in Vermillion, South Dakota.

**ITEM 28. DIRECTOR EXPENSES.**

Linda Luebbe had to pre-pay hotel charges of \$128.35 for the GMDA Conference in Estes Park to be held June 7-9. She requested reimbursement.

It was moved by Bruns and seconded by Volkmer to approve reimbursement of \$123.35 to Linda Luebbe for hotel charges for the GMDA Conference. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 29. FINANCIAL REPORT APRIL 1 -30, 2009 AND CONSIDERATION OF EXPENDITURES FOR APRIL 2009.**

Turnbull reviewed the financial report for the period April 1, 2009 to April 30, 2009 that was distributed. It was moved by Volkmer and seconded by Nuss to accept the financial report for April 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Houdersheldt

There being no other business the chairman adjourned the meeting at 8:50 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held May 21, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one

copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb  
Attachment

WELL SPACING VARIANCE  
FOR  
GENE DaMOUDE AND BOBBIE HAMIT

WHEREAS, Gene DaMoude and Bobbie Hamit have requested a variance to the Upper Big Blue Natural Resources District Ground Water Management Area Rules and Regulations (Rule 5, Chapter 10, Paragraph 01 - Well Spacing) for the construction of a commercial well in Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 14, Township 10 North, Range 8 West, Hamilton County, Nebraska, and

WHEREAS, without such a variance, the proposed well, being approximately 460 feet from well number G-004913, currently owned by Ronald E. Purdy and Marlene M. Goos Trustees, would be in violation of Rule 5, Chapter 10, paragraph 01, and

WHEREAS, the intended use of the proposed well is filling water trucks related to the applicants business, and

WHEREAS, Mr. Purdy has signed a document indicating that understands the purpose of the proposed well and has no objection to its operation, and

WHEREAS, the proposed well is also to be made available to area fire departments as a source of water, when needed, and

WHEREAS, the Philips Fire Department has expressed support for construction of said well.

NOW THEREFORE be it resolved that the Upper Big Blue Natural Resources District's Board of Directors hereby grant a variance to Rule 5, Chapter 10, Paragraph 01 for a commercial well to be constructed in the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 14, Township 10 North, Range 8 West, Hamilton County, Nebraska, within one-thousand feet of well G-004913.

FURTHER BE IT RESOLVED THAT this well shall only be used for the purposes stated here in.

---

Augustus Brown, Chairman  
Upper Big Blue NRD

Approved by Board Action May 21, 2009

## **BOARD OF DIRECTORS MEETING**

**June 18, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 18, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Scott Snell, Nancy Beach, Jack Vavra and Mark Christiansen with the City of York.

### **ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on June 11, 2009 in the York News-Times.

### **ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Austin arrived at 7:40 p.m. and Houdersheldt at 8:26 pm.

### **ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Bruns and seconded by Volkmer to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt

### **ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Bruns and seconded by Volkmer to approve the agenda for the June 18, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt



**ITEM 5. APPROVAL OF MINUTES OF THE MAY 21, 2009 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Volkmer to approve the minutes of the May 21, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 6. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on June 11, 2009 and presented the committee's recommendations.

**ITEM 7. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that land treatment program payments totaling \$65,289.69 for 32 NRD applications be approved as reviewed by the committee. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Bruns

NOT PRESENT: Austin, Houdersheldt

**ITEM 8. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS FOR JUNE 2009.**

It was moved by Bruns and seconded by Volkmer that payments totaling \$18,226.69 be approved for 26 Nebraska buffer strip contracts, as reviewed by the committee. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 9. CORNERS FOR WILDLIFE.**

It was moved by Eberle and seconded by Miller that the Upper Big Blue Natural Resources District make payments totaling \$5,640.75 to 15 cooperators of the Corners for Wildlife Program, as reviewed by the committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 10. WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENT FOR JUNE.**

It was moved by Eberle and seconded by Yates that the Upper Big Blue Natural Resources District make payment totaling \$1,047.50 for two Wildlife Habitat Improvement Program contracts, as reviewed by the committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 11. URBAN FORESTRY – VILLAGE OF EXETER CEMETERY.**

The Village of Exeter owns and maintains the cemetery. In May they planted 24 trees at a cost of \$5,151.45. The District's policy is to cost-share 25% of the total cost, not to exceed \$10,000 for this type of planting. In March 2009 the NRD approved funds for tree planting at the Exeter Cemetery in an amount not to exceed \$1,369.13.

It was moved by Eberle and seconded by Luebbe that the Upper Big Blue Natural Resources District make payment of \$1,287.86 to the Village of Exeter for the planting of trees at the Exeter Cemetery. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 12. PAYMENT TO NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FOR TREES.**

It was moved by Eberle and seconded by Teegerstrom that the Upper Big Blue Natural Resources District make payment of \$14,987.21 to the Nebraska Association of Resources Districts for the purchase of 26,950 trees and shrubs, as reviewed by the committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt

**ITEM 13. REHABILITATION OF MORAVEC AND HOTTOVY DAMS IN BUTLER COUNTY.**

The corrugated pipe principal spillways in the Moravec and Hottovy road dams have rusted to the point where they need to be replaced. The dams were constructed in 1977. Due to active springs in the area, it is not practical to de-water the site and open cut the road. Staff has obtained proposals from Horizontal Boring, Inc. of Exeter, Nebraska to replace the spillways with bored and jacked steel pipe.

Their proposal includes grouting and sealing the old spillway pipes. Staff recommends approval of the Horizontal Boring, Inc. proposal in the amount of \$48,476.

It was moved by Eberle and seconded by Luebbe that Horizontal Boring, Inc. be hired to replace the principal spillway conduits at the Moravec and Hottovy road dams in Butler County, in accordance with their proposal dated May 14, 2009 for a cost of \$48,476. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 14. DAVID CITY NORTHWEST LEGAL SURVEY.**

The JEO engineering firm has completed legal surveys to establish existing property corners and boundaries along the drainage channel routes proposed for the David City NW Drainage Improvement Project. Staff recommends payment of \$4,878 to JEO in accordance with their proposed budget for the work.

The Projects and Programs Committee recommended payment in the amount of \$4,878 be made to JEO. After the Committee met it was determined that David City will pay JEO directly for the legal survey.

#### **ITEM 15. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on June 9, 2009 and presented the committee's recommendations.

#### **ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Bruns and seconded by Volkmer that the District make cost-share payments for twelve well abandonments, as reviewed by the committee, totaling \$3,787.11. The motion was approved as a part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Houdersheldt

#### **ITEM 17. FLOWMETER COST-SHARE PAYMENTS.**

Nine flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Regier that the District make cost-share payments for nine flowmeters, as reviewed by the committee, totaling \$4,478.44. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 18. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres to be certified. There are 1,292.068 acres. This brings the total certified irrigated acres to 1,151,534.45.

It was moved by Volkmer and seconded by Stahly that the Board certify the June 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 19. NEBRASKA AGRICULTURAL WATER MANAGEMENT DEMONSTRATION.**

The District has purchased several items for resale for the Ag Water Management Demonstration. The bills to be paid include Clements Associates \$1,129.39; ETgage \$1,162.37; and Irrrometer \$5,052.49 for a total of \$7,344.25.

It was moved by Volkmer and seconded by Regier to approve payments totaling \$7,344.25 for items purchased for resale for the Nebraska Agricultural Water Management Demonstration. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 20. HIGH PLAINS CLIMATE CENTER WEATHER STATION MAINTENANCE.**

The Upper Big Blue NRD partners with the University of Nebraska on a weather station located at Recharge Lake. The University is seeking an annual payment of \$1,000 for the maintenance of this weather station.

It was moved by Volkmer and seconded by Bruns to approve payment of \$1,000.00 to the University of Nebraska for maintenance of the Recharge Lake weather station. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 21. LOWER PLATTE IRRIGATION GROWTH REGULATION.**

The Water & Regulations Committee reviewed the draft of the Lower Platte River Basin Regulations.

It was moved by Volkmer and seconded by Regier to adopt the Lower Platte River Basin Regulations for the purpose of public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 22. YORK WELL FIELD HYDROLOGIC EVALUATION REVIEW.**

As required in the District's groundwater regulations a public notice of the Water Committee's consideration of the City of York's proposed well field east of York was published. Notices were also mailed to surrounding landowners.

A large water user study was required because the proposed York City well field will pump more than 500 acre feet per year.

Jack Vavra, York City Administrator, and the city's consultants were present at the Water and Regulations Committee meeting to talk about the York Well Field proposal. The city hired Kirkham Michael Engineers to oversee the hydrologic evaluation required by the district. Kirkham Michael hired Quad State Services, Inc. to do the study. Quad State Services in turn hired Tiraz Birdie of Tbirdie Consulting, Inc. to do the detailed groundwater modeling.

The reason for the new well field is to find an adequate supply of good quality water. Some of the current wells have poor water quality and have been taken out of service. Other wells which are in an artesian aquifer run into pumping problems during peak summer demand due to sharp seasonal declines. The current wells are located throughout the city and are hooked to the water mains near each wellhead. It is not practical to build a treatment plant at each well, nor is it affordable to lay all new water mains to run from the wells to a common point for one treatment plant. The concept is to develop a new well field with up to nine wells all connected to a single pipeline which then would be joined to the existing city distribution system. If a treatment plant is needed in the future then it would be built on the single pipeline before the water enters the distribution system.

Martha Silks, of Quad States Services, presented the findings from the Hydrologic Evaluation of the proposed York well field to the committee. She described the local geology including the upper unconfined aquifer and the lower confined aquifer in the area east of York. Martha described their groundwater modeling technique and what the results were. The consultants concluded that the projected future maximum pumping of 2,190 acre feet (715 million gallons) per year from the new well field, all out of the lower aquifer, would not create significant adverse impacts and that the aquifer could sustain such pumping.

Jay Bitner presented his findings from the District's review of the same Hydrologic Evaluation. He stated that the confined aquifer around the new well field is not capable of sustaining future water withdrawal of 2,190 acre feet per year. Such heavy pumping would cause more water to enter the confined aquifer from the upper unconfined aquifer through seepage and well bore holes. The lower aquifer would then be contaminated with the poor quality water from the unconfined aquifer and therefore, treatment of water would most likely be necessary. Jay felt that Quad State's Services' estimate of the volume of water inflow from the upper aquifer was not realistic. Bitner did conclude that the confined (lower) aquifer is capable of sustaining an annual withdrawal of about 1,810 acre feet per year. He also concluded that the impact to neighboring irrigation wells pumping capacity would be in the range of 5 to 8%.

Jack Vavra made it clear that the city plans to bring the new wells online as the existing wells in the main part of the city have to be abandoned due to water quality problems, rather than shift all of the pumping to the new well field. Mr. Vavra explained that the city will continue to rely on the good wells in the city that are now in operation. The city will also continue to use the new well at Mincks Park which is adjacent to the new well field. Vavra handed out a summary of annual water use by the city for the past 30 years. The annual pumping has ranged from 1,302 to 1,987 acre feet per year (424 to 647 million gallons) depending on wet and dry years. The average pumping has been 1,679 acre feet (547 million gallons).

Several citizens present at the committee meeting expressed concern about future impacts to their domestic and irrigation wells.

Turnbull recommended adoption of the attached resolution. The resolution would place conditions on the future well permits for the City of York well field that would require a Municipal Transfer Permit from the Department of Natural Resources and an annual maximum pumping of 1,810.6 acre feet (590 million gallons) from the existing well at Mincks Park and the new well field.

Turnbull also pointed out that if the Board approves this resolution, then water development in the 12 square mile area around the new city wells is at its limits. The District will have to restrict other new uses or expansion of existing uses in that area in order to protect existing irrigation, domestic and the new municipal water supplies.

It was moved by Volkmer and seconded by Moore to adopt the resolution as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Nuss, Weiss

NOT PRESENT: Houdersheldt

### **ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on June 11, 2009 and presented the committee's recommendations.

**ITEM 24. ATTORNEY FEES.**

It was moved by Bruns and seconded by Moore to approve payment of \$3,630.57 to Crosby Guenzel LLP for legal work through May 15, 2009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 25. LIABILITY & CASUALTY INSURANCE.**

Cornerstone Insurance obtained one quote in the amount of \$37,916 from EMC Insurance for liability, property, auto, inland marine, workers compensation, errors and omissions and umbrella coverage for the District.

It was moved by Bruns and seconded by Yates to approve the renewal of EMC Insurance of liability, fire and casualty insurance through Cornerstone Insurance Group for a total premium of \$37,916.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 26. OUTDOOR CLASSROOM.**

Fillmore Central FFA Chapter and Ag Education Department have requested financial assistance for improvements at the high school outdoor classroom. The original work was completed in 2005. The request is for cost share of \$800 for potted native grass plants to renovate the native grass area of the outdoor classroom. The NRD program has a maximum of \$800.

It was moved by Bruns and seconded by Stahly to approve the Fillmore Central outdoor classroom request for reimbursement of actual costs of native grass plants not to exceed \$800. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 27. COHYST.**

The Upper Big Blue NRD formally withdrew from COHYST on April 16, 2009. Turnbull requested in the withdrawal letter to the COHYST chairman that the district be billed for its share of actual costs incurred for the fiscal year up through April 16. A bill was received from the Central Platte NRD for \$12,400.50

for the Upper Big Blue NRD's share of the FY 2009 COHYST assessment. \$21,500 was budgeted for FY 2009.

It was moved by Bruns and seconded by Austin to approve the final payment of \$12,400.50 to Central Platte NRD for the District's share of COHYST for the period of July 1, 2008 through April 16, 2009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 28. FY 2010 SALARIES AND WAGES.**

Turnbull reviewed the salary survey which includes wage comparisons for all 23 NRDs and 60 other Nebraska firms and units of government. He reviewed each staff position with similar positions shown in the report. Based on this Turnbull recommends that the Upper Big Blue NRD job classifications increase according to the proposed salary schedule to stay in line with the job market. The salary schedule sets the minimum, midpoint and maximum for each position. Individual salaries and wages then need to be within those limits.

It was moved by Bruns and seconded by Miller to approve the changes in the salary schedules as listed in the June 2009 Upper Big Blue NRD Salary & Survey Classification report to stay in line with the job market, and that such changes and adjusted salary schedules be effective July 1, 2009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: Volkmer

NOT PRESENT: Houdersheldt

It was moved by Bruns and seconded by Dickinson to adjust the annual salaries of the District staff, with the exception of the General Manager, by an amount not to exceed \$28,600 and to authorize the General Manager to make the salary and wage adjustments, in accordance with the Operating Policy. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: Volkmer

NOT PRESENT: Houdersheldt

It was moved by Bruns and seconded by Miller to go into Executive Session at 8:24 p.m. for the purpose of discussing the General Manager's performance and salary. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None



NOT PRESENT: Houdersheldt

It was moved by Bruns and seconded by Austin to return to open session from Executive Session, which was for the purpose of discussing the performance and salary of the General Manager, at 8:38 p.m. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None

It was moved by Miller and seconded by Houdersheldt to set the General Manager's salary at \$102,000 for FY 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown  
NAY: None  
NOT VOTING: Volkmer

**ITEM 29. FINANCIAL REPORT MAY 1 -31, 2009 AND CONSIDERATION OF EXPENDITURES FOR MAY 2009.**

Turnbull reviewed the financial report for the period May 1, 2009 to May 31, 2009 that was distributed. It was moved by Weiss and seconded by Yates to accept the financial report for May 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None

There being no other business the chairman adjourned the meeting at 9:22 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held June 18, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb  
Attachment

## RESOLUTION

### CITY OF YORK HYDROLOGIC EVALUATION REVIEW AND WELL PERMIT CONDITIONS

WHEREAS, the City of York, Nebraska (the “City”) has submitted a hydrologic evaluation to the Upper Big Blue Natural Resources District (the “District”) for review, which proposes to construct new wells for its public water supply on land located in Section 5, T10N-R2W and Sections 32 and 33, T11N-R2W York County (the “New Well Field”), and withdraw and transfer ground water from the New Well Field to the City, and

WHEREAS, the City has an existing well used for its public water supply (Registration number G-130246) located in the SW1/4 of the SE1/4 of Section 32 T11N-R2W York County the (“Existing Well”), which is located on land adjacent to the New Well Field, and

WHEREAS, the Existing Well and the New Well Field are both located within Ground Water Management Area #1 and #2 of the District, and

WHEREAS, the Nebraska Ground Water Management Act provides that the District is responsible for the management and protection of ground water including the issuance of permits for the construction of wells , and

WHEREAS, the hydrologic evaluation shows that the City intends to withdraw ground water from the New Well Field in excess of five-hundred acre feet annually, and

WHEREAS, Rule 5, Chapter 5 of the District’s, Ground Water Management Area Rules and Regulations (“the Rules”), requires that a hydrologic evaluation be conducted to assess potential impacts of ground water withdrawals prior to issuance by the District of a permit for construction of any well located within the Well Field, and

WHEREAS, Rule 5, Chapter 11 of the Rules provides that a ground water user may only be allowed to initiate a new ground water transfer to a government survey section that is directly adjacent or diagonal to the tract of land on which the ground water withdrawal originates, and

WHEREAS, the City's proposed ground water transfer from its New Well Field to the City does not comply with the adjacent or diagonal location requirement of Rule 5, Chapter 11, and

WHEREAS, Rule 5, Chapter 11 also provides that ground water transfers authorized by the Municipal Rural Domestic Ground Water Transfers Permit Act (the "Act") are exempt from the District's ground water transfer authorization requirements, and

WHEREAS, the City has not obtained a permit under the Act, and

WHEREAS, the Department of Natural Resources, the issuing agency under the Act, has indicated that the processing time for obtaining a permit under the Act is estimated to be 90 to 180 days, and

WHEREAS, the City has advised the District that its grant funding for the New Well Field will be jeopardized if it has to wait 90 to 180 days to obtain a permit under the Act, and

WHEREAS, the City's hydrologic evaluation submitted to the District concludes, among other things that (1) the aquifer in the vicinity of the New Well Field is in dynamic equilibrium, meaning that current ground water withdrawals are in balance with current groundwater base-flow from the northwest and recharge from rainfall and (2) that the New Well Field will increase the pumping lift from 1 foot to 9 feet for irrigation wells within an approximately twelve square mile area around the New Well Field, and

WHEREAS, the District has reviewed hydrologic evaluation and has concluded that a total annual ground water withdrawal by the City of 1,810.6 Acre Feet (590 million gallons) from a combination of both the Existing Well (G-130246) and from the New Well Field will maintain aquifer equilibrium, and that the increase in pumping lift for existing irrigation wells caused by such withdrawal will reduce pumping capacities in the range of 5% to 8%, which should not appreciably diminish existing uses in the vicinity of the Well Field.

NOW THEREFORE BE IT RESOLVED THAT, (1) the hydrologic evaluation is in substantial

compliance with the rules and objectives of District, (2) if the City's combined ground water withdrawal from the Existing Well and the New Well Field is limited to 1,810.6 Acre Feet (590 million gallons) annually, it appears reasonably probable that there will be little or minimal impact to other ground water or surface water users in the vicinity of the New Well Field, and (3) the public interest and welfare will not be adversely impacted.

BE IT FURTHER RESOLVED THAT the following conditions will be imposed on any well permits granted to the City for the New Well Field (1) That the City is required to file with the District, prior to construction, a permit application for any new well to be constructed in the New Well Field ; (2) That the City is required to file an application with the Department of Natural Resources for a permit under Municipal Rural Domestic Ground Water Transfers Permit Act prior to the issuance of any permit by the District to construct a well. (3) That the City will diligently pursue the permit under the Act with the intention of obtaining it within one year. (4) That the City will limit the combined maximum annual withdrawal in its application for a permit under the Act from the Existing Well and the New Well Field to 1,810.6 acre feet (590 million gallons) annually, and (5) the City will not transfer any ground water from the New Well Field until it obtains a permit under the Act from the Department of Natural Resources.

FURTHER BE IT RESOLVED, that the City is hereby notified that failure to comply with any of the above conditions may result in the issuance of a cease and desist order, requiring suspension of the construction or operation of any well located within the New Well Field until such time that any such well is in compliance with the above conditions and all other applicable provisions of law and the District's Rules and Regulations.

Adopted June 18, 2009

**BOARD OF DIRECTORS MEETING  
AND PUBLIC HEARING FOR DISTRICT RULE 10.  
July 23, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 23, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff and others in attendance were John Turnbull, Nancy Brisk, Rod DeBuhr, Ken Feather, Scott Snell, Nancy Beach and Kent Norquest of NRCS.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on July 16, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Dickinson arrived at 7:33 p.m.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Houdersheldt requested that his absence from the July 23, 2009 board meeting be excused.

It was moved by Austin and seconded by Miller to excuse the absence of Roger Houdersheldt from the July 23, 2009 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Moore

NOT PRESENT: Dickinson, Houdersheldt

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Luebbe and seconded by Stahly to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Luebbe and seconded by Stahly to approve the agenda for the July 23, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 6. APPROVAL OF MINUTES OF THE JUNE 18, 2009 BOARD OF DIRECTORS MEETING.**

It was moved by Luebbe and seconded by Stahly to approve the minutes of the June 18, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 7. PUBLIC HEARING ON RULE 10.**

Chairman Brown opened the public hearing at 7:35 p.m. Notice of the public hearing was published in the York News-Times on June 26, July 6 and July 13, 2009. The last notice was published 10 days prior to the date of the public hearing. Brown asked Rod DeBuhr, NRD Water Department Manager, to act as the Hearing Officer and review District Rule 10 – Upper Big Blue Natural Resources District Lower Platte River Basin Ground Water Management Rules and Regulations.

DeBuhr explained that the purpose of the public hearing is to receive comments on proposed District Rule 10. The proposed Rule 10 would apply to that part of the Upper Big Blue Natural Resources District that is determined to be hydrologically connected to the Lower Platte Basin. The specific sections of land are Section 6, Township 14 North, Range 2 West of the 6<sup>th</sup> PM, Polk County, Sections 12, 14, 15, 29 and 30, Township 14 North, Range 3 West of the 6<sup>th</sup> PM, Polk County, Sections 25, 26, 27, 35 and 36, Township 14 North, Range 4 West of the 6<sup>th</sup> PM, Polk County, and Sections 31, 32 and 33 Township 15 North, Range 2 West of the 6<sup>th</sup> PM, Polk County. The provisions of Rule 10 are as follows:

##### **01 Irrigated Acres Limitations -**

The net certified acres in the area described in Chapter 2 of these rules and regulations shall not increase by more than twenty percent (20%) per year for each of the four (4) one (1) year periods as follows:

02.1 April 8, 2009 and ending April 7, 2010.

02.2 April 8, 2010 and ending April 7, 2011.

02.3 April 8, 2011 and ending April 7, 2012.

02.4 April 8, 2012 and ending April 7, 2013.

02 Certification of Irrigated Acres -

02.1 Irrigated acres shall be based on the certified ground water use acres as provided in the District's Ground Water Management Area Rules and Regulations (District Rule 5, Chapter 12.)

03 Irrigated Acres Development Restrictions –

A new or existing well shall not be used to develop new irrigated acres unless such use has been approved by the District.

04 Water Well Construction Permits –

Any person who intends to construct a well shall, prior to construction, obtain a permit in accordance with the District's Ground Water Management Area Rules and Regulations (District Rule 5, Chapter 5.)

05 Surface Irrigation Prohibited –

The use of surface irrigation methods on new irrigated acres is prohibited.

05.1 Exceptions to ¶05

05.1.1 New irrigated acres that are an extension of an existing surface irrigated field and is not more than five (5) acres.

06 If at any time during the year, as described in ¶ 01 of this chapter, the total irrigated acres are increased by twenty percent (20%), the issuance of permits will be suspended.

DeBuhr presented a copy of the written testimony received from Brian Dunnigan, the Director of the Nebraska Department of Natural Resources. His testimony indicated that the Department has reviewed the proposed rules and that they believe they meet the intent of Neb. Rev. Stat. § 46-717(12)(d)(i), (iii), and (iv). The Department will need to conduct an additional review of the rules and regulations pursuant to Neb. Rev. Stat. § 46-714(12)(d), which requires them to have approved plans from all natural resources districts with land area in the hydrologically connected portion of the Lower Platte River Basin. This review will determine if the totality of these rules reasonably achieve the intent of Neb. Rev. Stat. § 46-714(12)(d)(ii). Once all the plans for the natural resources district with land in the Lower Platte River Basin have been received, the Department will notify us of their findings within sixty days.

DeBuhr asked for comments from the public. There were none.

Chairman Brown closed the hearing at 7:39 p.m.

**ITEM 8. ADOPTION OF DISTRICT RULE 10.**

It was moved by Austin and seconded by Dickinson to adopt Rule 10 as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown



NAY: Nuss

NOT PRESENT: Houdersheldt

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on July 14, 2009 and presented the committee's recommendations.

**ITEM 10. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Luebbe and seconded by Stahly that the District make cost-share payments for four well abandonments, as reviewed by the committee, totaling \$1,778.00. The motion was approved as a part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Houdersheldt

**ITEM 11. FLOWMETER COST-SHARE PAYMENTS.**

Thirteen flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Dickinson that the District make cost-share payments for 13 flowmeters, as reviewed by the committee, totaling \$6,424.25. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Houdersheldt

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres to be certified. They include 14,626.5 acres. These are primarily due to annual county assessor record updates in Butler County. Updates from other counties will be seen on the monthly reports over the next few months as the NRD staff reviews them. This brings the total certified acres to 1,151,765.4.

It was moved by Volkmer and seconded by Regier that the Board certify the July 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 13. NEBRASKA AGRICULTURAL WATER MANAGEMENT DEMONSTRATION.**

The District purchased an additional fifty-five Watermark sensors for resale as part of the Nebraska Agricultural Water Management Demonstration. The total cost was \$1,541.32.

It was moved by Volkmer and seconded by Regier to approve payment of \$1,541.32 to Irrrometer Company, Inc., for Watermark sensors purchased for resale for the Nebraska Agricultural Water Management Demonstration. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 14. PURCHASE OF WATER SAMPLING EQUIPMENT.**

A conductivity/TDS meter and pH meter were purchased to replace meters that were several years old and were no longer reliable. These items were purchased with a credit card, so the District will not pay for them until August.

It was moved by Volkmer and seconded by Austin to approve payment of \$774.02 to Cole Parmer for an Oakton conductivity/TDS meter and Oakton basic pH meter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on July 16, 2009 and presented the committee's recommendations.

#### **ITEM 16. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Bruns that land treatment program payments totaling \$42,517.34 for 28 NRD applications be approved as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Houdersheldt

#### **ITEM 17. AGREEMENT BETWEEN SEWARD COUNTY AND UPPER BIG BLUE NRD.**

In April of 1977 the District received signed easements to construct and maintain a dam on the county road located between the SW ¼ of Section 31, Township 13 North, Range 3 East of the 6<sup>th</sup> PM, Butler County, Nebraska and the NW ¼ of Section 6, Township 12 North, Range 3 East of the 6<sup>th</sup> PM, Seward County, Nebraska. After looking through the file there is not an easement or agreement with Seward or Butler County to construct the Moravec dam on the county road. Butler County has signed a permission to enter property and granted the District permission to bore a steel pipe through the dam which is located in the county right-of-way. Seward County has a policy that if any work is done within the county right-of-way a permit is necessary from the county roads department. Since the District is responsible for the operation and maintenance of the structure, staff felt a written agreement was needed.

It was moved by Eberle and seconded by Nuss that the District enter into the agreement with Seward County for the purpose of operation and maintenance of the structure known as the Moravec Dam located on the county road between the NW ¼ of Section 6, Township 12 North, Range 3 East of the 6<sup>th</sup> PM, Seward County, Nebraska and the SW ¼ of Section 31, Township 13 North, Range 3 East of the 6<sup>th</sup> PM, Butler County, Nebraska and authorize the General Manager to sign said agreement. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

#### **ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on July 16, 2009 and presented the committee's recommendations.

#### **ITEM 19. LOWER PLATTE NORTH AND LITTLE BLUE NRD SALARY REIMBURSEMENTS.**

An invoice was received from the Lower Platte North NRD in the amount of \$7,302.09 for clerical and technician's wages for the past six months. An invoice was also received from the Little Blue NRD in the amount of \$9,495.29 for our share of clerical salaries in Adams and Clay Counties for the past 12 months.

It was moved by Bruns and seconded by Nuss to approve payment for NRCS office salaries of \$7,302.09 to the Lower Platte North NRD for half of FY 2009 (January 1 – June 30, 2009) and \$9,495.29 to the Little Blue NRD for FY 2009 (July 1, 2008 to June 30, 2009.) The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 20. PAYMENT TO YORK PRINTING FOR THE BLUEPRINT NEWSLETTER.**

It was moved by Bruns and seconded by Yates to approve payment of \$6,985.00 to York Printing for the Blueprint newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 21. PUBLIC RELATIONS.**

Scott Snell attended both NARD public relations meetings held in North Platte and McCool Junction. Snell briefed the board on how staff will proceed with public relations and asked that the Board adopt a policy concerning the posting and maintenance of signs on NRD funded projects. If adopted, the proposed policy will be in the programs book.

Proposed Project Recognition Policy

Grantees receiving District grant/cost-share monies, and/or in-kind donations shall be required to publicly acknowledge the District's contribution to the project on a prominently displayed and permanent sign, plaque, or other fixture (containing the District's logo), to be maintained by the Grantee for the life of the project. It is understood that the District will be responsible for the cost of producing such signage when the District is the sole contributor. When multiple Grantors are responsible for the project, then the signage cost can be divided equally, or proportionately by percent of total contribution amongst the Grantors.

Such acknowledgement shall also be propagated on all temporary construction signs, in all media publicity regarding the project, and in all operation and maintenance agreements executed on behalf of the project.

Compliance with these requirements may vary from project to project and can be negotiated with the General Manager on a case-by-case basis in accordance to uniqueness, scope of project and/or anonymity of project.

It was moved by Bruns and seconded by Austin to adopt the Project Recognition Policy. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 22. \*SECOND QUARTER DIRECTORS' PER DIEM & EXPENSES.**

It was moved by Luebbe and seconded by Stahly to approve payment of second quarter directors' per diem of \$9,310.00 and expenses of \$3,720.98. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 23. FY 2010 BUDGET.**

Turnbull reviewed the June 30, 2009 cash balances, the main budget line items, and the compliance with the tax lid limit. Capital expenses which are exempt from the lid were reviewed. A major change was made in the proposed budget due to NDOR requirements for the Seward Trail project. Project construction will not be in the FY 2010 budget as planned because of federally required staff training, design review requirements, and land rights acquisition requirements.

There is no proposed property tax increase in the FY 2010 budget. Turnbull recommended several changes in the Sinking Fund, which are reallocations of the fund to different future projects. Turnbull recommended that funds set aside for Kezan Creek be reallocated to project O & M, the Seward West Trail project, storage building, Struebing project, urban storm water, and future water resources projects.

It was moved by Bruns and seconded by Luebbe to adopt the FY 2010 Budget for the purpose of public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

Turnbull reviewed the lid calculations and recommended that the board approve the additional 1% restricted funds authority.

It was moved by Bruns and seconded by Luebbe to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved by a three-fourths majority.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Yates, Brown

NAY: Volkmer, Weiss

NOT PRESENT: Houdersheldt

Turnbull recommended that the Budget Hearing be held in conjunction with the regular August board meeting and that the special hearing on the final tax and tax rate be held at the regular September board meeting.

It was moved by Bruns and seconded by Austin to schedule the FY 2010 Budget Hearing for 7:30 p.m., Thursday, August 20, 2009 and further to schedule a Special Hearing for the FY 2010 Tax Request for 7:30 p.m., Thursday, September 17, 2009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 24. FINANCIAL REPORT JUNE 1 -30, 2009 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2009.**

Turnbull reviewed the financial report for the period June 1, 2009 to June 30, 2009 that was distributed. It was moved by Regier and seconded by Luebbe to accept the financial report for June 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

There being no other business the chairman adjourned the meeting at 9:09 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held July 23, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb



**UPPER BIG BLUE**  
**Natural Resources District**

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**BOARD OF DIRECTORS MEETING  
AND  
FISCAL YEAR 2010 BUDGET HEARING  
August 20, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 20, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff and others in attendance were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Nancy Beach, Kris Ethridge of NRCS, Doug Hallum of NDNR and Senator Annette Dubas.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on August 13, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present during roll call.

**ITEM 3. REQUEST FOR EXCUSED ABSENCE.**

Luebbe requested that her absence from the August 20, 2009 board meeting be excused to allow her to participate in the Outdoor Education Program for the Seward Middle School August 19-21.

It was moved by Volkmer and seconded by Miller to excuse the absence of Linda Luebbe from the August 20, 2009 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Stahly and seconded by Moore to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Stahly and seconded by Moore to approve the agenda for the August 20, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**ITEM 6. \*APPROVAL OF MINUTES OF THE JULY 23, 2009 BOARD OF DIRECTORS MEETING AND PUBLIC HEARING FOR DISTRICT RULE 10.**

It was moved by Stahly and seconded by Moore to approve the minutes of the August 20, 2009 board of directors meeting and Public Hearing for District Rule 10. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**ITEM 7. FISCAL YEAR 2010 BUDGET HEARING.**

Chairman Brown opened the budget hearing at 7:35 p.m. He noted for the record that the Notice of Budget Hearing and Budget Summary were published in the York News-Times on August 10, 2009. Turnbull stated that the proposed budget has no increase in property tax from last year. The budgeted tax for FY 2010 is \$1,955,044. He reviewed a summary of the proposed budget, including revenues and expenditures and a schedule of future projects in the sinking fund. Turnbull reminded the board that the levy won't be set until September, when all of the valuations have been received. Chairman Brown asked for comments or questions regarding the proposed budget. There were none. He officially closed the budget hearing at 7:41 p.m.

**ITEM 8. ADOPTION OF FISCAL YEAR 2010 BUDGET.**

It was moved by Austin and seconded by Dickinson to adopt the FY 2010 Budget as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown



NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Luebbe

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on August 11, 2009 and presented the committee's recommendations.

**ITEM 10. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Stahly and seconded by Moore that the District make cost-share payments for seven well abandonments, as reviewed by the committee, totaling \$3,164.90. The motion was approved as a part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**ITEM 11. FLOWMETER COST-SHARE PAYMENTS.**

Nine flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Austin that the District make cost-share payments for nine flowmeters, as reviewed by the committee, totaling \$4,378.75. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Luebbe

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres to be certified. They include 2,442.1 acres. These are primarily due to annual county assessor record updates in Clay and Fillmore Counties. Updates from other counties will be seen over the next few months as the staff reviews them. This brings the total certified acres to 1,151,989.9.

It was moved by Volkmer and seconded by Yates that the board certify the August 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

### **ITEM 13. ACRES CHANGES FOR PERMITTED TRANSFERS.**

Rodney Eigsti of Friend reported minor changes in the irrigated acres for two transfers authorized by the Board. Transfer permit T-006 changed from 32 to 34.1 acres and transfer permit T-007 changed from 65 to 67.2 acres. These changes comply with the District's transfer rules. The actual acres changes will be considered by the Board when the Saline County assessor updated acres are certified.

### **ITEM 14. LATE WELL PERMIT.**

The Phyllis Lovegrove Trust has applied for a late permit for a well constructed in November of 1980 in the SE1/4 of Section 9 T8N-R2W, Fillmore County. The well was originally planned to be a replacement well but the old well was not properly abandoned. The Lovegroves have requested that the fee be waived. In previous instances similar to this, the board has waived the \$500 late permit fee.

It was moved by Volkmer and seconded by Austin to approve the late permit for well G-142364 in the SE1/4 of Section 9 T8N-R2W, Fillmore County, owned by the Phyllis Lovegrove Trust and that the late permit fee be waived. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Miller, Nuss

NOT PRESENT: Luebbe

### **ITEM 15. HASTINGS WELLHEAD PROTECTION AREA.**

The District staff has been working with Hastings Utilities and Little Blue NRD on a Wellhead Protection Area Plan. The Hastings Wellhead Protection Area includes approximately 75 square miles. Twenty four square miles of the area are in the Upper Big Blue NRD. A committee made up of the staff from the three agencies and the Cooperative Extension is preparing two grant applications to fund educational activities in the WHPA. Proposed projects include: irrigation and fertilizer management education, lawn watering and fertilizer management education, urban water conservation, vadose zone soil sampling for nitrates and nitrate testing for all rural wells in the area. The grants include demonstration irrigation systems to be installed at Prairie Loft. Prairie Loft is located at what was the state owned farm associated with the Hastings Regional Center. It is now leased by a private foundation and is being renovated for use as a meeting, conference and cultural heritage facility. A draft budget of the participants' proposed contributions is attached. The total two-year grant proposal is \$450,000. The District's contribution would be approximately \$22,000, of which \$1,000 would be for water analysis and the remaining \$21,000 would be in-kind services related to staff time for soil and water sampling and involvement in educational activities. The following is a summary of the proposed contributions by each participant.

| Federal<br>319<br>Grant | NET<br>Grant | Hastings<br>Utilities | City of<br>Hastings | Little<br>Blue NRD | Upper Big<br>Blue NRD | UNL<br>Extension | Total     |
|-------------------------|--------------|-----------------------|---------------------|--------------------|-----------------------|------------------|-----------|
| \$140,000               | \$141,500    | \$99,500              | \$10,000            | \$33,000           | \$22,000              | \$4,000          | \$450,000 |

It was moved by Volkmer and seconded by Moore to co-sponsor the Federal Section 319 and Nebraska Environmental Trust Grants for the Hastings Wellhead Protection Area. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown  
NAY: Weiss  
NOT PRESENT: Luebbe

**ITEM 16. SMARTCROP DEMONSTRATIONFIELD PAYMENTS.**

The District agreed to participate in the Smartcrop Demonstration Project and pay 25% of the cost of each system up to \$600 per system for up to 25 fields. There are actually 15 fields operated by 5 farmers. The District's share of these systems is \$598.75 each or \$1,796.50 per farmer for a total of \$8,981.25.

It was moved by Volkmer and seconded by Stahly to approve payment of \$1,796.25 to each of the five Smartcrop Demonstration participants, as shown on the attached list for a total cost of \$8,981.25. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Luebbe

**ITEM 17. SMARTCROP EQUIPMENT AT CROP-TIP.**

The District has been billed by Servi-Tech Inc. for the Smartcrop equipment that is installed at the CROP-TIP demonstration site. This equipment includes the base station, 8 field sensors and the website subscription. The total cost is \$3,295.00. This cost is part of the Hamilton-Sundstrand grant funds the District received.

It was moved by Volkmer and seconded by Bruns to pay Servi-Tech Inc. \$3,295.00 for the Smartcrop equipment installed at the CROP-TIP demonstration site. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Luebbe

**ITEM 18. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on August 13, 2009 and presented the committee's recommendations.

**ITEM 19. LAND TREATMENT PROGRAM - NSWCP FUND PAYMENTS.**

It was moved by Eberle and seconded by Miller that land treatment program payments totaling \$2,251.26 for 2 NSWCP applications be approved, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**ITEM 20. LAND TREATMENT PROGRAM - CONSIDER SPECIAL REQUEST.**

The Little Blue NRD has obtained a federally funded grant through the ***Agricultural Water Enhancement Program*** (AWEP). Landowners (producers) located within the City of Hastings Wellhead Protection Area (WHPA) are eligible for AWEP cost-share incentive payment if they are willing to convert from gravity irrigation to either sprinkler or drip irrigation systems. The Little Blue NRD has requested that the Upper Big Blue NRD consider allowing producers in the Upper Big Blue NRD, and located in the WHPA, to "co-mingle" the AWEP incentive payment with Land Treatment Program cost-share. If approved by the Board, the Land Treatment Program cost-share rate would be 10% of practice cost, not to exceed \$5,000, such that the total cost-share (AWEP plus Land Treatment cost-share) would not exceed 50% of total practice cost.

Sign-up for 2009 ended on August 14, but new applications will be considered for 2010, 2011, and 2012. Staff recommends this special practice in wellhead protection areas as a way of reducing chemical contamination of groundwater.

It was moved by Eberle and seconded by Miller that NRD Land Treatment Program Funds be approved for use during Fiscal Years 2010, 2011, and 2012 as a supplement to Agricultural Water Enhancement Program (AWEP) funds on applications to convert gravity irrigation systems to either sprinkler or sub-surface drip irrigation systems located within the City of Hastings Wellhead Protection Area (WHPA), and that the NRD Land Treatment Program cost-share rate on these applications be 10% of the practice cost not to exceed \$5,000, such that the combined total cost-share of AWEP and NRD funds not exceed 50% of the total practice cost. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Moore

NOT PRESENT: Luebbe

**ITEM 21. SEWARD WEST TRAIL PROJECT - NDOR PROJECT NO. ENH-80 (32), CONTROL NO, 13060.**

**RESOLUTION - COMBINED CONSULTANT SELECTION, NEPA, UNIFORM ACT AND THE FINANCIAL MANAGEMENT SYSTEM CERTIFICATION.**

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Natural Resources District approve the Resolution and Financial Management Systems Certification and authorize Augustus Brown, the Chairman of the Board, to sign the Resolution and John Turnbull, the General Manager, to sign the Financial Management Systems Certification. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**PROJECT ELIGIBLE COSTS - FEE FOR PRELIMINARY DESIGN, FINAL DESIGN, PROJECT ADMINISTRATION AND THE NEPA DETERMINATION.**

It was moved by Eberle and seconded by Yates that the Upper Big Blue Natural Resources District approve the Grant eligible costs including the preliminary and final design cost and the project administration costs and NEPA determination cost to Sinclair Hille Architects as requested for the Seward West Trail Project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: Volkmer

NOT PRESENT: Luebbe

**ITEM 22. HAZARD MITIGATION PLAN - ADAMS, CLAY, FILLMORE & SALINE COUNTIES.**

The Upper Big Blue NRD has previously agreed to be a participant in the All Hazards Mitigation Plan being prepared by the Little Blue and Lower Big Blue NRDs. The planning area extends into a portion of the Upper Big Blue NRD in Adams, Clay, Fillmore, and Saline Counties. Jeff Ball, NRD Lead Engineering Technician, explained that since we were not represented at the planning meetings, the NRD is required to approve a "Resolution for Participation" in order to maintain our participant role in the plan. Jeff briefed the Committee on plan details and requested approval of a resolution.

It was moved by Eberle and seconded by Teegerstrom that the Upper Big Blue NRD continue to act as a Participant in the "All Hazards Mitigation Plan" being prepared by the Little Blue and Lower Big Blue NRDs, in accordance with the Interlocal Agreement dated January 11, 2008, and that the Upper Big Blue NRD Board approve the Resolution For Participation as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

### **ITEM 23. BRUCE L. ANDERSON RECREATION AREA AT RECHARGE LAKE.**

The committee reviewed the preliminary plans for further developing the recreational use at the Bruce L. Anderson Recreation Area. The preliminary plans are showing that the District develop RV camping pads, two shelters, amphitheater, electric hook-ups for the RV camper and additional grills and picnic tables. It was suggested by the committee members that the District consider constructing a shower and tornado shelter. Due to staff time and other construction commitments, it is being recommended that the District hire a consultant to put plans and specifications and cost estimates together for the proposed recreation area development so construction on this project could start in the spring of 2010.

It was moved by Eberle and seconded by Nuss that the Upper Big Blue Natural Resources District contact consulting engineering firms to acquire cost estimates to develop the plans and specifications and cost estimates for the Bruce L. Anderson Recreation Area. The motion was approved.

AYE: Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Austin, Bruns, Houdersheldt, Weiss

NOT PRESENT: Luebbe

### **ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on August 13, 2009 and presented the committee's recommendations.

### **ITEM 25. BLUE BASIN GROUNDWATER MODEL REVIEW.**

A bill for \$1,676.74 has been received from Courtney Hemenway for consulting services on the Blue Basin Groundwater Model. The services were necessary because the Department of Natural Resources has asked about some technical details of the groundwater model. \$5,000 was authorized by the Board. The balance of the authorization after this bill is \$3,323.26.

It was moved by Bruns and seconded by Nuss to approve payment of \$1,676.74 to Hemenway Groundwater Engineering, Inc., Parker, Colorado, for consulting services through July 10, 2009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

### **ITEM 26. SALARY REIMBURSEMENT - LOWER BIG BLUE NRD.**

A bill for \$8,222.98 has been received for salaries for the Saline County NRCS Clerk and some part time technician work from the Lower Big Blue NRD, for the past 12 months ending on June 30th.

It was moved by Bruns and seconded by Austin to approve payment of \$ 8,222.98 to the Lower Big Blue NRD for NRCS office salaries for FY 2009 (July 1, 2008 through June 30, 2009). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Houdersheldt, Weiss

NOT PRESENT: Luebbe

**ITEM 27. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS DUES.**

A bill for \$23,050.93 has been received from the NARD for FY 2010 dues.

It was moved by Bruns and seconded by Houdersheldt to approve payment of \$23,050.93 to the NARD for the FY 2010 dues. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: Volkmer

NOT PRESENT: Luebbe

**ITEM 28. FINANCIAL REPORT JULY 1 -31, 2009 AND CONSIDERATION OF EXPENDITURES FOR JULY 2009.**

Turnbull reviewed the financial report for the period July 1, 2009 to July 31, 2009 that was distributed. It was moved by Volkmer and seconded by Miller to accept the financial report for July 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Houdersheldt

NOT PRESENT: Luebbe

Senator Annette Dubas of District 34 attended the meeting. Senator Dubas addressed the board regarding current legislative bills and LR 181. A brief question and answer session followed.

There being no other business the chairman adjourned the meeting at 9:31 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held August 20, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District

during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb



**BOARD OF DIRECTORS MEETING,  
FISCAL YEAR 2010 TAX REQUEST HEARING  
AND  
FORMAL HEARING FOR IRRIGATION RUNOFF  
SEDLAK VS. FROM  
September 17, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 17, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members in attendance were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Russ Gierhart and Nancy Beach. Members of the public in attendance are listed on the attached sign-in sheet.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on September 10, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Sixteen directors were present during roll call. Austin arrived at 7:35 p.m.

**ITEM 3. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Dickinson and seconded by Teegerstrom to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin

**ITEM 4. \*ADOPTION OF AGENDA.**

It was moved by Dickinson and seconded by Teegerstrom to approve the agenda for the September 17, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin

**ITEM 5. \*APPROVAL OF MINUTES OF THE AUGUST 20, 2009 BOARD OF DIRECTORS MEETING AND FY 2010 BUDGET HEARING.**

It was moved by Dickinson and seconded by Teegerstrom to approve the minutes of the August 20, 2009 board of directors meeting and FY 2010 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin

**ITEM 6. FISCAL YEAR 2010 TAX REQUEST HEARING.**

Chairman Brown opened the FY 2010 tax request hearing at 7:34 p.m. He noted for the record that the Notice of Special Hearing to Set Final Tax Request was published in the York News-Times on September 3, 2009.

Turnbull explained that following adoption of the budget last month it is necessary for the board to adopt a resolution to set the property tax request and levy for FY 2010. The budget that was adopted has a property tax requirement of \$1,955,044.35 and will require a property tax rate of \$0.028755. Turnbull recommended that following the hearing the board pass a resolution to that effect. Brown asked if there were any questions or comments. There were none. Chairman Brown officially closed the hearing at 7:37 p.m.

**ITEM 7. ADOPT RESOLUTION TO SET FISCAL YEAR 2010 TAX REQUEST.**

**RESOLUTION**

**Whereas** the FY 2010 Budget for the Upper Big Blue NRD, as adopted by this Board of Directors on August 20, 2009, has a property tax requirement of \$1,955,044.35;

**Whereas** the final total valuation of the NRD is \$6,799,030,931.00;

**Whereas** the FY 2009 Budget (prior year) required a tax request of \$1,955,044.35 and a property tax rate of \$0.030955;

**Whereas** the FY 2010 Budget (current year) property tax rate would be \$0.028755 to generate \$1,955,044.35;

**Therefore be it resolved** by this Board of Directors on September 17, 2009 to set the FY 2010 tax request at \$1,955,044.35 for the Upper Big Blue Natural Resources District which will require a property tax rate of \$0.028755.

It was moved by Miller and seconded by Eberle to adopt the resolution to set the FY 2010 property tax request. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None

#### **ITEM 8. SEDLAK VS. FROM – IRRIGATION RUNOFF FORMAL HEARING.**

Brown opened the formal hearing for the Sedlak vs. From irrigation runoff complaint at 7:39 p.m. The notice of formal hearing was published in the York News-Times on September 5, 2009. He then asked Rod DeBuhr, NRD Water Department Manager, to present his report.

DeBuhr: My name is Rod DeBuhr. We have several items that need to be entered into the record since this is a formal adjudicatory hearing. While I'm doing that I've asked Scott [Snell] to pass out copies to the board. The first item [Exhibit 1] is a letter dated August 23, 2009 addressed to Marie Krausnick of the NRD staff from Ron Sedlak requesting this hearing. Then I have a letter to Ron Sedlak [Exhibit 2] from Marie notifying him of the date of the hearing. Then another letter dated August 26, 2009 [Exhibit 3] to Roland From notifying him of the date of the hearing. The next exhibit [Exhibit 4] is District Rule 3 which is the procedure for conducting the hearing. And the next exhibit [Exhibit 5] is District Rule 4 which is the District Rules and Regulations for enforcement of the Groundwater Management and Protection Act. For the board members, those two items are not in the packet that Scott handed out, but are on the desk in front of you if you want to refer to them. The next item is a copy of the complaint [Exhibit 6] which was received on August 3, 2009. The next item [Exhibit 7] is a copy of the investigation report conducted by Marie Krausnick and attached to that is a topographic map, a narrative, and photographs of the site. The final exhibit [Exhibit 8] that I have is a formal notice for alternative actions and schedule of compliance, which was issued to Roland From to comply with the findings that he was in violation of the irrigation runoff rules and regulations. Next I would like to go through this material briefly with the board. The letter from Mr. Sedlak is pretty self explanatory. There's a copy of the legal notice.

Brown: Is Mr. Sedlak here?

DeBuhr: Mr. Sedlak and Mr. From are here.

DeBuhr: I would draw your attention to the investigation report. On August 3 the complaint was received. On August 7 Marie Krausnick went out and conducted an investigation. Her report found that there was water, or had been water, running from Mr. From's property onto Mr. Sedlak's property. She spoke with both of them, and I don't know if the first time was in person or by phone. Marie's not here tonight because she had a baby today. At any rate she did speak with both of them at some point

during the process. There is a diagram attached after her narrative that shows the flow of the water from the center pivot operated by Mr. From onto Mr. Sedlak's property. There are some blue numbers which correspond with the photographs that are attached. Photograph #8 is a photograph of a pipe outlet from a small pit that Mr. From has to catch the runoff. Photograph #9 shows water flowing down from that location, from the road bridge, downstream. Photograph #10 is a photo of where that water was ponded before the valve, or plug, was removed to release it. Photograph #11 looking south from that same road bridge into Mr. Sedlak's property. Photograph #12 again along the path....this is actually above Mr. From's property on the adjacent neighbor's property showing where drainage can come from a neighbor's property. I don't believe it was running on that day, but there was some evidence that occasionally water could come from other properties. And photograph #13 of property looking east from a neighbor's, and this one does show there is some water standing there. Then photograph #14 is downstream on Mr. Sedlak's property and field road that crosses the drainage. You can see the water that's ponded in his drainage area there where he attempts to cross the creek. And then upstream from that some wetted area in photo #15 that shows where the water had soaked up into the field adjacent to where it ran down. Finally, the action that was taken. Marie found Mr. From in violation. We decided that because the staff felt the quantity of water was relatively small and he did already have a holding pit that occasionally that holding pit caught rain and may catch drainage from other farms when they irrigated, and in order to maintain that pit it would in its current condition from time to time be necessary to release the water after a rain. We felt the most appropriate way to handle this was for Mr. From to contact Mr. Sedlak before doing it so that Mr. Sedlak would have the opportunity to get a fuel truck into that field, to that well, or whatever he needed, before it got too wet. So that was the alternative; that was the compliance that Mr. From agreed to. We're here tonight because Mr. Sedlak did not believe that was adequate. That's where we are as far as the staff's concerned.

Brown: Did the board have any questions for Rod? If there are no questions we'll let Mr. Sedlak speak. Wait a minute, Mike has a question.

Nuss: Is that runoff all from the pivot?

DeBuhr: The runoff that you see in these photographs, as I understand it, is from that pivot. Yes. Now there may have been.... Mr. From, when he has an opportunity to speak, may speak to that. I think there was some rainfall upstream that may have contributed to the storage in that pit, but I'm not certain of that. He may elaborate on that.

Brown: Steve?

Buller: Rod, in the picture diagram, where is the pit located?

DeBuhr: The pit is immediately on the north side of that east-west road between Mr. From's pivot and Mr. Sedlak's property.

Buller: Right around on 8 and 9? By the blue numbers 8 and 9?

DeBuhr: I've got to find my sheet. Yes, right at number 10 actually.

Brown: So photograph #10 would be the dam?

DeBuhr: That's what we're calling a pit. It's just a little dike.

Brown: Any other questions?

Yates: Did she [Marie] check upstream, above that property, to see if water was coming in? Like a half mile or three quarters of a mile?

DeBuhr: She did go to the adjacent properties. Photograph #13 was at an adjacent property.

Yates: Upstream?

DeBuhr: Upstream.

DeBuhr: And I believe she looked from the other direction, but at that time there wasn't anything there.

Brown: John?

Miller: Is this a full pivot; or just a windshield wiper?

DeBuhr: It's a full pivot. And I believe it was half beans and half corn this year.

Eberle: Is that a grass waterway all the way?

DeBuhr: I wasn't out there so I can't tell you.

Eberle: It doesn't look like it's cropped.

DeBuhr: Oh, the main drainage from the north? I don't know; is it cropped Rollie?

From: It's cropped. That's basically drowned out there.

Brown: Okay, any other questions for Rod? Okay, thank you Rod. Mr. Sedlak do you have any comments?

Sedlak: If I may, I want to thank the Board for bringing this up and letting me get a chance to speak. One of the things I want the board to know is that to get to my land on the other side, the only way I can get there is through this draw. I don't have any other options. It's through the draw to do my farming, check cows, or whatever. I do have some irrigation on the other side that I use, and that's my only access. So, trying to work with Mother Nature sometimes is pretty hard, but when you get irrigation water on top of it, sometimes it makes it almost impossible. This has been going on for several years and most of the time I've tolerated it, but sometimes you get to the point where enough is enough. This past summer I wanted somebody to windrow a brome grass field out east of the draw, about the middle of July roughly, and I thought he'd better come look at it first because there was silt, and just plain mud

in there. He told me the only way he could get across there with a windrower was if I pulled him across with a tractor and chain. I didn't want to do that. He just put a brand new head on his windrower because of some other incident, and that cost \$11,000. I'm sure he wouldn't be too happy if more damage came to his windrower if I pulled him across and something happened. So I asked him to come back later and, well it was probably two weeks before he was able to come back, by then there was some more water coming through the draw. My windrower man just can't sit there and wait until the water dries off. He's got a tour to make around to different places, so I got my brome grass put up very late. Another thing is that to get to my irrigation well, as I said before, the only way to get there is through this draw, and my fuel man, he has crossed that. Sometimes he's had a hard time getting through there. There was something brought up about rain. I believe the day I filed the complaint I took some pictures. It did rain maybe ten hundredths that day. I did take pictures of stream and I've got them with me. I didn't make a copy for every board member, but if anyone wants to look at them, there wasn't no water at all north of where Rollie From farms. I'd be happy to show them to anybody who wants to see them.

Brown: Could you start passing them around?

Sedlak: Sure.

DeBuhr: This first picture, Mr. Sedlak indicated to me, is the same driveway that you saw in the other photographs on his property. And these other ones are photographs of the drainage above Mr. From's property when it was dry.

Sedlak: Can I continue then?

Brown: Yes.

Sedlak: To the north of the From property the draw is pasture for quite away. And up above there is irrigation, but most times the pasture takes care of their irrigation. I've never had a problem with any other neighbor. I just want to make that clear. Another thing, as far as I know, on what Rollie From farms there are no grassed waterways at all that I can see. There are no terraces, so there's nothing to hold back silt or water to speak of. The little dike, or pit, that he put up there sometimes helps and sometimes it doesn't. I guess when I need to get across to the other side of the draw to my own property, and you got water going through there and you can't get there, it kind of perturbs a person very much. That's where I'm at today. Another thing I want to bring up, a couple of years ago there was a dairy go in north of Surprise, a big dairy. And to dispose of their waste they were planning on running pipelines through different people in the area to disperse the manure through center pivots, the way I understand. I believe Rollie From's farm, that he farms there, is one of them. Our township voted not to let anyone put pipelines in the township, and as far as I know that still stands. Another thing I'm concerned about is if this does go through and Mr. From does run liquid animal waste, manure, and I get it down in my backyard, it could cause problems. I talked to a veterinarian a couple of years ago when this was all in the process and it seems there's a disease called John's Disease that effects cattle and can be carried through manure. I'm not saying this dairy has it, but with something like 5,000 cows anything can happen. I do have concerns about that. I did talk to the Nebraska Department of Environmental Quality about this issue a couple of years ago. Informed them about this; that I have had irrigation

runoff problems to my property in the past and what do you know about it. I guess that's another concern of mine, if that ever develops or goes through. It may not ever happen, but I did want you people to know about it.

Brown: Any questions for Ron?

Miller: I don't know whether you've seen this master picture or not; but where is your property on here?

Sedlak: Right here sir.

Miller: Everything south of the road?

Sedlak: Exactly, sir.

Luebbe: Okay, is that a natural waterway that runs where it's going across the road there?

Sedlak: Yes.

Luebbe: Why isn't there a culvert there?

Sedlak: Mam?

Luebbe: Is it cleaned out?

Sedlak: There's a tremendous amount of water that comes through there, something like, I'm guessing, twelve, fourteen hundred acres. A culvert wouldn't help. You'd have to go to a bridge and I'm not about to spend a quarter of a million dollars on a bridge used for irrigation.

Houdersheldt: You mean on the road; or what do you mean?

Luebbe: I'm talking about his drive.

Sedlak: That's irrigation water.

Luebbe: But isn't there a culvert there?

Moore: That's out in the middle of the field.

Luebbe: Okay.

Houdersheldt: That's going to his irrigation well.

Brown: Other questions?

Yates: I have a question for you. Where is your irrigation well on that property? I take it this is the irrigated part here?

Sedlak: I live right here sir. This is my quarter. This is my well right out here, see?

Yates: Oh, this is dryland here?

Sedlak: Yes.

Yates: Okay, that's what I was wondering.

Sedlak: I just irrigate about 40 acres here.

Brown: Any other questions? If not, thank you. Would Mr. From like to address the board?

From: Thank you. Roland From, David City, Nebraska, 651 34th Road. I do have some things I would like to present [Exhibit 9]. Do you want me to send some around each way?

DeBuhr: Yes.

From: Take one and pass them around and hopefully they'll meet in the middle. There are 19 copies I think that should be enough for everyone and one for the record. First, before I get into my stuff I would like to respond to Mr. Sedlak a little bit on his concern on the manure. That's really not what's here and now with this hearing, but let's get it over with. Number One, that's the second time I've heard that farm has been signed up for manure, which I have not done. Your concern on that with me, not a problem. Mr. From indicated that he rented the ground. (COULDN'T UNDERSTAND THE NEXT FEW SENTENCES.)

Sedlak: Okay. I've been told that twice, but I haven't seen it on record. I may have been mistaken.

From: I don't know if you're mistaken, you may be right, but I don't know. If it was signed up, it wasn't by me. So I just wanted to set the record straight. Beyond that, after hearing Ron tonight, I don't think that Ron is aware that I do have water coming in from the east. And I do not want to point fingers. There is water that comes through. Basically when I noticed it this summer I always waited until either Thursday or Friday to start watering, and there was a reason for that, because my neighbor starts his pivot Monday or Tuesday. It gets around to the point, and it's a fairly flat farm, there's one little sliver maybe has some 5 percent slope for a short ways. The bulk of the farm is going to be three, two and one percent slopes. It's got a center pivot on it. I don't know what it's nozzled for, probably 800 or 900 gallons a minute. Fairly flat farm except for one area but about 80 acres of it the pivot tracks all run toward the draw. So for nearly half a pivot those pivot tracks run into that draw. Water runs across my field road to my well. What I've done is put in a 2,500 gallon fuel storage so I don't have to get a fuel truck there. Number one I'm wet when I irrigate, then if he irrigates in between I couldn't get a fuel truck in there. So I stuck in 2,500 gallons of fuel storage. I don't need to get a truck in, it alleviated my problem. But weekly, either because my neighbor starts his pivot on either Monday or Tuesday, weekly either on Wednesday or Thursday I get water through my farm. It may run anywhere from 16 to 24 to



36 hours depending on his pivot speed. And he's watered efficiently in my opinion, if it's an 800 gallon well. Approximately 3 days makes a full circle for him so that would be roughly, with a 900 gallon well, maybe an inch fifteen. So he's doing, for a flat farm, what I would consider to be right, and I have not complained. I don't think Ron realizes that's been happening. Backing up a little bit, and this did start a long time ago, Ron called me, and Ron called the NRD to complain once. I called Ron and said "Ron, call me." And he did one time. And I think at the time he was wanting to put a culvert in through that road down there. And evidently he has decided that won't handle the water that comes naturally there by rainfall. Because the draw we're looking at, on property I'm renting, by the way, I'm the renter I don't own that, sometimes I've seen that draw run 150 feet plus wide with a big rainfall. There's no way a waterway can really contain it. I did try that method; it was a nightmare with a center pivot. Because when big rains did come the pivot tracks silt full and then you're stuck and there are even bigger problems. But that's neither here nor there, that's the background. This is a very rough farm. Has water, it's an ephemeral stream and when there are heavy rainfalls tremendous amounts of water come through there. And to irrigate it; it's a rough farm. To demonstrate what I've tried doing, and in the past when Ron had problems, first I tried limiting my applications. Ron asked me to do that; so I did that. Limited the amounts. Went down to about three quarters of an inch. Well that wasn't solving the whole problem. Ron had a problem again. So my next action on this farm was to build a dike. I built that dike on leased property and I thought well I should be able to hold my irrigation runoff. But I can't hold the rainwater runoff because it's just a tremendous amount. And when my neighbor fills my, it's an evaporation pond and silt basin, and when my neighbor fills it – then it's full. Well I did this for about 3 years and every time we got a big rain it washed it out. So a year ago I put in an irrigation pipe with a plug in my dike, packed the devil out of that thing, and got it to hold unbelievably. And I thought well when my neighbor's irrigating; what's my choice? I've got to drain his water or if I get a big rainfall I need to drain it because I no longer have an evaporation or silt basin. It is a rented farm. If it was not rented maybe I could put a pump or some sort of permanent structure there. But hey, it's rented; I'm doing the best I can. So, I used that a year ago, the whole year, in the summer of 2008. And Ron, I didn't think had any problems during 2008. Anyway he never reported it to the NRD. He never reported anything to me. Marie made the statement this summer that when Ron did have a problem he said "Gee, I thought Rollie had it fixed." And I said "Yah, so did I." But anyway this summer, I think you've got the idea, it's a dirt structure with a piece of 8 inch irrigation pipe with a plug in it that seals it. I don't feel I should have to hold rainfall. And I don't feel I should have to hold my neighbor's irrigation water. And I had hoped that Ron had noticed that when I wasn't running on Wednesday and Thursday that water was running through there. And I don't know if you went up and looked whether I was running or just assumed it was running; but it was not running on Wednesday and Thursdays. If you were getting any water through there – it wasn't mine. Then if you'll refer to the sheets I passed out. This, and I apologize my handwriting is terrible; these are my field records, page two. My first page is the index; second one is my irrigation field record for that farm. My approximate, or my estimated hours by the percent timer total 288 hours for the year. The actual hours by the engine tachometer were 269.2. There is no water meter on that farm, but it is nozzled for 800 gallon per minute. It's an old pivot maybe there's some left, I don't know. But taking the 269.2 hours according to the engine tachometer, 134.66 total acres, under the pivot according to FSA, half corn and half beans and each of them had five passes, so it made five total circles. And my estimated average amounts were somewhere between sixty-seven hundredths and eighty hundredths. But by calculation at 800 gallons per minute and 269.2 hours of operation is 12,921,600 gallons, divided by 27,154 gallons in an acre inch, is 476.86 acre inches. Which divided by 134.66 total irrigated acres is a 3.53 acre inch average application total this year. That was

the total water applied this year. On the five laps that averages seventy-one hundredths of an inch of rainfall per application. The dates that the applications begin are there; the ends roughly. I haven't written them down because, like I said at the time, I didn't know this was going to happen. All I did was keep records good enough for me to manage the water, not to present any type of case. But the first pass was on corn, and by the way, at this point the first passes I did not have the plug in that pipe, because I thought I could water without losing any. I did. I did water without losing. I didn't lose water from the first pass on July 8<sup>th</sup>. I made a half pass on the pivot, which is.. if you want to refer to a picture is the south half of the farm I farm. I made a pass from east going west. Then on the 12<sup>th</sup> I made a pass back again; then going from the west to the east. Not at either time did a single drop leave the farm, and there was no plug in that irrigation pipe, in that dike. I had none get down by the pipe. The second time I had just a little bit get close, but the pipe is elevated just above, there was no water left. Nothing left the farm. Then the next time I irrigated was on the 13<sup>th</sup>. I went on the north half of the farm on the soybeans. Then nothing left the farm, the plug was still not in. And on the 21<sup>st</sup> I went back to the beans and at that point in time, when I got back into the corn, then I had to put the plug in. But in the mean time I know my neighbor, on three consecutive Wednesdays, or Thursdays, I know water had run through me. And then when we got to; where was that? The 7<sup>th</sup> of August I think, just prior to that, during that week my neighbor had filled my pit. The prior Friday night we had a half inch of rain on that farm. Ron said he only had ten hundredths, and I believe it, because they're a half mile apart. And this year as spotty as it is that's quite possible. But I'd had rainfall from the previous Friday, the neighbor filled it on Wednesday, and I needed to irrigate. Do I have to hold rainfall runoff and my neighbor's runoff? Those are my records. I don't know if you have questions if you want to ask as we go along or if you want to wait until I get done.

Brown: We'll wait until you get done.

From: Okay. Page three is rainfall record. And in red on that ... Ron did you get a copy of these?

Sedlak: No, I didn't.

Moore: Regier and I can share one.

From: Was there an extra one?

Brown: No, I don't believe so.

From: I'm sorry Ron I should have made sure you had one.

Moore: Regier and I can share. [Moore gave his copy to Sedlak.]

From: Sorry about this Ron, you should have had this to go along.

From: But the rainfall June 24<sup>th</sup> to August 9<sup>th</sup>, basically a six week period. I started irrigating on July 8<sup>th</sup>. Ended irrigation basically August 9<sup>th</sup>. During that period, and I don't know if you guys are familiar with some of the research out there, but University research says maximum economic yield is going to be produced with approximately 1.1 to 1.25 inches of effective rainfall and irrigation per acre per week.

That is if you have a full subsoil profile on June 17<sup>th</sup>. That's where there research was. If we assume on June 19<sup>th</sup> that I had an inch twenty, and we had a pretty wet period last fall; if we assume that even on this hilly ground that it was a full soil profile, it should need 1.1 to 1.25, effective to maximize. The rainfall is here; there was 3.53 inches during that period of time, all in small amounts. The irrigation records on the previous page .17 acre inches per pass over that same period. I take that back, rainfall was 2.64 inches, irrigation was 3.53 inches. Total rainfall and irrigation 6.17 inches, or 1.03 inches of applied, or rainfall applied, water. Which is much less than the effective requirement. Because effectively these would not be [cough] if there was that much applied. So I think I'm doing a pretty decent job of limiting the amount of water. That's where I am. Page 4. Let's see, Chapter 6, item 6.02, I guess. I have done the limitation of water, as much as possible with a center pivot. Construction and utilization of runoff collection and/or retention systems such as furrow dikes, reuse pits or dugouts. Well that's more or less what I've done there. It is a center pivot so it is a sprinkler. It does have a dump on it and it does not have an end gun. It has the large rainbirds, the number 65D rainbirds on the end; it does not have an end gun. Other than converting it to dryland, and that's not an option, it's not my choice and I don't know if that would be the owner's choice either. They purchased that thing as an irrigated forty and paid irrigated price for it. So I don't know what more I can do there, but what I would like to find out then, one of the recommended control procedures is that construction of that retention system. And on the next page, page 5, if you look at chapter 2, 09.01, I've got an asterisk there by it, "Groundwater which becomes commingled with surface water runoff will be treated as irrigation runoff." Well, it's my contention that basically that definition says I shall hold all rainfall runoff because I have a structure and it's got irrigation water in it, even if it wasn't mine, even if it was the neighbors. Because it has groundwater in it, when it rains and water runs off that farm over the top of that dike then it becomes my problem. That's what this says. I was not aware of that until I scrutinized these definitions just recently. Like I've said, I've taken advice on putting a detention structure in. But I contend the definitions and remedies directly butt heads and one precludes the other. Even a reuse pit on a gravity flow farm that has groundwater in it, when it does get a large rain and runs over, violates it by definition. I rest my case guys. I do have on page 6 just a copy of statute 46-708 part of the groundwater management act, that you are all I'm sure aware of. I do want to reiterate that the State of Nebraska Legislature puts in your hands, ladies and gentlemen, the ability to determine what is needed, for inefficient or improper runoff, and what is inefficient or improper. As these currently are written I guess that's inefficient and improper, unless you read it to be something else. That's all I can say. Thank you.

Brown: Any questions for Mr. From from the Board?

Moore: Rollie, as I understand it [switched tapes here – slight gap]

From: ....that was on the morning of August 7<sup>th</sup> after we got rainfall Friday and my neighbor filled it up on Wednesday. Like I said, I don't know if I could do that every year. I was able to do it this year.

Houdersheldt: What kind of nozzles are on that pivot?

From: That is the large, wide-spread pattern, high pressure pivot. Seventy psi nozzled for 800 gallon per minute. As most of you know, the outer two spans at least, and probably three, under a pivot are going to put out more than twenty-five hundredths of an inch per hour, which on clay soils is the

average water evaporation rate. Even with a wide pattern. What happens is water's going to run to that edge of that wetting pattern. If it encounters a pivot track before it gets there, you know where it's going, because that pivot tracks' headed for the draw.

Houdersheldt: And you said you run....on what days do you usually try to run?

From: Well, whenever my neighbor normally ran..started his either on Monday or Tuesday, it got around to where he would runoff either Wednesday or Thursday so I tried to , if the runoff was done on Wednesday I'd probably start Thursday. If his runoff wasn't done Thursday I would start Friday. And those were once a week; seventy-one hundredths. Unless there was a big rain to preclude it.

Houdersheldt: Okay, thank you.

Brown: Other questions?

Miller: Mr. From how many years have you farmed this?

From: I've farmed it... that was my father-in-law's farm. I've farmed it since 1986 in believe. He put the well on in 1975.

Brown: Any other questions?

Weiss: I've got a question for Mr. Sedlak. Were you aware of his neighbor's water; other water besides his coming down through you? Are you aware of that problem that he has then?

Sedlak: I've never had another problem with a neighbor. Rollie says that he [neighbor] irrigates on Tuesday, Wednesday, Thursday, but his water has never got to my place that I know of. It might get to Rollie's but hasn't gotten as far as my place.

From: It has left my farm on those days.

Sedlak: Well, it hasn't gotten down to my draw. If it doesn't bother me then Rollie's got to take that issue up with that neighbor, not me.

Brown: Any other questions for Mr. From? If not, we thank you. Okay. Does anybody else have question for any of the parties?

Volkmer: I have one for Rod. Did you have any recommendations that could help this situation rather than desist?

DeBuhr: The recommendation that the staff made is that final document which Mr. From has agreed to. Basically before he would drain the pit he would contact Mr. Sedlak and make arrangements with him so that it didn't conflict with his activities. Just so they communicate. That was our recommendation. I think Mr. Sedlak has some other comments he'd like to make.

Brown: Mr. Sedlak?

Sedlak: There's one thing I did notice on Rollie's schedule of rainwater and irrigation in July, in the runoff areas we only had half inch rains. So there probably wasn't very much rainfall runoff in that period anyway. Now if there would have been three inches or something in that period then there definitely would have been runoff. But a half inch of rain in July, especially if it's dryland, that's not going to leave the farm. You follow me?

Weiss: Well, these trees, is that just kind of a creek bottom; or what is this in here in this area?

Sedlak: This is my pasture. It's just trees down here. The creek goes through. I've got a buffer strip over here. I got buffer strip way down here. This is all in grass except one small area right here that's not seeded. My cows go back and forth here. This is a tree line and it's all grass seeded.

Weiss: Is there actually a draw that runs through there?

Brown: Mr. Sedlak could you speak up so everybody can hear?

Sedlak: Okay. Just had a question on a tree line on my property. So I pointed it out to him [Weiss] that there's just a tree line near the draw that runs through there. Is that correct sir?

Weiss: And I asked him how wide and deep the draw was.

Sedlak: It's probably four, five, six foot wide and about four foot deep roughly something like that.

Brown: Okay. Did that take care of your question?

Weiss: Yes.

Brown: Any other questions?

From: Chairman?

Brown: Mr. From you have a question?

From: I would like to speak to something Ron said. That half inch rain, that at your house was ten hundredths, and water did run over the top of the dike after that rain. And when I got down there, it had rained during the night, and when I got down there in the morning I could see water had gone over and was still going over. I was currently running the pivot. It was back on the beans on the flat at that point in time. I doubt I'm losing any water here, and I'm pretty sure I'm not because the stream flow was diminishing. I could see where it had gone over wider during the night and was in the process of diminishing. I came back. I left it run. I came back a few hours later and the water had quite running and I was still irrigating. So I was reasonably certain I was correct. And that half inch, because I had been over three-quarters of a circle, most of the rough ground was done when the rain came, there was runoff Ron, from the rainfall. And there was a two inch rain later, on the rainfall sheet. Can you find it?

I did just for curiosity; this was on 8/16/2009, just below the red. On August 16<sup>th</sup> we had a two inch rain down there. And I went back 24 hours later and water was still running over the road. Nobody had irrigated for a couple of weeks, or at least a week. There was water running over the top of the dike 24 hours later so I came back later that day. At 37 hours I still had water running, oh three or four feet wide over the top of my dike. So water runs a long time even after a two inch rain when everything around has been soaked up. And I would bet if I'd gone back in 48 hours it still would be running. So, it catches a lot of water.

Brown: Okay. Any other questions?

Yates: I have a question for Rollie on this one picture, it's photo #10, it's the bridge looking north. How wide is that area there at the widest spot, from the corn to the corn? Is that 70 feet wide; 100 feet wide; 50 foot wide?

From: At the widest spot down there, probably seventy.

Yates: How tall is your dike?

From: The dike?

Yates: Four foot? Six foot?

From: From the bottom of the thing when I get it pushed up – I know when I pack it, I worry about flipping the tractor off of it. It's probably, I guess, I don't know, whatever that is – 40 inches? Something like that.

Yates: The reason I asked that question is that to me that doesn't look like that would hold much water there at all. That's the reason I was asking. Thank you.

From: It won't. But when you're only putting on seventy-one hundredths per application there shouldn't be a lot of runoff.

Brown: Other questions? If not, I'm about ready to close this hearing. I hear no other questions, so I declare the hearing closed.

The hearing was officially closed at 8:27 p.m.

#### **ITEM 9. SEDLAK VS. FROM - CONSIDER CEASE AND DESIST ORDER.**

DeBuhr's recommendation to the board was that they uphold the compliance report that was presented and that they adopt the cease and desist order.

It was moved by Volkmer and seconded by Regier to uphold the Formal Notice for Alternative Actions & Schedule of Compliance.

Buller asked DeBuhr how we would determine that water to be released was from rain or drainage from other farms.

DeBuhr indicated there wasn't really a good answer because it is logistically difficult to respond to a complaint instantaneously. It depends when the complaint is made how quickly the staff can respond to the complaint. By regulations we have 5 days to respond. Staff cannot enter another landowner's property without giving notice.

Buller said he wasn't satisfied with that because part of the plan says he [From] can release water from the pit only if runoff is from rain or drainage from other forms. He wanted to know how that would be determined.

DeBuhr said the intent was Mr. From would contact Mr. Sedlak and let him know when he needed to release water. If there was a reason for him to delay to allow Mr. Sedlak time to get a fuel truck in, mow hay, or something else of that nature, then they could work that out between them.

There was discussion about whether Mr. From was responsible for holding the water following the irrigation season. Following some additional discussion, it was moved by Austin and seconded by Volkmer to amend the motion to add the words "during the irrigation season." The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Regier, Teegerstrom, Volkmer, Yates, Brown

NAY: Houdersheldt, Miller, Nuss, Stahly, Weiss

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Brown

NAY: Buller, Nuss, Weiss, Yates

#### **ITEM 10. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on September 10, 2009 and presented the committee's recommendations.

#### **ITEM 11. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that a land treatment program payment of \$1,953.30 for one NSWCP application be approved, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt

**ITEM 12. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Teegerstrom that payments totaling \$9,829.43 be approved for 14 Nebraska buffer strip contracts, as reviewed by the committee. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin

**ITEM 13. CENTRAL CITY TO MARQUETTE TRAIL.**

Approximately 50 people attended the September Projects & Programs Committee meeting to discuss the Central City to Marquette Trail Project. The matter was placed on the committee agenda at the request of Central Platte NRD. The Central Platte NRD has agreed to work with Merrick County, Central City, Village of Marquette and the Merrick Foundation to attempt to form a Joint Action Agency to oversee the development and operation of the trail. Turnbull recommended that the Upper Big Blue NRD agree to participate on the committee being formed to consider a Joint Action Agency. The committee failed to pass a motion for the board's consideration.

There were approximately 60 people who attended the Board meeting to discuss the trail. The majority of those present were in support of the trail. There were letters of support presented from Lennis and Pat Benson of Norfolk, Reverend Kevin McReynolds of St. Paul's Lutheran Church in Central City and Michael R. Bowman, Administrator for the Litzenberg Memorial County Hospital in Central City. Todd Danhauer presented a news article and written information in opposition.

It was moved by Moore and seconded by Dickinson that staff be authorized to work with other agencies on a committee to develop recommendations for forming a Joint Action Agency for the purpose for developing the proposed Central City to Marquette Trail. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Teegerstrom, Weiss, Brown

NAY: Bruns, Buller, Luebbe, Miller, Regier, Stahly, Volkmer, Yates

**ITEM 14. MAINTENANCE OF HOTTOVY & MORAVEC DAMS.**

Horizontal Boring & Tunneling Company has completed rehabilitation work on the Hottovy Dam in Butler County and they have started work on rehabilitation of the Moravec Dam. The total contract amount for both dams is \$49,236.00. Staff recommended a progress payment of \$21,455.10 be made for work completed in August.

It was moved by Eberle and seconded by Miller that a progress payment of \$21,455.10 be made to Horizontal Boring and Tunneling Company, in accordance with the contract, for work completed on rehabilitation of the Hottovy and Moravec dams in Butler County. The motion was approved.



AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt, Moore, Stahly

**ITEM 15 .REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on September 8, 2009 and presented the committee's recommendations.

**ITEM 16. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Dickinson and seconded by Teegerstrom that the District make cost-share payments for 12 well abandonments, as reviewed by the committee, totaling \$5,251.50. The motion was approved as a part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin

**ITEM17. FLOWMETER COST-SHARE PAYMENTS.**

Five flowmeters have been installed this month and the staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Luebbe that the District make cost-share payments for five flowmeters, as reviewed by the committee, totaling \$2,500. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Moore

**ITEM18. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified which included 124,736.1 acres. This brings the total certified acres to 1,154,758.7.

It was moved by Volkmer and seconded by Regier that the board certify the September 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

#### **ITEM 19. LATE WELL PERMIT.**

Dale Rocker has applied for a late permit for a well constructed in June 1980 in the NE¼ SE¼ of Section 20-T11N-R2E, Seward County. The well was registered as a new well in 1980, but someone at DNR decided it was a replacement, so that is how the registration was recorded. Permits for new wells were required beginning in 1977 with NRD regulations beginning on 1979. The Board has waived the late fee for wells where permitting errors were made in the first couple of years of the requirement.

It was moved by Volkmer and seconded by Houdersheldt to approve the late permit for well G-004344 (1980) in the NE ¼ SE¼ of Section 20-T11N-R2E, Seward County, owned by Dale Rocker and further to waive the late permit fee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Nuss

#### **ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on August 10, 2009 and presented the committee's recommendations.

#### **ITEM 21. NARD VOTING DELEGATES.**

It was moved by Bruns and seconded by Luebbe to appoint Yvonne Austin as the Voting Delegate and John Miller as the Alternate for the NARD fall conference. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Miller

#### **ITEM 22. NARD RESOLUTIONS.**

The committee reviewed the resolutions to be considered at the fall conference.

- **NARD Resolution 2009-1** -- Proactive Development and Implementation of Integrated Management Plans. Submitted by Lower Platte South NRD.
- **NARD Resolution 2009-2** -- Nebraska Department of Natural Resources. Submitted by Lower Loup NRD and Twin Platte NRD.

- **NARD Resolution 2009-3** -- Water Banking. Submitted by Lower Loup NRD.
- **NARD Resolution 2009-4** -- Compacts, Decrees, Agreements and Financing Water Programs. Submitted by the Middle Republican NRD.
- **NARD Resolution 2009-5** -- Review surface water rights converted to groundwater use. Submitted by the Middle Republican NRD.

It was moved by Bruns and seconded by Stahly to remain neutral on Resolution 2009-1, support Resolution 2009-2, support Resolution 2009-3, oppose Resolution 2009-4, and support Resolution 2009-5. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

#### **ITEM 23. LEGISLATIVE RESOLUTION 181.**

The committee discussed LR 181 and other Legislative Resolutions, as well as the situation surrounding the legislative hearings. There is a concerted political effort taking place to undermine NRDs and their authorities.

It was moved by Bruns and seconded by Austin to direct that the General Manager and Board Members attend and testify at hearings held on LR 181. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

#### **ITEM 24. TURNBULL VS. LEIF – CONSIDER CEASE AND DESIST ORDER.**

Mr. Leif was not present at the meeting. Rod presented the board with copies of the correspondence sent to Mr. Leif attempting to notify him of the requirements for District Rule 5 and that he needs to report best management practices for lands he farms in Groundwater Quality Management Zone 5. Rod also presented a recommendation for a cease and desist order for the Board's consideration.

It was moved by Moore and seconded by Regier to adopt the cease and desist order 2009-1; John Turnbull v. Guy Leif, as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

**ITEM25 . FINANCIAL REPORT AUGUST 1 -31, 2009 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2009.**

Turnbull reviewed the financial report for the period August 1, 2009 to August 31, 2009 that was distributed. It was moved by Volkmer and seconded by Nuss to accept the financial report for August 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe

There being no other business the chairman adjourned the meeting at 10:42 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held September 17, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb  
Attachment

**BOARD OF DIRECTORS MEETING**  
**October 15, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 15, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Rod DeBuhr, Jay Bitner, Ken Feather, Scott Snell, Russ Gierhart, Rita Hoblyn, Nancy Beach, Joe Morris, Gayle Steiger of Romans, Wiemer & Associates and Kris Ethridge of NRCS.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on October 8, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Austin arrived at 7:40 p.m.

**ITEM 3. DIRECTORS' REQUESTS FOR EXCUSED ABSENCES.**

John Miller requested that his absence from the October 15, 2009 board of directors meeting be excused.

It was moved by Volkmer and seconded by Regier to excuse the absence of John Miller from the October 15, 2009 Board of Directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Miller

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Stahly and seconded by Dickinson to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Miller

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Stahly and seconded by Dickinson to approve the agenda for the October 15, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Miller

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 17, 2009 BOARD OF DIRECTORS MEETING, FY 2010 TAX REQUEST HEARING, AND FORMAL HEARING FOR IRRIGATION RUNOFF – SEDLAK V. FROM.**

It was moved by Stahly and seconded by Dickinson to approve the minutes of the September 17, 2009 board of directors meeting, FY 2010 Tax Request Hearing, and Formal Hearing for Irrigation Runoff – Sedlak v. From. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Miller

**ITEM 7. EMPLOYEE RECOGNITION.**

Rita Hoblyn, Projects Department secretary, and Water Resources Technician Russ Gierhart, were recognized for 15 years of service to the district.

**ITEM 8. SEDLAK V. FROM REQUEST FOR REHEARING.**

Rod DeBuhr, NRD Water Department Manager, provided the board with copies of a letter from Mr. Sedlak, dated September 23, 2009, requesting a rehearing of the Sedlak v. From runoff complaint. Rod also told the board that since the September 17 irrigation runoff hearing he had spoken with Mr. From. Mr. From told Rod he has notified the owner of the property that he will not be farming the ground next year. Mr. Sedlak did not offer new evidence that pertained to the irrigation runoff.

It was moved by Dickinson and seconded by Luebbe that the Board, having duly considered Mr. Sedlak's motion for rehearing, deny the motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

**ITEM 9. FISCAL YEAR 2009 AUDIT.**

Gayle Steiger of Romans, Wiemer & Associates reviewed the Fiscal Year 2009 Audit. There were no negative findings to report.

It was moved by Regier and seconded by Houdersheldt to accept the FY 2009 Audit as presented by Romans, Wiemer & Associates. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

**ITEM 10 .REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on October 6, 2009 and presented the committee's recommendations.

**ITEM 11. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Stahly and seconded by Dickinson that the District make cost-share payments for ten well abandonments, as reviewed by the committee, totaling \$3,669.62. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Miller

**ITEM 12. FLOW METER COST-SHARE PAYMENTS.**

It was moved by Volkmer and seconded by Moore that the District make cost-share payments for ten flow meters, as reviewed by the committee, totaling \$5,000.00.

DeBuhr informed the board that the flow meter cost share printout the Water Committee reviewed on October 6 was missing two final applications for payment. Instead of ten applications totaling \$5,000 it should have listed 12 applications for a total of \$5,946.34.

It was moved by Houdersheldt and seconded by Austin to amend the motion to read twelve flow meters totaling \$5,946.34. The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

### **ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres to be certified. It includes 32,483.6 acres. These changes are primarily due to annual county assessor record updates. This brings the total certified acres to 1,157,139.

It was moved by Volkmer and seconded by Yates that the Board certify the October 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

### **ITEM 14. CHARLES W. CARLLSON – TRANSFER AUTHORIZATION T-009.**

Charles W. Carllson wishes to transfer water from a new well in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 34-T13N-R5W to irrigate 18.5 acres in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  for Section 3-T12N-R5W, Hamilton County. The staff has reviewed the application and has determined that the proposed transfer complies with the District's rules and regulations.

It was moved by Volkmer and seconded by Austin to approve Transfer Authorization T-009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

### **ITEM 15. MARY L. NEUHOUS & MYERS BROTHERS – TRANSFER AUTHORIZATION T-010.**

Mary L. Neuhaus & Kent and Kurt Myers wish to transfer water from well G-135517 in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 34-T6N-R2W to irrigate 6 acres (pivot corner) in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 35-T6N-R2W, Fillmore County. These acres are currently irrigated by a well in the NW  $\frac{1}{4}$  of Section 35-T6N-R2W. Well G-135517 also supplies water to a center pivot in the NW  $\frac{1}{4}$  of Section 2-T5N-R2W. The combined



irrigated acres of the existing and proposed transfer is 144.57 acres. The staff has reviewed the application and has determined that the transfer complies with the District's rules and regulations.

It was moved by Volkmer and seconded by Regier to approve Transfer Authorization T-010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

#### **ITEM 16. HASTINGS AREA WATER TRANSFER DISCUSSION.**

The Water & Regulations Committee reviewed a memo from Michael Onnen, Manager of the Little Blue NRD, concerning current and proposed groundwater discharges in the Hastings Area. The issue concerns an option being discussed related to the Navy Ammunition Depot (NAD) groundwater contamination cleanup project. The idea is to transfer water from existing and proposed waste water discharges to the Republican River to help satisfy the compact. Most of the existing waste water discharges originate in the Little Blue NRD and go to the West Fork of the Big Blue River.

It was moved by Volkmer and seconded by Bruns that the Board take a position opposing the transfer of ground water from the Hastings Area to the Republican River Basin. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Moore, Nuss

NOTE PRESENT: Miller

#### **ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on October 8, 2009 and presented the committee's recommendations.

#### **ITEM 18. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Austin that land treatment program payments totaling \$8,302.84 for two NSWCP applications and one NRD application be approved, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

#### **ITEM 19. RESOLUTION TO DESIGNATE RESPONSIBLE CHARGE PERSON (RC) FOR SEWARD WEST TRAIL PROJECT.**

A resolution was drafted by the Nebraska Department of Roads (NDOR) that includes definitions and substantive commitments required of a Local Public Agency (LPA) when designating a public employee to be in Responsible Charge (RC) of a Federal-aid transportation project. Staff recommends Board approval of the resolution, and that Ken Feather be designated at the RC.

It was moved by Eberle and seconded by Nuss that the Upper Big Blue Natural Resources District approve the resolution designating Kenneth Feather, Parks, Forestry and Wildlife Department Manager, as the Responsible Charge (RC) for the Seward West Trail Project, NDOR Project Number ENH-80-(32) NDOR Control Number 13060, in accordance with the Project Program Agreement previously executed in accordance with the NDOR LPA Guidelines Manual for Federal-Aid Projects, and Federal, State, and local laws, rules, regulations, policies and guidelines. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

#### **ITEM 20. TREE PLANTING PRICES FOR FY 2010.**

The Nebraska Association of Resources Districts (NARD) will continue to receive 3¢ per tree purchased by the NRDs. Bessey Nursery at Halsey has raised their prices from \$550 per 1,000 to \$570 per 1,000. The NRD purchase price will be 60¢ per tree.

It was moved by Eberle and seconded by Luebbe that the Upper Big Blue Natural Resources District set the planting cost for FY 2010 at 55¢ per tree and the cost of the trees and shrubs at 85¢ per tree. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

#### **ITEM 21. HOTTOVY & MORAVEC DAMS MAINTENANCE.**

Horizontal Boring and Tunneling Company has completed maintenance work on the Hottovy and Moravec road dams. Staff recommends final payment of \$27,870.90, which includes release of retainage.

It was moved by Eberle and seconded by Stahly that final payment of \$27,870.90 be made to Horizontal Boring Company for release of retainage and maintenance construction at the Hottovy and Moravec dams in Butler and Seward Counties. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

**ITEM 22. CENTRAL CITY TO MARQUETTE TRAIL.**

Milt Moravek, Assistant Manager at the Central Platte NRD and project coordinator for the Central City to Marquette Trail, is requesting each public entity involved in the project appoint one board member and one staff person to be on a committee that will investigate the feasibility of forming a Joint Action Agency and draft an interlocal agreement. The purpose of the Joint Action Agency would be to manage the project and oversee development, operation, and maintenance.

It was moved by Eberle and seconded by Nuss that John Turnbull, General Manager, and Gary Eberle, Board Member and Chairman of the Projects and Programs Committee, be designated as the District's representatives on the committee considering formulation of a Joint Action Agency, and drafting of an interlocal agreement, for the management, development, operation, and maintenance of the proposed Central City to Marquette Trail. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Moore, Nuss, Teegerstrom, Weiss, Brown

NAY: Bruns, Luebbe, Regier, Stahly, Volkmer, Yates

NOT VOTING: Eberle

NOT PRESENT: Miller

**ITEM 23. RAINWATER BASIN JOINT VENTURE MANAGEMENT BOARD.**

Andy Bishop, coordinator for the Rainwater Basin Joint Venture is asking that the Upper Big Blue Natural Resources District appoint either a staff member or elected board member to the Rainwater Basin Joint Venture Management Board. Andy says this board will meet three to four times a year.

It was moved by Eberle and seconded by Bruns that the Upper Big Blue Natural Resources District appoint Ken Feather of the NRD staff to serve on the Rainwater Basin Joint Venture Management Board. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

**ITEM 24. FLOOD CONTROL STRUCTURE 25-15-2E.**

Structure 25-15-2E is a proposed, normally dry, flood control dam to be located downstream from the David City N.W. Drainage Improvement Project. Geotechnical Services, Inc. has completed the foundation and embankment engineering for the project. Staff recommends final payment of \$6,580 to GSI for that work in accordance with the engineering agreement.

It was moved by Eberle and seconded by Austin that final payment of \$6,580 be made to Geotechnical Services, Inc., in accordance with the engineering agreement and authorization dated March 25, 2009, to provide geotechnical engineering design services for flood control Structure 25-15-2E in Butler County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

#### **ITEM 25. RECHARGE LAKE - BRUCE ANDERSON RECREATION AREA.**

The District has received three proposals from engineering firms interested in providing preliminary design and final design of recreation facilities being planned for the York Groundwater Recharge Project, Bruce Anderson Recreation Area. The Committee reviewed the scope of work, timeline, and budgets submitted with the proposals from Olsson and Associates, JEO Consulting Group, and Schemmer Architects, Engineers and Planners. The proposals were all based on the same overall scope of work provided by the District staff. The scope asked for costs to conduct preliminary and final design and obtain all necessary permits.

|          |           |   |
|----------|-----------|---|
| Olsson   | \$119,600 |   |
| JEO      | 94,408    |   |
| Schemmer | 42,550    | Estimated fee based on 7.5% of NRD estimate of construction cost. |

It was moved by Eberle and seconded by Houdersheldt that Schemmer Architects, Engineers and Planners, Lincoln, Nebraska, be selected to provide preliminary design and final design of proposed recreation facilities at the York Groundwater Recharge Project Bruce Anderson Recreation Area if the District decides to hire an engineering firm to do the design work. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Bruns

NOT VOTING: Buller

NOT PRESENT: Miller

#### **ITEM 26. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on October 8, 2009 and presented the committee's recommendations.

#### **ITEM 27. UNL/CSD PROPOSAL FOR STREAMBED CONDUCTANCE TESTING.**

Staff will be using the Blue Basin Groundwater Model to locate the Lower Platte River 10/50 line adjacent to the Upper Big Blue NRD northern boundary. The groundwater model will be updated to include Clear Creek as a tributary to the Platte River. Additional streambed testing will be needed along Clear Creek to determine the streambed conductance.

Dr. Xun-Hong Chen at the University of Nebraska Conservation and Survey Division has submitted a proposal to collect field data and compute the bed conductance values to be used in the model. The proposed work will take about one year. The budget for this work is as follows:

|   |              |
|---|--------------|
| Graduate student salary & benefits (1 yr.) .....  | \$25,000     |
| Geoprobe test hole coring and logging .....       | 8,000        |
| Mileage, supplies, clerical, and copies .....     | 1,000        |
| Principal Investigator (salary paid by UNL) ..... | 0            |
| <br>Total Cost .....                              | <br>\$34,000 |

It was moved by Bruns and seconded by Luebbe that the Upper Big Blue NRD enter into a contract with the University of Nebraska / Conservation and Survey Division for the purpose of obtaining hydrogeologic data and determining streambed conductance for Clear Creek, in accordance with the University of Nebraska / Conservation and Survey Division proposal dated September 21, 2009. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

**ITEM 28. \* THIRD QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter.

It was moved by Stahly and seconded by Dickinson to approve payment of fourth quarter directors' per diem of \$10,010.00 and expenses of \$3,588.97. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Miller

**ITEM 29. PAYMENT TO YORK PRINTING FOR THE BLUEPRINT.**

A bill for \$7,459.85 has been received from York Printing for printing the Blueprint newsletter.

It was moved by Bruns and seconded by Dickinson to approve payment of \$7,459.85 to York Printing for the Blueprint newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

**ITEM 30. NARD 457 PLAN RESTATEMENT AND AMENDMENT #1.**

The NARD 457 Deferred Income Plan has been amended by the Nebraska Association of Resources Districts. Turnbull reviewed the amendments which the NARD Benefits Committee has been working on

for the past year.

It was moved by Bruns and seconded by Yates to consent to the Amendment #1 of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan as a participating employer. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

It was moved by Bruns and seconded by Luebbe to adopt the NARD 457 Plan Resolution. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

#### **ITEM 31. NOVEMBER COMMITTEE MEETINGS.**

Normally the November committee and board meetings would be held during the day, but some board members felt it might be better to have the meetings at night due to harvest.

It was moved by Volkmer and seconded by Nuss to schedule the November meetings as follows: Water & Regulations on Tuesday, November 10 at 7:30 p.m.; Projects & Programs and Executive Committees on Thursday, November 12 at 7:30 p.m.; and the Board meeting on Thursday, November 19 at 7:30 p.m. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Miller

#### **ITEM 32. FINANCIAL REPORT SEPTEMBER 1 -30, 2009 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2009.**

Turnbull reviewed the financial report for the period September 1, 2009 to September 30, 2009 that was distributed. It was moved by Houdersheldt and seconded by Volkmer to accept the financial report for September 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller

There being no other business the chairman adjourned the meeting at 10:27 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held October 15, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**November 19, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 19, 2009 at the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Gus Brown, Doug Bruns, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Ken Feather, Scott Snell, and Kent Norquest of NRCS.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on November 12, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present during roll call. Weiss arrived at 7:35 p.m.

**ITEM 3. DIRECTORS' REQUESTS FOR EXCUSED ABSENCES.**

Steve Buller and Doug Dickinson requested that their absence from the November 19, 2009 board of directors meeting be excused.

It was moved by Volkmer and seconded by Miller to excuse the absence of Buller and Dickinson from the November 19, 2009 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson, Weiss

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Houdersheldt and seconded by Stahly to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown



NAY: None

NOT PRESENT: Buller, Dickinson, Weiss

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Houdersheldt and seconded by Stahly to approve the agenda for the November 19, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson, Weiss

**ITEM 6. \*APPROVAL OF MINUTES OF THE OCTOBER 15, 2009 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Stahly to approve the minutes of the October 15, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson, Weiss

**ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on November 10, 2009 and presented the committee's recommendations.

**ITEM 8. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Houdersheldt and seconded by Stahly that the District make cost-share payments for five well abandonments, as reviewed by the committee, totaling \$1,769.27. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson, Weiss

**ITEM 9. FLOW METER COST-SHARE PAYMENTS.**

It was moved by Volkmer and seconded by Luebbe that the District make cost-share payments for two flow meters, as reviewed by the committee, totaling \$1,000.00. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson, Weiss

#### ITEM 10. NEBRASKA AGRICULTURE WATER MANAGEMENT DEMONSTRATION PROJECT.

The Water& Regulations Committee reviewed the historic sales of irrigation water management equipment for the past three years of the project. Approximately 50,000 acres are now using the equipment for irrigation scheduling. The orders doubled in 2009 compared to the previous two years. Watermark sensors require some assembly prior to filling the order, which created some problems in 2009. To get the equipment orders filled in a timely manner, DeBuhr recommended that staff be allowed to order equipment in advance of the individual sales so that assembly can be done during the winter months.

It was moved by Volkmer and seconded by Regier to authorize staff to purchase resale irrigation water management equipment prior to receiving the actual orders. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: None

NOT VOTING: Weiss

NOT PRESENT: Buller, Dickinson

#### ITEM 11. 2010 IRRIGATION SCHEDULING EQUIPMENT PRICING.

Irrigation scheduling items are sold at a 50% discount to irrigators in the District. All other sales are at full price. DeBuhr recommends that the irrigation scheduling equipment prices be adjusted slightly to cover incidental costs related to assembly and distribution. The following table shows the recommended prices. The average change per item is 3.6%.

| Item                                 | Number     | Current Price | 2010 Proposed Price | 50% discount to UBB Irrigators |
|--------------------------------------|------------|---------------|---------------------|--------------------------------|
| <b>DELMHORST</b>                     |            |               |                     |                                |
| Moisture blocks                      | GB-1       | \$6.81        | \$7.00              | \$3.50                         |
| Moisture meter KS-D1                 | KS-D1      | \$259.88      | \$270.00            | \$135.00                       |
| <b>ET GAGE COMPANY</b>               |            |               |                     |                                |
| ET gage                              | MODEL A    | \$198.00      | \$205.00            | \$102.50                       |
| Ceramic top                          |            | \$61.80       | \$64.00             | \$32.00                        |
| Canvas cover with wafer              | #54        | \$5.02        | \$5.20              | Free                           |
| <b>IRROMETER WATERMARK</b>           |            |               |                     |                                |
| Watermark sensor 5' lead             | 200SS-5    | \$28.60       | \$30.00             | \$15.00                        |
| Watermark sensor 10' lead            | 200SS-10   | \$29.98       | \$31.00             | \$15.50                        |
| Watermark sensor 15' lead            | 200SS-15   | \$31.08       | \$32.00             | \$16.00                        |
| Watermark digital meter              | 30-KTCD-NL | \$240.90      | \$250.00            | \$125.00                       |
| Watermark monitor (data logger only) | 900M-0     | \$356.40      | \$370.00            | \$185.00                       |
| Watermark monitor / 8 15' sensors    | 900M       | \$572.00      | \$595.00            | \$297.50                       |

|   |        |          |          |          |
|---|--------|----------|----------|----------|
| Watermark wireless receiver (receiver only)       | 950-R  | \$592.90 | \$614.00 | \$307.00 |
| Watermark wireless transmitter (transmitter only) | 950T-0 | \$174.90 | \$180.00 | \$90.00  |

**CLEMENTS ASSOCIATES**

|                                    |       |          |          |          |
|------------------------------------|-------|----------|----------|----------|
| JMC 24" soil sampler handle        | PN055 | \$67.98  | \$70.00  | \$35.00  |
| JMC 13" rod extension              | PN005 | \$44.66  | \$47.00  | \$23.50  |
| JMC soil sampler back saver handle | PN003 | \$355.30 | \$368.00 | \$184.00 |
| JMC AG. consultant tube -12"       | PN029 | \$78.60  | \$81.00  | \$40.50  |
| JMC AG. consultant tube -18"       | PN030 | \$89.32  | \$92.00  | \$46.00  |
| JMC AG. consultant tube cleaner    |       | \$56.05  | \$58.00  | \$29.00  |

**OAKFIELD APPARATUS**

|                         |         |         |         |         |
|-------------------------|---------|---------|---------|---------|
| Oakfield probe          | Model L | \$74.61 | \$78.00 | \$39.00 |
| Oakfield soil probe tip |         | \$6.27  | \$6.50  | \$3.25  |

It was moved by Volkmer and seconded by Regier to adjust the 2010 irrigation scheduling equipment resale prices as shown above. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified, which includes 7,415.6 acres. These changes are primarily due to annual county assessor record updates. This brings the total certified acres to 1,156,106.2.

It was moved by Volkmer and seconded by Austin that the Board certifies the November 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

**ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects and Programs Committee met on November 12, 2009 and presented the committee's recommendations.

**ITEM 14. LAND TREATMENT PROGRAM NSWCP FUND PAYMENTS.**

It was moved by Miller and seconded by Luebbe that a land treatment program payment of \$5,000 for 1 NSWCP application be approved, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

#### **ITEM 15. WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENT.**

The Wildlife Habitat Improvement Program contract for Bettger Bros. has been inspected and is recommended for payment. The total contract payment is \$120.00. The NRD share is 25% of the total amount. The Nebraska Game & Parks Commission will reimburse the District 75% of the total amount.

It was moved by Miller and seconded by Austin that the Upper Big Blue Natural Resources District make payment of \$120.00 for the Wildlife Habitat Improvement Program contract, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

#### **ITEM 16. WILD NEBRASKA CONTRACT PAYMENT.**

This agreement is for the renovation of Rainwater Basin wetland and reestablishment of adjacent upland habitats, located on the SW1/4 of Section 30, T8N-R1W Fillmore County, Nebraska. The agreement was signed on August 16, 2007.

The project is being pursued in accordance with Wildlife Extension Agreement (WEA) NE-64850-07-28. The project is part of a larger, Rainwater Basin Joint Venture partnering effort that will restore habitats, but will also protect these habitats through easement. This WILD Nebraska project agreement is for \$13,300.00 (\$3,300.00 UBBNRD/ \$10,000.00 NGPC) and is only a portion of the total project cost to date of approximately \$332,590.85. Easement costs and incentives are being paid by other partners as noted in the Wildlife Extension Agreement.

The amount requested for payment from the Upper Big Blue NRD for work completed, which includes removal of fill/sediment and placing the necessary structures in the rainwater basin wetland, is \$8,984.78. Twenty-five percent of this amount will be the Upper Big Blue Natural Resources District share (\$2,246.19) and 75% is the Nebraska Games & Parks Commission shares (\$6,838.59).

This is a partial payment request for approved work completed under WILD Nebraska contract #397. A final payment request will be submitted following grass-seeding work to be completed in Spring 2010.

It was moved by Miller and seconded by Yates that the Upper Big Blue Natural Resources District make partial payment of \$8,984.78 to Melvin W. Taylor for the renovation and wetland reestablishment work completed on the wetland located on the SW1/4 of Section 30, T8N-R1W Fillmore County, Nebraska. The motion was approved.

AYE: Austin, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,

Volkmer, Weiss, Yates, Brown

NAY: Bruns

NOT PRESENT: Buller, Dickinson

**ITEM 17. MILFORD STORMWATER MASTER PLAN PAYMENT.**

Aerial photography and mapping have been completed for the Milford storm water master plan. Staff recommends that final payment of \$7,442 be made to Aero-Metric, Inc. for their work in accordance with the final invoice

It was moved by Miller and seconded by Bruns that final payment of \$7,442.00 is made to Aero-Metric, Inc., in accordance with their invoice dated October 8, 2009, for photogrammetric services on the Milford Stormwater Master Plan project. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

**ITEM 18. HAMILTON COUNTY HAZARD MITIGATION PLAN RESOLUTION.**

The Hamilton County Hazard Mitigation Plan has been completed for portions of the Upper Big Blue NRD located in Hamilton County. Staff briefed the Committee as to intent and purpose of the plan and recommended adoption of the following resolution:

**RESOLUTION**

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

**WHEREAS**, a Multi-Jurisdictional Hazard Mitigation Plan (Mitigation Plan) was prepared by Hamilton County, Nebraska (County), with assistance from JEO Consulting Group, Inc., Lincoln, NE, which includes a portion of the Upper Big Blue Natural Resources District; and

**WHEREAS**, the purpose of the Mitigation Plan is to lessen the effects of disasters by increasing disaster resistance of the County, and participating jurisdictions located within the planning boundary, by identifying hazards that affect the County and prioritizing mitigation strategies to reduce potential loss of life and property damage from those hazards; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) regulations require documentation that the Mitigation Plan has been formally adopted by the governing body of the Upper Big Blue Natural Resources District in the form of a resolution and further requesting approval of the Mitigation Plan by FEMA,

**NOW, THEREFORE**, the governing body of the Upper Big Blue Natural Resources District does hereby adopt the Hamilton County Multi-Jurisdictional Hazard Mitigation Plan in its entirety and does request

formal approval of the Mitigation Plan by FEMA.

It was moved by Miller and seconded by Austin that the Upper Big Blue NRD Board of Directors adopt the resolution reviewed by Committee. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

#### **ITEM 19. DAVID CITY STORMWATER DRAINAGE PROJECT.**

It was moved by Moore and seconded by Houdersheldt to authorize staff to proceed with design on the David City Stormwater Drainage project. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

#### **ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on November 12, 2009 and presented the committee's recommendations.

#### **ITEM 21. COPIER REPLACEMENT.**

Nancy Brisk recommends that the Savin copier, which is 8 years old, be replaced with a color copier that can scan documents for computer file storage and has fax capabilities. The Savin copier was purchased in October 2001 for \$19,001. The Savin color printer was purchased in February 2005 for \$4,656. 1,757,875 copies have been made on the copier over the past 8 years; which is an average of 220,000 per year. The past two years we have averaged 237,000 copies; which is 2 per minute for each working day. Both machines were purchased from Advanced Office Automation and they handle the service contracts. They have done excellent work maintaining the copier, color printer, and networking to the in-house computers. Quotes were obtained from Advanced Office Automation of Lincoln and Eakes Office Plus of Grand Island.

Turnbull and Brisk recommend replacing the existing copier, which has a 70 copies per minute rating, with a Savin C7570 color copier from Advanced Office Automation because of the performance of the existing copier and the excellent service and maintenance provided by Advanced Office. The C7570 is the fastest machine quoted by either company. All machines quoted include fax, color scanner, finisher, 3-hole punch, stapling, large capacity paper tray, computer network printing, installation and setup. Funds are available in the Office and Administration budgets to cover the costs of the copier.

Advanced Office Automation

Savin 9070 SP

Black and White

70 copies per minute \$17,984

|                            |                 |                      |  |          |
|----------------------------|-----------------|----------------------|--|----------|
| Eakes Office Plus          |                 |                      |  |          |
| Sharp MXM700N              | Black and White | 70 copies per minute |  | \$19,751 |
| Advanced Office Automation |                 |                      |  |          |
| Savin C6050                | Color and B/W   | 60 copies per minute |  | \$22,686 |
| Savin C7570                | Color and B/W   | 75 copies per minute |  | \$25,941 |
| Eakes Office Plus          |                 |                      |  |          |
| Sharp MX7001N              | Color and B/W   | 70 copies per minute |  | \$23,101 |

Eakes quotes included a \$1,000 trade in for the old copier. Advanced Office did not allow any trade in.

It was moved by Bruns and seconded by Austin to purchase a Savin C7570 color copier as specified from Advanced Office Automation for \$25,941.00. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

## **ITEM 22. COMPUTER SERVER REPLACEMENT.**

The staff reported that the computer network system is being overloaded when big computer files are in use. When the system is overloaded, files take much longer to load or save. Sometimes system or program crashes occur, particularly the bookkeeping system. The big files are associated with computer aided drafting, the certified acres data base, and the GIS (geographic information system). The computer technician from Computer Concepts of Grand Island, who services the NRD computer system, recommended that the current computer server be replaced. He also recommends replacing the file backup system.

The 17 computers in the office are all tied into the server where the principal files are stored. The size and speed of the server or the capacity of the Ethernet wiring can limit the speed of the overall system. The wiring in the building appears to be adequate; however the server is not big enough. The current workload has grown in the 5 years since the server was purchased.

The staff recommends purchasing a new server from Computer Concepts because they understand and service the current system. It is estimated that the new server should be adequate for about 5 to 7 years. Money was not budgeted for a new server this year but funds should be available from other line items that can be done without.

### Computer Concepts Estimate

|                                   |            |    |            |
|-----------------------------------|------------|----|------------|
| Server                            | \$9,890.00 | 1  | \$9,890.00 |
| SMB 2008 software with 5 licenses | \$899.00   | 1  | \$899.00   |
| extra users per license           | \$84.90    | 20 | \$1,698.00 |
| LTO 2 Tape Drive                  | \$1,099.00 | 1  | \$1,099.00 |

|                        |             |   |                    |
|------------------------|-------------|---|--------------------|
| Backup Exec SMB        | \$599.00    | 1 | \$599.00           |
| 200/400 MB tapes ea.   | \$39.00     | 8 | \$312.00           |
| <b>Equipment TOTAL</b> |             |   | <b>\$14,497.00</b> |
| Estimated installation | \$ 1,500.00 | 1 | \$1,500.00         |
| <b>TOTAL</b>           |             |   | <b>\$15,997.00</b> |

A comparison price was obtained online from Dell Computer configured as closely as possible to match Computer Concepts.

Dell Poweredge T710 Server **\$ 16,627.00** Plus installation

It was moved by Bruns and seconded by Volkmer to approve the purchase of a new server and tape backup as specified from Computer Concepts of Grand Island, Nebraska for \$15,997.00. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

#### **ITEM 23. FY 2009 AUDIT PAYMENT.**

A bill in the amount of \$3,070.00 has been received from Romans Wiemer & Associates for the FY 2009 Audit.

It was moved by Bruns and seconded by Luebbe to approve payment of \$3,070.00 to Romans Wiemer & Associates for the FY 2009 Audit. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson

#### **ITEM 24. FINANCIAL REPORT OCTOBER 1 -31, 2009 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2009.**

Turnbull reviewed the financial report for the period October 1, 2009 to October 31, 2009 that was distributed. It was moved by Volkmer and seconded by Regier to accept the financial report for October 2009 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Buller, Dickinson



There being no other business the chairman adjourned the meeting at 8:33 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held November 19, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**December 17, 2009**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 17, 2009 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Gus Brown, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, William Stahly, Vance Teegerstrom, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Nancy Beach, Patty Kyhn, Nancy Schuerman, Nancy Chitwood, Sylvia Jividen, Courtney Woodman, Russ Gierhart, and Kris Ethridge of NRCS.

**ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.**

Brown reported that we published the legal notice of the board of directors' meeting on December 10, 2009 in the York News-Times.

**ITEM 2. ROLL CALL OF DIRECTORS.**

Fourteen directors were present during roll call. Luebbe arrived at 1:39 p.m.

**ITEM 3. DIRECTORS' REQUESTS FOR EXCUSED ABSENCES.**

Yvonne Austin and Merlin Volkmer requested that their absence from the December 17, 2009 board of directors meeting be excused.

It was moved by Regier and seconded by Teegerstrom to excuse the absence of Austin and Volkmer from the December 17, 2009 Board of Directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Volkmer

**ITEM 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Dickinson and seconded by Moore to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Volkmer

**ITEM 5. \*ADOPTION OF AGENDA.**

It was moved by Dickinson and seconded by Moore to approve the agenda for the December 17, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE NOVEMBER 19, 2009 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Moore to approve the minutes of the November 19, 2009 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Volkmer

**ITEM 7. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on December 10, 2009 and presented the committee's recommendations.

**ITEM 8. NARD VOTING DELEGATE.**

The Board of Directors needs to appoint a voting delegate and alternate for the NARD January Conference.

It was moved by Bruns and seconded by Nuss to appoint Doug Dickinson as the voting delegate and Yvonne Austin as the alternate for the NARD January conference. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Volkmer

**ITEM 9. PAYMENT TO YORK PRINTING COMPANY FOR NEWSLETTER.**

A bill for \$7,859.70 has been received from York Printing for the Blueprint newsletter.

It was moved by Bruns and seconded by Miller to approve payment of \$7,859.70 to York Printing for the Blueprint newsletter. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Austin, Volkmer

**ITEM 10. PAYMENT TO ADVANCED OFFICE AUTOMATION FOR COPIER.**

The new Savin C7570 copier, from Advanced Office Automation, was installed on December 7, 2009. It is now in operation and performing well. The price is as quoted, \$25,941.00.

It was moved by Bruns and seconded by Luebbe to approve payment of \$25,941.00 to Advanced Office Automation, Lincoln, Nebraska, for the new Savin C7570 copier. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Weiss reported that the Water & Regulations Committee met on December 10, 2009 and presented the committee's recommendations.

**ITEM 12. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Dickinson and seconded by Moore that the District make cost-share payments for four well abandonments, as reviewed by the committee, totaling \$1,320.38. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Volkmer

**ITEM 13. FLOW METER COST-SHARE PAYMENTS.**

It was moved by Weiss and seconded by Yates that the District make cost-share payments for seven flow meters, as reviewed by the committee, totaling \$3,330.57. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 14. SMARTCROP DEMONSTRATION PROJECT.**

4A Farms of Marquette (Alan Andersen) had three fields enrolled in the SmartCrop Demonstration during the summer of 2009. When payments were made in October the list provided by Servi-Tech did not include 4A Farms. The error was recently brought to DeBuhr's attention by Orvin Bontrager of Servi-Tech. The data collected from these fields has been provided to the NRD and has been added to the information gathered from the other 15 fields in the demonstration. The District agreed to cost-share up to \$600 per field. The actual cost per field was \$598.75 for a total of \$1,796.75. The staff recommends payment of \$1,796.75 to 4A Farms of Marquette for their participation in the 2009 SmartCrop Demonstration. This additional cost brings the total project payment to \$10,777.50, which is under the \$15,000 initially authorized by the Board.

It was moved by Weiss and seconded by Bruns to pay \$1,796.75 to 4A Farms of Marquette for their participation in the 2009 SmartCrop Demonstration. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 15. UPPER PLATTE BASIN INTEGRATED MANAGEMENT PLAN.**

The Committee reviewed the draft Integrated Management Plan. A public meeting in the affected area must be held before the NRD and DNR can finalize the plan for an official public hearing. A meeting has not been scheduled but staff would like to proceed as soon as possible.

It was moved by Weiss and seconded by Regier to adopt the draft Integrated Management Plan for the purpose of conducting a public meeting in the affected area.

Turnbull recommended that the board delay action on this item until later. The NRD is working with the Department of Natural Resources on the groundwater modeling effort in the Platte Basin and more time is needed to work things out.

It was moved by Moore and seconded by Buller to refer the matter back to the Water & Regulations Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 16. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified, which included 299.1 acres. These changes are primarily due to annual county assessor record updates. This brings the total certified acres to 1,156,122.2 compared to 1,156,106.2 in November.

It was moved by Weiss and seconded by Regier that the Board certifies the December 2009 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 17. IRROMETER COMPANY PAYMENT FOR RESALE ITEMS.**

We have received the 675 Watermark sensors that we ordered. They will be attached to PVC pipe for resale in 2010. The Board authorized this purchase in November. The cost of the sensors is \$18,010.60.

It was moved by Weiss and seconded by Luebbe to approve payment of \$18,010.60 for 675 Watermark sensors. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 18. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on December 10, 2009 and presented the committee's recommendations.

**ITEM 19. LAND TREATMENT PROGRAM - NSWCP FUND PAYMENTS.**

It was moved by Eberle and seconded by Miller that land treatment program payments totaling \$8,669.37 for three NSWCP applications be approved, as reviewed by the Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 20. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Moore that payments totaling \$2,136.10 be approved for four Nebraska Buffer Strip contracts, as reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Luebbe, Volkmer

**ITEM 21. YORK COUNTY HAZARD MITIGATION PLAN.**

York County has requested payment of \$1,000 for the Upper Big Blue NRD's portion of the cost for preparing the York County Hazard Mitigation Planning Study. The plan is completed and a copy will be furnished to UBBNRD. Staff recommends that payment be made to York County.

It was moved by Eberle and seconded by Teegerstrom that payment of \$1,000 be made to York County, in accordance with the Memorandum of Understanding between York County and Upper Big Blue NRD, for the Upper Big Blue NRD share of cost to prepare the York County Hazard Mitigation Planning Study.  
The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 22. VILLAGE OF MILLIGAN.**

The Village of Milligan has requested assistance from the Upper Big Blue NRD to reduce storm sewer flooding problems. The Committee reviewed a draft Interlocal Agreement and discussed preliminary concepts to be considered for improving drainage at Milligan. The preliminary estimate of project cost is \$100,000. In accordance with the Interlocal Agreement, the NRD would pay 25% of the local share of project cost, not to exceed \$25,000, and the Village of Milligan would pay 75% of the local share of project cost, not to exceed \$75,000. Staff recommends approval of the Interlocal Agreement with the Village of Milligan.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Natural Resources District agree to assist the Village of Milligan with drainage improvements in accordance with the Interlocal Agreement reviewed by the Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 23. FINANCIAL REPORT NOVEMBER 1 - 30, 2009 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2009.**

Turnbull reviewed the financial report for the period November 1, 2009 to November 30, 2009 that was distributed. It was moved by Moore and seconded by Regier to accept the financial report for

November 2009 as presented, approve payments of the accounts payable and publish the expenditures.  
The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Volkmer

**ITEM 24. EARLY CLOSING ON DECEMBER 24, 2009.**

Turnbull announced that the NRD office will close at noon on December 24 as a result of the executive order signed by President Barack Obama and the announcement by Governor Dave Heineman that state offices will also be closed at noon.

**ITEM 25. NOMINATING COMMITTEE.**

Chairman Brown appointed Linda Luebbe, John Miller and Paul Weiss to the nominating committee for the election of officers in January. Luebbe will chair the committee.

There being no other business the chairman adjourned the meeting at 2:38 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors or the District held December 17, 2009, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Mike Nuss, Secretary

:ndb