

**BOARD OF DIRECTORS MEETING**  
**January 21, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 21, 2010 at 1:30 p.m. in 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 members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Stephen R. Moseley of York News-Times, Kristi Schleif, Bill Gilg, 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 January 14, 2010 in the York News-Times.

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

Fifteen directors were present during roll call. Luebbe arrived at 1:36 p.m.

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

Regier requested that his absence from the January 21, 2010 and February 18, 2010 board of directors meeting be excused due to out-of-state travel.

It was moved by Teegerstrom and seconded by Miller to excuse the absence of Ken Regier from the January 21, 2010 and February 18, 2010 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**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, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

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

It was moved by Stahly and seconded by Moore to approve the agenda for the January 21, 2010 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, Yates, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE DECEMBER 17, 2009 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Moore to approve the minutes of the December 17, 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, Yates, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**ITEM 7. DIRECTOR'S SERVICE AWARD.**

Larry Moore was presented with a framed Michael Forsberg print in recognition of 35 years of service on the Upper Big Blue NRD Board of Directors.

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

Eberle reported that the Projects and Programs Committee met on January 14, 2010 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM - NSWCP FUND PAYMENTS.**

It was moved by Eberle and seconded by Austin that a land treatment program payment totaling \$2,225.60 for one NSWCP applications be approved, as reviewed by the Committee. 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 10. WILD NEBRASKA PROGRAM PAYMENT.**

The land enrolled in the Wild Nebraska Program by Greg Bergen and Lowell Siebert has been inspected and payment is recommended.

It was moved by Eberle and seconded by Volkmer 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 their Wild Nebraska contract for the month of January. 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. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on January 14, 2010 and presented the committee's recommendations.

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

The committee review 2,723.7 acres to be certified, which brings the total certified acres to 1,156,320.8.

It was moved by Volkmer and seconded by Teegerstrom that the Board certifies the January 2010 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 13. RULE 5 ALLOCATION REGULATIONS CHANGE.**

The Board reviewed the draft changes to District Rule 5. These changes remove the existing allocation time period and amount and add provisions to establish an allocation period and amount if the district average groundwater level falls below the allocation trigger.

It was moved by Volkmer and seconded by Moore to adopt the changes to District Rule 5 for the purpose of conducting a public hearing.

There was considerable discussion about whether or not we should remove the allocation amount from District Rule 5. Some of the directors and staff expressed the opinion that the number was no longer realistic when considering current farming and irrigation practices. The allocation amount was originally set based on the best available data in 1977, but we are collecting more current water use data through

ground water withdrawal reports that we have received, and will continue to receive annually. There was also discussion about whether or not we should remove the three-year allocation period from District Rule 5. There was concern that the allocation could become an annual allocation thereby eliminating the cooperator's ability to carry over any unused allocation.

It was moved by Volkmer and seconded by Weiss to table the motion. There was a call for the question. The motion failed.

AYE: Luebbe, Miller, Nuss, Volkmer, Weiss, Yates

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Stahly, Teegerstrom, Brown

NOT PRESENT: Regier

The question was called on the original motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Stahly, Teegerstrom, Brown

NAY: Nuss, Volkmer, Weiss, Yates

NOT VOTING: Luebbe

NOT PRESENT: Regier

#### **ITEM 14. RULE 4 IRRIGATION RUNOFF REGULATIONS CHANGE.**

The Board reviewed the draft changes to District Rule 4. The changes clarify the definition of improper irrigation runoff, limiting it to irrigation runoff that contributes to the waste of groundwater. The changes also define different methods of irrigation.

It was moved by Volkmer and seconded by Dickinson to adopt the changes to District Rule 4 for the purpose of conducting a public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Yates, Brown

NAY: Nuss, Volkmer, Weiss

NOT PRESENT: Regier

#### **ITEM 15. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on January 14, 2010 and presented the committee's recommendations.

#### **ITEM 16. FOURTH QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

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

It was moved by Stahly and seconded by Moore to approve payment of fourth quarter directors' per diem of \$8,190 and expenses of \$2,844.95. The motion was approved as a part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Luebbe, Regier

**ITEM 17. PAYMENT TO HEMENWAY GROUNDWATER ENGINEERING.**

Courtney Hemenway submitted a bill for \$4,095.00 for review work completed to-date on the Platte and Blue River groundwater computer models. The total amended contract amount is \$25,000. The unspent balance after this payment will be \$5,919.04.

It was moved by Bruns and seconded by Austin to approve payment of \$4,095.00 to Hemenway Groundwater Engineering for groundwater model review work completed through January 6, 2010. 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 18. LEGISLATION.**

Turnbull reviewed some of the proposed legislative bills that he felt were of interest to the District.

It was moved by Houdersheldt and seconded by Moore to oppose LB 1056. 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 Houdersheldt and seconded by Moore to authorize the Chairman to appoint someone, if needed, to testify on legislative bills the board has taken a position on during the 2010 Legislative Session. 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 19. NOMINATING COMMITTEE REPORT.**

Luebbe presented the Nominating Committee's Report and submitted the slate of candidates for officers in 2010.

Brown asked Rod DeBuhr and Ken Feather to collect and count the ballots.

**ITEM 20. ELECTION OF CHAIRMAN.**

The nominees for the office of chairman were Gus Brown and Larry Moore. There were no nominations from the floor. It was moved by Miller and seconded by Bruns that nominations for the office of chairman cease and that we proceed with voting. 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

Brown received 11 votes; Moore 5 votes. Brown will serve as chairman for a one-year term.

**ITEM 21. FINANCIAL REPORT DECEMBER 1-31, 2009 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2009.**

Turnbull reviewed the financial report for the period December 1, 2009 to December 31, 2009 that was distributed. It was moved by Volkmer and seconded by Houdersheldt to accept the financial report for December 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

**ITEM 22. ELECTION OF VICE CHAIRMAN.**

The nominees for the office of vice chairman were Doug Bruns and Mike Nuss. There were no nominations from the floor. In the first round of voting Bruns received 8 votes and Nuss 8 votes. Chairman Brown asked the board members to recast their ballots. In the second round of voting Bruns received 9 votes; Nuss 8 votes. Bruns will serve as vice chairman for a one-year term.

**ITEM23. ELECTION OF SECRETARY.**

The nominees for the office of secretary were Linda Luebbe and Ken Regier. There were no nominations from the floor. Luebbe received 11 votes; Regier 5 votes. Luebbe will serve as secretary for a one-year term.

**ITEM24 . ELECTION OF TREASURER.**

The nominees for the office of treasurer were Bill Stahly and Steve Buller. There were no nominations from the floor. Stahly received 14 votes; Buller 2 votes. Stahly will serve as treasurer for a one-year term.

**ITEM 25. ELECTION OF NARD REPRESENTATIVE AND ALTERNATE.**

The nominees were Doug Dickinson and Yvonne Austin. Brown 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 14 votes; Austin 2 votes. Dickinson will serve as NARD Representative and Austin will serve as the Alternate for a one-year period.

There being no other business the chairman adjourned the meeting at 3:26 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 January 21, 2010, 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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Linda Luebbe, Secretary

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**BOARD OF DIRECTORS MEETING  
PUBLIC HEARING FOR DISTRICT RULE 5  
PUBLIC HEARING FOR DISTRICT RULE 4  
February 18, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 18, 2010 at 1:30 p.m. in 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, William Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Russ Gierhart, Marie Krausnick, Courtney Woodman, Eric Melcher and Marlin Seeman with City of Aurora, Curt Friesen, Steve Meyer with Trailblazer RC&D, Stephen R. Moseley of York News-Times, and Kris Ethridge and Jim Husbands 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 February 11, 2010 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Houdersheldt and Regier requested that their absence from the February 18, 2010 board of directors meeting be excused due to out-of-state travel.

It was moved by Volkmer and seconded by Dickinson to excuse the absence of Roger Houdersheldt and Ken Regier from the February 18, 2010 Board of Directors meeting as requested. 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 4. \*ADOPTION OF CONSENT AGENDA.**



It was moved by Bruns and seconded by Stahly to adopt the consent agenda. Stahly asked that Item 22 Election of Vice Chairman in the minutes of the January 21, 2010 meeting be corrected. The second round vote should have read Nuss 7 votes instead of 8 votes. The motion was approved, with the correction to the minutes.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Regier

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

It was moved by Bruns and seconded by Stahly to approve the agenda for the February 18, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Regier

#### **ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 21, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Stahly to approve the minutes of the January 21, 2010 board of directors meeting, as corrected. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Regier

#### **ITEM 7. PUBLIC HEARING FOR PROPOSED CHANGES TO DISTRICT RULE 5.**

Chairman Brown opened the public hearing to consider proposed changes to District Rule 5 at 1:35 p.m. Brown stated for the record that notice of this public hearing was published in the York News-Times for three consecutive weeks. The dates of publication were January 27, February 3 and February 10, 2010. He asked Rod DeBuhr, NRD Water Department Manager, to review the proposed changes to District Rule 5.

DeBuhr: Okay, my name is Rod DeBuhr. I'm Water Department Manager for the District. I believe all the directors have before them a copy of the draft of Rule 5 changes. All the board members understand this, but just for the record, the intent of the changes is to remove the reference to a 48 inch allocation for a three year period and establish procedure for the board to determine the duration and allocation amount if that's necessary in the future. I'll go through it, where there are changes, page by page. The first change is on page 1 [Paragraph 06] you'll note there it says March blank 2010. We'll insert today's date, because today is the hearing date, February 18, 2010. The next change is the

effective date on page 3 [Chapter 3, Paragraph 01] which is proposed to be June 1, 2010. Then the first substantive change is found on page 5 [Chapter 4, Paragraph 15] at the bottom of the page, paragraph 15, which changes the definition of a ground water use period by deleting the reference to three consecutive years so it would read "Ground water use period means a period of years designated by the Board for which an allocation is set." The next change does not occur until Chapter 8, which is on page 14. Paragraph 05 sets up the procedure. It says "The Board will set the duration of the ground water use period and allocation amount by September 1 prior to the start of the initial and each subsequent ground water use period." "The ground water use period and allocation will be set by amendments to Rule 5 in accordance with the requirements of state law." The next change that occurs is on page 23, which is [Chapter 15] Allocation of Agricultural Users. On this page it deletes the language that dealt with the 48 inches per certified acre for the first ground water use period and inserts the language "Each agricultural user shall limit ground water withdrawal to the allocation amount per certified acre determined by the Board as provided in Chapter 8, Paragraph 05." And then the next paragraph is deleted because that is also taken care of by changes in Chapter 8, Paragraph 05. There are some numbering changes. Then on page 24 for municipal users [Chapter 16, Paragraph 01] the reference to the 48 inches per acre is deleted there and also a change from ground water use to withdrawal, which I think is just a correction. It should have been that way all along. And then again sets the allocation amount for certified acre determined by the Board as provided in Chapter 8, Paragraph 05. On page 26 [Chapter 17, Paragraph 01] some language is added for other users based on historic withdrawal and historic withdrawal shall be determined based on the average annual withdrawal for a three year period prior to the first ground water use period. I believe those are all of the changes proposed. On page 32 again today's date would be inserted, assuming you adopt the changes today. I think that's everything unless there are any questions for me.

Dickinson: I've got one question on this Rod on page 26. On that change where it says "withdrawal shall be determined based on the average annual withdrawal for the three year period to the first ground water use period." Did we not eliminate that?

DeBuhr: We eliminated the ground water use period, but we're talking about a three year period prior to whenever the first allocation is. If for example if a future board said it should be a five year period we'd take the average annual for those three and multiply it by five.

Dickinson: Okay. Alright.

Brown: Other questions from the Board?

Nuss: On other users; is that the wetlands?

DeBuhr: No. Wetlands fit under agricultural users. Other users would be industries like ethanol, feedlots, commercial feedlots, large dairies, and some other businesses that require water in excess of 50 gallons per minute.

Nuss: Okay.

Austin: Rod, on page 24 you changed use to withdrawal in that very first line there.

DeBuhr: Just to be consistent with other areas in the rules, unless I missed something.

Austin: Right. So now when you go back over to page 26 you're still talking about ground water use. Shouldn't that one also be withdrawal then?

DeBuhr: On which page?

Austin: One page 26, under paragraph 01. You've got "for the three year period prior to the first ground water use period." Shouldn't that be the ground water withdrawal period?

DeBuhr: No. It's defined as a ground water use period. That's the terminology we use, but it's the withdrawal during that period that we're allocating. If you go to the definitions it's just a defined term.

Austin: Okay.

Buller: Are wetlands certified?

DeBuhr: Yes they are. They are certified as irrigated acres in our records. We take the best available data as to what are wetlands. Most of them are public, not all of them, but most of them. So we have to take what they told us, we look at the maps, and we bring it to the board to certify it. They're certified the same as irrigated acres.

Buller: It's just that we can't get it from the county assessors?

DeBuhr: Yes, although in the case of private lands they may have it classified as a wetland soil, or something like that, so we can identify them that way.

Buller: Okay.

Brown: Any other questions from the board? If not I'll open it up to the public for comments. If you have a comment, please state your name and spell it for the record.

Marlin Seeman, Mayor, City of Aurora. M-A-R-L-I-N S-E-E-M-A-N. In contact with John in particular and others over time we appreciate the opportunity to tell you that within the allocation, obviously this is not negative towards what is the standard practice in most of the communities that would be residential and we think still accomplishes the needs that we have for providing for our residents and so we have no conflict with it. We did encourage you to consider that when it comes to places like hospitals and clinics that might be high water users inside of our communities we would not want to adversely affect their ability to consume water for sanitation and the necessary processes. Also I've talked to some of the lawn care providers and encouraged them to consider the sprinkler systems that might be used in the communities that would be of lower consumption. Of course that's a cost factor, but just like you they have to do their part towards conservation. I appreciate the opportunity to support what you've done for us as a community. Are there any questions?

Brown: Do you have any questions for Merlin? I guess not. Are there any other comments from the public?

Curt Friesen from Henderson. C-U-R-T F-R-I-E-S-E-N. I guess the big disappointment is that this is just draft number one. Other than that I guess my point is I don't want to see you make this change the way you are doing it. And I'll give you some reasons why I feel that way. Not knowing how you arrived at the decision to go this direction I'll just point out some things that in the future could affect a decision like this. Under the current system I can look at the rules and regs and I can do some pre-planning. I can decide if I can get by with 16 inches and 48 inches, or whatever, there's a definite number there for me to look at. If I know I can't meet those numbers I can start planning on either converting to pivot or drip irrigation, or doing some other things. You take the number out of there now and just leave it wide open – I've got no target. I don't know if you're gonna shoot for, if our annual ground water use is 6 inches, if it averages over the next four or five years, before we hit a trigger, if you're gonna shoot for 5 inches in order to cut use or if you're gonna be at 10. I don't know where to head. So if your goal is to warn us, or wean us from using 16 inches, which there are very few people out there doing that, first of all I guess I would advocate doing nothing until you see how fast the decline hits. And then after the second year, if you want to make changes make changes. But if you're intent on making some changes I would rather see you now lower the allocation to a number that is maybe a little on the high side yet; but gives people a rise to notice that hey if all of a sudden we go into allocation I've got some fields here that maybe aren't going to work. I better start pre-planning. I better start doing some conversions. So this doesn't have to happen all at once. The way the rules area now in September you'll come out and set this allocation. That will be for the next ground water use period I take it. That leaves me very little planning time if I have a lot of work to do. You've got a 3 or 4 month period to put in a system that will work. So from that standpoint alone I guess I'd like to see a number remain in there so that a guy can look at those numbers. And if you want to ratchet it down, fine. If that's what you have to do, that's what you have to do. I don't know the reasoning behind this. If the DNR's pushing this I guess I would say to them when they want to lower their allocation to their users we'll lower our allocation here. Right now they are giving what; is their diversion 36 inches? They haven't seen fit to change that. They're still diverting 36 inches per acre. We're down to 16. I don't feel guilty. I can justify that. That doesn't mean I'm going to pump it. Let's make them a deal. They cut theirs in half and we'll cut ours by 2 inches. In looking at how you're treating municipalities and industries, I think that's great. You're giving them three years 100% usage. They know where they're at. They know at the end of that three year period they might get cut. They might have to do some changes. You have a number there for them. It's something solid, concrete, that they can look at. The ag user has nothing. There's nothing in here that spells out where his target might be until that September before it hits. Other than that I think you did a good job.

Brown: Okay, thanks Curt. Other comments?

Weiss: I've got some papers I'd like to pass out and have everybody get one. Keep one for yourself.

Volkmer: Did you keep one?

Weiss: Yes I did. Pardon my chicken scratching, because I'm not very good at that. There are more if you need more. If anybody's short one let me know, I've got some extras. I've always been an advocate....

John made the comment, or somebody said that John has a hard time justifying 16 inches a year. I really don't see why he would have after I looked up some of this information. This came off of Weather Underground off the computer. And if you'll look I took Shelby, Hebron, Seward, Aurora, and on the right hand side is York. When I first started, I'm computer illiterate, so I didn't ...on York I started first. If you look at the top one of 2007, from May first of 2007 to September fifteenth of 2007 York, the York weather station got 16.74 inches of water, rain. The 2008 eight season, going down to the middle one, they got 9.34. The 2009 season they got 6.84. Now we go over to Shelby, to their weather station. As you can see in 2007, 11.56; 2008, 12.22; 2009, 8.75. I thought that was the northern edge of the District, or close. Hebron would be the southern edge. 2007, 12.20; 2008, 11.28; 2009, 6.07. Seward. 2007, 17.73; 2008, 21.96; 2009, 13.07. Aurora. 2007, 22.55; 2008, 12.44, 2009, 8.25. Now we come back to the right side. In 2007, according to Rod's papers that he had here, 11.3% or 120,715 acres applied over 9 inches in our District. In 2008 7.06% of the acres or 86,640 applied over 9 inches. In 2009 31.5% of the acres in our District; 362,872 acres applied over 9 inches in our District. And with these figures and with the figures that I have for the rainfall we're not ... sixteen inches is by no means a bad figure. If John could take these figures to the state and say here's what the weather; here's what it says. If you add the...and I'm sure there are parts of the District that don't use that much, but you want to go by the average; this is the average. Those acres like this year alone, 31.5%, or over 300,000 acres in our District used over 9 inches of water. And every one of these spots, Aurora, Seward, Hebron, Shelby and York all had over enough rain with the nine inches to make the 16 inches. So either we're irrigating too much or we're not using the water like we should and I don't know, that's not for me to decide. But what I'm saying is how can you justify dropping down below a 16 inch figure because you want to use the available data. Right here's the available data right now. But when you have 31% of the acres in your District that pumped over 9 inches and you've got those kinds of figures for rainfall, I don't think 16 inches is too much right now. Either you need more data or we need to educate the farmers better on how to irrigate; one or the other. I cannot see taking the inches out right now. Absolutely not with these kinds of figures. These don't lie; they came off the weather service. Plus Rod's figures here from what's been turned in. And when you get 31% of our area puts on over 9 inches; how can you justify taking 16 [inches] out? Not now! And what happens if we have a dry year in here? What if in '09 we'd got little or nothing in some of these areas? It could have been a lot worse. So I say we stay with the 16 inches until (a) we get more data, or (b) the next board decides. But right now, as this board stands, I don't see how we can justify taking the 16 inches out, with these kinds of figures.

Brown: Okay, are you through Paul?

Weiss: Yes.

Brown: Any other discussion for the board?

Volkmer: I had Nancy [Beach] look up my water use and I have an ETgage and moisture blocks. My average use last year was 13.64.

Weiss: And if you'd go to Hebron you have about....

Volkmer: Thayer County was drier than I was.

Weiss: I'm just saying that's the....

Volkmer: I understand why we're trying to change it.

Brown: This is a hearing. We're here to hear comments. Are there other comments from the board?

Yates: One thing that's always troubled me on this is most of it's exactly what Mr. Friesen said; making up the rules as we go along. I think it would be nice to know that if we do start to lose water..our water table drops and we go into trigger, it would be nice for people to know a year or two... to be planning toward that, to know what they're up against. There's not enough time in there you know if somebody's thinking about converting to a pivot you know and you don't have much time in there. That's sort of my thinking on it. Mr. Friesen he just, you know, that's the one thing that's bothered me more than anything on changing this. And I'm not saying we should leave it at 16 or anything like that but it seems sometimes with government entities, I'm speaking more of the federal government, it seems like they're always changing the rules after the fact, you know. And it's always nice to have a little bit of a heads up what we're up against a year or two down the road. So we can plan. That's the one thing that bothers me more than anything on this.

Brown: Thank you Lynn. John?

Miller: I guess another thing that just kind of dawned on me, for other users we do set a historic withdrawal over three years. They would know what they are being allocated against. For ag users it's what the board wants at the time. It doesn't say whether it's three years, history, five years or ten years, or one year. There's no base for a producer to try and figure out where that allocation may be set.

Brown: Thank you John. Any other comments on Rule 5 for the Board? Any other comments for Rule 5? If not I will close this hearing and then we will go into discussion and consideration of adoption of Rule 5 for the purpose of changes.

Brown officially closed the hearing at 2:00 p.m.

Turnbull asked DeBuhr to review the proposed Order of Adoption for changes to Rule 5. DeBuhr reviewed the proposed Order. He advised the Board that they could make additional amendments to Rule 5 at this time and that if they chose to make changes to Rule 5 that a motion to adopt the changes would be in order.

It was moved by Moore and seconded by Bruns to direct the Chairman to sign the Order of Adoption No. 2010-1 for District Rule 5, with an effective date of June 1, 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Teegerstrom, Brown

NAY: Luebbe, Miller, Nuss, Stahly, Volkmer, Weiss, Yates

NOT PRESENT: Houdersheldt, Regier

**ITEM 8. PUBLIC HEARING FOR PROPOSED CHANGES TO DISTRICT RULE 4.**

Chairman Brown opened the public hearing to consider proposed changes to District Rule 4 at 2:03 p.m. Brown stated for the record that the notice of this public hearing was published for three consecutive weeks. The dates of publication were January 27, February 3 and February 10, 2010. Brown asked DeBuhr to review the proposed changes to Rule 4.

DeBuhr: My name is Rod DeBuhr. I'm Water Department Manager for the District. Board members have a copy of Rule 4 in front of them. The basic reasoning behind these changes is to simplify, or clarify the definition of improper irrigation runoff. As the Board is familiar we've had some issues in past years with the District, both staff and Board, becoming more of a mediator between neighborhood disputes rather than really being concerned about conservation of water. And we felt it was appropriate to, after reviewing the statutes, to bring these rules more in line with what the legislative intent of that law was. The changes, the first change is in the definition, and I would like to go over the additions first. Paragraph 05 where we define gravity irrigation. I'm not going to read these, they're fairly straight forward. Paragraph 13 which defines sprinkler irrigation. Paragraph 14 which describes subsurface drip irrigation. And then the major change is on the definition of improper runoff on page 3, paragraph 09, which would now with the deletions, would read "Improper irrigation runoff means the occurrence of irrigation runoff water which contributes to the waste of groundwater." It deletes all of the other language such as accumulation on another person(s) property, and so forth. Another change occurs on page 5 where we talk about procedures and measures that must be included in the plan. One or more of the following. We added irrigation scheduling and then list others and deleted blocking end rows. That does not mean they couldn't be part of the plan; they just don't have to be part of the plan. And then on the last page, page 6 in Chapter 11 Agreements Between Groundwater Users. There was language in there that matched the definition of improper irrigation runoff, which we deleted in the definitions, so we deleted it again here. I believe those are all the changes. I'd be happy to answer questions, if there are any.

Brown: Okay, thank you Rod. You heard the changes to Rule 4 on irrigation runoff. Open for comments from the Board. Okay. Open to comments from the public for the change to Rule 4. Are there any comments for changes to Rule 4? If not, then Rod you must have done a pretty good job.

Moore: Mr. Chairman I move the Board adopt the proposed changes.

Brown: We have to close the hearing first.

Moore: Okay.

Brown: But, I'm ready to do that if there are no comments.

DeBuhr: There is a similar Order for this one.

Brown: Okay, hearing no comments, I'll close the hearing for the adoption of Rule 4 changes.

Brown officially closed the public hearing at 2:08 p.m.

It was moved by Moore and seconded by Dickinson to direct the Chairman to sign the Order of Adoption No. 2010-2 for District Rule 4, with an effective date of June 1, 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: Nuss, Volkmer

NOT PRESENT: Houdersheldt, Regier

#### **ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on February 11, 2010 and presented the committee's recommendations.

#### **ITEM 10. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Teegerstrom that land treatment program payments totaling \$8,237.01 be made for two NSWCP applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Moore, Regier

#### **ITEM 11. 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 Projects and Programs Committee a plan for planting trees at the Edgerton Park/Mitchell Field and Refshauge Park/Field. The plan is to replace the dead Austrian Pine with Norway Spruce, Concolor Fir, Ponderosa Pine, and Domingo Pine. The City of Aurora's Parks Department would remove the dead trees and plant the new trees. Their plan is to plant 20 trees at an approximate cost of \$112.50 each for a total cost of \$2,250.00. 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 Edgerton Park/Mitchell Field and Refshauge Park/Field in the amount of 25% of the estimated total cost of \$2,250, and the District's share not exceed \$565.00. 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 12. NEBRASKA PUBLIC POWER DISTRICT EASEMENT AT RECHARGE LAKE.**



Dennis Ditloff with the Nebraska Public Power District met with the Project & Program Committee to review the easement for an electric transmission line located on the south line of Irregular Tract Number 22, located in the South Half of the Northeast Quarter of Section 2, Township 10 North, Range 3 West of the 6<sup>th</sup> P.M., York County Nebraska; all being a part of the Bruce L. Anderson Recreation Area located at Recharge Lake.

Nebraska Public Power District shall have the following rights:

1. Shall have the right of ingress and egress operation and maintenance etc.
2. Shall have the right to cut and remove trees within the easement area.
3. Shall pay for any damages caused by the construction of the electric transmission line.

A total of .26 acres is involved on the easement area. A total of four power poles and two anchors are to be placed on the easement area. The District will be paid \$600.00 for granting the easement.

It was moved by Eberle and seconded by Yates that the Chairman of the Upper Big Blue Natural Resources District be authorized to sign the easement for the electric transmission line located on the south line of Irregular Tract Number 22, located in the South Half of the Northeast Quarter of Section 2, Township 10 North, Range 3 west of the 6<sup>th</sup> P.M., York County, Nebraska, located on the Bruce L. Anderson Recreation Area at Recharge Lake for a sum of \$600.00. 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 13. BRUCE L. ANDERSON RECREATION AREA CONCEPTS A & B OF PROJECT LAYOUTS BY SCHEMMER ASSOCIATES, INC.**

Matt Sutton of Schemmer Associates, Inc. presented the committee with two different layouts for upgrading the Bruce L. Anderson Recreation Area at Recharge Lake. The committee also discussed constructing Concept A in two different phases.

Concept A consisted of the following for a preliminary cost of \$612,000.00; Concept B - \$643,000.00:

#### Both Concepts Include:

- |                         |  |
|-------------------------|--|
| 1. 12 RV Parking Stalls | 7. Picnic Tables                         |
| 2. Restroom and Shower  | 8. Grills                                |
| 3. (2) Picnic Shelters  | 9. Electric hook-up to RV parking stalls |
| 4. Dump Station         | 10. Clearing, Grubbing, Grading          |
| 5. Amphitheater         | 11. Water Service to Restroom/Shower     |
| 6. Landscaping – Trees  | 12. Septic/Sewer at Restroom/Shower      |

It was moved by Eberle and seconded by Nuss that the Upper Big Blue Natural Resources District proceed with final design using Concept A with the following changes, removing the shower, leach field

and the RV dump station and to centrally locate the restroom. Following a brief discussion about the cost of the dump station, possible problems with illegal dumping, and the convenience of a dump station located near the bypass, it was moved by Buller and seconded by Stahly to amend the motion to put the dump station back into the final design. The amendment carried.

AYE: Austin, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Stahly, Weiss, Yates, Brown

NAY: Bruns, Luebbe, Teegerstrom, Volkmer

NOT PRESENT: Houdersheldt, Regier

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Weiss, Brown

NAY: Bruns, Yates

NOT VOTING: Volkmer

NOT PRESENT: Houdersheldt, Regier

#### **ITEM 14. PAYMENT TO SCHEMMER ASSOCIATES, INC.**

Schemmer Associates, Inc. has been hired by the District to do the preliminary design and topographic survey work for upgrading the recreation area at the Bruce L. Anderson Recreation Area at Recharge Lake. The preliminary design work was estimated to cost \$12,700.00, and the topographic survey was estimated to cost \$3,600.00. Schemmer Associates, Inc. has submitted a bill for \$6,902.00 which includes the following costs; preliminary design \$3,302.00 and topographic survey \$3,600.00.

It was moved by Eberle and seconded by Miller that the Upper Big Blue Natural Resource District make payment of \$6,902.00 to Schemmer Associates, Inc. for the preliminary design and topographic survey work completed as of December 31, 2009. 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 15. PROJECT AND PROGRAMS REPRESENTATIVE ON EXECUTIVE COMMITTEE.**

It was moved by Eberle and seconded by Volkmer that Mike Nuss serve on the Executive Committee representing the Project & Program Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Houdersheldt, Regier

**ITEM 16. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Weiss reported that the Water & Regulations Committee met on February 11, 2010 and presented the committee's recommendations.

**ITEM 17. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

There are seven final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$3,008.65.

It was moved by Bruns and seconded by Stahly that the District make cost-share payments for seven well abandonments, as reviewed by the Committee, totaling \$3,008.65. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Regier

**ITEM 18. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 2,104.8 acres. This brings the total certified acres to 1,157,705.3.

It was moved by Weiss and seconded by Dickinson that the Board certify the February 2010 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Bruns

NOT PRESENT: Houdersheldt, Regier

**ITEM 19. GROUNDWATER TRANSFER AUTHORIZATION.**

The Committee reviewed a request by Mike Kamler and Charles Dondlinger for a transfer authorization to transfer groundwater from the NE1/4 of Section 15-T6N-R4W, using existing well G-006082, to irrigate 12 acres in the SW1/4 of Section 14-T6N-R4W, all in Fillmore County. The proposed transfer meets all of the requirements of the District's transfer regulations.

It was moved by Weiss and seconded by Stahly to approve transfer authorization T-11 requested by Mike Kamler and Charles Dondlinger in Sections 14 and 15-T6N-R4W, Fillmore County. 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. CHEMIGATION YEAR END SUMMARY.**

The committee reviewed the summary of the 2009 chemigation permits. Forty-six new and 281 renewal permits were issued. The District collected \$4,200 in permit fees. Payment of \$794.00 is due the Nebraska Department of Environmental Quality for their share of the permit fees.

It was moved by Weiss on behalf of the committee and seconded by Volkmer to pay the Nebraska Department of Environmental Quality \$794.00 for their share of the 2009 chemigation permit fees. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom,  
Volkmer, Yates, Brown

NAY: Weiss

NOT PRESENT: Houdersheldt, Regier

#### **ITEM 21. PAYMENT TO CENTRAL DISTRICT HEALTH DEPARTMENT.**

Central District Health Department conducted 205 nitrate analyses for the District during 2009 at \$6.00 each for a total \$1,230.00.

It was moved by Weiss and seconded by Bruns to pay the Central District Health Department \$1,230.00 for nitrate analyses conducted during 2009. 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

#### **ITEM22. NO-TILL MEETING CATERING BILLS.**

The District sponsored No-Till Seminars in York, Grand Island and Columbus on January 20, 21 and 22. The Grand Island and Columbus meetings were held jointly with the Central Platte, Lower Loup and Lower Platte North NRDs. The District has received catering bills for the York and Grand Island meetings. Kerry's Restaurant of McCool Junction catered the York meeting at a cost of \$982.50 and Whitefoot Market, Inc. Catering of Boelus catered the Grand Island meeting at a cost of \$525.00. The Central Platte NRD has been billed for one-half of the Whitefoot Market, Inc. Catering bill.

It was moved by Weiss and seconded by Volkmer to pay Kerry's Restaurant \$982.50 and pay Whitefoot Market, Inc. Catering \$525.00 for catering of the York and Grand Island No-Till meetings. 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 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on February 11, 2010 and presented the committee's recommendations.

### **ITEM 24. PLATTE RIVER MODELING.**

Turnbull, Bitner and DeBuhr met with Brian Dunnigan, Jim Schneider, Doug Hallam, and Jesse Bradley of the Department of Natural Resources on January 29. Problems have been discovered with the Platte River Groundwater Model that was completed and submitted to DNR in 2005. Possibly options are to try to fix the original Platte model or build a new Platte River Groundwater Model for Adams, Hamilton, Polk and Butler Counties. Turnbull advised DNR that the best route would be to expand the existing Blue Basin Model to include the Platte River area of Adams, Hamilton, Polk and Butler Counties. Brian Dunnigan agreed to that plan. The purpose of the additional groundwater modeling is to define the 10/50 hydrologically connected boundary on the south side of the Platte River.

### **ITEM 25. HEMENWAY GROUNDWATER ENGINEERING INVOICE FOR BLUE BASIN MODELING.**

A bill for \$2,520.00 has been received from Courtney Hemenway for review work on the Blue Basin Model.

It was moved by Bruns and seconded by Luebbe to approve payment of \$2,520.00 to Hemenway Groundwater Engineering for work completed on the Blue Basin Groundwater Model. 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 26. BROWN AND CALDWELL PROPOSAL FOR PLATTE RIVER BASIN BASE FLOW CALCULATIONS.**

Bitner reviewed the groundwater modeling effort for the Platte Basin, which is the expansion of the Blue Basin Model. Part of the work will require an analysis of Platte River flows. The analysis needed is to figure out what part of the flow in the Platte River and its tributaries comes from groundwater. He recommended that the firm of Brown and Caldwell be hired to conduct this baseflow separation study. This is the same firm that did the technical work for the NRDs in the fully appropriated review for the Lower Platte River Basin. Brown and Caldwell estimate the cost of the Baseflow Separation Study to be

It was moved by Bruns and seconded by Dickinson to hire Brown and Caldwell, Inc., of Phoenix, Arizona, to conduct the Baseflow Separation Study of the Platte River for a fee not to exceed \$50,967.00. 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 27. LOWER PLATTE NORTH SALARIES REIMBURSEMENT.**

An invoice in the amount of \$7,611.62 has been received from the Lower Platte North NRD for salaries for the past six months. The reimbursement requested for the Butler County NRCS secretary’s wages and benefits is \$7,186.44 and \$425.18 for technician’s wages.

It was moved by Bruns and seconded by Austin to approve payment for NRCS office salaries of \$7,611.62 to the Lower Platte North NRD for the first half of FY 2010. 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 28. PAYMENT TO COMPUTER CONCEPTS FOR COMPUTER SERVER.**

A bill has been received from Computer Concepts for the new server. The technician continues to work on the installation and to test the system. Turnbull recommends approval of the bill submitted. If it is approved then the check will be held until the installation is complete and the system is operating satisfactorily.

Computer Concepts Estimate		
	Quote	Actual
Server	\$9,890.00	\$9,890.00
SMB 2008 software /w 5 lic.	\$899.00	\$899.00
extra users per license	\$1,698.00	\$1,698.00
LTO 2 Tape Drive	\$1,099.00	\$1,099.00
Backup Exec SMB	\$599.00	\$599.00
200/400 MB tapes ea.	\$312.00	\$390.00
		10 tapes instead of 8
<b>Equipment TOTAL</b>	<b>\$14,497.00</b>	<b>\$14,575.00</b>
Estimated installation	\$ 1,500.00	\$3,225.00
		To date
<b>TOTAL</b>	<b>\$15,997.00</b>	<b>\$17,800.00</b>

It was moved by Bruns and seconded by Austin to approve payment of \$17,800.00 to Computer Concepts of Grand Island for the new server and installation, but to withhold payment until the server is operational. 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 29. PAYMENT TO YORK PRINTING FOR THE BLUEPRINT NEWSLETTER.**

A bill for \$7,859.70 has been received from York Printing for printing the Blueprint newsletter.

It was moved by Bruns and seconded by Stahly to approve payment of \$7,859.70 to York Printing for the Blueprint newsletter. 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 30. FINANCIAL REPORT JANUARY 1-31, 2010 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2010.**

Turnbull reviewed the financial report for the period January 1, 2010 to January 31, 2010 that was distributed. It was moved by Eberle and seconded by Yates to accept the financial report for January 2010 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, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Regier

**ITEM 31. TRAILBLAZER RC&D REPORT.**

Steve Meyer, Coordinator for the Trailblazer RC&D, handed out the 2009 annual report to the board and reviewed some of their RC&D's projects during the past year.

**ITEM 32. TRAILBLAZER RC&D REPRESENTATIVES.**

It was moved by Miller and seconded by Stahly to appoint Merlin Volkmer as the Representative for the Trailblazer RC&D. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom,  
Weiss, Yates, Brown

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Houdersheldt, Regier

It was moved by Miller and seconded by Weiss to appoint Lynn Yates to serve as the Alternate for the Trailblazer RC&D. 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

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 or the District held February 18, 2010, 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.

---

Linda Luebbe, Secretary

:ndb



**BOARD OF DIRECTORS MEETING**  
**March 18, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 18, 2010 at 1:30 p.m. in 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, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Russ Gierhart, Marie Krausnick, Courtney Woodman, Eugene Ulmer, and Jim Husbands 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 March 11, 2010 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Regier and Stahly requested that their absence from the March 18, 2010 board of directors meeting be excused.

It was moved by Volkmer and seconded by Eberle to excuse the absence of Bill Stahly and Ken Regier from the March 18, 2010 Board of Directors meeting as requested. 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 4. \*ADOPTION OF CONSENT AGENDA.**

It was moved by Dickinson and seconded by Miller to adopt the consent agenda. 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 5. \*ADOPTION OF AGENDA.**

It was moved by Dickinson and seconded by Miller to approve the agenda for the March 18, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier, Stahly

**ITEM 6. \*APPROVAL OF MINUTES OF THE FEBRUARY 18, 2010 BOARD OF DIRECTORS MEETING AND PUBLIC HEARINGS FOR DISTRICT RULE 5 AND RULE 4.**

It was moved by Dickinson and seconded by Miller to approve the minutes of the February 18, 2010 board of directors meeting and public hearings for District Rule 5 and District Rule 4. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier, Stahly

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

Eberle reported that the Projects and Programs Committee met on March 11, 2010 and presented the committee's recommendations.

**ITEM 8. NEBRASKA SOIL & WATER CONSERVATION PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that land treatment program payments totaling \$7,504.66 be made for two NSWCP applications, as reviewed by the Committee. 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 9. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Miller that payments totaling \$4,382.78 be approved for six 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, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier, Stahly

**ITEM 10. WILD NEBRASKA CONTRACT PAYMENT - MEL TAYLOR.**

This project, under Wildlife Extension Agreement (WEA) NE-64850-07-28, is part of a larger Rainwater Basin Joint Venture partnering effort that will restore habitats, but will also protect 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. Easement costs and incentives are being paid by other partners as noted in the Wildlife Extension Agreement.

The District made a partial payment of \$8,984.78 in November 2009. The NRD share was \$2,246.19 and the Game & Parks share was \$6,738.59. The remaining Wild Nebraska payment under this agreement is \$4,315.22. The NRD share of the remaining is \$1,053.81 and the Game & Parks share is \$3,261.41.

It was moved by Eberle and seconded by Yates that the Upper Big Blue Natural Resources District make final payment of \$4,315.22 on the Wild Nebraska contract #397 to Melvin W. Taylor for the renovation and wetland reestablishment work completed on the wetland located in the SW1/4 of Section 30, T8N-R1W Fillmore County, Nebraska. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: Bruns

NOT PRESENT: Regier, Stahly

**ITEM 11. COMMUNITY NATIVE GRASS RESOURCES PROGRAM – CROSS COUNTY PUBLIC SCHOOL.**

This program offers financial assistance to public entities for establishing native grass plantings that would be beneficial to lands surrounding wastewater treatment lagoons, lands within a wellhead protection area, and areas suitable for wildlife habitat improvement. The area to be seeded to warm season grass is 21 acres.

The purpose of this project is to restore, enhance and manage grassland habitat for the benefit of wildlife and student education. Resident wildlife, certain migratory birds and pollinators will benefit from the enhanced value of this habitat. As important is the opportunity for the students of Cross County School to observe and study the values of a diverse, native grassland habitat to various wildlife species. There are considerable curriculum-based learning opportunities available if the site is used as an outdoor classroom/laboratory. These opportunities can be tailored by individual teachers to the appropriate age group or level of students.

The plans are to complete the project this spring (2010). The estimated cost of completing this project is \$3,666.00 which includes herbicide treatment on invasive vegetation, planting mixture, planting of the grass, and sign. The seed mix is estimated to cost \$2,100.00 or \$100.00 per acre.

The cost of the grass seed will be split equally between the Nebraska Game & Parks Commission, Pheasants Forever, and the Upper Big Blue Natural Resources District. Cross County School will be responsible to treat the invasive vegetation and prepare and plant the grass seed. The Upper Big Blue Natural Resources District total share of the project cost would be \$700.00.

It was moved by Eberle and seconded by Teegerstrom that the Upper Big Blue Natural Resources District enter into an agreement with the Cross County Public School and fund the Community Native Grass Resources Program at a cost not to exceed \$700.00. 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 12. SCHEMMER ASSOCIATES, INC. PAYMENT – ANDERSON RECREATION AREA PRELIMINARY DESIGN TOPOGRAPHIC SURVEY.**

Schemmer Associates, Inc. has been hired by the District to do the preliminary design and topographic survey work for upgrading the Recreation Area at Recharge Lake. The preliminary design work was estimated to cost \$12,700.00, and the topographic survey was estimated to cost \$3,600.00.

The District made a payment of \$3,600.00 for topographic survey work completed and \$3,302.00 for preliminary design completed as of December 31, 2009. Schemmer Associates, Inc. has submitted a bill of \$9,398.00 for the preliminary design work completed through January 31, 2010.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Natural District make payment of \$9,398.00 to Schemmer Associates, Inc. for the preliminary design work completed as of January 31, 2010. 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 13. FINAL DESIGN PROPOSAL – SCHEMMER ASSOCIATES, INC – ANDERSON RECREATION AREA AT RECHARGE LAKE.**

The District has received a proposal from Schemmer Associates, Inc. to do the final design on the Anderson Recreation Area at Recharge Lake. The final lump sum bid was \$2,350.00 for additional topographic survey work for the dump station and \$49,965.00 for final design and bid phase services for a total not to exceed \$52,315.00.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Resources District enter into an agreement with Schemmer Associates, Inc. to do the final design for the proposed recreation facilities at the Anderson Recreation Area at Recharge Lake at a cost not to exceed \$52,315.00. 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 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on March 11, 2010 and presented the committee's recommendations.

**ITEM 15. WELL SPACING VARIANCE REQUEST.**

Duane Merkel was present at the Water and Regulations Committee meeting to request that a variance for well spacing be granted for his proposed well in Section 36-T9N-R7W, Hamilton County. District Rule 5, Chapter 10 –Water Well Spacing requires that a well be constructed a minimum of 1,000 feet from other wells under different ownership. Mr. Merkel's proposed well site is approximately 700 feet from a well owned by Scherff Farms. Mr. Merkel did obtain a waiver from Scherff Farms. A well owned by Irene Ochsner is approximately 930 feet from the center of Mr. Merkel's property. Ms. Ochsner has not signed a waiver. After some discussion a motion was made in committee to grant the variance. The committee motion did not receive a second.

It was moved by Volkmer and seconded by Austin that a well spacing variance requested by Duane Merkel for construction of a well in the SW1/4 of Section 36-T9N-R7W be denied. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Teegerstrom, Volkmer, Yates, Brown

NAY: Nuss, Weiss

NOT PRESENT: Regier, Stahly

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

There are two final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$987.39.

It was moved by Dickinson and seconded by Miller that the District make cost-share payments for two well abandonments, as reviewed by the Committee, totaling \$987.39. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier, Stahly

**ITEM 17. 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 \$2,500.00. 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 18. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 16,479.4 acres which brings the total certified acres to 1,158,869.1.

It was moved by Volkmer and seconded by Miller that the Board certifies the March 2010 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, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier, Stahly

#### **ITEM 19. POTENTIAL FLOWMETER PROGRAMS.**

The District is now in the mandatory reporting phase of the Groundwater Management Area Rules and Regulations. The Nebraska Environmental Trust grant for flowmeter cost-share will close at the end of the fiscal year. Flowmeters are mandatory for all new well construction. There are now approximately 4,200 metered wells in the District. DeBuhr recommends that the District develop programs that will; (1) - maintain the quality of groundwater withdrawal data, (2) - encourage the repair and/or replacement of existing flowmeters that are not functioning properly, and (3) - encourage the continued adoption of flowmeters for currently unmetered wells.

#### **PART I – MAINTENANCE PROGRAM.**

Just like any machine, without regular maintenance meters will begin to fail. Several other NRDs currently offer meter maintenance. The staff has researched the types of programs that are being offered by others. Based on these findings and number of meters the District is potentially dealing with, DeBuhr recommends that the District develop a program with the following elements: Routine maintenance would be offered for all meters at District cost. Meters would be inspected and serviced on a 4 year rotation. A register canopy would be provided for old meters that don't have one. The cost would be approximately \$15-\$25 each. The District would contract with a service provider(s) or do the service with staff or a combination of both. Estimated cost is \$40,000 to 50,000 per year.

#### **PART II –REPAIR PROGRAM.**

About one-fourth of the meters currently in use were installed more than a decade ago. Many of these

meters were not serviced on a regular basis, if at all. DeBuhr recommends that the District offer assistance for the repair of meters. The NRD would cost-share 50% up to \$150 per meter for meters that are no longer under warranty. The meter must be in the maintenance program. A meter would not be eligible for repair more than once every 4 years. The estimated cost would be \$40,000 to 50,000 per year.

### **PART III – FLOWMETER COST-SHARE.**

Water withdrawal data from metered wells is more accurate than those who are estimating hours. Several irrigators have expressed interest in meter cost-share beyond the one per landowner that was allowed with the NET grant. DeBuhr feels the Board should consider a meter cost-share program to encourage their use. The NRD would cost-share \$300 per meter for irrigation wells. Cost-share would apply to voluntary installations only. The meter must be part of the routine maintenance program. Meters that were repaired with NRD cost-share would not be eligible for 4 years. The estimated cost would be \$70,000 to 80,000 per year.

The total estimated cost, if all three phases are adopted, would be \$150,000 - \$180,000 per year.

It was moved by Volkmer and seconded by Bruns to authorize the staff to develop a flowmeter maintenance, repair and cost-share program for the Board's consideration and include funding in first draft of the FY2010-11 Water Department budget. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Volkmer, Weiss, Brown

NAY: Austin, Buller, Nuss, Teegerstrom, Yates

NOT PRESENT: Regier, Stahly

### **ITEM 20. CROP-TIP SEMINAR CATERING.**

This year's CROP-TIP Seminar was held on February 16. Kerry's catered the morning and afternoon breaks and lunch. They have billed the District \$822.00.

It was moved by Volkmer and seconded by Luebbe to pay Kerry's Restaurant and Catering, Inc. \$822.00 for catering the February 16, 2010 CROP-TIP Seminar. 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 21. CROP-TIP SEMINAR VIDEOGRAPHY.**

Chaves Videography recorded the CROP-TIP Seminar and made copies of the video. A bill has been received for \$742.50.

It was moved by Volkmer and seconded by Yates to pay Chaves Videography \$742.50 for videography services at the CROP-TIP Seminar. 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 22. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on March 11, 2010 and presented the committee's recommendations.

**ITEM 23. GROUNDWATER MODEL REVIEW.**

Jay Bitner briefed the Executive Committee on the need to extend the contract with Hemenway Groundwater Engineers for the review work on the river basin groundwater model. The existing contract was authorized for \$25,000. There is a balance of \$3,399.04 on the contract, but it is not enough to do the review of the expanded Blue Basin Model currently being developed. Bitner recommends a contract extension of an additional \$15,000. The total authorization would now be \$40,000.

It was moved by Bruns and seconded by Houdersheldt to approve the \$15,000 contract extension with Hemenway Groundwater Engineering, Inc. for a total not to exceed \$40,000.00, in order to conduct the Expanded Blue Basin Groundwater Model Review and consulting for the District. 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 24. JULY BOARD MEETING DATE.**

John Turnbull requested that the Board change the July board meeting date from July 15 to July 22 to allow time for the year-end financial data to be compiled.

It was moved by Bruns and seconded by Austin to schedule the July committee meetings for the week of July 12 and the Board meeting for July 22, 2010. 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 25. FINANCIAL REPORT FEBRUARY 1 -28, 2010 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2010.**

Turnbull reviewed the financial report for the period February 1, 2010 to February 28, 2010 that was distributed. It was moved by Houdersheldt and seconded by Volkmer to accept the financial report for



February 2010 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,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Regier, Stahly

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 or the District held March 18, 2010, 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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Linda Luebbe, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**April 15, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 15, 2010 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Scott Snell, Jeff Ball, Nancy Beach, Eugene Ulmer, Doug Hallum of NDNR 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 April 8, 2010 in the York News-Times.

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

Sixteen directors were present during roll call.

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

It was moved by Stahly and seconded by Miller to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

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

It was moved by Stahly and seconded by Miller to approve the agenda for the April 15, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

**ITEM 5. \*APPROVAL OF MINUTES OF THE MARCH 18, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Miller to approve the minutes of the March 18, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

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

Eberle reported that the Projects and Programs Committee met on April 8, 2010 and presented the committee's recommendations.

**ITEM 7. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Houdersheldt that land treatment program payments totaling \$6,587.95 be made for two NSWCP applications and one NRD application, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 8. YORK COUNTY HAZARD MITIGATION PLAN.**

The York County Multi-Jurisdictional Hazard Mitigation Plan is complete. Jeff Ball gave a summary of the plan to the Projects and Programs Committee and reviewed York County's recommended resolution to adopt the plan. Staff recommends the resolution be adopted by the Board.

It was moved by Eberle and seconded by Austin that the Upper Big Blue NRD approve the resolution reviewed by the committee to adopt the York County Multi-Jurisdictional Hazard Mitigation Plan. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 9. LOWER PLATTE NORTH NRD HAZARD MITIGATION PLAN.**

The Lower Platte North NRD Multi-Jurisdictional Hazard Mitigation Plan has been completed. Ball presented a summary of potential future projects included in the plan and a proposed resolution for adopting the plan. Staff recommends that the Board adopt the resolution.

It was moved by Eberle and seconded by Miller that the Upper Big Blue NRD approve the resolution reviewed by the committee to adopt the Lower Platte North NRD Multi-Jurisdictional Hazard Mitigation Plan. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 10. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on April 6, 2010 and presented the committee's recommendations.

**ITEM 11. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

It was moved by Stahly and seconded by Miller that the District make cost-share payment for one well abandonment, as reviewed by the committee, at a cost of \$500.00. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 12. 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 \$2,392.68. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed 3,054 irrigated acres to be certified. This brings the total certified acres to 1,158,917.8.

It was moved by Volkmer and seconded by Regier that the Board certifies the April 2010 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 14. UPPER PLATTE BASIN INTEGRATED MANAGEMENT PLAN EXTENSION OF TIME.**

The Department of Natural Resources has requested an extension of time to complete the Joint Integrated Management Plan. This request is for a one year extension to April 21, 2011. The plan must be completed by then.

It was moved by Volkmer and seconded by Regier to approve the Department of Natural Resources request for extension of time to complete the Upper Platte Basin Integrated Management Plan. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 15. IRRIGATION SCHEDULING DEMONSTRATION.**

The Water & Regulations Committee reviewed the proposed agreement with John Kaliff for an irrigation scheduling demonstration in the E1/2 of Section 25-T12N-R3W, York County. The District staff will schedule irrigation for one center pivot using Watermark sensors and ETgage data. Mr. Kaliff and his crop consultant will schedule irrigation for the other pivot. Flowmeters will be installed on both wells. The agreement provides that Mr. Kaliff would be compensated if there is a difference in yield greater than 5 bushels per acre. The cost of flowmeters would be included in any compensation that occurred in the first year. Provisions nullifying the compensation due to insect, disease or weather related damages are also included in the agreement.

It was moved by Volkmer and seconded by Yates to approve the agreement with John Kaliff for the purpose of conducting an irrigation scheduling demonstration in the E1/2 of Section 25-T12N-R3W, York County. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 16. SMARTFIELD SOIL MOISTURE TRANSMITTERS FOR WATERMARK SENSORS.**

Smartfield Company has developed a system for the collection of soil moisture data from Watermark sensors and providing World Wide Web access to the data for the user. The staff met with representatives of Smartfield Company, Little Blue NRD and Cooperative Extension to develop a program for testing and demonstrating the transmitters and Web system in 2010. Smartfield will

provide them at a reduced cost for the demonstration. A complete setup with a base station and transmitter will cost approximately \$950. If an irrigator already had a SmartCrop base station in 2009, the transmitter is a \$250 add-on.

The staff recommends that the District demonstrate the equipment at CROP-TIP, and identify 4 to 7 additional sites across the NRD. Participating irrigators would be asked to contribute fifty percent toward the equipment cost. The staff estimates the cost to be approximately \$4,000.

It was moved by Volkmer and seconded by Regier that up to \$4,000 is authorized for the 2010 Smartfield soil moisture transmitter and Web system demonstration. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 17. PAYMENTS TO IRROMETER COMPANY AND CLEMENTS ASSOCIATES FOR IRRIGATION SCHEDULING EQUIPMENT.**

The District has ordered and received irrigation equipment for resale from Irrrometer Company for \$29,078.15 and from Clements Associates, Inc. for \$11,506.47.

It was moved by Volkmer and seconded by Austin that the District pay Irrrometer Company \$29,078.15 and Clements Associates, Inc. \$11,506.47 for irrigation scheduling equipment for resale. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on April 8, 2010 and presented the committee's recommendations.

#### **ITEM 19. PERSONNEL.**

Turnbull requested that the Board go into Executive Session so that he could brief them on personnel matters.

It was moved by Nuss and seconded by Stahly to go into Executive Session at 8:05 p.m. for the purpose of updating the Board on personnel matters. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

It was moved by Volkmer and seconded by Houdersheldt to return to regular session at 8:18 p.m. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 20. ADVERTISEMENT FOR BIDS TO REPLACE VEHICLE.**

The 2007 Ford half-ton pickup was wrecked March 17, 2010. One of the District's employees hit a parked pickup in York. No injuries occurred in the accident; however both vehicles were totaled by the insurance company. The District vehicle had 32,787 miles on it. It was purchased in 2007 for \$18,758. The insurance settlement, after the \$250 deductible, was \$17,905. The other party has also been paid by the insurance company. Staff recommends that the pickup be replaced.

It was moved by Bruns and seconded by Yates to authorize the staff to advertise for bids for a new half-ton extended cab 4x2 short box pickup. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 21. PERSONNEL POLICIES – FEDERAL GRANT REQUIREMENTS.**

Since the Upper Big Blue Natural Resources District has a Federal Aid Project (Seward West Trail Project), the Nebraska Department of Roads (NDOR) requires that the District adopt resolutions, policies and an agreement for compliance with Title VI of the Civil Rights Act - ADA (Americans with Disability Act) and Section 504 of the Rehabilitation Act. The District's Federal Aid Project cannot advance unless the District has the Title VI Plan and an ADA/504 Policy in place. The Committee reviewed the policies and resolutions and forwarded recommendations to the board that they be adopted.

On April 13, 2010, following the Executive Committee meeting, staff met with representatives from the NDOR to discuss the status of the project and tour the site of the proposed trail. Turnbull recommended that the Committee review the policies further, prior to their adoption.

It was moved by Houdersheldt and seconded by Moore to refer all four of the Executive Committee recommendations (agenda items a, b, c, and d under Personnel Policies – Federal Grant Requirements) back to the Executive Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

**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 Stahly and seconded by Miller to approve payment of first quarter directors' per diem of \$9,380.00 and expenses of \$3,179.97. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

**ITEM 23. NARD WASHINGTON D.C. TRIP BILLING.**

A bill has been received from the NARD for hotel and meeting expenses for Steve Buller, Roger Houdersheldt and John Turnbull for the Washington D.C. trip in March. The total is \$4,532.74. The participants from this District are responsible for \$1,654.55 of the bill.

It was moved by Bruns and seconded by Nuss to approve payment of \$4,532.74 to the NARD for hotel and meeting expenses for the 2010 Washington D.C. trip. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller, Houdersheldt

NOT PRESENT: Dickinson

**ITEM 24. FINANCIAL REPORT MARCH 1 - 31, 2010 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2010.**

Turnbull reviewed the financial report for the period March 1, 2010 to March 31, 2010 that was distributed. It was moved by Volkmer and seconded by Regier to accept the financial report for March 2010 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson

There being no other business the chairman adjourned the meeting at 9:27 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 April 15, 2010, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**May 20, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 20, 2010 at 7:30 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, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Jay Bitner, Scott Snell, Nancy Beach, Kris Ethridge of NRCS, Mike Anderson, Ardyth Anderson, Eldon Shetler, Vince Urban, and Steve Donovan.

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

Brown reported that we published the legal notice of the board of directors' meeting on May 13, 2010 in the York News-Times.

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

Sixteen directors were present during roll call.

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

Yvonne Austin requested an excused absence from the May 20, 2010 meeting due to illness.

It was moved by Nuss and seconded by Volkmer to excuse the absence of Yvonne Austin from the May 20, 2010 Board of Directors meeting as requested. 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 CONSENT AGENDA.**

It was moved by Regier and seconded by Stahly 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 5. \*ADOPTION OF AGENDA.**

It was moved by Regier and seconded by Stahly to approve the agenda for the May 20, 2010 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 6. \*APPROVAL OF MINUTES OF THE APRIL 15, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Regier and seconded by Stahly to approve the minutes of the April 15, 2010 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 7. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on May 13, 2010 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Dickinson that land treatment program payments totaling \$35,123.21 be made for 9 NSWCP applications and 4 NRD applications, as reviewed by the committee. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin

**ITEM 9. PAYMENT TO CARINO NURSERIES.**

The District purchased 3,605 trees from Carino Nurseries of Indian, Pennsylvania for resale.

It was moved by Eberle and seconded by Bruns that the Upper Big Blue Natural Resources District make payment of \$3,744.81 to Carino Nurseries for the purchase of 3,605 trees, including shipping. 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 10. PAYMENT TO YORK COLD STORAGE.**

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Natural Resources District make payment of \$646.80 to York Cold Storage for rental storage for trees from April 7 to April 30, 2010. 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 11. PAYMENT TO SCHEMMER ASSOCIATES – ANDERSON RECREATION AREA DESIGN.**

Schemmer Associates, Inc has been hired by the District to do the final design and topographic survey work for upgrading the recreation area at the Anderson Recreation Area at Recharge Lake. The final design work was estimated to cost \$49,965. Schemmer Associates, Inc. submitted a bill for \$7,494.75, which is 15% of the total.

It was moved by Eberle and seconded by Miller that the Upper Big Blue Natural Resources District make payment of \$7,494.75 to Schemmer Associates, Inc. for the final design work completed as of March 31, 2010. 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 12. PAYMENT TO LINCOLN-OAKES NURSERIES.**

The District purchased 6,700 trees and shrubs from Lincoln-Oakes Nurseries of Bismarck, North Dakota for resale.

It was moved by Eberle and seconded by Luebbe that the Upper Big Blue Natural Resources District approve payment of \$3,845.18 to Lincoln-Oakes Nurseries for the purchase of 6,700 trees and shrubs. 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 13. PAYMENT TO CITY OF AURORA FOR URBAN FORESTRY PROGRAM.**

On February 17, 2010 the Upper Big Blue NRD board agreed to fund tree planting at Edgerton Park/Mitchell Field and Refshauge Park/Field in Aurora in an amount not to exceed \$565. The city of Aurora has replaced the trees at a cost of \$2,241. 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 approve payment of \$560.25 for the tree planting at Edgerton Park/Mitchell Field and Refshauge Park/Field in the amount of 25% of the total cost of \$2,241.00. 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 14. VISITOR'S BUREAU GRANT FOR ANDERSON RECREATION AREA.**

On May 12 Turnbull submitted a grant application to the York County Visitors Bureau for funds to assist in the construction of an RV facility and other improvements at the Anderson Recreation Area. Turnbull met with the Visitors Bureau on the morning of May 19 to brief them on the proposed improvements at the Anderson Recreation Area and our grant request. Turnbull requested a grant in the amount of \$75,000 to be paid out over a 3-year period.

On May 20 the NRD received written notification that the grant was approved for \$75,000 to be paid out over 3 years in the amount of \$25,000 per year. The letter from the York County Visitors Bureau outlined the guidelines of the grant. We also received a letter of agreement which states that we will comply with the guidelines of the grant application, that we will acknowledge the York County Visitors Bureau in any advertising and that a permanent sign will be placed acknowledging the grant funds.

Turnbull reviewed the grant guidelines for the board and requested authorization to sign the letter of agreement.

It was moved by Moore and seconded by Miller to authorize the General Manager to sign the letter of agreement with the York County Visitors Bureau. 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 15. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMEMNDATIONS.**

Volkmer reported that the Water & Regulations Committee met on May 11, 2010 and presented the committee's recommendations.

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

There are nineteen final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$6,914.90.

It was moved by Regier and seconded by Stahly that the District make cost-share payments for 19 well abandonments, as reviewed by the committee, at a cost of \$6,914.90. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin

**ITEM 17. WETLANDS AMERICA TRUST GROUNDWATER TRANSFER REQUEST.**

The Water and Regulations Committee reviewed a groundwater transfer request by Wetlands America Trust. This matter was held over from the April committee meeting. The request is to transfer groundwater from Section 26-T7N-R6W to 40 acres in the NE1/4 of Section 35-T7N-R6W in Clay County. The Committee reviewed well logs of area wells and a groundwater transmissivity map of the area. Steve Donovan, representing the Trust, presented a map showing the location of irrigation wells to the south of the project in the Little Blue NRD. Mr. Donovan pointed out that there were irrigation wells closer to Mr. Shetler's well than the Wetlands America Trust wells, and that the water proposed to be pumped would be placed in wetlands near Mr. Shetler's property, where some could recharge the aquifer. Eldon Shetler expressed concern that there is limited groundwater in the area and that domestic wells already pump sand, especially during the irrigation season. The committee was given two letters and a memo concerning phone calls the NRD office received concerning the project. The committee reviewed a draft resolution that would approve the transfer with conditions. The motion to approve the transfer with specific conditions failed in committee.

It was moved by Volkmer and seconded by Bruns that the Wetlands America Trust Groundwater Transfer Authorization request be denied.

Moore expressed concern about the motion to deny the transfer because the request from Wetlands America Trust does meet all of the District's requirements. He said that was why he offered the proposed restrictions to the transfer request in Committee; specifically to limit the transfer to 24 acre feet annually and the pumping year from October 1 to March 15. He felt this was consistent with how requests from large water users have been treated. The Board has looked at the demands on the aquifer and based their allocation on that information. He said he would either like to see the motion defeated and the board discuss it further tonight or send it back to committee for further review.

Houdersheldt asked whether there had been other transfer requests in that area that had been approved. DeBuhr stated that Wetlands America Trust has another transfer just a couple of miles to the west of this one that we approved about three years ago. Houdersheldt wanted to know if there were any other transfers by landowners in that area. DeBuhr said there were but that these had occurred prior to the time the NRD required transfer permits.

Miller stated that the application says if the owner is not signing the application then we need a notarized statement giving the signator the right to sign. He asked whether we had received that statement. DeBuhr said the Wetlands American Trust representative signed it. Miller stated that unless that person is a trustee he is not an owner; he is an employee and therefore this is not a proper application.

Chairman Brown read a letter from Mike and Sheila Kruse of Clay Center opposing the approval of the transfer request for the Wetlands America Trust because they feel it will adversely affect their well and the wells of other landowners in the area.

Miller again raised a point of order that this is not a proper application. DeBuhr said that we would probably have to send this back to committee to get it resolved. He didn't think there was any question that Steve Donovan is an authorized representative of the trust, but if we want it in writing we would have to get that.

Steve Donovan said that if another signature is required on the application then he would do that, but he'll just be back next month.

It was moved by Moore and seconded by Regier to refer the matter back to the Water & Regulations Committee. The motion carried.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Regier, Stahly, Teegerstrom, Brown  
NAY: Luebbe, Miller, Nuss, Volkmer, Weiss, Yates  
NOT PRESENT: Austin

#### **ITEM 18. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed irrigated acres to be certified. It includes 95,416.1 acres. These certified acres changes were primarily due to changes in county assessor office re-measurements. There are 986 changes in the report.

It was moved by Volkmer and seconded by Regier that the Board certifies the May 2010 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, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Austin

**ITEM 19. AGRICULTURAL WATER ENHANCEMENT PROGRAM GRANT.**

The Natural Resources Conservation Service released the FY2010 AWEP grant request for proposals (RFP) in early April. The staff worked with the NRCS to prepare a proposal. The first priority area is the phase 2 management zones (Zones 5 and 6) in York and Hamilton Counties. The goal of the proposal is to provide financial incentives to cooperators to voluntarily convert thirty percent of the remaining gravity irrigation in Zones 5 and 6 to sprinkler and subsurface drip, schedule irrigation on 60,000 acres using real time soil moisture and crop ET data and convert 5,000 gravity irrigated acres to dryland. The grant is requesting a total of \$5,062,500 of federal funds over five years. The District would provide matching funding totaling \$762,500. These funds are a combination of existing staff time and cost-share assistance for irrigation scheduling equipment, land treatment funds, water well decommissioning funds and information and education activities. If there are not enough applications to use the available funds in the first priority area, funds would be made available in a second priority area, which includes all of the wellhead protection areas in the District. If funded, the project could also help other parts of the NRD, by freeing up EQIP dollars that would otherwise be used in the first priority area. The application deadline was May 17<sup>th</sup>, so the application has been submitted.

It was moved by Volkmer and seconded by Yates to make application for Agricultural Water Enhancement Program Grant funds. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Stahly, Volkmer, Yates, Brown

NAY: Moore, Regier, Teegerstrom, Weiss

NOT PRESENT: Austin

**ITEM 20. HASTINGS WELLHEAD PROTECTION AREA INTERLOCAL AGREEMENT.**

Hastings Utilities has requested that the City of Hastings, Little Blue NRD and the District enter into an Interlocal agreement for the activities related to the City's Wellhead Protection Area. The objective of the agreement is to conduct soil and water sampling in order to monitor and assess groundwater quality in support of wellhead protection.

It was moved by Volkmer and seconded by Regier to approve the Hastings Wellhead Protection Area Water and Soil Sampling Inter-local Cooperation Agreement. 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 21. KALIFF IRRIGATION SCHEDULING DEMONSTRATION – FLOW METER PAYMENT.**

A flow meter has been installed in Mr. Kaliff's irrigation supply line on each of the two wells that are part of the Kaliff Irrigation Scheduling Demonstration. The meters were purchased from Great Plains Meter, Inc. and they installed them in the existing pipes from the wells to the pivots. The total cost for two meters and installation was \$1,750.80.



It was moved by Volkmer and seconded by Stahly to pay Great Plains Meter, Inc. \$1,750.80 for two flow meters and installation for the Kaliff Irrigation Scheduling Demonstration. 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 22. VENDER PAYMENTS FOR IRRIGATION SCHEDULING EQUIPMENT.**

The District has ordered and received irrigation equipment for resale from Irrrometer Company for \$6,371.82 and from Clements Associates, Inc. for \$6,511.01.

It was moved by Volkmer and seconded by Regier that the District pay Irrrometer Company \$6,371.82 and Clements Associates, Inc. \$6,511.01 for irrigation scheduling equipment for resale. 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 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on May 13, 2010 and presented the committee's recommendations.

**ITEM 24. BIDS FOR 2010 PICKUP.**

The District advertised for bids for a 2010 Extended Cab 4 x 2 short box pickup. Six bids were received from five dealers. The District did receive an insurance settlement of \$17,905 for the loss of the 2007 Ford F-150 that was totaled in the March accident.

Dealer	Bid	Year, Make and Model	Delivery Time
Advantage Chevrolet Aurora, Nebraska	\$25,500	2010 Chevrolet Silverado 1500	6 weeks
John Kohl Auto Center York, Nebraska	\$24,471	2010 Chevrolet Silverado 1500	5 weeks
Sid Dillon Wahoo Wahoo, Nebraska	\$21,933 Option 1	2010 Chevrolet Silverado 1500	6 weeks
Sid Dillon Wahoo Wahoo, Nebraska	\$20,933 Option 2	2010 Chevrolet Silverado 1500 (work truck with painted bumpers)	6 weeks
Moses Ford York, Nebraska	\$21,515	2010 Ford F-150	8 – 10 weeks
Gene Steffy Ford Columbus, Nebraska	\$20,950	2010 Ford F-150	45 – 90 Days

It was moved by Bruns and seconded by Nuss to accept the bid of \$20,950 from Gene Steffy Ford, Columbus, Nebraska, for a 2010 Extended Cab 4 x 2 short box pickup as specified. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: Miller  
NOT PRESENT: Austin

**ITEM 25. AUTHORIZATION TO ADVERTISE FOR BIDS TO REPLACE VEHICLE.**

The 1997 Taurus presently has 134,000 miles on it. Money has been budgeted for its replacement for the last two years. John Turnbull recommends that it be traded in on a new mid-size sedan.

It was moved by Bruns and seconded by Volkmer to advertise for bids for a new 2010, with an alternate of a 2011, mid-size four-door sedan to replace the 1997 Taurus. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: Regier  
NOT PRESENT: Austin

**ITEM 26. FY 2010 AUDIT.**

Romans, Wiemer, and Associates submitted a quote in the amount of \$3,075 for conducting the FY 2010 audit. If a Federal Audit is required there would be an additional fee of \$900.

It was moved by Bruns and seconded by Houdersheldt to engage Romans, Wiemer and Associates to conduct the FY 2010 Audit for \$3,075 and an additional \$900 if a Federal Audit is required. 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 27. PAYMENT TO BROWN & CALDWELL FOR BASE FLOW SEPARATION STUDY.**

A bill has been received from Brown & Caldwell for work on the Platte River Base Flow Separation Study. The progress payment amount is \$13,283.25. The total contract amount is \$50,967.

It was moved by Bruns and seconded by Dickinson to approve payment of \$13,283.25 to Brown & Caldwell for work completed to date on the Platte River Base Flow Separation Study. 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 28. STREAMBED STUDY - CONSERVATION AND SURVEY AGREEMENT AMENDMENT.**

Jay Bitner briefed the Committee on the need for more river bed conductance testing by the Conservation and Survey Division for the Platte River groundwater modeling. The work is needed in the Platte Valley between Wood River and Columbus. The streams include Warm Slough, Silver Creek, Prairie Creek and the South Channel of the Platte. Dr. Xun-Hong Chen is in charge of the research. Changes in the work to be done will increase the total project cost by \$32,200. The original agreement price was \$34,000. The new total, if approved, would be \$66,200.

It was moved by Bruns and seconded by Yates to approve the amendment for streambed conductance testing to the Conservation and Survey Division Agreement for an additional \$32,200. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Austin

**ITEM 29. FINANCIAL REPORT APRIL 1 - 30, 2010 AND CONSIDERATION OF EXPENDITURES FOR APRIL 2010.**

Turnbull reviewed the financial report for the period April 1, 2010 to April 30, 2010 that was distributed. It was moved by Houdersheldt and seconded by Miller to accept the financial report for April 2010 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, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin

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 May 20, 2010, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**June 17, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 17, 2010 at 7:30 p.m. in 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, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Jay Bitner, Scott Snell, Nancy Beach, Steve Donovan of Ducks Unlimited, 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 June 10, 2010 in the York News-Times.

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

Sixteen directors were present during roll call. Moore arrived at 7:42 p.m.

**ITEM 3. \*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, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Moore

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

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the June 17, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Moore

**ITEM 5. \*APPROVAL OF MINUTES OF THE MAY 20, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Dickinson to approve the minutes of the May 20, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Moore

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

Eberle reported that the Projects and Programs Committee met on June 8, 2010 and presented the committee's recommendations.

**ITEM 7. LAND TREATMENT COST-SHARE PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that land treatment program payments totaling \$57,876.98 be made for a total of 13 NSWCP funded applications and 11 NRD funded applications, as reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Moore

**ITEM 8. DISCONTINUE LAND TREATMENT COST-SHARE ON PIVOTS.**

The Projects and Programs Committee recommended that the District discontinue cost sharing for center pivots after FY 2010. The reason for the recommended change is that sprinkler irrigation is known to be more efficient than gravity, and the land treatment program no longer needs to provide an incentive to install a pivot.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue NRD land treatment program discontinue authorizing cost-share applications for center pivots upon approval of this motion, and that currently active applications for center pivot cost-share authorized in fiscal year 2010 continue to be eligible for payment in FY 2011 if not completed in FY 2010. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Moore, Teegerstrom, Weiss, Brown

NAY: Buller, Luebbe, Miller, Nuss, Regier, Stahly, Yates

NOT VOTING: Volkmer

**ITEM 9. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Houdersheldt and seconded by Dickinson that payments totaling \$15,102.52 be approved for 19 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, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Moore

#### **ITEM 10. CORNERS FOR WILDLIFE.**

Fifteen Corners for Wildlife sites that are pivot corners, or portions of pivot corners, have been developed for wildlife habitat. The payments are being made with funds from the Environmental Trust through Pheasants Forever Chapters.

It was moved by Eberle and seconded by Bruns that the Upper Big Blue Natural Resources District make payments totaling \$6,090.75 to 15 cooperators of the Corners for Wildlife Program, 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 11. JUNE WILDLIFE HABITAT IMPROVEMENT PROGRAM PAYMENTS.**

Two Wildlife Habitat Improvement Program contracts were inspected and are recommended for payment. The total payments are \$1,047.50. The NRD share is 25% of the total. Nebraska Game & Parks will reimburse the District for the remaining 75%.

It was moved by Eberle and seconded by Houdersheldt 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, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Luebbe

#### **ITEM 12. WILD NEBRASKA PROGRAM INTERLOCAL AGREEMENT.**

The Nebraska Game and Parks, an agency of state government, has been assigned the responsibility for development, management, and enhancement of wildlife land and habitat areas in Nebraska. The Upper Big Blue Natural Resources District has as one of its purposes the development and management of fish and wildlife habitat, and also has the authority to enter into an Interlocal Cooperative Agreement with agencies of state government. The purpose of this agreement is to provide for the establishment and administration of program assistance and cooperation in the development, management, and enhancement of wildlife in Nebraska.

It was moved by Eberle and seconded by Yates that the Upper Big Blue Natural Resources District enter into an Interlocal Agreement with the Nebraska Game and Parks Commission for the purpose of jointly managing wildlife habitat under the *Wild* Nebraska Program. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT VOTING: Luebbe

**ITEM 13. PAYMENT TO NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FOR TREES.**

The District purchased 13,600 trees and shrubs from the Nebraska Association of Resources Districts for resale at a cost of \$7,931.22.

It was moved by Eberle and seconded by Bruns that the Upper Big Blue Natural Resources District make payment of \$7,931.22 to the Nebraska Association of Resources Districts for the purchase of 13,600 trees and shrubs, wood chips, plastic liner, and delivery, 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 14. ANDERSON RECREATION AREA – AUTHORIZATION TO ADVERTISE FOR BIDS.**

Schemmer Associates, Inc., has completed the final design for the Anderson Recreation Area and it has been approved by the District staff. Construction inspection will be managed by the NRD's Engineering Department.

It was moved by Eberle and seconded by Austin that the Upper Big Blue Natural Resources District accept the final design and advertise for bids to do the construction work in upgrading the recreation area at the Bruce L. Anderson Recreation Area at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Yates, Brown  
NAY: Weiss  
NOT VOTING: Volkmer

**ITEM 15. PAYMENT TO SCHEMMER ASSOCIATES, INC. – ANDERSON RECREATION AREA FINAL DESIGN.**

Schemmer Associates, Inc. has been hired by the District to do the final design and topographic survey work for upgrading the Anderson Recreation Area at Recharge Lake. The final design work was estimated to cost \$49,965.00. Schemmer Associates, Inc. was paid \$7,494.75 for the work completed through March 31, 2010. Schemmer Associates, Inc. has submitted a bill for \$12,491.25 for work completed through April 30, 2010. Design is 40% completed.



It was moved by Eberle and seconded by Stahly that the Upper Big Blue Natural Resources District make payment of \$12,491.25 to Schemmer Associates, Inc. for the final design work completed as of April 30, 2010. 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 16. BRUCE L. ANDERSON RECREATION AREA – ROAD CLOSURE.**

During the construction and upgrade period from mid August to mid October, the parking lot by the picnic and restroom area will be under construction. For the safety of the public, it is recommended that the road leading to the picnic and restroom area be closed off to the public.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Natural Resources District close the road leading to the picnic and restroom area during the construction period on the Bruce L. Anderson Recreation Area. 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. CITY OF AURORA -STREETER PARK TRAIL IMPROVEMENT.**

Marlin Seeman, the mayor for the City of Aurora, presented the Streeter Park Trail Improvement and the Cole Park Trail improvement to the Projects & Programs Committee.

The purpose of the Streeter Park Trail is four fold. The first is to connect the existing Streeter Park to future trails within Streeter Park. The second purpose is to connect to future trails outside of Streeter Park to the North, South, and West. The third purpose is to provide a route from the newer subdivisions north of Highway 34, a safer route to Streeter Park without having to walk/hike/bike along the highway. The last purpose of the trail is to continue the effort put forth by many planning sessions to complete a master trail program throughout Aurora.

The trail will link future trails sections from Cole Park, Northridge Subdivision, within Streeter Park, and Lincoln Creek Subdivision. This trail was originally identified in the 1999 comprehensive plan cutting through a property next to Streeter Park. Since that time the property has been sold, but the current owners have agreed to allow the trail to run within an easement along the north and west sides of their property instead of through it.

The trail surface will be composed of concrete built ten feet in width. The length of the trail will be approximately 1,150 feet in length with a 100' pedestrian bridge crossing Lincoln Creek. The city is asking that the District consider funding 20% of the applicants cash match.

**ITEM 18. CITY OF AURORA - COLE PARK TRAIL IMPROVEMENT.**

The purpose of the Cole Park Trail Improvements is to provide a paved walking/hiking trail in the existing

4.5 acres of Cole Park for all of the park users. Currently there is no trail surfacing within Cole Park and the Recreation Sales Tax Committee is charged with improving the existing parks within Aurora. The committee is currently planning a splash pad, restroom, two new playgrounds, new swing set, 50' radius and 20' radius shelters and the trail network will outline and connect with a loop system within Cole Park to all of these new amenities.

The trail will link future sections of trails from Streeter Park. The trail surface will be composed of concrete built ten feet in width. The length of the trail will be approximately 2,150 feet in length. The main users of the trail will be pedestrians and bicyclists. This project could be funded through the District Park and Recreation Program, which funds 25% of the local project cost, not to exceed \$10,000.

It was moved by Eberle and seconded by Miller that the Upper Big Blue NRD staff be authorized to assist the City of Aurora with development of a concept plan for implementing trail improvements at Streeter Park and Cole Park within the City of Aurora. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Brown

NAY: Volkmer, Weiss, Yates

#### **ITEM 19. SERVICE AGREEMENT – NEBRASKA GAME & PARKS COMMISSION – UPPER BIG BLUE ARCHERS.**

The Upper Big Blue Archers need new targets and they have requested grant money that is available through the Nebraska Game and Park Commission. These grants are funded 75% Game and Parks, 25% local. The Upper Big Blue Archers need 10 new targets at a total cost of \$1,800.00. The Nebraska Game and Parks Commission agreed to pay \$1,300.00. The Upper Big Blue Natural Resources District will be responsible for the remaining \$500.00.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue Natural Resources District enter into a service agreement with the Nebraska Game and Parks Commission for the purpose of purchasing ten (10) new targets for the Big Blue Archers at a cost of \$1,800.00. The Upper Big Blue Natural Resources District will be reimbursed \$1,300.00 from the Nebraska Game and Parks Commission. 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 20. PAYMENT TO YORK COLD STORAGE.**

The District rents cold storage facilities from York Cold Storage to store the tree seedlings during the planting season.

It was moved by Eberle and seconded by Bruns that the Upper Big Blue Natural Resources District make payment of \$835.45 for rental storage for trees from May 1, 2010 to May 31, 2010. 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 21. DAVID CITY NW DRAINAGE IMPROVEMENT PROJECT – AMENDMENT.**

Final design of the David City NW Drainage Improvement Project is completed. The City is now ready to proceed with right-of-way acquisition and construction. The original Interlocal Agreement between David City, Lower Platte North, and Upper Big Blue included sufficient funding for project design, but did not include funding for construction engineering. Jay Bitner requested approval of Agreement Amendment No. 1 to change the Agreement termination date and increase funding to allow for construction engineering.

It was moved by Eberle and seconded by Austin that the November 2008 Interlocal Agreement between David City, Upper Big Blue NRD, and Lower Platte North NRD be amended in accordance with Amendment No. 1 as reviewed by the Projects and Programs 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 22. CITY OF SEWARD – PLUM CREEK TRAIL FUNDING.**

Staff discussed the possibility of using Recreational Trail Development (RTD) funding through NGPC in lieu of Transportation Enhancement (TE) funding through NDOR. Federal Highway funds for trails are available through both the RTD and TE programs, but the RTD procedures and requirements are tailored more for recreational projects and the TE procedures and requirements are tailored more for highway projects. Currently NDOR is processing the NRD's application for TE funding. Staff recommends that the City and NRD consider a possible switch to RTD as the grant funding source.

It was moved by Eberle and seconded by Austin that staff be authorized to proceed with investigating the use of Recreational Trails Development (RTD) funding through the Nebraska Game and Parks Commission in lieu of the Nebraska Department of Roads Transportation Enhancement (TE) funding for the Plum Creek Trail at Seward. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Weiss

**ITEM 23. RAINWATER BASIN JOINT VENTURE – LIDAR MAPPING.**

The Rainwater Basin LIDAR (Light Detection and Ranging) mapping project is completed. The digital maps, stored on the Nebraska Department of Natural Resources computer, are available for download. The Upper Big Blue NRD obligated \$12,000 for its share of project cost. The NRD paid \$6,000 in 2009, and the current invoice for \$6,000 will be the District's final payment. The digital maps are currently being used for delineating flood plains and representing the land surface in groundwater models. Staff recommends final payment.

It was moved by Eberle and seconded by Austin that payment of \$6,000 be made to the Rainwater Basin Joint Venture as the Upper Big Blue NRD's final payment for LIDAR mapping in accordance with the NRD's Agreement with the Rainwater Basin Joint Venture. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Teegerstrom

**ITEM 24. HAZARD MITIGATION PLAN – BUTLER COUNTY.**

The Lower Platte North NRD, acting as Lead Agency for Hazard Mitigation Planning in Butler County, has requested final payment of \$4,500 as Upper Big Blue NRD's share of cost for the Butler County Hazard Mitigation Planning Study. The plan is completed and Staff recommends final payment.

It was moved by Eberle and seconded by Houdersheldt that payment of \$4,500 be made to Lower Platte North NRD, in accordance with the Interlocal Agreement between Upper Big Blue NRD and Lower Platte North NRD, as Upper Big Blue NRD's final payment for its share of cost to prepare the Butler County Hazard Mitigation Plan. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT VOTING: Teegerstrom

**ITEM 25. HAZARD MITIGATION PLAN – ADAMS, CLAY, FILLMORE, AND SALINE CO.**

The Little Blue NRD, acting as Lead Agency for Hazard Mitigation Planning in portions of Adams, Clay, Fillmore, and Saline Counties, has requested final payment of \$3,000 as Upper Big Blue NRD's share of cost for the Hazard Mitigation Planning Study. Staff recommends final payment.

It was moved by Eberle and seconded by Nuss that payment of \$3,000 be made to Little Blue NRD, in accordance with the Interlocal Agreement between Upper Big Blue NRD and Little Blue NRD, as Upper Big Blue NRD's final payment for its share of cost to prepare the Hazard Mitigation Plan for portions of Adams, Clay, Fillmore, and Saline Counties. 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 26. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Water & Regulations Committee met on June 10, 2010 and presented the committee's recommendations.

**ITEM 27. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are eleven final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$4,636.92.

It was moved by Houdersheldt and seconded by Dickinson that the District makes cost-share payments for eleven well abandonments as reviewed by the Committee, at a cost of \$4,636.92. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Moore

**ITEM 28. FLOWMETER COST-SHARE - FINAL PAYMENTS.**

Two flowmeters have been installed this month and staff has inspected and approved the installations.

It was moved by Volkmer and seconded by Austin that the District make cost-share payments for two flowmeters, as reviewed by the committee, totaling \$1,000.00. 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 29. WETLANDS AMERICA TRUST GROUNDWATER TRANSFER REQUEST.**

The committee reviewed a groundwater transfer request by Wetlands America Trust. This item was referred back to Committee by the Board in May. The request is to transfer groundwater from Section 26-T7N-R6W to 40 acres in the NE1/4 of Section 35-T7N-R6W in Clay County. The Committee reviewed past committee and board minutes as well as information, letters and emails presented at previous meetings. A revised application, signed by Stephen Adair, was received along with documentation showing that Mr. Adair is appointed as an authorized agent for the Trust. Turnbull indicated that the Trust's request meets all requirements of the District regulations and that the resolution approving the transfer with conditions should be adopted. There was some additional discussion at which time the committee reviewed the conditions set out in the resolution. They include the following:

- a. The timing of this groundwater transfer shall be limited to October 1<sup>st</sup> through March 15<sup>th</sup> each year.
- b. The transfer shall be limited to an average of twenty-four acre feet annually, based on a five year rolling average. The pumping year shall be October 1 through March 15.
- c. If, at any time in the future, the District implements groundwater allocation, this transfer shall be limited to the allocation or the provision of item "b", above, whichever is less.
- d. The groundwater transfer must be measured with a District approved flow meter.
- e. The quantity of ground water transferred must be reported by May 1<sup>st</sup> each year.
- f. This transfer authorization shall be recorded at the Clay County Register of Deeds and the provisions of which shall be included as a condition of any sale or transfer of the properties.

It was moved by Volkmer and seconded by Regier that the resolution approving the Wetlands America Trust Groundwater Transfer Authorization T-12 for the transfer of groundwater from Section 26-T7N-R6W to Section 35-T7N-R6W be adopted. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Regier, Teegerstrom, Brown  
NAY: Luebbe, Miller, Nuss, Stahly, Volkmer, Weiss, Yates

### **ITEM 30. CERTIFICATION OF IRRIGATED ACRES.**

The staff reported on the large number of minor changes to irrigated acres due to re-measurement being done by the county assessors. Approximately 3,400 parcels were affected for the June certification. These parcels include 319,846.3 irrigated acres. This would bring the total certified irrigated acres to 1,160,150.8

It was moved by Volkmer and seconded by Dickinson that the Board certifies the June 2010 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 31. UPPER PLATTE BASIN FULLY APPROPRIATED MANAGEMENT AREA IRRIGATED ACRES.**

The District certified the irrigated acres in the Upper Platte Basin Management Area in 2008. In 2009 and 2010 the Hamilton County Assessor has re-measured most parcels using GIS mapping software. This has resulted in several minor acres corrections. The staff has investigated these changes and has determined that none of them are actual new irrigated acres. The measurement corrections resulted in a net increase of 12.48 certified acres. The irrigated acres to be certified total 3,779.18 acres.

It was moved by Volkmer and seconded by Stahly that the Board certifies the corrected irrigated acres for the Upper Platte Basin Management Area. 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 32. WATER METER PROGRAM.**

The committee reviewed details of the proposed Water Meter Program. The Water Meter Program consists of three components. The components are 1) The Water Meter Maintenance Program, 2) Water Meter Repair Practice and 3) Water Meter Cost-Share Practice. The estimated cost for the first year is \$175,000.

It was moved by Volkmer and seconded by Dickinson that the District adopts the Water Meter Program with an effective date of July 1, 2010. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Miller, Moore, Regier, Stahly, Weiss, Brown

NAY: Houdersheldt, Luebbe, Nuss, Teegerstrom

NOT VOTING: Buller, Volkmer, Yates

**ITEM 33. VENDER PAYMENTS FOR IRRIGATION SCHEDULING EQUIPMENT.**

The District has ordered and received irrigation equipment for resale from Clements Associates, Inc. for \$5,309.17, ETgage Company for \$16,392.64, Gempler's for \$225.60, and Irrrometer Company for \$6,849.31. The total amount of these purchases is \$28,776.72. Of the total, \$965.40 was spent for the Kaliff Irrigation Scheduling Demonstration. The rest was for resale.

It was moved by Volkmer and seconded by Regier that the District pays Clements Associates, Inc. \$5,309.17, ETgage Company \$16,392.64, Gempler's \$225.60, and Irrrometer Company for \$6,849.31 for a total amount of \$28,776.72, for irrigation scheduling equipment for resale and use in the Districts irrigation scheduling demonstration activities. 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 34. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on June 10, 2010 and presented the committee's recommendations.

**ITEM 35. BIDS TO REPLACE VEHICLE.**

The District advertised for bids for a 2010 or 2011 mid-sized car. The dealers were asked to bid with trade in of the 1997 Taurus.

Dealer	Bid	Year, Make and Model	Delivery Time
Sid Dillon Crete, Nebraska	\$21,965 With trade	2011 Ford Taurus	Immediately
Moses Ford York, Nebraska	\$19,537 With trade	2011 Ford Taurus	8 – 10 weeks
Gene Steffy Ford Columbus, Nebraska	\$19,398 With trade	2011 Ford Taurus	45 – 90 Days
Sid Dillon Wahoo Wahoo, Nebraska	\$17,330 With trade	2011 Chevrolet Impala	45 – 90 Days

It was moved by Bruns and seconded by Luebbe to accept the low bid of \$17,330 from Sid Dillon Wahoo, Wahoo, Nebraska, for a 2011 Chevrolet Impala, as specified, with trade in of the 1997 Ford Taurus. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

**ITEM 36. GROUNDWATER MODELING – BASE FLOW STUDY.**

Brown & Caldwell submitted an invoice in the amount of \$2,737.75 for work on the Platte River Base Flow Separation Study. The total contract amount is \$50,967. The total invoiced to date, including this bill, is \$34,021.00. The balance remaining is \$16,946.00.

It was moved by Bruns and seconded by Houdersheldt to approve payment of \$20,737.75 to Brown & Caldwell for work completed to date on the Platte River Base Flow Separation Study. 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 37. LIABILITY & CASUALTY INSURANCE.**

Cornerstone Insurance Group obtained one quote from EMC Insurance in the amount of \$37,529 for general liability, property, auto, inland marine, workers compensation, errors and omissions, and umbrella coverage for the District. Prior fiscal years quotes were:

2003	\$40,283
2004	\$44,522
2005	\$43,009
2006	\$41,897
2007	\$40,901
2008	\$41,281
2009	\$37,360
2010	\$37,916

It was moved by Bruns and seconded by Austin to approve the renewal of EMC Insurance for liability, fire and casualty insurance through Cornerstone Insurance Group for a total premium of \$37,529.00. 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 38. PAYMENT TO YORK PRINTING FOR BLUEPRINT NEWSLETTER.**

A bill for \$7,175.50 has been received from York Printing for printing the Blueprint Newsletter.

It was approved by Bruns and seconded by Dickinson to approve payment of \$7,175.50 to York Printing for the special edition Blueprint Newsletter. 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 39. FY 2011 SALARIES AND WAGES.

Turnbull handed out a Salary Survey he had written which included wage comparisons from all 23 NRDs and 48 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 Bruns and seconded by Austin to approve the changes in the salary schedules as listed in the June 2010 Upper Big Blue NRD Salary Survey & Salary Schedule report to stay in line with the job market, and that such changes and adjusted salary schedules be effective on July 1, 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

Turnbull reviewed the actual salaries and wages of the employees with the committee. Turnbull recommended that the board authorize \$21,000 for salary increases for the staff, which is an overall change of 2.6 % from the payroll budget base.

It was moved by Bruns and seconded by Nuss to adjust the annual salaries of the district staff, with the exception of the General Manager, by an amount not to exceed \$21,000, 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, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

It was moved by Bruns and seconded by Houdersheldt that the Board go into Executive Session at 9:37 p.m. for the purpose of discussing the performance and salary of the General Manager. 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 Moore and seconded by Miller to return to open session from Executive Session, which was for the purpose of discussing the performance and salary of the General Manager, at 9:51 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 Moore and seconded by Regier to adjust the General Manager's salary by 2.6% to \$104,652 for FY2011. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Weiss

**ITEM 40. FINANCIAL REPORT MAY 1 - 31, 2010 AND CONSIDERATION OF EXPENDITURES FOR MAY 2010.**

Turnbull reviewed the financial report for the period May 1, 2010 to May 31, 2010 that was distributed. It was moved by Volkmer and seconded by Houdersheldt to accept the financial report for May 2010 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 10:19 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 17, 2010, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**July 22, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 22, 2010 at 7:30 p.m. in 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, Linda Luebbe, John Miller, Larry Moore, Michael Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Jay Bitner, Scott Snell, Nancy Beach, Kris Ethridge and Sarah Reece of NRCS, and Steve Moseley of the York News-Times.

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

Brown reported that we published the legal notice of the board of directors' meeting on July 15, 2010 in the York News-Times.

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

Thirteen directors were present during roll call. Nuss and Weiss arrived a few minutes later.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Eberle and Houdersheldt requested that their absence from the July 22, 2010 board of directors meeting be excused.

It was moved by Volkmer and seconded by Austin to excuse the absence of Eberle and Houdersheldt from the July 22, 2010 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: None

NOT VOTING: Weiss

NOT PRESENT: Eberle, Houdersheldt, Nuss

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

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

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt, Nuss

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

It was moved by Volkmer and seconded by Yates to approve the agenda for the July 22, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt, Nuss

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 17, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Volkmer and seconded by Yates to approve the minutes of the June 17, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt, Nuss

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

Miller reported that the Projects and Programs Committee met on July 15, 2010 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Miller and seconded by Luebbe that land treatment program payments totaling \$21,529.17 be made for a total of 11 NRD funded applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Moore

NOT PRESENT: Eberle, Houdersheldt

**ITEM 9. LAND TREATMENT PROGRAM EXTENSION OF TIME.**

Staff recommended that the Board authorize extensions of time to complete six land treatment practices that were authorized in FY 2010. If the extension of time is approved, cost share payment will

be taken from the FY2011 Land Treatment Program budget.

It was moved by Miller and seconded by Austin that extensions of time be granted for 6 land treatment program applications, as reviewed by the Committee, and that cost share payments for these applications be made from the FY2011 Land Treatment Program budget. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

#### **ITEM 10. LAND TREATMENT PROGRAM AND AGRICULTURAL WATER ENHANCEMENT PROGRAM (AWEP) GRANT COST-SHARE.**

An AWEP grant has been approved for Upper Big Blue NRD. The grant provides cost share for conservation work to reduce nitrate contamination in the NRD's well head protection areas and water quality Zones 5 and 6. Staff recommended that applicants for AWEP cost share in these areas also be eligible for Land Treatment Program cost share.

It was moved by Miller and seconded by Luebbe that applications for AWEP cost share on lands located in well head protection areas within the Upper Big Blue NRD and/or located in the Upper Big Blue NRD water quality management Zones 5 and/or 6, and not overlapping other AWEP program areas, be eligible for Land Treatment Program cost share in combination with AWEP cost share for Fiscal Years 2011 through 2015. The motion failed

AYE: Bruns, Miller, Regier, Teegerstrom, Volkmer, Yates, Brown

NAY: Austin, Buller, Dickinson, Luebbe, Moore, Nuss, Stahly, Weiss

NOT PRESENT: Eberle, Houdersheldt

#### **ITEM 11. BRUCE L. ANDERSON RECREATION AREA CONTRACTOR BID.**

On July 12, 2010 the NRD opened contractor bids for construction improvements at the Bruce L. Anderson Recreation Area. One bid was received from Nemaha Construction totaling \$655,096.42; the engineer's estimate was \$600,535. Staff reviewed the itemized bid tabulation with the Committee and recommended acceptance of Nemaha Construction's bid.

It was moved by Miller and seconded by Austin that Nemaha Construction Company's bid of \$655,096.42, as reviewed by the Projects and Programs Committee, be accepted and that Nemaha Construction Company be awarded a contract for construction of improvements, in accordance with their bid, at the Bruce L. Anderson recreation area. The motion was approved.

AYE: Austin, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Bruns, Weiss

NOT PRESENT: Eberle, Houdersheldt

**ITEM 12. ANDERSON RECREATION AREA PAYMENT FOR ENGINEERING.**

Schemmer Associates, Inc. has been hired by the District to do the final design and topographic survey work for upgrading the recreation area at the Anderson Recreation Area at Recharge Lake. The final design work was estimated to cost \$49,965.00. Schemmer Associates, Inc. has been paid \$19,986 for work through April 30, 2010. Schemmer Associates, Inc. has submitted a bill for \$18,986.70 for work completed through May 30, 2010. Design is 78% completed. Total paid to date, including this payment, is \$38,972.70.

It was moved by Miller and seconded by Nuss that the Upper Big Blue Natural Resources District makes payment of \$18,986.70 to Schemmer Associates, Inc. for the final design work completed as of May 30, 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 13. BRUCE L. ANDERSON RECREATION AREA DESIGN REVISIONS.**

After the advertisement for construction bids were sent out, staff recognized that some design changes could improve the design and reduce cost. Staff reviewed the recommended changes as follows:

- Addition of a tent camping area with vault type single stall restroom
- Relocation of the full service restroom from RV area to the day use area
- Change style and supplier of restroom building to pre-built/precast concrete
- Relocate existing wooden vault type restroom to the archery range

It was moved by Miller and seconded by Nuss that staff be authorized to request Schemmer Associates to prepare engineering design revisions, and that staff be authorized to negotiate a construction contract change order with Nemaha Construction Company for the purpose of incorporating recreation area design changes as reviewed by the Committee for the Bruce L. Anderson recreation area improvement project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 14. VILLAGE OF FAIRMONT – DRAINAGE & STORM SEWER IMPROVEMENTS.**

The Village of Fairmont submitted a request for payment of \$59,558.52 for work completed to date on storm sewer and drainage improvements. The Village certifies that requested payment for engineering and construction work is in accordance with the Interlocal Agreement between the NRD and Village. The NRD's maximum share of cost is limited to \$187,500 and the agreement terminates June 30, 2011.

It was moved by Miller and seconded by Austin that payment of \$59,558.52 be made to the Village of

Fairmont, in accordance with the Interlocal Agreement between the Village and NRD dated June 2, 2009, for engineering and construction work on storm sewer improvements. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 15. PROJECT MAINTENANCE NRD DAMS.**

Staff reviewed estimates from Huebert Land Leveling for \$19,987.50; and Henry Thompson Tree Service in the amount of \$29,350 for performing maintenance work at projects owned and operated by the NRD. Staff requests authorization to contract for construction services as reviewed with the Committee.

It was moved by Miller and seconded by Yates that staff be authorized to contract with Huebert Land Leveling and Henry Thompson Tree Service for construction services to perform maintenance work on projects owned by the NRD, as reviewed by the Committee, for a cost not to exceed \$49,337.50. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 16. CROSS COUNTY SCHOOL COMMUNITY NATIVE GRASS SEEDING PROJECT.**

On March 18, 2010 the Upper Big Blue Natural Resources District voted to fund the Community Native Grass Seeding Project at the Cross County Public Schools at a cost not to exceed \$700.00. The project has been completed and the school is now requesting payment for work completed.

It was moved by Miller and seconded by Stahly that the Upper Big Blue Natural Resources District make payment of \$700.00 to the Cross County School for the Community Native Grass Seeding Project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 17. PAYMENT TO NORTHERN PLAINS STATES DISTRIBUTORS FOR ARCHERY TARGETS.**

The Upper Big Blue Archers have applied for and received a grant from the Nebraska Game & Parks Commission to purchase new targets for the archery range. The total cost for the targets, including freight is \$1,831.90. The Nebraska Game and Parks Commission has agreed to reimburse the District \$1,300.00 of the total cost.

It was moved by Miller and seconded by Volkmer that the Upper Big Blue Natural Resources District

make payment of \$1,831.90 to the Northern Plains States Distributors for the ten archery targets purchased for the Upper Big Blue Archers. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 18. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Water & Regulations Committee met on July 13, 2010 and presented the committee's recommendations.

**ITEM 19 . \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Dickinson and seconded by Yates that the District makes cost-share payments for four well abandonments as reviewed by the Committee, at a cost of \$1,522.00. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt, Nuss

**ITEM 20. FLOWMETER COST-SHARE FINAL PAYMENTS.**

Eight flowmeters have been installed this month and staff has inspected and approved the installations. The Nebraska Environmental Trust grant for flow meter cost-share ended June 30.

It was moved by Volkmer and seconded by Austin that the District make cost-share payments for eight flowmeters, as reviewed by the committee, totaling \$4,000.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 21. AGRICULTURAL WATER ENHANCEMENT PROGRAM (AWEP).**

The District's AWEP grant request has been approved. The grant was one of three approved in Nebraska. Twenty-eight project grants were approved nationwide. The District must enter into an agreement with the NRCS for implementation of the project. The funds for federal fiscal year 2010 must be obligated to individuals by August 31. Turnbull signed the agreement on July 12 in order give the NRCS and District staff as much time as possible to get the project under way. The staff is recommending that the Board ratify the agreement.



It was moved by Volkmer and seconded by Bruns to ratify the Agricultural Water Enhancement Program Agreement entered into by the General Manager on July 12, 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Weiss

NOT PRESENT: Eberle, Houdersheldt

#### **ITEM 22. CERTIFICATION OF IRRIGATED ACRES.**

July certification includes several county assessor re-measurement changes from Seward County. This is the last month for assessor re-measurement changes until next year. This month's certification of irrigated acres includes 40,992.9 acres.

It was moved by Volkmer and seconded by Austin that the Board certifies the July 2010 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

#### **ITEM 23. UPPER PLATTE BASIN INTEGRATED MANGEMENT PLAN.**

The committee reviewed the draft Integrated Management Plan for the area in Hamilton County that was designated as fully appropriated in 2006. Turnbull and DeBuhr met with a representative from the DNR and reviewed the final draft. The staff recommends that the board approve the final draft for the purpose of holding a public hearing. If approved the public hearing would be held on August 26<sup>th</sup>.

It was moved by Volkmer and seconded by Dickinson that the District approves the final draft of the Upper Platte Basin Integrated Management Plan for the purpose of holding a public hearing to receive comments on the proposed plan. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

#### **ITEM 24. HIGH PLAINS CLIMATE CENTER WEATHER STATION MAINTANENCE PAYMENT.**

The District partners with the University of Nebraska on a weather station located at Recharge Lake. The District has agreed to pay \$1,000.00 annually for the maintenance of this weather station.

It was moved by Volkmer and seconded by Stahly that the District makes payment of \$1,000.00 to University of Nebraska, for maintenance of the Recharge Lake Weather Station. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 25. VENDER PAYMENTS FOR IRRIGATION SCHEDULING EQUIPMENT.**

The District has ordered and received irrigation equipment for resale from Clements Associates, Inc. for \$99.79, ETgage Company for \$48.69, Irrrometer Company for \$146.44 and Delmhorst Instrument Company for \$4,331.50. The total amount of these purchases is \$4,626.42.

It was moved by Volkmer and seconded by Austin that the District pays Clements Associates, Inc. \$99.79, ETgage Company \$48.69, Irrrometer Company \$146.44 and Delmhorst Instrument Company \$4,331.50 for a total of \$4,626.42 for irrigation scheduling equipment for resale and use in the Districts irrigation scheduling demonstration activities. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 26. NO-TILL FIELD DAY CATERING.**

The District co-sponsored the No-Till Field Day on June 9<sup>th</sup> at the Scott Gonnerman farm near Thayer. Chances R catered the meal. The cost was \$765.59.

It was moved by Volkmer and seconded by Austin that the District pays Chances R \$765.59 for the catered meal on June 9, 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 27. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on July 20, 2010 and presented the committee's recommendations.

**ITEM 28. FY 2011 BUDGET.**

Turnbull reviewed the final draft budget with the Board. The draft consolidated budget includes the various budget requests by the committees, and the payroll line items already approved by the Board. The budget does not require a property tax increase. However a transfer from the Sinking Fund is recommended to balance the budget.

It was moved by Bruns and seconded by Nuss to approve the FY 2011 Budget for the purpose of public

hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 29. ADDITIONAL ONE PERCENT RESTRICTED FUNDS AUTHORITY.**

It was moved by Bruns and seconded by Austin to approve an increase in the total budgeted restricted funds by an additional 1%. The motion was approved by a two-thirds majority of the board members.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Weiss, Yates, Brown

NAY: Volkmer

NOT PRESENT: Eberle, Houdersheldt

**ITEM 30. FY 2011 BUDGET HEARING.**

It was moved by Bruns and seconded by Stahly to schedule the FY 2011 Budget Hearing for 7:30 p.m., Thursday, August 19, 2010, and to conduct the hearing during the monthly board meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 31. FY 2011 TAX REQUEST HEARING.**

It was moved by Bruns and seconded by Dickinson to schedule a Special Public Hearing for the FY 2011 Tax Request for 7:30 p.m., Thursday, September 16, 2010 and to conduct the Special Hearing during the monthly board meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 32. GROUNDWATER MODELING – BASE FLOW SEPARATION STUDY.**

A bill in the amount of \$16,909.50 has been received from Brown & Caldwell for work on the Platte River Base Flow Separation Study. The total contract amount is \$50,967. The total amount paid to date, including this bill, is \$50,930.00.

It was moved by Bruns and seconded by Yates to approve payment of \$16,909.50 to Brown & Caldwell for work completed to date on the Platte River Base Flow Separation Study. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 33. LITTLE BLUE NRD SALARY REIMBURSEMENTS.**

A bill in the amount of \$9,257.06 has been received for salaries for the Adams County and Clay County NRCS Clerks from the Little Blue NRD for past 12 months ending June 30.

It was moved by Bruns and seconded by Yates to approve payment of \$9,257.06 to the Little Blue NRD for NRCS office salaries for FY 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 34. LOWER BIG BLUE NRD SALARY REIMBURSEMENT.**

A bill in the amount of \$6,736.71 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 June 30.

It was moved by Bruns and seconded by Volkmer to approve payment of \$ 6,736.71 to the Lower Big Blue NRD for NRCS office salaries for FY 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer,  
Weiss, Yates, Brown

NAY: Miller

NOT PRESENT: Eberle, Houdersheldt

**ITEM 35. LOWER PLATTE NORTH NRD SALARY REIMBURSEMENT.**

A bill in the amount of \$7,195.31 has been received for salaries for the Butler County NRCS Clerk from the Lower Platte North NRD for the past 6 months.

It was moved by Bruns and seconded by Austin to approve payment of \$7,195.31 to the Lower Platte North NRD for NRCS office salaries for half of FY 2010 (January 1 through June 30). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 36. \* SECOND QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

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

It was moved by Dickinson and seconded by Yates to approve payment of second quarter directors' per diem of \$10,080.00 and expenses of \$3,204.19. The motion was approved as part of the consent agenda

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt, Nuss

**ITEM 37. SEWARD COUNTY NRCS CLERK.**

Turnbull advised the board that the Seward Field Office Clerk position is going to be vacant. Lyndsy Schulz resigned effective July 30 in order to spend time at home with her young family. The NRCS has requested that the Seward NRCS Clerk position be changed from part time to a full time position, when a new clerk is hired. The additional 16 hours per week can be claimed for reimbursement from TSP funds administered through the NARD. Turnbull indicated that such an arrangement would help the NRCS and shouldn't cause payroll administration problems. He cautioned the committee that TSP funds may not continue in future years. The District would then be faced with the decision of whether or not the full time position be funded by the District or be cut back to part time.

It was moved by Dickinson and seconded by Nuss to change the Seward NRCS field office clerk's position to a full time position; 24 hours per week paid for the by the District and 16 hours per week paid for with TSP funds.

Following a lengthy discussion regarding the workload in the field offices and the necessity for a full time clerk it was moved by Volkmer and seconded by Luebbe to table the motion. The motion to table failed.

AYE: Luebbe, Regier, Volkmer, Yates

NAY: Austin, Bruns, Buller, Dickinson, Miller, Moore, Nuss, Stahly, Teegerstrom, Weiss, Brown

NOT PRESENT: Eberle, Houdersheldt

The question was called on the original motion. The motion carried.

AYE: Austin, Bruns, Buller, Dickinson, Miller, Moore, Nuss, Stahly, Weiss, Yates, Brown

NAY: Luebbe, Regier, Teegerstrom, Volkmer

NOT PRESENT: Eberle, Houdersheldt

**ITEM 38. RAY BURKE SCHOLARSHIP.**

Scott Snell recommends awarding the Ray Burke Scholarship to Collin M. Friesen. Collin is a graduate of Hampton High School and is going to attend the University of Nebraska at Lincoln. His major will be Agronomy.

It was moved by Bruns and seconded by Miller to award the \$500 Ray Burke Scholarship to Collin M. Friesen, Hampton, Nebraska, and to make payment to the appropriate Financial Aid Office for credit to his account upon proof of enrollment and after first semester grades have been submitted with passing grades. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

**ITEM 39. FINANCIAL REPORT JUNE 1 - 31, 2010 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2010.**

Turnbull reviewed the financial report for the period June 1, 2010 to June 30, 2010 that was distributed. It was moved by Volkmer and seconded by Austin to accept the financial report for June 2010 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Eberle, Houdersheldt

There being no other business the chairman adjourned the meeting at 10:07 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 or the District held July 22, 2010, 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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Linda Luebbe, Secretary

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**BOARD OF DIRECTORS MEETING  
AND  
FY 2011 BUDGET HEARING  
August 19, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 19, 2010 at 7:30 p.m. in 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, Larry Moore, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Jay Bitner, Scott Snell, Nancy Beach, Doug Hallum of NDNR, Kris Ethridge of NRCS, and Steve Moseley of the York News-Times.

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

Brown reported that we published the legal notice of the board of directors' meeting on August 12, 2010 in the York News-Times.

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

Eleven directors were present during roll call. Austin arrived at 7:40 p.m.

**ITEM 3. REQUESTS FOR EXCUSED ABSENCE.**

Houdersheldt, Luebbe, Miller, Nuss and Volkmer requested that their absences from the August 19, 2010 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Stahly to excuse the absence of Houdersheldt, Luebbe, Miller, Nuss, and Volkmer from the August 19, 2010 Board of Directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**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: Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt, Luebbe, Miller, Nuss, Volkmer

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

It was moved by Bruns and seconded by Dickinson to approve the agenda for the August 19, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE JULY 22, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Dickinson to approve the minutes of the July 22, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 7. FY 2011 BUDGET HEARING.**

Chairman Brown opened the hearing at 7:35 p.m. Brown stated for the record that the Notice of Budget Hearing and Budget Summary were published in the York News-Times on August 2, 2010. Copies of the proposed budget were made available to all those present. Brown asked Turnbull to review the proposed FY 2011 Budget.

Turnbull stated that there had been no changes made to the budget since the July meeting when the Board approved it for purpose of this public hearing. The FY 2011 Budget calls for a property tax for the coming year of \$1,955,044.35; which is the same as the prior year, so there is no tax increase. It includes a transfer from the Sinking Fund to the General Fund of \$168,517.63 for construction costs at the recreation improvement project at Recharge Lake. Turnbull reviewed the lid computation. The Total Unused Restricted Funds Authority carried forward will be \$1,023,887.40. This includes the 2.5% increase and the additional 1% that was approved by the Board at the last meeting. That means that this District is taxing one million dollars less than allowed.

Turnbull summarized the General Fund operating expenses totaling \$2,044,827.22 and capital improvements of \$1,183,472. \$687,500 of the total capital improvements budgeted is for the construction at the Anderson Recreation Area. The remainder is \$20,00 for Building Improvements; \$140,000 for Land Treatment Cost-share; \$117,875 for Intergovernmental Cost-sharing; \$34,477 for Buffer Strip Cost-share; \$50,000 for Water Meter Repair and \$75,000 for Water Meter Cost-share; \$30,000 for Abandon Well Cost-share and \$28,620 for Wildlife Habitat Programs Cost-share. These capital improvements are exempt from the 2.5% lid.

Turnbull went over the other capital expenses, which include \$3,500 for Machinery & Equipment;



\$17,330 for Auto & Trucks and \$14,300 for Office Equipment. These other capital expense items are not exempt from the lid. The combined total capital expenses are \$1,218,602. The total budgeted expenses for the General Fund are \$3,263,429.22. With the Necessary Cash Reserve of \$200,000 that brings the grand total expenses for the General Fund to \$2,463,429.22. The Necessary Cash Reserve of \$200,000 is about the average monthly expenditures. By budgeting a cash reserve of \$200,000 we are not putting ourselves in a position where we have to borrow money to meet our expenses until property tax revenues are received.

Turnbull then reviewed the General Fund revenues. The net cash balance is (\$248,597.34) because of some accounts payable. But when you add in the county treasurers' balances and investments on hand in the General Fund we have net assets of \$1,056,543.27.

Turnbull reviewed the revenues. We have State Grants of \$102,077; no Federal Grants are anticipated this year; Private Grants of \$30,500; Labor on Tree Sales \$12,100; Customer Charges \$69,750; Investment Income \$10,000; Reimbursement by Other NRD's \$39,684.38; Motor Vehicle Pro-rate \$5,000; State Aid to NRD's \$50,375.48; Income for Cities and Counties \$74,500; and Transfer from Sinking Fund \$168,517.63. Total Receipts are \$562,504.49. Property taxes are \$1,844,381.46; Treasurers' Commission \$18,443.81 and Delinquent Tax Allowance of \$92,219.07 for a Total Property Tax Requirement of \$1,955,044.35.

Turnbull reviewed the supporting schedule for the General and Sinking Fund investments. As of June 30 the General Fund had \$1,286,258.90 and the Sinking Fund has a total of \$2,190,484.49 for a variety of identified projects. There is no property tax support going to the Sinking Fund this year, only interest earnings of \$44,554.04. So the total in the Sinking Fund at the end of the year will be \$2,235,038.53.

Turnbull advised the Board that the valuations for the current year haven't been received yet so we don't know what the tax levy will be. We will know that at the time of our Tax Request Hearing to be held next month.

Brown asked for questions or comments. Chairman Brown officially closed the hearing at 7:45 p.m.

#### **ITEM 8. ADOPTION OF FY 2011 BUDGET.**

It was moved by Moore and seconded by Eberle to adopt the FY 2011 Budget as presented at the budget hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

#### **ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Weiss reported that the Water & Regulations Committee met on August 10, 2010 and presented the committee's recommendations.

**ITEM 10. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

There are six final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$2,637.48.

It was moved by Bruns and seconded by Dickinson that the District make cost-share payments for six well abandonments as reviewed by the Committee, at a cost of \$2,637.48. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 11. WATER METER MAINTENANCE PROGRAM.**

The Water and Regulations Committee reviewed quotes submitted by four businesses. The quotes ranged from \$20 to \$120 per meter for inspection and service. DeBuhr recommended that the District enter into an agreement with Tri City Meters for the Meter Maintenance Program. The agreement provisions stipulate that Tri City Meters will inspect and service meters. Service includes: Evaluation of each water meter's current operating condition. Compliance with minimum installation requirements. Lubrication of bearings, replacement of batteries and mounting gaskets, as needed. A digital photograph of the meter register. Addition of a protective cover, often referred to as a "canopy boot", if there is not one on the meter and one is available and appropriate for the particular brand and model of meter. An electronic report to the District, no later than May 1 each year, for each meter serviced.

The FY 2011 cost of the service is \$20/per meter plus \$12 per canopy boot and \$6.50 to \$60 per battery as needed. This is based on an estimated 400 to 800 meters serviced between October and May. The four year agreement provides that prices may be renegotiated annually and either party may withdraw from the agreement upon 60 days written notice.

It was moved by Weiss and seconded by Austin that the District entered into the service agreement with Tri City Meters for the Water Meter Maintenance Program. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

August certification of irrigated acres includes six changes totaling 377.6 acres. With these changes the total irrigated acres certified in the Management Area are 1,160,393.8.

It was moved by Weiss and seconded by Austin that the Board certifies the August 2010 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

### **ITEM 13. GROUNDWATER TRANSFER REGULATIONS.**

The committee reviewed maps showing low well yield areas in the district and discussed whether or not groundwater transfers should be treated differently in these areas. The committee chose not to pursue changes that identified restricted transfer areas at this time. The committee also reviewed changes to the existing transfer regulations (Rule 5 Chapter 11). These changes are being recommended by the staff to make the regulations consistent with state law. The proposal will change the permit fee from \$100 to \$50 and list the items specified by statute that the District must consider when reviewing a transfer request.

It was moved by Weiss and seconded by Moore that the Board approve the changes to District Rule 5, Chapter 11, for the purpose of conducting a public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Yates, Brown  
NAY: Weiss  
NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

### **ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects and Programs Committee met on August 12, 2010 and presented the committee's recommendations.

### **ITEM 15. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Bruns that land treatment program payments totaling \$12,811.07 be approved for one NSWCP and two NRD funded applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

### **ITEM 16. RECONSIDER LAND TREATMENT PROGRAM COST SHARE FOR AWEP.**

At the July NRD Board Meeting, it was decided that AWEP applications should not receive additional cost share from the Land Treatment Program. However, as part of the AWEP grant, the Board originally

agreed to provide \$200,000 in supplemental funding from the Land Treatment Program for sub-surface drip irrigation systems during the five year (2011 to 2015) AWEP project. Staff recommended that the Board re-consider the July action and adopt a motion to allow Land Treatment Program cost share for conversion of furrow irrigation to drip irrigation on AWEP Program applications.

It was moved by Yates and seconded by Bruns that those applications for the conversion from furrow irrigation to sub-surface drip irrigation under the AWEP project titled "Groundwater Quality and Supply Conversion Project" also be eligible for NRD Land Treatment Program cost share in Fiscal Years 2011 through 2015. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Regier, Stahly, Yates, Brown

NAY: Teegerstrom, Volkmer

NOT VOTING: Moore

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

#### **ITEM 17. ANDERSON RECREATION AREA – PAYMENT FOR ENGINEERING SERVICES.**

Schemmer Associates, Inc. was hired by the District to do the final design and topographic survey work for upgrading the recreation area at the Anderson Recreation Area at Recharge Lake. The final design work was estimated to cost \$49,965.70. Schemmer Associates, Inc. has been paid \$38,972.70 for work completed through May 31, 2010. Schemmer Associates, Inc. submitted a bill for \$9,993.00 for work completed through June 30, 2010. Design is 98% completed. The total amount paid to date, including this payment, will be \$48,965.70.

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District makes payment of \$9,993.00 to Schemmer Associates, Inc. for the final design work completed as of June 30, 2010. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

#### **ITEM 18. SEWARD TRAIL INTERLOCAL AGREEMENT AMENDMENT.**

Staff briefed the Committee on a recommended amendment to the Seward West Trail Project Interlocal Agreement between the District and City of Seward. The amendment is necessary to extend the agreement period and modify certain terms and conditions relating to City and District responsibilities.

It was moved by Yates and seconded by Stahly that Amendment No. 1 to the March 20, 2008 Interlocal Agreement between the District and City of Seward, as reviewed by the Committee, be adopted. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 19. SEWARD TRAIL RESOLUTION FOR RECREATONAL TRAIL PROGRAM.**

The Nebraska Game & Parks Commission has asked that applicants applying for a grant through the Recreational Trail Program adopt and sign a resolution.

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District Board of Directors adopt and sign the Nebraska Game & Parks Commission Recreational Trail Program Resolution. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 20. VILLAGE OF FAIRMONT DRAINAGE & STORM SEWER IMPROVEMENTS.**

The Village of Fairmont submitted a request for payment of \$17,439.08 for work completed to date on storm sewer and drainage improvements. The Village certifies that requested payment for engineering and construction work is in accordance with the Interlocal Agreement between the NRD and Village. The NRD's maximum share of cost is limited to \$187,500, and the agreement terminates June 30, 2011.

It was moved by Yates and seconded by Dickinson that payment of \$17,439.08 be made to the Village of Fairmont, in accordance with the June 2, 2009 Interlocal Agreement between the Village and District, for construction work on storm sewer improvements. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 21. INTERLOCAL AGREEMENT WITH NARD FOR TREE PROGRAM.**

The Interlocal Agreement for the Conservation Tree Program is between the Upper Big Blue Natural Resources District and Nebraska Association of Resources Districts for the purpose of obtaining seedling trees and shrubs. The agreement designates the NARD to act on our behalf for acquiring trees and shrubs from the Forest Service by October 1. The NRD's should have firm prices and inventories for seedlings to be harvested the following spring.

Prior to May 1, weather permitting, the trees and shrubs will be cut, dug, lifted, and transported to the packing shed and prepared for shipping. On or before June 15 each NRD agrees to pay NARD for the seedling trees and shrubs ordered.

This agreement is effective until September 30, 2012, unless terminated sooner. Charges payable to the NARD will not exceed .03 per seedling.

It was moved by Yates and seconded by Bruns that the Upper Big Blue Natural Resources District enter into the agreement with the Nebraska Association of Resources District for the purpose of obtaining seedling trees and shrubs from the Forest Service. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

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

Bruns reported that the Executive Committee met on August 12, 2010 and presented the committee's recommendations.

#### **ITEM 23. PLATTE RIVER STREAMBED CONDUCTANCE STUDY PAYMENT.**

Two bills have been received from the University of Nebraska Conservation & Survey Division for the Platte River Streambed Conductance Study. The total due is \$1,165.27 for work through July 31, 2010.

It was moved by Bruns and seconded by Austin to authorize payment of \$1,165.27 to the University of Nebraska for the Platte River Streambed Conductance Study. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

#### **ITEM 24. NARD 414(H) RETIREMENT PLAN CHANGES.**

The NARD made changes in the 414(h) Retirement Plan at the June NARD Board Meeting. The first two changes listed below were optional for the NARD to accept. The rest are required by federal law. The changes are:

- To allow non-spousal beneficiary rollovers
- Not to continue benefit accruals (NRD monthly share of retirement contributions) for employees who die while on Military Active Duty
- Increase the amount of time from 90 to 180 days to take a distribution
- Allow a participant, who elects to waive the qualified joint and survivor annuity form of benefit, to elect the qualified optional survivor annuity
- Allow a participant to roll over an eligible rollover distribution to a Roth IRA
- A statement that a domestic relations order that otherwise satisfies the requirements for a qualified domestic relations order, will not fail to be a Qualified Domestic Relations Order solely because the order is issued after, or revises another domestic relations order.

The District now needs to consent to the changes by the adoption of the following resolution.

NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS  
414(h) RETIREMENT PLAN AMENDMENT NO. ONE  
RESOLUTION

RESOLVED, that the District Office, as a Participating Employer in the Plan, hereby consents to the adoption of Amendment No. One of the Nebraska Association of Resources Districts 414(h) Plan (the "Amendment No. One") to bring the Plan into compliance with the Pension Protection Act of 2006, other applicable law and guidance and to make certain other adjustments, is hereby authorized and approved;

RESOLVED FURTHER, that the officers and management of the District office be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment No. One, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and

RESOLVED FURTHER, that any and all action taken and documentation executed by management or the officers of the District Office to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

Dated this 19<sup>th</sup> day of August, 2010

UPPER BIG BLUE NATURAL RESOURCES  
DISTRICT, Participating Employer

It was moved by Bruns and seconded by Austin to adopt Nebraska Association of Resources Districts 414(h) Plan Amendment No. One Resolution. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates,  
Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 25. NARD DUES.**

It was moved by Bruns and seconded by Stahly to approve payment of \$23,972.97 to the NARD for the FY 2011 dues. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates,  
Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 26. NARD VOTING DELEGATES.**

It was moved by Bruns and seconded by Dickinson to appoint Yvonne Austin as the Delegate and Linda Luebbe as the Alternate for the September NARD Conference. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

**ITEM 27. FINANCIAL REPORT JULY 1 - 31, 2010 AND CONSIDERATION OF EXPENDITURES FOR JULY 2010.**

Turnbull reviewed the financial report for the period July 1, 2010 to July 31, 2010 that was distributed. It was moved by Bruns and seconded by Austin to accept the financial report for July 2010 as presented, approve payments of the accounts payable and publish the expenditures.

Buller called attention to the fact that the amount of the payment to the Village of Fairmont was incorrect. The financial statement showed a payment of \$69,756.32. This was the total amount spent for the claim period. The NRD share is only 25 percent of the total; or \$17,439.08. The motion was approved with the correction.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Stahly, Teegerstrom, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Miller, Nuss, Volkmer

There being no other business the chairman adjourned the meeting at 9:16 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 19, 2010, 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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Linda Luebbe, Secretary

:ndb



**BOARD OF DIRECTORS MEETING,  
FY 2011 TAX REQUEST HEARING,  
AND  
RULE 5 HEARING  
September 16, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 16, 2010 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Jay Bitner, Scott Snell, Eugene Ulmer, Kris Ethridge of NRCS, Gayle Steiger of Romans Wiemer & Associates, and Steve Moseley of the York News-Times.

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

Bruns reported that we published the legal notice of the board of directors' meeting on September 9, 2010 in the York News-Times.

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

Twelve directors were present during roll call. Moore arrived at 7:32 p.m., Austin arrived at 7:35 p.m. and Houdersheldt at 7:40 p.m.

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

Brown requested that his absence from the September 16, 2010 board of directors meeting be excused for medical reasons. Buller requested his absence be excused due to illness.

It was moved by Regier and seconded by Dickinson to excuse the absence of Brown and Buller from the September 16, 2010 Board of Directors meeting as requested. The motion was approved.

AYE: Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates,  
Bruns

NAY: None

NOT VOTING: Moore

NOT PRESENT: Austin, Brown, Buller, Houdersheldt

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

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

AYE: Austin, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns  
NAY: None  
NOT PRESENT: Brown, Buller, Houdersheldt

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

It was moved by Eberle and seconded by Volkmer to approve the agenda for the September 16, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns  
NAY: None  
NOT PRESENT: Brown, Buller, Houdersheldt

**ITEM 6. \*APPROVAL OF MINUTES OF THE AUGUST 19, 2010 BOARD OF DIRECTORS MEETING AND FY 2011 BUDGET HEARING.**

It was noted that the vote on Item 16 – Reconsider Land Treatment Program Cost-share for AWEP was incorrect. Teegerstrom and Weiss voted nay. The minutes incorrectly showed Teegerstrom and Volkmer voting nay.

It was moved by Eberle and seconded by Volkmer to approve the minutes of the August 19, 2010 Board of Directors meeting and FY 2011 Budget Hearing as corrected. The motion was approved as part of the consent agenda.

AYE: Austin, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns  
NAY: None  
NOT PRESENT: Brown, Buller, Houdersheldt

**ITEM 7. FY 2011 TAX REQUEST HEARING.**

Vice Chairman Bruns opened the hearing at 7:39 p.m. Bruns stated for the record that the Notice of the Tax Request hearing was published in the York News-Times on September 3, 2010. The purpose of this hearing is to hear support, opposition, criticism, suggestions or observations of taxpayers regarding setting the final tax request at a different amount than the prior year.

Turnbull reviewed the FY 2011 valuations and showed the comparison with FY 2010. The total valuation in FY10 was \$6,332,240,274. The valuation for FY11 is \$7,597,514,459, which is an increase of 19.98%. Turnbull also reviewed the historic property tax levies.

Bruns asked for questions or comments. Bruns officially closed the hearing at 7:41 p.m.

**ITEM 8. ADOPTION OF RESOLUTION TO SET FY 2011 TAX REQUEST.**

Turnbull recommended that the Board adopt the following resolution to set the tax request.

Resolution

**Whereas** the FY 2011 Budget for the Upper Big Blue NRD, as adopted by this board of directors on August 19, 2010, has a property tax requirement of \$1,955,044.35;

**Whereas** the final total valuation of the NRD is \$7,597,514,459;

**Whereas** the FY 2010 Budget (prior year) required a tax request of \$1,955,044.35 and a property tax rate of \$ 0.028755;

**Whereas** the FY 2011 (current year) property tax rate would be \$0.025733 to generate \$1,955,044.35;

**Therefore be it resolved** by this Board of Directors on September 16, 2010, to set the **FY 2011 tax request at \$1,955,044.35** for the Upper Big Blue Natural Resources District which will require a **property tax rate of \$ 0.025733**.

It was moved by Moore and seconded by Yates to adopt the resolution to set the FY 2011 Tax Request. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

**ITEM 9. PUBLIC HEARING TO CONSIDER CHANGES TO DISTRICT RULE 5.**

Bruns opened the hearing at 7:43 p.m. He stated for the record that notice of this public hearing was published in the York News-Times on August 27, September 1 and September 7, 2010. The purpose of the hearing is to receive comments on proposed changes to District Rule 5 – Ground Water Management Area Rules and Regulations. The proposed changes specifically address ground water transfers. The changes identify three types of transfers; agricultural, municipal and other. They also set out the conditions under which a ground water transfer would be authorized. Copies of Rule 5 and the proposed changes were made available to the public at our office and on the District's website. Bruns asked Rod DeBuhr, NRD Water Department Manager, to explain the proposed changes to Rule 5.

DeBuhr: Everyone should have a copy of Rule 5 in front of them. The only changes to Rule 5 that are proposed are on pages 17 and 18 dealing with ground water transfers. The purpose of these rule changes is to bring our regulations into agreement with the State Statutes that have changed.

Previously we charged a \$100 fee for [transfer] applications. The law has changed. Before it did not say a fee, but now specifies that we may only charge a \$50 fee. So we are changing that. The Statutes also laid out a list of things that the Board is to consider when considering a [ground water] transfer. And those are listed in Paragraph 04 through Paragraph 04.08. We did change language defining a destination tract and a source tract. Before we talked about irrigation and other users and now we changed that to say agricultural users and municipal and other users, which is consistent with the rest of the statute; or the rest of the regulation when it deals with allocation and so on. So we are consistent with our definitions. It is mostly technical changes to comply with the changes in Statutes. Are there any questions about this?

Bruns: Does anyone else wish to comment? Seeing none, we'll close the hearing.

Bruns officially closed the hearing at 7:46 p.m.

**ITEM 10. RULE 5 ORDER OF ADOPTION.**

DeBuhr recommended that the Board approve the following order of adoption.

ORDER OF ADOPTION  
No. 2010-2 – District Rule 5

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 September 16, 2010 in accordance with the State Statutes and District Rules and Regulations, and

WHEREAS, the Board of Directors deems the proposed changes 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 September 16, 2010.

FUTHER BE IT RESOLVED, that Rule 5 as amended September 16, 2010, shall become effective on November 1, 2010.

It was moved by Moore and seconded by Austin to direct the Vice Chairman to sign the Order of Adoption for Revised Rule 5 with an effective date of November 1, 2010. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Yates, Bruns

NAY: Nuss, Weiss

NOT PRESENT: Brown, Buller

**ITEM 11. FY 2010 AUDIT.**

Gayle Steiger of Romans, Wiemer & Associates was present to review the FY 2010 Audit with the board.

It was moved by Regier and seconded by Houdersheldt to accept the FY 2010 Audit as presented. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

**ITEM 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Water & Regulations Committee met on September 7, 2010 and presented the committee's recommendations.

**ITEM 13. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

There are four final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$2,089.30.

It was moved by Eberle and seconded by Volkmer that the District makes cost-share payments for four well abandonments as reviewed by the Committee, at a cost of \$2,089.30. The motion was approved as part of the consent agenda.

AYE: Austin, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller, Houdersheldt

**ITEM 14. DJ & J PROPERTIES, LLC - TRANSFER AUTHORIZATION REQUEST.**

DJ & J Properties, LLC has requested authorization to transfer groundwater from the NE1/4 of Section 18-T8N-R5W to the SW1/4 of Section 8-T8N-R5W, Clay County. The transfer will result in irrigation of up to 154.26 acres in the destination tract (Section 8). There are 158.22 total acres in the sources tract (section 18). The proposed transfer complies with the District's groundwater transfer regulations.

It was moved by Volkmer and seconded by Regier that the Board approve transfer authorization T-13 which authorizes the transfer of groundwater for agricultural use from the NE1/4 of Section 18-T8N-R5W to the SW1/4 of Section 8-T8N-R5W, Clay County. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Miller, Moore, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Bruns

NAY: Luebbe, Nuss, Yates  
NOT PRESENT: Brown, Buller

#### **ITEM 15. JANICE SIEBERT – WELL SPACING VARIANCE.**

Janice Siebert owns well G-007681 in the S½ of the NE¼ of Section 25-T9N-R4W. This well is approximately 930 feet from a well G-023767 located in the N½ of the NE¼ of the same section and owned by Larry Labart. Mrs. Siebert needs to replace her well because it is pumping sand. Both of these wells were constructed prior to the District's adoption of 1,000 foot spacing. District regulations provide that when a well is constructed to replace a well which is less than 1,000 feet from a well under separate ownership, the replacement well may be located no more than fifty feet closer to the well under separate ownership. Mrs. Siebert has requested that a variance from this rule be granted so that the replacement well can be placed approximately twenty feet west of the existing pivot point. This would locate the replacement well approximately seventy feet closer to Mr. Labart's well than the original well. Mr. Labart has signed a statement indicating that he has no objection to the new well location.

It was moved by Volkmer and seconded by Stahly that the Board approve a well spacing variance authorizing the construction of a replacement for well G-007681 in the S½ of the NE¼ of Section 25-T9N-R4W, to be placed up to 70 feet closer to well G-023767 than the original well. The motion failed.

AYE: Moore, Regier, Stahly, Teegerstrom, Yates  
NAY: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Volkmer, Weiss, Bruns  
NOT PRESENT: Brown, Buller

#### **ITEM 16. CERTIFICATION OF IRRIGATED ACRES.**

September certification of irrigated acres includes three changes totaling 294.8 acres. With these changes the total irrigated acres certified in the Management Area are 1,162,068.6.

It was moved by Volkmer and seconded by Austin that the Board certifies the September 2010 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Bruns  
NAY: None  
NOT PRESENT: Brown, Buller

#### **ITEM 17. INTEGRATED MANAGEMENT PLAN FOR UPPER PLATTE BASIN.**

A public hearing was held on August 26, 2010 to receive comment on the proposed Integrated Management Plan for the fully appropriated area of the Upper Platte Basin located in the Upper Big Blue NRD. No testimony was received from the general public at the hearing. Doug Hallum, representing the Department of Natural Resources, and Rod DeBuhr from the District staff each testified in support of the draft plan. DeBuhr pointed out two typographical errors needing correction. Those corrections have been incorporated into the final document that was considered by the Committee.

It was moved by Volkmer and seconded by Austin that the Board approves the Integrated Management Plan for the Upper Platte Basin in the Upper Big Blue Natural Resources District. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

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

Eberle reported that the Projects and Programs Committee met on September 9, 2010 and presented the committee's recommendations.

**ITEM 19. LAND TREATMENT COST SHARE PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Luebbe that land treatment program payments totaling \$2,990.04 be approved for 3 NSWCP funded applications, as reviewed by the Committee. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

**ITEM 20. \* NEBRASKA BUFFER STRIP PROGRAM.**

Staff reviewed and recommended September payments for Nebraska Buffer Strip Program contracts. It was discovered after the committee meeting that the payment to Rex Hoffman in the amount of \$316.08 was on the same tract of land as the payment for \$270. Mr. Hoffman's existing 10 year contract has just expired and he renewed for another 5 years. The payment for \$316.08 will not be due until next year so that payment was voided.

It was moved by Eberle and seconded by Volkmer that Nebraska Buffer Strip Program payments totaling \$18,613.13 be approved for thirteen contracts funded by the Nebraska Department of Agriculture, as reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller, Houdersheldt

**ITEM 21. FY2011 TREE PROGRAM & PRICES.**

The Nebraska Association of Resources Districts (NARD) will continue to receive 3¢ per tree purchased by the NRD's. Bessey Nursery at Halsey has kept their prices at \$570 per 1,000 for the 2-0 Conifers, and 2-0 Hardwood. The District prices for FY2010 were 85¢/tree and 55¢/tree for planting.

It was moved by Eberle and seconded by Austin that the Upper Big Blue Natural Resources District set the planting cost for FY2011 at 60¢ per tree, and the cost of the trees and shrubs at 85¢ per tree. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

**ITEM 22. BRUCE L. ANDERSON RECREATION AREA – PAYMENT FOR ENGINEERING.**

Schemmer Associates, Inc. was hired by the District to do the final design at the Anderson Recreation Area for a fee not to exceed \$49,965.00. Schemmer Associates, Inc. has been paid \$48,965.70 for work completed through June 2010. Schemmer Associates, Inc. submitted a bill for \$999.30 for work during July 2010. The total billed to date is \$49,965.00. Design is 100% completed.

It was moved by Eberle and seconded by Stahly that the Upper Big Blue Natural Resources District make payment of \$999.30 to Schemmer Associates, Inc. for the final design work completed through July 2010. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

**ITEM 23. PROJECT OPERATION AND MAINTENANCE.**

Henry Thompson Tree Service has completed maintenance, including tree removal, clearing brush, and fence repair at fifteen (15) project sites owned by the NRD.

It was moved by Eberle and seconded by Austin that payment of \$29,350 be made to Henry Thompson Tree Service for tree removal, clearing brush, and fence repair at fifteen (15) NRD owned project sites as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller



**ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Executive Committee met on September 9, 2010 and presented the committee's recommendations.

**ITEM 25. NRCS FARM BILL PRIVACY REQUIREMENTS.**

Kris Ethridge, NRCS District Conservationist, was present to request that the District approve the 2008 Farm Bill Section 1619 Acknowledgement.

The Federal Law requires that USDA, its agencies, and cooperators (Natural Resources Districts), not disclose information provided by an ag producer or ag land owner that concerns ag operations, farming or conservation practices, or the land itself, in order to participate in USDA programs. GIS data is also restricted. As long as the federal law is not changed, no employee or director is authorized to disclose the restricted data.

Payment information, including names and addresses, may be disclosed, as well as air photos without any field boundaries or other identifying information from USDA sources. Data and information provided by the producer or land owner to the District may also be disclosed.

It was moved by Luebbe and seconded by Austin to approve the NRCS USDA Acknowledgement of Section 1619 Compliance and to authorize the Upper Big Blue NRD Vice Chairman to sign said document. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

**ITEM 26. NARD RESOLUTIONS.**

Turnbull reviewed the two proposed resolutions for the September NARD Conference.

It was moved by Luebbe and seconded by Volkmer to support Resolution 2010-1 "Resolution for Clarity in Automatic Banking Deposits" and to oppose Resolution 2010-2 "Revise Rules to Improve Efficiency of Nebraska Soil & Water Conservation Program." The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, Buller

**ITEM 27. FINANCIAL REPORT AUGUST 1 - 31, 2010 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2010.**

Turnbull reviewed the financial report for the period August 1, 2010 to August 31, 2010 that was distributed. It was moved by Volkmer and seconded by Miller to accept the financial report for August 2010 as presented, approve payments of the accounts payable and publish the expenditures.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Bruns

NAY: None

NOT PRESENT: Brown, 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 16, 2010, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING,  
October 21, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 21, 2010 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Doug Bruns, Steve Buller, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were Jay Bitner, Nancy Brisk, Ken Feather, Rod DeBuhr, Scott Snell, Nancy Beach, 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 14, 2010 in the York News-Times.

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

Eleven directors were present during roll call. Houdersheldt arrived at 7:33 p.m. and Austin at 7:48 p.m.

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

Eberle, Nuss and Regier requested that their absence from the October 21, 2010 board of directors meeting be excused.

It was moved by Volkmer and seconded by Miller to excuse the absence of Eberle, Nuss and Regier from the October 21, 2010 Board of Directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

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

It was moved by Stahly and seconded by Yates to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

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

It was moved by Stahly and seconded by Yates to approve the agenda for the October 21, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 16, 2010 BOARD OF DIRECTORS MEETING, FY 2011 TAX REQUEST HEARING AND RULE 5 HEARING.**

It was moved by Stahly and seconded by Yates to approve the minutes of the September 16, 2010 Board of Directors meeting, FY 2011 Tax Request Hearing and Rule 5 Hearing. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

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

Volkmer reported that the Water & Regulations Committee met on October 12, 2010 and presented the committee's recommendations.

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

There are eight final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$3,075.86.

It was moved by Stahly and seconded by Yates that the District make cost-share payments for eight well abandonments as reviewed by the Committee, at a cost of \$3,075.86. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

**ITEM 9. CERTIFICATION OF IRRIGATED ACRES.**

October certification of irrigated acres includes three changes totaling 602.1 acres. With these changes the total irrigated acres certified in the Management Area are 1,162,134.6.

It was moved by Volkmer and seconded by Stahly that the Board certifies the October 2010 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

#### **ITEM 10. CENTRAL DISTRICT HEALTH DEPARTMENT PAYMENT.**

The Central District Health Department has billed the District for nitrate-nitrogen analysis done during 2010. A total of 219 water samples were analyzed at a cost of \$6.00 each. The total amount due is \$1,314.00.

It was moved by Volkmer and seconded by Luebbe that the District pay Central District Health Department \$1,314.00 for 219 nitrate-nitrogen water analyses conducted in 2010. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

#### **ITEM 11. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects and Programs Committee met on October 14, 2010 and presented the committee's recommendations.

#### **ITEM 12. LAND TREATMENT COST-SHARE PROGRAM PAYMENTS.**

It was moved by Miller and seconded by Houdersheldt to approve land treatment program payment of \$2,419.58 for one NSWCP fund application, as reviewed by the committee. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

#### **ITEM 13. ANDERSON RECREATION AREA CONSTRUCTION PROGRESS PAYMENT.**

Nemaha Landscape Construction, general contractor for improvements at the Anderson Recreation Area, closed the access road on September 22 and began moving equipment to the site on September

27. Staff recommends payment of \$1,433.54 for a portion of mobilization and general site work completed in September.

It was moved by Miller and seconded by Volkmer to approve payment of \$1,433.54 to Nemaha Landscape Construction for work completed in September 2010 at the District's Anderson Recreation Area, in accordance with the July 23, 2010 contract. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

#### **ITEM 14. SMITH CREEK RECREATION AREA BOAT DOCK.**

Since the boat ramp was installed at Smith Creek Recreation Area, the public has requested that a boat dock be installed. An individual who is handicapped also requested that a boat dock be installed because it would be beneficial to those who are handicapped who want to fish. Trade Winds Distributing, Inc., located in Altamont, Missouri quoted a price of \$14,229.42 for a boat dock to be installed at Smith Creek. The quote includes installation, a 20 foot gangway, and 26.7 foot by 10 foot dock. The installation will be similar to the one at Recharge Lake. Staff is recommending that we install a 10 foot railing and an 80 inch railing at the end of the dock for handicap purposes. The District staff would construct the header that the gangway will be attached to.

It was moved by Miller and seconded by Houdersheldt that the Upper Big Blue Natural Resources District purchase one boat dock for the Smith Creek Recreation Area, including a 20 foot gangway, a 10 foot railing and an 80 inch railing, and dock installation from Trade Winds Distributing, Inc. for \$14,229.42. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

#### **ITEM 15. OVERLAND TRAILS PROJECT MAINTENANCE.**

Huebert Land Leveling has completed maintenance work at the Overland Trails Project in accordance with their quote dated July 13, 2010. Staff recommends payment of \$7,775 to Huebert Land Leveling for the completed work.

It was moved by Miller and seconded by Yates to approve payment of \$7,775.00 to Huebert Land Leveling for maintenance work completed at the Overland Trails Project in accordance with their quote dated July 13, 2010. The motion was approved.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

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

Bruns reported that the Executive Committee met on October 14, 2010 and presented the committee's recommendations.

**ITEM 17. PAYMENT TO ROMANS, WIEMER & ASSOCIATES FOR FY 2010 AUDIT.**

Gayle Steiger, with Romans, Wiemer & Associates presented the FY 2010 Audit at the September board meeting. The audit was accepted and payment is recommended.

It was moved by Bruns and seconded by Luebbe to approve payment of \$3,075.00 to Romans, Wiemer & Associates, Certified Public Accounts, P.C., for preparing the Upper Big Blue NRD FY 2010 audit. The motion was approved.

AYE: Austin, Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Eberle, Nuss, Regier

**ITEM 18. \*THIRD QUARTER DIRECTORS' PER DIEM & EXPENSES.**

The Committee reviewed the directors' per diem and expenses for the third quarter of 2010.

It was moved by Stahly and seconded by Yates to approve payment of directors' per diem of \$10,360 and expenses of \$3,607.55 for the third quarter 2010. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Dickinson, Eberle, Nuss, Regier

**ITEM 19. FINANCIAL REPORT SEPTEMBER 1 - 30, 2010 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2010.**

Bitner reviewed the financial report for the period September 1, 2010 to September 30, 2010 that was distributed. It was moved by Houdersheldt and seconded by Miller to accept the financial report for September 2010 as presented, approve payments of the accounts payable and publish the expenditures.

AYE: Austin, Bruns, Buller, Houdersheldt, Luebbe, Miller, Moore, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Dickinson, Eberle, Nuss, Regier

There being no other business the chairman adjourned the meeting at 8:22 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 October 21, 2010, 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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Linda Luebbe, Secretary

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**BOARD OF DIRECTORS MEETING,  
November 18, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 18, 2010 at 1:30 p.m. in 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, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Marie Krausnick, Kristin Phillips, John Bush, Nancy Beach, Courtney Woodman, Patty Kyhn, Dan Leininger and Eugene Ulmer.

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

Brown reported that we published the legal notice of the board of directors' meeting on November 11, 2010 in the York News-Times.

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

Thirteen directors were present during roll call. Austin, Miller, Moore and Nuss arrived late.

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller, Moore

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

It was moved by Stahly and seconded by Teegerstrom to approve the agenda for the November 18, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Miller, Moore

**ITEM 5. \*APPROVAL OF MINUTES OF THE OCTOBER 21, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Teegerstrom to approve the minutes of the October 21, 2010 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown  
NAY: None  
NOT PRESENT: Miller, Moore

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

Eberle reported that the Projects and Programs Committee met on November 9, 2010 and presented the committee's recommendations.

**ITEM 7. ANDERSON RECREATION AREA CONSTRUCTION PROGRESS PAYMENT.**

Nemaha Landscape Construction, general contractor for improvements at the Anderson Recreation Area, has completed approximately 13% of the work. Materials for the restrooms and amphitheatre have been ordered and the contractor is currently paving the RV pads. Staff recommends payment of \$97,823.75 for work completed in October 2010.

It was moved by Eberle and seconded by Luebbe to approve payment of \$97,823.75 to Nemaha Landscape Construction, Inc. for construction work completed during October 2010, in accordance with the Contract Documents, at the Anderson Recreation Area. 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 8. VILLAGE OF FAIRMONT DRAINAGE AND STORM SEWER IMPROVEMENTS.**

The Village of Fairmont submitted a request for payment of \$43,369.69 for work completed on storm sewer and drainage improvements during August and September 2010. The Village certifies that requested payment for engineering and construction work is in accordance with the Interlocal Agreement between the District and Village. The amount paid to date, including this pay request, is \$126,329.29, and the District's maximum share of cost is limited to \$187,500. The Interlocal Agreement between Fairmont and the District terminates June 30, 2011.

It was moved by Eberle and seconded by Nuss to approve payment of \$43,369.69 to the Village of Fairmont for storm sewer and drainage improvements constructed during August and September 2010 in accordance with the June 2, 2009 Interlocal Agreement between the Village and District. 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. TRADEWINDS DISTRIBUTING, INC.–SMITH CREEK RECREATION AREA BOAT DOCK.**

Personnel from Trade Winds Distributing, Inc. located in Altamont, Missouri installed one boat dock with gangway and railing at Smith Creek Recreation Area in accordance with their quote of \$14,229.42. The District staff spent an additional \$188.28 for materials and equipment rental to install the gangway headwall.

It was moved by Eberle and seconded by Bruns that payment of \$14,229.42 be made to Trade Winds Distributing, Inc. for installation of one boat dock including gangway and safety railing at Smith Creek Recreation Area in accordance with their quotation. 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. REPLACE GANGWAY AT OXBOW TRAILS RESERVOIR.**

Trade Winds Distributing, Inc. submitted an estimate in the amount of \$4,782.44 for replacing the 10-foot gangway with a 20-foot gangway at Oxbow Trails Reservoir:

It was moved by Eberle and seconded by Volkmer that the Upper Big Blue Natural Resources District hire Trade Winds Distributing, Inc. to replace the 10-foot gangway with a 20-foot gangway at Oxbow Trails Reservoir in accordance with their quote of \$4,782.44. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Regier, Stahly, Teegerstrom, Volkmer, Yates, Brown

NAY: Nuss, Weiss

NOT PRESENT: Miller

**ITEM 11. WILD NEBRASKA PAYMENT.**

The Wildlife Habitat contract for Bettger Bros (B&B Ag.) 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 Eberle and seconded by Houdersheldt that the Upper Big Blue Natural Resources District make payment of \$120.00 for one Wildlife Habitat Improvement Program contract, 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 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Water & Regulations Committee met on November 9, 2010 and presented the committee's recommendations.

**ITEM 13. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

There are eleven final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$3,792.28.

It was moved by Stahly and seconded by Teegerstrom that the District make cost-share payments for eleven well abandonments as reviewed by the Committee, at a cost of \$3,792.28. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Miller, Moore

**ITEM 14. CERTIFICATION OF IRRIGATED ACRES.**

November certification of irrigated acres includes one change totaling 30.1 acres. With these changes the total irrigated acres certified in the Management Area are 1,162,162.8.

It was moved by Volkmer and seconded by Austin that the Board certifies the November 2010 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 15. UPPER PLATTE BASIN INTEGRATED WATER MANAGEMENT AREA RULES AND REGULATIONS.**

The Committee reviewed changes to District Rule 5 which include provisions for implementing the controls outlined in the Upper Platte Basin Integrated Management Plan. There was discussion concerning transfers, but no changes were made.

It was moved by Volkmer and seconded by Austin that the Board adopt proposed changes to District Rule 5 for the purpose of conducting a public hearing. 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. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on November 9, 2010 and presented the committee's recommendations.

**ITEM 17. PAYMENT TO YORK PRINTING FOR BLUEPRINT NEWSLETTER.**

The district received an invoice from York Printing in the amount of \$7,239.50 for the Blueprint newsletter.

It was moved by Bruns and seconded by Dickinson to approve payment of \$7,239.50 to York Printing for the special edition Blueprint newsletter. 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. NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS' DUES.**

A bill for \$1,775 was received from the NACD for the 2011 dues.

It was moved by Bruns and seconded by Luebbe to approve payment of \$1,775 to the NACD for the 2011 dues. 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. PAYMENT TO UNL CONSERVATION & SURVEY FOR PLATTE RIVER STREAMBED CONDUCTANCE STUDY.**

An invoice for \$13,089.90 was received from the University of Nebraska Conservation & Survey Division for the Platte River Streambed Conductance Study for work completed through October 31, 2010. The total contract amount is \$66,200. A balance of \$51,994.83 remains to be paid out under the contract.

It was moved by Bruns and seconded by Houdersheldt to authorize payment of \$13,089.90 to the University of Nebraska for the Platte River Streambed Conductance Study. 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 20. FINANCIAL REPORT OCTOBER 1 - 31, 2010 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2010.**

Turnbull reviewed the financial report for the period October 1, 2010 to October 31, 2010 that was distributed. It was moved by Volkmer and seconded by Dickinson to accept the financial report for October 2010 as presented, approve payments of the accounts payable and publish the expenditures.

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 2:43 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 18, 2010, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
&  
RULE 5 PUBLIC HEARING  
December 16, 2010**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 16, 2010 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Augustus Brown, Steve Buller, Doug Dickinson, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Merlin Volkmer, Paul Weiss and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Eugene Ulmer, Doug Hallum of NDNR, and Josh Bowers of York 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 9, 2010 in the York News-Times.

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

Thirteen directors were present during roll call. Austin and Moore arrived later.

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

Gary Eberle and Doug Bruns requested that their absence from the December 16, 2010 board of directors meeting be excused.

It was moved by Volkmer and seconded by Stahly to excuse the absence of Eberle and Bruns from the December 16, 2010 board of directors meeting, as requested. The motion was approved.

AYE: Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Bruns, Eberle

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

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

AYE: Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Bruns, Eberle

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

It was moved by Dickinson and seconded by Volkmer to approve the agenda for the December 16, 2010 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Bruns, Eberle

**ITEM 6. \*APPROVAL OF MINUTES OF THE NOVEMBER 18, 2010 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Volkmer to approve the minutes of the November 18, 2010 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Bruns, Eberle

**ITEM 7. PUBLIC HEARING - PROPOSED CHANGES TO DISTRICT RULE 5.**

Chairman Brown opened the public hearing for proposed changes to District Rule 5 at 1:35 p.m. He stated for the record that notice of this public hearing was published in the York News-Times for three consecutive weeks as required by law. The notice was published November 23, November 30 and December 7, 2010. He asked Rod DeBuhr, Water Department Manager, to explain the proposed changes.

DeBuhr: Thank you Gus. I'll just take a few minutes and review the changes for everyone. And I think the Department (NDNR) is here to present testimony as well. On April 21, 2006 the Department of Natural Resources determined a portion of the Upper Big Blue Natural Resources District located in Hamilton County to be fully appropriated. The area includes all or part of twenty square miles bordering the Platte River. A map showing the area is included in the proposed regulations as Appendix C. On September 16 of this year the District and the Department adopted the Upper Platte Basin Integrated Management Plan for the area I described. The plan includes controls that limit increases in water use. Changes in the District's Ground Water Management Area Rules and Regulations are necessary for the implementation of these controls. The District now has three management areas. They are Ground Water Management Area #1, which was established in 1977 to address ground water supplies; Management Area #2 which was established in 1994 to address ground water quality concerns; and the Upper Platte Basin Integrated Management Area, which was established to address conjunctive use concerns. The proposed effective date of the draft changes before you is February 1, 2011. The



regulations are divided into four sections. Chapters 1 – 7 would apply to all three management areas. Chapters 8 – 17 would apply to the Ground Water Management Area #1, with Chapter 11 in this Section also applying to the Upper Platte Basin Integrated Management Area. Chapters 18 – 22 apply to Ground Water Management Area #2 and newly added Chapter 23 would apply to the Upper Platte Basin Integrated Management Area. There are some minor changes and additions that I do not plan to go over, but I will try to answer any questions the Board has. At this time I would like to review the major changes and additions to Chapters 11 and 23. Chapter 11 addresses ground water transfers. The District has had limitations on physical transfers since the 1980's. In 2007 changes in Chapter 11 required the District to grant authorization for new physical transfers of ground water. The proposed changes will require authorization for all types of transfers proposed in the Upper Platte Basin Integrated Management Area including transfer of certified irrigated acres from one parcel of land to another and changes in type of use of ground water. For example this would include retiring irrigated acres and using ground water for confined animal feeding operations. Changes also require lien holder notification approval for any transfers in the [Integrated] Ground Water Management Area. These requirements would not apply to other parts of the District. Chapter 23 is a new chapter specifically added for the Upper Platte Basin Integrated Management Area. The additions include a moratorium on expanded uses of ground water, provisions that offset would be provided, or proof that no increase in consumptive use of ground water would occur. Permits would be required for these types of activities. In addition to those requirements we already have in Chapter 5, permits would be required for changes to the type of use of an existing well; adding or modifying the infrastructure for the purpose of expanding consumptive use of ground water; or any other additional information the District deems appropriate. Sources of offset of ground water are included in Chapter 23. Applicants must show evidence of these sources. If these sources involve transfer from another District, and in this case that could potentially be the Central Platte NRD, then both Districts would have to agree to those types of transfers and offsets. This concludes my testimony. If there are any questions I'd be happy to try to answer them.

Brown: Are there any questions regarding the changes to Rule 5? Any questions for Rod? At this time I'd like to call Brian Dunnigan from the Department of Natural Resources.

DeBuhr: Doug Hallum is here in his place.

Brown: Oh, Doug Hallum.

Hallum: Yes. I'm Doug Hallum from the Department of Natural Resources. I guess I'd like to start by saying thanks to John and Rod for the long hours we spent working on the integrated management plan and then following up with these rule changes here today. I'm simply going to present our letter from Brian Dunnigan. I'll read it into the record. "This letter and the enclosed memo is intended as the official testimony of the Department of Natural Resources for inclusion in the record of the Upper Big Blue Natural Resources District's hearing on proposed changes to *Rule 5 – Upper Big Blue Natural Resources District Ground Water Management Rules and Regulations*. This testimony is offered in accordance with Neb. Rev. Stat. §46-743 (Reissue 2004). DNR staff members have reviewed the proposed revisions to the Rules and Regulations and have summarized their comments in the enclosed memo. (The comments in the memo are limited to chapter references that have been corrected in the draft that you have before you. So those corrections have already been made.) The DNR supports the proposed changes to the District's Rules and Regulations and commends District's efforts to implement

changes needed to help ensure successful integrated management planning efforts. The DNR looks forward to continuing the effective working relationship with NRD staff members as the integrated management plan (IMP) is implemented to ensure that all applicable rules and regulations are consistent with the IMP.”

Brown: Doug, thank you for that letter. Are there any other questions?

DeBuhr: Yes. I was remiss in my testimony and forgot about this. As I mentioned at the Water Committee meeting there is one change I would like the board to consider when they are adopting these. It's on page 5-20. A copy of the change is in front of you. We have dealt with physical transfer in this District for some time and it sort of got in our terminology transfers mean pumping water across the road or across the section line, but in the context of the Integrated Management Plan it has other meanings. And so we have an exemption in Chapter 10, excuse me Chapter 11, paragraph 10, which now reads “ground water transfers within the same government survey section”, would be a transfer. That won't be true anymore, shouldn't be true anymore, if you're dealing with a certified acres transfer from one parcel to another. So I reworded that to say “physical transfers of ground water within the same government survey section.” I would ask the Board to consider that change when it comes time to vote on the actual adoption [order]. And I think you all have that in front of you.

Brown: Okay. Are there any other questions? Any other questions for the hearing; if not I declare this hearing closed.

The hearing closed at 1:44 p.m.

#### **ITEM 8. ORDER OF ADOPTION**

It was moved by Houdersheldt and seconded by Moore to adopt the proposed changes to District Rule 5, with the changes to Chapter 11, Paragraph 10, sub-paragraph 10.03. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

#### **ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects and Programs Committee met on December 9, 2010 and presented the committee's recommendations.

#### **ITEM 10. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Miller and seconded by Houdersheldt to approve payment of \$15,821.65 for four completed NSWCP land treatment program applications as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

**ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Volkmer to approve payment of \$2,136.10 for the December 2010 quarter on four Nebraska Buffer Strip Program contracts, as reviewed by the Projects and Programs Committee. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Austin, Bruns, Eberle

**ITEM 12. ANDERSON RECREATION AREA CONSTRUCTION PROGRESS PAYMENT.**

Nemaha Landscape Construction, general contractor for improvements at the Anderson Recreation Area, has completed approximately 26% of the work. Materials for the restrooms and amphitheater have been delivered, and paving for the RV pads is completed. Staff recommends payment of \$71,380.72 for work completed in November 2010.

It was moved by Miller and seconded by Austin to approve payment of \$71,380.72 to Nemaha Landscape Construction, Inc. for construction work completed at the Anderson Recreation Area, in accordance with their Construction Contract, in November 2010. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

**ITEM 13. VILLAGE OF FAIRMONT DRAINAGE AND STORM SEWER IMPROVEMENTS.**

The Village of Fairmont submitted a request for payment of \$35,105.29 for work completed on storm sewer and drainage improvements during September and October 2010. The Village certifies that requested payment for engineering and construction work is in accordance with the Interlocal Agreement between the District and Village. The amount paid to date, including this payment, is \$161,434.58, and the District's maximum share of cost is limited to \$187,500. The Interlocal Agreement between Fairmont and the District terminates June 30, 2011.

It was moved by Miller and seconded by Yates to approve payment of \$35,105.29 to the Village of Fairmont for storm sewer and drainage improvements constructed during August and September 2010 in accordance with the June 2, 2009 Interlocal Agreement between the Village and District. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

**ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF  
RECOMMENDATIONS.**

Volkmer reported that the Water & Regulations Committee met on December 9, 2010 and presented the committee's recommendations.

**ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Dickinson and seconded by Volkmer that the District make cost-share payments for thirteen well abandonments as reviewed by the committee at a cost of \$5,897.67. The motion was approved as part of the consent agenda.

AYE: Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer,  
Weiss, Yates, Brown

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Bruns, Eberle

**ITEM 16. WATER METER COS-SHARE PROGRAM.**

There are final payments for one repair and four new meters. The total cost-share is \$1,329.80.

It was moved by Volkmer and seconded by Regier that the District make cost-share payments for one repaired and four new water meters as reviewed by the Committee, at a cost of \$1,329.80. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

**ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

December certification of irrigated acres includes one change totaling 1,124.1 acres. With these changes the total irrigated acres certified in the Management Area are 1,162,132.4.

It was moved by Volkmer and seconded by Regier that the Board certifies the December 2010 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

**ITEM 18. GROUND WATER TRANSFER AUTHORIZATION.**

Douglas D. Zimmerman has requested authorization to transfer ground water from the W½NE¼ Section 18-T10N-R3E to the SW¼SE¼ Section 17-T10N-R3E, Seward County to irrigate 39 acres. The source tract contains a total of 80 acres. The proposed transfer appears to comply with the provisions of the District Regulations.

It was moved by Volkmer and seconded by Austin that the Board authorized the ground water transfer requested by Douglas D. Zimmerman, from the W½NE¼ Section 18-T10N-R3E to the SW¼SE¼ Section 17-T10N-R3E, Seward County to irrigate 39 acres. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom,  
Volkmer, Weiss, Yates, Brown

NAY: Nuss

NOT PRESENT: Bruns, Eberle

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

Dickinson reported that the Executive Committee met on December 9, 2010 and presented the committee's recommendations.

**ITEM 20. PAYMENT TO YORK PRINTING COMPANY.**

A bill for \$7,242.95 has been received from York Printing Company for the Blueprint newsletter.

It was moved by Dickinson and seconded by Volkmer to approve payment of \$7,242.95 to York Printing Company for the special edition Blueprint newsletter. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

**ITEM 21. NARD FLEXIBLE BENEFITS PLAN.**

Changes are required in the NARD Flexible Benefits Plan because of a recent federal law. The two changes are: (1) Over the counter drugs or medicine will now require a prescription by a doctor in order for the employee to be reimbursed from the flexible spending account. (2) A participant's (employee's) qualified dependent children who are age 26 and younger will be eligible for the NARD Flexible Benefits Plan.

The NARD Board of Directors approved the changes at the November 8, 2010 meeting. Now each NRD needs to approve these changes known as Amendment #1. Turnbull recommends that the Board of Directors consent to the adoption of Amendment #1 by approving the Participation Agreement.

It was moved by Dickinson and seconded by Austin to approve the Nebraska Association of Resources Districts Flexible Benefits Plan Participation Agreement (Amendment #1). The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

#### **ITEM 22. NARD VOTING DELEGATE AND ALTERNATE.**

On behalf of the Committee it was moved by Dickinson and seconded by Stahly to appoint Doug Dickinson as the Delegate and Yvonne Austin the Alternate for the January NARD Conference. The motion was approved.

AYE: Buller, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT VOTING: Austin, Dickinson

NOT PRESENT: Bruns, Eberle

#### **ITEM 23. FINANCIAL REPORT NOVEMBER 1 - 30, 2010 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2010.**

Turnbull reviewed the financial report for the period November 1, 2010 to November 30, 2010 that was distributed. It was moved by Houdersheldt and seconded by Yates to accept the financial report for November 2010 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Weiss, Yates, Brown

NAY: None

NOT PRESENT: Bruns, Eberle

There being no other business the chairman adjourned the meeting at 2:22 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 December 16, 2010, 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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Linda Luebbe, Secretary

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**BOARD OF DIRECTORS MEETING**  
**January 20, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 20, 2011 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Marie Krausnick, Kristen Phillips, Courtney Woodman, DeeDee Novotny, Nancy Beach, Steve Moseley of York News-Times and Josh Bowers of York NRCS.

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

Bruns reported that we published the legal notice of the board of directors' meeting on January 13, 2011 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Turnbull administered the oath of office to Larry Moore and Linda Luebbe. All other newly elected board members took the oath of office at the Blue Basin Meeting in Milford, Nebraska on January 12, 2011, prior to the election of the Nebraska Natural Resources Commission representative for the Blue Basin.

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

Merlin Volkmer requested that his absence from the January 20, 2011 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Stahly to excuse the absence of Volkmer from the January 20, 2011 board of directors meeting, as requested. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Bruns

NAY: None

NOT PRESENT: Volkmer



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

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

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Bruns

NAY: None

NOT PRESENT: Volkmer

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

It was moved by Dickinson and seconded by Yates to approve the agenda for the January 20, 2011 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Bruns

NAY: None

NOT PRESENT: Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE DECEMBER 16, 2010 BOARD OF DIRECTORS MEETING AND RULE 5 PUBLIC HEARING.**

It was moved by Dickinson and seconded by Yates to approve the minutes of the December 16, 2010 Board of Directors meeting and Rule 5 Public Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Bruns

NAY: None

NOT PRESENT: Volkmer

**ITEM 8. APPOINTMENT TO SUB-DISTRICT 8.**

Gus Brown did not file for re-election to Sub-District 8. No one else filed for election to Sub-District 8 so a vacancy exists for the seat in that Sub-District. The 4 year term will run until January 2015.

As outlined by the Operating Policy, the General Manager ran an ad in the York News-Times about the vacancy requesting interested citizens to apply by letter to the Board Chairman for appointment. Applicants were to submit their letter of application by January 18.

Turnbull receive 5 inquiries, however only one individual, Ronda Rich, submitted a letter of application by the deadline. Her application was forwarded to the Executive Committee for review on January 13. Ronda Rich attended the January committee meetings, introduced herself and gave a brief background at that time. The Executive Committee found her to be lawfully qualified for appointment to the board and forwarded her letter to the Board of Directors for consideration.

On January 21, 2011 at 11:30 a.m., Leslie O. Olson of York, Nebraska submitted a letter of application to be appointed to the Board of Directors representing Sub-District 8. The Executive Committee reviewed the application submitted by Les Olson of York, Nebraska and found him to be lawfully qualified to be a member of the Board of Directors. His letter was also forwarded to the Board for consideration.

There was some discussion about accepting a letter of application after the January 18 deadline. Turnbull explained that he set the deadline when placing the ad and that the deadline was not due to any written board policy. He told the board it was their decision whether or not to accept the application submitted by Les Olson. Turnbull advised the board that they could make a decision today or wait until a later date to fill the vacancy. He was asked to review the policy regarding appointment to fill a board vacancy.

It was moved by Ulmer and seconded by Nuss to defer action on the appointment to Sub-District 8 until next month. The motion failed.

AYE: Nuss, Ulmer

NAY: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly,  
Teegerstrom, Yates, Bruns

NOT PRESENT: Volkmer

It was moved by Moore and seconded by Houdersheldt to poll the board to state the name of their choice for appointment to fill the vacancy in sub-district 8. The results were as follows.

OLSON: None

RICH: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Yates, Bruns

NOT VOTING: Ulmer

NOT PRESENT: Volkmer

Ronda Rich was appointed to fill the vacancy in Sub-District 8 for a term of four years.

#### **ITEM 9. DIRECTOR'S OATH OF OFFICE.**

Turnbull administered the oath of office to Ronda Rich and she was seated on the board.

#### **ITEM 10. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Projects and Programs Committee met on January 13, 2011 and presented the committee's recommendations.

#### **ITEM 11. LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Eberle and seconded by Houdersheldt to approve payment of \$36,196.32 for seven NSWCP and two NRD completed land treatment program applications, as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: None

NOT VOTING: Buller

NOT PRESENT: Volkmer

#### **ITEM 12. ANDERSON RECREATION AREA CONSTRUCTION PROGRESS PAYMENTS.**

Nemaha Landscape Construction, general contractor for work at the Anderson Recreation Area, has completed approximately 32% of the work. In December construction work was suspended until March due to winter conditions. Staff recommends payment of \$37,533.74 for work completed in December 2010.

It was moved by Eberle and seconded by Miller to approve payment of \$37,533.74 to Nemaha Landscape Construction, Inc., for construction work completed at the Anderson Recreation Area, in accordance with their construction contract, in December 2010. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: None

NOT PRESENT: Volkmer

#### **ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller and Austin reported on the Water & Regulations Committee meeting held January 13, 2011 and presented the committee's recommendations.

#### **ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

It was moved by Dickinson and seconded by Yates that the District make cost-share payments for five well abandonments as reviewed by the committee at a cost of \$1,634.72. The motion was approved as part of the consent agenda.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates, Bruns

NAY: None

NOT VOTING: Buller

NOT PRESENT: Volkmer

#### **ITEM 15. CERTIFICATION OF IRRIGATED ACRES.**

December certification of irrigated acres includes one change totaling 2,082.5 acres. With these changes the total irrigated acres certified in the Management Area are 1,162,665.6.

It was moved by Buller and seconded by Yates that the Board certifies the January 2011 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 16. PAYMENT FOR WATERMARK SENSORS.**

An invoice was submitted by Klein Sales & Service for the purchase of Watermark soil moisture sensors totaling \$13,270.

It was moved by Buller and seconded by Dickinson to pay Klein Sales & Service for the purchase of Watermark soil moisture sensors totaling \$13,270. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 17. PAYMENT TO KERRY'S RESTAURANT & CATERING, INC.**

An invoice was submitted by Kerry's Restaurant & Catering, Inc., for the lunch and breaks for the CROP-TIP Field Day totaling \$1,370.

It was moved by Austin and seconded by Stahly to pay Kerry's Restaurant & Catering, Inc. \$1,370.00 for the lunch and breaks provided at the CROP-TIP Field Day. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 18. PAYMENT TO DAVID M. KOHLS, AGRIVISION, LLC.**

An invoice was submitted by David M. Kohls, Agrivision, LLC for travel and speaking fees for the CROP-TIP Field Day totaling \$2,891.81.

It was moved by Austin and seconded by Nuss to pay David M. Kohls, Agrivision, LLC for travel and speaking fees totaling \$2,891.81. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 19. CHEMIGATION ANNUAL REPORT AND PAYMENT TO NDEQ.**

The District processed 59 new and 304 renewal chemigation permits in 2010. The amount due the Nebraska Department of Environmental Quality is \$903.00.

It was moved by Austin and seconded by Dickinson to pay the NDEQ their share of chemigation fees for 2010 totaling \$903.00. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: None

NOT PRESENT: Volkmer

#### **ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Stahly reported that the Executive Committee met on January 13, 2011 and presented the committee's recommendations.

#### **ITEM 21. PAYMENT TO YORK PRINTING COMPANY.**

An invoice for \$7,268.90 was received from York Printing Company for printing the Blueprint Newsletter.

It was moved by Stahly and seconded by Austin to approve payment of \$7,268.90 to York Printing for the Blueprint Newsletter. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: None

NOT PRESENT: Volkmer

#### **ITEM 22. LOWER PLATTE NORTH SALARY REIMBURSEMENT.**

An invoice was received from the Lower Platte North NRD requesting reimbursement of \$7,854.37 for the Butler County NRCS clerk's wages and \$606.46 for the technicians hours worked for the past six months totaling \$8,460.83.

It was moved by Stahly and seconded by Austin to approve payment of \$8,460.83 to the Lower Platte North NRD for NRCS office salaries for half of FY 2011 (July 1 – December 31, 2010). The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: Houdersheldt, Miller

NOT PRESENT: Volkmer

#### **ITEM 23. LEGISLATION.**

Turnbull reviewed the legislative bills that had been introduced at the time of the January committee meetings with the Executive Committee. The bills of interest are listed below.

**LB 28** - The bill eliminates the requirement that a copy of each approved chemigation application be immediately forwarded to the Department of Environmental Control. The bill proposes that the information be maintained by the Natural Resources District and provided to the department upon request. The bill also eliminates a couple of provisions in annual reports from the Natural Resources Districts to the department. The reports would no longer have to include the location of each permitted chemigation system in the district and the name of each permit holder utilizing chemigation in the district.

**LB 31** - The bill eliminates a procedure for a surface water right holder to gain additional water right flows and allows the Department of Natural Resources to consider other existing factors in determining whether to grant a new permit.

**LB 32** - The bill eliminates the requirement that approval of all pending matters for an application for water appropriation and water storage under the Safety of Dams Act be issued simultaneously. This allows a project sponsor to determine if a water appropriation is available prior to going through the expense of finalizing the dam design.

**LB 103** - The bill clarifies that an in-stream flow cannot be granted in a fully or over-appropriated basin, but does allow for a transfer of a natural flow appropriation to an in-stream flow right.

**LB 118** - The bill eliminates state aid to Natural Resources Districts.

**LB 127** - The bill would require that Natural Resources Districts consult with the Nebraska Game and Parks Commission when developing an integrated management plan.

**LB 154** – The bill makes a couple of changes when a vacancy occurs on Natural Resources Boards. First the bill requires that when a vacancy occurs, the Board Of Directors shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term (a) in writing to the Secretary of State and (b) to the public by a notice published in a newspaper of general circulation within the district or by posting in three public places in the district. Second, if the vacancy occurs prior to August 1 of the second year of the unexpired term, the appointee would have to run for election for the remaining term. Finally, if the vacancy occurs after August 1 of the second year of the unexpired term or during the third or fourth year of the unexpired term, the appointee shall serve until the term expires.

**LB 173** - The bill adds natural resources districts to the list of higher offices, which prohibits Natural Resources District Board members from holding more than one office.

It was moved by Stahly and seconded by Yates to support Legislative Bills 28, 31, 32, and 103; and further to oppose Legislative Bills 118, 127 and 173. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: None

NOT PRESENT: Volkmer

It was moved by Stahly and seconded by Austin to oppose Legislative Bill 154.

It was moved by Miller and seconded by Ulmer to amend the motion to take a neutral position on LB 154. The amendment failed.

AYE: Miller, Ulmer

NAY: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Yates, Rich, Bruns

NOT PRESENT: Volkmer

Question was called on the original motion. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Regier, Stahly, Teegerstrom,  
Ulmer, Yates, Rich, Bruns

NAY: Miller, Nuss

NOT PRESENT: Volkmer

Turnbull reviewed other Legislative Bills that were introduced after the January 13 Executive Committee meeting.

**LB 383 – Eliminate state aid for municipalities, counties, and natural resources districts. Cornett, at the request of the Governor.** The bill eliminates general state aid to municipalities, counties and the NRDs.

**LB 484 – One Call Notification. Hadley.** The bill would exempt the following from Digger’s Hotline calls – soil sampling for agricultural nutrient and water management purposes, soil sampling performed for manure management, and installation of soil moisture monitoring equipment.

**LB 526 – Water Right Transfer. Carlson.** The quality of water that is transferred for diversion or other use at the new location will not exceed the historic consumptive use under the appropriation or portion thereof being transferred, except that this subdivision does not apply to (i) a transfer in the location of use if both the current use and the proposed use are for irrigation, the number of acres to be irrigated will not increase after the transfer, and the location of the diversion from the stream will not change or (ii) a transfer of the entire amount of a surface water irrigation right for a nonconsumptive use.

**LB 596 – Provide legal standing in Integrated Management Plans – Carlson.** This bill would override the Nebraska Supreme Court decision that ruled that CNPPID did not have a legal standing to challenge the North Platte NRD’s Integrated Management Plan. Municipalities, power and irrigation districts, and irrigation districts would be given the right to challenge integrated management plans if they rely on water from the geographic area of the integrated management plan even though they do not have facilities or works in that area.

It was moved by Houdersheldt and seconded by Eberle to oppose LB 383 and LB 596 and support LB 484 and LB 526. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: None

NOT PRESENT: Volkmer

**ITEM 24. \* FOURTH QUARTER DIRECTORS PER DIEM AND EXPENSES.**

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

It was moved by Dickinson and seconded by Yates to approve payment of fourth quarter directors' per diem of \$6,930.00 and expenses of \$2,706.71. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Bruns

NAY: None

NOT PRESENT: Volkmer

**ITEM 25. FINANCIAL REPORT DECEMBER 1 - 31, 2010 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2010.**

Turnbull reviewed the financial report for the period December 1, 2010 to December 31, 2010 that was distributed. It was moved by Miller and seconded by Yates to accept the financial report for December 2010 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Rich, Bruns

NAY: None

NOT PRESENT: Volkmer

**ITEM 26. NOMINATING COMMITTEE REPORT.**

Larry Moore presented the Nominating Committee's report and submitted the slate of candidates. Marie Krausnick and Nancy Beach were asked to collect and tally the ballots.

**ITEM 27. ELECTION OF CHAIRMAN.**

The nominees for the office of chairman were Roger Houdersheldt and Mike Nuss. There were no nominations from the floor. Houdersheldt received 11 vote; Nuss 5 votes. Houdersheldt 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 John Miller. There were no nominations from the floor. Bruns received 14 votes; Miller 2 votes. Bruns will serve as vice chairman for a one-year term.

**ITEM 29. ELECTION OF SECRETARY.**



The nominees for the office of secretary were Steve Buller and Linda Luebbe. There were no nominations from the floor. Buller received 6 votes; Luebbe 10 votes. Luebbe will serve as secretary for a one-year term.

**ITEM 30. ELECTION OF TREASURER.**

The nominees for the office of treasurer were Bill Stahly and Lynn Yates. There were no nominations from the floor. Stahly received 11 votes; Yates 5 votes. Stahly will serve as treasurer for a one-year term.

**ITEM 31. ELECTION OF NARD REPRESENTATIVE.**

The nominee for NARD Representative was Larry Moore. Miller nominated Eberle for the NARD Representative. Moore received 9 votes; Eberle 7 votes. Moore will serve as NARD Representative for a one-year term.

**ITEM 32. ELECTION OF NARD ALTERNATE.**

The nominees for NARD Alternate were Yvonne Austin, Doug Dickinson, and Gary Eberle. There were no nominations from the floor. In the first round of voting Austin received 5 votes; Dickinson 4 votes and Eberle 7 votes. In the second round Austin received 8 votes; Dickinson 0 votes; Eberle 8 votes. The board was asked to cast their ballots again for either Austin or Eberle. Austin received 7 votes; Eberle 9 votes. Eberle will serve as NARD Alternate for a one-year term.

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 January 20, 2011, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 17, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 17, 2011 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Patty Kyhn, Courtney Woodman, Kristin Phillips, Steve Moseley of York News-Times and Jim Husbands of York NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on February 10, 2011 in the York News-Times.

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

Thirteen directors were present during roll call. Austin and Nuss arrived at 1:35 p.m.

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

Steve Buller requested that his absence from the February 17, 2011 board of directors meeting be excused to attend a well drillers meeting. Ken Regier requested an excused absence for medical reasons.

It was moved by Teegerstrom and seconded by Bruns to excuse the absence of Buller and Regier from the February 17, 2011 board of directors meeting, as requested. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller, Nuss, Regier

**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, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller, Regier

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

It was moved by Stahly and seconded by Dickinson to approve the agenda for the February 17, 2011 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 20, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Dickinson to approve the minutes of the January 20, 2011 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller, Regier

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

Eberle reported that the Projects and Programs Committee met on February 10, 2011 and presented the committee's recommendations.

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

It was moved by Eberle and seconded by Yates to approve payment of \$5,287.92 for two NSWCP completed land treatment program applications as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 9. RULE 6 – NRD PARK REGULATIONS.**

The Projects and Programs Committee reviewed proposed changes to the NRD Rules and Regulations for the District's recreation areas. The primary reason for the proposed changes to the regulations is due to the construction of the new campground and day use area at the Anderson Recreation Area. Turnbull went over some additional changes that staff thought needed to be made to keep the language consistent throughout the general regulations and the special regulations for the five NRD recreation areas. Copies of the proposed changes are available at the NRD office.

It was moved by Eberle and seconded by Volkmer that the proposed changes to Rule 6 – NRD Park Regulations be approved for the purpose of public hearing on March 17, 2011. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

#### **ITEM 10. CITY OF AURORA EDGERTON PARK/MITCHELL FIELD & REFSHAUGE PARK/FIELD.**

Jim Nietfeld, Parks and Recreation Superintendent for the City of Aurora, was present at the Projects and Programs Committee to review their request for financial assistance to remove and replant trees at the Edgerton Park/Mitchell Field and Refshauge Park/Field. They are currently removing the dead Austrian pine and plan to replace them with other varieties of conifers for an estimated cost of \$2,400. 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 Edgerton Park/Mitchell Field and Refshauge Park/Field in the amount of 25% of the estimated cost of \$2,400 and the District's share not exceed \$600. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

#### **ITEM 11. FAIRMONT DRAINAGE PROJECT.**

The Village of Fairmont submitted a request for final payment of \$7,324.44 for work completed on storm sewer and drainage improvements during November and December 2010. The Village certified that requested payment for engineering and construction work is in accordance with the Interlocal Agreement between the District and Village. The amount paid to date, including this request, is \$133,653.73 and the District's maximum share of cost is limited to \$187,500. The Interlocal Agreement between Fairmont and the District terminates June 30, 2011.

It was moved by Eberle and seconded by Yates to approve payment of \$7,324.44 to the Village of Fairmont for storm sewer and drainage improvements constructed during November and December 2010 in accordance with the June 2, 2009 Interlocal Agreement between the Village and District. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 12. ANDERSON RECREATION AREA ARCHERY RANGE RESTROOM.**

Staff recommends installing a vault type restroom at the archery range at Anderson Recreation Area. The original plan was to use the existing wooden restroom that was moved from the main recreation site at Recharge Lake; however the wooden structure was not salvageable.

Staff obtained quotes for Nemaha Construction and CXT, Inc., to install a reinforced concrete, single stall, vault type restroom at the archery range. The Nemaha Construction quote was \$21,075 and the CXT quote was \$15,615. Both quotes included manufacture, delivery and complete installation of the restroom facility. Staff recommends accepting the CXT quote.

It was moved by Eberle and seconded by Austin to authorize staff to hire CXT, Inc., for the purpose of manufacturing, delivering, and installing one CXT Gunnison model vault type restroom, in accordance with CXT's quotation in the amount of \$15,615 dated 10 February 2011. The motion was approved.

AYE: Austin, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Bruns, Miller, Volkmer, Yates

NOT PRESENT: Buller, Regier

**ITEM 13 .REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported on the Water & Regulations Committee meeting held February 10, 2011 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

There is one final payment for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$407.63.

It was moved by Stahly and seconded by Dickinson that the District make cost-share payment for one well abandonment as reviewed by the Committee, at a cost of \$407.63. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller, Regier

**ITEM 15. WATER METER COST-SHARE.**

There are five final payments for the Water Meter Cost-share Program totaling \$1,500.

It was moved by Volkmer and seconded by Austin that the District makes cost-share payments for five new water meters as reviewed by the Committee at a cost of \$1,500. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

#### **ITEM 16. WATER METER MAINTENANCE PAYMENT.**

Tri City Meters submitted their report on the meters inspected and serviced in Fillmore and southern York County. The report details inspection, maintenance and installation information for each meter. Seven-hundred and forty-two meters were serviced; 258 canopy boots were installed and 71 batteries were replaced. Twenty-nine meters were found to need repair. The total payment due Tri City Meters is \$21,554.

It was moved by Volkmer and seconded by Rich that the District make payment of \$21,554.00 to Tri City Meters for water meter service in Fillmore and southern York Counties. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

#### **ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

February certification of irrigated acres includes changes totaling 3,024.7 acres. With these changes the total irrigated acres certified in the Management Area are 1,162,359.9

It was moved by Volkmer and seconded by Stahly that the Board certifies the February 2011 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

#### **ITEM 18. NO-TILL SEMINAR PAYMENTS.**

Dwayne Beck was the guest speaker at the Hastings No-Till Seminar. The cost of his honorarium and expenses was \$636.85. Tri-City Garden Corp catered the Hastings No-Till Seminar breaks and meal. The cost was \$1,233.54.

It was moved by Volkmer and seconded by Austin to pay Dwayne Beck's speaking cost of \$636.85 and Tri-City Garden Corp catering costs of \$1,233.54. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
 NAY: None  
 NOT PRESENT: Buller, Regier

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

Bruns reported that the Executive Committee met on February 10, 2011 and presented the committee’s recommendations.

**ITEM 20. \*DIRECTORS’ EXPENSES.**

Four directors have submitted conference expenses for reimbursement. Two of the reimbursement requests are for attending the GMDA Conference in San Antonio, Texas. Linda Luebbe had out of pocket expenses in the amount of \$783.59 and Larry Moore \$860.94. Roger Houdersheldt and Lynn Yates requested reimbursement for expenses associated with the upcoming NARD Washington, D.C. lobbying trip for \$259.90 and \$279.90 respectively.

It was moved by Stahly and seconded by Dickinson to approve payment of \$783.59 to Linda Luebbe, \$860.94 to Larry Moore, \$259.90 to Roger Houdersheldt and \$279.90 to Lynn Yates for a total of \$2,184.33 for reimbursement of directors’ expenses. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
 NAY: None  
 NOT VOTING: Austin  
 NOT PRESENT: Buller, Regier

**ITEM 21. COMMITTEE ASSIGNMENTS.**

<b>Committee Assignments 2011-2012</b>		
<b>Projects &amp; Programs</b>	<b>Water &amp; Regulations</b>	<b>Executive</b>
Yvonne Austin	Steve Buller	<b>Chairman</b> Roger Houdersheldt
Gary Eberle	Doug Dickinson	<b>Vice Chairman</b> Doug Bruns
John Miller	Mike Nuss	<b>Secretary</b> Linda Luebbe
Eugene Ulmer	Ken Regier	<b>Treasurer</b> Bill Stahly

Lynn Yates	Ronda Rich	<b>NARD Representative</b> Larry Moore
Merlin Volkmer	Vance Teegerstrom	<b>Projects Chairman</b> Lynn Yates
Doug Bruns	Linda Luebbe	<b>Water Chairman</b> Mike Nuss
Bill Stahly	Larry Moore	<b>Projects Representative</b> John Miller
Roger Houdersheldt	Roger Houdersheldt	<b>Water Representative</b> Steve Buller

It was moved by Miller and seconded by Dickinson to approve the committee assignments. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

The Board recessed at 2:47 p.m. to allow the Projects and Programs and the Water and Regulations Committees to meet to elect committee chairmen and vice-chairmen. As a result Yates and Nuss were placed on the Executive Committee. Then the Executive Committee met to appoint one representative from the Projects and Programs Committee and one representative from the Water and Regulations Committee to sit on the Executive Committee. They appointed Miller and Buller. The Board reconvened at 3:08 p.m.

It was moved by Eberle and seconded by Bruns to approve the final committee assignments. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

## **ITEM 22. FINANCIAL REPORT JANUARY 1 - 31, 2011 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2011.**

Turnbull reviewed the financial report for the period January 1, 2011 to January 31, 2011 that was distributed. It was moved by Volkmer and seconded by Miller to accept the financial report for January 2011 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.



AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

There being no other business the chairman adjourned the meeting at 3:30 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 17, 2011, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
and  
RULE 6 – NRD PARK REGULATIONS HEARING  
March 17, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 17, 2011 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Jeff Ball, Nancy Schuerman, Tiffany Fougeron, Marie Krausnick, Kristin Phillips, Steve Moseley of York News-Times, Kurt Handrup of the Hamilton County Sheriff's Department, and Josh Bowers of York NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on March 10, 2011 in the York News-Times.

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

Seventeen directors were present during roll call.

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

There were no requests for excused absences.

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

It was moved by Teegerstrom and seconded by Dickinson to approve the agenda for the March 17, 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 6. \*APPROVAL OF MINUTES OF THE FEBRUARY 17, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Teegerstrom and seconded by Dickinson to approve the minutes of the February 17, 2011 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

**ITEM 7. EMPLOYEE RECOGNITION.**

Nancy Schuerman, who is the NRD field office secretary in the York NRCS office, was recognized for 10 years of service to the District.

**ITEM 8. RULE 6 – NRD PARK REGULATIONS HEARING.**

Chairman Houdersheldt opened the public hearing at 1:37 p.m. He stated for the record that notice of this public hearing was published in the Aurora News-Register and the Seward County Independent on March 2, 2011. It was published in the Banner Press of David City and the York News-Times on March 3, 2011.

Turnbull: If anybody would like copies that doesn't have them there are three or four on that back table. I'll just hit the highlights. The Committee reviewed these a month ago. The Board went through them at the last board meeting to bring them forward today for the purpose of public hearing. These regulations set out three types of campgrounds. One is called "Campground" and that would have designated individual campsites and a daily fee depending on the type of site, whether it's tent or RV pads. The second type of campground would be established as a "Primitive Campground". Let me back up. The "Campground" designation would only be at the new recreation project here West of York, at the Anderson Recreation Area. The "Primitive Campgrounds" would be Pioneer Trails at Aurora, Smith Creek near Utica, Oxbow near Ulysses and Overland Trail southeast of York. Those "Primitive Campgrounds" would have no designated individual campsites. In other words people could camp wherever they want within that area and there would be no charge for camping at a primitive site. "Youth Camping Areas" would be at all recreation sites. The general area is separate from "Campgrounds" and "Primitive Campgrounds." No individual designated sites. No fee charged. Only for supervised youth groups such as Boy Scouts or church groups, with adult supervision. The regulations, if adopted, would set out a fee for the "Campground", which at this time would just be Anderson Recreation Area. Those fees would be collected through self service envelopes. Five dollars for tent campsite, fifteen dollars for pad with electrical hookups. The fees would be deposited in drop boxes. Permit is placed on the campsite post. Amphitheater use and reservations would be on a first come first served basis. The only site that has an amphitheater currently is the one that's under construction here at Recharge Lake. The amphitheater could be reserved. The hours would be 8 to 10, unless reserved for

later activities. Amplified sound permitted between 8:00 a.m. and 10:00 p.m. No fee for the amphitheater. In the regulations there is a section on alcohol. The section reads that alcohol consumption be permitted in our recreation areas, except between the hours of 10:00 p.m. and 6:00 a.m. Prohibited on roadways, parking areas, boats and swimming areas and containers greater than one gallon prohibited. And that's patterned on the exact wordage that Game & Parks Commission adopted for their statewide recreation areas. Other changes are minor. Redundant language was removed and renumbering of paragraphs and sections. So I think maybe the best thing Roger is to just take comments, or I can try to answer questions on specific things that people have questions about.

Houdersheldt: Comments? Questions? Concern?

Turnbull: If somebody wants to testify that would be fine. Just tell us your name and where you're from and say what you think about it.

Houdersheldt: That's why we're having the hearing.

Handrup: Hi, my name's Kurt Handrup and I'm with Hamilton County Sheriff's Department.

Turnbull: Okay.

Handrup: And I have concerns over the regulations on alcohol.

Turnbull: Alright.

Handrup: Especially since the one that concerns me is Pioneer Trails. And you know that there is considerable criminal mischief that goes on out there. Most recently your restrooms got destroyed. Can we contribute it to alcohol positively? No. I'm sure it has something to do with it because it takes some nerve to sneak up on an outhouse in the middle of the night.

Houdersheldt: You never know if that outhouse is armed or not.

Handrup: My officers, they go out there on a regular basis and they patrol out there and there's always a considerable amount of young people out there. I feel that the alcohol is a big contributor to a lot of the problems that go on out there with the criminal mischief, whether it be to the restrooms or trying to pull up trees out there. I'm not a big fan of alcohol on the property. In reading through the rule that you have on it, boy it's gonna be tough to enforce that. Just a flat no alcohol would be much simpler for the law enforcement officers.

Houdersheldt: I guess from the board's point, just so you understand where we're going, we were trying to following Game and Parks regs so we don't have a hodgepodge of regulations here and there. That's why we went with this type of deal, because that's why we picked out the regulations that we did.

Handrup: I understand completely. And by no means am I putting down Pioneer Trails. I think once that's mature and gets established and we have water standing in there and everything we would probably get some campers down in there. But as it is now it's not like Fort Kearny. Thank you.

Houdersheldt: That's why we have this public hearing. Other comments?

Yates: Roger?

Houdersheldt: Yes.

Yates: I've got a question for the gentleman that just spoke. Has there been problems out there with alcohol? Have your officers um...

Handrup: I thought about that driving over here that I should have checked all the incidents out there. Alcohol is a big player. Like graduations, the day before graduation there's always parties going on there. There's various activities that we know we're going to have to check out there. And sure sometimes there's young people out there just having a good time, but there's more times than not...I should have got the figures for you.

Yates: I was just wondering if you do find it; what's being done now? You know? Is it being enforced now? You know?

Handrup: Sure. Absolutely, I mean if there is alcohol out there, especially if they're young people, they are being cited.

Houdersheldt: But there's no alcohol allowed there at all right now is there?

Turnbull: Right. The way that the existing regulations read is "Consumption of alcoholic beverages on lands owned or controlled by the District is prohibited."

Houdersheldt: So if anybody is on there with alcohol right now they should be ticketed?

Turnbull: That's on any of our recreation sites. And what this proposal would do would be to change that to allow alcohol on our recreation sites.

Houdersheldt: Between the hours of whatever it was.

Turnbull: Yes, with those conditions that I read.

Houdersheldt: Eugene?

Turnbull: After we get done with the hearing I'll explain to the board what you can do about fixing what you want to fix.

Ulmer: Yeah, I guess I don't know if we're in the hearing or.....

Houdersheldt: Yeah, we're in the hearing.

Turnbull: The board can't make any motions, or make any decisions until the hearing is over with.

Houdersheldt: So is that what you're asking Eugene?

Ulmer: Yep.

Houdersheldt: Ronda?

Rich: I don't know if I've asked this before but other area NRDs do they also not allow alcohol?

Turnbull: Other Districts?

Rich: Yes.

Turnbull: I think most....as I recall most other districts do not allow alcohol. I didn't specifically check with them but from the discussions I've had with other Managers that's the way I recall it.

Rich: I know we used to go to the Milligan one over there quite a bit, Swan Creek or whatever it's called now, but it seemed like everybody over there was drinking.

Houdersheldt: Steve?

Buller: Uh, Ken, this Streeter Park; do you know do they allow alcohol? Or maybe the officer can answer that.

Handrup: Are you talking about the Streeter Park in the City of Aurora?

Buller: Yeah. They do not, but they having camping there, correct?

Handrup: Yes.

Regier: They have a campground there, but that's city.

Buller: Right.

Ulmer: I have a question. Are you with the county?

Handrup: Myself? Yes. I'm the sheriff there.

Ulmer: So these other villages they're the same way as far as ordinances as far as their city parks?

Handrup: To my knowledge there is no alcohol in the village or city limits.

Houdersheldt: Yeah, I don't know of any. Do you have jurisdiction over any other? Do you have any state parks?

Handrup: State parks in Hamilton County? No.

Houdersheldt: I couldn't think of any, but I thought I could be missing one.

Miller: What's Tooley Park? Is that considered county or private?

Handrup: That's a good question. The county puts some money into keeping it up [unintelligible] a committee of various individuals [unintelligible] but again it's not allowed in Tooley Park.

Miller: That's an area along the Platte River.

Handrup: Up by the river, yes.

Houdersheldt: I guess the trouble is, what we're trying to figure out is, what I'm saying is, if we have camping there's probably going to be some beer there or something. And do we just flat outlaw and tell everybody to look the other way? Which we can't.... I don't really agree with. Or do we allow it under certain times and try to control it? That's our biggest kick on it. That's why we put those times in to match the Game and Parks after 10:00 p.m.

Turnbull: Why don't we see if there are any other comments?

Houdersheldt: Yeah. Any other comments besides? Nobody has any other comments? Well, we'll close this hearing.

The hearing was officially closed at 1:45 p.m.

#### **ITEM 9. ADOPTION OF RULE 6 – NRD PARK REGULATIONS.**

It was moved by Bruns and seconded by Yates to adopt Rule 6 – NRD Park Regulations as presented in the public hearing.

Miller said he was offering an amendment striking the fees because during the development process that was how he understood it would be. It was moved by Miller and seconded by Ulmer to amend the regulations as follows: Chapter 8, page 6 – Remove 10.05.a-4; Page 7 – Remove 10.05.c Fees and all of 10.05.c-1, 10.05.c-2, 10.05.c-3, 10.05.c-4, and 10.05.c-5. Renumber 10.05.c-6 to 10.05.b-5. Renumber 10.05.c-7 to 10.05.b-6 and remove "and pay the required fees".

Turnbull said that six months ago he would have recommended that we not charge for camping. But after thinking about it for a long time he changed his mind and made the recommendation to charge a fee. The NRD will be faced with some utility costs at this site and will probably have out of state users because of the location. The Visitor's Bureau, who is providing a \$75,000 grant, would like us to charge because there are private campgrounds in this area that charge. The Visitor's Bureau feels if we do not charge a fee that it would be unfair competition.

After some discussion the question was called on the amendment. The amendment failed.

AYE: Luebbe, Miller, Teegerstrom, Ulmer

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Regier, Rich, Stahly, Volkmer, Yates,  
Houdersheldt

NOT VOTING: Nuss

It was moved by Miller and seconded by Ulmer to amend the regulations as follows: New Chapter 15, page 13, change 01 to read "Consumption of alcoholic beverages on recreational area land owned or controlled by the District is prohibited, unless permitted by special regulations. Add new paragraph 3.08 to Chapter 34, Anderson Recreation Area Special Regulations to read "To allow consumption of alcohol in accordance with Chapter 15." The amendment failed.

AYE: Buller, Luebbe, Miller, Nuss, Stahly, Teegerstrom, Ulmer

NAY: Austin, Bruns, Dickinson, Eberle, Rich, Volkmer, Yates, Houdersheldt

NOT VOTING: Moore, Regier

It was moved by Ulmer and seconded by Austin to amend the regulations so that alcohol consumption at Pioneer Trails be prohibited under special regulations in Chapter 33, by adding paragraph 5.07 "Consumption of alcohol is prohibited." The amendment failed.

AYE: Dickinson, Stahly, Ulmer

NAY: Austin, Bruns, Buller, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Teegerstrom, Volkmer, Yates,  
Houdersheldt

NOT VOTING: Miller

It was moved by Yates and seconded by Stahly to amend the regulations to prohibit alcohol on all recreation areas. The amendment failed.

AYE: Luebbe, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Rich, Volkmer, Houdersheldt

The question was called on the original motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: Luebbe, Teegerstrom

#### **ITEM 10. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects and Programs Committee met on March 9, 2011 and presented the committee's recommendations.

#### **ITEM 11. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Yates and seconded by Volkmer to approve payment of \$5,000 for one NSWCP completed land treatment program application as reviewed by the Projects and Programs Committee. The motion was approved.



AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 12. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Teegerstrom and seconded by Dickinson to approve annual payments totaling \$4,177.78 for six Nebraska buffer strip contracts as reviewed by the Projects and Programs Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT VOTING: Houdersheldt

**ITEM 13. FLOOD HAZARD MITIGATION PROGRAM.**

The Lower Big Blue and Little Blue NRDs have completed Hazard Mitigation Planning including portions of the Upper Big Blue NRD. Jeff Ball, NRD Engineering Technician, was present at the committee meeting to present a summary of the plan, which includes parts of Adams, Clay, Fillmore and Saline Counties. The approved plan is necessary for communities and counties within the NRD to be eligible for pre-disaster project funding. Staff recommended adoption of the Resolution of Hazard Mitigation Plan Approval.

It was moved by Yates and seconded by Austin to adopt the Resolution of Hazard Mitigation Plan Approval for the Little Blue/Lower Big Blue Natural Resources District Multi-jurisdictional All-Hazard Mitigation Plan, in its entirety including portions of Adams, Clay, Fillmore and Saline Counties located within the Upper Big Blue NRD. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 14. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on March 9, 2011 and presented the committee's recommendations.

**ITEM 15. UNL CONSERVATION & SURVEY DIVISION STREAMBED CONDUCTANCE STUDY.**

A bill in the amount of \$1,565.38 was received for Dr. Xun-Hong Chen's work on the Platte River streambed conductance study. The total cost to date is \$15,820.55, including this bill. The total budget is \$66,200.

It was moved by Bruns and seconded by Austin to approve payment of \$1,565.38 to the University of Nebraska for Dr. Xun-Hong Chen's work on the Platte River streambed conductance study. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

#### **ITEM 16. GMDA 2012 CONFERENCE PLANNING.**

Linda Luebbe is the Vice President of the Groundwater Management Districts Association and as such is in charge of planning next year's conference. The conference will be held in New Orleans. As the host District, the office will be assisting her with conference planning, administration, and registrations. A contract for the hotel is being negotiated, but to hold the dates, conference rooms, and hotel rooms the hotel requested a deposit be submitted along with the signed contract. Turnbull asked the Executive Committee for authority to make a deposit in an amount not to exceed \$4,000. The costs will be prorated among the conference attendees so that the NRD is reimbursed.

It was moved by Bruns and seconded by Miller to approve payment of a deposit not to exceed \$4,000, to the selected hotel in New Orleans in order to enter into a contract to provide rooms and services for the 2012 GMDA Conference.

Luebbe advised the board that she was able to negotiate with the hotel to waive the deposit, however she will have other costs associated with planning the conference, such as lining up speakers, bus charter, tours, damage deposits, etc. and requested that the funds be authorized to allow payments as needed up to the \$4,000.

It was moved by Yates and seconded by Miller to amend the motion to read "to approve payment for reimbursable expenses not to exceed \$4,000 for the 2012 GMDA Winter Conference in New Orleans, Louisiana. The amendment carried.

AYE: Austin, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Luebbe  
ABSENT: Buller

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Luebbe  
ABSENT: Buller

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

Nuss reported on the Water & Regulations Committee meeting held March 9, 2011 and presented the committee's recommendations.

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

It was moved by Teegerstrom and seconded by Dickinson that the District make cost-share payments for seven well abandonments as reviewed by the Committee, at a cost of \$2,506.46. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 19. WATER METER COST-SHARE PAYMENTS.**

It was moved by Nuss and seconded by Regier that the District make cost-share payments for eleven new water meters as reviewed by the Committee, at a cost of \$3,300.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

**ITEM 20. CERTIFICATION OF IRRIGATED ACRES.**

March certification of irrigated acres includes changes totaling 42,006.3 acres. With these changes the total irrigated acres certified in the Management Area are 1,165,766.0.

It was moved by Nuss and seconded by Volkmer that the Board certifies the March 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 21. HASTINGS WELLHEAD PROTECTION JOINT COMMITTEE.**

On March 1 some of the directors and staff participated in a bus tour of the Hastings water system along with representatives from the Little Blue NRD, Hastings Utilities and other guests. Following the tour the group met to discuss options for addressing nitrate contamination in the wellhead area. Hastings Utilities has requested that the District participate in a joint planning committee. The committee will be made up of two representatives each from the Hastings Utilities Board and one Ag producer from within the wellhead protection area. Staff from the agencies will assist as the committee deems necessary.

It was moved by Nuss and seconded by Moore to appoint Mike Nuss to the Hastings Wellhead Protection Planning Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Nuss

It was moved by Nuss and seconded by Moore to appoint Ken Regier to the Hastings Wellhead Protection Planning Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Regier

**ITEM 22. WASHINGTON, D.C. TRIP REPORT.**

Lynn Yates, Roger Houdersheldt, John Turnbull and Scott Snell reported to the board on their recent lobbying trip to Washington, D.C. with the Nebraska Association of Resources Districts March 13 – 16, 2011.

**ITEM 23. FINANCIAL REPORT FEBRUARY 1 - 28, 2011 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2011.**

Turnbull reviewed the financial report for the period February 1, 2011 to February 28, 2011 that was distributed. It was moved by Miller and seconded by Volkmer to accept the financial report for February 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

There being no other business the chairman adjourned the meeting at 4:17 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 17, 2011, 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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Linda Luebbe, Secretary

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## **BOARD OF DIRECTORS MEETING**

**April 21, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 21, 2011 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Carleen Light, Marie Krausnick, Nancy Beach, Dan Leininger, Josh Bowers of York NRCS, and Steve Moseley of the York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on April 14, 2011 in the York News-Times.

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

Fifteen directors were present during roll call. Dickinson arrived a few minutes later.

### **ITEM 3. REQUESTS FOR EXCUSED ABSENCES.**

Yvonne Austin requested that her absence from the April 21, 2011 board of directors meeting be excused for medical reasons.

It was moved by Volkmer and seconded by Teegerstrom to excuse the absence of Austin from the April 21, 2011 board of directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

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

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

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Austin

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

It was moved by Miller and seconded by Luebbe to approve the agenda for the April 21, 2011 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Austin

**ITEM 6. \*APPROVAL OF MINUTES OF THE MARCH 17, 2011 BOARD OF DIRECTORS MEETING AND RULE 6 HEARING.**

Ulmer asked that the minutes be corrected to show that he was not present for the vote on Item 23 approving the financial statement.

It was moved by Miller and seconded by Luebbe to approve the minutes of the March 17, 2011 Board of Directors meeting and Rule 6 – NRD Park Regulations Hearing, as corrected. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Austin

**ITEM 7. EMPLOYEE RECOGNITION.**

Carleen Light, Water Department Secretary, was recognized for 5 years of service to the District. Marie Krausnick, Lead Water Resources Technician, was recognized for 10 years of service to the District.

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

Yates reported that the Projects and Programs Committee met on April 14, 2011 and presented the committee's recommendations.

**ITEM 9. NSWCP LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Yates and seconded by Bruns to approve payment of \$8,683.89 for five (5) completed NSWCP Land Treatment Program applications as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin

#### **ITEM 10. VILLAGE OF FAIRMONT STORM SEWER PROJECT.**

Representatives from the Fairmont Village Council were present at the Projects and Programs Committee meeting to request additional NRD financial assistance for storm sewer construction. The proposed construction would extend the recently completed work within the Village. Kevin Kruse, of JEO Engineers, presented a map showing locations of recently completed work and proposed extensions. The engineer's estimated cost for the storm sewer extensions is \$126,000, and the Village is requesting NRD cost share of 25%.

The current Interlocal Agreement authorizes 25% cost share not to exceed \$187,500, and the agreement terminates on June 30, 2011. To date, the NRD has paid \$162,798.12 for completed work on the Project. If additional cost share is approved as requested by the Village, the Interlocal Agreement would be amended to extend the Agreement termination date and increase the not-to-exceed cost share ceiling.

It was moved by Yates and seconded by Rich that the Upper Big Blue NRD agree to assist the Village of Fairmont with additional cost share for storm sewer improvements as presented by JEO Engineers, and that the additional cost share for such storm sewer extension be at the rate of 25% of actual cost not-to-exceed \$35,000, and that the Interlocal Agreement with the Village of Fairmont be amended to extend the termination date to June 30, 2012 and increase the maximum cost share for the Project to \$197,800. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

#### **ITEM 11. RECHARGE LAKE ANDERSON RECREATION AREA.**

Nemaha Construction resumed work at the Anderson Recreation Area on March 21, 2011. Work completed in March included electrical service to RV pads and panels, site work for restrooms, waste storage tank at the main restroom, partial sewer line at dump station, and installation of utility transformer pad. Staff recommends payment of \$59,872.95 to Nemaha Construction for work completed in March.

It was moved by Yates and seconded by Volkmer that payment of \$59,872.95 be made to Nemaha Landscape Construction, in accordance with their Construction Contract, for work completed at the Anderson Recreation Area in March 2011. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom,



Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 12. TRADE WINDS DISTRIBUTING INC. OXBOW TRAILS RESERVOIR.**

Personnel from Trade Winds Distributing, Inc. located in Altamont, Missouri installed the twenty foot aluminum gangway at Oxbow Trails Reservoir on April 11, 2011 for a total cost of \$4,782.44.

It was moved by Yates and seconded by Stahly that the Upper Big Blue Natural Resources District make payment of \$4,782.44 to Trade Winds Distributing, Inc. for the 20 foot aluminum gangway and the installation of the 20 foot gangway. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 13. RECREATION AREA SIGNS.**

The Projects & Programs Committee discussed types and number of signs that will be needed at the Anderson Recreation Area. Due to the change in the Rules & Regulations in the District Recreation Areas, it is recommended that a new Rules & Regulations sign be placed at Overland Trail Recreation Area, Oxbow Trails Reservoir, Pioneer Trails Recreation Area and Smith Creek Recreation Area. Wallingford Signs, Inc. estimated a cost of \$5,662.19 for the signs needed at the Anderson Recreation Area and \$572.77 for each Rules & Regulations sign at the other recreation areas for a total amount of \$2,291.08. The total cost of all the signs needed at our recreation areas is estimated at \$7,953.27.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District hire Wallingford Signs, Inc. of York, Nebraska to construct the needed signs for the Bruce L. Anderson Recreation Area, Overland Trails Recreation Area, Oxbow Trails Reservoir, Pioneer Trails Recreation Area, and Smith Creek Recreation Area at a total cost of \$7,953.27. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 14. SEWARD WEST TRAIL – INTERLOCAL AGREEMENT AMENDMENT.**

Turnbull and Bitner briefed the Committee regarding the very complicated and time consuming procedures required by the Federal Highway Administration (FHWA) for the Seward West Trail Project. The application for funding was submitted in September of 2008. The original agreement with the Department of Roads (NDOR) was signed on May 1, 2009, after approval for funding earlier that year. During the approximately two years since the application for Federal funding was approved, we have had several coordinating meetings with NDOR, and we have still not reached the point where design work can begin. Federal procurement procedures, as shown in the "Consultant Procurement and

Agreement Procedure” are causing major delays in project development. Tasks that are normally quite simple are taking months to complete. Currently we are trying to hire a consultant for environmental review, and we are only on Step 8 of 20; it could be some time before we actually have an agreement for these services.

In addition, the District has been informed that NDOR will write any agreement between the environmental consultant and the District. It is not known at this time what latitude the District will have in negotiating the terms and conditions of the agreement. Geotechnical and survey work will need to be done after the environmental review is accepted by NDOR. Delays can be expected on selecting the geotechnical and surveying firms because of the burdensome oversight by NDOR. Trail design cannot begin until NDOR allows the District to proceed. Land rights and construction are not likely to begin for another two years.

Turnbull believes that it is no longer in the best interests of the District to continue with the grant. Turnbull and Bitner therefore recommended that the District work with City of Seward to design and construct the Seward West Trail without Federal funding. If we decline the Federal grant, the NRD and City will need to re-negotiate our respective cost shares and consider constructing the Project in two or more phases over several years.

It was moved by Yates and seconded by Miller that staff be authorized to negotiate an amendment to the Seward West Trail Interlocal Agreement that would provide authority for the City of Seward and NRD to proceed with trail development without federal funding, and that the NRD’s share of project cost be 25% of actual cost not-to-exceed \$150,000. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

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

Nuss reported on the Water & Regulations Committee meeting held April 12, 2011 and presented the committee’s recommendations.

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

There are thirteen final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$4,490.66.

It was moved by Miller and seconded by Luebbe to make cost-share payments for thirteen well abandonments as reviewed by the Committee, at a cost of \$4,490.66. The motion was approved as part of the consent agenda.

AYE: Bruns, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller, Dickinson

NOT PRESENT: Austin

**ITEM 17. WATER METER COST-SHARE PAYMENTS.**

There are eight new and nineteen repaired meters for a total of twenty-seven final payments for the Water Meter Cost-Share Program totaling \$4,818.77.

It was moved by Nuss and seconded by Regier to make cost-share payments for twenty-seven water meters as reviewed by the Committee, at a cost of \$4,818.77. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: None

NOT VOTING: Volkmer, Yates

NOT PRESENT: Austin

**ITEM 18. CERTIFICATION OF IRRIGATED ACRES.**

April certification of irrigated acres includes changes totaling 72,474.3 acres. With these changes the total irrigated acres certified in the Management Area are 1,167,362.2.

It was moved by Nuss and seconded by Regier to certify the April 2011 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 19. THOMAS & BENNETT ROTH GROUNDWATER TRANSFER AUTHORIZATION.**

Thomas and Bennett Roth have requested authorization to transfer groundwater from the NE¼ of Section 16-T8N-R3E to the N½NW¼ of Section 15-T8N-R3E, Saline County to irrigate approximately 40 acres. This transfer is identified as T-015. The proposed transfer meets the requirements of District Rule 5.

It was moved by Nuss and seconded by Volkmer to approve transfer authorization T-015. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Nuss

NOT PRESENT: Austin

**ITEM 20. WM. REGIER FARMS, INC. GROUNDWATER TRANSFER AUTHORIZATION.**

W. Regier Farms, Inc. has requested authorization to transfer groundwater from the N½NE¼ of Section 31-T10N-R4W to the SW¼ of Section 30-T10N-R4W, York County to irrigate approximately 11 acres in two center pivot corners. This land was previously irrigated by a well in the SE¼ of Section 30, owned by an adjacent landowner, however, that well is no longer available. This transfer is identified as T-016. The proposed transfer meets the requirements of District Rule 5.

It was moved by Nuss and seconded by Teegerstrom to approve transfer authorization T-016. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 21. IRRIGATION SCHEDULING DEMONSTRATIONS.**

Last year the District conducted a demonstration in cooperation with John Kaliff on a half section in Section 25-T12N-R2W, north of York. In that demonstration Dan Leininger, NRD Water Conservationist, made the irrigation decisions on one quarter based on soil moisture information collected with Watermark sensors. The farm operator made all the irrigation decisions on the other quarter. The result showed that 1.2 inches less water was used on the NRD managed quarter and the yields were the same.

The District staff and Mr. Kaliff would like to repeat this demonstration in 2011. In addition another producer, Janzen Bros. Partners has agreed to participate in a similar demonstration in Section 31-T10N-R3W, located between York and Henderson.

The agreements provide that the producers would be compensated if the District's actions resulted in a loss of yield. The Kaliff agreement provides for a 5 bushel per acre difference, which is the same as last year. Mr. Janzen agreed to an 8 bushel difference.

It was moved by Nuss and seconded by Stahly to approve the Irrigation Scheduling Demonstration agreements with John Kaliff and Janzen Bros. Partners. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 22. WATERMARK SENSOR PERMANENT INSTALLATION RESEARCH.**

Gary Zoubek, York County Extension Educator, presented a proposal for a permanent installation of Watermark sensors on one of two sites. The sites would be located near York. The desire for a permanent installation has been expressed by several producers; however, there are several unknowns, which include: How well will the sensors over-winter? How long will the sensors last? How will placement in relationship to changes in row location affect accuracy? The staff recommends that the

District participate in the research project and contribute one-half of the cost, not to exceed \$4,200.

It was moved by Nuss and seconded by Regier to contribute one-half of the cost of the Watermark Permanent Installation Research Project for an amount not to exceed \$4,200. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 23. IRRIGATION EQUIPMENT FOR RESALE - ADDITIONAL FUNDS FOR THE REMAINDER OF FY 2011.**

The District sells irrigation scheduling equipment to irrigators in the District. The equipment is sold for approximately one-half of cost. This year the District budgeted \$50,000 for the purchase of this equipment. All of the budgeted funds are obligated. The office has received several more inquiries for equipment. The staff has recommended that up to \$20,000 additional funds be authorized to purchase irrigation equipment for resale. The demand for flow meter repair is far below budget. Part of these funds could be used to fund the additional demand for irrigation scheduling equipment. During the preparation of next fiscal year's budget, the committee would review this program to see if changes are needed.

It was moved by Nuss and seconded by Regier to approve spending up to \$20,000 for irrigation scheduling equipment for resale for FY 2011. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates

NAY: Buller, Luebbe, Ulmer, Houdersheldt

NOT PRESENT: Austin

**ITEM 24. DELMHORST INSTRUMENT COMPANY PAYMENT.**

The District has ordered and received 500 gypsum blocks for resale from Delmhorst Instrument Company at a cost of \$3,254.48.

It was moved by Nuss and seconded by Luebbe to pay Delmhorst Instrument Company \$3,254.48 for 500 gypsum blocks. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 25. NO TILL SEMINAR PAYMENT.**

The District has been billed by UNL Extension-Saline County for our share of the cost of the No Till Seminar held in Hallum, NE. The total cost was \$2,247. The District share was \$747.

It was moved by Nuss and seconded by Teegerstrom to pay the UNL Extension-Saline County \$747 for the District's share of the Hallum No-Till Seminar cost. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 26. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on April 14, 2011 and presented the committee's recommendations.

**ITEM 27. \* FIRST QUARTER DIRECTORS' PER DIEM & EXPENSES.**

The Executive Committee reviewed the directors' per diem and expenses for the quarter. A question was asked if the expense vouchers had been reviewed. The staff stated that the vouchers had been reviewed for accuracy. The committee has the authority to determine if a claim is a legitimate District expense.

It was moved by Miller and seconded by Luebbe to approve payment of first quarter directors' per diem of \$11,340.00 and expenses of \$4,517.87. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Austin

**ITEM 28. FIELD OFFICE CLERKS – FULL OR PART-TIME.**

In July 2010, the Board approved a motion to change the Seward NRCS field office clerk's position to a full time position; 24 hours per week paid for by the District and 16 hours per week paid for with TSP funds. The TSP (Technical Service Provider) funds are from a NRCS grant administered statewide by the NARD. A new clerk was hired in September for part time work and temporary full time. The gross pay through March 31 was \$11,880. Reimbursement requests have been made for TSP monies for 40% (\$4,752), however the reimbursement to date has been for 19% (\$2,246).

The funds are allocated based on the total amount available for each of three NRCS programs and therefore the District probably will not be reimbursed for the full amount of the claims. Those programs are CTA (Conservation Technical Assistance), CRP (Conservation Reserve Program) and EQIP (Environmental Quality Incentive Program).

The Board needs to decide whether the Seward Field Office clerical position will be full time or part time. Turnbull asked the Board to approve full time funding for the Seward Field Office Clerk through June 30, 2011, even if 40% may not be reimbursed. He said that TSP money should not be counted on after July 1. The board discussed the need for a full time clerk in Seward. The other field offices were

considered as well. Currently the York Field office clerk is full time, the Aurora and Geneva clerical positions are 24 hours per week, and Polk County is 16 hours per week. Seward is 24 hours at permanent part time and 16 hours temporary full time.

It was moved by Bruns and seconded by Moore that the Fillmore, Hamilton, Polk and Seward field office clerical positions be changed from part time to full time effective July 1, 2011, for budget planning purposes. The motion was approved.

AYE: Buller, Eberle, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Houdersheldt

NAY: Bruns, Dickinson, Luebbe, Regier, Ulmer, Volkmer, Yates

NOT PRESENT: Austin

It was moved by Bruns and seconded by Yates that the Seward Field Office clerical position be full time through June 30, 2011, regardless of the amount of TSP funding reimbursements. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Dickinson, Regier, Volkmer, Yates

NOT PRESENT: Austin

#### **ITEM 29. OUT OF STATE TRAVEL.**

The Executive Committee approved out-of-state travel for Linda Luebbe, Marie Krausnick and John Bush, June 1 – 3, 2011, for the purpose of attending the GMDA Summer Conference in Estes Park, Colorado.

#### **ITEM 30. FINANCIAL REPORT MARCH 1 - 31, 2011 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2011.**

Turnbull reviewed the financial report for the period March 1, 2011 to March 31, 2011 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for March 2011 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

There being no other business the chairman adjourned the meeting at 9:44 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 21, 2011, 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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Linda Luebbe, Secretary

:ndb



## **BOARD OF DIRECTORS MEETING**

**May 19, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 19, 2011 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Courtney Woodman and Josh Bowers of York NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on May 12, 2011 in the York News-Times.

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

Sixteen directors were present during roll call. Austin arrived at 7:34 p.m.

### **ITEM 3. REQUESTS FOR EXCUSED ABSENCES.**

There were no requests for excused absences.

### **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: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

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

It was moved by Dickinson and seconded by Stahly to approve the agenda for the May 19, 2011 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

**ITEM 6. \*APPROVAL OF MINUTES OF THE APRIL 21, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Stahly to approve the minutes of the April 21, 2011 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin

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

Nuss reported on the Water & Regulations Committee meeting held May 10, 2011 and presented the committee's recommendations.

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

There are twenty-nine final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$10,490.63.

It was moved by Dickinson and seconded by Stahly to make cost-share payments for twenty-nine well abandonments as reviewed by the Committee, as a cost of \$10,490.63. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller, Miller

NOT PRESENT: Austin

**ITEM 9. WATER METER COST-SHARE.**

There are thirty-six new and nineteen repaired meters for a total of fifty-five final payments for the Water Meter Cost-share Program totaling \$13,062.66.

It was moved by Nuss and seconded by Regier to make cost-share payments for fifty-five water meters as reviewed by the Committee, at a cost of \$13,062.66. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Buller, Yates

**ITEM 10. HASTINGS WELLHEAD PROTECTION GROUNDWATER MANAGEMENT AREA.**

The joint committee for the Hastings Wellhead Protection Groundwater Management Area met on April 27 in Hastings. A draft Action Plan was developed. The committee asked that the two NRDs and the City consider whether they could support the draft for the purpose of holding a public meeting. The plan includes education, monitoring and regulations directed at both agriculture and urban nitrogen management and water conservation. The next joint committee meeting is scheduled for June.

It was moved by Nuss and seconded by Moore to accept the Hastings Wellhead Protection Groundwater Management Area Action Plan for the purpose of holding a joint public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 11. GROUNDWATER TRANSFER AUTHORIZATION - DOROTHY KUHN LIFE ESTATE & LINDA O'HARE.**

Dorothy Kuhn Life Estate & Linda O'Hare are the owners of the SW1/4 of Section 28-T9N-R3E and the NW1/4 of Section 33-T9N-R3E, Seward County. They have requested authorization to transfer groundwater from Section 28 to irrigate approximately 70 acres in Section 33. This transfer is identified as T-017. The proposed transfer meets the requirements of District Rule 5.

It was moved by Nuss and seconded by Stahly to approve transfer authorization T-017. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: Nuss

**ITEM 12. CERTIFICATION OF IRRIGATED ACRES.**

May's certification of irrigated acres includes changes totaling 16,141.7 acres. With these changes the total irrigated acres certified in the Management Area are 1,168,780.1.

It was moved by Nuss and seconded by Austin to certify the May 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 13. IRRIGATION WATER MANAGEMENT ITEMS FOR RESALE.**

The following invoices have been received for irrigation scheduling equipment for resale:

Klein Sales & Service \$23,327.94

Clements Associates, Inc. \$7,027.58

ETgage Company \$3,352.80

It was moved by Nuss and seconded by Regier to pay invoices from Klein Sales and Service, Clements Associates, Inc. and ETgage Company for irrigation scheduling equipment for resale totaling \$33,708.32.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects and Programs Committee met on May 12, 2011 and presented the committee's recommendations.

#### **ITEM 15. LAND TREATMENT PROGRAM – NSWCP & NRD.**

It was moved by Yates and seconded by Bruns to approve payment of \$25,693.03 for nine (9) NSWCP and two (2) NRD completed Land Treatment Program applications as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom,  
Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

#### **ITEM 16. LINCOLN OAKES NURSERIES – PAYMENT FOR TREES.**

The District purchased 6,750 trees and shrubs from Lincoln Oakes Nurseries located in Bismarck, North Dakota, for the purpose of planting farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District approve payment of \$3,887.25 to Lincoln Oakes Nurseries for the purchase of 6,750 trees and shrubs.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 17. ANDERSON RECREATION AREA CONSTRUCTION PAYMENT.**

Construction work completed at the Anderson Recreation Area in April included picnic shelters, restrooms, sewer and water service lines, power panels and RV electric service pedestals, and water well

modifications. At the end of April work was 70% completed. Staff recommends payment of \$188,548.89 to Nemaha Construction for work completed in April.

It was moved by Yates and seconded by Miller that payment of \$188,548.89 be made to Nemaha Landscape Construction, in accordance with their Construction Contract, for work completed at the Anderson Recreation Area in April 2011. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on May 12, 2011 and presented the committee's recommendations.

#### **ITEM 19. FIELD OFFICE CLERKS.**

Last month the committee directed staff to include full time office clerks in the draft budget. The current Office and Administration draft budgets have these clerical payroll costs included.

Turnbull contacted the surrounding NRDs to find out about full time or part time staffing. The Central Platte, Lower Platte North, Lower Platte South and the Lower Big Blue NRDs all have full time NRCS Field Office Clerks. The Little Blue NRD has 3 full time clerks and 2 part time clerks.

If the 5 Upper Big Blue NRD field office clerk positions are changed to full time the total payroll costs will increase. Currently only the York NRCS Field Office clerical position is staffed full time on a permanent basis. At current rates of pay and benefits the clerical payroll will be about \$170,000 for the year instead of \$121,000. The reimbursements from other NRDs will increase from about \$19,000 to \$31,000, while our payments to other NRDs will remain the same at about \$27,600. The net increase to this District will be about \$40,600 a year.

Turnbull asked that the matter of the clerical positions be finalized this month so that the staff can be informed and the payroll budget be completed.

It was moved by Bruns and seconded by Moore to change all of the Upper Big Blue NRD Field Office Clerk positions to full time, effective 1 July 2011. The motion was approved.

AYE: Austin, Buller, Eberle, Moore, Nuss, Rich, Stahly, Teegerstrom, Houdersheldt

NAY: Bruns, Dickinson, Luebbe, Miller, Regier, Ulmer, Volkmer, Yates

#### **ITEM 20. STAFFING RECREATION AREA.**

Turnbull recommended that the Board authorize an additional Maintenance Worker. The new recreation area at Recharge Lake will require daily maintenance from May through September. It is estimated that it will take one person full time to take care of the entire area. It is important that the receipts from the Campground are picked up daily. Also the trash will need to be taken care of as well

as daily cleaning of the restrooms. More mowing is required plus other grounds keeping work. A constant presence of staff and a well kept area should help reduce vandalism. Currently the District has one full time Maintenance Worker who takes care of Smith Creek, Pioneer Trails and Recharge Lake.

The recommendation is for an additional 1,040 hours per year with a wage cost of around \$11,000. After one season it is suggested that the situation be evaluated to see if the position should be made permanent. If so then benefits costs will also need to be budgeted.

It was moved by Bruns and seconded by Yates to authorize the hiring of a seasonal Maintenance Worker or workers for up to 1,040 hours per year. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

**ITEM 21. FINANCIAL REPORT APRIL 1 - 30, 2011 AND CONSIDERATION OF EXPENDITURES FOR APRIL 2011.**

Turnbull reviewed the financial report for the period April 1, 2011 to April 30, 2011 that was distributed. It was moved by Regier and seconded by Miller to accept the financial report for April 2011 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Miller

There being no other business the chairman adjourned the meeting at 8:57 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 19, 2011, 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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Linda Luebbe, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**June 16, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 16, 2011 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Nancy Beach, Courtney Woodman, and Joshua Bowers of York NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on June 9, 2011 in the York News-Times.

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

Fifteen directors were present during roll call.

### **ITEM 3. REQUESTS FOR EXCUSED ABSENCES.**

Regier and Moore requested that their absence from the June 16, 2011 board meeting be excused for medical reasons.

It was moved by Volkmer and seconded by Miller to excuse the absence of Ken Regier and Larry Moore from the June 16, 2011 board of directors meeting for medical reasons. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

### **ITEM 4. EMERGENCY AGENDA ITEM.**

It was moved by Yates and seconded by Austin to revise the agenda to add an emergency item – Anderson Recreation Area Change Orders on Electrical. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

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

It was moved by Bruns and seconded by Teegerstrom to approve the agenda for the June 16, 2011 board of directors meeting, as revised. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 7. \*APPROVAL OF MINUTES OF THE MAY 19, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Teegerstrom to approve the minutes of the May 19, 2011 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 8. EMPLOYEE RECOGNITION.**

Nancy Beach, NRD Water Data Specialist, was recognized for five years of service.

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported on the Water & Regulations Committee meeting held June 7, 2011 and presented the committee's recommendations.

**ITEM 10. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.**

There are seven final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$2,999.78.



It was moved by Bruns and seconded by Teegerstrom to make cost-share payments for seven well abandonments as reviewed by the Committee, at a cost of \$2,999.78. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Moore, Regier

#### **ITEM 11. WATER METER COST-SHARE PROGRAM PAYMENTS.**

There are three new and one repaired meter for a total of four final payments for the Water Meter Cost-Share Program totaling \$1,050.

It was moved by Nuss and seconded by Luebbe to make cost-share payments for four water meters as reviewed by the Committee, at a cost of \$1,050. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

#### **ITEM 12. WATER METER MAINTENANCE PROGRAM 2011-12 AGREEMENT FOR SERVICES.**

The Committee reviewed the agreement with Tri City Meters for the 2011-12 Water Meter Maintenance Program. The agreement runs through 2014 with annual reviews of fees. The revised agreement for 2011-12 increases the cost per well from \$20 to \$25 per well. Tri City has requested this because fuel costs have risen 30% compared to last year.

It was moved by Nuss and seconded by Stahly to approve revisions to the 2011-12 contract with Tri City Meter, Inc. for Water Meter Maintenance Services.

There was some discussion regarding Tri City Meters' financial responsibility for having the lines flushed when covers are left off when they remove meters for repair. It was felt this should be addressed in the agreement, as well as any other damages that occur due to negligence.

It was moved by Ulmer and seconded by Austin to refer the matter back to the Water and Regulations Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Bruns, Nuss

NOT PRESENT: Moore, Regier

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

June's certification of irrigated acres includes changes totaling 8,534.8 acres. With these changes the total irrigated acres certified in the Management Area are 1,169,152.1. This is an increase of 372 acres from the previous month.

It was moved by Nuss and seconded by Rich to certify the June 2011 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 14. IRRIGATION WATER MANAGEMENT ITEMS FOR RESALE AND DEMONSTRATION ACTIVITY PAYMENTS.**

The following invoices have been received for irrigation scheduling equipment: Delmhorst \$2,261.75, ETgage Company \$1,175.38 and \$782.19, Irrrometer Company \$1,106.76 and \$15,963.91, Gempler's \$427.35, Clements \$436.45 and \$995.08 for a total of \$23,148.87.

It was moved by Nuss and seconded by Teegerstrom to pay invoices from Delmhorst, Irrrometer Company, Clements Associates, Inc., Gempler's and ETgage Company for irrigation scheduling equipment for resale and demonstration activities, totaling \$23,148.87. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects and Programs Committee met on June 9, 2011 and presented the committee's recommendations.

**ITEM 16. LAND TREATMENT PROGRAM PAYMENTS – NSWCP & NRD.**

It was moved by Yates and seconded by Volkmer to approve NRD land treatment program fund payments totaling \$54,761.57 for twenty eight (28) completed land treatment practices as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 17. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Bruns and seconded by Teegerstrom to approve Nebraska Buffer Strip Program Fund payments totaling \$14,441.97 for thirteen (13) Buffer Strip Program contracts as reviewed by the Projects and Programs Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Moore, Regier

**ITEM 18. CORNERS FOR WILDLIFE PROGRAM PAYMENTS.**

Twelve 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 Yates and seconded by Rich that the Upper Big Blue Natural Resources District make payments totaling \$5,190.75 to 12 cooperators of the Corners for Wildlife Program, as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 19. PAYMENT TO YORK COLD STORAGE.**

The District rents cold storage facilities from York Cold Storage Company during the tree season to store the seedlings.

It was moved by Yates and seconded by Bruns that York Cold Storage Company be paid \$1,200.00 for cold storage space rental for trees from April 6, 2011 to June 6, 2011. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 20. NEBRASKA ASSOCIATION OF RESOURCES DISTRICT – PAYMENT FOR TREES.**

The District purchased 14,000 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 at a cost of \$8,376.02. Total cost includes trees and shrubs, wood chips, plastic liners, and

It was moved by Yates and seconded by Stahly that the Nebraska Association of Resources Districts be paid \$8,376.02 for the purchase of 14,000 trees and shrubs as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore, Regier

**ITEM 21. ANDERSON RECREATION AREA – NEMAHA LANDSCAPE CONSTRUCTION PAYMENT.**

Construction work completed at the Anderson Recreation Area in May included culvert and drainage, relocation of playground equipment, earthwork and grading, concrete pavement and sidewalk, restrooms and picnic shelters, waste dump station, and electrical wiring. At the end of May, work was 87% completed. Staff recommends payment of \$105,416.07 to Nemaha Landscape Construction for work completed in May.

It was moved by Yates and seconded by Austin that payment of \$105,416.07 be made to Nemaha Landscape Construction, in accordance with their construction contract, for work completed at the Anderson Recreation Area in May 2011. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore, Regier

**ITEM 22. PAYMENT TO WALLINGFORD SIGN COMPANY.**

It was moved by Yates and seconded by Volkmer to make payment of \$5,414.44 to Wallingford Sign Company for sign construction and installation completed to date for the Anderson Recreation Area. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore, Regier

A quote has been received from Wallingford Sign Company of York for an additional entrance sign to be placed at the main (east) entrance to the boat dock, day use area and campgrounds. It will be made out of 2 x 12 Western Cedar with sandblasted background to create raised letters just like the existing sign. The paint and stain colors will be the same.

It was moved by Yates and seconded by Austin that the Wallingford Sign Company's quote of \$2,577.00 for construction and installation for a new entrance sign and upgrading the existing entrance sign for the Anderson Recreation Area be approved. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

The Manager has ordered sign maps for each main regulation sign to show areas referred to on the signs and in the regulations. The cost of these map signs (2 ft x 4 ft each) is not yet known, but will exceed the balance of the original quote. The map signs will be handled on a purchase order.

### **ITEM 23. PAYMENT TO CXT FOR ARCHERY RANGE RESTROOM.**

Installation of the vault type restroom at the Anderson Recreation Area archery range has been completed in accordance with CXT Inc. proposal. Staff recommends payment of \$15,615.00 to CXT for this work.

It was moved by Yates and seconded by Rich that CXT, Inc. be paid \$15,615.00 for manufacture and installation of one (1) Gunnison vault type restroom at the Anderson Recreation Area, in accordance with CXT's proposal dated February 10, 2011. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Houdersheldt

NAY: Miller, Yates

NOT PRESENT: Moore, Regier

### **ITEM 24. CITY OF AURORA PAYMENT.**

In February 2011, the District approved funding 25% of actual cost, not to exceed \$600 (based on estimated cost of \$2,400) for tree plantings at Edgerton Park/Mitchell Field and Refshauge Park/Field in Aurora. Actual cost of the completed work is \$2,304, and staff recommends payment of \$576 (25%) to the City of Aurora as the NRD's share of project cost.

It was moved by Yates and seconded by Miller that the City of Aurora be paid \$576 as payment for the District's 25% share of actual cost for tree plantings at Edgerton Park/Mitchell Field and Refshauge Park/Field in Aurora. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

### **ITEM 25. ANDERSON RECREATION AREA CHANGE ORDERS ON ELECTRICAL – EMERGENCY ITEM.**

It was moved by Miller and seconded by Nuss that the Board go into Executive Session at 8:12 p.m. for the purpose of discussing potential litigation regarding the contract for the Anderson Recreation Area Improvements. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

It was moved by Miller and seconded by Nuss to return to regular session at 8:41 p.m. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

It was moved by Yates and seconded by Rich to approve the Nissen Electric, LLC quotation of \$1,671.00 to install electrical service at the Bruce Anderson Recreation Area amphitheater in accordance with Schemmer Engineers' revised design. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

#### **ITEM 26. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on June 9, 2011 and presented the committee's recommendations.

#### **ITEM 27. FY 2012 LIABILITY & CASUALTY INSURANCE RENEWAL.**

Cornerstone Insurance obtained one quote for general liability, property, auto, inland marine, workers compensation, errors and omissions, and umbrella coverage for the District from EMC Insurance for \$41,197.00.

It was moved by Bruns and seconded by Austin to approve the renewal of EMC Insurance for liability, fire and casualty insurance through Cornerstone Insurance Group for a total premium of \$41,197.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Miller

NOT PRESENT: Moore, Regier

#### **ITEM 28. FY 2012 SALARIES & WAGES.**

Turnbull reviewed a Salary Survey he wrote which included wage comparisons from all 23 NRDs and 43 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.

Turnbull reviewed the actual salaries and wages of the employees with the Executive Committee. Turnbull recommended that the board authorize \$29,650 for salary increases for the staff, which is an overall change of 3.35% from the payroll budget base.

It was moved by Bruns and seconded by Austin to adjust the annual salaries of the District Staff, with the exception of the General Manager, by an amount not to exceed \$29,650, and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy.

It was moved by Miller and seconded by Nuss to amend the motion to adopt the June 2011 Upper Big Blue NRD Salary Survey & Salary Schedule, effective July 1, 2011. The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Moore, Regier

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Moore, Regier

It was moved by Bruns and seconded by Dickinson that the Board go into Executive Session at 8:53 p.m. for the purpose of discussing the performance of the General Manager. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

It was moved by Bruns and seconded by Yates to come out of Executive Session for discussion of the General Manager's salary at 9:14 p.m. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

It was moved by Yates and seconded by Ulmer to increase the General Manager's salary by 3% for the

It was moved by Austin and seconded by Luebbe to amend the motion to adopt the salary schedule for the General Manager's position. The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Volkmer  
NOT PRESENT: Moore, Regier

It was moved by Bruns and seconded by Dickinson to amend the motion to strike the 3% and increase the General Manager's salary to \$108,000. The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Nuss, Rich, Stahly, Teegerstrom, Houdersheldt  
NAY: Ulmer, Yates  
NOT VOTING: Luebbe, Volkmer  
NOT PRESENT: Moore, Regier

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt  
NAY: Yates  
NOT VOTING: Luebbe, Volkmer  
NOT PRESENT: Moore, Regier

#### **ITEM 29. CONSOLIDATED BUDGETS.**

Turnbull reviewed the consolidated budget with the Executive Committee. This is the first draft of the totals as forwarded from each committee. The Committee directed that a new sinking fund project, titled "Flood Control", be funded in addition to the other projects already listed in the sinking fund. The staff will make the necessary changes in the budget documents. The budget will be finalized next month upon receipt of the June 30 financial data.

The committee discussed the status of the scholarship program. The Burke Scholarship is set at \$500 per scholarship recipient. It has been difficult to attract applicants for the past several years. The PR budget includes \$500 for the scholarship in the draft budget for FY 2012. In addition \$550 is included as a practicum for high school youth groups such as FFA.

It was moved by Bruns and seconded by Austin to increase the Raymond Burke Scholarship to \$2,000.00 per scholarship recipient, fund one such scholarship per year, and adjust the budget accordingly. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: Volkmer



NOT PRESENT: Moore, Regier

**ITEM 30. FINANCIAL REPORT MAY 1 - 31, 2011 AND CONSIDERATION OF EXPENDITURES FOR MAY 2011.**

Turnbull reviewed the financial report for the period May 1, 2011 to May 31, 2011 that was distributed. It was moved by Miller and seconded by Eberle to accept the financial report for May 2011 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Regier

**ITEM 31. NEBRASKA NATURAL RESOURCES COMMISSION REPORT.**

Ken Brockman submitted a written report to the board following the Commission meeting held in Sidney on June 8 and 9.

**ITEM 32. NARD BASIN TOUR REPORT.**

Ronda Rich, Eugene Ulmer, Scott Snell and John Turnbull reported on the NARD Basin Tour which they had just returned from. Turnbull gave a slide show of the trip.

There being no other business the chairman adjourned the meeting at 10:17 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 16, 2011, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**July 21, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 21, 2011 at 7:35 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Doug Bruns, Steve Buller, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Nancy Beach, and Jim Husbands of York NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on July 14, 2011 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Austin and Dickinson requested that their absence from the July 21, 2011 board meeting be excused.

It was moved by Volkmer and seconded by Yates to excuse the absence of Yvonne Austin and Doug Dickinson from the July 21, 2011 board of directors meeting. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

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

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

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

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

It was moved by Bruns and seconded by Miller to approve the agenda for the July 21, 2011 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Dickinson

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 16, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Miller to approve the minutes of the June 16, 2011 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Dickinson

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

Nuss reported that the Water & Regulations Committee met July 12, 2011 and presented the committee's recommendations.

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

There are thirteen final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$4,599.50.

It was moved by Bruns and seconded by Miller to make cost-share payments for thirteen well abandonments as reviewed by the Committee, at a cost of \$4,599.50. The motion was approved as part of the consent agenda.

AYE: Bruns, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Austin, Dickinson

**ITEM 9. WATER METER COST-SHARE FINAL PAYMENTS.**

There are seven final payments for the Water Meter Cost-Share Program totaling \$2,100 for new meters installed this month.

It was moved by Nuss and seconded by Regier to make cost-share payments for seven water meters as reviewed by the Committee, at a cost of \$2,100. The motion was approved.

AYE: Bruns, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Dickinson

#### **ITEM 10. WATER METER MAINTENANCE PROGRAM AGREEMENT.**

The Water and Regulations Committee discussed the agreement with Tri City Meters for maintenance of water meters, which was sent back to committee last month.

It was moved by Nuss and seconded by Rich to approve the revisions to the Water Meter Maintenance Agreement with Tri City Meters, Inc. for water meter maintenance services. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Austin, Dickinson

#### **ITEM 11. CERTIFICATION OF IRRIGATED ACRES.**

July's certification of irrigated acres includes changes involving 269,322.8 acres. The unusually large number of acres involved in this month's certification was due to re-measurement of acres by the York County Assessor's office. With these changes the total irrigated acres certified in the Management Area are 1,170,324.3. This is an increase of 1,172.3 acres from the previous month.

It was moved by Nuss and seconded by Stahly to certify the July 2011 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Bruns, Buller, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Eberle

NOT PRESENT: Austin, Dickinson

#### **ITEM 12. GROUNDWATER TRANSFER AUTHORIZATION.**

Diane Perkins-Garrett Trust is the owner of the NW1/4 of Section 34-T11N-R2W and the W1/2 of the SW1/4 of Section 27-T11N-R2W, York County. They have requested authorization to transfer groundwater from Section 34 to irrigate approximately 76.6 acres in Section 27. This transfer is identified as T-018. The proposed transfer meets the requirements of District Rule 5.

It was moved by Nuss and seconded by Regier to approve transfer authorization T-018. The motion was

AYE: Bruns, Eberle, Luebbe, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Miller, Nuss

NOT VOTING: Buller

NOT PRESENT: Austin, Dickinson

**ITEM 13. PAYMENTS FOR IRRIGATION WATER MANAGEMENT ITEMS FOR RESALE AND DEMONSTRATION ACTIVITIES.**

The following invoices have been received for irrigation scheduling equipment: Kleins Sales & Service \$1,360.00; Irrrometer Company \$1,268.81; Clements Associates \$501.51; \$531.52; \$550.45 and \$868.06 for a total of \$5,080.35.

It was moved by Nuss and seconded by Teegerstrom to pay invoices from Klein Sales & Service, Irrrometer Company, and Clements Associates, Inc. for irrigation scheduling equipment for resale and demonstration activities, totaling \$5,080.35. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects and Programs Committee met on July 14, 2011 and presented the committee's recommendations.

**ITEM 15. NRD LAND TREATMENT PROGRAM PAYMENTS.**

It was moved by Yates and seconded by Bruns to approve payment of \$39,664.83 from the NRD Land Treatment Program Fund for nineteen (19) completed land treatment practices as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 16. ANDERSON RECREATION AREA CONSTRUCTION PAYMENT TO NEMAHA LANDSCAPE CONSTRUCTION.**

Construction work completed at the Anderson Recreation Area in June included relocation of a picnic shelter, placement of road gravel, installation of bollards, finish work at the amphitheatre, installation of pipe gate, installation of signs, seeding and mulching, placement of erosion control matting, and

landscaping. At the end of June, work was 98% completed. Staff recommends payment of \$99,293.60 to Nemaha Construction for work completed in June.

It was moved by Yates and seconded by Volkmer that payment of \$99,293.60 be made to Nemaha Landscape Construction, in accordance with their Construction Contract, for work completed at the Anderson Recreation Area in June 2011. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 17. PROJECT MAINTENANCE – OXBOW TRAILS.**

Maintenance at Oxbow Trails, including work on the boat dock gangway, tree removal, and construction of earth diversion, was completed in June 2011 by Huebert Land Leveling. Staff recommends payment of \$5,080 to Huebert Land Leveling.

It was moved by Yates and seconded by Moore that Huebert Land Leveling be paid \$5,080 for maintenance work completed at Oxbow Trails in June 2011. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on July 19, 2011 and presented the committee's recommendations.

**ITEM 19. FY 2012 DRAFT BUDGET.**

The final draft of the FY 2012 Budget was presented to the committee. The draft consolidated budget includes the various budget requests by the committees, and the payroll line items already approved by the Board. The June 30, 2011 cash balances, main budget items, and the capital expenses were reviewed.

It was moved by Bruns and seconded by Yates to approve the FY 2012 Budget for the purpose of public hearing. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

Turnbull reviewed the lid calculations with the board and recommended that the board approve the

additional 1% restricted funds authority.

It was moved by Bruns and seconded by Miller 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: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Austin, Dickinson

#### **ITEM 20. FY 2012 BUDGET & TAX REQUEST HEARINGS.**

The dates for two public hearings need to be set so that the proper public notices can be published.

It was moved by Bruns and seconded by Eberle to schedule the FY 2012 Budget Hearing for 7:30 p.m., Thursday, August 18, 2011, and the Special Public Hearing for the FY 2012 Tax Request for 7:30 p.m., Thursday, September 15, 2011. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

#### **ITEM 21. \*SECOND QUARTER DIRECTORS' PER DIEM & EXPENSES.**

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

It was moved by Bruns and seconded by Miller to approve payment of second quarter directors' per diem of \$10,640.00 and expenses of \$5,173.43. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

#### **ITEM 22. SALARIES REIMBURSEMENT – FIELD OFFICES.**

Invoices have been received for NRCS Field Office staff for the past fiscal year. Each NRD, by inter-local agreements, hires their own employees and sets the wages and benefits for their principle counties. The wages and benefits are not the same in all NRDs. The other NRDs that share those counties reimburse the responsible NRD for the employee costs based on the percentage of the county in the supporting NRD.

The Little Blue NRD invoiced the district \$10,335.60 for salaries for the Adams and Clay County NRCS clerks for FY 2011.

It was moved by Bruns and seconded by Rich to approve payment of \$10,335.60 to the Little Blue NRD for NRCS office salaries for FY 2011 (July 1, 2010 - June 30, 2011). The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

The Lower Platte North NRD invoiced the district \$6,732.27 for the Butler County NRCS clerk's wages for the past 6 months and \$127.89 for work performed in our district by the technician in the Butler County office. The total amount invoiced was \$6,860.16.

It was moved by Bruns and seconded by Stahly to approve payment of \$6,860.16 to the Lower Platte North NRD for NRCS office salaries for half of FY 2011 (January 1 thru June 30). The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Miller

NOT PRESENT: Austin, Dickinson

**ITEM 23. ELECTION SUB-DISTRICTS – CENSUS AND VOTING PROCEDURE.**

The 2010 Census data is now available. The staff has tabulated the population for each election sub-district.

ELECTION SUB-DISTRICTS	POPULATION		CHANGE		
	US Census				
	2000	2010		%	Principal City
1	7053	6393	-660	-9.4%	Osceola, Utica
2	7109	7400	291	4.1%	Seward
3	7037	6738	-299	-4.2%	Milford
4	7086	6509	-577	-8.1%	Geneva
5	7000	7194	194	2.8%	Sutton, N Hastings
6	7100	7071	-29	-0.4%	Aurora
7	7104	6489	-615	-8.7%	Stromsburg
8	6845	6555	-290	-4.2%	York
Total Population	56,334	54,349	(1,985)	-3.5%	
Ratio - Lowest to Highest	2000	1.04	to 1		
Ratio - Lowest to Highest	2010	1.16	to 1		

The statutes state that if a NRD Board of Directors is not elected at large (no sub-districts) then each sub-district shall be "of substantially equal population, except that no sub-district shall have a population greater than three times the population of any other sub-district within the district". Based



on that statute, the Manager recommends that no sub-district boundaries be changed.

Any change has to be by Board motion no later than the October 2011 Board Meeting to be effective for the primary election in May, 2012. The committee consensus was that no boundary changes need to be made. The board took no action.

**ITEM24. FINANCIAL REPORT JUNE 1 - 30, 2011 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2011.**

Turnbull reviewed the financial report for the period June 1, 2011 to June 30, 2011 that was distributed. It was moved by Volkmer and seconded by Regier to accept the financial report for June 2011 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

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 July 21, 2011, 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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Linda Luebbe, Secretary

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**BOARD OF DIRECTORS MEETING  
and  
FY 2012 BUDGET HEARING  
August 18, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 18, 2011 at 7:30 p.m. in 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, Roger Houdersheldt, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Nancy Beach, and Josh Bowers of York NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on August 11, 2011 in the York News-Times.

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

Sixteen directors were present during roll call.

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

Luebbe requested that her absence from the August 18, 2011 board meeting be excused due to a conflict with her work schedule.

It was moved by Austin and seconded by Rich to excuse the absence of Luebbe from the August 18, 2011 board of directors meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**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, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

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

It was moved by Bruns and seconded by Dickinson to approve the agenda for the August 18, 2011 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

#### **ITEM 6. \*APPROVAL OF MINUTES OF THE JULY 21, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Dickinson to approve the minutes of the July 21, 2011 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

#### **ITEM 7. FY 2012 BUDGET HEARING.**

Chairman Houdersheldt opened the hearing at 7:33 p.m. He noted for the record that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on August 5, 2011. He advised those present that the purpose of this hearing is to hear support, opposition, criticism, suggestions or observations of taxpayers regarding the proposed budget. He then turned the hearing over to John Turnbull the General Manager.

Copies of the proposed budget were distributed to all those present. Turnbull pointed out the total property tax request for FY 2012 of \$2,014,319.46 shown on the cover page. He explained that the levy number should be ignored at this time because we do not yet have the certified valuations from the county assessors. They have until August 20 to certify the valuations. The proposed budget includes a transfer of \$55,000 from the general fund to the sinking fund. The proposed budget shows a tax increase of \$59,271.11. It meets all requirements of the 2.5% lid limit. He reviewed the general fund operating expenses, capital improvements, assets and liabilities, and total receipts. Turnbull went over the investments. We currently have \$968,841.70 in the general fund and \$2,067,281.81 in the sinking fund in certificates of deposit earmarked for specific projects. He reviewed the breakdown of the certificates of deposit by project and noted that the \$55,000 transfer is to be split between the existing Recreation Project CD (\$25,000) and a new CD (\$30,000) for Flood Control. We estimate that during the course of the year the investments in the sinking fund will earn \$86,395.78 in interest for a yearend total of \$2,153,614.59.

Houdersheldt asked for comments on the proposed budget.

Bruns asked what the difference was between Line 14 - Professional Services and Line 15 - Project Legal Costs. Turnbull explained that we haven't used Line 15 - Project Legal Costs very often. If we were building a large structure and we knew we were going to need some legal advice on contracts and land rights negotiations then that would be a good place to budget that. Generally we just list our ongoing legal costs under professional services along with accounting and other professional services.

Austin stated eminent domain proceedings would be something that would show up under project legal costs.

Eberle asked about Line 104 - Delinquent Tax Allowance on page 4. It shows 5% and he wanted to know how close that was to actual. Turnbull said he didn't have any idea. We put the same percentage in every year for budget purposes. We could go back and look at the collections from the counties and figure it out. Turnbull said he would expect in the current year, and past few years, there wouldn't be much delinquency in rural lands, but perhaps higher delinquency in urban areas. Currently urban residents pay about 30% of the tax in this District and the rural residents pay about 70%. He didn't know how that was going to be with the newer valuations.

Houdersheldt asked if there were any other questions. There being no further questions he closed the hearing at 7:40 p.m.

#### **ITEM 8. ADOPTION OF FY 2012 BUDGET.**

It was moved by Miller and seconded by Yates to adopt the FY 2012 budget as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

#### **ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Water & Regulations Committee met August 9, 2011 and presented the committee's recommendations.

#### **ITEM 10. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are two final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$630.99.

It was moved by Bruns and seconded by Dickinson to make cost-share payments for two well

abandonments as reviewed by the Committee, at a cost of \$630.99. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

#### **ITEM 11. CERTIFICATION OF IRRIGATED ACRES.**

August certification of irrigated acres includes changes involving 6,145.1 acres. With these changes the total irrigated acres certified in the Management Area are 1,170,475.

It was moved by Dickinson and seconded by Moore to certify the August 2011 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

#### **ITEM 12. PURCHASE OF NEW ULTRASONIC FLOWMETER.**

The District's ultrasonic meter purchased in 2003 has stopped working. The staff recommends replacing it. The meter is used to measure irrigation well output and flowmeter accuracy. The staff has several irrigators waiting for this service this summer. The cost is \$5,641.55.

It was moved by Dickinson and seconded by Teegerstrom to purchase a Fuji Ultrasonic Flowmeter from Great Plains Meter, Inc. for \$5,641.55. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

#### **ITEM 13. SPECTROPHOTOMETER FOR NITRATE ANALYSIS.**

The District has a HACH spectrophotometer that was inherited from the Blue River Association of Groundwater Conservation Districts in 1997. According to the records that came with it, the Association purchased it in 1986. DeBuhr indicated that the equipment is still working, but is becoming more difficult to calibrate. The total cost to purchase a new comparable model spectrophotometer would be approximately \$5,000. There may be an opportunity to get some grant money that can be used to purchase a new spectrophotometer. DeBuhr asked the Committee if they wanted to pursue grant funds.

It was moved by Dickinson and seconded by Volkmer to apply for Clean Water Act 319 grant funding provided the staff determines that the grant process does not result in undo red tape. The motion was

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 14. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on August 9, 2011 and presented the committee's recommendations. The Projects Committee did not meet in August of 2011 so the first item below was handled by the Executive Committee.

**ITEM 15. ANDERSON RECREATION AREA – NEMAHA LANDSCAPE CONSTRUCTION FINAL PAYMENT.**

Construction work is completed at the Anderson Recreation Area. In July contractors installed electric service pedestals at the amphitheatre, a manual over-ride switch on the yard light pole, removed silt fence, and placed erosion protection mats. The contract amount to-date is \$661,303.26. The balance due is \$35,741.80 which makes the total final contract cost of \$697,045.06.

Staff recommends final payment of \$35,741.80, including release of retainage, to Nemaha Landscape Construction.

It was moved by Bruns and seconded by Yates that final payment of \$35,741.80, including retainage, be made to Nemaha Landscape Construction in accordance with their Contract for construction of improvements at the Anderson Recreation Area. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 16. ANDERSON RECREATION AREA – PAYMENT TO WALLINGFORD SIGN CO.**

Wallingford Sign Company of York has installed the new entrance sign at the main (east) entrance to the boat dock, day use area and campgrounds. The old sign at the maintenance building entrance has had the NRD name added to it also. The bill for that work is \$2,577.00, as quoted.

It was moved by Bruns and seconded by Austin that the payment of \$2,577.00 for construction and installation for a new entrance sign, and upgrading the existing entrance sign for the Anderson Recreation Area to Wallingford Sign Company be approved. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 17. PAYMENT TO YORK PRINTING FOR THE BLUEPRINT NEWSLETTER.**

A bill for \$7,395.59 has been received from York Printing Company for printing the Blueprint newsletter.

It was moved by Bruns and seconded by Volkmer to approve payment of \$7,395.59 to York Printing for the special edition Blueprint Newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 18. NEBRASKA ASSOCIATION OF RESOURCE DISTRICTS DUES.**

A bill for \$24,931.89 has been received from the NARD for FY 2012 dues.

It was moved by Bruns and seconded by Stahly to approve payment of \$24,931.89 to the NARD for the FY 2012 dues. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 19. NARD VOTING DELEGATES.**

It was moved by Bruns and seconded by Dickinson to appoint Larry Moore as the Delegate and Yvonne Austin as the Alternate for the September NARD Conference. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

**ITEM 20. FINANCIAL REPORT JULY 1 - 31, 2011 AND CONSIDERATION OF EXPENDITURES FOR JULY 2011.**

Turnbull reviewed the financial report for the period July 1, 2011 to July 31, 2011 that was distributed.

It was moved by Volkmer and seconded by Yates to accept the financial report for July 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Luebbe

There being no other business the chairman adjourned the meeting at 8:32 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 18, 2011, 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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Linda Luebbe, Secretary

:ndb



**BOARD OF DIRECTORS MEETING  
and  
FY 2012 TAX REQUEST HEARING  
September 15, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 15, 2011 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, and Sarah Reese of Seward NRCS.

**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, 2011 in the York News-Times.

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

Seventeen directors were present during roll call.

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

There were no requests for excused absence.

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

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

It was moved by Dickinson and seconded by Miller to approve the agenda for the September 15, 2011 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, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 6. \*APPROVAL OF MINUTES OF THE AUGUST 18, 2011 BOARD OF DIRECTORS MEETING AND FY 2012 BUDGET HEARING.**

It was moved by Dickinson and seconded by Miller to approve the minutes of the August 18, 2011 Board of Directors meeting and FY 2012 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 7. FY 2012 TAX REQUEST HEARING.**

Chairman Houdersheldt opened the hearing at 7:33 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 August 31, 2011. He advised those present that the purpose of this hearing is to hear support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request. He then turned the hearing over to John Turnbull the General Manager.

Turnbull reviewed the valuations for the current fiscal year by county and showed the comparison to the prior fiscal year. The total valuation for FY 2012 is \$8,374,640,330. That is a 10.23% increase from one year ago. He reviewed a chart showing the Upper Big Blue NRD property taxes from FY 1973, when the NRDs were first formed, until the current fiscal year. He also reviewed a chart that showed the property valuations for the same time period. Lastly, he showed a chart of the property tax levies for the period FY 1973 to FY 2012. The current lid limit is 5.5 cents per \$100 of valuation and the Upper Big Blue NRD is far below that. He explained that if the valuations go up, and our property tax dollar requests stay the same, the levy goes down. The budget that was approved last month had a property tax increase of \$59,275.11. That was a 3.03% increase, which was a lot less than the property valuations went up. The NRD tax levy is less than last year, but that does not mean that an individual's property tax will be less; that's based on their individual valuations.

Turnbull read the proposed resolution needed to set the property tax rate at 0.024053.

Houdersheldt asked if there were any other questions. There being no further questions he closed the hearing at 7:39 p.m.

**ITEM 8. ADOPTION OF RESOLUTION TO SET FY 2012 TAX REQUEST.**

**RESOLUTION**

**WHEREAS** the FY 2012 Budget for the Upper Big Blue NRD, as adopted by this board of directors on August 18, 2011, has a property tax requirement of \$2,014,319.46;

**WHEREAS** the final total valuation of the NRD is \$8,374,640,330;

**WHEREAS** the FY 2011 Budget (prior year) required a tax request of \$1,955,044.35 and a property tax rate of \$ 0.025733;

**WHEREAS** the FY 2012 (current year) property tax rate would be \$0.023345 to generate \$1,955,044.35;

**THEREFORE BE IT RESOLVED** by this Board of Directors on September 15, 2011, to set the FY 2012 Tax Request at \$2,014,319.46 for the Upper Big Blue Natural Resources District which will require a property tax rate of \$ 0.024053.

It was moved by Bruns and seconded by Austin to adopt the resolution to set the FY 2012 Property Tax Levy. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 9. FY 2011 AUDIT.**

Gayle Steiger of Romans, Wiemer & Associates presented the FY 2011 Audit to the Board.

It was moved by Regier and seconded by Volkmer to accept the FY 2011 audit as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM10. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

**ITEM 11. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Dickinson and seconded by Miller to approve Nebraska Buffer Strip Program fund payments totaling \$11,828.09 for seven (7) Buffer Strip Program contracts as reviewed by the Projects and Programs Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

#### **ITEM 12. FY 2012 TREE PROGRAM & PRICES.**

The Nebraska Association of Resources Districts (NARD) will continue to receive 3¢ per tree purchased by the NRD's. Bessey Nursery at Halsey has set their prices at 59¢ per 1,000 for the 2-0 conifers, and 2-0 hardwoods. The District prices for FY 2011 were 85¢/tree and 60¢/tree for planting.

It was moved by Yates and seconded by Bruns that the Upper Big Blue Natural Resources District set the planting cost for FY 2012 at 65¢ per tree, and the cost of the trees and shrubs at 85¢ per tree. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

#### **ITEM 13. PAYMENT TO WALLINGFORD SIGNS CO INC., FOR RECREATION AREAS SIGNS.**

A bill for \$2,288.00 has been received from Wallingford Sign Company for new rules and regulations signs for Pioneer Trails, Overland Trails, Oxbow Trail Reservoir, and Smith Creek recreation areas. This completes the sign making for these areas that was authorized by the Board. The NRD staff will install the signs this month.

Metal map signs for each area have also been made. They are to be mounted near the regulations signs. This purchase was handled on a purchase order for a total cost of \$432.78.

It was moved by Yates and seconded by Volkmer that payment of \$2,288.00 be approved to Wallingford Signs Co Inc. for the rules and regulations signs for Pioneer Trails, Overland Trails, Oxbow Trail Reservoir, and Smith Creek recreation areas. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

#### **ITEM 14. PROJECT MAINTENANCE FOR TWELVE SITES.**

Jeff Ball briefed the Projects Committee on the NRD's 2011 maintenance work plan for tree removal, brush clearing, fence repair, and minor earthwork at twelve projects owned by the NRD. Henry Thompson Tree Service, from Hastings, submitted a quote of \$47,100 to perform the work. Bitner recommended hiring Henry Thompson Tree Service to perform the maintenance work.

It was moved by Yates and seconded by Ulmer to hire Henry Thompson Tree Service to remove trees, clear brush, repair fencing, and perform minor earthwork in accordance with the NRD work plan and their quotation of \$47,100 to perform the work. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 15. PROJECT MAINTENANCE – MORAVEC & HOTTOVY DAMS.**

Inspection of the Moravec and Hottovy dams this year indicated a need for trash racks at the principal spillway inlets of both dams. Huebert Land Leveling, from Henderson, submitted a quotation of \$3,308 to fabricate and install the trash racks. Bitner recommended hiring Huebert Land Leveling to perform the work.

It was moved by Yates and seconded by Rich to hire Huebert Land Leveling to fabricate and install trash racks at the Moravec and Hottovy dams in accordance with their quotation of \$3,308. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 16. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Water & Regulations Committee met September 8, 2011 and presented the committee's recommendations.

**ITEM 17. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.**

There are seven final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$1,878.40.

It was moved by Dickinson and seconded by Miller to make cost-share payments for seven well abandonments as reviewed by the Committee, at a cost of \$1,878.40. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 18. WATER METER COST-SHARE.**

There are twelve new water meter installations and three water meter repairs this month, for cost-share totaling \$4,050.00.

It was moved by Dickinson and seconded by Regier to make cost-share payments for twelve new and three repaired water meters as reviewed by the Committee, at a cost of \$4,050.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 19. CERTIFICATION OF IRRIGATED ACRES.**

August certification of irrigated acres includes changes involving 1,657.4 acres. With these changes the total irrigated acres certified in the Management Area are 1,170,302.8.

It was moved by Dickinson and seconded by Regier to certify the September 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

**ITEM 20. TRANSFER OF USGS MONITORING WELLS TO DISTRICT.**

The US Geological Survey constructed several monitoring wells in and near the City of York as part of water quality assessment conducted over the last five years. This was part of the National Water Quality Assessment Program. The USGS no longer wants these wells and has offered them to the District. Four of these wells are on District property. Three are near the west end of the Recharge Lake property, along the south border of the archery range. These wells are constructed at different depths (one near the top of the aquifer, one near the bottom of the upper aquifer and one in the deeper confined aquifer. The fourth well is on the west side of the NRD storage building near the intersection of 2nd and Platte Avenue. Several other wells are on private or City property. The staff does not feel that the wells on private property would be particularly useful to the District and could become a liability in the future. The staff recommends that the District accept ownership of the four wells on District property.

It was moved by Dickinson and seconded by Luebbe to accept ownership of the four monitoring wells from US Geological Survey that are on District property located at Recharge Lake and at 2nd and Platte Avenue in York. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

#### **ITEM 21. REPAIR OF MONITORING WELL AT FAIRMONT AIRBASE.**

In 1995 the District installed eighteen monitoring wells at eight locations across the District. All of these wells are equipped with submersible pumps. Site 6 is located on the State airbase near Fairmont. The pump in well A would not run this spring. Sargent Drilling pulled the pump and determined that the motor was no longer functional or repairable. Sargent Drilling's quote for replacing the pump is \$1,515.32. The staff recommends that Sargent Drilling be authorized to conduct the repairs on well 6A.

It was moved by Dickinson and seconded by Regier to authorize repairs needed on monitoring well 6A located at the Nebraska Airbase near Fairmont. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

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

Bruns reported that the Executive Committee met on September 8, 2011 and presented the committee's recommendations.

#### **ITEM 23. NARD RESOLUTIONS.**

Turnbull reviewed the two proposed resolutions for the September NARD Conference. Resolution 2011-1 – Eliminate the Well Decommissioning Fund and transfer funds to the Water Quality Fund; and Resolution 2011-2 – Authorize fees for Variance Requests.

It was moved by Bruns and seconded by Austin to oppose Resolution 2011-1, and to remain neutral on Resolution 2011-2. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: None

#### **ITEM 24. LOWER BIG BLUE SALARIES REIMBURSEMENT.**

A bill for \$5,214.52 has been received for salaries for the Saline County NRCS Clerk and some part time technician work from the Lower Big Blue NRD, for past 12 months ending on June 30th.

It was moved by Bruns and seconded by Yates to approve payment of \$ 5,214.52 to the Lower Big Blue NRD for NRCS office salaries for FY 2011 (July 1, 2010 through June 30, 2011). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom,  
Ulmer, Volkmer, Yates, Houdersheldt  
NAY: Miller  
NOT PRESENT: None

**ITEM 25. FINANCIAL REPORT AUGUST 1 - 31, 2011 AND CONSIDERATION OF EXPENDITURES FOR  
AUGUST 2011.**

Turnbull reviewed the financial report for the period August 1, 2011 to August 31, 2011 that was distributed. It was moved by Volkmer and seconded by Ulmer to accept the financial report for August 2011 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, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: None

There being no other business the chairman adjourned the meeting at 9:07 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 September 15, 2011, 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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Linda Luebbe, Secretary

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**BOARD OF DIRECTORS MEETING**  
**October 20, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 20, 2011 at 7:30 p.m. in 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, Linda Luebbe, John Miller, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Jeff Ball, Scott Snell, Nancy Beach, and Joshua Bowers of York NRCS.

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

Bruns reported that we published the legal notice of the board of directors' meeting on October 13, 2011 in the York News-Times.

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

Thirteen directors were present during roll call. Austin arrived at 7:33 p.m.

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

Houdersheldt, Moore and Nuss requested that their absences from the October 20, 2011 board of directors meeting be excused.

It was moved by Volkmer and seconded by Yates to excuse the absences of Roger Houdersheldt, Larry Moore and Mike Nuss from the October 20, 2011 board of directors meeting. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Austin, Houdersheldt, Moore, Nuss

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

It was moved by Miller and seconded by Stahly to adopt the consent agenda. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

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

It was moved by Miller and seconded by Stahly to approve the agenda for the October 20, 2011 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2011 BOARD OF DIRECTORS MEETING AND FY 2012 TAX REQUEST HEARING.**

It was moved by Miller and seconded by Stahly to approve the minutes of the September 15, 2011 Board of Directors meeting and FY 2012 Tax Request Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

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

Yates reported that the Projects & Programs Committee met on October 11, 2011 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM – NSWCP & NRD.**

It was moved by Yates and seconded by Rich that payment of \$2,165.40 be approved for one (1) completed NSWCP land treatment application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 9. DAVID CITY NORTHWEST STORM WATER IMPROVEMENT PROJECT.**

Proposals were requested from geotechnical engineering firms to install six monitoring wells and collect soil samples along the proposed alignment of storm water improvements at David City. Only one proposal was received from Geotechnical Services, Inc., Grand Island. Bitner recommended accepting

the proposal from Geotechnical Services, Inc. to install the monitoring wells and perform soil testing for a fee of \$8,250. These engineering fees will be paid by the Upper Big Blue NRD and reimbursed by David City (50%), Lower Platte North NRD (25%). Upper Big Blue NRD share is (25%).

It was moved by Yates and seconded by Teegerstrom that Geotechnical Services, Inc. be hired for a lump sum fee of \$8,250 to install six monitoring wells and perform soil testing for the David City Northwest Storm Water Improvement Project in accordance with their proposal dated October 3, 2011. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

#### **ITEM 10. SMITH CREEK DAM.**

Staff requested authorization to proceed with planning and design for improvements to a sediment control dam located immediately upstream from the Smith Creek reservoir. At the Projects & Programs Committee meeting Bitner presented photos of the existing structure that showed severe erosion of the silt dam's principal pipe spillway and secondary earth spillway. Since the dam is located on private property, staff will work with the landowner to determine the best design solution.

It was moved by Yates and seconded by Luebbe that staff be authorized to proceed with planning and design for improvements to the silt dam located immediately upstream from the Smith Creek reservoir. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

#### **ITEM 11. SEWARD WEST TRAIL PROJECT NEPA & ENVIRONMENTAL SERVICE AGREEMENT – OLSSON ASSOCIATES.**

Turnbull contacted Bret Baker, Seward City Administrator, on October 4, 2011, to find out the City's decision on the trail funding. Due to budget constraints the City is not in a position to forgo the Department of Roads Grant. Turnbull requested that the City Council take formal action to request that the NRD continue the trail with the Trail Enhancement Grant from the Department of Roads. That action was expected on October 18, 2011.

In early September 2011, the Department of Roads requested a conference call to discuss the status of the Seward West Trail Project. That conference call was held on October 6, 2011. Turnbull, Bitner and Feather discussed the trail status with Mike Kleffner, the Transportation Enhancement Engineer and Judy Borer, the Project Coordinator, both with the Department.

Mike Kleffner has been on the job 4 months and has been instructed to get the trail projects moving. Turnbull explained what this Board decided about going without the grant. Turnbull also stated that he

had held up hiring Olsson and Associates to conduct the environmental assessment. Turnbull told him about recent contacts with the City of Seward and the need to proceed with the Trail Enhancement Grant if that was still possible. Kleffner was very helpful. He acknowledged the past difficulties and agreed that the Department had caused the lengthy delays. Kleffner stated that he was unable to reduce the red tape but would help the NRD get through the hurdles.

Kleffner pointed out that the Corps of Engineers requires that wetland determinations be done annually prior to November 1. Therefore the consultant that does the environmental assessment needs to be hired and conduct some of their work right away. Olsson's has been contacted since the call and agreed to the price quoted in April. Olsson's also stated that they can complete the field survey necessary for the wetlands determination by November 1, if they are hired. Kleffner will issue a notice to proceed authorizing the hiring of Olsson's upon receipt of our summary of negotiations with Olsson's. That was submitted on October 11, 2011. The Board will need to approve the hiring of Olsson's at the October Board meeting in order to meet the November 1 deadline. The Department insists on writing the agreement to be used between Olsson's and the NRD, even though the NRD has to approve entering into the agreement with Olsson's.

A second firm needs to be hired to conduct geotechnical investigations and land rights surveys. The NRD staff requested a notice to proceed to solicit proposals from engineering firms. That work should immediately follow Olsson's work.

It was explained that the NRD staff will do the project design and prepare the construction documents. Bitner asked Kleffner if the Department stills insists on handling the bidding. Kleffner said yes. Bitner then asked if the NRD can reject or decline the bid if the cost is too high. Kleffner said yes. That is in contrast to the problem that the City of York ran into when the Department would not let them reject the bid that was 40% higher than the engineer's estimate.

Kleffner stated that it is important to work as rapidly on the trail as the NRD can. The staff again reminded him of the delays caused by the Department. He said he would do what he could. Then the Department made an offer to change the funding limits. Currently the Department's share of the cost is 59% not to exceed \$500,000. He offered to change the master agreement to allow 70 to 80% cost share without the cap. Turnbull immediately said yes. The final percentage will be determined when the Department knows how much is left in their budget for all trails. Turnbull asked that the final percentage be determined prior to the award of a construction contract. Kleffner agreed to that.

Turnbull asked if the master agreement with the Department of Roads should be amended and Kleffner said yes. He indicated that he would draft the changes and send them to the NRD for review. The changes would include the new cost share rate, removing of the \$500,000 funding cap, and requiring that the Department of Roads handle the construction bidding.

	Current Agreement		Proposed Amendment on Percentage and Upper Limit					
	\$500,000 Cap		No Cap		No Cap		No Cap	
NRD	75,000	8.8%	75,000	8.8%	75,000	7.5%	75,000	6.4%
City	273,933	32.2%	179,680	21.2%	225,000	22.5%	273,933	23.6%
State	500,000	59.0%	594,253	70.0%	700,000	70.0%	814,100	70.0%
Total	848,933	100.0%	848,933	100.0%	1,000,000	100.0%	1,163,033	100.0%
Increase					151,067	18%	314,100	37%
City Share			(94,253)	34%	(48,933)	18%	-	0%

Based on the expected request from the City of Seward, the funding offer and change of attitude from the Department of Roads, Turnbull recommended to the Projects & Programs Committee that the NRD continue the planning and design of the trail by using the Department of Roads grant. Also Turnbull recommended that the Board approve the hiring of Olsson’s and Associates for the environmental work and to authorize the request for proposals for geotechnical work and land rights surveying. Olsson’s & Associates negotiated price for the NEPA and Environmental Services is \$12,764.43

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District enter into a NEPA & Environmental Services Agreement for the Seward West Trail Project with Olsson & Associates in the amount of \$12,764.43. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

## RESOLUTION NEPA & ENVIRONMENTAL SERVICE AGREEMENT

Upper Big Blue Natural Resources District

**Whereas:** Certain transportation facilities (roads, streets, trails, and others) in Upper Big Blue Natural Resources District have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

**Whereas:** Upper Big Blue Natural Resources District desires to continue to participate in Federal-Aid transportation construction programs;

**Whereas:** The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

**Whereas:** Upper Big Blue Natural Resources District as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the National Environmental Policy Act (NEPA); and

**Whereas:** Upper Big Blue Natural Resources District understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Upper Big Blue Natural Resources District being required to repay some or all of the federal funds expended for a project(s).

**Be It Resolved:** The Upper Big Blue Natural Resources District Board of Directors does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the National Environmental Policy Act (NEPA).

**Be It Further Resolved:** The Upper Big Blue Natural Resources District Board of Directors does hereby designate John C. Turnbull, General Manager, for the management of the NEPA process and is hereby authorized to sign the attached NEPA & Environmental Service Agreement between the Upper Big Blue Natural Resources District and Olsson & Associates.

It was moved by Yates and seconded by Stahly to adopt the resolution. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

#### **ITEM 12. SEWARD WEST TRAIL GEOTECHNICAL ENGINEERING.**

The District's next step in the Seward West Trail Project is to request proposals for the geotechnical engineering services and survey services to determine the property corners.

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District request proposals from consulting firms to do the necessary geotechnical engineering services for the Seward West Trail Project. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District request proposals from land surveyors to determine the necessary property corners and right-of-way boundaries for the Seward West Trail Project. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

#### **ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Buller reported that the Water & Regulations Committee met October 13, 2011 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are four final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$1,841.96.

It was moved by Miller and seconded by Stahly to make cost-share payments for four well abandonments as reviewed by the Committee, at a cost of \$1,841.96. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 15. CERTIFICATION OF IRRIGATED ACRES.**

October certification of irrigated acres includes changes involving 442.1 acres. With these changes the total irrigated acres certified in the Management Area are 1,170,293.1.

It was moved by Buller and seconded by Teegerstrom to certify the October 2011 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 16. MONITORING WELL REPAIR – WELL 6A.**

Sargent Drilling has replaced the pump in monitoring well 6A. The District has been billed \$1,515.32. This amount was the exact estimate approved by the Board in September.

It was moved by Buller and seconded by Yates to pay Sargent Drilling \$1,515.32 for the replacement of the pump in monitoring well 6A. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 17. MONITORING WELL 1B (10 MI. WEST OF AURORA).**

Monitoring well 1B would not function when the staff attempted to collect a water sample in September. Sargent Drilling pulled the pump. This pump was also corroded and is not repairable. The estimated repairs are the same as 6A, which was \$1,515.32. These pumps were installed in 1996.

It was moved by Buller and seconded by Ulmer to authorize Sargent Drilling to replace the pump in monitoring well 1B at an estimated cost of \$1,515.32. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 18. IRRIGATION WATER MANAGEMENT EQUIPMENT FOR RESALE.**

One thousand watermark sensors have been purchased from Klein Sales and Service, for resale in 2012. This was done now so that the staff could begin assembling them over the winter months and to beat an anticipated price increase. The total cost is \$27,520.00.

It was moved by Buller and seconded by Teegerstrom to pay Klein Sales and Service \$27,520.00 for 1,000 watermark sensors purchased for resale. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

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

Stahly reported that the Executive Committee met on October 13, 2011 and presented the committee's recommendations.

**ITEM 20. \* THIRD QUARTER DIRECTORS' PER DIEM & EXPENSES.**

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

It was moved by Miller and seconded by Stahly to approve payment of 3rd quarter directors' per diem of \$11,060.00 and expenses of \$4,419.57. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 21. FY 2011 AUDIT PAYMENT.**

An invoice for \$3,075.00 was received from Romans Wiemer & Associates for the FY 2011 Audit.

It was moved by Stahly and seconded by Volkmer to approve payment of \$3,075.00 to Romans Wiemer & Associates for the FY 2011 Audit. The motion was approved.



AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

**ITEM 22. FINANCIAL REPORT SEPTEMBER 1 - 30, 2011 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2011.**

Turnbull reviewed the financial report for the period September 1, 2011 to September 30, 2011 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for September 2011 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Bruns

NAY: None

NOT PRESENT: Houdersheldt, Moore, Nuss

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 October 20, 2011, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**November 17, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 17, 2011 at 2:00 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Marie Krausnick, Courtney Woodman, Patty Kyhn, Nancy Thomas, Becky Flodman and Joshua Bowers of York NRCS.

**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, 2011 in the York News-Times.

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

Seventeen directors were present during roll call.

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

There were no requests for excused absences.

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

It was moved by Stahly and seconded by Teegerstrom to approve the agenda for the November 17, 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 6. \*APPROVAL OF MINUTES OF THE OCTOBER 20, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Teegerstrom to approve the minutes of the October 20, 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

Yates reported that the Projects & Programs Committee met on November 10, 2011 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Bruns that payment of \$1,299.60 be approved for one (1) completed NSWCP Land Treatment Program application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 9. PROJECT MAINTENANCE – CONTRACTOR PAYMENT.**

Previously approved maintenance work has been completed by Henry Thompson Tree Service at twelve existing NRD projects. Staff recommends payment of \$47,100 to the contractor for the completed work in accordance with their previously approved proposal.

It was moved by Yates and seconded by Rich that payment of \$47,100 be made to Henry Thompson Tree Service for maintenance work completed at twelve (12) NRD projects in October 2011, and in accordance with their September 16, 2011 proposal. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 10. SEWARD WEST TRAIL PROJECT AGREEMENT – STP FUNDS.**

The State of Nebraska Department of Roads has sent a new agreement for the Seward West Trail Project for consideration. The previous agreement BL0905 for Project No. ENH-80(32) was executed by the State of Nebraska Department of Roads on May 1, 2009. The Committee spent a considerable amount of time reviewing the main parts of the agreement.

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District have their legal counsel review the LPA Seward West Trail Project Agreement between the Upper Big Blue Natural Resources District and the State of Nebraska Department of Roads and bring the agreement back to the December Committee meeting for consideration. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met November 10, 2011 and presented the committee's recommendations.

**ITEM 12. \*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 \$500.

It was moved by Stahly and seconded by Teegerstrom to make cost-share payment for one well abandonment as reviewed by the Committee, at a cost of \$500. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 13. WATER METER COST-SHARE FINAL PAYMENTS.**

There are two final payments for new water meters under the Water Meter Cost-share Assistance Program totaling \$600.

It was moved by Nuss and seconded by Regier to make cost-share payments for two new water meters as reviewed by the Committee, at a cost of \$600. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 14. CERTIFICATION OF IRRIGATED ACRES.**

November certification of irrigated acres includes changes involving 850.1 acres. With these changes the total irrigated acres certified in the Management Area are 1,170,293.1

It was moved by Nuss and seconded by Regier to certify the November 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 15. APPROVAL OF LATE WELL PERMIT.**

The City of Seward constructed a well for irrigating an athletic field and some other lawn and landscape. They originally intended to construct a well with a 50 gallon per minute pump. This would not require a permit. After the well was constructed it was decided to install a pump capable of pumping 70 gallons per minute. This does require a permit. The City has filed for the permit and has paid the \$250.00 fee. The well complies with District regulations.

It was moved by Nuss and seconded by Teegerstrom to approve the late permit application UBB-1-4418 for a well owned by the City of Seward. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 16. PAYMENT TO CENTRAL DISTRICT HEALTH DEPARTMENT FOR NITRATE ANALYSIS.**

The District has been invoiced \$1,164.00 by the Central District Health Department for 194 water nitrate analysis conducted in 2011. This is a rate \$6.00 of per sample.

It was moved by Nuss and seconded by Yates to pay the Central District Health Department \$1,164.00 for the water nitrate analysis. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

Bruns reported that the Executive Committee met on November 10, 2011 and presented the committee's recommendations.

#### **ITEM 18. OUT OF STATE TRAVEL.**

The Groundwater Management Districts Association winter conference will be held in mid January in New Orleans, Louisiana. Three Directors and three staff have requested approval to attend.

The Executive Committee approved out of state travel for Linda Luebbe, Ronda Rich, Bill Stahly, Rod DeBuhr, Marie Krausnick and Dan Leininger to attend the GMDA Conference in New Orleans, LA., January 11 – 13, 2012.

**ITEM 19. \*DIRECTOR'S GMDA EXPENSE REIMBURSEMENT.**

Ronda Rich has requested an expense reimbursement for airline travel to the GMDA conference in New Orleans, LA.

It was moved by Stahly and seconded by Teegerstrom to approve director's expense reimbursement of \$301.80 to Ronda Rich for airline travel in January, 2012, to the GMDA Conference in New Orleans, LA.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 20. FINANCIAL REPORT OCTOBER 1 - 31, 2011 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2011.**

Turnbull reviewed the financial report for the period October 1, 2011 to October 31, 2011 that was distributed. It was moved by Volkmer and seconded by Miller to accept the financial report for October 2011 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, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

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 November 17, 2011, 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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Linda Luebbe, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**December 15, 2011**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 15, 2011 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Rod DeBuhr, Scott Snell, Jeff Ball, Marie Krausnick, Kristin Phillips, Dan Leininger and Joshua Bowers of York NRCS.

**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, 2011 in the York News-Times.

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

Seventeen directors were present during roll call.

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

There were no requests for excused absences.

**ITEM 4. EMERGENCY AGENDA ITEM.**

Turnbull explained that Linda Luebbe, who is Vice-President of the GMDA Board and responsible for planning the 2012 Winter and Summer Conferences, just received the contract and invoice for the charter buses for the GMDA conference in January. The contract and invoice need to be paid right away to guarantee the transportation contract. The conference will be over before the board meets again. Turnbull asked that the board consider adding the GMDA 2012 Conference Expenses as an emergency agenda item.

It was moved by Regier and seconded by Miller to add the 2012 GMDA Conference Expenses to the agenda as an emergency item. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

Turnbull further explained that there will be other expenses associated with the planning of both the Winter and Summer 2012 GMDA conferences that will need to be paid prior to the conferences. Payments for these expenses may not coincide with the regular bill payment cycle.

It was moved by Bruns and seconded by Austin to authorize John Turnbull, General Manager, to approve bills and make payments to vendors for the January 2012 GMDA Conference and the June 2012 GMDA Summer Conference. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

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

It was moved by Dickinson and seconded by Yates to approve the agenda for the December 15, 2011 board of directors meeting as amended. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 7. \*APPROVAL OF MINUTES OF THE NOVEMBER 17, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Yates to approve the minutes of the November 17, 2011 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

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

Yates reported that the Projects & Programs Committee met on December 8, 2011 and presented the committee's recommendations.



**ITEM 9. LAND TREATMENT COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Austin that payments totaling \$13,441.15 be approved for five (5) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Dickinson and seconded by Yates to approve Nebraska Buffer Strip Program Fund payments totaling \$4,122.78 for five (5) Buffer Strip Program contracts as reviewed by the Projects and Programs Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 11. SEWARD WEST TRAIL-STATUS REPORT.**

On November 29, 2011 John Turnbull, Jay Bitner and Ken Feather met with City Administrator Brett Baker, Mayor Joshua Eickmeier, and Larry Brauer of the City of Seward to discuss the proposed changes to the Project Agreement between the Nebraska Department of Roads and the Upper Big Blue NRD. After a lengthy discussion and comparison of the new agreement with the Project Agreement signed May 1, 2009, it was decided that the District have our attorney Steve Seglin draft the necessary amendments to the original Project Agreement and present that to the Nebraska Department of Roads for their consideration and approval. At present the City feels they cannot continue with the project unless Federal funds are available for project design and construction.

On the 13<sup>th</sup> of December, Upper Big Blue NRD and City of Seward officials met with the Nebraska Department of Roads, and the Federal Highway Administration. The meeting was held at Senator Adams request in the State Capitol.

Those in attendance were:

Senator Greg Adams

Janet Anderson – Legislative Aide to Senator Adams

Roger Houdersheldt – NRD Chairman

John Turnbull – NRD General Manager

Jay Bitner – NRD Engineer

Steve Seglin – NRD Attorney

Joshua Eickmeier – Mayor of Seward

Brett Baker – Seward City Administrator

Mike Kleffner – Department of Roads - Transportation Enhancement Engineer

Andy Cunningham – Department of Roads – Legislative Liaison

Joe Werning – Division Administrator - Federal Highway Administration – Nebraska Division

Doug Atkin – Asst Division Administrator - Federal Highway Administration – Nebraska Division

Senator Adams began the intense 2 hour meeting by having the Mayor of Seward and John Turnbull give a very brief report on the trail project and progress to date. Turnbull said that the Nebraska Department of Roads (NDOR) has sent a new agreement to the NRD for signature. Turnbull stated in no uncertain terms that the NRD would not sign it because the new agreement gives the NDOR total control and zero responsibility.

A discussion ensued about the events that have led up to this new agreement. Joe Werning, from the Federal Highway Administration (FHWA), explained that the regulations governing local projects have not changed. He took over the position of the Nebraska Division Administrator in June 2008. A performance audit was on his desk that had found material weaknesses in the local project administration by the Department of Roads. They had not been following proper oversight requirements for federal funding of local projects. Mr. Werning stated that both the Federal Administrator and the Department of Roads were very lax

Mike Kleffner, NDOR, told the NRD and the City that the existing agreement between the Department of Roads and the NRD expired and that it is no longer in effect. That ended any discussion of amendments to that agreement.

Mike Kleffner said that the old agreement did not comply with the Local Projects Agency Manual and therefore the new one was written. Mr. Werning wanted to know specifically what did the NRD object to in the new agreement. Turnbull handed out copies and then proceeded to hit the main points:

Responsible Charge (RC)

Federal Audit Requirements

Prepayment of local share

State Bidding

Change Orders

State control and responsibility throughout the agreement

Land rights acquisition and eminent domain – Turnbull explained that land rights would need to be acquired from a couple of private landowners. The indications from the landowners are that they are willing to discuss the project. However it is always possible that someone will not settle voluntarily. Turnbull said that the NRD Board won't condemn private property for a recreation trail. The Nebraska Legislature is very sensitive to NRD trails and potential eminent domain and has new requirements for any trail projects that may run into this problem.

Mike Kleffner emphatically stated that if the NRD is not willing to use eminent domain then that is a deal breaker.

Joe Werning asked if the NRD was willing to make written comments on the draft agreement for NDOR's consideration. NDOR agreed to send the Word Document of the agreement to Steve Seglin.

Senator Adams thanked the parties for having the discussion. Joe Werning said that communications are important and need to continue. The meeting ended.

The NRD staff has concluded that the FHWA is not the problem, but rather it is NDOR who is

overreacting to the federal requirements. The overreaction is causing great difficulties at the agreement stage and in the project administration.

After discussion with Steve Seglin and the NRD staff, Turnbull recommended that the Upper Big Blue Natural Resources District authorize Steve Seglin, the District's Attorney, to redraft the agreement between the Nebraska Department of Roads and the Upper Big Blue NRD for the Seward West Trail Project; that Steve Seglin and the NRD staff negotiate the agreement with the Nebraska Department of Roads; and further, if the negotiations are successful, to present the agreement to the Board of Directors for consideration.

It was moved by Buller and seconded by Miller that the Upper Big Blue Natural Resources District authorize Steve Seglin, the District's Attorney, to redraft the agreement between the Nebraska Department of Roads and the Upper Big Blue NRD for the Seward West Trail Project; that Steve Seglin and the NRD staff negotiate the agreement with the Nebraska Department of Roads; and further, if the negotiations are successful, to present the agreement to the Board of Directors for consideration. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Houdersheldt

NAY: Volkmer, Yates

NOT VOTING: Ulmer

#### **ITEM 12. OLSSON & ASSOCIATES-ENVIRONMENTAL SERVICES.**

On October 27, 2011 Judy Borer, NDOR Project Coordinator, issued the Notice to Proceed with the Environmental Services, NEPA, for the Seward West Trail Project, Project No. ENH-80(32), Control No. 13060. The payment of \$1,967.34 to Olsson & Associates is for work completed through November 5, 2011.

It was moved by Yates and seconded by Luebbe that the Upper Big Blue Natural Resources District authorize NDOR to make payment of \$1,967.34 to Olsson & Associates for the Environmental Services (NEPA) for the Seward West Trail Project, Project No. ENH-80(32), Control No. 13060 for the work completed through November 5, 2011. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 13. CONSERVATION EASEMENTS.**

##### **OLSTON PROPERTY.**

Wetlands America Trust, Inc. (Ducks Unlimited) are the present owners. his property is located in the NE1/4 of Section 18-10-2E Seward County Nebraska (located 1 mile west of Goehner). This parcel of ground consists of 57 acres that is enrolled in the EQIP Program which requires a conservation easement. These lands have all been planted to grass. The remaining acres in this quarter section already have a conservation easement. The purpose of the 57 acres is to retire the irrigated lands.

These lands will be available for grazing and haying once the grass becomes established. Haying will be allowed on these lands after July 15. Ducks Unlimited is hoping to sell this property in the near future which will put it back in private ownership and unlimited grazing.

#### **SCHROEDER PROPERTY.**

Wetlands America Trust, Inc. (Ducks Unlimited) are the present owners. This property is located in the E1/2 NW 1/4 Section 27-14-1E Butler County Nebraska (2 miles south of Rising City). These lands are presently in a working lands easement, a Ducks Unlimited rangeland program, which includes restoration of grassland and wetlands. Once the grassland becomes established, these lands will be sold back to private ownership. Haying will be allowed after July 15 and there will be unlimited grazing allowed.

#### **HENSE PROPERTY.**

Wetlands America Trust, Inc. (Ducks Unlimited) are the present owners. This property is located in the N1/2 NW1/4 Section 31-14-2E Butler County (3 miles south & 3 miles east of Rising City). These lands are presently in a working lands easement, a Ducks Unlimited rangeland program, which excludes restoration of grassland and wetlands. Once the grassland becomes established, these lands will be sold back to private ownership. Haying will be allowed after July 15 and there will be unlimited grazing allowed. These conservation easements are recorded and become part of the deeded land.

It was moved by Yates and seconded by Rich that the Upper Big Blue Natural Resources District Staff work with Ducks Unlimited to draft conservation easements with Wetlands America Trust, Inc. on the property located in the NE1/4 Section 18, Township 10N, Range 2E Seward County, Nebraska; the property located in the E1/2 NW1/4 Section 27, Township 14N, Range 1E Butler County, Nebraska; and the property located in the N1/2 NW1/4 of Section 31, Township 14N, Range 2E Butler County, Nebraska. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: Ulmer

#### **ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Water & Regulations Committee met December 13, 2011 and presented the committee's recommendations.

#### **ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are twenty-two final payments for the Aquifer Quality Well Abandonment Cost-share Assistance Program totaling \$9,151.78.

It was moved by Dickinson and seconded by Yates to make cost-share payments for twenty-two well abandonments as reviewed by the Committee, at a cost of \$9,151.78.

The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 16. CERTIFICATION OF IRRIGATED ACRES.**

December certification of irrigated acres includes changes involving 556.5 acres. With these changes the total irrigated acres certified in the Management Area is 1,170,368.2 acres.

It was moved by Dickinson and seconded by Regier to certify the December 2011 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, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 17. HASTINGS WELLHEAD PROTECTION GROUNDWATER MANAGEMENT AREA ACTION PLAN.**

The Joint Planning Committee for this program, which comprises members from Hastings Utilities, Little Blue NRD and Upper Big Blue NRD, met on November 29th. The committee has prepared the final draft and recommended its adoption for the purpose of a public hearing. If all three entities agree, the hearing will be held on February 7th. A presentation and question and answer meeting will begin at 6:45 p.m. with the hearing beginning at 7:30 p.m. The meeting and hearing will be held at the Adams County Fairgrounds in Hastings. The committee reviewed the final draft of the Hastings Wellhead Protection Groundwater Management Area Action Plan.

It was moved by Dickinson and seconded by Rich to approve the final draft of the Hastings Wellhead Protection Groundwater Management Area Action Plan for the purpose of conducting a Public Hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

#### **ITEM 18. PURCHASE OF NEW HACH SPECTROPHOTOMETER.**

The District's current spectrophotometer, used to analyze groundwater nitrate samples, was inherited from the Blue River Association of Groundwater Conservation Districts in the 1990's. The Association purchased it in 1986. This fall the District applied for a grant from the Department of Environmental Quality for the purchase of a new spectrophotometer. The District has been notified that the grant has been approved. If we order the new equipment before the end of the year we will be able to avoid a price increase.

It was moved by Dickinson and seconded by Moore to authorize the staff to purchase a DR3900 Spectrophotometer at a cost of \$4,682.77. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 19. PURCHASE OF CPVC PIPE FOR WATERMARK SENSORS.**

The staff purchased 2,930 feet of ¾ inch CPVC which will be used to assemble Watermark sensors during the winter. The cost of the pipe was \$1,166.14.

It was moved by Dickinson and seconded by Regier to authorize payment of \$1,166.14 to MasterCard for CPVC pipe purchased to assemble Watermark sensors. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 20. DRAFT GROUNDWATER QUALITY REGULATIONS.**

The Water & Regulations Committee discussed changes to the District's groundwater quality regulations. The proposed changes include requirements for the use of a nitrification inhibitor for pre-plant fertilizer application. The Committee forwarded the first draft ground water quality management regulations changes to the Board of Directors for the purpose of discussion. The Water & Regulations Committee will consider the regulation changes again at their January committee meeting.

**ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on December 8, 2011 and presented the committee's recommendations.

**ITEM 22. VEHICLE REPLACEMENT – WATER DEPARTMENT PICKUP.**

The 1999 Ford F-150 has 146,000 miles on it and expensive maintenance is expected. The staff requests authority to advertise for bids for a new ½ ton, extended cab, 2 wheel drive pickup. A trade-in is recommended.

It was moved by Bruns and seconded by Luebbe to authorize the staff to advertise for bids for a new ½ ton extended cab 4 x 2 short box pickup with trade-in. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Teegerstrom

**ITEM 23. UNL/CONSERVATION & SURVEY DIVISION CLEAR CREEK CONTRACT EXTENSION.**

Bitner briefed the committee on the University work on the stream bed conductance along Clear Creek

between Alda and Columbus. The field work is done and the final report is being written. Bitner and Marie Krausnick explained the need for the development of a Geodatabase that will be used to develop the groundwater model for Seward County area. The Geodatabase can also be used for other NRD work. Dr. Xun-Hong Chen has proposed that the Conservation and Survey Division do the work through an extension of the Clear Creek contract for an additional \$29,928.00. The contract should also be extended until December 31, 2012.

The original contract price is	\$66,200
The additional work cost is	29,928
Total proposed contract cost	96,128

It was moved by Bruns and seconded by Stahly to approve the Clear Creek Contract extension with the University of Nebraska Conservation and Survey Division for an additional \$29,928 and a contract completion date of December 31, 2012. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 24. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.**

A bill for \$7,409.35 has been received from York Printing for printing the Blueprint Newsletter.

It was moved by Bruns and seconded by Dickinson to approve payment of \$7,409.35 to York Printing for the special edition Blueprint Newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 25. \*DIRECTOR'S EXPENSE.**

Linda Luebbe has requested an expense reimbursement for airline travel to the GMDA conference in New Orleans, LA.

It was moved by Dickinson and seconded by Yates to approve Director's expense reimbursement of \$387.30 to Linda Luebbe for airline travel in January, 2012, to the GMDA Conference in New Orleans, LA. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 26. FINANCIAL REPORT NOVEMBER 1 -30, 2011 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2011.**

Turnbull reviewed the financial report for the period November 1, 2011 to November 30, 2011 that was distributed. It was moved by Volkmer and seconded by Dickinson to accept the financial report for

November 2011 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, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

There being no other business the chairman adjourned the meeting at 3:37 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 December 15, 2011, 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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Linda Luebbe, Secretary

:ndb



**BOARD OF DIRECTORS MEETING**  
**January 19, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 19, 2012 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Patty Kyhn, Jay Bitner, Ken Feather, Rod DeBuhr, Kristin Phillips, Sylvia Jividen, DeeDee Novotny, Scott Snell, Tim Horst of Ducks Unlimited, Steve Moseley of York News-Times and Joshua Bowers of York NRCS.

**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, 2012 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Steve Buller and Merlin Volkmer requested that their absences from the January board meeting be excused due to travel outside of the United States.

It was moved by Teegerstrom and seconded by Ulmer to excuse the absence of Buller and Volkmer from the January 19, 2012 Board of Directors meeting as requested. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller, Volkmer

**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: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

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

It was moved by Stahly and seconded by Dickinson to approve the agenda for the January 19, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE DECEMBER 15, 2011 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Dickinson to approve the minutes of the December 15, 2011 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

**ITEM 7. EMPLOYEE RECOGNITION.**

Ken Feather, Parks & Forestry Department Manager, was recognized for 35 years of service to the District. Chairman Houdersheldt presented him with a framed print.

The Board also recognized Sylvia Jividen, our field office clerk in the Geneva NRCS office, for 10 years of service. Chairman Houdersheldt presented her with an engraved plaque.

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

Yates reported that the Projects & Programs Committee met on January 12, 2012 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Ulmer that payments totaling \$22,621.36 be approved for six completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 10. CONSERVATION EASEMENTS.**

**OLSTON PROPERTY** – Wetlands America Trust, Inc. (Ducks Unlimited) are the present owners. This property is located in the NE1/4 of Section 18-T10N-R2E Seward County Nebraska (located 1 mile west of Goehner). This parcel of ground consists of 57 acres that is enrolled in the EQIP Program which requires a conservation easement. These lands have all been planted to grass. The remaining acres in this quarter section already have a conservation easement. The purpose of the 57 acres is to retire the irrigated lands. These lands will be available for grazing and haying once the grass becomes established. Haying will be allowed on these lands after July 15. Ducks Unlimited is hoping to sell this property in the near future which will put it back in private ownership with unlimited grazing.

**SCHROEDER PROPERTY** – Wetlands America Trust, Inc. (Ducks Unlimited) are the present owners. This property is located in the E1/2 NW 1/4 Section 27-T14N-R1E Butler County Nebraska (2 miles south of Rising City). These lands are presently in a working lands easement, a Ducks Unlimited rangeland program, which includes restoration of grassland and wetlands. Once the grassland becomes established, these lands will be sold back to private ownership. Haying will be allowed after July 15 and there will be unlimited grazing allowed.

**HINZE PROPERTY** – Wetlands America Trust, Inc. (Ducks Unlimited) are the present owners. This property is located in the N1/2 NW1/4 Section 31-T14N-R2E Butler County (3 miles south & 3 miles east of Rising City). These lands are presently in a working lands easement, a Ducks Unlimited rangeland program, which excludes restoration of grassland and wetlands; and the seeding of cropland to grassland. Once the grassland becomes established, these lands will be sold back to private ownership. Haying will be allowed after July 15 and there will be unlimited grazing allowed. These conservation easements are recorded and become part of the deeded land.

It was moved by Yates and seconded by Miller that the Upper Big Blue Natural Resources District enter into a Conservation Easement with Wetlands America Trust, Inc. on the property located in the NE1/4 Section 18, Township 10N, Range 2E Seward County, Nebraska; the property located in the E1/2 NW1/4 Section 27, Township 14N, Range 1E Butler County, Nebraska; and the property located in the N1/2 NW1/4 of Section 31, Township 14N, Range 2E Butler County, Nebraska. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 11. SEWARD WEST TRAIL PAYMENT FOR ENVIRONMENTAL SERVICES.**

Notice to proceed with Environmental Services (NEPA) for the Seward West Trail, Project No. ENH-80(32), Control No. 13060, was issued by the Nebraska Department of Roads. Olsson Associates is providing the Environmental Services, and has submitted an invoice for work completed through December 3, 2011.

Professional Personnel (48 hours)	\$ 1,104.12
Personal Vehicle Mileage	\$ 34.41
Overhead Costs	\$ 1,915.32
Profit	\$ 400.08
Total Invoice for Work to Date	\$ 3,453.93
Total Contract Amount	\$12,764.42
Balance Remaining	\$ 9,310.49

It was moved by Yates and seconded by Bruns that the Upper Big Blue Natural Resources District authorize the Nebraska Department of Roads to make payment to Olsson & Associates for the Environmental Services (NEPA) for the Seward West Trail Project, Project No. ENH-80(32), Control No. 13060 for work completed through December 3, 2011 in the amount of \$3,453.93. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 12. DAVID CITY NW PROJECT GEOTECHNICAL SERVICES.**

Geotechnical Services, Inc. (GSI) has completed drilling, sampling, and testing of soils and installation of five (5) water table monitoring wells at David City. This work was previously approved to provide information necessary for contractors bidding project construction. Staff recommends payment of GSI's \$6,875.00 invoice for this work. The District will invoice the Lower Platte North (25%) and David City (50%) for their respective shares of the work.

It was moved by Yates and seconded by Austin that Geotechnical Services, Inc., be paid \$6,875.00, in accordance with their invoice number 51049, for geotechnical services including installation of monitoring wells at the David City Northwest Drainage Improvement Project. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 13. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on January 12, 2012 and presented the committee's recommendations.

#### **ITEM 14. ATTORNEY'S FEES.**

A bill for \$3,458.00 has been received from Crosby Guenzel LLP Law Offices for Steve Seglin's work through December 14, 2011, on the Seward West Trail agreement with the Nebraska Department of Roads.

It was moved by Bruns and seconded by Austin to approve payment of \$3,458.00 to Crosby Guenzel LLP for Steve Seglin's legal work through December 14, 2011. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

**ITEM 15. \* DIRECTORS' 4TH QUARTER PER DIEM & EXPENSES.**

It was moved by Stahly and seconded by Dickinson to approve payment of 4th quarter directors' per diem of \$8,680.00 and expenses of \$3,155.76. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

**ITEM 16. UNL/CONSERVATION & SURVEY DIVISION CLEAR CREEK STREAMBED STUDY BILLING.**

A bill in the amount of \$35,089.53 has been received from the University of Nebraska for Xun-Hong Chen's work on the Clear Creek Streambed Study. This brings the total spent to date to \$50,910.08. The total contract is for \$96,128.00.

It was moved by Bruns and seconded by Yates to approve payment of \$35,089.53 to the University of Nebraska for the Clear Creek Streambed Study. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

**ITEM 17. TRAILBLAZER RC&D COUNCIL.**

The Trailblazer RC&D is requesting \$200 for a sponsorship fee for 2012. The federal funding stopped last year and the RC&D council wants to try to continue. The other RC&D that the District supports is the Great Plains RC&D. The Upper Big Blue representatives are Volkmer for the Trailblazer and Teegerstrom for the Great Plains. The representatives will remain the same unless the NRD Board of Directors takes action to make a change.

It was moved by Bruns and seconded by Luebbe that the Upper Big Blue NRD contribute \$200 to the Trailblazer RC&D Council and \$200 to the Great Plains RC&D Council. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Austin

NOT PRESENT: Buller, Volkmer

**ITEM 18. VEHICLE REPLACEMENT – WATER DEPARTMENT PICKUP BIDS.**

Six bids were received from 4 dealers; all for a 2012 half-ton extended cab short box 2-wheel drive pickup with trade in of the 1999 Ford.

Sid Dillon – Wahoo	Chevy Silverado 1500	\$20,433
Sid Dillon – Wahoo	Ford F-150 XLT	\$21,193
Gene Steffy – Columbus	Ford F-150 XLT	\$21,624
Tom Dinsdale – Grand Island	Chevy Silverado 1500	\$21,990
Moses Motor – York	Ford F-150 XLT	\$22,300
Sid Dillon – Wahoo	Dodge Ram 1500	\$22,330

The staff recommends the District accept the low bid of \$20,433 with trade from Sid Dillon of Wahoo.

It was moved by Bruns and seconded by Moore to accept the low bid of \$20,433 for a Chevy Silverado 1500 with trade-in of the 1999 Ford F-150, from Sid Dillon Chevy Buick Pontiac of Wahoo, Nebraska.  
The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

**ITEM 19. EQUIPMENT PURCHASE – FORESTRY DEPARTMENT TRAILER.**

The staff is recommending that the District purchase a dump trailer to be towed behind either a pickup or tractor. It would make moving wood chips and other maintenance materials much more efficient. Prices have been obtained from 3 dealers for a Hillsboro 14 ft dump trailer. A trailer with bumper hitch was specified with a gross weight of 14,000 lbs.

Jack Nitz & Associates – Fremont	\$8,300
LCL Truck & Equipment – Hastings	\$8,370
Peterson Enterprises Truck & Trailer – Waco	\$8,895

It was moved by Bruns and seconded by Rich to approve the purchase of a Hillsboro Tuffloader Dump Trailer as specified from Jack Nitz & Associates of Fremont, Nebraska for \$8,300. The motion was approved.

AYE: Austin, Bruns, Eberle, Moore, Regier, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Dickinson, Luebbe, Miller, Nuss, Rich, Stahly

NOT PRESENT: Buller, Volkmer

**ITEM 20. ADOPTION OF 2012-2022 MASTER PLAN.**

Turnbull reviewed a draft Master Plan with the committee. The Master Plan is for a ten year period,

2012 - 2022. The last one was for 1996-2006. Turnbull recommended a few changes from the last plan. Once the Board adopts the Master Plan an updated Long Range Plan for a six year period will be drafted for their consideration.

It was moved by Bruns and seconded by Austin to adopt the 2012 – 2022 Master Plan for the Upper Big Blue NRD. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 21. WASHINGTON, D.C. NARD CONFERENCE.**

The dates of the 2012 conference in Washington, D.C. are March 11 – 14. Out of state travel needs to be approved and reservations will need to be made. Turnbull recommended that Scott Snell be authorized to attend this year's conference

The Executive Committee approved out of state travel for John Turnbull, Scott Snell, and three directors or additional staff to attend the annual NARD Washington D.C. Conference, March 11 - 14, 2012.

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

Nuss reported that the Water & Regulations Committee met January 12, 2012 and presented the committee's recommendations.

#### **ITEM 23. \*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 \$114.76.

It was moved by Stahly and seconded by Dickinson to make cost-share payment for one well abandonment as reviewed by the Committee, at a cost of \$114.76. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 24. WATER METER COST-SHARE FINAL PAYMENTS.**

There are two payments for new water meters and two for repairs under the Water Meter Cost-share Assistance Program this month.

It was moved by Nuss and seconded by Regier to make cost-share payments for two new water meters and for two repairs as reviewed by the Committee, at a cost of \$600.00 for new meters and \$300.00 for repairs. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 25. LATE WELL PERMIT.**

Volzke Corporation drilled a well for Charles Hentzen in Section 7 of T10N-R3E of Seward County. Volzke Corporation did not remember to submit the application for a well permit. This was to be a regular permit and the well has been drilled. Volzke will pay the late fee on behalf of Hentzen.

It was moved by Nuss and seconded by Moore to approve the late permit application UBB-1-4451 for a well owned by Charles Hentzen. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 26. RONALD GRIESS GROUNDWATER TRANSFER AUTHORIZATION .**

Ronald Griess is the owner of the S½ of the SW¼ of Section 16-T8N-R5W and Don Rein Griess is the owner of the N½ of the NW¼ of Section 21-T8N-R5W, Clay County. They have requested authorization to transfer groundwater from Section 16 to irrigate approximately 78 acres in Section 21. This transfer is identified as T-019. The proposed transfer meets the requirements of District Rule 5.

It was moved by Nuss and seconded by Regier to approve transfer authorization T-019. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 27. DAVID JISA GROUNDWATER TRANSFER AUTHORIZATION.**

David Jisa is the owner of the NE¼ of Section 3-T13N-R3E and the SW¼ of Section 35-T14N-R3E, Butler County. He has requested authorization to transfer groundwater from Section 3 to irrigate approximately 135 acres in Section 35. This transfer is identified as T-020. The proposed transfer meets the requirements of District Rule 5.

It was moved by Nuss and seconded by Austin to approve transfer authorization T-020. The motion was approved.



AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 28. RULE 5 DRAFT CHANGES.**

The Water and Regulations Committee discussed changes to the District's groundwater quality regulations. The proposed changes include requirements for the use of a nitrification inhibitor for pre-plant fertilizer application.

It was moved by Nuss and seconded by Moore to adopt Draft Rule 5 for the purpose of a public hearing with the following changes: Chapter 3, paragraph 01, an effective date of July 1, 2012; Chapter 18, paragraph 2.01, add the word Pre-plant before anhydrous; Chapter 18, paragraph 2.03, change 100 to 150. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

It was moved by Moore and seconded by Nuss to hold the Rule 5 Hearing on March 1, 2012 at 1:30 p.m. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 29. CHEMIGATION PERMIT FEES.**

The District processed 84 new and 314 renewal chemigation permits in 2011. The Nebraska Department of Environmental Quality's share of the permit fees total \$1,048.00.

It was moved by Nuss and seconded by Regier to pay the NDEQ their share of the chemigation fees for 2011 totaling \$1,048.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

#### **ITEM 30. LABORATORY EQUIPMENT PAYMENT.**

The District purchased a DR3900 Spectrophotometer to analyze groundwater nitrate samples. The total for the new laboratory equipment is \$4,295.83.

It was moved by Nuss and seconded by Regier to authorize payment for the new laboratory equipment as reviewed by the Committee, at a cost of \$4,295.83. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

### **ITEM 31. TRAILBLAZER RC&D SCRAP TIRE GRANT.**

Turnbull was contacted by a board member of the Trailblazer RC&D, Merrill Duntz, from Nelson, Nebraska regarding a grant application for the Scrap Tire Collection Site Cleanup for Political Subdivisions.

The Trailblazer RC&D covers 7 counties and their board would like to do a scrap tire cleanup in each of those counties. The Trailblazer RC&D cannot apply for the grant from the Nebraska Department of Environmental Quality because they are not an agency or governmental unit. All they are is a community group. The Trailblazer RC&D is asking the Upper Big Blue NRD, Little Blue NRD and Lower Republican NRD to sign grant applications for their respective counties. This is a 100% grant from NDEQ for scrap tire cleanup. The Trailblazer RC&D estimated that the Upper Big Blue NRD's grant application would be in the amount of \$4,981 for Fillmore County. The application needs to be submitted by February 1.

If the UBBNRD applies for the grant it would be awarded to the District. The RC&D would take care of all the preparations, set the date and coordinate the cleanup. The NRD would be responsible for hiring the hauler to transport the scrap tires to the disposal site. We would need to collect the scale tickets, since payment is by weight, and submit a claim to NDEQ. They would send us the check and we would pay the hauler.

Turnbull said he had a discussion with Mr. Duntz and NDEQ today. The RC&D estimated 50 tons to be picked up in Fillmore County. NDEQ thought that was too low a number and recommended a higher amount. The RC&D needs to decide by Monday if they want to increase the amount of the grant request.

Since the board approved funding the Trailblazer and Great Plains RC&D's in the amount of \$200 each for the current year Turnbull decided to bring the request before the board. He asked that the board approve making the application and handling the funding for the scrap tire grant.

It was moved by Moore and seconded by Yates to sponsor and approve the grant for Scrap Tire Collection Site Cleanup for Political Subdivisions (Trailblazer RC&D Scrap Tire Grant). The motion was approved.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller, Volkmer

**ITEM 32. FINANCIAL REPORT DECEMBER 1 -31, 2011 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2011.**

Turnbull reviewed the financial report for the period December 1, 2011 to December 31, 2011 that was distributed. It was moved by Dickinson and seconded by Regier to accept the financial report for December 2011 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Volkmer

**ITEM 33. NOMINATING COMMITTEE REPORT.**

Teegerstrom presented the Nominating Committee's Report and presented the slate of candidates for the election of officers. Houdersheldt turned the chair over to Bruns prior to the vote for chairman. Bruns asked Ken Feather and Scott Snell to collect and count the ballots.

**ITEM 34. ELECTION OF CHAIRMAN.**

The nominees for the office of chairman were Roger Houdersheldt and Mike Nuss. There were no nominations from the floor. Houdersheldt received 10 votes and Nuss received 5 votes. Houdersheldt will serve as chairman for a one-year term.

**ITEM 35. ELECTION OF VICE CHAIRMAN.**

The nominees for the office of vice chairman were Doug Bruns and Lynn Yates. There were no nominations from the floor. Bruns received 8 votes and Yates received 7 votes. Bruns will serve as vice chairman for a one-year term.

**ITEM 36. ELECTION OF SECRETARY.**

The nominees for the office of secretary were Linda Luebbe and Ronda Rich. There were no nominations from the floor. Luebbe received 5 votes and Rich received 10 votes. Rich will serve as secretary for a one-year term.

**ITEM 37. ELECTION OF TREASURER.**

The nominees for the office of treasurer were Bill Stahly and Ken Regier. There were no nominations from the floor. Stahly received 12 votes and Regier received 3 votes. Stahly will serve as treasurer for a one-year term.

**ITEM 38. ELECTION OF NARD REPRESENTATIVE AND VOTING DELEGATE.**

The nominee for NARD Representative and Voting Delegate was Larry Moore. There were no nominations from the floor. Moore was unanimously elected with 15 votes to serve as the NARD Representative and Voting Delegate for one year.

**ITEM 39. ELECTION OF NARD ALTERNATE AND VOTING ALTERNATE.**

The nominees for NARD Alternate and Voting Alternate were Gary Eberle and Yvonne Austin. There were no nominations from the floor. Eberle received 11 votes and Austin received 4 votes. Eberle will serve as the NARD Alternate and Voting Alternate for one year.

There being no other business the chairman adjourned the meeting at 3:39 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 19, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 16, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 16, 2012 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Marie Krausnick, Nancy Beach, Courtney Woodman, Dan Leininger, Kristin Phillips, DeeDee Novotny, Jim Husbands of York NRCS and Steve Moseley of the York News-Times.

**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, 2012 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Doug Bruns and Ken Regier requested that their absences from the February board meeting be excused.

It was moved by Austin and seconded by Volkmer to excuse the absence of Bruns and Regier from the February 16, 2012 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

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

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

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

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

It was moved by Miller and seconded by Teegerstrom to approve the agenda for the February 16, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 19, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Miller and seconded by Teegerstrom to approve the minutes of the January 19, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 7. EMPLOYEE RECOGNITION.**

Nancy Brisk, Office Manager, was recognized for 30 years of service to the District. Chairman Houdersheldt presented her with a framed print.

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

Yates reported that the Projects & Programs Committee met on February 9, 2012 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Volkmer that payments totaling \$11,375.60 be approved for three (3) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 10. SEWARD WEST TRAIL PAYMENT FOR ENVIRONMENTAL SERVICES.**

Notice to proceed with Environmental Services (NEPA) for the Seward West Trail, Project No. ENH-

80(32), Control No. 13060, was issued by the Nebraska Department of Roads. Olsson Associates is providing the Environmental Services, and has submitted an invoice for work completed through December 31, 2011.

Professional Personnel (24 hours)	\$ 433.30
Personal Vehicle Mileage	\$ 0.00
Overhead Costs	\$ 751.65
Profit	\$ 157.01
Total Invoice for Work to Date	\$ 1,341.96

Total Contract Amount	\$12,764.42
Balance Remaining	\$ 7,968.53

Work Completed this Period:  
Preparation Wetland Report, submit to NDOR for approval  
Preparation CE Document  
Contract is 45% completed

It was moved by Yates and seconded by Stahly that the Upper Big Blue Natural Resources District authorize the Nebraska Department of Roads to make payment to Olsson & Associates for the Environmental Services (NEPA) for the Seward West Trail Project, Project No. ENH-80(32), Control No. 13060 for work completed through December 31, 2011 in the amount of \$1,341.96. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Bruns, Regier

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met February 9, 2012 and presented the committee's recommendations.

**ITEM 12. \*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 \$2,249.03.

It was moved by Miller and seconded by Teegerstrom to make cost-share payment for five well abandonments as reviewed by the Committee, at a cost of \$2,249.03. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 13. WATER METER COST-SHARE PROGRAM FINAL PAYMENT.**

There is one payment for a new water meter under the Water Meter Cost-share Assistance Program this month.

It was moved by Nuss and seconded by Luebbe to make cost-share payment for one new water meter as reviewed by the Committee, at a cost of \$300.00. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 14. METER MAINTENANCE PROGRAM PAYMENT.**

Tri-City Meters has submitted a bill for the 2011-2012 meter maintenance inspections. The cost to date is \$25,875.00. This billing represents all the meters in the information provided to Tri-City last fall. Since then the District had approximately 90-100 late signups for the program. Tri-City has agreed to do these as soon as the weather permits.

It was moved by Nuss and seconded by Austin to approve payment of \$25,875.00 to Tri-City Meters for the 2011-2012 maintenance inspections completed to date. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 15. CERTIFICATION OF IRRIGATED ACRES.**

February certification of irrigated acres includes changes involving 7,501.8 acres. With these changes the total irrigated acres certified in the Management Area is 1,174,891.1 acres.

It was moved by Nuss and seconded by Yates to certify the February 2012 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 16. SHEILA I. WINSLOW GROUNDWATER TRANSFER AUTHORIZATION.**

Sheila I. Winslow has requested authorization to transfer groundwater from the SW1/4 of Section 17-



T9N-R8W in order to irrigate 7 acres in the N1/2NE1/4 of Section 19-T9N-R8W, all in Hamilton County. The proposed groundwater transfer meets all the criteria of the District's Groundwater Management Area Rules and Regulations.

It was moved by Nuss and seconded by Ulmer to approve groundwater transfer T-021, authorizing Sheila I. Winslow to transfer groundwater from the SW1/4 of Section 17-T9N-R8W in order to irrigate 7 acres in the N1/2NE1/4 of Section 19-T9N-R8W, all in Hamilton County. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

#### **ITEM 17. STAN KOEHLER GROUNDWATER TRANSFER AUTHORIZATION.**

K-Land Inc and Stan Koehler have requested authorization to transfer groundwater from the SE1/4 of Section 15-T8N-R7W in order to irrigate 28.58 acres in part of the NE1/4 of Section 22-T8N-R7W all in Clay County. The proposed groundwater transfer meets all the criteria of the District's Groundwater Management Area Rules and Regulations.

It was moved by Nuss and seconded by Ulmer to approve groundwater transfer T-022, authorizing K-Land Inc and Stan Koehler to transfer groundwater from the SE1/4 of Section 15-T8N-R7W in order to irrigate 28.58 acres in the NE1/4 of Section 22-T8N-R7W, all in Clay County. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

#### **ITEM 18. CURTIS O. GRIESS & SONS GROUNDWATER TRANSFER AUTHORIZATION.**

Ryan D. Griess and Curtis O. Griess & Sons have requested authorization to transfer groundwater from the NE1/4 of Section 35-T8N-R5W in order to irrigate 20 acres in part of the SE1/4 of Section 26-T8N-R5W all in Clay County. The proposed groundwater transfer meets all the criteria of the District's Groundwater Management Area Rules and Regulations.

It was moved by Nuss and seconded Dickinson to approve groundwater transfer T-023, authorizing Ryan D. Griess and Curtis O. Griess & Sons to transfer groundwater from the NE1/4 of Section 35-T8N-R5W in order to irrigate 20 acres in the SE1/4 of Section 26-T8N-R5W, all in Clay County. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 19. HASTINGS WELLHEAD PROTECTION GROUNDWATER MANAGEMENT AREA ACTION PLAN.**

The Board discussed the hearing held in Hastings on February 7<sup>th</sup> for the Hastings Wellhead Protection Groundwater Management Area Action Plan. Courtney Woodman, Upper Big Blue NRD Water Resources Technician, gave a power point presentation of some of the data presented at the hearing.

No public testimony was received during the public hearing. The hearing record was left open until February 17 to provide an opportunity for the public to submit written testimony. Mr. Mike Small of Hastings submitted written testimony to the Little Blue NRD as the lead agency for the hearing. A copy of his letter was distributed to the board and Turnbull read the letter aloud. Mr. Small was of the opinion that if an individual held a pesticide applicators license that they should not be required to take additional training for chemical application.

The next step in the process is for the Little Blue NRD, the Upper Big Blue NRD and the City of Hastings to consider adoption of the plan.

It was moved by Nuss and seconded by Rich to adopt the Hastings Wellhead Protection Groundwater Management Area Action Plan.

The question was raised about whether it would be proper for the Upper Big Blue NRD to adopt the action plan while the hearing record was still open for written comments from the public.

It was moved by Miller and seconded by Moore to amend the motion to read “with an effective adoption date of February 21, 2012 provided no further public comments are received prior to the end of the comment period”. The amendment carried.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Bruns, Regier

**ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Stahly reported that the Executive Committee met on February 9, 2012 and presented the committee’s recommendations.

**ITEM 21. SALARIES REIMBURSEMENT LOWER PLATTE NORTH NRD.**

The Lower Platte North NRD has invoiced the District \$7,953.63 for wages for the Butler County NRCS Clerk for the past 6 months and \$1,286.91 for the part time technician in Butler County for work

completed in the Upper Big Blue NRD for a total of \$9,240.54.

It was moved by Stahly and seconded by Nuss to approve payment of \$9,240.54 to the Lower Platte North NRD for two NRCS office salaries for FY2012 (July 1 thru December 31). The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Miller, Houdersheldt

NOT PRESENT: Bruns, Regier

**ITEM 22. \*DIRECTORS' EXPENSES.**

Linda Luebbe, Ronda Rich and William Stahly have requested expense reimbursements for the GMDA conference in New Orleans, LA held in January.

It was moved by Miller and seconded by Teegerstrom to approve directors' expense reimbursements of \$450.57 to Linda Luebbe, \$791.77 to Ronda Rich, and \$1,233.87 to William Stahly, for the January 2012, GMDA Conference in New Orleans, LA. The motion was approved as part of the consent agenda.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 23. BLUEPRINT PRINTING BILL.**

A bill for \$7,411.72 has been received from York Printing for printing the Blueprint Newsletter.

It was moved by Stahly a seconded by Luebbe to approve payment of \$7,411.72 to York Printing for the special edition Blueprint Newsletter. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

**ITEM 24. FINANCIAL REPORT JANUARY 1 -31, 2012 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2012.**

Turnbull reviewed the financial report for the period January 1, 2012 to January 31, 2012 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for January 2012 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Regier

There being no other business the chairman adjourned the meeting at 3:37 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 February 16, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**March 15, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 15, 2012 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Kristin Phillips, DeeDee Novotny, Dan Leininger and Joshua Bowers of York NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on March 8, 2012 in the York News-Times.

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

Sixteen directors were present during roll call.

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

Ken Regier requested that his absence from the March board meeting be excused.

It was moved by Volkmer and seconded by Yates to excuse the absence of Regier from the March 15, 2012 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

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, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

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 March 15, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE FEBRUARY 16, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Stahly to approve the minutes of the February 16, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

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

Yates reported that the Projects & Programs Committee met on March 6, 2012 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved Yates and seconded by Luebbe that payment of \$2,998.13 be approved for one (1) completed NSWCP Land Treatment Program application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

**ITEM 9. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Stahly to approve Nebraska Buffer Strip Program Fund payments totaling \$3,742.76 for (5) five Buffer Strip Program Contracts as reviewed by the Projects and Programs Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

**ITEM 10. SEWARD WEST TRAIL PAYMENT FOR ENVIRONMENTAL SERVICES.**

Notice to proceed with Environmental Services (NEPA) for the Seward West Trail, Project No. ENH-80(32), Control No. 13060, was issued by the Nebraska Department of Roads. Olsson Associates is providing the Environmental Services, and has submitted an invoice for work completed through February 4, 2012.

Professional Personnel (28.75 hours)	\$ 661.85
Personal Vehicle Mileage	\$ 0.00
Overhead Costs	\$ 1,148.11
Profit	\$ 239.82
Total Invoice for Work to Date	\$ 2,049.78
Total Contract Amount	\$12,764.42
Balance Remaining	\$ 5,918.75

Work Completed this Period:  
Determined Wetland Impacts  
Preparation CE Document  
Contract is 50% completed

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District authorize the Nebraska Department of Roads to make payment to Olsson & Associates for the Environmental Services (NEPA) for the Seward West Trail Project, Project No. ENH-80(32), Control No. 13060 for work completed through February 4, 2012 in the amount of \$2,049.78. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met March 6, 2012 and presented the committee's recommendations.

**ITEM 12. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are seven final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$2,705.65.

It was moved by Dickinson and seconded by Stahly to make cost-share payments for seven well abandonments as reviewed by the Committee, at a cost of \$2,705.65. The motion was approved as part

of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 13. WATER METER COST-SHARE FINAL PAYMENTS.**

There are two payments for new water meters under the Water Meter Cost-Share Assistance Program this month.

It was moved by Nuss and seconded by Austin to make cost-share payments for two new water meters as reviewed by the Committee, at a cost of \$600.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 14. CERTIFICATION OF IRRIGATED ACRES.**

March certification of irrigated acres includes changes involving 400.6 acres. With these changes the total irrigated acres certified in the Management Area is 1,175,000.8 acres.

It was moved by Nuss and seconded by Rich to certify the March 2012 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 15. DECOMMISSIONED WELL – DOROTHY FRAME ESTATE.**

When the Dorothy Frame estate recently decommissioned a well, it was discovered that the remaining well on the NE1/4 of section 13-11N-08W of Hamilton County was unregistered. This well was drilled at the time a pivot was installed on the quarter. Had the older well been abandoned at that time, a permit would not have been required. However, since the original well was not abandoned at that time, a permit is required for the unregistered well. The estate has submitted a well permit, and paid the regular permit fee.

It was moved by Nuss and seconded by Teegerstrom to waive the late fee on this permit after sections 6, 10, and 11 have been corrected, or a corrected permit has been submitted. The motion was approved.



AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 16. CLEMENTS ASSOCIATES INC. PAYMENT.**

An invoice for \$9,104.20 was received from Clements Associates Inc. for soil probes for resale in 2012 as part of the Irrigation Water Management Equipment Program.

It was moved by Nuss and seconded by Volkmer to approve payment of \$9,104.20 to Clements Associates Inc. for soil probes for resale in 2012 as part of the Irrigation Water Management Equipment Program. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

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

Bruns reported that the Executive Committee met on March 6, 2012 and presented the committee's recommendations.

**ITEM 18. FY 2012 – 2018 LONG RANGE PLAN.**

The draft Long Range Plan was reviewed. The plan has the higher level of projects and budget requirements as discussed in last month's committee meeting. The long range budget strikes a balance between the sinking fund and tax requirements over the planning period.

It was moved by Bruns and seconded by Miller to adopt the Long Range Plan FY 2012 - 2018 for the Upper Big Blue NRD. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 19. OUTDOOR CLASSROOM FUNDING REQUEST – DOANE COLLEGE.**

Snell presented an Outdoor Classroom funding request from Doane College at Crete. The project will consist of a one acre wooded site with paths through plantings, water feature area, tables, benches, tree house, small stage and a nature art area to name a few. The project was designed by Dimensions Education Foundation. The total estimated cost is \$68,000, with 72% of that amount going for construction and materials. The balance is for educational materials and support of workshops, family and community activities. The District funding policy for approved outdoor classrooms is 50% not to exceed \$800, which is to go for construction materials, and grass seeding.

It was moved by Bruns and seconded by Rich to approve the Doane College Outdoor Classroom funding request for an amount not to exceed \$800 in accordance with the District Outdoor Classroom programs requirements. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Miller  
NOT PRESENT: Regier

**ITEM 20. FINANCIAL REPORT FEBRUARY 1 -29, 2012 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2012.**

Turnbull reviewed the financial report for the period February 1, 2012 to February 29, 2012 that was distributed. It was moved by Miller and seconded by Volkmer to accept the financial report for February 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

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 March 15, 2012, 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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Ronda Rich, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**April 19, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 19, 2012 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Nancy Beach, Joshua Bowers of York NRCS, Steve Moseley of York News-Times, and Tim Horst of Ducks Unlimited.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on April 12, 2012 in the York News-Times.

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

Sixteen directors were present during roll call.

### **ITEM 3. REQUESTS FOR EXCUSED ABSENCES.**

Buller requested that his absence from the April board meeting be excused due to illness.

It was moved by Stahly and seconded by Volkmer to excuse the absence of Steve Buller from the April 19, 2012 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

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

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

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

It was moved by Dickinson and seconded by Miller to approve the agenda for the April 19, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 6. \*APPROVAL OF MINUTES OF THE MARCH 15, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Miller to approve the minutes of the March 15, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

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

Yates reported that the Projects & Programs Committee met on April 12, 2012 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Volkmer that payments totaling \$23,800.13 be approved for ten (10) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 9. SEWARD WEST TRAIL.**

Discussions with the Nebraska Department of Roads have not resulted in an agreement that is acceptable to the NRD. Turnbull briefed the Committee on his recent meeting with Jim Wilkinson (NDOR) to work out the differences between NDOR and the NRD. Subsequent to that meeting Wilkinson summarized items that NDOR could not, or would not change, indicating that NDOR is not willing to relent on several of the main differences.

Brett Baker, Seward City Administrator, was present at the committee meeting to express the City's support for the Trail Project. Baker said public support for the project is very good. Baker also said the City would be willing to act as Responsible Charge if that would prevent termination of the grant application. The Committee and NRD staff explained that the question has never been about who would act as responsible charge; the issue has been more about NDOR wanting control of the Project without accepting responsibility or liability. There are also many issues relating to unnecessary complexity in NDOR's procedures for a small project like the trail.

Nick Finch, Federal Highway Administration, was also present at the committee meeting to explain that NDOR, not FHWA, has responsibility to receive the federal grant funds and administer the program at the State level. Finch explained that FHWA is not in a position to arbitrate differences between the NRD and NDOR.

On the basis of previous discussions and apparent failure to reach an acceptable Agreement, NRD staff is recommending that the NRD withdraw from the Agreement negotiations and repay NDOR for \$6,845.67 previously paid to Olsson Associates for environmental services.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue NRD withdraw from the Seward West Trail Program Agreement BL0905 entered into in May of 2009 with Nebraska Department of Roads; that the Upper Big Blue NRD not enter into the Seward West Trail replacement program agreement proposed by the Nebraska Department of Roads; and further that the \$6,845.67 be reimbursed to the Nebraska Department of Roads for monies paid by the Department to Olsson & Associates for the Environmental Services (NEPA) for the Seward West Trail Project, Project No. ENH-80(32), Control No. 13060 for work completed through February 4, 2012.

Following some discussion it was moved by Moore and seconded by Austin to amend the motion to strike "and further that the \$6,845.67 be reimbursed to the Nebraska Department of Roads for monies paid by the Department to Olsson & Associates for the Environmental Services (NEPA) for the Seward West Trail Project, Project No. ENH-80(32), Control No. 13060 for work completed through February 4, 2012." The question was called on the amendment. The amendment carried.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

It was moved by Yates and seconded by Nuss that the Upper Big Blue NRD continue to work with the City of Seward on the Seward West Trail as the lead agency, provided it is a locally funded project, or in the alternative, cost share with the City of Seward if State or Federal funds are obtained by the City. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 10. PROJECT MAINTENANCE.**

Staff recommends payment of \$9,000.50 to Huebert Land Leveling for maintenance work completed through March 2012 at the Mentink Dam in Polk County, Hottovy Dam in Butler County, and Moravek Dam in Butler County.

It was moved by Yates and seconded by Luebbe that Huebert Land Leveling be paid \$9,000.50 for maintenance work completed through March 2012 at the Mentink Dam in Polk County, Hottovy Dam in Butler County, and Moravek Dam in Butler County. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 11. DAVID CITY NW PROJECT.**

Additional geotechnical engineering is needed for the culvert designed to pass beneath the BNSF Railroad at David City. This work is part of the David City NW Drainage Improvement Project. Geotechnical Services, Inc. proposes to do the testing for a lump sum fee of \$3,010. Staff recommends hiring GSI to do the geotechnical investigation. The City's share of this cost is 50% and the Lower Platte North and Upper Big Blue shares are each 25%.

It was moved by Yates and seconded by Rich that Geotechnical Services, Inc. be hired for a lump sum fee not to exceed \$3,010 for the purpose of performing geotechnical engineering for a culvert to be installed beneath the BNSF Railroad, as part of the David City NW Drainage Improvement Project, in accordance with Geotechnical Services, Inc. proposal dated April 11, 2012. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 12. NORTH AMERICAN WETLANDS CONSERVATION ACT GRANT PARTNER AGREEMENT: SCHROEDER ACQUISITION & HINZE ACQUISITION.**

The North American Wetlands Conservation Act (NAWCA) provides federal grants to conserve wetland and essential uplands for the benefit of migrating waterfowl, shorebirds, and other wildlife. Ducks Unlimited has agreed to serve as the NAWCA grant recipient on behalf of the project proposal partners and to administer the grant funds. Ducks Unlimited will provide grant funds at closing, through a separate process, to acquire the easements from Wetlands America Trust, Inc. Grant funds will not be

passed to or through Upper Big Blue Natural Resources District to accomplish this task.

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District authorize the chairman of the board to sign the North American Wetlands Conservation Act Grant Partner Agreement pertaining to the Schroeder Acquisition and Hinze Acquisition in which the Upper Big Blue Natural Resources District has agreed to hold the conservation easements on those properties. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Stahly

NOT PRESENT: Buller

### **ITEM 13. STAPLEHURST PARK.**

Mary Fiala was present at the committee meeting and showed pictures of some of the trees to be planted in the village parks. This will be a two year project. The first phase of the project will be a tree planting estimated to cost \$1,480.00. The District's policy is to cost-share 25% of the project costs. The next phase of the project will be shrubs, grasses, and perennials. Merle's Garden Center of Seward is designing the project for the Village of Staplehurst.

It was moved by Yates and seconded by Ulmer that the Upper Big Blue Natural Resources District fund the first phase of the tree planting project at the Staplehurst park at the rate of 25% of the estimated cost of the project, not to exceed \$500.00. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller

### **ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met April 10, 2012 and presented the committee's recommendations.

### **ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.FINAL PAYMENTS.**

There are seven final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$2,950.56.

It was moved by Dickinson and seconded by Miller to make cost-share payments for seven well abandonments as reviewed by the Committee, at a cost of \$2,950.56. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 16. WATER METER COST-SHARE FINAL PAYMENTS.**

There are 4 payments for new water meters and 14 payments for meter repairs under the Water Meter Cost-Share Assistance Program this month for a total cost of \$2,762.72.

It was moved by Nuss and seconded by Regier to make cost-share payments for 4 new water meters and 14 repaired water meters as reviewed by the Committee, at a cost of \$2,762.72. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

March certification of irrigated acres includes changes involving 14,760.54 acres. With these changes the total irrigated acres certified in the Management Area is 1,175,304.75 acres.

It was moved by Nuss and seconded by Regier to certify the March 2012 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 18. GROUNDWATER TRANSFER AUTHORIZATION.**

The Milton Brigham Trust and Terry Richters have applied for a transfer authorization. The proposed authorization would transfer groundwater from a well in the NE1/4 of Section 21-T11N-R2E to irrigate 45 acres in the W1/2 NW1/4 of Section 22-T11N-R2E, all in Seward County. The proposed transfer complies with the District's transfer regulations.

It was moved by Nuss and seconded by Rich to approve Transfer Authorization T-024 which allows the transfer of groundwater from a well in the NE1/4 of Section 21-T11N-R2E to irrigate 45 acres in the W1/2 NW1/4 of Section 22-T11N-R2E, all in Seward County. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Teegerstrom



**ITEM 19. FLOW METER MAINTANENCE PROGRAM PAYMENT.**

Tri City Meters has completed this year's meter maintenance activities. The final billing in the amount of \$1,240.00 is for 39 meters that signed up for the program late.

It was moved by Nuss and seconded by Yates to approve final payment of \$1,240.00 to Tri City Meters for the 2011-12 Flow Meter Maintenance Program. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 20. IRRIGATION SCHEDULING EQUIPMENT FOR RESALE.**

The District has purchased irrigation scheduling equipment for resale under the Irrigation Water Management Assistance Program from Klein Sales & Service for \$27,180.00 and ETgage Company for \$6,008.88.

It was moved by Nuss and seconded by Regier to approve payment to Klein Sales and Service for \$27,180.00 and to ETgage Company for \$6,008.88 for irrigation scheduling equipment for the Irrigation Water Management Assistance Program. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on April 12, 2012 and presented the committee's recommendations.

**ITEM 22. \* FIRST QUARTER DIRECTORS' PER DIEM & EXPENSES.**

It was moved by Dickinson and seconded by Miller to approve payment of first quarter directors' per diem of \$10,360.00 and expenses of \$4,308.72. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 23. UNL/CSD STREAMBED STUDY BILLING.**

A bill, in the amount of \$20,937.00, has been received from the University of Nebraska for Xun-Hong Chen's work on the Streambed Study. This brings the total spent to date to \$71,847.08. The total contract is for \$96,128.00.

It was moved by Bruns and seconded by Luebbe to approve payment of \$20,937.00 to the University of Nebraska for the Clear Creek Streambed Study. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

**ITEM 24. EQUIPMENT PURCHASE – LOADER, GRAPPLE & BUCKET.**

Quotes have been received from Plains Power and Equipment and York Farm Supply for a grapple bucket for the John Deere tractor and loader. Staff recommends the quote from York Farm Supply because the bucket is better suited for the work intended. The hydraulics on the tractor will need minor modification, but the existing controls for the remote rear cylinder will be sufficient for the control of the grapple.

YORK FARM SUPPLY

\*6 foot Rock Bucket & Grapple w/bolt on bracket for 541 John Deere Loader, labor to assemble with valve on back of bucket quick attach (adjustable mounts) \$5,000.00

\*Mid Mount Fittings Under the Step

50 ft - 1/2" Hydraulic Hose	\$ 175.00
4 - 90 Degree 1/2" Fittings	\$ 112.00
4 - 0 Degree 1/2" Hose to 1/2 Pipe	\$ 22.00
4 - Female 1/2" Pipe to ISO	\$ 74.00
6 - 1/2" Pipe to ISO Male	\$ 48.00
Labor	\$ 140.00
TOTAL	\$5,571.00

PLAINS EQUIPMENT GROUP

72" Bucket	\$ 966.67
4 Tine Grapple	\$1,733.33
Hookup	\$ 305.56
Fasse Valve	\$ 550.00
Hydraulic Switch On/Off	\$ 45.00
Hose	\$ 450.00
Wiring	\$ 50.00

Labor	\$ 750.00
TOTAL:	\$4,850.56

It was moved by Bruns and seconded by Stahly that the Upper Big Blue Natural Resources District purchase the 6 foot rock bucket & grapple from York Farm Supply, York, Nebraska and have it installed with mid mount fittings on the 5410 John Deere Tractor at a cost of \$5,571.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 25. RAYMOND BURKE SCHOLARSHIP.**

Eleven applications have been received for the Raymond Burke Scholarship. The top three applicants are: Nathan Bell from Aurora, Christopher Lindt from David City, and Nathan Pflueger from Staplehurst. The staff recommends that the scholarship be awarded to Nathan Pflueger. The recommendation is based on the quality of the overall application, scholastics, school activities, intended college studies, intended career, and of course, need.

It was moved by Bruns and seconded by Rich that the 2012 Raymond Burke Scholarship be awarded to Nathan Pflueger of Staplehurst, Nebraska, in accordance with the terms of the Scholarship Program. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

#### **ITEM 20. FINANCIAL REPORT MARCH 1 -31, 2012 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2012.**

Turnbull reviewed the financial report for the period March 1, 2012 to March 31, 2012 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for March 2012 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller

There being no other business the chairman adjourned the meeting at 9:10 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 19, 2012,

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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Ronda Rich, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**May 17, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 17, 2012 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Gary Eberle, Roger Houdersheldt, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Nancy Beach, Joshua Bowers of York NRCS, Tim Horst of Ducks Unlimited, and Steve Moseley of York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on May 10, 2012 in the York News-Times.

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

Fifteen directors were present during roll call.

### **ITEM 3. REQUESTS FOR EXCUSED ABSENCES.**

Linda Luebbe requested that her absence from the May board meeting be excused due to illness.

It was moved by Volkmer and seconded by Miller to excuse the absence of Luebbe from the May 17, 2012 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

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

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

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

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

It was moved by Stahly and seconded by Bruns to approve the agenda for the May 17, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson, Luebbe

**ITEM 6. \*APPROVAL OF MINUTES OF THE APRIL 19, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Bruns to approve the minutes of the April 19, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson, Luebbe

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

Yates reported that the Projects & Programs Committee met on May10, 2012 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Volkmer that payments totaling \$60,424.20 be approved for six (6) NSWCP and twenty (20) NRD completed Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Dickinson, Luebbe

**ITEM 9. PAYMENT TO LINCOLN-OAKES NURSERY.**

The District purchased 5,950 trees and shrubs from Lincoln-Oakes Nursery located in Bismarck, North Dakota, for the purpose of planting farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings

It was moved by Yates and seconded by Teegerstrom that the Upper Big Blue Natural Resources District make payment of \$3,833.50 to Lincoln-Oakes Nursery for the purchase of 5,950 trees and shrubs. The

motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

#### ITEM 10. PROJECT PRIORITY LIST.

Staff briefed the Committee on the status of four currently prioritized projects, and discussed potential projects not currently assigned. After reviewing the projects listing, the Projects and Programs Committee re-assigned the Seward West Trail as Priority #7. The Committee also selected and prioritized five other projects. The projects and priorities selected by the Committee are shown in the following table:

Priority No.	Project Name
1	David City NW Drainage Improvements
2	Pioneer Trails Recreation Area
3	Recharge Lake Tailwater Crossing Structure
4	Blue Basin Transient Groundwater Model
5	Smith Creek Lake Improvement Project
6	City of Milford Storm Water System Improvements
7	Seward West Trail
8	Small Dam In Seward County – Wergin
9	Small Dam in Butler County – Zavodny
UA	City of Aurora Storm Water System Improvements
UA	Oxbow Trails Recreation Area
UA	Struebing Reservoir Recreation Area
UA	Priority not assigned

It was moved by Yates and seconded by Miller that projects and programs priorities assigned by the Committee, and as shown in these minutes, be approved.

After some discussion regarding sealing the lake and the development of Pioneer Trails it was moved by Volkmer and seconded by Ulmer to amend the motion “that Pioneer Trails be moved down to Oxbow Trails Recreation Area’s current position (third for the bottom) and Oxbow Trails be moved to number 2 on the priority list.” The question was called on the amendment. The amendment failed.

AYE: Bruns, Teegerstrom, Ulmer, Volkmer, Houdersheldt

NAY: Austin, Buller, Eberle, Miller, Nuss, Regier, Rich, Stahly, Yates

NOT VOTING: Moore

NOT PRESENT: Dickinson, Luebbe

It was moved by Miller and seconded by Buller to amend the motion “to prioritize Oxbow Trails as number 5 and move the rest of the projects down one spot on the priority list.” The question was called on the amendment. The amendment carried.

AYE: Austin, Buller, Eberle, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Bruns, Nuss, Volkmer

NOT PRESENT: Dickinson, Luebbe

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Nuss

NOT PRESENT: Dickinson, Luebbe

#### **ITEM 11. DAVID CITY NORTHWEST PROJECT – INTERLOCAL AGREEMENT.**

Recent design changes for the David City Northwest Drainage Improvement Project required additional engineering cost of \$20,500. The increase in engineering cost would be shared by Lower Platte North NRD (\$5,125), Upper Big Blue NRD (\$5,125), and City of David City (\$10,250). Staff recommends approval of Amendment No. 2 of the Interlocal Agreement to provide for increasing total engineering cost for the Project from \$99,000 to \$119,500. Total engineering cost is approximately 6% of project construction cost.

It was moved by Yates and seconded by Austin to approve Amendment No. 2 of the November 12, 2008 David City Northwest Drainage Improvement Project Interlocal Agreement between Lower Platte North NRD, Upper Big Blue NRD, and City of David City for the purpose of increasing the engineering cost budget from \$99,000 to \$119,500. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

#### **ITEM 12. RECHARGE LAKE PROPOSED FACILITY UPGRADES.**

Staff presented a plan for constructing a rock fill structure adjacent to the tent camping area at Recharge Lake that would provide pedestrian access to project land located along the north edge of the lake. Since this would be a prioritized project, the Committee felt that a motion should be made to consider proceeding with the Project, and a separate motion for considering contractor bids.

It was moved by Yates and seconded by Austin that the District proceed with implementing the rock fill pedestrian crossing structure at Recharge Lakes as proposed by staff and reviewed by the Committee.



Turnbull advised the board that following the committee meeting the Engineering Department devised an alternate plan to repair the dam, prevent further erosion, and provide a pedestrian crossing at considerably less expense to the District. Staff needs time to meet with the landowner and discuss the options prior to accepting a quote from Wyad Construction as recommended by the Projects & Programs Committee.

It was moved by Miller and seconded by Volkmer to refer both the motion on the floor and the committee recommendation to hire Wyad Construction back to the Projects Committee.

The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

### **ITEM 13. BRUCE ANDERSON RECREATION AREA DUMP STATION ROAD UPGRADE.**

Staff recommends that Wyad Construction be hired to re-grade the drainage ditch around the Dump Station and install a culvert under the Dump Station road. This work is needed to eliminate surface water ponding areas near the Dump Station. Wyad Construction provided a quote of \$3,500 for this work.

It was moved by Yates and seconded by Rich that Wyad Construction be hired to re-grade the drainage ditch and install a culvert at the Bruce Anderson Recreation Area Dump Station, in accordance with NRD design, specifications, and Wyad Construction's quote of \$3,500 for this work. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

### **ITEM 14. BRUCE L. ANDERSON RECREATION AREA TENT CAMPING AREA WELL.**

Staff recommends that potable water service be provided for the tent camping area at Recharge Lake recreation area. The water service could be either (1) a well with hand operated pump installed in the tent camping area, or (2) water supply pipeline from the existing well near the day parking area to the tent camping area.

Construction quotes for both alternatives (1) and (2) were obtained from Pieper's, Inc. and from Pieper Well Drilling. The following is a summary of the quoted construction costs:

Pieper's, Inc. (Allen Pieper)

#### New Well & Hand Operated Pump

Install 4" cased well with 100 foot well depth

Install hand pump furnished by the District

Quoted Price = \$4,460.00 plus \$18/foot for well depth greater than 100 feet

Water Supply Pipeline from Existing Well

Furnish & install 800 feet of 1-1/4 pure core plastic water line

Install self closing hydrant \$2,985.00

\$3/foot additional distance beyond 800 feet

\$310.00 for any additional hydrants

Water line & hydrant \$2,985.00

200 Additional Feet water line \$ 600.00

1 Additional Hydrant \$ 310.00

Total Quoted Price = \$3,895.00

Pieper Plumbing & Well Service, Inc. (Jon & Wayne Pieper)

Drill well and install hand operated pump \$15,237.92

Furnish and install water line and two hydrants \$10,728.00

It was moved by Yates and seconded by Stahly that the Upper Big Blue Natural Resources District hire Pieper's Inc (Allen Pieper) to furnish and install 1,000 linear feet of 1-1/4 inch water line from the existing well to the tent camping area at the Bruce L. Anderson Recreation Area, install one hydrant at the tent camping area, and install one hydrant near the RV camping area shelter, in accordance with the NRD design and specifications, and in accordance with Pieper's Inc. quote of \$4,000.00. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

**ITEM 15. TIRE RECYCLING GRANT.**

Turnbull recommended that the District enter into a Grant Agreement with the Nebraska Department of Environmental Quality for a Waste Reduction and Recycling Incentive Grant. The purpose of the grant is to support a tire recycling project that is sponsored by the Trail Blazer RC&D.

It was moved by Yates and seconded by Bruns that the District enter into a Grant Agreement with the Nebraska Department of Environmental Quality for a Waste Reduction and Recycling Incentive Grant for the Trail Blazer RC&D tire recycling project, and that John Turnbull, General Manager, be authorized to sign the Agreement. The motion was approved.

AYE: Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Dickinson, Luebbe

**ITEM 16. CLOSING STATEMENT HINZE ACQUISITION & SCHROEDER ACQUISITION.**

The closing statements refer to the conservation easements to be held by the Upper Big Blue Natural Resources District on the Schroeder property located in the E1/2 NW1/4 of Section 27, T14N, R1E, and the Hinze property located in the NW1/4 of Section 31, T14N, R2E, all in Butler County, Nebraska.

The sellers of the property: WETLANDS AMERICA, TRUST INC.  
Tax ID No. 36-3330394  
The buyers: UPPER BIG BLUE NATURAL RESOURCES DISTRICT

**Schroeder Property**

The payments for this easement will be made by the U.S. FISH & WILDLIFE SERVICE through a North American Wetlands Conservation Act Grant (\$19,000) and the Nebraska Community Foundation through a Nebraska Environmental Trust Grant (\$70,000) payable to the Wetlands America Trust, Inc., for a total of \$89,000.

**Hinze Property**

The payment to be made by the U.S. FISH & WILDLIFE SERVICE through a North American Wetlands Conservation Grant payable to the Wetlands America Trust, Inc. (\$62,000). Checks will be written at closing.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District authorize the Chairman of the Board to sign the closing statement for the Schroeder property located in the E1/2 NW1/4 of Section 27, T14N, R1E and the Hinze property located in the NW1/4 of Section 31, T14N, R1E, all in Butler County, Nebraska. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: Stahly  
NOT PRESENT: Dickinson, Luebbe

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

Nuss reported that the Water & Regulations Committee met May 8, 2012 and presented the committee's recommendations.

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

There are sixteen final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$6,842.99.

It was moved by Stahly and seconded by Bruns to make cost-share payments for sixteen well abandonments as reviewed by the Committee, at a cost of \$6,842.99. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Dickinson, Luebbe

#### **ITEM 19. PROPOSED CHANGES TO DISTRICT RULE 5.**

The committee discussed the proposed changes to District Rule 5. They reviewed the potential options discussed at the April Committee meeting. After further discussion the following motion was made.

It was moved by Nuss and seconded by Rich to remove all proposed changes to Chapter 18 relating to the use of nitrification inhibitors and further, to adopt the remaining changes to District Rule 5 with an effective date of July 1, 2012. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

#### **ITEM 20. WATER METER COST-SHARE FINAL PAYMENTS.**

There are two payments for new water meters and 33 payments for meter repairs under the Water Meter Cost-Share Assistance Program this month for a total cost of \$4,562.88.

It was moved by Nuss and seconded by Teegerstrom to make cost-share payments for two new water meters and 33 repaired water meters as reviewed by the Committee, at a cost of \$4,562.88. The motion was approved.

AYE: Austin, Bruns, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Dickinson, Luebbe

#### **ITEM 21. REPAIR OF DEDICATED MONITORING WELLS.**

Three dedicated monitoring wells would not pump during the spring sampling cycle. One is located at Site #4 near Harvard and the other two are at Site #3 near Polk. Sargent Drilling was the contractor when the wells were constructed in the mid 1990s. The estimate for repairing the three pumps is \$5,137.73.

It was moved by Nuss and seconded by Regier to authorize Sargent Drilling to repair three dedicated monitoring wells at an estimated cost of \$5,137.73. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

**ITEM 22. GROUNDWATER TRANSFER HOWARD WHITMORE TRUST.**

Howard and Betty Whitmore have applied for authorization to transfer groundwater from a proposed well in the SW1/4 of Section 25-T14N-R1W to irrigate 155 acres in the SE1/4 of Section 26-T14N-R1W, all in Polk County. The proposed transfer meets the District's transfer limitations.

It was moved by Nuss and seconded by Regier to approve Transfer Authorization T-024 for the transfer of groundwater from a well in the SW1/4 of Section 25-T14N-R1W to irrigate 155 acres in the SE1/4 of Section 26-T14N-R1W, all in Polk County. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

**ITEM 23. GROUNDWATER TRANSFER AUGUSTUS M. BROWN JR.**

Gus Brown has applied for authorization to transfer groundwater from a well in the SE1/4 of Section 10-T11N-R3W to irrigate 6 acres in the NE1/4 of Section 15-T11N-R3W, all in York County. The proposed transfer meets the District's transfer limitations.

It was moved by Nuss and seconded by Austin to approve Transfer Authorization T-025 for the transfer of groundwater from a well in the SE1/4 of Section 10-T11N-R3W to irrigate 6 acres in the NE1/4 of Section 15-T11N-R3W, all in York County. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

**ITEM 24. CERTIFICATION OF IRRIGATED ACRES.**

April certification of irrigated acres includes changes involving 47,774.56 acres. With these changes the total irrigated acres certified in the Management Area are 1,177,876.83 acres.

It was moved by Nuss and seconded by Regier to certify the April 2012 irrigated acres, as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

The committee discussed the need for monthly certification of changes in irrigation acres. After some discussion it was the consensus of the committee that the review and certification of changes should occur semi- annually (July and January) in the future. The Board will be provided a summary of the changes. A record of individual changes will be available to any member of the Board upon request.

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

Bruns reported that the Executive Committee met on May 10, 2012 and presented the committee's recommendations.

**ITEM 26. BURKE SCHOLARSHIP ALTERNATE.**

Last month the Burke scholarship was awarded to Nathan Pflueger from Staplehurst. It was suggested by the Board that an alternate be named in case the scholarship winner is unable to comply with the terms of the Scholarship Program. Turnbull and Snell recommend that Nathan Bell of Aurora be named as the Burke scholarship alternate. His application was reviewed with the committee.

It was moved by Bruns and seconded by Miller that Nathan Bell of Aurora, Nebraska, be named the alternate for the 2012 Raymond Burke Scholarship, in accordance with the terms of the Scholarship Program. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

**ITEM 27. FINANCIAL REPORT APRIL 1 -30, 2012 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2012.**

Turnbull reviewed the financial report for the period April 1, 2012 to April 30, 2012 that was distributed. It was moved by Eberle and seconded by Yates to accept the financial report for April 2012 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Luebbe

There being no other business the chairman adjourned the meeting at 9:00 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 May 17, 2012, 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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Ronda Rich, Secretary

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## **BOARD OF DIRECTORS MEETING**

**June 21, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 21, 2012 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Nancy Beach, Joshua Bowers of York NRCS, and Steve Moseley of the York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on June 14, 2012 in the York News-Times.

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

Sixteen directors were present during roll call.

### **ITEM 3. REQUESTS FOR EXCUSED ABSENCES.**

Regier requested that his absence from the June board meeting be excused.

It was moved by Volkmer and seconded by Rich to excuse the absence of Regier from the June 21, 2012 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

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, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

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 June 21, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE MAY 17, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Stahly to approve the minutes of the May 17, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

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

Yates reported that the Projects & Programs Committee met on June 14, 2012 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Austin that payments totaling \$52,557.38 be approved for 25 NRD land treatment program applications as recommended by staff and reviewed by the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Moore, Nuss  
NOT PRESENT: Regier

**ITEM 9. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Dickinson and seconded by Stahly that payment of \$13,679.47 be approved for ten Nebraska Buffer Strip Program contracts as recommended by staff and reviewed by the committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 10. ANDERSON RECREATION AREA DUMP STATION ROAD.**

WY-AD Construction has completed drainage improvements and culvert installation for the dump station access road at Bruce L. Anderson Recreation Area. Staff recommends payment of \$3,500 to WY-AD Construction for this work.

It was moved by Yates and seconded by Luebbe that WY-AD Construction be paid \$3,500, in accordance with their quote, for dump station road drainage improvements and culvert installation at the Bruce L. Anderson Recreation Area. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 11. ANDERSON RECREATION AREA TRAIL CROSSING STRUCTURE.**

Staff presented a proposal for construction of a rock fill trail crossing structure. The purpose of the structure will be to provide pedestrian access across a portion of the lake tailwater located west of the tent camping area. Staff requested authorization to proceed with project design, obtain Corps of Engineers 404 Permit, and obtain contractor quotes for construction cost.

It was moved by Yates and seconded by Austin that staff be authorized to proceed with design of a rock fill trail crossing structure at the Bruce L. Anderson Recreation Area, as presented by NRD Staff, and to obtain required Corps of Engineers 404 Permit and contractor construction cost quotes. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 12. SEWARD WEST TRAIL - NDOR REQUEST FOR REIMBURSEMENT FOR OLSSON ASSOCIATES ENVIRONMENTAL WORK.**

The Nebraska Department of Roads has invoiced the District for the costs associated with the Seward West Trail agreement termination. The total invoice is for \$9,815.10. \$6,845.67 of that total was paid to Olsson and Associates by Department of Roads for environmental services work. The balance is Department of Roads' staff time that was spent on the project from 1 January 2011 through 15 March 2012.

The original Seward West Trail Agreement (BL0905) with the Department of Roads states that "should the project be abandoned before completion, the NRD will pay all costs incurred by the State prior to such abandonment". However, the agreement further states that "Costs incurred by the State

attributable to this project will not include any administrative costs or expenses of administrative officials.” The document submitted to the District lists Department of Roads’ staff costs as Preliminary Engineering Payroll. The District was never issued a Notice to Proceed for preliminary engineering.

It was moved by Yates and seconded by Bruns to approve payment of \$6,845.67 to the Nebraska Department of Roads as reimbursement for Olsson and Associates environmental services work as per Agreement BL0905. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Nuss

NOT PRESENT: Regier

**ITEM 13. CONSIDER PAYMENT TO OLSSON ASSOCIATES FOR ADDITIONAL ENVIRONMENTAL SERVICES.**

Olsson Associates is providing the environmental services on the Seward West Trail, and has submitted an invoice for work completed through May 5, 2012. This is the final payment to be made since the project is suspended.

Professional Personnel (9.75 hours)	\$ 166.43
Overhead Costs	\$ 288.71
Profit	\$ 60.31
Total Invoice for Work to Date	\$ 515.45

Total Contract Amount	\$12,764.42
Balance Remaining	\$ 5,403.30

Work Completed this Period:  
Preparation of CE Document  
Biological evaluation

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District approve payment to Olsson & Associates for the environmental services (NEPA) for the Seward West Trail for work completed through May 5, 2012 in the amount of \$515.45. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 14. VILLAGE OF FAIRMONT – STORM SEWER IMPROVEMENTS.**

Construction of storm sewer improvements at Fairmont is completed. The project cost is \$128,377, and the Village is requesting a 25% cost share payment of \$32,094.25, in accordance with the Interlocal Agreement between Village of Fairmont and Upper Big Blue NRD. Maximum cost share was not to exceed \$35,000, and Staff recommends payment of the requested amount.

It was moved by Yates and seconded by Luebbe that payment of \$32,094.25 be made to the Village of Fairmont as final cost share payment for storm sewer improvements, in accordance with the Interlocal Agreement, as amended June 2, 2009, between the Village of Fairmont and the Upper Big Blue NRD.

The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

#### **ITEM 15. PIONEER TRAILS PROJECT.**

Staff briefed the Projects Committee on a proposed plan to seal a portion of the lake bottom and install a groundwater well and pump at Pioneer Trails Recreation Area. The purpose of this work is to provide a sustainable lake water body for recreation purposes. The work would include sealing 17 acres of the 40 acre permanent pool by compaction methods and installation of a 1,000 g.p.m. well and pump. The plan is designed to sustain a 26 acre lake with 134 acre feet of storage (48% of capacity). Project construction cost is estimated to be \$190,000, and the power cost over five years would be approximately \$59,000. Staff recommends proceeding with project development.

It was moved by Yates and seconded by Miller that staff be authorized to proceed with project design, including preparation of construction drawings, specifications, and bidding documents for lake improvements at Pioneer Trails Recreation Area, including sealing 17 acres of lake bottom and installation of a 1,000 gallon per minute groundwater well and pump for the purpose of providing a sustainable water body for recreation purposes.

There was a lengthy discussion regarding the pros and cons of sealing the lake. Discussion centered on the cost of sealing the 17 acres, the proposed pumping costs, and the cost of developing a camping area such as the one at Anderson Recreation Area.

The question was asked whether the concept of sealing a lake by compaction method had been tried before in our district. Bitner explained that while we did not use soda ash we did experiment with compaction in the seepage basins that were a part of the York Groundwater Recharge Demonstration Project. One of those basins is where the dump station is now at Anderson Recreation Area. That particular basin, with compaction, had less than a half inch per day of seepage. After we chiseled the ground 18 inches deep, the seepage increased to about seven inches per day.

The seepage basin had a loess soil just like Pioneer Trails, but in that watershed it's never had compaction, it's just wind-blown loess that never did settle, or have full compaction. When it rains there the watershed just doesn't yield the water because it seeps down. What runoff does come into the lake also goes down because it's in that same loess fill. That's why Pioneer Trails isn't holding water like we thought. The original design was based on a Soil Conservation Service runoff curve number of 73, which is fairly typical for watersheds around here. When we did a study over there and actually measured the runoff it came down to a runoff curve number of about 55, which is a big difference.

The question was raised about the pumping cost at Recharge Lake and how that would compare to the estimated pumping cost at Pioneer Trails. Bitner explained that Recharge Lake is approximately 50

acres. Pioneers Trails is about 40 acres total, but this proposal would only cover about 26 acres. The power cost estimate was based on figures from Southern Nebraska Public Power.

Bitner was asked whether we planned to stock the lake. He indicated that we did. The maximum depth is somewhere between 17 and 18 feet and the average depth around 6 feet, which is typical of our lakes. Recharge Lake has a maximum depth of 17 to 18 feet and an average depth of 5 feet and supports good fishing.

Following some additional discussion the question was called on the motion. The motion failed.

AYE: Austin, Bruns, Buller, Eberle, Miller, Moore, Rich, Houdersheldt

NAY: Dickinson, Luebbe, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NOT VOTING: Nuss

NOT PRESENT: Regier

#### **ITEM 16. CORNERS FOR WILDLIFE PAYMENT.**

The eleven 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 Yates and seconded by Bruns that the Upper Big Blue Natural Resources District make payments of \$4,860.75 to eleven cooperators of the Corners for Wildlife Program, as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

#### **ITEM 17. NEBRASKA ASSOCIATION OF RESOURCES DISTRICT – PAYMENT FOR TREES.**

The District purchased 18,525 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 at a cost of \$11,281.09 (.61 cents/tree). Total cost includes tree and shrub materials, wood chips, plastic liners, and shipping.

It was moved by Yates and seconded by Austin that the Nebraska Association of Resources District be paid \$11,281.09 for the purchase of 18,525 trees and shrubs as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 18. PAYMENT TO VILLAGE OF STAPLEHURST FOR PARK IMPROVEMENT PROJECT.**

On April 19, 2012, the Upper Big Blue Natural Resources District Board of Directors voted to fund the Staplehurst Park project at a rate of 25% of the total cost, not to exceed \$500.00. The estimated cost of the project was \$1,480.00. The total cost of the project came was \$1,450.00. The NRD's share is \$362.50.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District make payment to the Village of Staplehurst in the amount of \$362.50 for the trees and planting of the trees at the Staplehurst park. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Regier

**ITEM 19. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met June 12, 2012 and presented the committee's recommendations.

**ITEM 20. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are two final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$869.79.

It was moved by Dickinson and seconded by Stahly to make cost-share payments for two well abandonments as reviewed by the Committee, at a cost of \$869.79. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 21. WATER METER COST-SHARE PAYMENTS.**

There are nine payments for new water meters and four payments for meter repairs under the Water Meter Cost-Share Assistance Program this month for a total cost of \$3,300.00.

It was moved by Nuss and seconded by Luebbe to make cost-share payments for nine new water meters and four repaired water meters as reviewed by the Committee, at a cost of \$3,300.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Regier

**ITEM 22. HIGH PLAINS CLIMATE CENTER WEATHER STATION PAYMENT.**

The District has a long standing agreement with the High Plains Climate Center at the University of Nebraska for the operation of a weather station located on the District's property near Recharge Lake. Under that agreement the District has agreed to pay an annual maintenance fee of \$1,000. That amount has not changed since the station was installed in 1995.

It was moved by Nuss and seconded by Teegerstrom to approve payment to the University of Nebraska High Plains Climate Center of \$1,000 for the annual maintenance of the automated weather station near Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 23. IRRIGATION SCHEDULING EQUIPMENT PAYMENTS.**

The District has been billed by two vendors for irrigation scheduling items purchased for resale. The invoices are from Klein Sales and Service for \$2,728.20 and Delmhorst Instruments for \$5,493.18.

It was moved by Nuss and seconded by Yates to approve payment for irrigation scheduling equipment for resale to Klein Sales and Service for \$2,728.20 and to Delmhorst Instruments for \$5,493.18. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on June 14 and 21, 2012 and presented the committee's recommendations.

**ITEM 25. EQUIPMENT - LOADER, GRAPPLE & BUCKET.**

York Farm Supply has installed the rock bucket, grapple and hydraulics on the 5410 John Deere tractor and loader. The quote, including the bucket and parts, was \$5,571.00. Feather decided to go with John Deere couplers instead of those quoted, which increased the cost \$45.00.

It was moved by Bruns and seconded by Rich to approve payment of \$5,616.00 to York Farm Supply LLC for the rock bucket, grapple, forks, mid-mount coupling and labor for mounting the equipment on the 5410 John Deere tractor. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

#### **ITEM 26. LIABILITY & CASUALTY INSURANCE.**

Cornerstone Insurance is working on getting quotes for Liability & Casualty Insurance. The insurance includes general liability, property, auto, inland marine, workers compensation, errors and omissions, and umbrella coverage for the District. The carrier, EMC, is concerned about covering the liability on dams, probably because of the extensive flooding on the Missouri and Mississippi Rivers. Cornerstone is working with Dunbar-Peterson Insurance, of Omaha, for a quote from another carrier. Dunbar-Peterson works with some of the NRDs and several irrigation districts. No quotes were available at the time of the committee meeting.

Prior fiscal years quotes were:

2003	40,283
2004	44,522
2005	43,009
2006	41,897
2007	40,901
2008	41,281
2009	37,360
2010	37,916
2011	38,436
2012	41,197

Brisk informed the board that since the Executive Committee meeting we have continued to work with Cornerstone Insurance to obtain quotes for the District insurance package. We submitted an application to Continental Western Insurance; however we received word that they aren't submitting a quote because their reinsurer won't cover the dams.

Two days before the board meeting we received the renewal quote from EMC for \$56,415, which includes the umbrella coverage for the dams. The increase in premium from last year's quote is \$15,218, primarily due to the umbrella coverage.

Dunbar-Peterson is putting together a quote for the complete insurance package, but is waiting for the premium amount from the Workers Comp carrier, which they won't have until early next week. However, Dunbar-Peterson expects the Workers Comp premium to be about the same cost as EMC. The quote from Dunbar-Peterson, without the Workers Comp coverage, is \$45,249. Our agent did point out that Dunbar-Peterson's quote includes additional coverage not included in the EMC quote, such as breach of dam and cyber liability.



This is the first time in several years that we have had competitive quotes for liability and casualty insurance. Whichever company we choose the premiums are going to be higher because of the reinsurance company's perceived exposure to liability on the dams. Several other NRDs are experiencing the same difficulties obtaining the liability coverage for dams and are faced with much larger premium increases.

Because the current insurance policy will lapse on June 30, 2012, Chairman Houdersheldt recommended that the Executive Committee hold an emergency meeting by conference call on Wednesday, June 27 to review the quotes from EMC and Dunbar-Peterson for the FY13 liability and casualty insurance package.

It was moved by Bruns and seconded by Dickinson that the Upper Big Blue NRD Board authorize the Executive Committee to hold an emergency meeting on Wednesday, June 27, 2012 at 6:30 p.m. for the purpose of reviewing any additional quotes for the Fiscal Year 2013 District Insurance Package; and further to authorize the Executive Committee to take formal action on behalf of the Board to accept the selected insurance quote. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

#### **ITEM 27. FINANCIAL REPORT MAY 1-31, 2012 AND CONSIDERATION OF EXPENDITURES FOR MAY 2012.**

Bitner reviewed the financial report for the period May 1, 2012 to May 31, 2012 that was distributed. It was moved by Bruns and seconded by Dickinson to accept the financial report for May 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

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 June 21, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**July 19, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 19, 2012 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Nancy Beach, Jim Husbands of NRCS, and Steve Moseley of the York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on July 12, 2012 in the York News-Times.

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

Fifteen directors were present during roll call. Moore arrived at 7:45 p.m.

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

Merlin Volkmer requested that his absence from the July board meeting be excused as he was attending the 2012 Water & Natural Resources Tour.

It was moved by Teegerstrom and seconded by Austin to excuse the absence of Volkmer from the July 19, 2012 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

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

It was moved by Luebbe and seconded by Yates to approve the agenda for the June 21, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 21, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Luebbe and seconded by Yates to approve the minutes of the June 21, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

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

Yates reported that the Projects & Programs Committee met on July 10, 2012 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Luebbe that payment of \$29,877.07 be approved for eleven (11) completed NRD Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 9. PIEPER'S INC PAYMENT – RECHARGE LAKE WATER LINE TO TENT CAMPING AREA .**

On May 17, 2012, the Upper Big Blue NRD Board of Directors voted to hire Pieper's Inc. (Allen Pieper) to install 1,000 linear feet of 1-1/4" water line and two hydrants at the Bruce L. Anderson Recreation Area for an estimated cost of \$4,000.00. The work has been completed.

The total length of the water line was 962 linear feet. Two hydrants were installed; one at the RV camping area and one at the tent camping area for a cost of \$3,781.00. The NRD staff decided it would

be beneficial to have a 5' x 5' x 4" concrete pad constructed around each hydrant. This was an additional cost of \$750.00 for a total project cost of \$4,531.00.

It was moved by Yates and seconded by Rich that the Upper Big Blue Natural Resources District make payment of \$4,531.00 to Piepers's Inc. for installation of 962 linear feet of 1-1/4" water line, two hydrants and 5' x 5' x 4" concrete slabs around each hydrant at the Bruce L. Anderson Recreation Area. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 10. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met July 10, 2012 and presented the committee's recommendations.

#### **ITEM 11. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are seven final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$3,064.52.

It was moved by Luebbe and seconded by Yates to make cost-share payments for seven well abandonments as reviewed by the Committee, at a cost of \$3,064.52. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 12. WATER METER COST-SHARE FINAL PAYMENTS.**

There are seven payments for new water meters and four payments for meter repairs under the Water Meter Cost-Share Assistance Program this month for a total cost of \$2,532.41.

It was moved by Nuss and seconded by Regier to make cost-share payments for seven new water meters and four repaired water meters as reviewed by the Committee, at a cost of \$2,532.41. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed changes in certified irrigated acres for the months of May and June. There is a net increase of 140.35 acres. The total irrigated acres certified as of June 30, 2012 is 1,178,017.17.

It was moved by Nuss and seconded by Regier to certify the changes to irrigated acres through June 30, 2012. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 14. TRANSFER AUTHORIZATION.**

William D. Ziemke Family Trust has requested authorization to transfer groundwater from well G-007881, located in the E1/2NE1/4 of Section 32-T12N-R01W (76.1 ac.) to irrigate 18.5 acres in the SE1/4 of Section 29-T12N-R01W all in York County. The proposed transfer complies with District Rule 5.

It was moved by Nuss and seconded by Bruns to authorize transfer T-025, for the transfer of groundwater from the E1/2NE1/4 of Section 32-T12N-R01W (76.1 ac.) to irrigate 18.5 acres in the SE1/4 of Section 29-T12N-R01W all in York County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 15. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on July 17, 2012 and presented the committee's recommendations.

**ITEM 16.\*SECOND QUARTER DIRECTORS' PER DIEM & EXPENSES.**

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

It was moved by Luebbe and seconded by Yates to approve payment of second quarter directors' per diem of \$10,990.00 and expenses of \$4,431.34. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 17. PAYMENT TO YORK PRINTING FOR BLUEPRINT NEWSLETTER.**

It was moved by Bruns and seconded by Dickinson to approve payment of \$7,488.82 to York Printing for the June Blueprint Newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 18. SALARY REIMBURSEMENTS FOR NRCS FIELD OFFICES.**

Bills have been received for NRCS Field Office staff for the past fiscal year. Each NRD, by interlocal agreement, hires their own employees and sets the wages and benefits for their principle counties. The wages and benefits are not the same in all NRDs. The other NRDs that share those counties reimburse the responsible NRD for the employee costs based on the percentage of the county in the supporting NRD.

**ITEM 18A. LITTLE BLUE NRD SALARY REIMBURSEMENT.**

We received an invoice from the Little Blue NRD for \$3,039.19 for our portion of the Adams County NRCS clerk's wages and \$7,824.88 for our portion of the Clay County NRCS clerk's wages for a total of \$10,864.06 for fiscal year 2012.

It was moved by Bruns and seconded by Austin to approve payment of \$10,864.06 to the Little Blue NRD for NRCS office salaries for FY 2012 (July 1, 2011 - June 30, 2012). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 18B. LOWER PLATTE NORTH NRD.**

We received an invoice from the Lower Platte North NRD for \$7,392.57 for our portion of the Butler County NRCS clerk's wages for the last half of fiscal year 2012 and \$521.89 for work completed in the Upper Big Blue NRD by their technician for a total of \$7,914.46.

It was moved by Bruns and seconded by Austin to approve payment of \$7,914.46 to the Lower Platte North NRD for two NRCS office salaries for FY 2012 (January 1 - June 30). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates  
NAY: Miller, Houdersheldt  
NOT PRESENT: Volkmer

**ITEM 19. COMPUTER SYSTEM MAINTENANCE – PAPIO NRD.**

Papio NRD has offered to provide computer backup services and computer maintenance for the District. The Papio is already handling these services for the NARD, Lewis & Clark, Upper Elkhorn and Upper Republican NRDs. The South Platte NRD is also considering their service. Turnbull hired the Papio to provide the computer file backup service instead of having our staff handle the backup. The new computer backup plan will have the District’s data backed up off site and out of town.

The District has used Computer Concepts from Grand Island for several years for computer technical maintenance but we have experienced service problems recently. While the backup system was being set up it was discovered that our antivirus software was not installed properly on the server. The District has had computers infected with Trojans and other spyware over the past few months because Computer Concepts didn’t set the antivirus software to protect against all internet threats. Turnbull hired Papio NRD to fix the problems.

A bill has been received for new equipment, yearly backup maintenance, a firewall component and the proper installation of the antivirus software. The total due is \$3,782.29; \$1,200 of which is the one year cost of the backup work and storage. The cost for upgrading and installing the antivirus software was \$225 with the rest of the bill for backup computer equipment. Papio NRD has been hired to conduct all the computer maintenance at \$75 per hour. It was suggested by the Executive Committee that the District consider an interlocal agreement for computer services.

It was moved by Bruns and seconded by Austin to authorize payment of \$3,782.29 to the Papio NRD for computer backup equipment, backup yearly maintenance and Symantec Anti-Virus repair. The motion was approved.

- AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
 NAY: None  
 NOT PRESENT: Volkmer

**ITEM 20. GMDA SUMMER CONFERENCE EXPENSES.**

The GMDA Summer Conference accounting and funds are being handled by the District. The District also handled the books for the Winter Conference in New Orleans.

	Winter Conference	Summer Conference	Totals
Total Income	\$ 33,725.00	\$ 11,140.00	\$ 44,865.00
Expenses Paid to Date	30,383.61	2,046.62	32,430.23
Lied Conf Center Bill	-	4,667.96	4,667.96
Total Expenses	30,383.61	6,714.58	37,098.19
Net to GMDA	3,341.39	4,425.42	7,766.81



Unless there are other expenses not yet billed, \$7,766.81 will need to be paid out to the GMDA treasurer in the near future. A final bill has been received from the Lied Conference Center in Nebraska City for \$ 4,667.96.

It was moved by Bruns and seconded by Ulmer to approve payment of \$4,667.96 to the Lied Lodge and Conference Center in Nebraska City for conference expenses incurred in June 2012. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

#### **ITEM 21. FY2013 SALARIES & WAGES.**

Turnbull reviewed the Salary Survey he wrote which included wage comparisons from all 23 NRDs and 39 other Nebraska firms and units of government. Turnbull writes a statewide survey for all the NRDs, which includes the data for more job positions than are covered in the Upper Big Blue report.

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. 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 July 2012 Upper Big Blue NRD Salary Survey & Salary Schedule report and that such changes and adjusted salary schedules be retro-active to July 1, 2012. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

Turnbull reviewed the actual salaries and wages of the employees with the Executive Committee. Turnbull recommended that the board authorize \$32,620 for salary increases for the staff, which is an overall change of 3.55 % from the payroll budget base. A couple of staff members need a large change to remain competitive.

It was moved by Bruns and seconded by Moore to adjust the annual salaries of the district staff, with the exception of the General Manager, by an amount not to exceed \$32,620, 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, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

The Executive Committee recommended that the board consider the General Manager's job performance and any salary adjustment at the July 19th Board Meeting.

It was moved by Bruns and seconded by Austin to go into executive session as 8:07 p.m. for the purpose of discussing the performance of the General Manager. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

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 of the General Manager, at 8:16 p.m. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

It was moved by Bruns and seconded by Moore to increase the General Manager's annual salary by 4% (\$4,230). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

## **ITEM 22. FISCAL YEAR 2013 BUDGET.**

The final draft of the FY 2013 Budget was presented to the Board. The draft consolidated budget included the various budget requests by the committees, and the salary line items considered by the Executive Committee. The June 30, 2012 cash balances, main budget items, and the capital expenses were reviewed.

It was moved by Bruns and seconded by Stahly to approve the FY 2013 Budget, revised to include the 4% increase in the General Manager's salary, for the purpose of public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

Turnbull reviewed the lid calculations with the board and noted that the budget is in compliance with the tax lid. He recommended that the board approve the additional 1% restricted funds authority.

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

The dates for two public hearings need to be set so that the legal notices can be published.

It was moved by Bruns and seconded by Luebbe to schedule the FY 2013 Budget Hearing for 7:30 p.m., Thursday, August 16, 2012, and the Special Public Hearing for the FY 2013 Tax Request for 7:30 p.m., Thursday, September 20, 2012. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

### **ITEM 23. FINANCIAL REPORT JUNE 1-30, 2012 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2012.**

Turnbull reviewed the financial report for the period June 1, 2012 to June 30, 2012 that was distributed. It was moved by Bruns and seconded by Dickinson to accept the financial report for June 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

There being no other business the chairman adjourned the meeting at 9:07 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 July 19, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
AND  
FY13 BUDGET HEARING  
August 16, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 16, 2012 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rod DeBuhr, Nancy Beach, Eric Melcher, Dick Phillips, and Joshua Bowers of NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on August 9, 2012 in the York News-Times.

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

Seventeen directors were present during roll call.

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

It was moved by Stahly and seconded by Miller to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

It was moved by Stahly and seconded by Miller to approve the agenda for the August 16, 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 5. \*APPROVAL OF MINUTES OF THE JULY 19, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Miller to approve the minutes of the July 19, 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 6. FISCAL YEAR 2013 BUDGET HEARING.**

Houdersheldt opened the Fiscal Year 2013 Budget Hearing at 7:35 p.m. He stated for the record that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on July 27, 2012.

Turnbull reviewed the proposed FY13 budget. He showed a chart he had prepared of the budgeted tax and percentage of increase for the past seven years. Over the past seven years the NRD's property tax has only gone up an average of 2% per year. He pointed out the total property tax request of \$2,269,471.05 and stated that the budget falls within the lid restrictions under state statutes. We have unused budget authority of \$870,518.51. He outlined the proposed expenditures by line item in the general fund and the sinking fund. Total operating budget for the general fund is \$2,340,615.21. The majority of which is salaries, payroll taxes and benefits. He went over the capital expenditures. Construction \$200,000; Building Improvements \$20,000; Land Treatment \$140,000; Intergovernmental Cost-share \$16,875; Buffer Strip Cost-share \$33,373.10; Water Meter Repair Cost-share \$7,500; Water Meter Cost-share \$20,000; Abandoned Well Cost-share \$45,000; and Wildlife Habitat Program \$27,900 for total capital expenses exempt from the lid of \$510,648.10. Other capital expenditures were Machinery & Equipment \$15,000; Auto & Truck \$35,000; and Office Equipment \$10,800 for a total of \$60,800. Total expenditures, plus \$200,000 cash reserve, shows a general fund budget of \$3,112,063.31. Net assets on hand June 30 were \$486,529.77. Total receipts, not counting property taxes, are \$484,523.12, which includes a \$200,000 transfer from the sinking fund to the general fund. Budgeted property tax is \$2,141,010.42; County Treasurers' Commission of \$21,410.10 and 5% Delinquent Tax Allowance of \$107,050.52 for a total property tax requirement of \$2,269,471.05. He reviewed the investments on hand as of June 30 totaling \$321,959.73 in the general fund and \$2,158,512.20 in the sinking fund, which is designated for specific projects. We will move \$200,000 from the sinking fund to the general fund during the year; \$50,000 from the Project O&M Account and \$150,000 from the Water Resources Account.

Houdersheldt asked if there were any questions or comments from the board members or public. There were none. Houdersheldt closed the hearing at 7:40 p.m.

It was moved by Miller and seconded by Rich to adopt the FY 2013 Budget as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: Volkmer

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

Yates reported that the Projects & Programs Committee met on August 9, 2012 and presented the committee's recommendations.

**ITEM 8. CONSERVATION TREE PROGRAM – INTERLOCAL AGREEMENT WITH NARD.**

The Interlocal Agreement for the Conservation Tree Program is between the Upper Big Blue Natural Resources District and Nebraska Association of Resources Districts, for the purpose of obtaining seedling trees and shrubs. The agreement designates the NARD to act on behalf of the NRD's for acquiring trees and shrubs from the Forest Service. By October 1, the NRDs should have firm prices and inventories for seedlings to be harvested the following spring. The NARD and the Forest Service, in cooperation with the NARD, agree to confirm the orders of participating NRDs for seedlings by November 15 of each year.

Prior to May 1, weather permitting, the trees and shrubs will be cut, dug, lifted, and transported to the packing shed and prepared for shipping. On or before June 15, each NRD agrees to pay NARD for the seedling trees and shrubs ordered.

This agreement is effective until September 30, 2015, unless terminated sooner. Charges payable to the NARD will not exceed .03 per seedling.

It was moved by Yates and seconded by Luebbe that the Upper Big Blue Natural Resources District enter into the agreement with the Nebraska Association of Resources District for the purpose of obtaining seedling trees and shrubs from the Forest Service. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 9. RECREATIONAL FACILITIES DESIGN.**

Staff requested authorization to proceed with design of recreational facilities for either Pioneer Trails, which is number 2 on the Project Priority list, or Oxbow Trails which is listed as number 5 on the Project Priority list. The Projects Committee recommendation was to proceed with preliminary design and development of Pioneer Trails.

It was moved by Yates and seconded by Rich that staff be authorized to proceed with design and development of Pioneer Trails recreation area and proceed with soliciting outside funds. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Houdersheldt

NAY: Ulmer, Volkmer, Yates

**ITEM 10. RECHARGE LAKE - QUOTE FOR NEW WATER SUPPLY WELL.**

On July 28, 2012, the well at the Bruce L. Anderson Recreation Area collapsed. Pieper's, Inc. was contacted to help the District decide the best option for replacing the well. Pieper's, Inc. submitted an estimate for a new 4" cased well with 10 foot screen and depth of 195 feet, and moving the existing pitless adapter and equipment, and installing a new 1.5 H.P. Grundfos variable speed submersible pump and motor at a depth of 180 feet. All the necessary fittings and piping to make the well operational and abandoning the old well is included in the estimated cost of \$10,150.00.

It was moved by Yates and seconded by Eberle that the Upper Big Blue Natural Resources District hire Pieper's, Inc. to construct a new well at the Bruce L. Anderson Recreation Area at the estimated cost of \$10,150.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 11. PROJECT MAINTENANCE.**

Huebert Land Leveling has completed previously approved maintenance work at the Overland Trails, Oxbow Trails, and Mentink Dams. Staff recommends final payment of \$1,440.00 to Huebert Land Leveling.

It was moved by Yates and seconded by Luebbe that final payment of \$1,440.00 be made to Huebert Land Leveling for maintenance work completed at the Overland Trails, Oxbow Trails, and Mentink Dams. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 12. FLOOD HAZARD MITIGATION STUDY – POLK COUNTY.**

The Hazard Mitigation Plan for Polk County has been completed by Central Platte NRD. Staff recommends adoption of the resolution accepting the plan and approval of payment of \$2,875 to Central Platte NRD for the portion of study costs associated with that portion of Polk County within Upper Big Blue NRD.

It was moved by Yates and seconded by Austin that the resolution adopting the Multi-Jurisdictional Hazard Mitigation Plan, as prepared by Central Platte NRD, be approved, and that payment of \$2,875 be made to Central Platte NRD as final payment for Hazard Mitigation Plan costs associated with that portion of Polk County located within the Upper Big Blue NRD. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None



**ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met August 7, 2012 and presented the committee's recommendations.

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are two final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$700.35.

It was moved by Stahly and seconded by Miller to make cost-share payments for two well abandonments as reviewed by the Committee, at a cost of \$700.35. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Buller

**ITEM 15. WATER METER COST-SHARE FINAL PAYMENTS.**

There are four payments for new water meters under the Water Meter Cost-Share Assistance Program this month for a total cost of \$1,200.00.

It was moved by Nuss and seconded by Regier to make cost-share payments for four new water meters as reviewed by the Committee, at a cost of \$1,200.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 16. GROUNDWATER TRANSFER AUTHORIZATION.**

Jacob Schaldecker has requested authorization to transfer groundwater from well G-066934, located in the NW1/4 of Section 11-T8N-R4W (160 ac.) to irrigate 25 acres in the SW1/4 of Section 2-T8N-R4W all in Fillmore County. The proposed transfer complies with District Rule 5.

It was moved by Nuss and seconded by Yates to authorize transfer T-026, for the transfer of groundwater from the NW1/4 of Section 11-T8N-R4W (160 ac.) to irrigate 25 acres in the SW1/4 of Section 2-T8N-R4W all in Fillmore County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 17. DISTRICT RULE 5 GROUNDWATER REGULATIONS REVIEW.**

The Water and Regulations Committee continued the review of groundwater quality regulations. The committee deleted the proposed requirement that all irrigation in a Phase III area be done using capacitance probes or resistance blocks. Language was added to clarify that required soil samples must be taken prior to the application of fertilizer. The committee discussed the process of adoption. The committee consensus was that if the Board approves the draft changes for the purpose of holding a public hearing, the hearing be held in November.

It was moved by Nuss and seconded by Regier to approve the draft changes to District Rule 5 for the purpose of a conducting a public hearing.

Austin indicated that she had found numerous items in the draft that she felt needed to be looked at more closely before sending the draft changes to a public hearing.

It was moved by Austin and seconded by Nuss to refer the draft changes to District Rule 5 back to the Water & Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 18. PAYMENT FOR MONITORING WELL REPAIRS.**

Sargent Drilling has completed the repair work, previously authorized by the Board, on four dedicated monitoring wells. The total cost for all repairs is \$6,883.74

It was moved by Nuss and seconded by Teegerstrom to approve payment of \$6,883.74 to Sargent Drilling for the repairs to four dedicated monitoring wells. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 19. CROP-TIP GATED PIPE IRRIGATION RISER REPAIR.**

The riser from the underground pipe that supplies water to the gated pipe irrigation system at CROP-TIP was damaged when a staff member hit it with a pickup. Scott-Hourigan Co. repaired it at a cost of \$662.06.

It was moved by Nuss and seconded by Luebbe to approve payment of \$662.06 to Scott-Hourigan Co. for the repairs to the pipe riser at CROP-TIP. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

**ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on August 9, 2012 and presented the committee's recommendations.

**ITEM 21. UNL/CONSERVATION & SURVEY DIVISION STREAMBED STUDY BILLING.**

The University has billed the District \$8,729.46 for work done by Dr. Xun-Hong Chen on the Conservation and Survey Division Streambed Study. This brings the total spent to date to \$80,576.54. The total contract is for \$96,128.00.

It was moved by Bruns and seconded by Stahly to approve payment of \$8,729.46 to the University of Nebraska for the Conservation and Survey Division Streambed Study. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 22. SALARIES REIMBURSEMENT LOWER BIG BLUE NRD.**

We received an invoice from Lower Big Blue NRD for \$5,750.79 for our portion of the Saline County NRCS clerk's wages and part time technician's wages for the past 12 months ended June 30.

It was moved by Bruns and seconded by Austin to approve payment of \$ 5,750.79 to the Lower Big Blue NRD for NRCS office salaries for FY 2012 (July 1, 2011 through June 30, 2012). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: Miller, Houdersheldt

**ITEM 23. NRD RETIREMENT PLAN & DEFERRED INCOME PLAN CHANGES.**

Three changes in the retirement plans have been approved by the NARD Board of Directors and now need to be considered by the District. The same changes apply to the 414(h) Retirement Plan and the 457 Deferred Income Plan.

Two changes are required by the Heroes Earnings Assistance and Relief Tax Act (HEART ACT). They are:

Differential Wage Payments – Requires contributions to the retirement plan out of any payments made to an active duty participant by the employer (local NRD) if such payments are made. An example is a participant who was on an NRD salary of \$60,000 and was called to Army active duty at \$40,000. If the local NRD decides to pay the individual the difference of \$20,000 between the NRD pay and the Army Pay, then the NRD is required to make the normal percentage contributions to the retirement plans.

Making such differential payments to the individual is not mandatory.

Severance from Employment – Allows employees who are called to active duty to take a distribution from the plan, but does not mandate it. Such distribution is still subject to income tax, but not an early withdrawal penalty.

One change is required by the Worker, Retiree, and Employee Recovery Act of 2008 (WRERA). That change is:

Required minimum distribution waiver for 2009 – Prior to 2009, retired participants who had attained age 70 ½ were required to take a distribution annually. This amendment allows participants to waive that distribution in 2009 only. For the NARD plans, anyone who was in this situation was allowed to do so anyway.

It was moved by Bruns and seconded by Miller to adopt the following resolutions for the Nebraska Association of Resources Districts 414(h) Retirement Plan and the 457 Deferred Income Plan. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### Resolution – Amendment Two - NARD 414(h) Retirement Plan

RESOLVED, that the District Office, as a Participating Employer in the Plan, hereby consents to the adoption of Amendment No. Two of the Nebraska Association of Resources Districts 414(h) Plan (the “Amendment No. Two”) to bring the Plan into compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 and Worker, Retiree, and Employer Recovery Act of 2008, other applicable law and guidance and to make certain other adjustments, is hereby authorized and approved;

RESOLVED FURTHER, that the officers and management of the District office be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment No. Two, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and

RESOLVED FURTHER, that any and all action taken and documentation executed by management or the officers of the District Office to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

#### Resolution – Amendment Two - NARD 457 Deferred Income Plan

RESOLVED, that the District Office, as a Participating Employer in the Plan, hereby consents to the adoption of Amendment No. Two of the Nebraska Association of Resources Districts 414(h) Plan (the “Amendment No. Two”) to bring the Plan into compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 and Worker, Retiree, and Employer Recovery Act of 2008, other applicable law

and guidance and to make certain other adjustments, is hereby authorized and approved;

RESOLVED FURTHER, that the officers and management of the District office be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment No. Two, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and

RESOLVED FURTHER, that any and all action taken and documentation executed by management or the officers of the District Office to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

**ITEM 24. NARD ANNUAL DUES.**

A bill for \$25,929.16 has been received from the NARD for FY 2013 dues.

It was moved by Bruns and seconded by Rich to approve payment of \$25,929.16 to the NARD for the FY 2013 dues. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

**ITEM 25. NARD CONFERENCE RESOLUTIONS.**

**NARD RESOLUTION 2012-1: EROSION AND SEDIMENT CONTROL ACT AMENDMENTS; SUBMITTED BY LITTLE BLUE NRD.**

It was moved by Bruns and seconded by Stahly to support NARD Resolution 2012- 1. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Nuss, Volkmer, Yates

**NARD RESOLUTION 2012-2: NRD CONSERVATION COMPLIANCE AUTHORITY; SUBMITTED BY LITTLE BLUE NRD.**

It was moved by Bruns and seconded by Stahly to oppose NARD Resolution 2012-2. The motion was approved.

AYE: Austin, Bruns, Dickinson, Nuss, Regier, Stahly, Volkmer, Yates, Houdersheldt

NAY: Buller, Eberle, Luebbe, Miller, Moore, Rich, Teegerstrom, Ulmer

**NARD RESOLUTION 2012-3: NRD OVERSIGHT OF WEED MANAGEMENT AUTHORITIES; SPONSORED BY TRI-BASIN NRD.**

It was moved by Stahly and seconded by Yates to oppose NARD Resolution 2012-3. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Austin, Moore

NOT VOTING: Regier

**ITEM 26. NARD SEPTEMBER CONFERENCE VOTING DELEGATE AND ALTERNATE.**

The Board elected Larry Moore as the Voting Delegate and Gary Eberle as the Alternate for this year at the Upper Big Blue NRD January Officer elections. However Eberle cannot attend so another alternate needs to be appointed.

It was moved by Bruns and seconded by Yates to appoint Yvonne Austin as the Alternate Voting Delegate for the September NARD conference. The motion was approved.

AYE: Bruns, Buller, Dickinson, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin, Eberle, Moore

**ITEM 27. FINANCIAL REPORT JULY 1-31, 2012 AND CONSIDERATION OF EXPENDITURES FOR JULY 2012.**

Turnbull reviewed the financial report for the period July 1, 2012 to July 31, 2012 that was distributed. It was moved by Regier and seconded by Luebbe to accept the financial report for July 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

There being no other business the chairman adjourned the meeting at 10:00 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 August 16, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
AND  
FY13 TAX REQUEST HEARING  
September 20, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 20, 2012 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Nancy Beach and Joshua Bowers of NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on September 13, 2012 in the York News-Times.

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

Fifteen directors were present during roll call. Austin arrived at 7:32 p.m. and Moore arrived at 7:50 p.m.

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

Prior to adoption of the consent agenda it was noted that there had been a mathematical error in the payment total for the buffer strip program. The individual payments were listed correctly, but the grand total was incorrect. It should read \$11,828.09 instead of \$11,837.09. The correction was made on the summary and to the Project & Programs Committee minutes.

It was moved by Bruns and seconded by Eberle to adopt the consent agenda, with the correction to the buffer strip payments. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore

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



It was moved by Bruns and seconded by Eberle to approve the agenda for the September 20, 2012 board of directors meeting and FY13 Tax Request Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore

**ITEM 5. \*APPROVAL OF MINUTES OF THE AUGUST 16, 2012 BOARD OF DIRECTORS MEETING AND FY13 BUDGET HEARING.**

It was moved by Bruns and seconded by Eberle to approve the minutes of the August 16, 2012 Board of Directors meeting and FY13 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore

**ITEM 6. FISCAL YEAR 2013 TAX REQUEST HEARING.**

Houdersheldt opened the FY13 Tax Request Hearing at 7:35 p.m. He stated for the record that the notice of the hearing was published in the York News-Times on August 23, 2012. Turnbull reviewed the proposed resolution to set the FY13 tax request.

Resolution

**Whereas** the FY 2013 Budget for the Upper Big Blue NRD, as adopted by this board of directors on August 16, 2012, has a property tax requirement of \$2,269,471.05;

**Whereas** the final total valuation of the NRD is \$9,343,685,337;

**Whereas** the FY 2012 Budget (prior year) required a tax request of \$2,014,319.46 and a property tax rate of \$ 0.024053;

**Whereas** the FY 2013 (current year) property tax rate would be \$0.021558 to generate \$2,014,319.46;

**Therefore be it resolved** by this Board of Directors on September 20, 2012, to set the **FY 2013 tax request at \$2,269,471.05** for the Upper Big Blue Natural Resources District which will require a **property tax rate of \$ 0.024289.**

Turnbull also reviewed a summary of the current and prior year's property tax valuations by county for the property within our District's boundaries. The overall increase for the current fiscal year over last year is 11.57%. The largest increases were Saline county at 23.09%; Butler county at 18.25%; Fillmore county at 12.72%; and York county at 12.61%, for an average increase of 11.57%. If the proposed tax

rate is approved the tax will be 12.6% higher than last year for dollars requested. The valuation is 11.6% more than one year ago resulting in a 1% tax rate increase from last year.

Houdersheldt asked if there were any questions or comments from the board members or public.

Volkmer questioned why the resolution (in the final "whereas") showed a property tax rate of .021558. Turnbull explained that it is what the property tax rate would be, using the current year's valuations, to raise the prior year's tax requirement of \$2,014,319.46. Because our property tax requirement for FY13 is \$2,269,471.05 the property tax rate needs to be set at \$.024289. What the statute intends is if you don't take action to set a new tax rate, whether it's the same, or higher or lower, you must use last year's tax dollars, regardless of the budget you've adopted.

Houdersheldt asked for any further comments. Hearing none Houdersheldt closed the hearing at 7:40 p.m.

It was moved by Miller and seconded by Yates to adopt the resolution to set the FY 2013 Tax Request. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore

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

Yates reported that the Projects & Programs Committee met on September 13, 2012 and presented the committee's recommendations.

#### **ITEM 8. \*NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Bruns and seconded by Eberle to approve Nebraska Buffer Strip Program Fund payments totaling \$11,828.09 for seven (7) Buffer Strip Program Contracts as reviewed by the Projects and Programs Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore

#### **ITEM 9. RECHARGE LAKE TRAIL CROSSING STRUCTURE.**

Staff reviewed contractor quotes for construction of the proposed trail crossing structure at Recharge Lake. Quotes were received from WYAD Construction (\$42,250) and General Excavating (\$67,369.75); the engineer's estimate is \$41,098.96. Staff recommends awarding the work to WYAD Construction, pending approval of the Corps of Engineers 404 Permit.

It was moved by Yates and seconded by Austin that WYAD Construction Company be awarded a construction contract, pending approval of the Corps of Engineers 404 Permit and in accordance with WYAD's quote of \$42,250, for installing a rock fill trail crossing structure at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore

#### **ITEM 10. PIEPER'S INC PAYMENT – NEW WELL AT BRUCE L ANDERSON RECREATION AREA.**

On August 16, 2012, the Upper Big Blue Natural Resources District Board of Directors voted to authorize the District staff to have Pieper's Inc. drill a new well and replace the pump at the Bruce L. Anderson Recreation Area at a cost of \$10,150.00. The well was drilled to a depth of 209', 4" PVC casing, pump was set at 180' with a 1.5 H.P. Grundfos variable speed submersible pump, 20' of PVC screen, and the static water level when drilled was 75'. The well will provide approximately 20 gallons per minute.

It was moved by Yates and seconded by Stahly that the Upper Big Blue Natural Resources District make payment of \$10,150.00 to Pieper's Inc. for the drilling of a new well and the installation of a 1.5 H.P. Grundfos variable speed submersible pump at the Bruce L. Anderson Recreation Area. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore

#### **ITEM 11. PURCHASE INFORMATION KIOSKS - BRUCE L ANDERSON RECREATION AREA.**

##### **Kiosk #1** – Entry Gate to RV Camping Area

Size - 78.5"W x 7.5"D x 52"H

Viewing Area - 67"W x 41.5"H

(2) 6" x 6" x 8' Posts – Solid Fiberglass with Recycled Plastic around the Fiberglass

100% Recycled Plastic Frame

Break Resistant Acrylic Glass Window

Stainless Steel Hinged Door with Keyed Locks

Recycled Rubber Tackboard

Total Cost Includes Shipping - (\$2,500.00)

##### **Kiosk #2** – Amphitheater Area

Size - 32"W x 3.5"D x 24"H

Viewing Area - 28"W x 20.5" H

(2) 4" x 4" x 6' Posts – Solid Fiberglass with Recycled Plastic around the Fiberglass

100% Recycled Plastic Construction

Stainless Steel Hasp & Hardware  
Water Resistant Sealed Acrylic Glass  
Recycled Rubber Tackboard  
Total Cost Includes Shipping - (\$825.00)

It was moved by Yates and seconded by Rich that the Upper Big Blue Natural Resources District purchase two information kiosks from Kirby Built Quality Products for a total cost of \$3,325.00 to be placed at the Bruce L. Anderson Recreation Area for the purpose of displaying the District's Rules and Regulations and informing the public of upcoming events. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Houdersheldt  
NAY: Bruns, Yates  
NOT PRESENT: Moore

**ITEM 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met September 11, 2012 and presented the committee's recommendations.

**ITEM 13. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are four final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$1,879.29.

It was moved by Bruns and seconded by Eberle to make cost-share payments for four well abandonments as reviewed by the Committee, at a cost of \$1,879.29. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore

**ITEM 14. WATER METER COST-SHARE FINAL PAYMENTS.**

There are thirteen payments for water meter repairs under the Water Meter Cost-Share Assistance Program this month for a total cost of \$1,605.88.

It was moved by Nuss and seconded by Luebbe to make cost-share payments for thirteen water meter repairs as reviewed by the Committee, at a cost of \$1,605.88. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Ulmer

#### **ITEM 15. HASTINGS AQUIFER STORAGE & RESTORATION PROJECT.**

Marty Stange briefed the Water & Regulations Committee on the water quality issues facing the City of Hastings. The Aquifer Storage and Restoration Project proposes to treat groundwater that is high in nitrates and uranium, and inject it back into the aquifer up gradient of the City's wells, to provide safe water for the community. This project is in the planning stage. The current phase (Phase II) of the project is projected to cost \$234,036. Hastings Utilities has asked the Little Blue NRD to contribute \$50,000 and the Upper Big Blue NRD, \$25,000. An Inter-local Agreement has been drafted for the Districts consideration.

It was moved by Nuss and seconded by Regier to enter into the Inter-local Cooperation Agreement between the City of Hastings/Hastings Utilities and the Little Blue NRD for the Aquifer Storage and Restoration (ASR) Project. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Moore, Regier, Rich, Stahly, Teegerstrom, Yates, Houdersheldt

NAY: Dickinson, Miller, Nuss, Volkmer

NOT PRESENT: Ulmer

#### **ITEM 16. GROUNDWATER TRANSFER AUTHORIZATIONS.**

##### **ITEM 16a. CJ FEEDYARD LLC AND HAROLD JARMIN.**

CJ Feedyard and Harold Jarmin have requested authorization to transfer groundwater from a proposed well in the N1/2 SW1/4 of Section 1-T14N-R2W (80 acres) to irrigate 77 acres in the S1/2 SE1/4 of Section 2-T14N-R2W, all in Polk County. The proposed transfer meets the requirement of the District Rule 5.

It was moved by Nuss and seconded by Regier to authorize Transfer T-029 to transfer groundwater from a proposed well in the N1/2 SW1/4 of Section 1-T14N-R2W (80 acres) to irrigate 77 acres in the S1/2 SE1/4 of Section 2-T14N-R2W, all in Polk County. The proposed transfer meets the requirement of the District Rule 5.

Rich said she didn't feel these proposed groundwater transfers meet the requirements. She cited Rule 5 – Upper Big Blue Natural Resources District Ground Water Management Rules and Regulations, Page 5-20, Paragraph 05 which states "In determining whether to grant a permit under this section, the board of directors for the District shall consider the following" and then sub-paragraph 05.02 which states "The availability to the applicant of alternative sources of surface water or ground water for the proposed withdrawal, transport or use;" She interprets this to mean that the applicants have to prove to the Board that they cannot get ground water from the proposed section that they want to transfer water to.

Buller asked if this language was in the existing Rule 5 or whether it was only in the recently proposed

changes that the Board has not yet acted on. Rich indicated that the language she referred to is in the existing regulations. For that reason she doesn't feel that any of the three proposed transfers meet the requirements of Rule 5, because they have not proved to the Board that they could not drill a well on the land they propose to transfer water to.

It was moved by Moore and seconded by Austin to refer all three transfer requests back to committee.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Ulmer

#### **ITEM 17. DISTRICT RULE 5 GROUNDWATER REGULATIONS.**

The Water and Regulations Committee reviewed draft changes to the Rule 5, Chapter 11 – Ground Water Transfer. The draft changes are intended to limit the physical distance that groundwater could be transferred. Currently the transfers are limited to a tract of land that is adjacent to the tract where the source well is located and limits the acres in the destination tract that can be irrigated to an amount equal to the total number of acres in the source tract. The draft changes would add the following transfer limitations:

*At its closest point, the destination tract is not more than two-thousand five hundred (2,500) feet from the source well.*

*The source well is at least one thousand (1,000) feet from all other water wells under separate ownership, including water well that have a pumping capacity of fifty (50) gallons per minute or less.*

After some discussion the Committee continued by reviewing all of Rule 5 including changes to the groundwater quality section. Groundwater quality draft changes include the following:

*Lower the phase II management area groundwater nitrate trigger level from 9 milligrams per liter to 7.*

*Limit the phase II management area designation to 1 zone per year.*

*Require an operator of irrigated land in a phase II groundwater management area to use resistance blocks or capacitance probes to schedule irrigation in at least one field.*

*Lower the phase III management area groundwater nitrate trigger from 12 milligrams per liter to 10.*

*Require the application of a nitrification inhibitor with anhydrous ammonia application in a Phase III groundwater management area between November 1 and February 29.*

Several grammatical and technical clarifications were made throughout Rule 5. At the conclusion of the review the Water and Regulations Committee recommended that the board approve the draft changes to District Rule 5, including the groundwater transfer and the groundwater quality changes, for the purpose of a conducting a public hearing.

It was moved by Nuss and seconded by Rich to approve the draft changes to District Rule 5, including the groundwater transfer and groundwater quality changes, for the purpose of conducting a public hearing.

Stahly had a question on Chapter 14 – Water Measurement Requirements, Page 5-25, paragraph 04, regarding reporting malfunctioning meters during an allocation period. He wanted to know if they have to quit pumping or just report the malfunction. DeBuhr stated that only reporting is required. Stahly also wanted to know if meters are required for any purpose other than new wells at this time, to which DeBuhr responded they are not. Stahly wanted to know if we needed to include in this chapter that new wells require meters. DeBuhr stated that it's already included in Chapter 5 – Water Wells, page 5-13, paragraph 09.02. Moore stated that during an allocation period all wells would have to have a meter.

Buller questioned why Chapter 11 – Ground Water Transfers, Page 5-19, Paragraph 02.01 didn't read "...when all the following criteria are met:" DeBuhr said that because the word "and" was included at the end of each sentence it had the same effect, but that it could be added for clarity. Then on Chapter 22 – Phase III Requirements, page 5-37 the first paragraph of Chapter 23 is included on the bottom of that page. It needs to be move to Chapter 23. Then on Chapter 24 – Hastings Wellhead Protection Groundwater Management Area, page 5-39, paragraph 02 should read "Nitrogen fertilizer requirements." The committee discussed inserting the word "fertilizer" to this paragraph, but it was omitted from the draft in error.

The question was called on the motion, including the needed changes. Motion carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Teegerstrom, Yates, Houdersheldt

NAY: Regier, Stahly, Volkmer

NOT VOTING: Ulmer

It was moved by Miller and seconded by Moore that the staff and chairman be authorized to set the date of the public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Houdersheldt

#### **ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on September 13, 2012 and presented the committee's recommendations.

#### **ITEM 19. GMDA CONFERENCE PROCEEDS.**

The accounting for the GMDA Winter and Summer 2012 conferences is complete and final payment of the net proceeds needs to be made to the GMDA treasurer.

	Winter Conference	Summer Conference	Totals
Total Income	\$ 33,725.00	\$ 11,140.00	\$ 44,865.00
Total Expenses	30,383.41	6,838.90	37,222.31
Net to GMDA	\$ 3,341.59	\$ 4,301.10	\$ 7,642.69

It was moved by Bruns and seconded by Moore to approve payment of \$7,642.69, the net proceeds from the 2012 GMDA conferences, to the Groundwater Management Districts Association Treasurer. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Luebbe

**ITEM 20. FILLMORE COUNTY TIRE RECYCLING GRANT.**

In January of this year the Upper Big Blue NRD, acting as the lead agency, applied for a tire recycling grant on behalf of the Trail Blazer RC&D for tire recycling in Fillmore County. In June DEQ awarded the grant to the Upper Big Blue NRD in the amount of \$7,650 to recycle 80 tons of tires. The tire recycling event was held August 22, 2012 at the Fillmore County Fairgrounds. A total of 62.69 ton was brought to the pickup site and hauled by Champlin Tire Recycling of Concordia, Kansas at a cost of \$5,579.41. There were advertising expenses of \$143.00 for ads in the Nebraska Signal and the Fillmore County Development Corporation had \$20 of expense to design and print posters for the event. Total expenses were \$5,742.41. The remaining \$1,907.59 in grant funds will be redistributed by DEQ to other applicants for the recycling grant program.

The RC&D charged a per tire disposal fee to individuals dropping off tires for recycling. The generated income of \$3,268 was deposited with the Fillmore County Treasurer to help pay for next year's recycling event.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD make the following payments for the Fillmore Tire Recycling August 2012 event: \$143.00 to the Nebraska Signal newspaper, Geneva, Nebraska for advertising; \$20,00 to the Fillmore County Development Corporation for advertising; and \$5,579.41 to Champlin Tire Recycling, Concordia, Kansas for tire hauling and disposal. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 21. FINANCIAL REPORT AUGUST 1-31, 2012 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2012.**



Turnbull reviewed the financial report for the period August 1, 2012 to August 31, 2012 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for August 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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 September 20, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**October 18, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 18, 2012 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Doug Dickinson, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Rod DeBuhr, Scott Snell, Nancy Beach, Sarah Gray of NRCS, Brandon Handrup, Barry Handrup, Ardith Handrup, Wilt Forsman, Dean Batie, and Dan Seim.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on October 11, 2012 in the York News-Times.

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

Sixteen directors were present during roll call.

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

Gary Eberle requested that his absence from the October 18, 2012 board of directors meeting be excused.

It was moved by Volkmer and seconded by Luebbe to excuse the absence of Eberle from the October 18, 2012 board of directors meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

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

It was moved by Miller and seconded by Stahly to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

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

It was moved by Miller and seconded by Stahly to approve the agenda for the October 18, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 20, 2012 BOARD OF DIRECTORS MEETING AND FY13 TAX REQUEST HEARING.**

It was moved by Miller and seconded by Stahly to approve the minutes of the September 20, 2012 Board of Directors meeting and FY13 Tax Request Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 7. FISCAL YEAR 2012 AUDIT.**

Gayle Steiger of Romans, Wiemer & Associates presented the fiscal year 2012 audit to the board.

It was moved by Regier and seconded by Volkmer to accept the FY2012 audit as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

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

Yates reported that the Projects & Programs Committee met on October 11, 2012 and presented the committee's recommendations.

**ITEM 9. FY 2013 TREE PROGRAM & PRICES.**

The Nebraska Association of Resources Districts (NARD) will continue to receive 3¢ per tree purchased by the NRD's. Bessey Nursery at Halsey has set their prices at \$59.00 per 1,000 for the 2-0 conifers and hardwoods, which is the same as last year. The District's prices for FY 2012 were 85¢ per tree and 65¢ a tree for planting.

It was moved by Yates and seconded by Bruns that the Upper Big Blue Natural Resources District set the planting cost for FY 2013 at 65¢ per tree, and the cost of the trees and shrubs at 90¢ per tree. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 10. PAYMENT TO KIRBY BUILT QUALITY PRODUCTS FOR KIOSKS.**

The District has purchased the following kiosks for a total cost of \$3,204.91.

Kiosk #1 – Entry Gate to RV Camping Area

Size - 78.5"W x 7.5"D x 52"H

Viewing Area - 67"W x 41.5"H

(2) 6" x 6" x 8' Posts – Solid Fiberglass with Recycled Plastic around the Fiberglass

100% Recycled Plastic Frame

Break Resistant Acrylic Glass Window

Stainless Steel Hinged Door with Keyed Locks

Recycled Rubber Tackboard

Kiosk #2 – Amphitheater Area

Size - 32"W x 3.5"D x 24"H

Viewing Area - 28"W x 20.5" H

(2) 4" x 4" x 6' Posts – Solid Fiberglass with Recycled Plastic around the Fiberglass

100% Recycled Plastic Construction

Stainless Steel Hasp & Hardware

Water Resistant Sealed Acrylic Glass

Recycled Rubber Tackboard

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District make payment to Kirby Built Quality Products for two informational kiosks, once they are received by the District, for a total cost of \$3,204.91, to be placed at the Bruce L. Anderson Recreation Area for the purpose of displaying the District's Rules and Regulations and informing the public of upcoming events. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met October 9, 2012 and presented the committee's recommendations.

**ITEM 12. WELL SPACING VARIANCE REQUEST.**

The Water and Regulations Committee reviewed a request from Edgerton Trust for a well spacing variance for a replacement well (G-003969) in the SW1/4 of Section 4-T11N-R7W from well G-003777 located in the SE1/4 Section 4-T11N-R7W, owned by Wilton Forsman. The matter was held over from the September Committee meeting. The committee recommendation was to deny the variance.

It was moved by Moore and seconded by Austin to deny the well spacing variance for Edgerton Trust for replacement well G-003969 located in the SW1/4 of Section 4-T11N-R7W, Hamilton County.

On August 7, 2012, Brandon Handrup, called the office and said that he needed to have a replacement well drilled right away because the irrigation well (G-003969) had failed. He asked what was required to get a well permit. He is the tenant on the SW1/4 of Section 4-T11N-R7W, Hamilton, County, owned by the Edgerton Trust. The Water Department Secretary, Novotny, and Mr. Handrup discussed the possible locations for the replacement well. He was told the permit requirements, the permit fee, and the 1,000 foot spacing requirement from high capacity wells of different ownership. He was also told that the replacement well could be drilled within 50 feet of the old well and be permitted even if the spacing was less than 1,000 feet. Mr. Handrup stated that he needed a quick approval because the field was in seed corn. Novotny said that she was not able give approvals, but that the two staff members that could were out of the office (DeBuhr, Water Department Manager, or Krausnick, Lead Water Technician).

Mr. Handrup called back on August 8, 2012. DeBuhr reviewed the situation and looked at the computer maps while Novotny was on the phone with Mr. Handrup. The staff got the legal description and other details, including the fact that the land is owned by the Edgerton Living Trust. Mr. Handrup stated that he wanted to have the new well located at the center of his windshield wiper pivot on the east property line instead of at the old well site. It was pointed out that the permit required 1,000 foot spacing between registered wells. DeBuhr had Novotny tell Mr. Handrup to watch out for the well at the neighbor's center pivot east of the replacement well location and to watch out for an inactive well nearby. DeBuhr authorized a verbal approval because the land manager was not available to sign the permit application and time was of the essence. It was explained to Mr. Handrup that the permit application needed to be signed and submitted as soon as possible. Because the entire conversation on both occasions was by phone, some confusion existed about which well each person was referring to.

On August 13, 2012, Mr. Handrup, on behalf of the Edgerton Living Trust, had the replacement well drilled by Seim Irrigation and Well Drilling, of Chapman, Nebraska. The written well permit application, signed by Gary Anderson, United Farm and Ranch Management agent, for the Edgerton Living Trust, was finally received on August 29, 2012. The staff discovered that the actual location of the replacement well for G-003969 in the SW1/4 of Section 4-T11N-R7W, Hamilton County was too close to the inactive well G-003777 located in the SE1/4 Section 4-T11N-R7W owned by Wilton Forsman. The permit was

signed anyway by DeBuhr, but the parties involved were notified of the spacing problem right away.

A Request for a Variance for well spacing was received from the Edgerton Living Trust on September 10, 2012. The request was signed by Dean Batie, Farm Manager, United Farm and Ranch Management, on behalf of the Trust. Attached to the request were two Waiver of Objections, one signed by Wilton Forsman, owner of the inactive well G-003777, and one signed by Dean Batie, Farm Manager for the Edgerton Trust, owner of the well G-003969.

The Water Committee reviewed maps that depicted the location of the wells in question. The replacement well had in fact been drilled within 826 feet, more or less, of the inactive well G-003777. At the committee meetings, Brandon Handrup stated that he thought when the verbal approval was given that everything was in order for the location of the replacement well. He stated that he did not understand that an inactive well existed on his neighbor's land.

At the committee meetings, Rod DeBuhr pointed out that regardless of staff statements, and/or verbal or written approval, it is still the landowner's responsibility to abide by the 1,000 foot well spacing regulation. The permits all have restrictions printed on them including the phrase "Issuance of this permit DOES NOT imply that the proposed well complies with Federal, State or Local requirements. It is the responsibility of the applicant to determine compliance with all requirements related to the construction and operation of the proposed well".

Wilton Forsman, who owns well G-003777, asked to address the board. He indicated that he did not plan to abandon his inactive well (G-003777) in order to resolve the spacing violation, which was brought about by the drilling of a replacement well (G-003969) for the Edgerton Trust. Mr. Forsman said he did sign a waiver stating he had no objections to the Edgerton Trust's well being closer than 1,000 feet from his existing well. He encouraged the board to make procedural changes to prevent the occurrence of similar well spacing violations in the future. He suggested that applicants for well drilling permits be required to come to York and obtain a signed permit and that adjacent landowners be notified prior to drilling so that wells could be visually located and the actual distances between wells could be measured. He also suggested that the well driller require that they have a copy of the written permit prior to drilling. He encouraged the board to grant the variance.

Dan Seim of Seim Well Drilling stated to the Board that he asked Mr. Handrup twice if he had a verbal permit and he said yes. Dan Seim also stated that he did not check any maps or do any field measurements prior to drilling. He further stated that both he and Mr. Handrup made sure that there was adequate spacing between the replacement well on the SW1/4 Section 4-T11N-R7W, and Mr. Forsman's well G-046849 on the SE1/4 Section 4-T11N-R7W. Mr. Seim stated that Mr. Forsman's well is at the pivot point of his center pivot, which means the well is at least 1,320 feet from the property line so there was no need to measure that distance.

Mr. Handrup said he and the driller simply missed the inactive well, but being a young farmer not used to dealing with agencies he relied on the verbal permit approval. He assumed if the staff said OK that the permit was in order, then everything was alright to go ahead. Mr. Handrup indicated that he did not intend to do anything wrong or have the well drilled where it is in spite of the regulation. Mr. Handrup is concerned about the cost of re-drilling.

The question was called on the motion to deny the well spacing variance. The motion failed.

AYE: Bruns, Dickinson, Luebbe, Moore, Rich, Yates, Houdersheldt

NAY: Austin, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer

NOT VOTING: Buller, Volkmer

NOT PRESENT: Eberle

After a lengthy discussion regarding the circumstances leading up to the drilling of the Edgerton Trust replacement well, and concern expressed by several board members regarding the precedent we would be setting by granting this variance, it was moved by Miller and seconded by Regier to approve the well spacing variance for Edgerton Trust for replacement well G-003969 located in the SW ¼ of Section 4-T11N-R7W, Hamilton County, provided that the two landowners sign an agreement that if well G-003777 is ever pumped over 50 gallons per minute, that the replacement well for G-003969 becomes an illegal well. The landowners have 90 days to execute and record the agreements with the Hamilton County Register of Deeds. The motion carried.

AYE: Austin, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Bruns, Dickinson, Luebbe, Volkmer, Yates

NOT VOTING: Buller

NOT PRESENT: Eberle

**ITEM 13. \*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 \$1,762.20.

It was moved by Miller and seconded by Stahly to make cost-share payments for five well abandonments as reviewed by the Committee, at a cost of \$1,762.20. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

**ITEM 14. GROUNDWATER TRANSFER AUTHORIZATIONS.**

The Water and Regulations Committee reviewed three groundwater transfers requests.

**SAMUEL BARLEAN**

Samuel Barlean has requested authorization to transfer groundwater from a proposed well in the SE1/4 of Section 34-T15N-R2E (146 acres) to irrigate 40 acres in the NE1/4 of Section 3-T14N-R2E, all in Butler County. The proposed transfer meets the requirement of the District Rule 5.

**JAMES J. DEREMER**

James J. Deremer has requested authorization to transfer groundwater from well G-068505 in the SE1/4 of Section 31-T10N-R1E (474 acres) to irrigate 8 acres in the SW1/4 of Section 32-T10N-R1E, all in Seward County. The proposed transfer meets the requirement of the District Rule 5.

**DORIS MENZE LIFE EST AND ROBERT MENZE**

Doris Menze Life Estate has requested authorization to transfer groundwater from a proposed well in the NW1/4 of Section 36-T12N-R1E (112 acres) to irrigate 24.5 acres in the NE1/4 of Section 35-T12N-R1E, all in Seward County. The proposed transfer meets the requirement of the District Rule 5.

It was moved by Nuss and seconded by Moore that we authorize Transfers T-030, T-031 and T-032. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

It was moved by Ulmer and seconded by Volkmer that there be no authorization of water transfers for 60 days.

Moore challenged the motion based on the fact that this item was not on the agenda. Houdersheldt ruled that the motion was out of order.

**ITEM 15. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met October 11, 2012 and presented the committee's recommendations.

**ITEM 16. \* THIRD QUARTER PER DIEM & EXPENSES.**

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

It was moved by Miller and seconded by Stahly to approve payment of third quarter directors' per diem of \$10,570.00 and expenses of \$4,296.64. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle



**ITEM 17. FINANCIAL REPORT SEPTEMBER 30, 2012 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2012.**

Turnbull reviewed the financial report for the period September 1, 2012 to September 30, 2012 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for September 2012 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle

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 October 18, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**November 15, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 15, 2012 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Patty Kyhn, Jay Bitner, Nancy Beach, Marie Krausnick, DeeDee Novotny, Ken Feather, Scott Snell, and Joshua Bowers of NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on November 8, 2012 in the York News-Times.

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

Sixteen directors were present during roll call. Dickinson arrived at 1:40 p.m.

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

There were no requests for excused absence.

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

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

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

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

It was moved by Teegerstrom and seconded by Stahly to approve the agenda for the November 15, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 6. \*APPROVAL OF MINUTES OF THE OCTOBER 18, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Teegerstrom and seconded by Stahly to approve the minutes of the October 18, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

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

Yates reported that the Projects & Programs Committee met on November 8, 2012 and presented the committee's report. There were no items requiring board action.

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

Moore reported that the Water & Regulations Committee met November 8, 2012 and presented the committee's recommendations.

**ITEM 9. WELL SPACING VARIANCE REQUEST.**

The Water and Regulations Committee reviewed a well spacing variance request from Robert Waltrip for a well (G-161843) completed on January 4, 2012 by Sargent Drilling in SW1/4 of Section 30-T8N-R3W, Fillmore County. This well was constructed approximately 860 feet east of well G-064581, owned by Stephen Rasmussen. Nathan Jacobsen, representing Sargent Drilling, told the Committee that he takes responsibility for the error.

It was moved by Moore and seconded by Luebbe to deny the well spacing variance for well G-161483. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Nuss

NOT VOTING: Buller, Volkmer

NOT PRESENT: Dickinson

**ITEM 10. \*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 \$1,663.33.

It was moved by Teegerstrom and seconded by Stahly to make cost-share payments for five well abandonments as reviewed by the Committee, at a cost of \$1,663.33. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson

#### **ITEM 11. WATER METER COST-SHARE FINAL PAYMENTS.**

There is one payment for a new water meter and one payment for a water meter repair under the Water Meter Cost-Share Assistance Program this month for a total cost of \$450.00.

It was moved by Moore and seconded by Regier to make payment for one new water meter and one repaired water meter under the Water Meter Cost-Share Assistance Program this month for a total cost of \$450.00. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson

#### **ITEM 12. GROUNDWATER TRANSFER AUTHORIZATION.**

Torell Farms, Inc. has requested authorization to transfer groundwater from an existing well in the NW1/4 of Section 7-T13N-R1W (470.45 acres) to irrigate 59.25 acres in the NW1/4 of Section 18-T13N-R1W, all in Polk County. The proposed transfer (T-033) meets the requirement of the District Rule 5.

It was moved by Moore and seconded by Regier to authorize Transfer T-033. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Dickinson

There was a request from Ulmer at the October board meeting to consider suspending the district rule on transfer requests for 60 to 90 days. Turnbull explained that Steve Seglin, the District's legal counsel, advised him that the law does not provide for a district suspending the rules. All rule changes, including suspension of a specific rule, may only be adopted by the board following the proper public hearing notice and publication of the adopted changes. The committee discussed other possible changes to the groundwater transfer rule; including the Little Blue NRD's rule which doesn't allow transfers where groundwater is not available. The Water and Regulations Committee will review the options further at future meetings.

#### **ITEM 13. PAYMENT TO CENTRAL DISTRICT HEALTH DEPARTMENT.**

The Central District Health Department has billed the District \$1,026.00 for 171 groundwater nitrates analyses.

It was moved by Moore and seconded by Luebbe to pay Central District Health Department \$1,026.00 for 171 groundwater nitrate analyses. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

#### **ITEM 14. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met November 8, 2012 and presented the committee's recommendations.

#### **ITEM 15. GROUNDWATER MODELING CONSULTANT PROPOSALS.**

Bitner presented the Executive Committee with proposals from the USGS and Brown & Caldwell for transient groundwater modeling for the Seward County model and the Blue Basin model.

USGS	\$ 220,300	(Possible Federal Cost-share of up to \$42,700)
Brown & Caldwell	\$ 277,639	

Bitner recommended that the District hire the firm of Brown & Caldwell based on their experience, capabilities, schedule, and their ability to put more staff on the project.

It was moved by Bruns and seconded by Moore to hire Brown & Caldwell, Phoenix, Arizona, to provide consulting services for the Seward Sub-Regional Groundwater Model and the Blue Basin Groundwater Model, for a cost not to exceed \$277,639. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

#### **ITEM 16. HASTINGS COLLEGE VIDEO ASSISTANCE.**

Snell reported that the assistance he received from Hastings College was valuable in producing the 40th Anniversary NRD Documentary video. Snell recommended that the District donate \$1,500 to Hastings College Journalism & Media Arts Department. He suggested that the funds be for equipment purchases only. Snell also reported that the video will be shown in conjunction with a special showing of the Ken Burns Dust Bowl program at a theatre in Lincoln later in November. The video has been provided to several NRDs for their use as well.

It was moved by Bruns and seconded by Nuss to approve the donation of \$1,500 to the Hastings College Journalism & Media Arts Department to purchase equipment because of the College's assistance in the NRD video production. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 17. PAYMENT TO ROMANS WIEMER & ASSOCIATES FOR FY 2012 AUDIT.**

A bill has been received from Romans Wiemer & Associates for the FY 2012 Audit. The amount is \$3,080.00. Last year's fee was \$3,075.00.

It was moved by Bruns and seconded by Yates to approve payment of \$3,080.00 to Romans Wiemer & Associates for the FY 2012 Audit. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 18. FINANCIAL REPORT OCTOBER 31, 2012 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2012.**

Turnbull reviewed the financial report for the period October 1, 2012 to October 31, 2012 that was distributed. It was moved by Volkmer and seconded by Rich to accept the financial report for October 2012 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

There being no other business the chairman adjourned the meeting at 2:59 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, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**December 27, 2012**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 27, 2012 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Rod DeBuhr, Scott Snell, Ken Feather, Sam Keezer, Courtney Woodman, John Bush, Kristin Phillips, Joshua Bowers of NRCS, and Art Hovey with Lincoln Journal Star.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on December 22, 2012 in the York News-Times.

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

Twelve directors were present during roll call. Moore arrived at 1:34 p.m.

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

Steve Buller, Mike Nuss and Merlin Volkmer requested that their absence from the December 27, 2012 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Yates to excuse the absence of Buller, Volkmer and Nuss from the December 27, 2012 board of directors meeting. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

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

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

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

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

It was moved by Bruns and seconded by Miller to approve the agenda for the December 27, 2012 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE NOVEMBER 15, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Miller to approve the minutes of the November 15, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

**ITEM 7. EMPLOYEE RETIREMENT – SAM KEEZER.**

Sam has been a member of the Upper Big Blue NRD staff for a total of 22 years. He was employed on a temporary basis as part of the NRD tree planting crew for three years before becoming a fulltime employee handling maintenance for the Parks & Forestry Department in November of 1993. Sam decided it was time to retire and enjoy some fishing and other leisurely pastimes. He was recognized by the board and staff for his service and awarded a set of engraved ratchet wrenches and a plaque. Staff purchased a set of sockets for Sam as a parting gift.

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

Yates reported that the Projects & Programs Committee met on December 11, 2012 and presented the committee's report.

**ITEM 9. LAND TREATMENT COST SHARE PROGRAM PAYMENTS.**

It was moved by Yates and seconded by Ulmer that payments totaling \$11,870.34 be approved for five (5) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Dickinson, Nuss, Volkmer



**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Bruns and seconded by Miller that payments totaling \$4,122.78 be approved for five (5) Nebraska Buffer Strip Program Contracts as reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

**ITEM 11. CORNERS FOR WILDLIFE PROGRAM CONTRACT.**

Eunice M. O'Donnell has two pivot corners. One corner is located in the NE corner of the SW1/4 of Section 19, Township 9 North, Range 8 West and the second corner is located in the NW corner of the SE1/4 of Section 20, Township 9 North, Range 8 West of the 6th P.M., Hamilton County, Nebraska. She wants to seed 3.2 acres of the NE corner of the SW1/4 of Section 19 and 5.5 acres of the NW corner of the SE1/4 of Section 20, Township 9 North, Range 8 West, to a warm season grass mix and plant two shrub thickets in each corner for a total of 1,100 shrubs for food and wildlife cover. The contract is paid for by monies available through the local Pheasants Forever Chapter and the Environmental Trust. Eunice M. O'Donnell will receive \$100/acre for a 5 year period on these 8.7 acres. The NRD will receive the funds 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 Yates and seconded by Luebbe that the Upper Big Blue Natural Resources District enter into the Corners for Wildlife contracts with Eunice M. O'Donnell and Pheasants Forever located in the NE corner of the SW1/4 of Section 19 (3.2 acres) and the NW corner of the SE1/4 of Section 20 (5.5 acres), Township 9 North, Range 8 West of the 6th P.M., Hamilton County, Nebraska and for a period of 5 years with an annual payment of \$870.00 for the two wildlife corners. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

**ITEM 12. RECHARGE LAKE- CONSTRUCTION PROGRESS PAYMENT.**

Construction of the trail improvements at Recharge Lake are approximately 80% completed. Work to date is in accordance with the contract and specifications. Staff recommends payment of \$25,782.45 to Wy-Ad Construction for work completed in November 2012.

It was moved by Yates and seconded by Luebbe that payment of \$25,782.45 be made to Wy-Ad Utility Contractors, Inc. for construction work completed in November 2012 for the trail improvements at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

**ITEM 13. PIONEER TRAILS RECREATION SITE DEVELOPMENT.**

Planning work has begun for development of the proposed recreation facilities at the Pioneer Trails Project. Staff requested authorization to advertise for contractor bids on the portion of project development that requires clearing a portion of the lake bed and compaction of lake bed sub-soil.

It was moved by Yates and seconded by Austin that staff be authorized to advertise for contractor bids for the purpose of clearing and grubbing a portion of the lake bed and compacting lake bed sub-soil at the Pioneer Trails Project. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

**ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Regier reported that the Water & Regulations Committee met December 11, 2012 and presented the committee's recommendations.

**ITEM 15. ELSTER EVOQ4 ELECTROMAGNETIC WATER METER.**

Jim Eddy and Mike Huffaker presented information to the Water and Regulations Committee about the evoQ4 Electromagnetic water meter. The meter meets all of the District's requirements for water meters.

It was moved by Regier and seconded by Moore to add the evoQ4 to the approved water meter list. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

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

There are four final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$2,000.00.

It was moved by Bruns and seconded by Miller to make cost-share payments for four well abandonments as reviewed by the Committee at a cost of \$2,000.00. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

#### **ITEM 17. RULE 5 – GROUND WATER MANAGEMENT RULES AND REGULATIONS.**

It was moved by Regier and seconded by Rich to approve the changes to District Rule 5 as presented at the November 1 public hearing.

DeBuhr informed the board that since the December Water Committee meeting soil sampling has been completed and the data compiled. He reviewed graphs of the unsaturated zone nitrate results from 11 sites located near dedicated monitoring wells in various zones across the district. He indicated that on average, across 14 cropland sites, one bar graph showed a decline in nitrates from 2007, especially in the upper 16 feet. He felt this was a good indication that at these sites we are seeing some improvement. One of the line graphs showing soil sampling at depths of 4, 11, and 20 feet showed an overall downward trend in nitrogen carryover. This wasn't always the case on a site by site basis, as shown by some of the other graphs, but overall the nitrate levels were down.

Turnbull reviewed data he had put together regarding public water supplies and which cities or villages currently have, or have had in the past, an Administrative Order in effect for high nitrates. Based on population served, which is 41,264, approximately 40% of the population has been affected by high nitrate levels.

It was moved by Stahly and seconded by Eberle to amend Chapter 11, Paragraph 02.01b to read 3,000 feet instead of 2,500 feet from the source well. The question was called on the amendment.

Amendment carried.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Houdersheldt

NAY: Ulmer

NOT VOTING: Yates

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Eberle, Miller, Moore, Rich, Teegerstrom, Ulmer

NAY: Luebbe, Regier, Stahly, Yates

NOT VOTING: Houdersheldt

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

#### **ITEM 18. GROUNDWATER TRANSFER AUTHORIZATIONS.**

Three groundwater transfer authorizations were reviewed. T-034 for the Joyce C. Meyers Trust to transfer groundwater from a new well in the SE1/4 of Section 4-T11N-R3W to irrigate 52 acres in the NE1/4 of Section 9-T11N-R3W all in York county. T-035 for Bobby W. Kreis and Bobbi Jo Craft to transfer groundwater from a new well in the E1/2 SE1/4 Section 25-T14-R3W to irrigate 65 acres in the N1/2NE1/4 Section 2-13N-R3W and in Polk County. T-036 for Larry Thieszen, Harvey Nunnenkamp and

Delores Rempel to transfer groundwater from existing well G-025883 in the W1/2NE1/4 of Section 29-T11N-R5W to irrigate 16 acres in the S1/2 of Section 20-T11N-R5W, all in Hamilton County. Each of these proposed transfers comply with the District's rules and regulations.

It was moved by Regier and seconded by Teegerstrom to approve groundwater transfers T-034, T-035 and T-036. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Miller  
NOT PRESENT: Buller, Dickinson, Moore, Nuss, Volkmer

#### **ITEM 19. IRRIGATION SCHEDULING ITEMS PURCHASED FOR RESALE.**

The District purchased 700 Watermark Sensors and pipe caps for resale. These were purchased now so that they could be assembled during winter months.

It was moved by Regier and seconded by Bruns to approve payment to Klein Sales and Service for 700 Watermark Sensors and caps for \$19,880.00. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

#### **ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met December 11, 2012 and presented the committee's recommendations.

#### **ITEM 21. BLUEPRINT NEWSLETTER - PRINTING BILL.**

It was moved by Bruns and seconded by Luebbe to approve payment of \$15,011.48 to York Printing for the printing of two issues of the Blueprint. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

#### **ITEM 22. GENERAL ELECTION COSTS.**

The County Clerks have begun billing the NRD for the November General Election costs. The bills received so far are:

Butler County	\$ 1,266.18
Fillmore County	\$ 3,309.95
Seward County	\$ 3,936.52

York County	\$ 3,576.72
Total to Date	\$12,089.37

It was moved by Bruns and seconded by Ulmer to approve payments of \$1,266.18 to Butler County, \$3,309.95 to Fillmore County, \$3,936.52 to Seward County, and \$3,576.72 to York County for November 2012 General Election costs. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

#### **ITEM 23. NARD LEGISLATIVE CONFERENCE VOTING DELEGATE & ALTERNATE.**

The Delegate and Alternate names for the upcoming NARD Conference need to be submitted prior to the January NRD Board Meeting.

It was moved by Bruns and seconded by Rich to appoint Larry Moore as the Voting Delegate and Doug Bruns as the Alternate for the January NARD Conference.

Houdersheldt pointed out that Bruns' name was submitted as the voting alternate because at the time of the committee meeting Eberle wasn't going to be able to attend the conference. Since that time Eberle's plans have changed and he will be at the 2013 legislative conference.

It was moved by Moore and seconded by Rich to amend the motion to make Eberle the alternate for the NARD Conference. The question was called on the amendment. The amendment carried.

AYE: Austin, Bruns, Luebbe, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Miller

NOT VOTING: Eberle

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Eberle, Moore

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

#### **ITEM 24. FINANCIAL REPORT NOVEMBER 1 - 30, 2012 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2012.**

Turnbull reviewed the financial report for the period November 1, 2012 to November 30, 2012 that was distributed. It was moved by Regier and seconded by Yates to accept the financial report for November 2012 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates,

Houdersheldt

NAY: None

NOT PRESENT: Buller, Dickinson, Nuss, Volkmer

**ITEM 25. NOMINATING COMMITTEE.**

Houdersheldt appointed the members of the Nominating Committee whose task is to present a slate of candidates for election of officers in January 2013. Ronda Rich (chairman), Ken Regier and Doug Dickinson.

There being no other business the chairman adjourned the meeting at 2:52 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 December 27, 2012, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**January 17, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 17, 2013 at 1:50 p.m. in 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, Roger Houdersheldt, Linda Luebbe, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Patty Kyhn, Jay Bitner, Ken Feather, Rod DeBuhr, Courtney Woodman, Kristin Phillips, Dan Preissler of Giltner, and Joshua Bowers of NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on January 10, 2013 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Turnbull administered the oath of office to the directors who were elected in the 2012 General Election.

**ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

John Miller requested that his absence from the January 17, 2013 board of directors meeting be excused due to a work conflict. Ken Regier requested an excused absence for the January 2013 board of directors meeting due to out of state travel.

It was moved by Eberle and seconded by Volkmer to excuse the absence of John Miller and Ken Regier from the January 17, 2013 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

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

It was moved by Stahly and seconded by Dickinson to approve the agenda for the January 17, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 7. \*APPROVAL OF MINUTES OF THE DECEMBER 27, 2012 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Dickinson to approve the minutes of the December 27, 2012 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

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

Yates reported that the Projects & Programs Committee met on January 10, 2013 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT COST SHARE PROGRAM PAYMENTS.**

It was moved by Yates and seconded by Luebbe that payments totaling \$15,776.74 be approved for four (4) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier



**ITEM 10. WINDBREAK PLANTING PROGRAM.**

The Project & Programs Committee discussed options for enhancing the Windbreak Planting (NC12) Program to get more cooperators to plant field windbreaks with a wildlife option. The District has a cost-share program for tree planting providing wind protection, including farmstead windbreaks and field windbreaks. The main difference with this program is that we would be providing a one-time land payment to the cooperators for the acres planted to trees. The recommended amount is \$500 per acre.

It was moved by Yates and seconded by Rich that the Upper Big Blue Natural Resources District enter into a Windbreak Planting (NC12) Program where the District will make a one-time land payment of \$500.00 per acre for land used for the purpose of planting a field windbreak. The tree planting must stay in existence for a period of twenty-five (25) years and must meet the NRCS tech guidelines and specifications. Farmstead windbreaks would be excluded. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 11. RECHARGE LAKE TRAIL CROSSING CONSTRUCTION PROGRESS PAYMENT.**

Jeff Ball presented photos and a summary of construction costs for the recently completed trail improvements at Recharge Lake to the Projects & Programs Committee. Staff recommends final payment of \$20,707.25 to Wy-Ad Utility Contractors for work completed in December 2012.

It was moved by Yates and seconded by Ulmer that final payment of \$20,707.25 be made to Wy-Ad Utility Contractors, Inc. for work completed in accordance with the design and construction contract for Trail Improvements at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Nuss reported that the Water & Regulations Committee met January 10, 2013 and presented the committee's recommendations.

**ITEM 13. WELL SPACING VARIANCE REQUEST FROM CORNHUSKER FARMS INC.**

Cornhusker Farms Inc submitted a request for a well spacing variance in the NE ¼ NE ¼ Section 10 T-09N-R8W in Hamilton County to supplement existing well G-015110, which currently pumps at 650 gpm capacity and is being used to operate a pivot with corner system. The proposed new well would be closer than 1,000 feet to inactive well # G-008181 owned by Earl & Vicki Bieck. Mr. Bieck has signed a waiver stating he has no objection to Cornhusker Farms request for a spacing variance; however, he

does not want to abandon his inactive well.

Mr. Preissler, with Cornhusker Farms, informed the board that ideally they would have drilled in the center of the quarter, but after drilling a test hole, there wasn't sufficient water. The well driller advised them against drilling another well closer to their own existing well (G-015110) because it might be adversely impacted. A test hole at the proposed well location showed an estimated 350 gpm capacity.

Mr. Preissler stated that he had spoken with Mr. Bieck and he is willing to sign an agreement with Cornhusker Farms, to be recorded at the Hamilton County Register of Deeds, stating that if Mr. Bieck's well G-008181 is ever pumped that the proposed well for Cornhusker Farms becomes an illegal well.

Other options were discussed by the committee and Mr. Preissler, such as going off of electrical load control and purchasing more electricity, switching to gas or diesel, or different cropping practices to best utilized the existing 650 gpm well.

This variance request is very similar to the variance approved by the Board in October 2012 for the Edgerton Trust in Hamilton County. The similarities are:

- The new wells are or would be too close to an inactive well under different ownership
- The owner of the inactive well does not want to abandon the inactive well
- The owner of the inactive well does not plan to use the well in the future
- The owner of the inactive well does not object to the new well being within 1,000 feet
- A spacing variance would be of economic benefit to the applicant

The principal difference is that the Cornhusker Farms variance is being requested prior to the drilling of a well at the proposed location. The Edgerton Trust well had been drilled before the discovery of the exact location of the inactive well by the well driller or the Edgerton Trust tenant, even though the District staff had alerted them to the presence of the inactive well. Turnbull recommended that the Cornhusker Farms Inc. variance request be denied.

It was moved by Nuss and seconded by Dickinson to deny the well spacing variance to Cornhusker Farms Inc. for a proposed well located in the NE¼ NE¼ Section 10 T09N-08W in Hamilton County. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller, Nuss, Volkmer

NOT PRESENT: Miller, Regier

**ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are nine final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$3,510.15.

It was moved by Stahly and seconded by Dickinson to make cost-share payments for nine well abandonments as reviewed by the Committee, at a cost of \$3,510.15. The motion was approved as part

of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

#### **ITEM 15. KROP-TIP YIELD DIFFERENCE PAYMENT TO KALIFF FARMS.**

In April of 2010 the Upper Big Blue NRD entered into an irrigation scheduling agreement with John Kaliff of Kaliff Farms, the purpose of which was to demonstrate the benefits of using soil moisture and crop water use data to schedule irrigation. Under the terms of the agreement the District would schedule irrigation on one quarter and Kaliff Farms would irrigate the other adjacent quarter as they deemed necessary.

The agreement stated that if the quarter where the District was scheduling irrigation had a yield difference of more than 5 bushels per acres, compared to the Kaliff Farms managed quarter, that the District would compensate Kaliff Farms for the difference in yield.

The first two years of the demonstration project showed almost identical yields on both quarters, even though the NRD managed quarter used less water for irrigation, which supported the purpose of the demonstration project.

The 2012 growing season was the third year of the demonstration project. The District did the scheduling on the north quarter and Kaliff's scheduled irrigation on the south quarter. Data loggers with Water Mark Sensors were installed in three locations on both quarters to record soil moisture every 8 hours. The NRD applied approximately 15" of water per acre with sensor readings averaging 75. Kaliff Farms applied approximately 20" of water per acre with sensor readings averaging 50 and a full soil moisture profile. Kaliff Farms applied a late irrigation at the beginning of September, which the NRD did not.

When the test strips were harvested and weighed to determine yield there was a difference of 29.5 bushels per acre between the two plots. Under the terms of our agreement with Kaliff Farms they are owed compensation in the amount of \$22,156.54 for the loss of yield.

The extremely hot weather and drought conditions experienced this year are thought to have played a major part in the yield difference between the NRD managed quarter and the Kaliff quarter. Staff responsible for the determination of irrigation scheduling said it was possible that the placement of the data loggers and sensors may have affected the data collected because of a difference in soil types. Staff suggested that if we continue with the demonstration project that field mapping with an electro conductivity sled would ensure that we are placing the sensors in the same type of soil for more accurate comparison of soil profile. It was also suggested by the committee that in the future we weigh the whole field rather than test strips.

The Water Committee still feels confident that the irrigation scheduling equipment is a valuable tool in reducing water usage and hopes to continue the demonstration project.

It was moved by Nuss and seconded by Yates to make payment to Kaliff Farms for KROP-TIP yield difference in the amount of \$22,156.54. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Nuss, Yates

NOT PRESENT: Miller, Regier

#### **ITEM 16. CROP-TIP FIELD DAY CATERING PAYMENT TO KERRY'S RESTAURANT.**

This year's CROP-TIP Seminar was held on December 13, 2012. Kerry's catered the morning and afternoon breaks and lunch. They have billed the District \$2,212.50.

It was moved by Nuss and seconded by Volkmer to make payment to Kerry's Restaurant & Catering for CROP-TIP Field Day catering expenses in the amount of \$2,212.50. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

#### **ITEM 17. GROUNDWATER TRANSFER AUTHORIZATIONS.**

Three groundwater transfer authorizations were reviewed.

T-037: Eva Vachal and Joel Pospisil have requested to transfer groundwater from existing Well G-120595 in the S½ SE¼ of Section 12-T07N-R01W to irrigate 7 acres in the NE¼ of Section 13-T07N-R01W all in Fillmore County. The proposed transfer T-037 complies with the District's rules and regulations.

It was moved by Nuss and seconded by Yates to approve groundwater transfer T-037 for Eva Vachal and Joel Pospisil in Fillmore County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Miller, Regier

T-038: Darryl Novak and Troy Novak have requested to transfer groundwater from existing Well G-149475 in the NE¼ NE¼ Section 10-T08N-R03E to irrigate 61.78 acres in the SE¼ SE¼ Section 03-T08N-R03E all in Saline County. The proposed transfer T-038 complies with the District's rules and regulations.

It was moved by Nuss and seconded by Stahly to approve groundwater transfer T-038 for Darryl Novak and Troy Novak in Saline County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Miller, Regier

T-039: Linda S. Eigsti Trust (Rodney E. & Linda S. Eigsti Trustees) have requested to transfer groundwater from existing well G-0165355 in the S½ SE¼ of Section 18-T08N-R02E to irrigate 27.3 acres in the W½ SW¼ of Section 17-T08N-R02E, all in Saline County. The proposed transfer T-039 complies with the District's rules and regulations.

It was moved by Nuss and seconded by Yates to approve groundwater transfer T-039 for Linda S. Eigsti Trust (Rodney E. & Linda S. Eigsti Trustees) in Saline County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Miller, Regier

#### **ITEM 18. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed changes in certified irrigated acres for July 2012 to December 2012. There is a net increase of 912.29 acres. The total irrigated acres certified as of December 31, 2012 is 1,178,929.46.

It was moved by Nuss and seconded by Teegerstrom to certify the changes to irrigated acres through December 31, 2012. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier, Stahly

#### **ITEM 19. HACH COMPREHENSIVE SERVICE PARTNERSHIP.**

The comprehensive service partnership, originally purchased with the HACH DR3900 Spectrophotometer in 2012, is due for renewal. The WarrantyPlus plan includes one on-site calibration, factory recommended maintenance (including required parts), and unlimited technical support calls. The plan also provides a Spectrophotometer on loan while waiting for factory repair. In 2012 staff analyzed 740 water samples for nitrates in the District Lab.

It was moved by Nuss and seconded by Bruns to make payment to HACH Service Partnership in the amount of \$2,274.00 for 3 year price lock WarrantyPlus Plan. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Stahly

NOT PRESENT: Miller, Regier

**ITEM 20. CROP-TIP FIELD DAY SPEAKER EXPENSE FOR SUE MARTIN.**

This year's CROP-TIP Seminar was held on December 13. Sue Martin was a speaker and she billed the District \$4,334.81 for travel expenses and speaking fees.

It was moved by Nuss and seconded by Yates to make payment to Sue Martin for CROP-TIP Field Day speaking expense in the amount of \$4,334.81. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met January 10, 2013 and presented the committee's recommendations.

**ITEM 22. \*FOURTH QUARTER DIRECTORS' PER DIEM & 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 4th quarter directors' per diem of \$9,030.00 and expenses of \$3,601.09. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 23. GMDA TRAVEL EXPENSES – LINDA LUEBBE.**

Linda Luebbe submitted a request for reimbursement of travel expenses in the amount of \$1,681.48 to attend the Winter GMDA Conference in Austin, Texas. The committee reviewed her request and recommended payment.

It was moved by Moore and seconded by Nuss to approve Linda Luebbe's request for reimbursement of \$1,681.48 for travel expenses to attend the GMDA Conference in Austin, Texas. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Miller, Regier

**ITEM 24. UNL CONSERVATION & SURVEY DIVISION GROUNDWATER MODELING ASSISTANCE.**

The University has billed the District \$14,163.35 for assistance on groundwater modeling, specifically, part of the computer programming called a pre-processor. This is part of the overall contract that included the streambed studies overseen by Dr. Xun-Hong Chen. This brings the total spent to date to \$94,739.89. The total contract is for \$96,128.00, which leaves a balance of \$1,388.11.

It was moved by Bruns and seconded by Luebbe to approve payment of \$14,163.35 to the University of Nebraska for the Conservation and Survey Division assistance on groundwater modeling. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 25. GENERAL ELECTION EXPENSES.**

The following counties have billed the District this month for the November 2012 General Election costs. Clay County \$1,795.57; Hamilton County \$2,556.66 and Saline County \$1,972.46 for a total of \$6,324.69.

It was moved by Bruns and seconded by Volkmer to approve payments of \$1,795.57 to Clay County, \$2,556.66 to Hamilton County, and \$1,972.46 to Saline County for November 2012 General Election costs. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 26. 2012 BURKE SCHOLARSHIP DISBURSEMENT.**

Nathan Pflueger, from Staplehurst, was awarded the Burke Scholarship of \$2,000 to attend college. The District has received notice of successful completion of his first semester, and proof of full time enrollment for his second semester at Chadron State College. The terms of the scholarship are that the scholarship will be paid to Chadron State College to be credited to Nathan Pflueger's account.

It was moved by Bruns and seconded by Luebbe to approve payment of \$2,000 to Chadron State College for credit to Nathan Pflueger's account for successful completion of the requirements of the Burke Scholarship. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 27. FINANCIAL REPORT DECEMBER 1 - 31, 2012 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2012.**

Turnbull reviewed the financial report for the period December 1, 2012 to December 31, 2012 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for December 2012 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Miller, Regier

**ITEM 28. NOMINATING COMMITTEE REPORT.**

Rich presented the Nominating Committee's report and the slate of candidates for the election of officers. Bitner and DeBuhr were appointed to collect and tally the ballots.

**ITEM 29. ELECTION OF CHAIRMAN.**

The candidates for the office of chairman were Roger Houdersheldt and Mike Nuss. There were no nominations from the floor. Ballots were cast and Houdersheldt received 9 votes and Nuss 6 votes. Houdersheldt will serve as chairman for a term of one year.

**ITEM 30. ELECTION OF VICE CHAIRMAN.**

The candidates for the office of vice chairman were Yvonne Austin and Linda Luebbe. There were no nominations from the floor. Ballots were cast and Austin received 12 votes and Luebbe 3 votes. Austin will serve as vice chairman for a term of one year.

**ITEM 31. ELECTION OF SECRETARY.**

The candidates for the office of secretary were Ronda Rich and Eugene Ulmer. There were no nominations from the floor. Ballots were cast and Rich received 13 votes and Ulmer 2 votes. Rich will serve as secretary for a term of one year.

**ITEM 32. ELECTION OF TREASURER.**

The candidates for the office of treasurer were Bill Stahly and Lynn Yates. There were no nominations from the floor. Ballots were cast and Stahly received 9 votes and Yates 6 votes. Stahly will serve as treasurer for a term of one year.

**ITEM 33. NARD REPRESENTATIVE AND VOTING DELEGATE.**

The candidates for NARD representative and voting delegate were Larry Moore and Doug Dickinson. There were no nominations from the floor. Ballots were cast and Moore received 13 votes and



Dickinson 2 votes. Moore will serve as NARD representative and voting delegate for a term of one year.

**ITEM 34. NARD ALTERNATE AND ALTERNATE VOTING DELEGATE.**

The candidates for NARD alternate and alternate voting delegate were Gary Eberle and John Miller. There were no nominations from the floor. Ballots were cast and Eberle received 11 votes and Miller 4 votes. Eberle will serve as NARD alternate and alternate voting delegate for a term of one year.

There being no other business the chairman adjourned the meeting at 3:34 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 17, 2013, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 26, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Tuesday, February 26, 2013 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Nancy Beach, Joshua Bowers of NRCS, and Steve Moseley of York News-Times.

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

Houdersheldt reported that we published the legal notice of the rescheduled board of directors' meeting on February 21, 2013 in the York News-Times.

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

Twelve directors were present during roll call. Luebbe arrived at 1:35 p.m. and Nuss at 1:53 p.m.

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

Steve Buller, John Miller and Ken Regier requested that their absence from the February 26, 2013 board of directors meeting be excused.

It was moved by Volkmer and seconded by Teegerstrom to excuse the absence of Steve Buller, John Miller and Ken Regier from the February 26, 2013 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Luebbe, Miller, Nuss, Regier

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

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

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Luebbe, Miller, Nuss, Regier

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

It was moved by Stahly and seconded by Bruns to approve the agenda for the February 26, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Luebbe, Miller, Nuss, Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE JANUARY 17, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Bruns to approve the minutes of the January 17, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Luebbe, Miller, Nuss, Regier

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

Yates reported that the Projects & Programs Committee met on February 14, 2013 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Volkmer that payments totaling \$22,285.91 be approved for six (6) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Luebbe, Miller, Nuss, Regier

**ITEM 9. CITY OF SEWARD TRAIL – NEW INTERLOCAL AGREEMENT.**

The City of Seward has elected to take the lead in developing the remaining hiking and bicycle trail at Seward. The City and NRD staff recommended that the original Interlocal Agreement be terminated and that it be replaced with a new Interlocal Agreement due to changes in responsibilities and other terms of the Agreement. Bitner and Turnbull reviewed a proposed draft Agreement with the Committee. The Committee directed the staff to present the proposed draft Interlocal Agreement to the City of Seward for the purpose of negotiation.

**ITEM 10. DAVID CITY NW PROJECT PAYMENT FOR ENGINEERING SERVICES.**

Bitner requested that payment of \$3,010.00 be made to Geotechnical Services, Inc. for geotechnical engineering services provided on the David City NW Drainage Improvement Project. The Board of Directors authorized this work in April 2012. David City and Lower Platte North NRD will be invoiced for \$1,505.00 and \$752.50 respectively.

It was moved by Yates and seconded by Rich that Geotechnical Services, Inc. be paid \$3,010.00 for geotechnical engineering previously authorized for the David City NW Drainage Improvement Project. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Buller, Miller, Nuss, Regier

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Water & Regulations Committee met February 14, 2013 and presented the committee's recommendations.

**ITEM 12. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are two final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$1,000.00.

It was moved by Stahly and seconded by Bruns to make cost-share payments for two well abandonments as reviewed by the Committee, at a cost of \$1000.00. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Luebbe, Miller, Nuss, Regier

**ITEM 13. WATER METER COST-SHARE FINAL PAYMENTS.**

There are three final payments for meter repair under the Water Meter Cost-Share Assistance Program totaling \$450.00.

It was moved by Dickinson and seconded by Luebbe to make cost-share payments for three water meters repaired, as reviewed by the Committee, at a cost of \$450.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Rich

NOT PRESENT: Buller, Miller, Nuss, Regier

#### **ITEM 14. GROUNDWATER TRANSFER AUTHORIZATIONS.**

Five groundwater transfer authorizations were reviewed.

T-029: Charles L. Gabel Trust and Harold Jarmin have requested a groundwater transfer from existing well G-163922 in the N½ SW¼ of Section 1-T14N-R02W to irrigate 77 acres in the N½ SE¼ of Section 2-T14N-R02W all in Polk County.

T-040: Kim Eberspacher has requested a groundwater transfer from a proposed well in the N½ NE¼ of Section 7-T09N-R04E to irrigate 60 acres in the S½ SE¼ of Section 6-T09N-R04E all in Seward County.

T-041: Thomas Myles Havlat has requested a groundwater transfer from existing well G-051481 in the SE¼ of Section 36-T09N-R03E to irrigate 50 acres in the W½ SW¼ of Section 31-T09N-R04E all in Seward County.

T-042: Deon M. Gocke has requested a groundwater transfer from a proposed well in the W½ NE¼ of Section 27-T10N-R01W to irrigate 40 acres in the W½ W½ NW¼ of Section 26-T10N-R01W all in York County.

T-043: Glen T. Petersen and the Krasser Family Farm Irrevocable Trust have requested a groundwater transfer from existing well G-031944 in the SE¼ of Section 19-T09N-R01E to irrigate 65 acres in the N½ NE¼ of Section 30-T09N-R01E all in Seward County.

The proposed transfers T-029, T-040, T-041, T-042, and T-043 comply with the District's rules and regulations.

It was moved by Dickinson and seconded by Eberle to approve groundwater transfers T-029, T-040, T-041, T-042 and T-043. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Rich, Stahl, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Moore

NOT PRESENT: Buller, Miller, Nuss, Regier

#### **ITEM 15. PHASE II AND PHASE III WATER QUALITY MANAGEMENT AREA DESIGNATION.**

Changes to District Rule 5 setting the trigger levels for Phase II and Phase III management areas went into effect on February 1, 2013. The Phase II trigger is now 7 milligrams per liter (mg/l). The rules change also provides that no more than one management zone would be designated a Phase II management area each year. There are currently four management zones with a median nitrate level exceeding the

Phase II trigger. Zone 11, which has a median groundwater nitrate level of 8.6 mg/l, has the highest level of the four zones.

It was moved by Dickinson and seconded by Moore to adopt Resolution 2013-1 designating Management Zone 11 a Phase II Groundwater Quality Management Area. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Nuss, Regier

The Phase III trigger is now 10 milligrams per liter (mg/l). Zone 5 has been a Phase II management area since 2003. Zone 5 has a median groundwater nitrate level of 12 mg/l.

It was moved by Dickinson and seconded by Moore to adopt Resolution 2013-2 designating Management Zone 5 a Phase III Groundwater Quality Management Area. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Nuss, Regier

#### **ITEM 16. CHEMIGATION REPORT.**

In 2012 95 new and 353 renewal chemigation permits were received. The permit fee is \$30 for new and \$10 for renewal. Of the fees collected, the District owes \$5 for new and \$2 for renewals to the Nebraska Department of Environmental Quality. The total due NDEQ is \$1,181.00.

It was moved by Dickinson and seconded by Yates to pay the Nebraska Department of Environmental Quality \$1,181.00 for their share of the chemigation permit fees. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Nuss, Regier

#### **ITEM 17. HASTINGS NORTHWEST FLOOD CONTROL STRUCTURE EMERGENCY ACTION PLAN.**

The staff worked with the Hastings/Adams County Emergency Manager to update the Hastings NW Flood Control Structure Emergency Action Plan. This plan is required by the Department of Natural Resources. The plan lays out the emergency procedures to be followed in the unlikely event that the structure was under the threat of failure.

It was moved by Dickinson and seconded by Austin to approve the revised Hastings Northwest Flood Control Structure Emergency Action Plan. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer,

Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Nuss, Regier

**ITEM 18. PAYMENT TO HASTINGS UTILITIES.**

Hastings Utilities has billed the District \$10,000 for our share of the cost thus far toward the Hastings Aquifer Storage and Restoration (ASR) Project. The cost of the project is to be shared as follows:

Upper Big Blue NRD	\$ 25,000.00
Little Blue NRD	\$ 50,000.00
<u>Hastings Utilities</u>	<u>\$159,036.00</u>
TOTAL	\$234,036.00

The cost to date is:

Upper Big Blue NRD	\$ 10,000.00
Little Blue NRD	\$ 20,000.00
<u>Hastings Utilities</u>	<u>\$ 63,919.36</u>
TOTAL	\$ 93,919.36

It was moved by Dickinson and seconded by Bruns to pay Hastings Utilities \$10,000 for progress to date on the Hastings Aquifer Storage and Restoration Project. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Nuss, Regier

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

Austin reported that the Executive Committee met February 14, 2013 and presented the committee's recommendations.

**ITEM 20. OPERATING POLICY #13 – OFFICERS OF THE BOARD – ELECTION & TERM.**

**ITEM 20A. CONSIDER A 2 YEAR TERM.**

Ronda Rich requested that the Board consider electing the officers to a two year term instead of the one year term. A two year term would coincide with the general election cycle. Committee members currently serve two year terms. The committee added the NARD representative and alternate to the list of officers in the policy draft.

It was moved by Austin and seconded by Rich to amend Operating Policy #13, paragraph I. A. and I. C. as attached, to add the NARD Representative and Alternate to the list of officers and to change the officers term of office from one year to two years beginning in January 2015. The motion was approved.

AYE: Austin, Dickinson, Eberle, Luebbe, Moore, Rich, Teegerstrom, Houdersheldt

NAY: Bruns, Nuss, Stahly, Ulmer, Volkmer, Yates

NOT PRESENT: Buller, Miller, Regier

**ITEM 20B. CONSIDER ONE NAME FOR EACH POSITION FOR SLATE OF OFFICERS.**

Turnbull recommends that the Board consider changing the policy on nominations by the Nomination Committee. Currently the committee is required to find two candidates for each of the 6 offices the Board has (Chairman, Vice-Chairman, Secretary, Treasurer, NARD Representative and Alternate). That means that 12 of the 17 Board members should be candidates for the individual offices. It has been difficult for the past several nominating committees to come up with enough candidates. The recommendation is to change the policy so that the Nominating Committee is required only to find one candidate for each position. Nominations from the floor would still be accepted.

The Executive Committee discussed whether or not to change the policy. Also discussed were the pros and cons of just nominating officers from the floor without the use of nomination slate. It was suggested that the policy be changed to require at least one candidate for each position.

It was moved by Austin and seconded by Rich to amend Operating Policy #13, paragraph I. B. as attached, to change the required slate of candidates from two names to at least one name for each position, beginning in January 2014. The motion was approved.

AYE: Austin, Dickinson, Eberle, Moore, Rich, Stahly, Teegerstrom, Yates, Houdersheldt

NAY: Bruns, Nuss, Ulmer, Volkmer

NOT VOTING: Luebbe

NOT PRESENT: Buller, Miller, Regier

**ITEM 21. \*DIRECTORS EXPENSE – RICH – WASHINGTON D. C. TRIP.**

Ronda Rich has requested reimbursement of \$289.30 air fare costs for the Washington D.C. NARD conference.

It was moved by Stahly and seconded by Bruns to approve Ronda Rich's director's expense of \$289.30 for air fare to the Washington D.C. NARD Conference. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Moore, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Rich

NOT PRESENT: Buller, Luebbe, Miller, Nuss, Regier

**ITEM 22. SALARIES REIMBURSEMENT – LOWER PLATTE NORTH NRD.**

A bill has been received for salaries for the Butler County NRCS Clerk from the Lower Platte North NRD for the past 6 months in the amount of \$7,499.16. The part time technician in Butler County earned \$736.72 for work completed in the Upper Big Blue NRD, making the total due of \$8,235.88.

It was moved by Austin and seconded by Bruns to approve payment of \$8,235.88 to the Lower Platte



North NRD for two (2) NRCS office salaries for FY 2013 (July 1 through December 31, 2012). The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Houdersheldt

NOT PRESENT: Buller, Miller, Regier

**ITEM 23. UNL CONSERVATION & SURVEY DIVISION GROUNDWATER MODELING ASSISTANCE.**

The University has billed the District \$1,388.07 for assistance on groundwater modeling. This is part of the overall contract that included the streambed studies overseen by Dr. Xun-Hong Chen. This brings the total spent to date to \$96,127.96. The total contract is for \$96,128.00, which leaves a balance of \$.04. The contract is now complete.

It was moved by Austin and seconded by Bruns to approve payment of \$1,388.07 to the University of Nebraska for the Conservation and Survey Division assistance on groundwater modeling. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Regier

**ITEM 24. PICKUP PURCHASE.**

A new half-ton 2 wheel drive pickup has been budgeted for the Parks Department. The staff recommends the Board authorize the advertising for bids. The staff also recommends keeping the 2005 Ford half-ton, which has 133,000 miles on it.

It was moved by Austin and seconded by Yates to approve advertising for bids for a new ½ ton 2 wheel drive pickup for the Parks and Forestry Department. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Nuss, Regier

**ITEM 25. COMMITTEE ASSIGNMENTS.**

Committee Assignments 2013 -2014		
Projects & Programs	Water & Regulations	Executive
Dickinson, <b>Vice Chairman</b>	Bruns, <b>Vice Chairman</b>	Chairman Roger Houdersheldt
Miller	Buller	Vice Chairman* Yvonne Austin
Teegerstrom	Eberle	Secretary* Ronda Rich
Ulmer	Luebbe, <b>Chairman</b>	Treasurer* Bill Stahly
Volkmer	Nuss	NARD Representative* Larry Moore
Yates, <b>Chairman</b>	Regier	Projects Chairman <b>Lynn Yates</b>
Board Officer Austin	Board Officer Rich	Water Chairman <b>Linda Luebbe</b>
Board Officer Moore	Board Officer Stahly	Projects Representative <b>John Miller</b>
Board Chairman Houdersheldt	Board Chairman Houdersheldt	Water Representative <b>Steve Buller</b>

\* 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 Austin and seconded by Ulmer to approve the committee assignments. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Nuss, Regier

To complete the committee assignments, the board convened at 2:20 p.m. to allow the Projects and Programs Committee and the Water and Regulations Committee to caucus to elect their respective committee chair- and vice-chair. Following those elections, the Executive Committee met to appoint two additional members as representatives on their committee. The board reconvened at 2:35 p.m.

Lynn Yates was elected Chairman and Doug Dickinson was elected Vice-Chairman of the Projects and Programs Committee. Linda Luebbe was elected Chairman and Doug Bruns was elected Vice-Chairman of the Water Committee. The Executive Committee appointed John Miller as the Projects and Programs Committee Representative and Steve Buller as the Water and Regulations Committee Representative.

As outlined in Operating Policy 14: Executive Committee; the Chairman, Vice-Chairman, Secretary, Treasurer, NARD Representative, Projects Committee Chairman, Water Committee Chairman, and the Projects Committee and Water Committee Representatives will comprise the membership of the Executive Committee.

It was moved by Dickinson and seconded by Nuss to approve the final committee assignments. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Miller, Regier

**ITEM 26. FINANCIAL REPORT JANUARY 1 - 31, 2013 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2013.**

Turnbull reviewed the financial report for the period January 1, 2013 to January 31, 2013 that was distributed. It was moved by Volkmer and seconded by Eberle to accept the financial report for January 2013 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Rich

NOT PRESENT: Buller, Miller, Regier

There being no other business the chairman adjourned the meeting at 3:30 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 26, 2013, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**March 21, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 21, 2013 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rodney DeBuhr, Kristin Phillips, Jeff Ball, Marlin Seeman, Eric Melcher, R.L. Furse and Dave Long of Aurora, Joshua Bowers of NRCS, and Steve Moseley of York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on March 14, 2013 in the York News-Times.

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

Sixteen directors were present during roll call.

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

Ken Regier requested that his absence from the March 21, 2013 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Stahly to excuse the absence of Ken Regier from the March 21, 2013 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

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

Yates asked to have the motion regarding the Aquifer Quality Well Abandonment Cost-share Assistance Program payments removed from the consent agenda for consideration during the Water and Regulations Committee report.

It was moved by Luebbe and seconded by Miller to adopt the consent agenda, with the exception of the Aquifer Quality Well Abandonment Cost-share Assistance Program payments. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

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

It was moved by Luebbe and seconded by Miller to approve the agenda for the March 21, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 6. \*APPROVAL OF MINUTES OF THE FEBRUARY 26, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Luebbe and seconded by Miller to approve the minutes of the February 26, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 7. EMPLOYEE RECOGNITION.**

Jay Bitner, Projects Department Manager, was recognized for 35 years of service to the District. Chairman Houdersheldt presented him with a framed wildlife print to honor the occasion.

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

Yates reported that the Projects & Programs Committee met on March 14, 2013 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Rich that payments totaling \$4,253.89 be approved for three (3) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM CONTRACT PAYMENTS.**

It was moved by Luebbe and seconded by Miller that payments totaling \$3,742.78 be approved for five (5) Nebraska Buffer Strip Program Contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 11. BIG BLUE RIVER FLOODING.**

The Committee reviewed summaries of Bureau of Reclamation and Corps of Engineer studies that considered dams on the Big Blue River and other local protection projects to reduce urban flood damages. As stated in those studies, only those multiple-purpose dams, levees, and channel modifications most likely to show economic justification were considered. The Bureau and Corps studies indicated that no flood control, multiple-purpose projects, or channel modifications are environmentally or economically feasible. The Corps of Engineers, in their 1972 study, recommended that local entities, such as City of Crete, consider non-structural measures to reduce flood damages. Such non-structural measures could include zoning restrictions for new construction, purchasing and rezoning undeveloped flood prone property, and relocating residents that are within the flood plain. After some discussion, the Committee agreed that the NRD should not pursue further studies of large dams on the Big Blue River, and that the NRD should provide the City of Crete with information from the previous studies that indicate infeasibility of such projects.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue NRD notify the City of Crete that the NRD does not support further study, or construction of, large multiple-purpose dams that would be located on the Big Blue River. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 12. PIONEER TRAILS RECREATION AREA LAKE SEALING BIDS.**

The Committee reviewed contractor bids for construction, a quote for soda ash stabilization material, a quote for storage and handling of the soda ash, and a proposal for quality control testing during construction.

Construction bids were received from VanKirk Brothers - \$343,200; Dobson Brothers - \$188,500, and

Hooker Brothers - \$351,435. Staff recommended award of the construction contract to Dobson Brothers based on their low Bid of \$188,500. The Engineer's estimate for this work is \$140,700.

A quote for furnishing and shipping soda ash to Aurora was received from Harcros Chemicals, Inc. at Omaha. The quoted price of material is \$345 per ton and shipping charge of \$1,054 per 23 ton load for shipping the material from Wyoming. Staff requests approval to purchase and ship 92 tons of soda ash as quoted by Harcros Chemicals, Inc.

A quote of \$300 per month for storage, and \$50 per hour for handling the soda ash was received from the Aurora COOP. It is estimated that approximately six (6) hours of handling time will be needed. Staff requests approval to hire the Aurora COOP to store and unload the soda ash material as per their quote.

A proposal for quality control testing during construction was received from GSI Engineering from Grand Island. In accordance with their proposal, GSI will provide daily testing for a fee not to exceed \$11,298. Staff recommends hiring GSI Engineering to provide quality control testing during construction.

It was moved by Yates and seconded by Miller that Dobson Brothers Construction Company be awarded the construction contract to stabilize and seal approximately 16 acres of the lake bed at Pioneer Trails in accordance with their Bid of \$188,500; and that staff be authorized to purchase 92 tons of soda ash from Harcros Chemicals, Inc. in accordance with their quote of \$345 per ton for material and \$1,054 per 23 tons for shipping; and that staff be authorized to hire the Aurora COOP to handle and store the soda ash for a fee of \$300 per month and \$50 per hour for handling; and that GSI Engineers be hired to provide daily quality control testing during construction for a fee not to exceed \$11,298 in accordance with their proposal. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Bruns, Dickinson, Volkmer, Yates

NOT PRESENT: Regier

### **ITEM 13. PIONEER TRAILS RECREATION AREA WATER SUPPLY WELL.**

Staff is in the process of designing a water supply well for lake level stabilization at Pioneer Trails. The well will be similar to a 1,000 gallon per minute irrigation well with total depth of 200 feet and will be driven with an electric motor. Due to high demand for well drilling at this time, the well would most likely not be drilled until late summer or early fall. Staff requested authorization to advertise for bids to install the water supply well and pumping plant.

It was moved by Yates and seconded by Miller that staff be authorized to advertise for bids from well drillers to install the water supply well and pumping facilities at Pioneer Trails. The motion was approved.

AYE: Austin, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Bruns, Dickinson, Volkmer

NOT VOTING: Buller

NOT PRESENT: Regier

**ITEM 14. CITY OF SEWARD TRAIL - NEW INTERLOCAL AGREEMENT.**

The City of Seward has elected to take the lead in design and construction of the hiking and bicycle trail around the perimeter of the City. A new Interlocal Agreement is needed to re-define the responsibilities of the City and the NRD. The City Administrator and Projects Committee reviewed the draft Agreement in February; the only change was to extend the Agreement termination date to June 30, 2016. Staff recommends that the NRD Board adopt the new Agreement.

It was moved by Yates and seconded by Austin that the Upper Big Blue NRD adopt the new Interlocal Agreement between the NRD and the City of Seward for the purpose of replacing the previous Interlocal Agreement for constructing the hiking and bicycle trail around the City. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

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

Luebbe reported that the Water & Regulations Committee met March 14, 2013 and presented the committee's recommendations.

**ITEM 16. OCTAVE WATER METER.**

David Mack, representing Netafim, presented the Octave Ultrasonic Water Meter. The meter has no moving parts and is completely sealed. The internal mechanism cannot be altered. All calibration settings are done in the factory. The meter has a 5 year warranty and a 10 year estimated battery life. After the warranty period the company offers a meter trade-in for a new meter. The approximate cost for an 8 inch meter is \$2,100.

It was moved by Luebbe and seconded by Austin to add the Octave Ultrasonic Water Meter to the District's approved meter list. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 17. 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 \$2,015.62.

It was moved by Luebbe and seconded by Volkmer to make cost-share payments for five well



abandonments as reviewed by the Committee, at a cost of \$2,015.62.

Yates asked to have this item removed from the consent agenda in order to discuss the application from Robert P. Waltrip requesting cost-share assistance to abandon an irrigation well recently drilled in the NW ¼ SW ¼ Section 30-T8N-R3W in Fillmore County that was in violation of the well spacing requirements, which was the reason for the abandonment. Yates felt that because the well driller did not comply with the terms of the permit that was issued, the District should not cost-share on the abandonment.

It was moved by Yates and seconded by Austin to amend the motion to deny the cost-share payment for well abandonment to Robert P. Waltrip in the amount of \$500.00.

DeBuhr said at the time of the request there was no board policy regarding cost-sharing on abandoning a well that was drilled too close to another well. The owner asked if cost-share was available and staff indicated there was no policy prohibiting it, so the application was made and processed. DeBuhr recommended that this application be paid, since the work has already been completed, and then the board should develop a policy to give staff direction on which wells are to receive cost-share in the future.

Buller commented that the District has cost-shared on a number of unregistered wells over the years, which are also illegal wells.

During discussion of the application process and the need for a policy change, Austin stated that in her opinion the board has the choice whether or not to make payment because the program does not guarantee that if you apply you will receive a payment.

Buller said he didn't agree that the board has the right to refuse to make payment. When the cost share application is completed, signed, and an authorization number given, it's a contract. The applicant has been told they are eligible for payment under the well abandonment program once the work is completed. The one thing that would kick it out is if the work were done prior to the application being approved.

DeBuhr stated that was correct. The well abandonment program is no different than our land treatment cost share program. Once they get an authorization number from staff, and there are funds available, they do the work with the expectation of being paid.

After a lengthy discussion the question was called on the amendment. The amendment failed.

AYE: Bruns, Eberle, Luebbe, Moore, Stahly, Teegerstrom, Yates  
NAY: Austin, Buller, Dickinson, Miller, Nuss, Rich, Ulmer, Volkmer, Houdersheldt  
NOT PRESENT: Regier

Question was called on the original motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Ulmer, Volkmer, Houdersheldt  
NAY: Moore, Teegerstrom, Yates

NOT PRESENT: Regier

Chairman Houdersheldt directed DeBuhr to add an agenda item for the next Water and Regulations Committee meeting to discuss the well abandonment cost-share policy.

**ITEM 18. WATER METER COST-SHARE FINAL PAYMENTS.**

There are six final payments for meter repair under the Water Meter Cost-Share Assistance Program totaling \$900.00.

It was moved by Luebbe and seconded by Austin to make cost-share payments for six water meters repaired as reviewed by the Committee, at a cost of \$900.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 19. GROUNDWATER TRANSFER AUTHORIZATIONS.**

Four groundwater transfer authorizations were reviewed.

T-044: HF and DB Styskal Trust have requested a groundwater transfer from a proposed well in the NE¼ of Section 32-T7N-R3W to irrigate 46 acres in the W½ NW¼ of Section 33-T7N-R3W all in Fillmore County.

T-045: Dave Dickinson has requested a groundwater transfer from a proposed well in the SW¼ of Section 25-T10N-R3E to irrigate 130 acres in parts of Section 26 and 35-T10N-R3E all in Seward County.

T-046: Dennis, Anita and Don Neville have requested a groundwater transfer from existing well G-090241 in the SE¼ of Section 4-T9N-R2W to irrigate 6 acres in the E½ NE¼ of Section 9-T9N-R2W all in York County.

T-047: Gregg Easley and Keith Spohn have requested a groundwater transfer from existing well G-001521 in the E½ NE¼ of Section 14-T8N-R2E to irrigate 12 acres in the SE¼ of Section 11-T8N-R2E all in Saline County.

The proposed transfers T-044, T-045, T-046, and T-047 comply with the District's rules and regulations.

It was moved by Luebbe and seconded by Teegerstrom to approve groundwater transfers T-044, T-045, T-046, and T-047. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

## **TEM 20. GROUNDWATER TRANSFER RULES AND REGULATIONS.**

The Water and Regulations Committee reviewed maps of the limited water areas across the District. After some discussion the Committee reviewed possible changes to Rule 5 prohibiting groundwater transfers out of the government survey section in designated areas. The committee recommended altering the proposed boundary of the limited groundwater management area to exclude Sections 6, 7, and 17, in Township 8 North, Range 5 West in Clay County.

It was moved by Luebbe and seconded by Moore to adopt the proposed groundwater transfer changes to District Rule 5 as amended, for the purpose of conducting a public hearing.

Austin asked DeBuhr to explain why Sections 6, 7, and 17 were eliminated from the prohibited transfer area. DeBuhr stated that Nuss made the motion in committee because he felt that those areas have sufficient water supply and there are good wells in those areas.

Buller said that the language in Chapter 7 – Request for Variance doesn't really fit transfers the way we have them written in Rule 5. It sort of fits transfers but has more to do with wells.

He suggested if we take these proposed changes to Rule 5 to a public hearing we should consider the language in Chapter 7 – Request for Variance as we are considering restrictions in Chapter 11 – Ground Water Transfers during the public hearing.

It was moved by Austin and seconded by Bruns to refer the matter back to the Water and Regulations Committee. The motion failed.

AYE: Austin, Bruns, Miller, Stahly, Teegerstrom

NAY: Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Ulmer, Yates, Houdersheldt

NOT VOTING: Volkmer

NOT PRESENT: Regier

The question was called on the original motion. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Austin, Bruns, Miller, Stahly

NOT PRESENT: Regier

## **ITEM 21. ARTESIAN WELLS.**

The Water and Regulations Committee reviewed the situation concerning artesian wells. The focus of the discussion is an area running along the West Fork of the Big Blue River from the York/Seward County Line to approximately 3 miles southeast of Beaver Crossing. Several wells in this area flow under artesian pressure from 50 to 700 gpm during the off-season. The Committee discussed the issue of waste of water, how to count this flow if water were allocated and if these wells are properly abandoned. The Committee reviewed draft changes to Rule 5 to address these issues.

It was moved by Luebbe and seconded by Nuss to adopt the proposed changes to District Rule 5 related to artesian wells for the purpose of conducting a public hearing. The motion was approved.

AYE: Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: Austin, Bruns  
NOT VOTING: Buller, Stahly, Volkmer  
NOT PRESENT: Regier

**ITEM 22. NO TILL MEETING IN SEWARD.**

Pac-N-Save catered the no-till meeting held in Seward on February 27, 2013. The amount due is \$596.25.

It was moved by Luebbe and seconded by Austin to pay Pac-N-Save \$596.25 for the meal catered at the February 27, 2013 no-till meeting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier

**ITEM 23. SOIL HEALTH WORKSHOPS.**

The NRD co-sponsored a workshop targeted at the agronomy staff of United Farmers COOP and Aurora COOP. The costs were:

Jill Claperton, Rhizoterra speaking fees and expenses	\$2,888.42
Gail Fuller. Speaking fees	\$1,577.18
Catering (Chances R)	\$1,745.33
Cornerstone Event Center Rent	\$ 400.00
Total	\$6,610.93

United Farmers COOP and Aurora COOP have agreed to cover one-half of the cost and have been billed for their respective shares.

It was moved by Luebbe and seconded by Dickinson to pay the amounts listed above that are due for speakers, catering and facilities used for the Soil Health Workshops. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Regier, Teegerstrom

**ITEM 24. ADVANCED MOTOR SPORTS ATV SERVICE.**

All three ATVs were serviced for the upcoming field work season. The cost was \$529.26.

It was moved by Luebbe and seconded by Volkmer to pay Advanced Motor Sports \$529.26 for ATV service. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier, Teegerstrom

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

Austin reported that the Executive Committee met March 14, 2013 and presented the committee's recommendations.

**ITEM 26. NARD "NATURAL RESOURCES HALL OF FAME" NOMINATION.**

The Nebraska Association of Resources Districts has established the "Natural Resources Hall of Fame" for the purpose of rewarding individuals for service and commitment to natural resources conservation. Staff briefed the Committee on criteria and procedures for nominating individuals to be considered for induction.

It was moved by Austin and seconded by Miller that the Upper Big Blue NRD Board direct Roger Houdersheldt, Board Chairman, to submit Senator Maurice A. Kremer as the NRD's nominee for induction into the Nebraska Association of Resources Districts' "Natural Resources Hall of Fame." The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Moore

NOT PRESENT: Regier

**ITEM 27. NEW VEHICLE – PARKS DEPARTMENT PICKUP BIDS.**

Four (4) bids were received for furnishing a 2013 model pickup truck in accordance with the Districts advertisement. The bids are summarized as follows:

Bidder	Pickup Model	Bid	Delivery
Sid Dillon Ford - Crete	Ford F-150 XLT	\$22,133.00	60 days
Gene Steffy Ford - Columbus	Ford F-150 XLT	\$22,587.00	45-60days
Moses Ford - York	Ford F-150 XLT	\$22,854.00	6-10 wks
John Kohl - York	Chevy Silverado 1500	\$25,744.00	6-8 wks

Staff recommends that the District accept the bid from Sid Dillon Ford of Crete Nebraska.

It was moved by Austin and seconded by Yates that the Upper Big Blue NRD accept the bid from Sid Dillon Ford, Crete, Nebraska, for furnishing one (1) Ford F-150 XLT pickup truck in accordance with the

NRD's specifications and Sid Dillon's Bid of \$22,133.00. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Regier

**ITEM 28. BLUE BASIN GROUNDWATER MODEL – PAYMENT TO CONSULTANT.**

Brown and Caldwell submitted an invoice for \$12,562.75 as payment for groundwater modeling work performed November 2012 through January 2013. Bitner briefed the Committee on completed work and recommended payment.

It was moved by Austin and seconded by Yates to approve payment of \$12,562.75 to Brown and Caldwell, Invoice 143733, for groundwater modeling work completed between November 23, 2012 and January 24, 2013. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Regier

**ITEM 29. FORMER TRAILBLAZER RC&D COUNCIL – SPONSORSHIP REQUEST.**

The Trailblazer RC&D is no longer supported by the Federal Government. However, the Trailblazer RC&D council continues to act as an independent group to perform some recycling tasks. The independent recycling group has requested the NRD to be a sponsor and pay a \$200 sponsorship fee to the group for FY 2013. Staff recommended, and the Committee agreed, that the District should not be a sponsor or pay a sponsorship fee to the former Trailblazer RC&D independent recycling group.

It was moved by Austin and seconded by Dickinson that the Upper Big Blue Natural Resources District not be a sponsor of, or pay sponsorship fees to, the independent Trailblazer RC&D recycling group as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Volkmer, Houdersheldt

NAY: Ulmer

NOT VOTING: Teegerstrom, Yates

NOT PRESENT: Regier

**ITEM 30. FINANCIAL REPORT FEBRUARY 1 - 28, 2013 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2013.**

Turnbull reviewed the financial report for the period February 1, 2013 to February 28, 2013 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for February

2013 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, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss, Regier, Ulmer

There being no other business the chairman adjourned the meeting at 3:58 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 21, 2013, 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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Ronda Rich, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**April 18, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 18, 2013 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rodney DeBuhr, Joyce Forst, Dale Anderson, Jim Husbands of NRCS, and Steve Moseley of York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on April 11, 2013 in the York News-Times.

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

Fifteen directors were present during roll call. Moore arrived at 7:35 and Austin at 7:43 p.m.

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

There were no requests for excused absence.

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

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

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Moore

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

It was moved by Dickinson and seconded by Yates to approve the agenda for the April 18, 2013 board of directors meeting. The motion was approved as part of the consent agenda.



AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE MARCH 21, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Yates to approve the minutes of the March 21, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Moore

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

Yates reported that the Projects & Programs Committee met on April 11, 2013 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Luebbe that payments totaling \$17,496.90 be approved for nine (9) completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 9. STRUEBING RECREATION AREA.**

John Turnbull and Ken Feather reviewed the option to purchase the Richard H. Struebing & Vera I. Struebing property located in Section 2, T14N R2E, Butler County, Nebraska. The draft option gives the sellers the right to either sell the 440 group of tracts, or to sell only 260 acres which lays closer to the lake.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District make the offer to purchase either the 440 acre parcel or the 260 acre parcel at the time of Vera I. Struebing's death. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Stahly

**ITEM 10. LINCOLN OAKES NURSERIES PAYMENT FOR TREES.**

This District purchased 4,750 trees and shrubs from Lincoln Oakes Nurseries located in Bismarck, North Dakota, for the purpose of planting farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings.

It was moved by Yates and seconded by Teegerstrom that the Upper Big Blue Natural Resources District make payment of \$3,346.89 to Lincoln Oakes Nurseries for the purchase of 4,750 trees and shrubs. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met April 9, 2013 and presented the committee's recommendations.

**ITEM 12. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are thirteen final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$5,235.48.

It was moved by Dickinson and seconded by Yates to make cost-share payments for thirteen well abandonments as reviewed by the Committee, at a cost of \$5,235.48. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Moore

**ITEM 13. POLICY ON COST-SHARE FOR WELLS DECOMMISSIONED DUE TO WELL SPACING VIOLATIONS.**

Recently two wells were found to be in violation of the NRD's well spacing regulations. Some board members expressed concern over cost-sharing on decommissioning wells that violate well spacing.

To adopt the following policy statement regarding decommissioning of wells that have violated the District's well spacing rules and regulations. "The District will not provide cost-share assistance for the decommissioning of wells that violate the District Rule 5, Chapter 10 – Water Well Spacing." The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer,  
Yates, Houdersheldt

NAY: Miller, Nuss, Volkmer

NOT VOTING: Buller

#### **ITEM 14. WATER METER COST-SHARE FINAL PAYMENTS.**

There are thirteen final payments for new water meters and seventeen final payments for meter repairs under the Water Meter Cost-Share Assistance Program totaling \$5,906.12.

It was moved by Luebbe and seconded by Yates to make cost-share payments for thirteen final payments for new water meters and seventeen final payments for meter repairs as reviewed by the Committee, at a cost of \$5,906.12. The motion was approved.

AYE: Austin, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer,  
Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Bruns, Buller, Moore

#### **ITEM 15. GROUNDWATER TRANSFER AUTHORIZATIONS.**

Three groundwater transfer authorizations were reviewed.

T-048: Kim Siebert and R&A Farms have requested a groundwater transfer from existing well G-024898 in the NW¼ of Section 31-T9N-R4W to irrigate 6 acres in the SW¼ of Section 30-T9N-R4W all in York County.

T-049: Clarence Stauffer and Jon Stauffer have requested a groundwater transfer from existing well G-130428 in the SW¼ of Section 7-T9N-R3E to irrigate 80.49 acres in the NW1/4 of Section 18-T9N-R3E all in Seward County.

T-050: Maxine Sundburg and Janet Soong have requested a groundwater transfer from existing well A-007033 in the E½ SE¼ of Section 34-T14N-R3W to irrigate 75.43 acres in the N1/2 NE1/4 of Section 3-T13N-R3W all in Polk County. Proposed transfers T-048, T-049, and T-050 comply with the District's rules and regulations.

It was moved by Luebbe and seconded by Regier to approve groundwater transfers T-048, T-049, and T-050. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 16. PAYMENT TO CLEMENTS ASSOCIATES INC.**

Soil probe components were purchased from Clements Associates Inc. All items purchased are for resale except a JMC screw auger, which will be used by the staff for sensor installation.

It was moved by Luebbe and seconded by Regier to pay Clements Associates Inc. \$5,689.59 for soil probe components. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

Austin reported that the Executive Committee met April 11, 2013 and presented the committee's recommendations.

**ITEM 18. GROUNDWATER MODELING BROWN & CALDWELL BILL.**

Brown & Caldwell submitted an invoice for \$17,207.00 as payment for groundwater modeling work performed in February 2013. Bitner briefed the Committee on completed work and recommended payment.

It was moved by Austin and seconded by Bruns to approve payment of \$17,207.00 to Brown & Caldwell, Invoice 14188021, for groundwater modeling and work completed in February 2013. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 19. WASHINGTON DC MEETING EXPENSES.**

Rich, Snell and Turnbull attended the NARD Conference in Washington D.C., in March. The NARD handles the hotel room costs by direct billing, therefore the hotel charges of \$3,280.44 are payable to the NARD.

It was moved by Austin and seconded by Yates to approve payment of \$3,280.44 to the NARD for the Washington D.C. hotel room charges that were incurred in conjunction with the 2013 NARD Washington D.C. conference. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 20. \*FIRST QUARTER DIRECTORS' PER DIEM & EXPENSES.**

The Committee reviewed the Directors' expense vouchers.

It was moved by Dickinson and seconded by Yates to approve payment of first quarter directors' per diem of \$10,290.00 and expenses of \$4,700.37. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Moore

#### **ITEM 21. SCHOLARSHIPS.**

Snell briefed the committee on the applications for scholarships. He recommended two students for the scholarships.

It was moved by Austin and seconded by Miller to award a \$2,000 Scholarship to Cale Pallas of Stromsburg, a \$2,000 Scholarship to Nathan Bell of Aurora, and name Austin Tatro of Geneva as an alternate. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

#### **ITEM 22. FINANCIAL REPORT MARCH 1 - 31, 2013 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2013.**

Turnbull reviewed the financial report for the period March 1, 2013 to March 31, 2013 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for March 2013 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

There being no other business the chairman adjourned the meeting at 8:29 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 18, 2013, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**May 16, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 16, 2013 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rodney DeBuhr, Nancy Beach and Josh Bowers of NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on May 9, 2013 in the York News-Times.

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

Fifteen directors were present during roll call. Austin arrived at 7:47 p.m.

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

Dickinson requested that his absence from the May 16, 2013 board of directors meeting be excused.

It was moved by Bruns and seconded by Luebbe to excuse the absence of Dickinson from the May 16, 2013 Board of Directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

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

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

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

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

It was moved by Miller and seconded by Bruns to approve the agenda for the May 16, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 6. \*APPROVAL OF MINUTES OF THE APRIL 18, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Miller and seconded by Bruns to approve the minutes of the April 18, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 7. EMPLOYEE RECOGNITION.**

DeeDee Novotny, secretary for the Water Department, was awarded an engraved desk plaque in recognition of 5 years of service to the district.

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

Yates reported that the Projects & Programs Committee met on May 9, 2013 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Stahly that payments totaling \$29,513.29 be approved for twelve completed Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bruns, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller, Moore

NOT PRESENT: Austin, Dickinson

**ITEM 10. PIONEER TRAILS PROGRESS PAYMENT TO CONTRACTOR.**

On April 8, 2013, Dobson Brothers Construction Company began work at the Pioneer Trails Lake Bed Modification Project. Since that time, all of the Soda Ash material has been delivered to storage at the



Aurora CO-OP, and the contractor has completed approximately 20% of the construction work. Staff recommends payment of \$40,331.25 for this work to Surety Services, Inc., the entity designated by agreement to receive payments for work performed by Dobson Brothers Construction Company.

It was moved by Yates and seconded by Ulmer that payment of \$40,331.25 be made to Surety Services, Inc., in accordance with the Irrevocable Assignment of Contract Funds Agreement dated April 24, 2013, for work completed between April 8, 2013 and April 30, 2013 by Dobson Brothers Construction Company at the Pioneer Trails Lake Bed Modification Project. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 11. PAYMENT TO HARCROS CHEMICALS, INC., FOR SODA ASH MATERIAL.**

All 93 tons of Soda Ash for the Pioneer Trails Lake Modification Project has been delivered for storage at the Aurora CO-OP in accordance with the quote provided by Harcros Chemicals, Inc. Staff recommends payment of \$36,177.23 to Harcros for the Soda Ash material and freight as invoiced.

It was moved by Yates and seconded by Volkmer that payment of \$36,177.23 be made to Harcros Chemicals, Inc. for Soda Ash material and freight in accordance with Harcros Chemicals, Inc. invoices dated April 19, 2013 and April 29, 2013. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 12. PAYMENT FOR GEOTECHNICAL SERVICES.**

Staff recommends payment of \$367.50 to Geotechnical Services, Inc. for quality control testing at the Pioneer Trails Lake Bed Modification Project between March 24, 2013 and April 20, 2013. This work was performed in accordance with GSI's proposal.

It was moved by Yates and seconded by Volkmer that payment of \$367.50 be made to Geotechnical Services, Inc. for quality control testing at the Pioneer Trails Lake Modification Project, in accordance with their previously approved agreement. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

**ITEM 13. HANDICAPPED ACCESS FISHING PIER –ANDERSON RECREATION AREA.**

The NRD has received a request from a local motorcycle club to consider installing a handicapped access

fishing pier at Recharge Lake (Bruce L. Anderson Recreation Area). The motorcycle club is raising funds for the project, and is asking the NRD to provide the remaining funds, design, construction, operation and maintenance for the project. The Committee consensus was that the NRD should offer to provide engineering, construction, operation, and maintenance of the fishing pier, and offer to provide matching funds up to \$7,500.00. Other sources of funding would be requested from individuals and community service organizations.

It was moved by Yates and seconded by Rich that the Upper Big Blue Natural Resources District proceed with promoting and assisting with soliciting outside funding for construction of a handicapped access fishing pier at the Bruce L. Anderson Recreation Area (Recharge Lake) and provide a maximum of \$7,500.00 in matching funds for the project. The motion was approved.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

#### **ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met May 7, 2013 and presented the committee's recommendations.

#### **ITEM 15. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are twenty-two final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$10,163.14.

It was moved by Miller and seconded by Bruns to make cost-share payments for twenty-two well abandonments as reviewed by the Committee, at a cost of \$10,163.14. The motion was approved as part of the consent agenda.

AYE: Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Dickinson

#### **ITEM 16. WATER METER COST-SHARE FINAL PAYMENTS.**

There are ten final payments for new water meters and eight final payments for meter repairs under the Water Meter Cost-Share Assistance Program totaling \$4,024.06.

It was moved by Luebbe and seconded by Nuss to make cost-share payments for ten new water meters and eight final payments for meter repairs under the Water Meter Cost-Share Assistance Program totaling \$4,024.06. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Dickinson

**ITEM 17. GROUNDWATER TRANSFER AUTHORIZATION T-052.**

Groundwater Transfer T-052: Eric and Dean Stara and A.J. Farms have requested a groundwater transfer from a proposed well in the NW¼ of Section 11-T13N-R2E to irrigate 54 acres in the S½SW¼ of Section 2-T13N-R2E all in Butler County. Proposed transfer T-052 complies with the District's rules and regulations.

It was moved by Luebbe and seconded by Yates to approve groundwater transfer T-052. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 18. GROUNDWATER TRANSFER AUTHORIZATION T-051.**

Groundwater Transfer T-051: Sunny Slope Farms, LLC and Linus Kamler have requested a groundwater transfer from a proposed well in the W½NW¼ of Section 17-T6N-R4W to irrigate 79.43 acres in the SW¼ of Section 8 T6N-R4W all in Fillmore County.

Steve Kamler is the operator of this property. The Committee discussed his desire to irrigate additional acres with other proposed wells to be constructed on the destination tract. The Committee directed the staff to inform Mr. Kamler that he cannot irrigate additional acres on the destination tract without prior approval from the NRD and that if he has a plan for doing that, he needs to present it to the Water Committee. Proposed transfer T-051 complies with the District's rules and regulations.

It was moved by Luebbe and seconded by Austin to approve groundwater transfer T-051. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: None

NOT VOTING: Volkmer, Yates

NOT PRESENT: Dickinson

**ITEM 19. PROPOSED CHANGES TO DISTRICT RULE 5.**

The Committee reviewed the transcript from the Rule 5 public hearing held April 23rd and written testimony received by the office after the hearing and directed staff to add a definition of "groundwater transfer" to Rule 5.

It was moved by Luebbe and seconded by Nuss to adopt the changes to District Rule 5 as presented at the April 23, 2013 public hearing plus the addition of the definition of "groundwater transfer".

It was moved by Austin and seconded by Nuss to amend the motion to change Chapter 11, Paragraph 02.01f to read "On or after July 1, 2013 agricultural groundwater transfers are prohibited in the areas designated as "Transfer Limitation Areas", attached as Rule 5 Appendix D. The amendment carried.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Dickinson

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Miller

NOT VOTING: Buller, Stahly, Volkmer

NOT PRESENT: Dickinson

#### **ITEM 20. METER MAINTENANCE PAYMENT TO TRI CITY METERS.**

Tri City Meters has billed the District for meter maintenance work done last fall and winter. There were 693 meters serviced and 97 batteries replaced. The total amount billed is \$21,858.00.

It was moved by Luebbe and seconded by Austin to pay Tri City Meters \$21,858.00 for the meter maintenance performed in fall and winter of 2012-13. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 21. IRRIGATION WATER MANAGEMENT PAYMENTS FOR RESALE ITEMS.**

The District has ordered and received soil probe components for resale from Clements Associates, Inc. for a cost of \$2,932.75 and Watermark digital meters for resale from Klein Sales & Service at a cost of \$22,025.00.

It was moved by Luebbe and seconded by Yates to pay Clements Associates, Inc. \$2,932.75 and Klein Sales & Service \$22,025.00 for irrigation scheduling items for resale. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

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

Austin reported that the Executive Committee met May 9, 2013 and presented the committee's recommendations.

**ITEM 23. LEGISLATIVE BILL 522.**

Turnbull reviewed LB 522. The bill requires the Department of Natural Resources to pay the Frenchman Cambridge Irrigation District \$5 million per year for the next 2 years because of the Department order to close surface water rights in the Republican Basin. The bill does not authorize payment to other entities, or individuals in the Republican or other river basins in the state. The bill was placed on Select File on April 24 with a 27 – 0 vote.

Senator Adams contacted Turnbull about LB 522. DeBuhr and Turnbull explained the situation as they understood it. Then Turnbull, in consultation with Houdersheldt, wrote emails to Senators Adams, Carlson, Dubas, Johnson and Karpisek, expressing concerns about the bill. The major concern is the possibility of compensation for the impact of rules and regulations because of surface or groundwater restrictions in the rest of Nebraska's river basins. Others around the state have raised the same issues. The bill has not yet been scheduled for more debate.

It was moved by Austin and seconded by Moore to oppose LB 522. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 24. LEGISLATIVE BILL 517.**

On May 10, on final reading of LB 517, Senator Lathrop introduced Amendment 1308. LB 517 only required one more round of voting for approval by the Legislature before being sent to the Governor for his signature. Lathrop's amendment would undo what Carlson had put together. His amendment would get rid of the Task Force proposed in LB 517 and would have the Legislature's Natural Resources Committee be the Task Force. The Legislative Task Force would consult with everybody in the state and federal government except those responsible for the management of water. The Department of Natural Resources, NRD's, and Irrigation Districts were left out; but they would consult with Department of Environmental Quality, Game & Parks, Fish & Wildlife Service, and EPA. Before this amendment can be voted on LB 517 has to be brought back to Select File, which would take a vote of the Legislature.

Senator Lathrop also filed Amendment 1396 on May 14, which strikes out the Task Force comprised of the Natural Resources Committee and instead creates a Special Legislative Committee consisting of the Chairperson of the Natural Resources Committee of the Legislature and 6 members appointed by the Executive Board of the Legislative Council.

It was moved by Moore and seconded by Austin to oppose both Amendment 1308 and Amendment

1396 to LB517 and send letters to Senators Adams, Carlson, Dubas, Johnson and Karpisek stating the board's position. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 25. GROUNDWATER MODELING – BROWN & CALDWELL BILL.**

Brown & Caldwell submitted bills totaling \$38,599.28 for work completed in March & April on the groundwater modeling for the Sub-Regional model (Seward County area).

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	29,769.75
Current bills	38,599.28
Total billed to date	68,369.03
Balance of Contract	\$209,269.97

It was moved by Austin and seconded by Stahly to approve payment of \$38,599.28 to Brown & Caldwell for work completed through April 2013 on the Sub-Regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 26. FINANCIAL REPORT APRIL 1 - 30, 2013 AND CONSIDERATION OF EXPENDITURES FOR APRIL 2013.**

Turnbull reviewed the financial report for the period April 1, 2013 to April 30, 2013 that was distributed. It was moved by Regier and seconded by Nuss to accept the financial report for April 2013 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 27. CHAIRMAN'S REPORT.**

Turnbull budgeted \$20,000 in the FY13 Budget for re-carpeting the office. Brisk recently requested quotes from a local company to re-carpet the main office in carpet tiles and to carpet the offices and stairs leading to the basement breakroom in broadloom carpet. Samples of the carpet tiles were shown to the Executive Committee on May 9 and staff was instructed to bring a recommendation to the

Houdersheldt told the board he felt the carpets should not be replaced in the existing building at this time. The District is looking at possibly adding additional staff in the Water Department in the near future to handle the increasing workload. Instead the Board needs to think about where we are going to put more staff. The existing building is already short on office space and the inadequate parking is a major concern. He suggested the Board think about an addition, purchasing an existing building, or constructing a new office building.

Turnbull suggested that the Chairman appoint approximately 4-5 board members to a Building Committee to assess our needs and develop a plan. Houdersheldt will have the committee organized by the June Executive Committee meeting.

There being no other business the chairman adjourned the meeting at 9:17 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 16, 2013, 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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Ronda Rich, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**June 20, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 20, 2013 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rodney DeBuhr, Nancy Beach, Cecil Roth, Dave Robotham, William Gilg of NRCS, and Steve Moseley of York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on June 13, 2013 in the York News-Times.

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

Twelve directors were present during roll call. Luebbe, Moore, and Ulmer arrived later.

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

Austin and Bruns requested that their absence from the June 20, 2013 board of directors meeting be excused.

It was moved by Teegerstrom and seconded by Dickinson to excuse the absence of Austin and Bruns from the June 20, 2013 Board of Directors meeting as requested. The motion was approved.

AYE: Buller, Dickinson, Eberle, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates,  
Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns, Luebbe, Moore, Ulmer

### **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: Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer,  
Yates, Houdersheldt



NAY: None

NOT PRESENT: Austin, Bruns, Moore, Ulmer

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

It was moved by Dickinson and seconded by Stahly to approve the agenda for the June 20, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns, Moore, Ulmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE MAY 16, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Stahly to approve the minutes of the May 16, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns, Moore, Ulmer

**ITEM 7. EMPLOYEE RECOGNITION.**

Jeff Ball, Lead Engineering Technician, was presented with a framed nature print in recognition of 35 years of service to the district.

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

Yates reported that the Projects & Programs Committee met on June 13, 2013 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Miller that payments totaling \$69,584.93 be approved for thirty six (36) completed Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Austin, Bruns, Moore, Ulmer

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Dickinson and seconded by Stahly that payments totaling \$13,510.19 be approved for ten (10) Nebraska Buffer Strip contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt  
 NAY: None  
 NOT PRESENT: Austin, Bruns, Moore, Ulmer

**ITEM 11. CORNERS FOR WILDLIFE PAYMENTS.**

The 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 Yates and seconded by Teegerstrom that the Upper Big Blue Natural Resources District make payments of \$2,130.00 to four (4) cooperators of the Corners for Wildlife Program, as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
 NAY: None  
 NOT VOTING: Moore  
 NOT PRESENT: Austin, Bruns

**ITEM 12. WILD NEBRASKA-WILDLIFE EXTENSION AGREEMENT–DON WITTE GRASSLAND HABITAT PROJECT.**

Don Witte is improving a grassland area located in the S½ NE½ of Section 2-T10N-R2W in York County Nebraska. This project will be funded by the Upper Big Blue NRD, Pheasants Forever, York County “Corn Country” and the Nebraska Game & Parks Commission.

The purpose of this project is to restore, enhance and manage grassland habitat for the benefit of upland game birds. Resident wildlife, certain migratory birds, and pollinators will benefit from the enhanced value of this habitat.

Payment Breakdown					
Activity	Cooperator	NGPC	NRD	PF	Total Estimated Cost
Unit 1 Conversion – nesting cover (cool season to warm season)	\$650.48	\$1,215.50	----	\$209.50*	\$1,425.00
Unit 2 Conversion – Brood-rearing cover (cool season to warm season)	(\$29.00)	\$529.00	----	\$200.00*	\$729.00
Shrub Planting	\$66.00	\$611.68	\$1,368.32	----	\$1,980.00
Tree Clearing	----	\$1,600.00	----	\$1,000.00*	\$2,600.00
Disking	----	\$148.80	----	----	\$148.80
Total Contribution	\$687.48	\$4,104.98	\$1,368.32	\$1,409.50	\$7,570.28

This is a 10-year contract and the cooperator will control the public access to the area.

It was moved by Yates and seconded by Rich that the Upper Big Blue Natural Resources District enter into the WILD Nebraska, Wildlife Extension Agreement with Don Witte, Pheasants Forever, York County "Corn Country" Chapter and the Nebraska Game & Parks Commission in restoring and developing the lands located on the S½ NE¼ of Section 2-T10N-R2W, York County, Nebraska for the purpose of developing upland habitat. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns, Ulmer

#### **ITEM 13. PIONEER TRAILS PROJECT FINAL PAYMENT TO CONTRACTOR.**

On May 17, 2013, Dobson Brothers Construction Company completed construction of a soda ash lake bed seal at the Pioneer Trails Project. The work was performed in accordance with specifications, and staff recommends that final payment of \$149,281.25 be made to Dobson Brothers, in accordance with the construction contract.

It was moved by Yates and seconded by Miller that payment of \$149,281.25 be made to Surety Services, Inc., in accordance with the Irrevocable Assignment of Contract Funds Agreement dated April 24, 2013, as final payment to Dobson Brothers Construction Company for construction of the soda ash lake bed seal at the Pioneer Trails Project. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

#### **ITEM 14. PIONEER TRAILS PROJECT - PAYMENT TO AURORA CO-OP FOR SODA ASH STORAGE AND HANDLING.**

The Aurora CO-OP provided storage and unloading services for 93 tons of soda ash material needed for sealing the lake bed at the Pioneer Trails Project. Staff recommends payment of \$850.00 to the Aurora CO-OP, for storage and handling of the soda ash as previously agreed.

It was moved by Yates and seconded by Stahly that final payment of \$850.00 be made to the Aurora CO-OP, in accordance with their invoice, for handling and storing soda ash material that was used for constructing the lake bed seal at the Pioneer Trails Project. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

#### **ITEM 15. PIONEER TRAILS PROJECT - PAYMENT FOR GEOTECHNICAL SERVICES**

Staff recommends final payment of \$3,502.00 to Geotechnical Services, Inc. (GSI) for quality control testing during construction of the lake bed seal at the Pioneer Trails Project. Quality control testing was performed in accordance with specifications and GSI's previously approved proposal.

It was moved by Yates and seconded by Rich that final payment of \$3,502.00 be made to Geotechnical Services, Inc., in accordance with their previously approved agreement, for quality control testing during construction of the lake bed seal at the Pioneer Trails Project. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

#### **ITEM 16. SOUTHERN NEBRASKA PUBLIC POWER DISTRICT - POWER LINE CONSTRUCTION.**

Southern Nebraska Public Power District (SNPPD) submitted a proposal for construction of approximately 2,640 feet of 277V/480V power line to serve the Pioneer Trails Project. The power line would be constructed along the south side of the county road between the northwest corner of Section 35-11-6W and the entrance to the Pioneer Trails Project. In accordance with SNPPD's proposal for this work, dated May 22, 2013, the NRD's total construction charge would be \$16,595. Staff recommends Board approval of the SNPPD proposal.

It was moved by Yates and seconded by Miller that the Upper Big Blue NRD approve payment of \$16,595 to Southern Nebraska Public Power District (SNPPD) as total construction cost to construct approximately 2,640 feet of 277V/480V power line, extending from the northwest corner of Section 35-11-6W to the Pioneer Trails entrance. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Volkmer, Yates

NOT PRESENT: Austin, Bruns

#### **ITEM 17. LOWER PLATTE NORTH NRD HAZARD MITIGATION PLAN UPDATE.**

The Lower Platte North NRD (LPNNRD) is planning to hire JEO Consulting Group to update the LPNNRD Hazard Mitigation Plan (HMP). The LPNNRD has requested Upper Big Blue NRD (UBBNRD) to join with them in an Interlocal Agreement for the purpose of sharing the cost of updating the HMP for that portion of Butler County that is within the UBBNRD. Staff recommends that the UBBNRD enter into the Interlocal Agreement with LPNNRD, and that the UBBNRD share of cost for the update not exceed \$2,715, in accordance with the proposed Interlocal Agreement.

It was moved by Yates and seconded by Luebbe that the Upper Big Blue NRD enter into the Interlocal Agreement proposed by Lower Platte North NRD, and reviewed by the Committee, for the purpose of sharing the cost to update the LPNNRD Hazard Mitigation Plan (HMP) for that portion of Butler County that is within the UBBNRD, and that the UBBNRD share of cost for the update not exceed \$2,715. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

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

The District purchased 14,425 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 at a cost of \$8,869.60 (.61 cents/tree). Total cost includes tree and shrub materials, wood chips, plastic liners, and shipping.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District make payment of \$8,869.60 for the purchase of 14,425 trees and shrubs as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

**ITEM 19. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met June 11, 2013 and presented the committee's recommendations.

**ITEM 20. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are eight final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$3,801.23.

It was moved by Dickinson and seconded by Stahly to make cost-share payments for eight well abandonments as reviewed by the Committee, at a cost of \$3,801.23. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns, Moore, Ulmer

**ITEM 21. WATER METER COST-SHARE FINAL PAYMENTS.**

There are eight final payments for new water meters under the Water Meter Cost-Share Assistance Program totaling \$2,400.00.

It was moved by Luebbe and seconded by Regier to make cost-share payments for eight new water meters under the Water Meter Cost-Share Assistance Program totaling \$2,400.00. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

## **ITEM 22. GROUNDWATER TRANSFER AUTHORIZATIONS.**

Three groundwater transfer authorizations were reviewed.

### **GROUNDWATER TRANSFER T-053.**

Thomas M. Havlat and John Vosta have requested a groundwater transfer from well G-051481 in the SE¼ of Section 36-T9N-R3E to irrigate 100 acres in the SW¼ of Section 31-T9N-R4E all in Seward County. Proposed transfer T-053 complies with the District's rules and regulations.

It was moved by Luebbe and seconded by Regier to approve groundwater transfer T-053. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

### **GROUNDWATER TRANSFER T-055.**

Humble LLC has requested a groundwater transfer from a proposed well in the SE¼ of Section 23-T15N-R1W to irrigate 77 acres in the N½NE¼ of 26-T15N-R1W all in Polk County. Both tracts of land are currently irrigated by a grandfathered transfer from well G-026845 located in the SW¼ of Section 24-T15N-R1W. Proposed transfer T-055 complies with the District's rules and regulations.

It was moved by Luebbe and seconded by Regier to approve groundwater transfer T-055 with the condition that the grandfathered transfer from well G-026845 be discontinued. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

### **GROUNDWATER TRANSFER T-054.**

Dorothy Kuhn Life Estate and Linda O'Hare requested a groundwater transfer from well

G-110686 located in the SW¼ of Section 28-T9N-R3E to irrigate 40 acres in the NE¼NE¼ of Section 32-T9N-R3E. Well G-110686 is currently authorized by transfer T-017 (5/19/2011) to irrigate 70 acres in the NW¼ of Section 33-T9N-R3E. The proposed transfer would be accomplished through a center pivot in the NE¼ of Section 32-T9N-R3E owned by Cecil Roth, that receives water from the West Fork of the Big Blue River (a surface water right) to irrigate Mr. Roth's property. In order to irrigate the Kuhn property, approximately 3 acres of Mr. Roth's property would be irrigated by well G-110686.

**The Water & Regulations Committee did not recommend approval of this transfer application.** Cecil Roth met with Rod DeBuhr to discuss the proposed transfer and as a result the following modified application for transfer was drafted.

Dorothy Kuhn Life Estate and Linda O'Hare have requested a groundwater transfer from well G-110686 located in the SW¼ of Section 28-T9N-R3E to irrigate 32 acres in the NE¼ NE¼ of Section 32-T9N-R3E and 128 acres in the NE¼ of Section 32-T9N-R3E for a total groundwater transfer irrigating 160 acres. Well G-110686 is currently authorized by transfer T-017 (5/19 2011) to irrigate 70 acres in the NW¼ of Section 33-T9N-R3E. The proposed groundwater transfer would replace transfer T-017. Cecil Roth has agreed to disable the existing pipeline from the Kuhn/O'Hare supply line to his center pivot in the NE¼ of Section 32-T9N-R3E. Mrs. Kuhn and Mrs. O'Hare have agreed to the amended application.

It was moved by Luebbe and seconded by Yates to approve groundwater transfer T-054 with the following conditions. Transfer T-017 be hereby rescinded and that the existing buried pipeline connecting the Kuhn/O'Hare supply line to the center pivot owned by Cecil Roth located in the NE¼ of Section 32-T9N-R3E is permanently disabled.

The question was raised regarding which section was the source tract and which section was the destination tract. DeBuhr stated that Section 28 is the source tract and the proposed transfer of water would be to Sections 32 and 33 with a total transfer of 160 acres.

Buller pointed out that the proposed recommendation only allows a transfer to Section 32 and needs to be corrected to include the legal description for the 128 acres in the NW¼ of Section 33.

There was some confusion regarding the location of the destination tracts, which stemmed from the fact that the Application for Transfer only showed the NW¼NE¼ of Section 32-T9N-R3E. It should also have included the NW¼ of Section 33-T9N-R3E. Miller stated he was uncomfortable with the fact that the application didn't list both sections. DeBuhr said it would be corrected and that he had the permission of the owners to make that correction.

Buller asked DeBuhr how many acres were being transferred to each legal. DeBuhr stated there were 32 acres in Section 32 and 128 acres in Section 33. DeBuhr also told the board the Mr. Roth proposes to drill another well in Section 33.

There was lengthy discussion regarding the terms of the transfer. Concern was expressed that Mr. Roth constructed both the buried pipeline and buried supply line prior to applying for a transfer permit. There was also the concern that if the transfer was granted that the operator might not comply with the terms of the permit. There was discussion about the possibility that once the new well is drilled in Section 33 that Mr. Roth might use the existing supply line from the destination tract to move water from Section 33 to irrigate Section 32, even though the supply line is to be disabled.

The question was also raised whether or not he could transfer water from the destination tracts to other sections in the no transfer zone. DeBuhr stated that after July 1, when the new transfer rules go into effect, it would be illegal.

It was moved by Ulmer and seconded by Miller to refer the matter of Groundwater Transfer T-054 back to the Water and Regulations Committee. The motion failed.

AYE: Miller, Nuss, Volkmer  
NAY: Buller, Dickinson, Eberle, Luebbe, Moore, Regier, Rich, Stahly, Teegerstrom, Yates, Houdersheldt  
NOT VOTING: Ulmer  
NOT PRESENT: Austin, Bruns

It was moved by Miller and seconded by Rich to table the matter of Groundwater Transfer T-054 until later in the meeting. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Volkmer  
NOT PRESENT: Austin, Bruns

Chairman Houdersheldt directed DeBuhr to correct the staff recommendation and transfer application to include the correct legal descriptions for consideration later in the meeting. **See Item 30 in these minutes for the action on this matter.**

#### **ITEM 23. IRRIGATION WATER MANAGEMENT PAYMENTS FOR RESALE ITEMS.**

The District has ordered and received irrigation scheduling equipment for resale and has been billed by the following vendors for the items purchased. ETgage Company (\$738.99), Delmhorst Instrument Company (\$6,837.75), and Klein Sales and Service (\$9,766.00), for a total cost of \$17,342.74.

It was moved by Luebbe and seconded by Nuss to pay ETgage Company (\$738.99), Delmhorst Instrument Company (\$6,837.75), and Klein Sales and Service (\$9,766.00), for a total cost of \$17,342.74 for irrigation scheduling items for resale. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Austin, Bruns

#### **ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Stahly reported that the Executive Committee met June 13, 2013 and presented the committee's recommendations.

#### **ITEM 25. GROUNDWATER MODELING - BROWN & CALDWELL BILL.**



Brown & Caldwell submitted bills totaling \$8,152.20 for work completed in May on the groundwater modeling for the sub-regional model (Seward County area).

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	68,369.03
Current bills	8,152.20
Total billed to date	76,521.23
Balance of Contract	\$201,117.77

It was moved by Stahly and seconded by Luebbe to approve payment of \$8,152.20 to Brown & Caldwell for work completed through May 2013 on the sub-regional groundwater model. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

#### **ITEM 26. AUDITOR QUOTES.**

Nancy Brisk contacted 8 auditing firms and requested quotes for the annual audit. The request also asked that the firms quote a price for 3 years and include costs for federal audits as well as costs for preparing depreciation schedules. Quotes were received from 5 firms.

It was moved by Stahly and seconded by Yates to accept the proposal from Romans Wiemer & Associates to conduct the annual audits for the next 3 fiscal years to include the preparation of depreciation schedules, and single federal audits if necessary for the following costs: FY 2013 General Audit \$3,550, Federal Audit \$1,200. FY 2014 General Audit \$3,400, Federal Audit \$1,200. FY 2015 General Audit \$3,475, Federal Audit \$1,200. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

#### **ITEM 27. LIABILITY, FIRE & CASUALTY INSURANCE.**

Quotes for the liability, fire & casualty insurance were received from EMC (Employers Mutual Company), Dunbar Petersen (Glatfelter), and the League Association of Risk Management (League of Municipalities). This is the first year that the League has asked that NRDs consider joining their risk pool for liability insurance. Their quote was less than the two commercial quotes, but Turnbull recommended that the District watch their performance for the next year to better understand their structure and finances. Cornerstone Insurance represents both EMC and Dunbar Petersen (Glatfelter). The coverage through Dunbar Petersen is the more comprehensive of the two. It includes Cyber Liability as well. Turnbull recommended that the quote from Dunbar Petersen through Cornerstone Insurance be accepted.

Quote summary:

EMC	\$53,785
Dunbar Petersen	\$52,705
League Risk Mgt	\$41,637

It was moved by Stahly and seconded by Ulmer to purchase liability, fire and casualty insurance from Dunbar Petersen through Cornerstone Insurance for \$52,705. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Miller

NOT PRESENT: Austin, Bruns

**ITEM 28. SALARIES & WAGES.**

Turnbull reviewed the Salary Survey he had written which included wage comparisons from all 23 NRDs and 49 other Nebraska firms and units of government. Turnbull writes a statewide survey for all the NRDs, which includes the data for more job positions than are covered in the Upper Big Blue report.

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. 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 Stahly and seconded by Miller to approve the changes in the salary schedules as listed in the June 2013 Upper Big Blue NRD Salary Survey & Salary Schedule report and that such changes and adjusted salary schedules be effective on July 1, 2013. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Austin, Bruns

Turnbull reviewed the actual salaries and wages of the employees with the Executive Committee. Turnbull recommended that the board authorize \$30,012 for salary increases for the staff, which is an overall change of 3.11 % from the payroll budget base.

It was moved by Stahly 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 \$30,012, 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: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer,

Yates, Houdersheldt

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Austin, Bruns

The Executive Committee recommended that the board consider the General Manager's job performance and any salary adjustment at the June 20th Board Meeting.

It was moved by Stahly and seconded by Moore that the Board go into Executive Session at 8:55 p.m. for the purpose of discussing the job performance of the General Manager. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

It was moved by Regier and seconded by Yates to return to open session from Executive Session, which was for the purpose of discussing the job performance of the General Manager, at 9:05 p.m. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

It was moved by Miller and seconded by Moore to set the General Manager's salary for the next fiscal year at \$115,700. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Yates

NOT VOTING: Volkmer

NOT PRESENT: Austin, Bruns

#### **ITEM 29. TABLED ITEM – GROUNDWATER TRANSFER T-054.**

It was moved by Miller and seconded by Moore to remove the tabled item, Groundwater Transfer T-054, from the table for consideration. The motion carried.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

#### **ITEM 30. GROUNDWATER TRANSFER T-054.**

The following amended staff recommendation was made. Dorothy Kuhn Life Estate and Linda O'Hare have requested a groundwater transfer from well G-110686 located in the SW¼ of Section 28-T9N-R3E to irrigate 32 acres in the NE¼ NE¼ of Section 32-T9N-R3E and 128 acres in the NW¼ of Section 33-T9N-R3E. Well G-110686 is currently authorized by transfer T-017 (5/19/2011) to irrigate 70 acres in the NW¼ of Section 33-T9N-R3E. The proposed groundwater transfer would replace transfer T-017. Cecil Roth has agreed to disable the existing pipeline from the Kuhn/O'Hare supply line to his center pivot in the NE¼ of Section 33-T9N-R3E. Mrs. Kuhn and Mrs. O'Hare have agreed to the amended application.

The board did not act on the original motion regarding transfer T-054. The following motion was offered in its place. It was moved by Luebbe and seconded by Stahly to approve groundwater transfer T-054, to irrigate 32 acres in the NE¼ NE¼ of Section 32-T9N-R3E and 128 acres in the NW¼ of Section 33-T9N-R3E for a total of 160 acres, with the following conditions: Transfer T-017 be hereby rescinded and that the existing buried pipeline connecting the Kuhn/O'Hare supply line to the center pivot owned by Cecil Roth located in the NE ¼ of Section 32-T9N-R3E is permanently disabled. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Volkmer, Houdersheldt

NAY: None

NOT VOTING: Nuss, Ulmer, Yates

NOT PRESENT: Austin, Bruns

### **ITEM 31. CONSOLIDATED BUDGET.**

Turnbull reviewed the consolidated budget with the Executive Committee. This is the first draft of the totals as forwarded from each committee. The draft includes a property tax increase for FY 2014. It also includes the increased health insurance cost but does not include any wage changes.

There are three large components in the budget for consideration, which are: Sinking fund additions for the land rights at the Struebing Dam and future construction of a campground at the Pioneer Trails Project. Also funds have been budgeted in professional services for an architect in the event the decision is to build or remodel an office facility for the District. A discussion was held about these items.

It was moved by Stahly and seconded by Yates to change line 46, Building Improvements (carpet for office), in the Administration budget from \$25,000 to \$0. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

It was moved by Stahly and seconded by Luebbe to change line 51, Water Meter Cost Share, in the Water Department budget from \$45,000 to \$0. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Nuss

NOT PRESENT: Austin, Bruns

It was moved by Stahly and seconded by Miller to change line 52, Abandoned Well Cost Share, in the Water Department budget from \$60,000 to \$0.

It was moved by Eberle and seconded by Ulmer to amend the motion to change line item 52, Abandoned Well Cost Share, in the Water Department budget from \$60,000 to \$10,000 and restrict the cost share to domestic, livestock and hand dug wells. The amendment failed.

AYE: Eberle, Luebbe, Nuss, Rich, Stahly, Teegerstrom, Ulmer

NAY: Buller, Dickinson, Miller, Moore, Regier, Volkmer, Yates, Houdersheldt

NOT PRESENT: Austin, Bruns

The question was called on the original motion. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: Nuss, Rich, Stahly, Ulmer

NOT PRESENT: Austin, Bruns

It was moved by Stahly and seconded by Volkmer to change line 47, Land Treatment Cost Share, in the Projects Department budget from \$140,000 to \$90,000. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: Nuss, Ulmer

NOT PRESENT: Austin, Bruns

It was moved by Stahly and seconded by Luebbe to change line 14, Professional Services (architect for building), in the Administration budget from \$210,000 to \$10,000; to reduce line 42, Transfers to Other Funds (Pioneer Trails), in the Forestry Department budget by \$200,000; and to further reduce line 42, Transfers to Other Funds (Struebing Land Rights), in the Forestry Department budget by \$250,000 resulting in a total change on line 42 of \$900,000 to \$450,000. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

### **ITEM 32. \*DIRECTORS EXPENSE – BRUNS – GMDA COLORADO SPRINGS TRIP.**

Doug Bruns has requested reimbursement of \$1,079.67 for hotel and mileage costs for the Colorado Springs GMDA summer conference.

It was moved by Dickinson and seconded by Stahly to approve Doug Bruns' requested expense reimbursement of \$1,079.67 for hotel and mileage costs for the Colorado Springs GMDA summer

conference. The motion was approved as part of the consent agenda.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns, Moore, Ulmer

**ITEM 33. FINANCIAL REPORT MAY 1 - 31, 2013 AND CONSIDERATION OF EXPENDITURES FOR MAY 2013.**

Turnbull reviewed the financial report for the period May 1, 2013 to May 31, 2013 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for May 2013 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Bruns

There being no other business the chairman adjourned the meeting at 10:43 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 20, 2013, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**July 18, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 18, 2013 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rodney DeBuhr, Nancy Beach, Larry Steele, Jim Crawford, Scott Hooley, Marlin Seaman, Marlan Ferguson, Josh Bowers of NRCS, and Steve Moseley of York News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on July 11, 2013 in the York News-Times.

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

Sixteen directors were present during roll call.

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

Nuss requested that his absence from the July 18, 2013 board of directors meeting be excused.

It was moved by Luebbe and seconded by Miller to excuse the absence of Mike Nuss from the July 18, 2013 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

It was moved by Dickinson and seconded by Bruns to approve the agenda for the July 18, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Nuss

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 20, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Bruns to approve the minutes of the June 20, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Nuss

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

Yates reported that the Projects & Programs Committee met on July 11, 2013 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Volkmer that payments totaling \$39,686.23 be approved for seventeen completed Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Nuss

**ITEM 9. LAND TREATMENT PROGRAM DISCONTINUED PRACTICES.**

The Committee reviewed a summary of Land Treatment Program cost share for irrigation practices in 2012 and 2013. Committee consensus is that cost share for reuse pits is no longer needed, and cost share for pivot nozzle conversions and buried pipelines from the well to the pivot is no longer needed as an incentive to convert from gravity to sprinkler irrigation. Also, the FY 2014 budget for Land Treatment Program cost share has been reduced by \$50,000.



It was moved by Yates and seconded by Teegerstrom that cost share for reuse pits, pivot nozzle conversions, and buried pipelines from the well to pivot be eliminated from the Land Treatment Program effective July 1, 2013. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

#### **ITEM 10. PIONEER TRAILS PROJECT WATER SUPPLY WELL PROPOSAL.**

The Projects & Programs Committee reviewed a proposal from Sargent Drilling to install a water supply well at the Pioneer Trails Project for \$57,345.50. The well would be designed for 650 gallons per minute. Staff recommends Board approval of the Sargent Drilling proposal.

It was moved by Yates and seconded by Austin that Sargent Drilling be awarded a contract in the amount of \$57,345.50 to install a water supply well at the Pioneer Trails Project in accordance with the District's Contract Documents and Sargent's proposal dated July 2, 2013. The motion was approved

AYE: Austin, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Bruns, Dickinson, Volkmer, Yates

NOT VOTING: Buller

NOT PRESENT: Nuss

#### **ITEM 11. PIONEER TRAILS PROJECT ELECTRIC SERVICE LINE PROPOSAL.**

The Committee reviewed a proposal from Nissen Electric, LLC in the amount of \$32,837.50 to install approximately 1,560 feet of 480 volt, 3-phase underground electric service, service wire, and switchgear to connect the water supply well at Pioneer Trails with Southern Power District distribution line. The electric service will be sufficient to provide power to the water supply well and future recreation area development. Staff recommends Board approval of the Nissen Electric proposal.

It was moved by Yates and seconded by Stahly that Nissen Electric, LLC be awarded a contract in the amount of \$32,837.50 to install 480 volt, 3-phase underground main electric service from the Southern Power District distribution line to the recreation area at the Pioneer Trails Project to provide electric power for the water supply well and future recreation area development. The work will be performed in accordance with the District's Contract Documents and Nissen Electric, LLC proposal dated July 8, 2013. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Bruns, Volkmer, Yates

NOT PRESENT: Nuss

#### **ITEM 12. PIONEER TRAILS PROJECT WELL OUTLET PIPELINE.**

The water supply well at the Pioneer Trails Project will be installed adjacent to the east property line

fence. Staff requested authorization to hire a local contractor to install approximately 300 feet of PVC pipe and one outlet structure, for a cost not to exceed the engineering estimate of \$12,056. The pipeline will convey discharge from the water supply well to the lake.

It was moved by Yates and seconded by Rich that staff be authorized to hire a local contractor for the purpose of installing PVC pipe and one outlet structure to convey discharge from the water supply well to the lake at the Pioneer Trails Project, and that the cost for this work not exceed \$12,056 without Board approval. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Bruns, Dickinson, Volkmer, Yates

NOT PRESENT: Nuss

#### **ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met July 11, 2013 and presented the committee's recommendations.

#### **ITEM 14. \*AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM FINAL PAYMENTS.**

There are thirty-two final payments for the Aquifer Quality Well Abandonment Cost-Share Assistance Program totaling \$13,789.24.

It was moved by Dickinson and seconded by Bruns to make cost-share payments for thirty-two well abandonments as reviewed by the Committee, at a cost of \$13,789.24. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Nuss

#### **ITEM 15. WATER METER COST-SHARE FINAL PAYMENTS.**

There are twenty-two final payments for new water meters and three final payments for water meter repairs under the Water Meter Cost-Share Assistance Program totaling \$7,050.00.

It was moved by Luebbe and seconded by Yates to make cost-share payments for twenty-two new water meters and three water meter repairs under the Water Meter Cost-Share Assistance Program totaling \$7,050.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Buller

NOT PRESENT: Nuss

#### **ITEM 16. VILLAGE OF PHILLIPS WELL SPACING VARIANCE.**

The Village of Phillips requested a well spacing variance from an irrigation well located approximately 850 feet from the proposed site of a new public water supply well. Village Water Operator, Scott Hooley and Larry Steele, of Miller and Associates were present at the committee meeting and answered several questions. The Village only has one well that can be used for drinking water at this time. The Betty E. Otto Estate is the owner of the irrigation well. Timothy J. Otto, personal representative for the Betty E. Otto Estate, has signed a waiver of objection.

It was moved by Luebbe and seconded by Rich to adopt the Well Spacing Variance dated July 18, 2013, granting a well spacing variance to the Village of Phillips for a proposed public water supply well to be located in the Southwest ¼ of the Northeast ¼ of Section 27, Township 11 North, Range 8 West, Hamilton County, Nebraska. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

#### **ITEM 17. CITY OF AURORA GROUNDWATER TRANSFER VARIANCE.**

The City of Aurora requested a variance from the groundwater transfer requirements of the District's rules and regulations. The proposed public water supply well is planned to be approximately one thousand feet outside of the city limits. To comply with the District's regulations, the City would either have to annex land to include that well site or apply for and receive a Municipal Rural Domestic Groundwater Transfer Permit from the Nebraska Department of Natural Resources. The potential annexation would include a county bridge that would require upgrades estimated at 1.5 million dollars. The groundwater supply in the Aurora area is very good; however, the engineering firm estimates that the cost of the work needed to obtain a Municipal Rural Domestic Groundwater Transfer Permit would be approximately fifty thousand dollars. Marlin Seaman, Mayor, Marlan Ferguson, City Administrator, and Rick Melcher, Public Works Director were present at the committee meeting to answer questions.

It was moved by Luebbe and seconded by Regier to adopt the Groundwater Transfer Variance dated July 18, 2013, granting a variance from the District's municipal groundwater transfer requirements to the City of Aurora for a proposed public water supply well to be located in the Southwest ¼ of the Northwest ¼ of Section 33, Township 11 North, Range 6 West, Hamilton County, Nebraska. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Houdersheldt

NAY: Yates

NOT PRESENT: Nuss

**ITEM 18. GROUNDWATER TRANSFER AUTHORIZATION T-056.**

Donald E. Bloom and Harley D. Rafert have requested a groundwater transfer from well G-001496 in the SE¼ of Section 23-T13N-R2W to irrigate 140 acres in the SW¼ of Section 24-T13N-R2W all in Polk County. Proposed transfer T-056 complies with the District's rules and regulations.

It was moved by Luebbe and seconded by Rich to approve groundwater transfer T-056. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Miller, Regier, Rich, Yates, Houdersheldt  
NAY: Dickinson, Luebbe, Moore, Stahly, Teegerstrom, Volkmer  
NOT VOTING: Ulmer  
NOT PRESENT: Nuss

**ITEM 19. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed the changes in reported and certified irrigated acres that have occurred since January 2013. 1,190,646.98 acres have been reconciled with the county assessors. 12,820.88 reported irrigated acres are pending assessor approval.

It was moved by Luebbe and seconded by Bruns to approve the June 2013 certified irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Nuss

**ITEM 20. IRRIGATION WATER MANAGEMENT PAYMENTS FOR RESALE ITEMS.**

The District has been billed \$17,314.00 from Klein Sales and Service for irrigation scheduling equipment for resale.

It was moved by Luebbe and seconded by Miller to pay Klein Sales and Service \$17,314.00 for irrigation scheduling equipment purchased for resale. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Nuss

**ITEM 21. UNIVERSITY OF NEBRASKA HIGH PLAINS CLIMATE CENTER PAYMENT.**

The District has been billed \$1,000.00 per the annual maintenance agreement with the High Plains Climate Center for the automated weather station at Recharge Lake.

It was moved by Luebbe and seconded by Yates to pay the UNL High Plains Climate Center \$1,000.00 per

the annual maintenance agreement for the automated weather station at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

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

Stahly reported that the Executive Committee met July 18, 2013 and presented the committee's recommendations.

**ITEM 23. FY 14 INSURANCE PACKAGE.**

A bill has been received from Dunbar-Peterson Insurance Agency for the liability, workers compensation, auto, fire & casualty insurance, in the amount of \$52,705. The insurance package was approved at the June Board of Directors meeting.

It was moved by Austin and seconded by Stahly to approve payment of \$52,705 to Dunbar-Peterson Agency, Omaha, Nebraska, for the FY 14 liability, workers compensation, auto, fire & casualty insurance. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Miller

NOT PRESENT: Nuss

**ITEM 24. \*SECOND QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

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

It was moved by Dickinson and seconded by Bruns to approve payment of 2nd quarter directors' per diem of \$11,410.00 and expenses of \$7,133.60. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

**ITEM 25. SALARIES REIMBURSEMENT LITTLE BLUE NRD.**

A bill has been received from the Little Blue NRD for salaries for the Adams County and Clay County NRCS clerks in the amount of \$14,349.61 for the past 12 months ended June 30th.

It was moved by Austin and seconded by Rich to approve payment of \$14,349.61 to the Little Blue NRD for NRCS office salaries for FY 2013 (July 1, 2012 - June 30, 2013). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

#### **ITEM 26. BLUEPRINT PRINTING BILL.**

A bill for \$7,493.91 has been received from York Printing for printing the June Blueprint Newsletter.

It was moved by Austin and seconded by Luebbe to approve payment of \$7,493.91 to York Printing for the June Blueprint Newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

#### **ITEM 27. TRAVELING EXHIBIT.**

Snell requested approval for the construction of a new traveling display. The "Operation Conservation" display will be a portable 4 panel electronic display, 8 x 16 feet in size, to be used for conservation education. It will be similar to the "Fantastic River Run" which was built several years ago. The trailer for the "Fantastic River Run" will be used for transporting the new display as well.

If the project is approved, the display construction work will be done by Snell, with the electrical work by Krieger Electrical Company in Hastings. Wallingford Signs from York would do the graphics and artwork. The intent is to have the "Operation Conservation" display completed in time for the NARD September Conference. There is adequate money in the FY 2014 Public Relations budget for the display. The total estimated cost for the display is \$16,400.

It was moved by Austin and seconded by Yates to approve the construction of the "Operation Conservation" display. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

#### **ITEM 28. FY 2014 BUDGET.**

The final draft FY 2014 Budget was presented to the committee. The draft consolidated budget includes the changes made in capital expenditures and sinking fund transfers made by the Board last month. The June 30, 2013 cash balances and the capital expenses were reviewed. The committee recommended that the FY14 Draft Budget be forwarded to the Board for approval for the purpose of public hearing.

It was moved by Austin and seconded by Bruns to approve the FY 2014 Budget for the purpose of public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

Turnbull reviewed the lid calculations with the committee. The budget is in compliance with the tax lid. He recommended that the board approve the additional 1% restricted funds authority.

It was moved by Austin and seconded by Dickinson to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved by a majority of the board membership.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Nuss

The dates for two public hearings need to be set so that the proper public notices can be published.

It was moved by Austin and seconded by Luebbe to schedule the FY 2014 Budget Hearing for 7:30 p.m., Thursday, August 15, 2013, and the Special Public Hearing for the FY 2014 Tax Request for 7:30 p.m., Thursday, September 19, 2013. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

#### **ITEM 29. FINANCIAL REPORT JUNE 1 - 30, 2013 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2013.**

Turnbull reviewed the financial report for the period June 1, 2013 to June 30, 2013 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for June 2013 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, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Nuss

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 July 18, 2013, 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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Ronda Rich, Secretary

:ndb



**BOARD OF DIRECTORS MEETING  
&  
FY14 BUDGET HEARING  
August 15, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 15, 2013 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Ken Feather, Scott Snell, Rodney DeBuhr, Nancy Beach, David Robotham, and Joshua Bowers of NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on August 8, 2013 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Moore and Volkmer requested that their absence from the August 15, 2013 board of directors meeting be excused.

It was moved by Miller and seconded by Luebbe to excuse the absence of Larry Moore and Merlin Volkmer from the August 15, 2013 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

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

It was moved by Stahly and seconded by Bruns to approve the agenda for the August 15, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE JULY 18, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Bruns to approve the minutes of the July 18, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 7. FY 14 BUDGET HEARING.**

Houdersheldt opened the FY 14 Budget Hearing at 7:35 p.m. The Notice of Budget Hearing and Budget Summary were published in the York News-Times on August 7, 2013. Houdersheldt asked the General Manager to review the proposed FY 14 Budget.

The proposed budget is the same as what was adopted last month by the board for the purpose of public hearing. Turnbull did find a correction that needed to be made regarding the lid computation. The error had no effect on any line item in the budget, or the property tax request. The corrected figure for unused restricted funds for FY 2014 is \$555,026.66. Last month it was stated as \$371,720.20; a difference of \$183,306.46. Turnbull reviewed the lid exception calculations for the board and explained that \$303,443.83 in interlocal agreements, which are exempt from the lid, had been left out of the interlocal agreement worksheet last month. Turnbull also had to reduce the amount which is exempt in the Ground Water Management Activities Budget. Where it says "amount exceeding FY 2004" it now reads \$642,326.31. Last month it read \$750,221.71. The difference is that the retirement and benefits were subtracted out of the Ground Water Management portion of the lid calculation and put under interlocal agreements.

The budget calls for a property tax of \$2,926,479.05. The valuation figures have not yet been received so the actual levy is not known at this time. The general fund budgeted operating expenses are \$2,401,420.74. Budgeted capital improvements are \$767,873.10. Other capital expenses are \$35,500, for total capital expense of \$803,373.10. The total for capital and operating expenses is \$3,204,793.84. The necessary cash reserve is \$275,000 so the grand total of all expenses is \$3,479,793.84.

Turnbull reviewed the liabilities and net assets. Net assets as of June 30 are \$455,380.10. He also reviewed the total receipts from all sources, which are budgeted at \$263,584.44. The total of the receipts and net assets is \$718,964.54. The total property tax requirement, including county treasurers' commission and delinquent tax allowance, is \$2,926,479.05.

Turnbull went over the sinking fund investments and a detailed breakdown of the projects to be funded. He noted the transfer of \$250,000 to the Struebing Project and \$200,000 for the Pioneer Trails Lake Development Project. The total proposed expenditures in the sinking fund are \$2,444,005.43. The sinking fund assets available on July 1 were \$1,980,036.19 with the balance coming from the \$450,000 transfer from the general fund and expected interest earnings of \$13,969.24.

Houdersheldt asked if there were any questions regarding the proposed budget. Buller asked about the money earmarked in the sinking fund for the Seward West Trail in the amount of \$77,225.02. He wanted to know whether we still had an obligation to the City of Seward for that project. Turnbull said that we do and that we have an amended interlocal agreement with the city for a total of \$75,000 towards the construction of the trail.

Houdersheldt asked if there were any other questions. Hearing none he closed the hearing at 7:40 p.m.

#### **ITEM 8. ADOPTION OF FY 14 BUDGET.**

It was moved by Miller and seconded by Dickinson to adopt the FY 2014 Budget as corrected. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 9. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met August 6, 2013 and reviewed the report.

#### **ITEM 10. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met August 6, 2013 and presented the committee's recommendations.

#### **ITEM 11. MARK KIMBROUGH LATE WELL PERMIT.**

Mark Kimbrough has applied for a late permit for a well constructed on May 15, 2013. Tim Alfs of Alfs Well Drilling indicated that he overlooked the permit because of the hectic drilling schedule this year. The well is located in the NW1/4 of Section 35-T6N-R3W, Fillmore County. The \$250 late fee has been paid and well complies with all other District rules and regulations.

It was moved by Luebbe and seconded by Yates to approve late permit UBB-1-5042 for a well owned by Mark Kimbrough in the NW1/4 of Section 35-T6N-R3W, Fillmore County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 12. BRAINARD / DWIGHT REGIONAL WATER STUDY GRANT.**

The District has been contacted by the Village of Dwight, the Lower Platte North NRD and JEO Engineering concerning a potential water supply study for Brainard and Dwight. The Lower Platte North NRD operates as a rural water system that supplies water to Bruno. The water is supplied by David City. The Village of Brainard is under administrative order by Health and Human Services for high selenium. They are interested in looking at the potential and cost of connecting to the David City to Bruno water line. The Village of Dwight also has concerns over the quality and reliability of their water supply. The proposed water study would cost approximately \$25,000. Grant funding covering 80% of the cost may be available through the State of Nebraska. The Villages have asked the District along with the Lower Platte South NRD and the Lower Platte North NRD to help cover the cost of their local share. The District has been asked to contribute \$1,000 to the study. The grant application must be submitted by the end of August. If the grant request is successful the Lower Platte North NRD will draft an Inter-local Agreement. The Village of Brainard is just across the NRD boundary in the Lower Platte South NRD. Dwight is near the boundary in the Upper Big Blue NRD.

It was moved by Luebbe and seconded by Austin to agree to contribute up to \$1,000 toward the Brainard/Dwight Regional Water Study contingent to the other two NRDs also participating and approval of State funding. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects & Programs Committee met on August 8, 2013 and presented the committee's recommendations.

#### **ITEM 14. LAND TREATMENT PROGRAM IRRIGATION PRACTICES.**

Staff recommended that cost share for Pit-less Reuse Systems, Surge Valves, and Reuse Pit Return Lines be removed from the Land Treatment Program cost share docket. This would be consistent with Board action taken last month to eliminate cost share for gravity irrigation tail-water recovery pits (Reuse Pits).

It was moved by Yates and seconded by Rich that Land Treatment Program practices for Pit-less Reuse Systems, Surge Valves, and Reuse Pit Return Lines be deleted from the cost share program, and that this action be effective upon adoption by the NRD Board of Directors. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Bruns, Dickinson, Nuss

NOT PRESENT: Moore, Volkmer

#### **ITEM 15. RECHARGE LAKE SPILLWAY REPAIRS.**

The concrete spillway structure at Recharge Lake is in need of repair. Staff received a proposal in the amount of \$34,150.00 from M.E. Collins Contracting Co. Inc., Wahoo, NE., to perform the required repairs. A proposal was also requested from VanKirk Construction, Sutton, NE., but they did not have time to work on the project. The Engineer's estimate for this work is \$33,000.00. Staff recommends hiring M.E. Collins to do the spillway repair work.

It was moved by Yates and seconded by Dickinson that M.E. Collins Contracting Company, Inc. be hired to repair the concrete spillway structure at Recharge Lake, as recommended by NRD staff, for a cost to the NRD of \$34,150.00 based on the M.E. Collins proposal and the NRD's itemized quantity of work to be performed. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 16. PROJECT PRIORITY LIST.**

The current Projects Priority List was last updated in May 2012. Several projects on the list have either been completed, or are currently being worked on by staff. Houdersheldt requested that the Priority List be updated to include the Kezan Creek Project in Butler County.

It was moved by Yates and seconded by Bruns that the Kezan Creek Project be added to the Projects Priority List and that projects on the list be prioritized as follows:

1. Blue Basin Transient Groundwater Model
2. Pioneer Trails Recreation Area Development
3. Oxbow Trails Recreation Area Development
4. Smith Creek Lake – Watershed Improvement Project
5. Struebing Reservoir Recreation Area Development
6. City of Milford Storm Water System Improvements
7. Small Dam – Wergin Property in Seward County
8. Small Dam – Zavodny Property in Butler County
9. City of Aurora Storm Water System Improvements
10. Kezan Creek Project in Butler County.

The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

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

Bruns reported that the Executive Committee met August 8, 2013 and presented the committee's recommendations.

**ITEM 18. LOWER BIG BLUE NRD SALARY REIMBURSEMENT.**

The Lower Big Blue NRD submitted an invoice for \$4,667.63 for the Saline County NRCS clerk and \$410.48 for the technician's work for a total of \$5,078.11 for the past 12 months ended June 30.

It was moved by Stahly and seconded by Bruns to approve payment of \$ 5,078.11 to the Lower Big Blue NRD for NRCS office salaries for FY 13 (July 1, 2012 to June 30, 2013). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates

NAY: Miller, Houdersheldt

NOT PRESENT: Moore, Volkmer

**ITEM 19. LOWER PLATTE NORTH NRD SALARY REIMBURSEMENT.**

The Lower Platte North NRD submitted an invoice in the amount of \$7,485.87 for salaries for the Butler County NRCS clerk for the past 6 months.

It was moved by Stahly and seconded by Yates to approve payment of \$7,485.87 to the Lower Platte North NRD for NRCS office salaries for the second half of FY 2013 (January 1 thru June 30). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates

NAY: Miller, Houdersheldt

NOT PRESENT: Moore, Volkmer

**ITEM 20. GROUNDWATER MODELING.**

Bitner reviewed the progress of the groundwater modeling work. He met recently with Gengxin Ou, the university graduate student who did most of the work on the pre-processor, and the Brown and Caldwell programmer in Denver to review the computer program. He reported the outcome of that meeting to the committee.

Brown & Caldwell submitted bills totaling \$39,181.40 for work completed in June and July on the groundwater modeling for the sub-regional model (Seward County area).

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	76,521.23
Current bills	39,181.40
Total billed to date	115,702.63
Balance of Contract	\$161,936.37

It was moved by Stahly and seconded by Austin to approve payment of \$39,181.40 to Brown & Caldwell for work completed through July 2013 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore, Volkmer

**ITEM 21. FY 2014 NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS ANNUAL DUES.**

A bill for \$26,966.33 has been received from the NARD for FY 2014 dues.

It was moved by Stahly and seconded by Austin to approve payment of \$26,966.33 to the NARD for the FY 2014 dues. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore, Volkmer

**ITEM 22. IRRIGATION MANAGEMENT EQUIPMENT.**

A bill was received after the Water Committee had met from Klein Sales and Service for Watermark digital readout meters. These items were ordered for resale. The total of the bill is \$7,008.00.

It was moved by Stahly and seconded by Austin to approve payment of \$7,008.00 to Klein Sales and Service, Osceola, Nebraska, for Watermark digital readout meters. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Moore, Volkmer

**ITEM 23. GMDA SUMMER CONFERENCE ACCOUNTING.**

Linda Luebbe requested that the District handle the GMDA 2014 Summer Conference registrations, bills and accounting. The conference expenses are covered by the registrations. The District did the same work for the conferences this past year.

It was moved by Stahly and seconded by Yates to approve the request from GMDA for the District staff to manage the GMDA 2014 Summer Conference registrations, bills and accounting. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Moore, Volkmer

**ITEM 24. FINANCIAL REPORT JULY 1 - 31, 2013 AND CONSIDERATION OF EXPENDITURES FOR JULY 2013.**

Turnbull reviewed the financial report for the period July 1, 2013 to July 31, 2013 that was distributed. It was moved by Dickinson and seconded by Luebbe to accept the financial report for July 2013 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Volkmer

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 August 15, 2013, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
&  
FY14 TAX REQUEST HEARING  
September 19, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 19, 2013 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Scott Snell, Rodney DeBuhr, Nancy Beach, David Robotham, Ken Quandt of McCrometer, and Joshua Bowers of NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on September 12, 2013 in the York News-Times.

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

Sixteen directors were present during 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 Teegerstrom and seconded by Luebbe to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

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

It was moved by Teegerstrom and seconded by Luebbe to approve the agenda for the September 19, 2013 board of directors meeting and FY 14 Tax Request Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 6. \*APPROVAL OF MINUTES OF THE AUGUST 15, 2013 BOARD OF DIRECTORS MEETING AND FY 14 BUDGET HEARING.**

It was moved by Teegerstrom and seconded by Luebbe to approve the minutes of the August 15, 2013 Board of Directors meeting and FY 14 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 7. FISCAL YEAR 2013 AUDIT.**

Gayle Steiger of Romans Wiemer & Associates presented the FY13 Audit to the board. There were no deficiencies in internal controls or material weaknesses discovered as a result of the audit. The District's investments are insured by adequate collateral beyond the FDIC limits.

It was moved by Volkmer and seconded by Rich to accept the FY 13 Audit as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 8. FISCAL YEAR 2014 TAX REQUEST HEARING.**

Houdersheldt opened the FY 14 Tax Request Hearing at 7:53 p.m. The Notice of Special Hearing to Set the Final Tax Request was published in the York News-Times on September 10, 2013. Turnbull reviewed the change in property tax valuations from FY 2013 to FY 2014 county by county. He also reviewed historical data of the District's property tax and property tax levy requests for the past nine years. The property tax request is \$2,926,479.04 as adopted by the Board following the August 15, 2013 Public Hearing. The levy necessary to fund that amount is 0.026181. He told the Board they needed to adopt a resolution setting the FY2014 tax request and levy.

Houdersheldt asked if there were any questions. Hearing none he closed the hearing at 8:00 p.m.

#### **ITEM 9. ADOPTION OF RESOLUTION TO SET FY 14 TAX REQUEST.**

##### Resolution

**Whereas** the FY 2014 Budget for the Upper Big Blue NRD, as adopted by this board of directors on August 15, 2013, has a property tax requirement of \$2,926,479.04;

**Whereas** the final total valuation of the NRD is \$11,177,884,097;

**Whereas** the FY 2013 Budget (prior year) required a tax request of \$2,269,471.05 and a property tax rate of \$ 0.024289;

**Whereas** the FY 2014 (current year) property tax rate would be \$0.020303 to generate \$2,269,471.05;

**Therefore be it resolved** by this Board of Directors on September 19, 2013, to set the **FY 2014 tax request at \$2,926,479.04** for the Upper Big Blue Natural Resources District which will require a **property tax rate of \$ 0.026181**.

It was moved by Miller and seconded by Ulmer to adopt the Resolution to set the FY 2014 tax request.  
The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom,  
Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson

#### **ITEM 10. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met September 10, 2013 and presented the committee's recommendations.

#### **ITEM 11. LATE PERMIT - ROGER SHERIDAN.**

An irrigation well was constructed by Shuck Drilling Co. in the NW1/4 of the NE1/4 of Section 30-T7N-R4W, Fillmore County, for Roger Sheridan. The landowner did not apply for a permit prior to construction. The driller indicated that he thought there was a permit because they had previously applied for a permit to construct 3 wells on the property, however more than one year had passed before construction began on this well. The late permit fee has been received and the well complies with the District's regulations.

It was moved by Luebbe and seconded by Yates to approve late permit UBB-1-5061 for a well constructed in the NW1/4 of the NE1/4 of Section 30-T7N-R4W, Fillmore County, for Roger Sheridan.  
The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 12. LATE PERMIT - HARLEY G. & EDNA K. KRUSE LIFE ESTATE.**

An irrigation well was constructed by Alfs Implement & Well Drilling Company in the NW1/4 of the SW1/4 of Section 3-T9N-R1W, York County, for the Harley G. & Edna K. Kruse Life Estate. The landowner did not apply for a permit prior to construction. The well was discovered by the York County Assessor. Tim Alfs indicated that he overlooked the permit due to the busy drilling schedule this year. The late permit fee has been received and the well complies with the District's regulations.

It was moved by Luebbe and seconded by Stahly to approve late permit UBB-1-5066 for a well constructed in the NW1/4 of the SW1/4 of Section 3-T9N-R1W, York County, for the Harley G. & Edna K. Kruse Life Estate. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Miller, Houdersheldt

NOT VOTING: Luebbe, Moore

NOT PRESENT: Dickinson

**ITEM 13. LATE PERMIT - SS BROTHERS LTD.**

An irrigation well was constructed by Alfs Implement & Well Drilling Company in the SW1/4 of the SW1/4 of Section 36-T9N-R2W, York County for SS Brothers LTD. The landowner did not apply for a permit prior to construction. When Tim Alfs was contacted concerning the Harley G. & Edna K. Kruse Life Estate, he indicated that he also overlooked the permit for this well due to the busy drilling schedule this year. The late permit fee has been received and the well complies with the District's regulations.

It was moved by Luebbe and seconded by Yates to approve late permit UBB-1-5067 for a well constructed in the SW1/4 of the SW1/4 of Section 36-T9N-R2W, York County, for SS Brothers LTD. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Miller, Houdersheldt

NOT PRESENT: Dickinson

**ITEM 14. LATE PERMIT - ALAN SONGSTER TRUST.**

An irrigation well was constructed by Alfs Implement & Well Drilling Company, in the SW1/4 of the NW1/4 of Section 31-T9N-R1W, York County for the Alan Songster Trust. The landowner did not apply for a permit prior to construction. When Tim Alfs was contacted concerning the Harley G. & Edna K. Kruse Life Estate, he indicated that he also overlooked the permit for this well due to the busy drilling

schedule this year. The late permit fee has been received and the well complies with the District's regulations.

It was moved by Luebbe and seconded by Bruns to approve late permit UBB-1-5068 for a well constructed in the SW1/4 of the NW1/4 of Section 31-T9N-R1W, York County, for the Alan Songster Trust. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Miller, Houdersheldt

NOT PRESENT: Dickinson

#### **ITEM 15. LATE PERMIT - FLORENCE YATES.**

An irrigation well was constructed by Alfs Implement & Well Drilling Company, in the SE1/4 of the SE1/4 of Section 13-T6N-R3W, Fillmore County for Florence Yates. The landowner did not apply for a permit prior to construction. When Tim Alfs was contacted concerning the Harley G. & Edna K. Kruse Life Estate, he indicated that he also overlooked the permit for this well due to the busy drilling schedule this year. The late permit fee has been received and the well complies with the District's regulations.

It was moved by Luebbe and seconded by Regier to approve late permit UBB-1-5069 for a well constructed in the SE1/4 of the SE1/4 of Section 13-T6N-R3W, Fillmore County for Florence Yates. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer

NAY: Miller, Houdersheldt

NOT VOTING: Bruns, Yates

NOT PRESENT: Dickinson

#### **ITEM 16. LATE PERMIT - DENNIS R. & LILA G. OESTMANN.**

An irrigation well was constructed by Alfs Implement & Well Drilling Company, in the NE1/4 of the SW1/4 of Section 23-T6N-R2W, Fillmore County, on property owned by Dennis R. & Lila G. Oestmann. The landowner did not apply for a permit prior to construction. A permit was obtained for construction of a well in the S1/2 of the SW1/4 Section 23-T6N-R2W by Keith & Pamela Nunns, to replace well G-024829. However, the well site was relocated to the Oestmann property prior to construction without the NRD's knowledge. The error was discovered when Alfs Implement & Well Drilling Company attempted to register the well. Keith Nunns and Lila Oestmann are siblings. The new well is approximately 650 feet from well G-024829. Since the wells are under separate ownership this is a violation of the District's well spacing regulations. In order to correct this, either well G-024829 or the new well would have to be abandoned. The late permit fee has been received and the well complies with the District's regulations other than well spacing.

It was moved by Luebbe and seconded by Austin to approve late permit UBB-1-5070 for a well constructed in the NE1/4 of the SW1/4 of Section 23-T6N-R2W, Fillmore County, on property owned by Dennis R. & Lila G. Oestmann with the condition that the well may not be used in the future, until such

time that well G-024829, owned by Keith and Pamela Nunns, is properly decommissioned. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Miller, Houdersheldt

NOT PRESENT: Dickinson

#### **ITEM 17. DRILLING WITHOUT PERMITS - ALFS IMPLEMENT & WELL DRILLING COMPANY.**

Concerns were raised by committee members about Alfs Implement & Well Drilling Company constructing several wells without permits over the last 9 months. DeBuhr reported that Tim Alfs had spoken with him, indicating that the high demand for drilling had caused this to happen. Several committee members expressed concern that this was not an acceptable reason for disregarding the law.

It was moved by Luebbe and seconded by Regier that a letter be sent to Alfs Implement & Well Drilling Company expressing the Board's concerns over the failure to be certain that the proper permits are obtained. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

It was moved by Miller and seconded by Moore that a letter be sent to the Water Well Licensing Board requesting disciplinary action be taken against Alfs Implement & Well Drilling for drilling wells without permits. The motion was approved.

AYE: Austin, Bruns, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: \*Buller

NOT PRESENT: Dickinson

\* Buller abstained due to conflict as he is a member of the Water Well Licensing Board.

#### **ITEM 18. WATER WELL SPACING VARIANCE REQUEST.**

A well was constructed by Volzke Corporation for Michael Barth under permit number UBB-1-4586. The well is located in the NE1/4 NW1/4 of Section 23-T11N-R2W, York County. The permit stated that the intent was to construct a replacement well. The new well was completed on September 26, 2012. State statutes require that the original well must be decommissioned with 180 days after construction of the replacement's well. Volzke Corporation did not decommission the original well within the 180 day time limit; therefore, the new well cannot be registered as a replacement well. The new well was constructed less than 50 feet from the original well. The new well is located approximately 800 feet from an inactive well owned by the Thorne Family Trust. If the original well had been decommissioned within 180 days it

would have been in compliance with the District's regulations, however, since the new well cannot be registered as a replacement the well violates the District's 1,000 foot spacing regulation. The Thorne Family Trust has signed a waiver of objection. Volzke Corporation decommissioned the original well on September 5, 2013.

It was moved by Luebbe and seconded by Yates to approve the Well Spacing Variance for Michael Barth, Well Permit UBB-1-4586. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: Miller

NOT PRESENT: Dickinson

#### **ITEM 19. GROUNDWATER TRANSFER.**

Andrew T. & Amber Scamehorn and Scamehorn Land Company LLC have applied for a groundwater transfer authorization to irrigate 10 acres in the E1/2 of Section 24-T11N-R4W from well G-168659 located in the SW1/4 NW1/4 of Section 19-T11N-R3W, all in York County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Yates to approve Transfer authorization T-057. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Dickinson

#### **ITEM 20. SEPTEMBER WATER METER REPAIR COST-SHARE PAYMENTS.**

There are two meter repair cost-share payments totaling \$222.24.

It was moved by Luebbe and seconded by Bruns to pay the September water meter repair cost-share totaling \$222.24. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Stahly

#### **ITEM 21. WATER METER PROGRAM CHANGES.**

Since the new water meter cost-share portion of the program was not funded this fiscal year, the staff and Water and Regulations Committee have reviewed the cost-share program to remove the new meter cost-share from the program.



It was moved by Luebbe and seconded by Austin to approve changes to the Water Meter Program. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Stahly

#### **ITEM 22. PAYMENT FOR WATER ANALYSIS SERVICES.**

Servi-Tech Laboratories performed groundwater nitrate analyses for the District during 2013 because the Central Health Department services did not meet quality control standards. The staff is researching other laboratories for services in the future. Servi-Tech has billed the District \$2,056.66 for 160 groundwater nitrate analyses.

It was moved by Luebbe and seconded by Stahly to pay Servi-Tech Laboratories \$2,056.66 for 160 water analyses. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Teegerstrom

#### **ITEM 23. HASTINGS UTILITIES DUAL PUMP STUDY.**

In 2012 the District agreed to participate with Hastings Utilities and the Little Blue NRD on the Dual Pump Study in the Hastings well field to evaluate the effectiveness of a dual pump system to remove nitrates from the upper part of the aquifer. The District agreed to contribute \$25,000 toward the total cost of \$234,000. With this payment the total paid to date will be \$15,750.00.

It was moved by Luebbe and seconded by Regier to pay Hastings Utilities \$5,750.00 for second installment of the District's share of work completed to date on the Hastings Dual Pump Study. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT VOTING: Nuss

NOT PRESENT: Dickinson

#### **ITEM 24. RULE 5 CHANGES – FLOWMETERS AND ALLOCATION.**

The Water and Regulations Committee reviewed Draft 4 of Rule 5 dealing with changes related to flowmeters and allocation. DeBuhr reported that he had discussions with the distributors and manufacturers of the most common electronic meters and was satisfied that changes to the meter have been, or will soon be, made to address his security and reliability concerns. He recommended that the

language he had previously recommended, restricting the use of electronic meters, be removed from the draft. This was removed by consensus of the committee. After more discussion the following Committee recommendations were made: To change the allocation amount from 40 inches in 60 months to 45 inches in 60 months and to change the date for mandatory flowmeters on all wells from January 1, 2016 to January 1, 2015.

It was moved by Luebbe and seconded by Yates to adopt the final draft of District Rule 5 for the purpose of conducting a public hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Volkmer

#### **ITEM 25. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects & Programs Committee met on September 12, 2013 and presented the committee's recommendations.

#### **ITEM 26. \* NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.**

It was moved by Teegerstrom and seconded by Luebbe that payments totaling \$11,828.09 be approved for seven (7) Nebraska Buffer Strip contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 27. APPRAISALS FOR BYRON A. & MAXINE LEWIN / GERALD R. & CAROL A. BROWN PROPERTIES.**

The Committee discussed the layout for the development of Pioneer Trails Recreation Area located north and east of Aurora. If the RV camping site is to be located at the area being discussed, the District would need to purchase additional land. The staff has spoken with Gerald R. & Carol A. Brown and Byron A. & Maxine Lewin. Both parties are willing to consider selling their property to the NRD.

The following appraisers have been contacted:

- Thomas W. Kubert – Great Plains Appraisal, Inc. - \$4,000.00
- Jack Bondmeyer – Midwest Right-Of-Way Services who recommended Brian D. Barber, DBA: Barber Appraisals, LLC - \$1,845.00

It was moved by Yates and seconded by Ulmer that the District enter into an agreement with Brian D. Barber, DBA: Barber Appraisals LLC to do the needed appraisal work on the Byron A. & Maxine Lewin and Gerald R. & Carol A. Brown properties located in the NE1/4 NW1/4 of Section 35 T11N, R6W,

Hamilton County, Nebraska, for a cost of \$1,845.00. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Houdersheldt

NAY: None

NOT VOTING: Stahly, Yates

NOT PRESENT: Dickinson, Volkmer

**ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Austin reported that the Executive Committee met September 12, 2013 and presented the committee's recommendations.

**ITEM 29. GROUNDWATER MODELING.**

Bitner reviewed the progress of the groundwater modeling work. It is expected that Brown & Caldwell's work on the sub-regional model (Seward County) will be done by February. Brown & Caldwell submitted bills totaling \$17,919.70 for work completed in August on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	115,702.63
Current bills	17,919.70
Total billed to date	133,622.33
Balance of Contract	\$144,016.67

It was moved by Austin and seconded by Miller to approve payment of \$17,919.70 to Brown & Caldwell for work completed through August 2013 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Nuss

NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 30. GREAT PLAINS RC&D REQUEST FOR DUES.**

The Great Plains RC&D Council has requested the NRD be a sponsor and pay a \$200 sponsorship fee to the group for the current fiscal year. The RC&Ds are no longer supported by the Federal Government. The Board decided last August not to pay fees to the Trailblazer group. Therefore the staff recommended, and the Committee agreed, that the District should not be a sponsor or pay a sponsorship fee to the Great Plains RC&D.

It was moved by Austin and seconded by Yates that the Upper Big Blue Natural Resources District decline the request to be a sponsor of, or pay sponsorship fees to, the Great Plains RC&D. The motion was approved.

AYE: Austin, Buller, Eberle, Miller, Moore, Regier, Rich, Stahly, Yates, Houdersheldt  
NAY: Luebbe, Nuss, Teegerstrom, Ulmer  
NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 31. AUTHORIZATION FOR ADDITIONAL SECRETARIAL POSITION.**

Turnbull and DeBuhr advised the committee that the proposed deadline for water meter installation will require the addition of more water technicians and water records staff. It is also very likely that the allocation trigger will be hit in the spring of 2014 which will further increase the need. The addition of staff also requires office space, equipment and vehicles.

The first additional staff member is needed now and that is a secretary. Other new staff will become necessary by May or June of 2014. The FY 2015 Budget will have to be increased accordingly.

Turnbull recommended that a new secretarial position be created now because of the increased workload in the Water Department. Money was budgeted in the FY 2014 Budget. If the position is authorized, the Manager will proceed to advertise for and hire an additional secretary.

It was moved by Austin and seconded by Moore to authorize an additional full time Office secretarial position to support the Water Department. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 32. COMPUTER SERVER.**

The District uses the Papio NRD IT Manager and his staff for computer maintenance. After a recent review of our computer system the Papio IT Manager recommends that the computer server be replaced. Our staff now uses much more GIS (geographic information systems) and other computer demanding work than the current server can handle well. There is \$15,000 in the FY 2014 budget for the new computer server and related work.

The Papio IT Manager received a quote of \$9,908 from Dell Computers for a server. A Windows server license is necessary with 30 users which will cost about \$1,450. Email hosting on the server will be in the range of \$2,500. These costs plus an estimate of 10 hours of computer technician labor will be about \$16,000.

Turnbull and DeBuhr recommend the purchase and installation of a Dell server and necessary licensing for an estimated cost of \$16,000.

It was moved by Austin and seconded by Rich that the purchase and installation of a Dell server and necessary licensing for an estimated cost of \$16,000 be approved. The motion was approved.

AYE: Austin, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Dickinson, Luebbe, Volkmer

**ITEM 33. DATA MANAGEMENT STUDY.**

DeBuhr explained the need for computerized field data collection, and improvements in data record keeping and management. He recommended that the District hire a consultant to advise the District on the best methods, software and equipment for a comprehensive system.

It was moved by Austin and seconded by Stahly to authorize the staff to contact consultants for proposals to improve computer data management. The motion was approved.

AYE: Austin, Buller, Eberle, Miller, Moore, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Luebbe, Nuss

NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 34. NARD RESOLUTION 2013-1: NDOR TRAIL POLICY ALONG STATE HIGHWAY ROWS; SUBMITTED BY LOWER PLATTE SOUTH NRD.**

It was moved by Austin and seconded by Luebbe to support NARD Resolution 2013-1. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Houdersheldt

NAY: Yates

NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 35. NARD RESOLUTION 2013-2: EROSION AND SEDIMENT CONTROL ACT AMENDMENTS; SPONSORED BY THE LITTLE BLUE NRD.**

It was moved by Austin and seconded by Miller to support NARD Resolution 2013-2. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Ulmer

NAY: Regier, Teegerstrom, Houdersheldt

NOT VOTING: Yates

NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 36. NARD RESOLUTION 2013-3: REQUESTING LEGISLATION THAT ENCOURAGES THE USE OF RENEWABLE ENERGY SOURCES; SPONSORED BY LOWER ELKHORN NRD.**

It was moved by Austin and seconded by Luebbe to remain neutral on NARD Resolution 2013-3. The

AYE: Luebbe, Miller, Teegerstrom  
NAY: Austin, Buller, Eberle, Moore, Nuss, Regier, Rich, Stahly, Yates, Houdersheldt  
NOT VOTING: Ulmer  
NOT PRESENT: Bruns, Dickinson, Volkmer

It was moved by Regier and seconded by Luebbe to oppose NARD Resolution 2013-3. The motion was approved.

AYE: Austin, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Yates, Houdersheldt  
NAY: Luebbe  
NOT VOTING: Ulmer  
NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 37. NARD RESOLUTION 2013-4: CERTIFIED IRRIGATED ACRE REQUIREMENTS; SUBMITTED BY MIDDLE NIOBRARA NRD.**

NARD Conference Resolution 2013-4 was submitted late so it will take a 2/3 vote on the floor of the Conference to be considered.

It was moved by Austin and seconded by Yates to support the motion to consider and then to remain neutral on NARD Resolution 2013-4. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 38. REIMBURSE DIRECTOR'S EXPENSE FOR GMDA CONFERENCE PLANNING.**

Linda Luebbe, in her position as GMDA President, recently traveled to Atlantic City, New Jersey to visit potential GMDA conference sites. Luebbe has requested reimbursement of \$1,194.47 for expenses incurred on the trip. Luebbe's out of state travel was authorized.

It was moved by Austin and seconded by Yates to approve director's expenses of \$1,194.47 for Linda Luebbe. The motion was approved.

AYE: Austin, Buller, Eberle, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT VOTING: Luebbe  
NOT PRESENT: Bruns, Dickinson, Volkmer

**ITEM 39. FINANCIAL REPORT AUGUST 1 - 31, 2013 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2013.**

Turnbull reviewed the financial report for the period August 1, 2013 to August 31, 2013 that was distributed. It was moved by Miller and seconded by Regier to accept the financial report for August 2013 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bruns, Dickinson, Volkmer

There being no other business the chairman adjourned the meeting at 10:22 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 September 19, 2013, 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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Ronda Rich, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**October 17, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 17, 2013 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Ronda Rich, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Scott Snell, Nancy Beach, Kristin Phillips and Luke Phillips.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on October 10, 2013 in the York News-Times.

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

Fifteen directors were present during roll call. Moore arrived at 7:35 p.m.

**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 Rich to adopt the consent agenda. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

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

It was moved by Bruns and seconded by Rich to approve the agenda for the October 17, 2013 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None



NOT PRESENT: Dickinson, Moore

**ITEM 6. \*APPROVAL OF MINUTES OF THE SEPTEMBER 19, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Rich to approve the minutes of the September 19, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 7. EMPLOYEE RECOGNITION.**

Kristin Phillips, Engineering Technician for the Projects Department, was presented with an engraved plaque in recognition for 5 years of service to the District.

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

Luebbe reported that the Water & Regulations Committee met October 8, 2013 and presented the committee's recommendations.

**ITEM 9. GROUNDWATER TRANSFER STEVE & DEBRA MEAD.**

Steve and Debra Mead have applied for a groundwater transfer authorization to irrigate 32 acres in the SE1/4 of the NE1/4 of Section 15-T11N-R6W from well G-046575 located in the NW1/4 of Section 14-T11N-R6W, all in Hamilton County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Regier to approve Transfer authorization T-058. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Dickinson

**ITEM 10. GROUNDWATER TRANSFER GERALD & PAMELA GEORGE.**

Gerald and Pamela George have applied for a groundwater transfer authorization to irrigate 4 acres in the NE1/4 of Section 19-T12N-R1W from well G-009228 located in the NW1/4 of Section 20-T12N-R1W, all in York County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Regier to approve Transfer authorization T-059. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Dickinson

**ITEM 11. WATER METER REPAIR COST-SHARE PAYMENTS.**

There are three meter repair cost-share payments for the month of October totaling \$383.63.

It was moved by Luebbe and seconded by Austin to pay the October water meter repair cost-share totaling \$383.63. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 12. 2013 GROUNDWATER NITRATES - PHASE II MANAGEMENT AREA.**

Rod reported to the Committee on the changes in nitrate levels in the 12 management zones and reviewed a chart showing the changes over the past five years. The median nitrate-nitrogen level in management Zone 2 is at 7.4 ppm. Seven ppm is the Phase II trigger level. Zone 2 includes seven townships through the center of Hamilton County. The staff recommends that Zone 2 be designated as a Phase II management area.

It was moved by Luebbe and seconded by Rich to designate Water Quality Management Zone 2 as a Phase II management area. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The staff presented a list of new irrigated parcels irrigated by new wells constructed and registered since the last certification in July. Because of the potential for the implementation of allocation in the near future, the staff will be asking the Board to review and certify irrigated land changes prior to certification by the county assessors'. Once the assessor measures the actual acres the District can correct any discrepancies.

It was moved by Luebbe and seconded by Regier to approve provisional certification of irrigated acres per the attached list dated October 1, 2013. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

**ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects & Programs Committee met on October 10, 2013 and presented the committee's recommendations.

**ITEM 15. LAND TREATMENT PROGRAM – NSWCP & NRD.**

It was moved by Yates and seconded by Volkmer that payment of \$1,725.41 be approved for one (1) completed Land Treatment Program application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 16. FY 2014 TREE PROGRAM & PRICES.**

The Nebraska Association of Resources District (NARD) will continue to receive 3 cents for each tree purchased by the NRD's from Bessey Nursery at Halsey, Nebraska. Bessey Nursery did not raise their tree prices this year. The tree price at Halsey is \$59.00 per 1,000 for conifers and hardwoods. The District prices for FY 2013 were 90 cents a tree and 65 cents a tree for planting. The staff is recommending that the planting charge be increased 5 cents.

It was moved by Yates and seconded by Volkmer that the Upper Big Blue Natural Resources District set the planting cost for FY 2014 at 70 cents per tree, and the cost of the trees and shrubs at 90 cents each. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 17. PIONEER TRAILS PROJECT – CONTRACTOR PAYMENT.**

Sargent Drilling submitted an invoice in the amount of \$46,526.40 for work completed in September 2013 on the Pioneer Trails water supply well. Staff has inspected the completed work and recommends payment of the invoice. The remaining balance on this work is \$10,819.10.

It was moved by Yates and seconded by Ulmer that payment of \$46,526.40 be made to Sargent Drilling for work completed in September 2013 on the water supply well at the Pioneer Trails Project. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 18. PIONEER TRAILS PROJECT – CONTRACTOR PROPOSAL.**

The first contractor selected to construct the water supply outlet channel to the lake at Pioneer Trails has withdrawn prior to signing a contract. Staff obtained a second quote from M.E. Collins Contracting Company, Inc., from Wahoo, in the amount of \$19,981.00 to install the proposed outlet pipe and channel protection. Staff recommends hiring M.E. Collins to construct the proposed outlet works.

It was moved by Yates and seconded by Miller that M.E. Collins Contracting Company, Inc. be hired to construct the water supply well outlet channel and erosion protection works at the Pioneer Trails Project for a cost of \$19,981.00.

It was moved by Buller and seconded by Stahly to amend the motion to strike the word “of” and insert “not to exceed” \$19,981. The amendment was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Houdersheldt

NAY: Moore, Yates

NOT PRESENT: Dickinson

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Houdersheldt

NAY: Yates

NOT PRESENT: Dickinson

**ITEM 19. EXECUTIVE SESSION TO DISCUSS LANDRIGHTS ACQUISITION.**

It was moved by Yates and seconded by Miller that the Board go into Executive Session at 8:03 p.m. to discuss the appraisals and negotiations for the acquisition of the Lewin and Brown properties for the development of the Pioneer Trails Recreation Area. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

It was moved by Miller and seconded by Moore that the Board return to Open Session at 8:19 p.m. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 20. BARBER APPRAISALS, LLC (GERALD R. & CAROL A. BROWN / BYRON A. & MAXINE LEWIN APPRAISALS).**

The Board reviewed the appraisals for the Gerald R. & Carol A. Brown and Byron A. & Maxine Lewin properties located in the NE1/4 NW1/4 of Section 35, T11N, R6W of the 6th P.M., Hamilton County, Nebraska during closed session.

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District accept the appraisals done by Barber Appraisals, LLC on the Gerald R. & Carol A. Brown and Byron A. & Maxine Lewin properties located in the NE1/4 NW1/4 of Section 35, T11N, R6W of the 6th P.M., Hamilton County, Nebraska, and begin negotiating for the purchase of the property. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Teegerstrom, Ulmer, Houdersheldt

NAY: Stahly, Volkmer, Yates

NOT PRESENT: Dickinson

**ITEM 21. PAYMENT TO BARBER APPRAISALS, LLC.**

The District hired Barber Appraisals, LLC to appraise the Gerald R. & Carol A. Brown and Byron A. & Maxine Lewin properties for a cost of \$1,845.00.

It was moved by Yates and seconded by Ulmer that the Upper Big Blue Natural Resources District make the payment of \$1,845.00 to Barber Appraisals, LLC for the appraisal work completed on the Gerald R. & Carol A. Brown and Byron A. & Maxine Lewin properties. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 22. PIONEER TRAILS RECREATION AREA ROTENONE PURCHASE.**

The Nebraska Game & Parks has spent their FY 2014 funds for Rotenone, a chemical used for renovating lakes and ponds before restocking with desirable fish species.

In order to have Pioneer Trails Recreation Area restocked this fall the District will have to purchase the Rotenone for the Nebraska Game & Parks to apply the chemical. It is estimated that it will take 60 gallons of Rotenone to cover the surface area. The cost for the Rotenone would be \$61.90 per gallon, plus shipping charges of \$239.12 to ship the chemicals to the Kearney Game & Parks office.

It was moved by Yates and seconded by Rich that the Upper Big Blue Natural Resources District purchase the Rotenone from ENVINCIO located in South Carolina and have it shipped to the Nebraska Game & Parks Commission located in Kearney, Nebraska for a cost not to exceed \$4,000.00. The Nebraska Game & Parks personnel in Kearney will apply the Rotenone on the surface waters at Pioneer Trails Recreation Area. The Nebraska Game & Parks will also stock the lake with bass, bluegill and catfish for the District, at no cost to the District. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Austin reported that the Executive Committee met October 10, 2013 and presented the committee's recommendations.

**ITEM 24. GROUNDWATER MODELING - PAYMENT TO BROWN AND CALDWELL.**

Bitner reviewed the progress of the groundwater modeling work. The work by Brown and Caldwell should be done on the sub-regional model (Seward County) by February.

Brown & Caldwell submitted bills totaling \$5,207.20 for work completed in September on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	133,622.23
Current bills	5,207.20
Total billed to date	138,829.43
Balance of Contract	\$138,809.57

It was moved by Austin and seconded by Yates to approve payment of \$5,207.20 to Brown & Caldwell for work completed through September 2013 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 25. REGIONAL GROUNDWATER MODEL.**

Bitner reviewed the groundwater model work completed in 2005 by the District to determine the fully appropriated basin boundary on the Platte River in this NRD. That work was accepted by the Department of Natural Resources and used to establish the boundary of the regulated area.

A second model was developed with Department of Natural Resources financial assistance for the Blue River Basin using the same techniques as the first model. Each model was based on multiple layers of sands and clays down to the underlying bedrock. The results of the Blue Basin model showed that the streams and rivers are not well connected to the groundwater in the Blue Basin. The modeling also showed that the connected boundary is not continuous along the streams and rivers. That had been the case in previous work by others in studies of the Platte and the Department in using a simplified method in other basins. The Department reviewed the District's groundwater model and said it was not the "best available science" in spite of peer reviews that said otherwise. The Department of Natural Resources technical staff hold the view that only a groundwater model that considers variable inputs over time is acceptable (rainfall, pumping, crops, etc.). Further their view is that a single geological layer is adequate.

Because of the disagreement between the Department and the District on the groundwater model techniques and results, the Board directed the staff to develop a groundwater model with variable inputs and multiple geologic layers. The Brown and Caldwell consulting firm has been hired to assist in this effort. It was decided to first develop a groundwater model in a sub-regional area to see if the results of the model are substantially different than the previous model. That sub-regional area is Seward County and a part of Saline County. That work is nearly done and it is anticipated that the first results will be available in February 2014.

The plan has been that once the sub-regional model is done that work will continue on the regional groundwater model for the entire Blue River Basin, including the Little Blue and Lower Big Blue NRDs. The contract with Brown and Caldwell includes both efforts. Some of the work has already been going on for both modeling efforts. Data has been collected that is for both the sub-regional and regional models so that work does not have to be duplicated.

The benefits of proceeding with and completing a regional groundwater model are:

- Confirm the boundaries of hydrologically connected surface and groundwater.
- Analysis of groundwater supplies for new irrigation, municipal, and industrial purposes.
- Analysis of the Department of Natural Resources technical findings and conclusions of their independent modeling and resulting regulation decisions.

Some reasons to stop the modeling work at the completion of the sub-regional groundwater model are:

- The boundaries of the hydrologically connected groundwater and surface water are within reason.
- Full appropriation may not require more groundwater regulation than the District is currently requiring.
- The Department of Natural Resources finds that the District's groundwater modeling is not useful to the Department and therefore is likely not to rely on the results.

The staff asked for direction. Should work continue on the regional groundwater model at the same time as the sub-regional model or should work be suspended on the regional effort until the results of the sub-regional model are known. If work is to continue, formal requests for funding assistance should be made to the Little Blue and Lower Big Blue NRDs. The future modeling effort was discussed with the other NRDs at the September Basin Meeting during the NARD Conference.

Although no formal recommendation is being made to the Board, the committee consensus is to complete the sub-regional model and then reconsider the matter.

**ITEM 26. \*THIRD QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

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

It was moved by Bruns and seconded by Rich to approve payment of third quarter directors' per diem of \$9,800.00 and expenses of \$3,799.79. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson, Moore

**ITEM 27. OPERATING POLICY NO. 3: DIRECTORS' VACANCIES.**

Turnbull recommended that Operating Policy No. 3 be amended to reflect changes required by State Statutes. The changes deal with the proper notice to the Secretary of State and the length of an appointment to fill a vacancy.

If a vacancy occurs prior to August 1 of the second year of the term, the Board is to appoint someone for a short term ending at the 2 year point of the term. Then the seat is open for the General Election and the successful candidate will serve a 2 year term. At the next cycle, the seat goes back to a 4 year term.

If the vacancy occurs on or after August 1 of the second year of the term then the Board appointee serves out the remainder of the 4 year term.

It was moved by Austin and seconded by Miller to approve the changes to Operating Policy No. 3: Directors' Vacancies. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 28. FUNDING LANDRIGHTS ACQUISITION – PIONEER TRAILS.**

The FY 2014 Budget will allow for the land rights expenditure at the Pioneer Trails Project without exceeding the total budget of expenditures. That is because of the combination of total expenditures and deferred expenditures in the General and Sinking Funds. It is possible to use funds from the Sinking Fund investments or the planned transfer of funds to the Sinking Fund from the General Fund. Some combination of either the existing investments or transfers is also possible.

If the normal cash flow is adequate when the land rights settlement is to be made it is possible to use funds directly out of the General Fund Checking.



A certificate of deposit could be cashed, but the penalty for early withdrawal is 12 months interest. The District could borrow against a certificate of deposit at a rate of 2% greater than the CD interest. The loan would be paid off when the CD matures. For a short term cash flow situation it is cheaper to borrow against the CD rather than cashing it out early. The committee consensus was that because of the options available the final decision on how to handle the cash flow could be decided at the time funds are needed.

**ITEM 29. OPERATION CONSERVATION EXHIBIT.**

The "Operation Conservation" display is a portable 4 panel electronic display, 8 x 16 feet in size, to be used for conservation education. It is similar to the "Fantastic Fun River Run" which was built several years ago. The trailer for the "Fantastic Fun River Run" is used for transporting the new display as well.

The display construction work has been done by Snell, with the electrical work by Krieger Electrical Company in Hastings. Wallingford Signs of York did the graphics and artwork. The "Operation Conservation" display was completed in time for the NARD September Conference. The original cost estimate for the display was \$16,400. The actual cost was \$12,463.99.

The following bills need to be approved. York Printing \$2,077.24; Wallingford Sign \$5,688.66 and Krieger Electric \$2,399.34. The other bills for the display have already been paid.

It was moved by Austin and seconded by Luebbe to authorize payment of \$2,077.24 to York Printing, \$5,688.66 to Wallingford Sign and \$2,399.34 to Krieger Electric for material and labor for the Operation Conservation Display. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 30. PAYMENT TO ROMANS WIEMER & ASSOCIATES FOR THE FY 2013 AUDIT.**

An invoice for \$3,550.00 has been received from Romans Wiemer and Associates for the FY 2013 Audit.

It was moved by Austin and seconded by Stahly to approve payment of \$3,550.00 to Romans Wiemer and Associates for the FY 2013 Audit. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 31. FINANCIAL REPORT SEPTEMBER 1 - 30, 2013 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2013.**

Turnbull reviewed the financial report for the period September 1, 2013 to September 30, 2013 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for September 2013 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, Rich, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Dickinson

**ITEM 32. DIRECTOR'S RESIGNATION SUB-DISTRICT 8.**

Ronda Rich, who represents sub-district 8, submitted her written resignation from the Upper Big Blue NRD Board of Directors effective October 18, 2013. Ronda is moving and will reside outside of her sub-district. The vacancy will be filled in accordance with Operating Policy No. 3.

There being no other business the chairman adjourned the meeting at 9:03 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 17, 2013, 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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Secretary Pro Tem

:ndb

**BOARD OF DIRECTORS MEETING**  
**November 21, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 21, 2013 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Ken Feather, Scott Snell, Nancy Beach, Rod DeBuhr, Jay Bitner, Erinn Richert, Ronda Rich, Josh Bowers of York County NRCS, and Nick Benes of the Aurora News-Times.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on November 14, 2013 in the York News-Times.

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

Fifteen directors were present during roll call.

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

Merlin Volkmer requested an excused absence for medical reasons from the November 21, 2013 board of directors meeting.

It was moved by Miller and seconded by Teegerstrom to excuse the absence of Merlin Volkmer from the November 21, 2013 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

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

It was moved by Stahly and seconded by Luebbe to approve the agenda for the November 21, 2013 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, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 6. \*APPROVAL OF MINUTES OF THE OCTOBER 17, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Luebbe to approve the minutes of the October 17, 2013 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, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 7. BUILDING COMMITTEE REPORT.**

Buller reported on the Building Committee's work since they were organized in early August and the tours that the committee took of our existing NRD office building, the Lower Loup NRD office in Ord, Central Platte NRD office in Grand Island, Lower Platte South NRD offices in Lincoln, Papio NRD in Omaha, and the United Farmers Co-op in York. A formal set of minutes and a power point presentation were prepared by John Turnbull.

The Building Committee discussed the requirements for an office complex. All of the employees should be located in one building. Office space for 25 employees is needed in the near term. Extra space needs to be allowed for future staff additions. A board room and separate conference rooms are required. A kitchen and break room is important. Adequate storage space is necessary for daily needs, and records and plans which are archived. A tornado shelter is necessary. Parking is critical. It would be best if the office and equipment buildings are co-located. A tree cooler should also be considered.

The committee discussed all of the following options:

A. Make No Changes.

The committee opinion is that leaving the office unchanged is not really an option.

B. Addition To the Existing Building.

The committee discussed adding onto the existing NRD office building. While possible, the committee believes there are several limitations. The most logical place to add on is the

east side of the south part of the building. However that would make the existing entry somewhat awkward and cause the loss of half of the already limited parking. Additional lots would need to be purchased for parking which would add building demolition and paving costs.

The possible purchase of an adjacent business for office space was discussed but ruled out because of expense, duplication of office machines, and the separation of the staff. If we built additional office space just west of the current office, if that land could to be acquired, it would be separated from the main building by a busy alley.

The problem of an inadequate equipment and maintenance building would remain. A new equipment building could of course be built elsewhere, such as Recharge Lake, but again the separation of staff functions is not the best.

C. Purchase An Existing Building And Remodel

The committee briefly discussed finding an existing building but quickly ruled that out. Any existing building would need to be rather large. Remodeling costs could approach the cost of new construction. The availability of suitable buildings is limited. And the problem of an adequate equipment and storage building is still not solved.

D. Build A New Complex

After discussing the pros and cons of the existing NRD building and the other offices visited on the tours, and considering the options, the committee recommended the following motion.

It was moved by Buller and seconded by Miller to direct staff to develop concepts for a new NRD office and new equipment building to include the following: All facilities in one location; adequate acreage for future needs; all employees in one office building; main entrance and service entrances; adequate space for near term and longer term needs including offices and parking; conference rooms in addition to a board room; office and records storage; utility storage; kitchen; breakroom; basement for storage and tornado shelter; maintenance and equipment building (attached or separate but co-located) to be built at the same time; tree cooler in the maintenance and equipment building. Further; that the staff investigate firms that offer combined design and build contracts, and to present the concepts and findings to the Building Committee for further consideration. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Houdersheldt

NAY: None

NOT VOTING: Luebbe, Ulmer, Yates

NOT PRESENT: Volkmer

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

Yates reported that the Projects & Programs Committee met on November 14, 2013 and presented the committee's recommendations.

**ITEM 9. RECHARGE LAKE SPILLWAY REPAIR – CONTRACTOR PAYMENT.**

M.E. Collins Contracting Company, Inc. has completed approximately 63% of the required spillway repair work at Recharge Lake. Staff recommends that a progress payment of \$19,260.00 (\$21,400 less \$2,140 retainage) be made to M.E. Collins Contracting Company, Inc. for the completed work, in accordance with their contract.

It was moved by Yates and seconded by Ulmer that a progress payment of \$19,260.00 be made to M.E. Collins Contracting Company, Inc. for work completed on spillway repairs at Recharge Lake between August 20, 2013 and November 6, 2013, in accordance with their contract. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 10. PIONEER TRAILS ELECTRIC SERVICE LINE CONSTRUCTION – CONTRACTOR PAYMENT.**

Nissen Electric, LLC has completed all work required for constructing approximately ¼ mile of 480 volt electrical service connecting the Southern Public Power transmission line to the water supply well and power distribution system at the Pioneer Trails project. Staff recommends final payment of \$32,218.75 to Nissen Electric, LLC for this work, in accordance with their contract.

It was moved by Yates and seconded by Ulmer that final payment of \$32,218.75 be made to Nissen Electric, LLC, in accordance with their contract, for construction of 480 volt electrical service connecting the water supply well and power distribution system at the Pioneer Trails Project with the Southern Public Power transmission line. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 11. PIONEER TRAILS PROJECT – ENVINCIO PAYMENT.**

On November 4, 2013, the Nebraska Game & Parks Commission out of Kearney applied the necessary Rotenone to the lake at Pioneer Trails to eliminate the existing fish so that it can be restocked with bass, blue gill, and catfish. The Upper Big Blue Natural Resources District Board of Directors voted to authorize the staff to purchase 60 gallons of Rotenone from ENVINCIO, at a cost not to exceed \$4,000.00. The total cost of the Rotenone, including shipping, was \$3,925.60.

It was moved by Yates and seconded by Austin that the Upper Big Blue Natural Resources District make the payment of \$3,925.60 to ENVINCIO for the Rotenone used to renovate the lake at Pioneer Trails Recreation Area for the purpose of restocking the lake with a more desirable species of fish. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 12. PROJECT MAINTENANCE – CONTRACTOR PROPOSAL.**

Staff recommends hiring Henry Thompson Tree Service of Grand Island, Nebraska for a fee of \$16,675 to perform fence repairs and tree and brush removal, in accordance with their proposal dated November 12, 2013. The maintenance work will be performed at thirteen (13) project sites owned and operated by the NRD.

It was moved by Yates and seconded by Bruns that Henry Thompson Tree Service be hired to perform maintenance work, in accordance with their proposal dated November 12, 2013, at thirteen (13) project sites owned and operated by the NRD, and that payment for this work not exceed \$16,675 without NRD Board approval. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met November 19, 2013 and presented the committee's recommendations.

**ITEM 14. GROUNDWATER TRANSFER - MARK DUE & BETTY PAPIK TRUST.**

Mark Due and the Betty Papik Trust applied for a groundwater transfer authorization to irrigate 60 acres in the SE1/4 of Section 1-T8N-R1W from well G-038227 located in the NE1/4 of Section 12-T8N-R1W, all in Fillmore County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Bruns to approve transfer authorization T-060. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Nuss, Volkmer

**ITEM 15. GROUNDWATER TRANSFER - WILLOTTE D. & JEAN A. MEDOW TRUST.**

The Willotte D. and Jean A. Medow Trust applied for a groundwater transfer authorization to irrigate 65

Upper Big Blue NRD  
Board of Directors Meeting  
November 21, 2013

Page | 6

acres in the E1/2 SE1/4 of Section 11-T12N-R1E from well G-124822 located in the NE1/4 of Section 14-T12N-R1E, all in Seward County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Yates to approve transfer authorization T-061. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 16. GROUNDWATER TRANSFER TODD & VICKI ANDREASON AND ROGER G. ANAWALT TRUST.**

Todd and Vicki Andreason and the Roger G. Anawalt Trust applied for a groundwater transfer authorization to irrigate 60 acres in the SE1/4 of Section 8-T12N-R5W from well G-004642 located in the N1/2 NW1/4 of Section 16-T12N-R5W, all in Hamilton County.

Bernard and Agnes Andreason and the Roger G. Anawalt Trust applied for a groundwater transfer authorization to irrigate the same property with a well located in the SW1/4 of Section 9-T12N-R5W. The proposed transfers comply with the District's regulations.

It was moved by Luebbe and seconded by Stahly to approve transfer authorizations T-062 and T-063. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Volkmer

**ITEM 17. PROVISIONAL CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed changes in irrigated acres reported as a result of new well construction. The changes for November resulted in an increase of 2,402.82 irrigated acres.

It was moved by Luebbe and seconded by Austin to approve the provisional irrigated acres certification for November 2013. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Austin reported that the Executive Committee met November 14, 2013 and presented the committee's



**ITEM 19. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.**

A bill for \$7,512.70 has been received from York Printing Company for printing the October Blueprint newsletter.

It was moved by Austin and seconded by Luebbe to approve payment of \$7,512.70 to York Printing for the October Blueprint newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 20. GROUNDWATER MODELING – BROWN & CALDWELL.**

Bitner reviewed the progress of the groundwater modeling work. The work by Brown & Caldwell should be done on the sub-regional model (Seward County) by February. Brown & Caldwell submitted bills totaling \$8,593.95 for work completed in October on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	138,829.53
Current bills	8,593.95
Total billed to date	147,423.48
Balance of Contract	\$130,215.52

It was moved by Austin and seconded by Yates to approve payment of \$8,593.95 to Brown & Caldwell for work completed through October 2013 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Volkmer

**ITEM 21. SUBDISTRICT 8 VACANCY.**

A vacancy exists in Subdistrict 8 because of Ronda Rich's resignation. She resigned because she moved out of the subdistrict. A notice of the vacancy was published on October 22 and 29, 2013, in the York News Times asking interested people to apply. An article about the vacancy also was in the paper. Three applications have been received to date. Another person attended the November committee meetings and he may also apply. The three applicants are:

David Robotham, 203 N. Blackburn, York

Gerald Hinrichs, 605 N. East Avenue, York  
Burch Breazeale III, 109 West 7th Street, York

The Executive Committee recommended that the board consider the candidates at the December meetings with the intent of seating the new director at the January meeting. The Committee directed the General Manager to publish the notice two more times with a closing date of December 6th.

**ITEM 22. FINANCIAL REPORT OCTOBER 1 - 31, 2013 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2013.**

Turnbull reviewed the financial report for the period October 1, 2013 to October 31, 2013 that was distributed. It was moved by Miller and seconded by Dickinson to accept the financial report for October 2013 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, Ulmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Volkmer

There being no other business the chairman adjourned the meeting at 3:31 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 of the District held November 21, 2013, 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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Secretary Pro Tem

:ndb

**BOARD OF DIRECTORS MEETING**  
**December 19, 2013**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 19, 2013 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ken Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Jay Bitner, Rita Hoblyn, Marie Krausnick, Courtney Woodman, Nancy Beach, Ronda Rich, David Robotham, Andy Raun of Hastings Tribune, Frank Pribyl, William D. Luebbe, Curt Friesen, Steve Moseley of York News-Times and Josh Bowers of York County NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on December 12, 2013 in the York News-Times.

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

Sixteen directors were present during roll call.

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

There were no requests for excused absence.

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

It was moved by Teegerstrom and seconded by Dickinson to approve the agenda for the December 19, 2013 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, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 6. \*APPROVAL OF MINUTES OF THE NOVEMBER 21, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Teegerstrom and seconded by Dickinson to approve the minutes of the November 21, 2013 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, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

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

Yates reported that the Projects & Programs Committee met on December 12, 2013 and presented the committee's recommendations.

**ITEM 8. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Yates and seconded by Ulmer that payments totaling \$3,377.11 be approved for three (3) completed Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 9. \* NEBRASKA BUFFER STRIP PROGRAM COST SHARE PAYMENTS.**

It was moved by Teegerstrom and seconded by Dickinson that payments totaling \$4,122.78 be approved for five (5) Nebraska Buffer Strip contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 10. RECHARGE LAKE SPILLWAY REPAIR – CONTRACTOR PAYMENT.**

M.E. Collins Contracting Company, Inc. has completed repair work on the spillway structure at Recharge Lake. Staff recommends that final payment of \$2,140.00 be made to M.E. Collins Contracting Company, Inc. for the completed work.

It was moved by Yates and seconded by Volkmer that a final payment of \$2,140.00 be made to M.E.

Collins Contracting Company, Inc. for repair work completed on the spillway structure at Recharge Lake.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 11. PIONEER TRAILS WELL CONSTRUCTION - CONTRACTOR PAYMENT.**

Sargent Drilling has completed construction of the lake water supply well at the Pioneer Trails Project. Staff recommends that final payment of \$9,846.60 be made to Sargent Drilling.

It was moved by Yates and seconded by Miller that final payment of \$9,846.60 be made to Sargent Drilling, in accordance with their Contract dated July 26, 2013, for construction of the lake water supply well at the Pioneer Trails Project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 12. PIONEER TRAILS WATER SUPPLY WELL OUTLET WORKS - CONTRACTOR PAYMENT.**

M.E. Collins Contracting Company, Inc. has completed construction of the lake water supply well outlet works at the Pioneer Trails Project. Staff recommends that final payment of \$15,824.00 be made to M.E. Collins.

It was moved by Yates and seconded by Miller that final payment of \$15,824.00 be made to M.E. Collins Contracting Company, Inc., in accordance with their Contract dated November 5, 2013, for construction of the lake water supply well outlet works at the Pioneer Trails Project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met December 16, 2013 and presented the committee's recommendations.

**ITEM 14. GROUNDWATER TRANSFER AUTHORIZATION DENNIS WALL AND DON LOOSLI.**

Dennis Wall and Don Loosli applied for a groundwater transfer authorization to irrigate 36 acres in the SW1/4 of Section 3-T11N-R5W from well G-008674 located in the NW1/4 of Section 10-T11N-R5W, all in Hamilton County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Ulmer to approve transfer authorization T-064. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: Volkmer

**ITEM 15. WATER METER REPAIR COST-SHARE PAYMENTS FOR DECEMBER.**

There are seven meter repair cost-share payments totaling \$962.23.

It was moved by Luebbe and seconded by Yates to pay the December water meter repair cost-share totaling \$962.23. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

**ITEM 16. GROUNDWATER MANAGEMENT AREA RULES AND REGULATIONS - RULE 5.**

The Water and Regulations Committee reviewed the key points of proposed Rule 5 changes. The discussion and Committee action on each of these items were as follows:

The effective date of the proposed changes was changed to February 1, 2014. If adopted in December, the publication requirements would not be able to be met by the Draft Rule 5 proposed date of January 15, 2014 (pg 5-4).

January, 1, 2015 mandatory flow meter date. The date when flow meters would be mandatory on all wells was discussed (pgs. 5-13, 5-29). The Committee recommendation was to change Draft Rule 5 to keep the existing rule that requires flow meters on newly constructed wells since March 1, 2004 and all other wells only when the District Groundwater Level falls below the allocation trigger.

Initial Groundwater Use Period and first Allocation, 60 months and 45 inches. Initial groundwater use period and initial allocation amount were discussed together (pg. 5-17). After considerable discussion the committee recommendation was to change the first groundwater use period and first allocation amount in Draft Rule 5 to thirty-six (36) months and thirty (30) inches per certified groundwater use acre and further, to set the second groundwater use period at Sixty (60) months and forty-five (45) inches per certified groundwater use acre.

The Board may suspend allocation for the final year of an allocation period if the District Average Groundwater Level is above the Reporting Trigger in the spring of the final year. This language was added based on committee action at the November 2013 meeting (pg 5-18). The change was accepted by consensus.

Pooling was discussed. (5-15 – 2-26). No changes were proposed.

The December 1 reporting date for agricultural water use reports was accepted by consensus. (pg 5-28)

Allocation carryover. The Draft changes to Rule 5 provide that up to ten (10) percent of the allocation amount may be carried over to the next period if it is not used. The committee accepted by consensus, the change that unused allocation would only be carried over to the next consecutive groundwater use period. (5-32, 5-33, 5-24)

It should be noted that page numbers and the table of contents will change when the additions and deletions are all finalized.

It was moved by Luebbe and seconded by Stahly to adopt District Rule 5 as amended.

Eberle amended the motion to change Draft Rule 5 to require flow meters on all wells if the District Groundwater Level falls below the allocation trigger, or January 1, 2016, whichever occurs first. The amendment carried.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Regier, Teegerstrom, Yates, Houdersheldt  
NAY: Buller, Miller, Nuss, Stahly, Ulmer, Volkmer

Volkmer amended the motion to change the first allocation use period to 36 months and the first allocation amount to 36 inches per certified groundwater use acre. The amendment failed.

AYE: Miller, Nuss, Ulmer, Volkmer  
NAY: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Regier, Stahly, Yates, Houdersheldt  
NOT VOTING: Teegerstrom

Miller amended the motion to add the following to paragraph 05.03a on page 5-18. "To be considered a second groundwater allocation use period it must be consecutive with the first allocation period." The amendment failed.

AYE: Bruns, Miller, Regier, Teegerstrom, Ulmer  
NAY: Austin, Buller, Dickinson, Eberle, Luebbe, Moore, Stahly, Yates, Houdersheldt  
NOT VOTING: Nuss, Volkmer

The question was called on the original motion as amended. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: Buller, Miller, Nuss  
NOT VOTING: Volkmer

#### **ITEM 17. FLOWMETER SPECIFICATIONS.**

The Committee reviewed the revised District Flow Meter Specifications. The new specification includes the requirement that all mandatory meters totalize in acre inches and include an anti-reverse feature. There was some discussion concerning the reliability of electronic flow meters.

It was moved by Luebbe and seconded by Austin to approve the revised District Flow Meter Specifications with an effective date of February 1, 2014 to correspond with the effective date of District Rule 5. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt  
NAY: Volkmer

It was moved by Luebbe and seconded by Regier to require that only mechanical flow meters may be used for mandatory installations. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Houdersheldt  
NAY: Stahly, Yates  
NOT VOTING: Buller, Miller

#### **ITEM 18. NITROGEN LOSS ASSESSMENT TOOL AGREEMENT & PAYMENT.**

The District previously agreed to co-sponsor University of Nebraska research being conducted under the direction of Dr. Charles Wortman, to develop a nitrogen loss assessment tool. The District has received the research agreement. Upon approval of the agreement, the University will invoice the District for our contribution of \$10,000.

It was moved by Luebbe and seconded by Austin to approve Research Agreement #67913 with the University of Nebraska for development of a nitrogen loss assessment tool and make payment of \$10,000. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None

#### **ITEM 19. PAYMENT FOR WATERMARK SENSORS PURCHASED FOR RESALE.**

Klein Sales and Service have attached 999 watermark sensors on cpvc pipe for the District. These are to be sold under the Water-Tip program. The cost is \$32,967.00 for the sensors and cpvc.

It was moved by Luebbe and seconded by Bruns to pay Klein Sales and Service \$32,967.00 for 999 watermark sensors attached to cpvc. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None



**ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Austin reported that the Executive Committee met December 12, 2013 and presented the committee's recommendations.

**ITEM 21. GROUNDWATER MODELING BROWN & CALDWELL.**

Bitner reviewed the progress of the groundwater modeling work. The work by Brown & Caldwell should be done on the sub-regional model (Seward County) by February. Brown & Caldwell submitted bills totaling \$7,767.45 for work completed in November on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	147,423.48
Current bills	7,767.45
Total billed to date	155,190.93
Balance of Contract	\$122,448.07

It was moved by Austin and seconded by Volkmer to approve payment of \$7,767.45 to Brown & Caldwell for work completed through November on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 22. SUB-DISTRICT 8 VACANCY.**

A second notice was published in the York News-Times on November 19<sup>th</sup> and 26<sup>th</sup>. The deadline to make application was December 6, 2013. No additional applications were received.

The three applicants for appointment to the board vacancy in sub-district 8 are:

- David Robotham, 203 N. Blackburn, York
- Gerald Hinrichs, 605 N. East Avenue, York
- Burch Breazeale III, 109 West 7<sup>th</sup> Street, York

**The candidate filing deadline for incumbents (February 18, 2014) will apply to the person appointed if he desires to be considered by the voters for the 4 year term beginning in January 2015.**

The Executive Committee found David Robotham, Gerald Hinrichs, and Burch Breazeale lawfully qualified to be considered for appointment to fill the Board vacancy in Sub-District 8, and forwarded their names to the Board of Directors for consideration.

**ITEM 23. FINANCIAL REPORT NOVEMBER 1 - 30, 2013 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2013.**

Turnbull reviewed the financial report for the period November 1, 2013 to November 30, 2013 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for November 2013 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, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

**ITEM 24. SUB-DISTRICT 8 APPOINTMENT.**

Chairman Houdersheldt gave David Robotham, the only candidate who was present, the opportunity to address the board and provide any background information he felt the board might find pertinent in making their selection. Burch Breazeale contacted Turnbull earlier in the day and explained that due to a scheduling conflict he would be unable to attend today's board meeting. He did, however, provide a written resume of his background and qualifications for the position and restated his interest in being appointed to the board.

The appointment was made by polling each board member to vote for the candidate of their choice as outlined in Operating Policy No. 3: Directors' Vacancies. In the case of more than two candidates, and in the absence of a majority vote in the first round, the two individuals with the most votes are the only ones considered in subsequent voting.

BREAZEALE: Bruns, Dickinson, Eberle, Luebbe, Moore, Regier, Yates, Houdersheldt

HINRICHS: Miller, Teegerstrom

ROBOTHAM: Austin, Buller, Nuss, Stahly, Ulmer, Volkmer

Only Breazeale and Robotham advanced to the second round of voting.

BREAZEALE: Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Regier, Teegerstrom, Yates, Houdersheldt

ROBOTHAM: Austin, Buller, Nuss, Stahly, Ulmer, Volkmer

Burch Breazeale was appointed to fill the unexpired term in sub-district 8 and will serve until after the general election in January 2015.

There being no other business the chairman adjourned the meeting at 3:55 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 December 19, 2013, 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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Secretary Pro Tem

:ndb

**BOARD OF DIRECTORS MEETING**  
**January 16, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 16, 2014 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Burch Breazeale, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Jay Bitner, Marie Krausnick, DeeDee Novotny, Courtney Woodman, Dan Leininger, Donna Groenke of Senninger Irrigation, Brian Wall, Andy Leighty and Kyle Schneider of Eco-Drip, Ronda Rich, Steve Moseley of York News-Times and Jim Husbands of York County NRCS.

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

Houdersheldt reported that we published the legal notice of the board of directors' meeting on January 9, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Houdersheldt advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fourteen directors were present during roll call. Austin arrived at 1:37 p.m.

**ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

Steve Buller and Ken Regier requested excused absences from the January 16, 2014 Board of Directors meeting.

It was moved by Volkmer and seconded by Miller to excuse the absence of Buller and Regier from the January 16, 2014 Board of Directors meeting as requested. The motion was approved.

AYE: Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller, Regier

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

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

AYE: Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller, Regier

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

It was moved by Stahly and seconded by Dickinson to approve the agenda for the January 16, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller, Regier

**ITEM 7. \*APPROVAL OF MINUTES OF THE DECEMBER 19, 2013 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Dickinson to approve the minutes of the December 19, 2013 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller, Regier

**ITEM 8. EMPLOYEE RECOGNITION.**

Courtney Woodman, Water Resources Technician, was recognized for 5 years of service to the district. Dan Leininger, Water Conservationist, and Scott Snell, Public Relations Department Manager, were recognized for 10 years of service to the District.

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Yates reported that the Projects & Programs Committee met on January 9, 2014 and presented the committee's recommendations.

**ITEM 10. LAND TREATMENT PROGRAM COST SHARE PAYMENT.**

It was moved by Yates and seconded by Volkmer that payment of \$5,000.00 be approved for one (1) completed Land Treatment Program application as recommended by staff and reviewed by the

Committee. The motion was approved.

AYE: Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Austin

NOT PRESENT: Buller, Regier

**ITEM 11. PROJECT MAINTENANCE CONTRACTOR PAYMENT.**

Henry Thompson Tree Service has completed maintenance work at thirteen (13) NRD project sites in accordance with their previously approved proposal. Staff recommends final payment of \$16,675 for this work.

It was moved by Yates and seconded by Dickinson that final payment of \$16,675.00 be made to Henry Thompson Tree Service for maintenance work completed and accepted at thirteen project sites, and as previously authorized by the NRD. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 12. PIONEER TRAILS RECREATION AREA LAND RIGHTS - GERALD R. BROWN AND CAROL A. BROWN PROPERTY.**

The Upper Big Blue Natural Resources District staff entered into negotiations with Gerald R. Brown and Carol A. Brown to purchase 3.85 acres located in part of the N1/2 NE1/4 NW1/4 of Section 35, T11N, R6W of the 6th P.M., of Hamilton County, Nebraska. The appraisal prepared by Barber Appraisals LLC., for the District, stated an appraised value of \$72,500.

The Browns presented an appraisal prepared by Mid Continent Appraisals of Aurora, Nebraska for considerably more. The appraisal was done July 18, 2013, on only 1 acre, two months prior to the appraisal done by Barber Appraisals, LLC.

Gerald Brown said he would not take less than \$100,000 for the 3.85 acres and farmstead. It was also brought to light that the Brown's daughter lives in the farmstead on the property. If the District would decide to purchase this property we could also be responsible for relocation expenses.

Staff recommends that the Upper Big Blue NRD not pursue the purchase of that part of the N1/2 NE1/4 NW1/4 of Section 35, T11N, R6W of the 6th P.M., of Hamilton County, Nebraska, owned by Gerald R. Brown and Carol A. Brown, due to the vast difference between the Brown's counter offer and the District appraisal.

**ITEM 13. PIONEER TRAILS RECREATION AREA LAND RIGHTS - BYRON A. LEWIN AND M. MAXINE LEWIN PROPERTY.**

The Upper Big Blue Natural Resources District entered into negotiations with Byron A. Lewin and M. Maxine Lewin to purchase 8.65 acres located in the East 315 feet of the NE1/4 NW1/4 except D 73-554 of Section 35, T11N, R6W of the 6th P.M., Hamilton County, Nebraska. The appraisal prepared by Barber Appraisals, LLC for the District stated an appraised value of \$195,000.

The Lewins will only sell the entire parcel. They also stated they would sell the property to the District if they were allowed to live in the house for two years after the date of the sale. The following terms and conditions were agreed to during the negotiations.

- The Lewins occupy the house and adjacent buildings rent free for no more than 2 years after the sale.
- They pay all utility costs.
- They maintain the house in its current condition, including necessary repairs.
- The Lewins maintain and mow the area around the house and out buildings, including all of the area north of an east west temporary boundary that is just south of the southernmost outbuilding.
- The price negotiated is \$215,000.

It was moved by Yates and seconded by Miller that the Upper Big Blue Natural Resources District purchase the property located in the East 315 feet of the NE1/4 NW1/4 Except D 73- 554 of Section 35, T11N, R6W, of the 6th P.M., in Hamilton County, Nebraska from Byron A. Lewin and M. Maxine Lewin for a purchase price of \$215,000 with the following provisions: The sellers have the right to occupy the house and adjacent buildings rent free for no more than 2 years after the date of closing, provided the sellers pay all the utility costs, maintain the house in its current condition including necessary repairs, maintain and mow the area around the house and out buildings, including all of the area north of an east west temporary boundary located just south of the southernmost outbuilding. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Teegerstrom, Ulmer, Houdersheldt

NAY: Stahly, Volkmer, Yates

NOT VOTING: Breazeale

NOT PRESENT: Buller, Regier

#### **ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Water & Regulations Committee met January 9, 2014 and presented the committee's recommendations.

#### **ITEM 15. ELECTRONIC METERS – REQUESTS TO BE ADDED TO APPROVED METER LIST.**

Representatives from Senninger, Seametrics and Netafim addressed the committee regarding concerns raised by the Staff about their meters. The manufacturer's have taken the staff's suggestions and made changes to their meters to resolve the issues.

It was moved by Bruns and seconded by Austin to rescind the December 19, 2013 Board Motion requiring only mechanical meters; and to approve the Senninger Flo-Wise Ag Rotor Meter and Flo-Wise Magmeter, the Seametrics AG1000/2000 Series Irrigation Magmeter, and the Arad Octave Ultrasonic water meter to the approved meter list. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Miller, Moore, Stahly, Teegerstrom, Volkmer, Yates, Houdersheldt  
NAY: Eberle, Luebbe, Nuss, Ulmer  
NOT PRESENT: Buller, Regier

**ITEM 16. JERRY STAHR/UNL ON-FARM RESEARCH VARIANCE REQUEST.**

Jerry Stahr and UNL Extension would like to conduct an on-farm field study on the use of N-Serve with fall anhydrous applications. They have drawn up field plots with and without the use of N-Serve to be used on one location in York County. The site falls in the District's Phase III Management Area (Management Zone 6). They are asking for a variance to Rule 5 for those plots that will not receive N-Serve.

It was moved by Bruns and seconded by Yates to grant a variance to Jerry Stahr and UNL Extension, for five years, to conduct on-farm field trials of N-Serve on the N1/2 of Section 32-T11N-R2W in York County. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt  
NAY: None  
NOT PRESENT: Buller, Regier

**ITEM 17. GROUNDWATER TRANSFER-JOHN STILLEY AND JJES.**

John Stilley and JJES applied for a groundwater transfer authorization to irrigate 38 acres in the N1/2 NE1/4 of Section 20-T8N-R6W from well G-026818 located in the SE1/4 of Section 17-T8N-R6W, all in Clay County. The proposed transfer complies with the District's regulations.

It was moved by Bruns and seconded by Austin to approve transfer authorization T-066. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Houdersheldt  
NAY: Volkmer  
NOT VOTING: Yates  
NOT PRESENT: Buller, Regier

**ITEM 18. GROUNDWATER TRANSFER – MUFF FAMILY TRUST AND GREGG A. EASLEY TRUST.**

The Muff Family Trust and the Gregg A. Easley Trust applied for a groundwater transfer authorization to irrigate 62 acres in the SE1/4 of Section 9-T8N-R4E from well G-047634 located in the SW1/4 of Section



10-T8N-R4E, all in Saline County. The proposed transfer complies with the District's regulations.

It was moved by Bruns and seconded by Yates to approve transfer authorization T-065. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates, Houdersheldt

NAY: Volkmer

NOT PRESENT: Buller, Regier

#### **ITEM 19. CROP-TIP SEMINAR PAYMENTS.**

The annual CROP-TIP Seminar was held in York on December 17. The featured speaker was Dr. David Kohl with AgriVisions, LLC. Kerry's Restaurant and Catering, Inc. of McCool Junction provided the food. Bills have been submitted by each for services rendered.

It was moved by Bruns and seconded by Ulmer to pay AgriVisions, LLC in the amount of \$3,823.00 and Kerry's Restaurant and Catering, Inc. in the amount of \$1,475.00 for speaking and catering fees. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

#### **ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Austin reported that the Executive Committee met January 9, 2014 and presented the committee's recommendations.

#### **ITEM 21. \*4TH QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

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

It was moved by Stahly and seconded by Dickinson to approve payment of 4th quarter directors' per diem of \$9,660.00 and expenses of \$4,167.84. The motion was approved as part of the consent agenda.

AYE: Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Austin, Buller, Regier

#### **ITEM 22. GROUNDWATER MODELING – BROWN & CALDWELL.**

Brown & Caldwell submitted bills for work completed in December on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	155,190.93
Current bills	4,969.95
Total billed to date	160,160.88
Balance of Contract	\$117,478.12

It was moved by Austin and seconded by Yates to approve payment of \$4,969.95 to Brown & Caldwell for work completed through December 2013 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

### **ITEM 23. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on January 9, 2014 and presented the committee's report.

### **ITEM 24. DESIGN.**

Turnbull requested Ayars and Ayars Inc. to have a representative present at the meeting to explain how design-build contracts work. Cory Barber reviewed the requirements that political sub-divisions need to meet, and how proposals are requested for design-build projects. He further explained how the design team and construction team work together under the direction of one person from a design-build firm. Committee members and others asked several questions. The committee consensus was that the district seriously consider having a new office and equipment facility constructed by a design-build firm instead of the traditional design-bid-build process. The staff was directed to continue to explore and make recommendations using the design-build concept.

### **ITEM 25. SITE SEARCH.**

Turnbull has begun the search for a suitable property for a new NRD office building and equipment building. The property needs to be large enough for current and future needs, have a good location, and lend itself to the District's needs. Several sites were discussed.

### **ITEM 26. SPACE REQUIREMENTS.**

Turnbull reviewed two lists with the committee, one of building materials, types and designs not to have, and the other of desirable sizes, architecture and features to have.

The main points follow the Board motion of December 19<sup>th</sup> and those are:

- All facilities in one location

- All employees in one office building
- Adequate space for near and long term office and parking needs
- Masonry and frame office building with pitched roof and full basement
  - Office building sized for 30 staff
  - Good acoustics throughout
  - Copy and mail rooms
  - Storage rooms
  - Board and conference rooms
  - Kitchen and Break rooms
- Adequate paved parking
- Equipment building to be built at the same time and to include:
  - Water lab
  - Tree cooler
  - Heated shop
  - Some drive through bays
  - Indoor parking for some District vehicles and equipment

The committee directed the staff to refine these items prior to the Board consideration of hiring a design or design-build firm. The committee will be presented with recommendations over the next few months.

**ITEM 27. FINANCIAL REPORT DECEMBER 1 - 31, 2013 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2013.**

Turnbull reviewed the financial report for the period December 1, 2013 to December 31, 2013 that was distributed. It was moved by Volkmer and seconded by Austin to accept the financial report for December 2013 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Buller, Regier

**ITEM 28. NOMINATING COMMITTEE REPORT.**

Miller presented the Nominating Committee's report and slate of candidates for officers in 2014.

Chairman Houdersheldt asked Yvonne Austin to chair the meeting during the election for chairman. He asked Rod DeBuhr and Dan Leininger to collect and count the ballots.

**ITEM 29. ELECTION OF CHAIRMAN.**

The nominees for chairman were Roger Houdersheldt and Lynn Yates. There were no nominations from the floor and nominations ceased. After the ballots were counted it was announced that Yates was elected as chairman for one year. (Houdersheldt 7 – Yates 8)

**ITEM 30. ELECTION OF VICE CHAIRMAN.**

The nominees for vice-chairman were Yvonne Austin and Doug Bruns. There were no nominations from the floor and nominations ceased. After the ballots were counted it was announced that Bruns was elected vice chairman for one year. (Austin 5 – Bruns 10)

**ITEM 31. ELECTION OF SECRETARY.**

The nominees for secretary were Linda Luebbe and Mike Nuss. There were no nominations from the floor and nominations ceased. After the ballots were counted it was announced that Mike Nuss was elected secretary for one year. (Luebbe 5 – Nuss 10)

**ITEM 32. ELECTION OF TREASURER.**

The nominees for the office of treasurer were Bill Stahly and Merlin Volkmer. There were no nominations from the floor and nominations ceased. After the ballots were counted it was announced that Bill Stahly was elected treasurer for one year. (Stahly 11 – Volkmer 4)

**ITEM 33. NARD REPRESENTATIVE AND VOTING DELEGATE.**

The nominees were John Miller and Larry Moore. There were no nominations from the floor and nominations ceased. After counting the ballots it was announced that Larry Moore was elected NARD representative and voting delegate for one year. (Miller 2 – Moore 13)

**ITEM 34. NARD ALTERNATE AND ALTERNATE VOTING DELEGATE.**

The nominees were Gary Eberle and Eugene Ulmer. There were no nominations from the floor and nominations ceased. After counting the ballots it was announced that Gary Eberle was elected NARD alternate and alternate voting delegate for one year. (Eberle 11 – Ulmer 4)

**ITEM 35. GMDA REPORT.**

Linda Luebbe, Rod DeBuhr, and Dan Leininger reported on their recent trip to the GMDA Conference in Biloxi, Mississippi held January 7-10, 2014.

There being no other business the chairman adjourned the meeting at 3:17 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 16, 2014, 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

Upper Big Blue NRD  
Board of Directors Meeting  
January 16, 2014

Page | **10**

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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Secretary Pro Tem

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 20, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 20, 2014 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Linda Luebbe, Larry Moore, Mike Nuss, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Jay Bitner, Ken Feather, Ronda Rich, and Kent Norquest of Fillmore County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on February 13, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Twelve directors were present during roll call.

**ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

Steve Buller, John Miller, Ken Regier, Roger Houdersheldt, and Burch Breazeale requested excused absences from the February 20, 2014 Board of Directors meeting.

It was moved by Volkmer and seconded by Bruns to excuse the absence of Buller, Miller, Regier, Houdersheldt, and Breazeale from the February 20, 2014 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

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

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

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

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

It was moved by Dickinson and seconded by Luebbe to approve the agenda for the February 20, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 7. \*APPROVAL OF MINUTES OF THE JANUARY 16, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Luebbe to approve the minutes of the January 16, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

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

Dickinson reported that the Projects & Programs Committee met on February 11, 2014 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENT.**

It was moved by Dickinson and seconded by Teegerstrom that payment of \$5,000.00 be approved for one (1) completed land treatment program application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 10. PIONEER TRAILS RECREATION AREA – PURCHASE & SALES AGREEMENT.**

Ken Feather reviewed with the Committee the purchase and sales agreement on the Lewin Property. The Committee recommended that under paragraph 10, "Seller to lease house and out buildings"; that a sentence about no sub-leasing needs to be added and that the Lewins' need to reimburse the District for the cost of the house insurance for the period of time that they occupy the house. Byron Lewin is presently out of town so the signing of this agreement will take place when he returns.

It was moved by Dickinson and seconded by Austin that the Upper Big Blue Natural Resources District Board of Directors approve the purchase and sales agreement on the Lewin property and approve the payment of \$1,500.00 (earnest money) to be paid to York County Title Company (Escrow Agent), and the remaining \$213,500 be paid to Byron A. Lewin and M. Maxine Lewin at the time of closing, including a statement in the purchase and sales agreement stating that the house and out-buildings cannot be subleased and the Lewins are responsible for reimbursing the District for the house insurance, and have John Turnbull, General Manager, sign said agreement. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Teegerstrom, Ulmer  
NAY: Stahly, Volkmer, Yates  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met February 11, 2014 and presented the committee's recommendations.

**ITEM 12. GROUNDWATER TRANSFER – JOYCE AND RONALD JANZEN AND MARC RONNE.**

Joyce and Ronald Janzen and Marc Ronne have applied for a groundwater transfer authorization to irrigate 6 acres in the SE1/4 of Section 1-T9N-R4W and 6 acres in the NE1/4 of Section 12-T9N-R4W from a new well (Permit UBB-1-5201) located in the SW1/4 of Section 6-T9N-R4W, all in York County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Moore to approve transfer authorization T-067. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates  
NAY: Volkmer  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres changes for 583 parcels of land totaling 50,841.29 acres. The total certified irrigated acres as of February 2014 are 1,202,025.93 acres.



It was moved by Luebbe and seconded by Austin to certify the changes to irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 14. FLOWMETER MAINTENANCE PROGRAM – PAYMENT TO TRI-CITY METERS.**

Tri City Meters has submitted a bill for the final year of their contract for meter maintenance of 645 meters that were serviced, for a total cost of \$21,372.00.

It was moved by Luebbe and seconded by Ulmer to pay Tri City Meters \$21,372.00 for the 2013-2014 meter maintenance service. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 15. FUTURE METER MAINTENANCE PROGRAM.**

The Water & Regulations Committee discussed whether the District should proceed with a meter maintenance program in the future. The committee members that were present indicated that they generally favored continuation of the program. The staff will draft a request for proposals for the committee's consideration.

**ITEM 16. CHEMIGATION PERMIT FEES.**

The District received 508 chemigation permit applications in 2013, of which, 492 permits were approved. There were 183 sites inspected. The District owes the Department of Environmental Quality \$1,331 for their share of the permit fees.

It was moved by Luebbe and seconded by Ulmer to pay the Nebraska Department of Environmental Quality \$1,331 for their share of the 2013 chemigation permit fees. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 17. NEBRASKA AGRICULTURAL WATER MANAGEMENT NETWORK 1ST ANNUAL CONFERENCE.**

The 1st Annual Conference of the NAWMN was held in York on Friday, February 7th. There were approximately 140 in attendance. The District funded lunch and refreshments for the breaks. Kerry's

Restaurant and Catering, Inc. has billed the District \$2,020.75.

It was moved by Luebbe and seconded by Volkmer to pay Kerry's Restaurant and Catering, Inc. \$2,020.75 for catering the Nebraska Agricultural Water Management Demonstration Network 1st Annual Conference held February 7, 2014. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met February 13, 2014 and presented the committee's recommendations.

**ITEM 19. GROUNDWATER MODELING- BROWN & CALDWELL.**

Brown & Caldwell submitted bills for work completed in January on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	160,160.88
Current bills	6,180.45
Total billed to date	166,341.33
Balance of Contract	\$111,297.67

It was moved by Bruns and seconded by Stahly to approve payment of \$6,180.45 to Brown & Caldwell for work completed through January 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 20. COMPUTER SERVER PAYMENT – PAPIO NRD.**

The new computer server has been received, installed and is working properly. The bill for the computer and its installation, including file transfers, has been received from the Papio NRD. The total cost is \$10,663.08.

It was moved by Bruns and seconded by Austin to approve payment of \$10,663.08 to the Papio-Missouri NRD for the computer server and its installation. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 21. COMPUTER PURCHASE FOR GROUNDWATER MODELING.**

Bitner recommended the purchase of two computers from Hamilton Information Systems, Aurora, Nebraska. The first one, a workstation computer, is to be dedicated to groundwater modeling and the other is a replacement laptop for his office. The quote for the Fujitsu Xeon E5-2637 computer for groundwater modeling is \$5,488. A second quote of \$5,336 was submitted by the Papio for the workstation but it did not meet the same specifications. The quote for the Lenovo W540 laptop is \$2,297, which is the same as the online price. Both computers have a 3 year warranty.

It was moved by Bruns and seconded by Moore to approve the purchase of a Fujitsu workstation computer for \$5,488.00, and a Lenovo W540 laptop computer for \$2,297.00 from Hamilton Information Systems, Aurora, Nebraska. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 22. COMPUTER BACKUP SOFTWARE AND BATTERY BACKUP.**

It was discovered recently that the computer backup system is not working and the Papio IT staff are not confident that it can be made to work as intended. The Papio technicians recommend the purchase of Commvault software to provide a secure and reliable backup of computer files. Files will also be backed up offsite on the Papio NRD server. The quote received includes an annual support and maintenance fee. The total price, including the maintenance fee for 14 months, is \$6,022.50.

In addition, because of the size of our servers, a larger battery backup is needed. The battery backup allows about 20 minutes of time for the servers to properly shut down in case of the loss of electricity. The quote received by the Papio for an APC Smart battery backup is \$1,139.20.

It was moved by Bruns and seconded by Stahly to approve the purchase of Commvault computer backup software from the Papio-Missouri NRD for \$6,022.50, and an APC Smart battery backup device for \$1,139.20. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

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

The Lower Platte North NRD submitted an invoice for \$7,590.19 for the Butler County NRCS clerk's salary, and \$87.34 for work perform in our district by their technician, for the past 6 months. The total due is \$7,677.53.

It was moved by Bruns and seconded by Moore to approve payment of \$7,677.53 to the Lower Platte North NRD for NRCS office salaries for two employees for FY 2014 (July 1 thru December 31). The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 24. NEBRASKA STATE FAIR AGRICULTURAL EXPERIENCE BUILDING.**

The NARD Foundation has been asked to contribute \$25,000 towards the Nebraska Agricultural Experience Building at the Nebraska State Fair. The NARD is requesting that each NRD contribute \$1,000 to the NARD Foundation. Those contributions plus \$2,000 from the Foundation will meet the request. Twenty- one NRDs have agreed to contribute to date.

It was moved by Bruns and seconded by Luebbe to contribute \$1,000 to the NARD Foundation for the Nebraska Agricultural Experience Building at the Nebraska State Fair. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 25. INTERLOCAL AGREEMENT – LOWER LOUP NRD ENGINEERING SERVICES.**

The Lower Loup NRD has proposed an interlocal agreement to share engineering services with this District. Principally the work will be on review of large water user studies. It is not expected to take much time. The agreement calls for the reimbursement of time spent at cost. There is no termination date; however, the agreement can be terminated on 30 days notice. Turnbull recommends that the agreement be approved.

It was moved by Bruns and seconded by Ulmer to enter into the Inter-Local Agreement for engineering services with the Lower Loup NRD. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 26. \*DIRECTOR EXPENSE – WASHINGTON D.C. CONFERENCE.**

Gary Eberle has requested reimbursement of \$468.50 for airfare to the March 2014 NARD Washington D.C. conference.

It was moved by Dickinson and seconded by Luebbe to approve director's expense payment of \$468.50 to Gary Eberle for airfare to the NARD Washington D.C. conference being held in March 2014. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 27. APPOINTMENT OF PROJECTS COMMITTEE REPRESENTATIVE TO EXECUTIVE COMMITTEE.**

The election of Lynn Yates as the Board of Directors Chairman created a vacancy on the Projects Committee. That committee elected John Miller as their new Committee Chairman. He has been the Projects representative on the Executive Committee. That position is now vacant.

Projects Committee Members as of February 13, 2014

Yvonne Austin

Doug Dickinson – Vice Chairman

Roger Houdersheldt

John Miller – Chairman

Larry Moore

Vance Teegerstrom

Eugene Ulmer

Merlin Volkmer

Executive Committee Members as of February 13, 2014

Lynn Yates – Board Chairman

Doug Bruns – Board Vice Chairman

Mike Nuss – Secretary

Bill Stahly – Treasurer

Larry Moore – NARD Rep

John Miller – Projects Committee Chairman

Vacant - Projects Committee Representative

Linda Luebbe – Water Committee Chairman

Steve Buller – Water Committee Representative

It was moved by Bruns and seconded by Austin to appoint Roger Houdersheldt as the Projects Committee Representative on the Executive Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 28. LEGISLATION.**

LB 940 (Schilz)- Appropriations Committee Hearing on Tuesday, February 18. The bill provides for a one-time cash reserve transfer of \$50 million.

LB 1046 (Carlson) - Appropriations Committee Hearing on Tuesday, February 18. The bill provides for a general fund annual transfer of \$50 million beginning in 2015.

The funding would be a good source for the City of Hastings for the \$46,000,000 water quality project for city water. The City has requested substantial funding from both the Little Blue and Upper Big Blue NRDs. Other communities in this District face the same problems. Turnbull presented written and oral testimony on these bills prior to the Board meeting at the Committee's request.

It was moved by Bruns and seconded by Stahly to support LB 940 and LB 1046 as currently written. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

LB 1005 (Avery) – Natural Resources Committee Hearing on Wednesday, February 26, 2014. The bill creates the Water Review Board to replace the Inter Related Water Review Board. The Water Review Board would have the final say in groundwater management and regulation. The NRDs would be required to carry out the Water Review Board decisions.

It was moved by Bruns and seconded by Austin to oppose LB 1005 and to direct that the District testimony be presented by the Chairman and/or the General Manager. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

LB 1074 (Lathrop) – Change Provisions Relating to Overappropriation Designations.

It was moved by Volkmer and seconded by Nuss to oppose LB 1074. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 29. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on February 13, 2014 and presented the committee's report.

**ITEM 30. SITE SEARCH.**

Turnbull investigated six possible building sites in the York area. The landowners or their agents have been approached or have contacted Turnbull about selling their land. One is not interested in selling. Two sites are too small.

Ayars & Ayars, a design and build firm, offered to draw up site plans for the remaining three sites at no charge to the District. The site plans were presented to the committee for two properties near Recharge Lake, and one in the York Industrial Park north of the Fairgrounds.

The committee held a long discussion on the size of tract needed, location, and the possible costs of land. The cost of water wells for domestic use and fire suppression, paved access roads, sewer or septic systems were also considered for the two sites near the lake. Turnbull explained the range of total cost for the completed office building and facilities as well. The necessity of the new facility and timeframe in which it is needed were again discussed.

It was moved by Eberle and seconded by Nuss that the Board go into Executive Session at 2:55 p.m. to discuss land acquisition for an office building site. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Volkmer, Yates  
NAY: None  
NOT VOTING: Ulmer  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

It was moved by Moore and seconded by Luebbe that the Board return to Open Session at 3:37 p.m. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

It was moved by Eberle and seconded by Bruns to proceed with land rights acquisition of 10 acres of land at the York Industrial Park for a new NRD office building and maintenance equipment building. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer  
NAY: Volkmer  
NOT VOTING: Yates  
NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

**ITEM 31. FINANCING, DESIGN AND CONSTRUCTION.**

The next steps are:

- Purchase land
- Explore financing possibilities and arrange financing
- Hire an architectural firm to develop design criteria
- Request for proposals from design-build firms
- Enter into a contract with a design-build firm
- Review facilities and building designs
- Construction
- Sell existing NRD office and equipment building properties

**ITEM 32. FINANCIAL REPORT JANUARY 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2014.**

Turnbull reviewed the financial report for the period January 1, 2014 to January 31, 2014 that was distributed. It was moved by Volkmer and seconded by Ulmer to accept the financial report for January 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Luebbe, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Houdersheldt, Miller, Regier

There being no other business the chairman adjourned the meeting at 4:12 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 February 20, 2014, 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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Michael D. Nuss, Secretary

:ndb



## **BOARD OF DIRECTORS MEETING**

**March 20, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 20, 2014 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Patty Connors, Scott Snell, Rod DeBuhr, Jay Bitner, Ken Feather, Nancy Beach, Kristin Phillips, Jeff Ball, DeeDee Novotny, Ronda Rich, Rebecca Roesler, Josh Bowers of York County NRCS and Steve Moseley of York News-Times.

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

Yates reported that we published the legal notice of the board of directors' meeting on March 13, 2014 in the York News-Times.

### **ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

### **ITEM 3. ROLL CALL OF DIRECTORS.**

Twelve directors were present during roll call.

### **ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

Steve Buller, Ken Regier, Merlin Volkmer, Gary Eberle and Burch Breazeale requested excused absences from the March 20, 2014 Board of Directors meeting.

It was moved by Dickinson and seconded by Ulmer to excuse the absence of Buller, Regier, Volkmer, Eberle and Breazeale from the March 20, 2014 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

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

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

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

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

It was moved by Dickinson and seconded by Moore to approve the revised agenda for the March 20, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE FEBRUARY 20, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Moore to approve the minutes of the February 20, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

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

Miller reported that the Projects & Programs Committee met on March 11, 2014 and presented the committee's recommendations.

**ITEM 9. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Dickinson and seconded by Moore that payments totaling \$3,065.00 be approved for three (3) Nebraska Buffer Strip contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 10. PIONEER TRAILS LANDRIGHTS - BYRON A. LEWIN & M. MAXINE LEWIN PROPERTY.**

Chicago Title Insurance Company under Schedule B Section 1 Title Commitment Requirements requires that the Upper Big Blue Natural Resources District Board of Directors authorize an individual to transact business on behalf of the District in purchasing the property from Byron A. Lewin & M. Maxine Lewin for the Pioneer Trails Project.

It was moved by Miller and seconded by Houdersheldt that the Upper Big Blue Natural Resources District authorize John C. Turnbull, General Manager, to sign the necessary documents to purchase the property for the Pioneer Trails Project located in the east 315 feet of the NE1/4 NW1/4 of Section 35, Township 11 North, Range 6 West of the 6<sup>th</sup> P.M., Hamilton County, Nebraska from Byron A. Lewin and M. Maxine Lewin, EXCEPT the tract more particularly described as follows:

Commencing at the NE corner of the NE1/4 of the NW1/4 of said Section 35; thence S00°12'09" E along the East line of the NE1/4 of the NW1/4 of said Section 35, 550.71 feet to the point of beginning; thence continuing S00°12'09" E, 773.71 feet along the East line of the NE1/4 of the NW1/4 of said Section 35 to the SE corner of the NE1/4 of the NW1/4 of said Section 35; thence N89°41'11" W, 50.0 feet along the South line of the NE1/4 of the NW1/4 of said Section 35; thence N00°12'09" W, 773.26 feet; thence N89°47'51" E, 50.0 feet to the point of beginning. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

#### **ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met March 11, 2014 and presented the committee's recommendations.

#### **ITEM 12. GROUNDWATER TRANSFER – CAROLINE EIGSTI.**

Caroline Eigsti has applied for a groundwater transfer authorization to irrigate 37.58 acres in the SW1/4 of Section 16-T8N-R2E from a proposed new well (Permit UBB-1-5216A) located in the SE1/4 of Section 17-T8N-R2E, all in Saline County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Austin to approve transfer authorization T-068 and stipulate that only that portion of parcel 760143816 lying south of the railroad right-of-way, equaling 77.56 acres, shall be considered the "source tract". The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed irrigated acres changes for 13 parcels of land totaling 8,189.47 acres. The total certified irrigated acres through February 2014 are 1,209,811 acres.

It was moved by Luebbe and seconded by Ulmer to certify the changes to irrigated acres as reviewed by the Water and Regulations Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 14. FLOWMETER MAINTENANCE PROGRAM.**

The Committee discussed how to proceed in the future with the meter maintenance program. DeBuhr recommended that the District get quotes from private providers for a 5 year rotation for mechanical meters only. The District staff would inspect electronic meters on a 4 year rotation. Electronic meter manufacturers recommend batteries be changed every 4 years. During the first 4 years of meter maintenance, the District paid for replacing the batteries. Several directors expressed the opinion that the meter owner should pay for the batteries. The contractor would do the following; 1) inspect meter to determine if it is working properly, 2) record brand, serial number and other information deemed necessary by the District, 3) grease bearings, 4) replace gaskets and register covers as needed.

It was moved by Luebbe and seconded by Bruns to authorize the staff to solicit proposals from private contractors for meter maintenance on a five year rotation for mechanical meters only. Further, to authorize the staff to develop a program to have NRD staff conduct a meter inspection and battery replacement program for electronic meters on a four year rotation with the cost of batteries to be borne by the owners of the meters. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 15. URANIUM, ARSENIC AND SELENIUM IN WATER.**

In a past meeting, the staff reported that water testing in Nebraska and Kansas indicated nitrate contamination could be changing the pH of groundwater. In some areas this can cause naturally occurring contaminants like uranium, arsenic and selenium in the soil sediments to be released into the groundwater. This appears to be occurring in the Hastings Wellhead Protection Area. DeBuhr recommends that the District take 100 samples per year for these contaminants in order to determine if they are showing up in other parts of the District. The estimated cost of analysis is \$55 per sample.

It was moved by Luebbe and seconded by Miller to authorize the collection and analysis of up to 100 water samples each year for the next three years for uranium, arsenic and selenium. The motion was

approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom,  
Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 16. CLEMENTS ASSOCIATES INC. PAYMENT.**

The District has purchased soil probe components for resale from Clements and Associates for a total cost of \$15,427.15.

It was moved by Luebbe and seconded by Austin to pay Clements and Associates \$15,427.15 for soil probe components purchased for resale. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom,  
Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 17. HASTINGS UTILITIES PILOT PROJECT PROGRESS PAYMENT.**

Hastings Utilities has billed the District \$3,000 for a progress payment on the Hastings Aquifer Storage and Recovery Pilot Project. The District agreed to contribute \$25,000 toward the project. To date, including this payment, the District has contributed \$18,750.

It was moved by Luebbe and seconded by Austin to approve a progress payment of \$3,000 to Hastings Utilities for the Hastings Aquifer Storage and Recovery Pilot Project. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom,  
Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met March 13, 2014 and presented the committee's recommendations.

**ITEM 19. EQUIPMENT PURCHASE – WATER DEPARTMENT ATV.**

The District owns 3 ATVs, purchased new in 1995, 1997 and 2006. DeBuhr presented quotes for a new ATV for the Water Department to replace the 1995 ATV. It has transmission and fuel problems and needs expensive repairs to keep it running. The following quotes have been given to the District.

Advanced Motor Sports, Aurora	2013 Suzuki King Quad 400	\$5,774
Grand Island Kart, Grand Island	2014 Honda Rancher	\$7,159
Offroad Company, Columbus	2014 Artic Cat 450	\$6,123
Offroad Company, Columbus	2014 Polaris 400 Sportsman	\$4,925

The committee asked if a trade-in had been considered. DeBuhr said that he did not haul the old ATV around to the dealers, although the firm that has been repairing the ATVs offered to buy the old one for parts. The committee discussed buying 2 ATVs to replace the older ones.

It was moved by Bruns and seconded by Houdersheldt to approve the purchase of two 2014 Polaris 400 Sportsman ATVs for \$4,925 each, less trade-in value of the 1995 and 1996 ATVs, from the Offroad Company, Columbus, Nebraska. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

#### **ITEM 20. GROUNDWATER MODELING BROWN AND CALDWELL .**

The Brown & Caldwell team continues to work on the groundwater model. They are in the calibration phase at this time. Brown & Caldwell submitted bills totaling \$8,880.20 for work completed in February on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	166,341.33
Current bills	8,880.20
Total billed to date	175,221.53
Balance of Contract	\$102,417.47

It was moved by Bruns and seconded by Stahly to approve payment of \$8,880.20 to Brown & Caldwell for work completed through February 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

#### **ITEM 21. LEGISLATION.**

The Executive Committee held a discussion on LB 1074 and its most recent amendment. Another hearing was scheduled by the Legislature's Natural Resources Committee for 11:30 a.m. on Tuesday, March 18, 2014.

The committee discussed the ramifications of the amendment to groundwater irrigation and possible

state regulatory decisions based on the amendment to existing groundwater law. This is the second amendment proposed on LB 1074. The first one was not adopted. Several Senators have been contacted. The NRD managers have been involved in the continually changing situation for the last several days.

It was moved by Bruns and seconded by Houdersheldt to direct the General Manager to testify in opposition to LB 1074 and its amendments. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

#### **ITEM 22. BUILDING COMMITTEE REPORT.**

Nuss reported that the Building Committee met on March 13, 2014 and presented the committee's report.

#### **ITEM 23. NRD LAND RIGHTS HEARING AND CITY OF YORK ORDINANCE TO APPROVE SALE.**

Both the City of York and the NRD have to hold public sessions to allow public comments on the sale of public land by one entity and the purchase of land by another public entity.

Turnbull advised the committee of the required land rights hearing that the District needs to conduct. A legal notice of the hearing was published and the hearing was held in the NRD Board Room at 9:00 a.m. on Monday, March 17, 2014. The purchase of the property for the new office and equipment buildings cannot be completed until 30 days after the hearing. The City of York has the sale of the land to the NRD on their agenda for March 20th. The sale is subject to the passage of an ordinance by the City and a 30 day remonstrance period for public comments.

#### **ITEM 24. REAL ESTATE PURCHASE AGREEMENT.**

The attorney for the NRD, Steve Seglin, wrote the purchase agreement. It was reviewed by Charles Campbell, the City Attorney. Turnbull and Tara Vasicek, the York City Administrator, have agreed to the wording in the purchase agreement after a minor change. The purchase price agreed to is \$185,000.

Turnbull recommends that the Real Estate Purchase agreement for 10 acres at the York Industrial Park be approved. If the Board of Directors approve the purchase agreement at the March 20th board meeting Turnbull will present the signed document to the York City Council at their evening council meeting, which is also being held on March 20th.

It was moved by Nuss and seconded by Austin that the Upper Big Blue Natural Resources District Board of Directors approve the Real Estate Purchase Agreement between the City of York and the Upper Big Blue NRD for 10 acres more or less located in all of Lot 12 and portions of Lots 10 and 11, all in Block One, York Industrial Park, York County, Nebraska, and approve the payment of \$5,000.00 (earnest money) to York County Title Company (Escrow Agent), with the remaining \$180,000 to be paid to City of

York at the time of closing, and authorize John C. Turnbull, General Manager, to sign the agreement.  
The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom,  
Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 25. REPLAT OF PROPERTY.**

The City and the District will meet with a surveyor after the Purchase Agreement is signed. The surveyor will redo the actual plat to make Lot 12 into a 10 acre tract. That replat will need to be approved by the City Planning Commission (meeting on April 8th) and the City Council. That City Council action is scheduled to be considered at the April 17th City Council meeting.

**ITEM 26. PHASE I ENVIRONMENTAL ASSESSMENT CONSULTANT.**

A Phase I Environmental Assessment is necessary for the purchase of the new office building land and subsequent loans for the buildings. The assessment will include a records review, a site reconnaissance, and interviews with the current owner and other local government officials. A quote of \$2,500 has been submitted by Olsson & Associates for a standard Phase I assessment. Should a title and lien search be necessary, an additional charge of \$100 will apply. The work should be completed 30 days after the approval of the proposal.

It was moved by Nuss and seconded by Houdersheldt to approve the hiring of Olsson & Associates to conduct a Phase I Environmental Assessment on the 10 acre property being acquired at the York Industrial Park for \$2,500. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom,  
Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 27. DESIGN – BUILD PERFORMANCE CRITERIA ARCHITECT.**

The statutes that outline the design-build method of constructing public buildings require that the public entity hire an architect to draft the criteria and requirements of the design and construction. That architect cannot be involved in the actual design or construction or connected with the firm that is finally selected. Turnbull and Bitner met with Allan Quick, a Lincoln architect, to discuss the request for his firm to submit a proposal to develop the criteria for a Request for Proposals from design-build firms. Mr. Quick is planning to submit his criteria development proposal by April 7. The committee will be asked to consider his offer at the April meeting.

**ITEM 28. BUILDING PROJECT FINANCING.**

Turnbull met with Seglin, our attorney, who advised that tax exempt financing be looked into. Tax



exempt financing carries a significantly lower interest rate for a mortgage. However, to be eligible for tax exempt financing from a lender a non-profit building corporation needs to be formed. That corporation, because it will be non-profit, will be able to borrow funds at a tax exempt rate. The corporation needs to hold title to the land and title to the buildings until the notes are paid off.

It will take some time for such a corporation to be set up. A bonding attorney will need to be hired to write an opinion that such a corporation can legally use tax exempt financing. Our attorney will have to file the papers to create the corporation. A board for the corporation will need to be selected. The District will then lease the property from the corporation until the notes are paid off through lease money from the District.

Turnbull met with a commercial loan officer at a local bank to talk about financing. The difference between a conventional commercial real estate loan and a tax exempt loan is 1%. The length of the loan is negotiable but 30% down is probably necessary.

The committee discussed how the cost of the new office building facility will impact future budgets and the length of the financing that may be needed.

It was moved by Nuss and seconded by Houdersheldt that the Upper Big Blue NRD pursue a non-profit building corporation for the purposes of tax exempt financing.

Turnbull told the board that since the committee met he had discussed the matter further with our attorney, Steve Seglin, who suggested a meeting be set up with a bonding attorney to determine if in fact we do need to form a building corporation to get the tax exempt financing. Seglin suggested we not include wording in our motion about the establishment of a non-profit building corporation.

It was moved by Houdersheldt and seconded by Miller to amend the motion to read "that the Upper Big Blue NRD pursue tax exempt financing for the new office building facility." The amendment carried.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

**ITEM 29. FINANCIAL REPORT FEBRUARY 1 - 28, 2014 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2014.**

Turnbull reviewed the financial report for the period February 1, 2014 to February 28, 2014 that was distributed. It was moved by Miller and seconded by Ulmer to accept the financial report for February

Upper Big Blue NRD  
Board of Directors Meeting  
March 20, 2014

Page | 10

2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Stahly, Ulmer, Yates

NAY: None

NOT VOTING: Teegerstrom

NOT PRESENT: Breazeale, Buller, Eberle, Regier, Volkmer

There being no other business the chairman adjourned the meeting at 3:24 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, 2014, 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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Michael D. Nuss, Secretary

:ndb

## **BOARD OF DIRECTORS MEETING**

**April 17, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 17, 2014 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Burch Breazeale, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Jay Bitner, Ken Feather, Ronda Rich, Becky Roesler, Amber Siebert, Shawn Bailey, Tim Alfs, Tim Beyer, Ron Friesen, Terry Bergen, Lynn Gloystein, Dave Collister, Larry Aldrich, Larry Urbanek, Jonathan Rempel, Curtis Friesen, Stan Boehr, Kendall Siebert, Ronald Janzen, Josh Bowers of York County NRCS and Steve Moseley of York News-Times.

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

Yates reported that we published the legal notice of the board of directors' meeting on April 11, 2014 in the York News-Times.

### **ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

### **ITEM 3. ROLL CALL OF DIRECTORS.**

Seventeen directors were present during roll call.

### **ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

There were no requests for excused absences.

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

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

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

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

It was moved by Dickinson and seconded by Ulmer to approve the revised agenda for the April 17, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 7. \*APPROVAL OF MINUTES OF THE MARCH 20, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Ulmer to approve the minutes of the March 20, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Buller

There were a number of members of the public present regarding proposed action to impose a 180 day temporary stay on new well construction in some areas of the district. Chairman Yates asked that if individuals wished to address the board on the matter that they wait to be recognized by the chair and that they state their name and where they are from. Anyone who wanted to make comments was allowed to do so.

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

Luebbe reported that the Water & Regulations Committee met April 8, 2014 and presented the committee's recommendations.

**ITEM 9. DWIGHT & BRAINARD WATER ISSUES – REQUEST FOR TEMPORARY STAY ON WELL CONSTRUCTION.**

Representatives of the Villages of Dwight and Brainard attended the Water and Regulations Committee meeting and explained that the pumping water level and capacity in their municipal wells drop each summer when irrigation wells in the area start up. They expressed concern over increased irrigation well construction impacting the municipal wells pumping capacity. The Villages asked that the NRD impose a 180 day temporary stay on well construction in the area. The committee discussed well drilling in other areas throughout the District. The staff and some board members reported on complaints and inquiries received from the other limited water areas in the District.

The Water Committee reviewed the state statutes which authorize NRDs to impose a temporary stay. Nebraska Revised Statute Chapter 46-707(2) states the following *"...a district may impose an immediate temporary stay for a period of one hundred eighty days on the construction of any new water well and on any increase in the number of acres historically irrigated, without prior notice of hearing..."*

The staff was directed to prepare a resolution outlining the conditions for the board to consider that includes the statutory requirements of the stay and details related to the construction of replacement wells. A copy of the resolution is attached to these minutes.

It was moved by Luebbe and seconded by Regier to impose a 180 day temporary stay on well construction in the Transfer Limitation Areas; and further to adopt Stay Resolution (V.1).

There was concerned expressed regarding the language in the resolution having to do with the criteria allowing staff to approve construction of a replacement well in the proposed stay area. Some felt that limiting the replacement well to within 50 feet of the original well could put a hardship on the well owner. If they needed to drill further than 50 feet from the replacement well, for instance to go from gravity irrigation to pivot, or simply to replace a well that had gone bad, they would have to wait until the next convened board meeting for approval.

It was moved by Eberle and seconded by Houdersheldt to amend the motion to strike the existing language of item 2 in the last paragraph of the resolution and replace it with the words “the well is to be constructed in accordance with current well spacing rules.” The amendment carried.

AYE: Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Stahly, Teegerstrom, Volkmer  
NAY: Austin, Luebbe, Miller, Moore, Nuss, Regier, Ulmer, Yates

Further discussion ensued regarding the possible rush to drill new wells just outside the boundaries of the Limited Transfer Areas. Representatives from the Village of Dwight again expressed their concerns for the public water supply if new high capacity wells are drilled in close proximity to their municipal wells.

It was moved by Moore and seconded by Breazeale to amend the motion to add the words “and an area extending 2 miles beyond the boundaries of the Limited Transfer Areas”. The amendment carried.

AYE: Austin, Breazeale, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Yates  
NAY: Dickinson, Nuss, Ulmer, Volkmer

It was moved by Houdersheldt and seconded by Luebbe to amend the motion to include the words “and any increase in irrigated acres”. The amendment failed.

AYE: Austin, Bruns, Houdersheldt, Luebbe, Moore, Teegerstrom, Yates  
NAY: Breazeale, Buller, Dickinson, Eberle, Miller, Nuss, Regier, Stahly, Ulmer, Volkmer

The question was called on the original motion, as amended, to read “To impose a 180 day temporary stay on well construction in the Transfer Limitation Areas and an area extending 2 miles beyond the boundaries of the Limited Transfer Areas; and further to adopt Stay Resolution (V.1), as amended.” The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Moore, Regier, Stahly,

Teegerstrom, Yates

NAY: Dickinson, Miller, Nuss, Ulmer, Volkmer

**ITEM 10. GROUNDWATER TRANSFER – BRUCE RODABAUGH.**

Bruce Rodabaugh has applied for a groundwater transfer authorization to irrigate 73.01 acres in the E1/2 NE1/4 of Section 8-T11N-R7W from well G-073272 located in the S1/2 SE1/4 of Section 5-T11N-R7W, all in Hamilton County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Bruns to approve transfer authorization T-069. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: Volkmer

**ITEM 11. PAYMENT TO KLEIN SALES & SERVICE.**

The District has ordered and received 150 Watermark digital meters for resale at a cost of \$32,850.00.

It was moved by Luebbe and seconded by Bruns to pay Klein Sales & Service \$32,850.00 for 150 Watermark digital meters for resale. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 12. WATERS OF THE U.S. – DAVE COOKSON, CHIEF DEPUTY ATTORNEY GENERAL.**

Dave Cookson, Chief Deputy Attorney General, attended the board meeting and addressed the board regarding the EPA and Corps of Engineers proposed rule to clarify the Clean Water Act definition of "Waters of the U.S." The constitution provides that the Federal Government has authority over the navigable waters of any state. In the State of Nebraska the State and the NRD's have control over non-navigable portions of the waters.

EPA has decided they need to clarify what Waters of the U.S. means. EPA says it means any ephemeral or intermittent stream. To us that means it's a tributary that during a heavy rain holds a small amount of water that then drains into a stream. To EPA that means terraces, ditches, and any place that holds water for four days.

A number of the Attorney Generals across the United States, lead by Nebraska and Texas, are attempting to prevent the expansion of EPA regulation over the Waters of the United States. They are challenging the rules that they think are illegal or an unnecessary expansion of EPA's authority.

Mr. Cookson praised the job the Nebraska Department of Environmental Quality and the NRD's are doing handling water quality issues. He further stated that there's no reason to add a Federal layer of

bureaucracy, in our case, dealing with individuals based in Kansas City, who answer to those based in Washington, D.C. The reason we here in Nebraska like the NRD system is because it provides local control. Mr. Cookson asked the NRD's for their support in challenging the EPAs attempt to take that control away.

**ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects & Programs Committee met on April 8, 2014 and presented the committee's recommendations.

**ITEM 14. LAND TREATMENT PROGRAM COST SHARE PAYMENT.**

It was moved by Miller and seconded by Dickinson that payment of \$3,479.50 be approved for one (1) completed Land Treatment Program application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 15. PIONEER TRAILS RECREATION AREA DEVELOPMENT.**

Staff requested authorization to lengthen the existing concrete boat ramp at Pioneer Trails recreation area. The extension will provide a more secure launching pad for boat trailers. Contractor quotes and the engineer's estimate of cost for constructing 28 feet of additional boat ramp are as follows:

Boat Ramp Extension		
Contractor	Concrete	Crushed Rock
M.E. Collins	\$11,950	\$2,250
Huebert Land Leveling	\$8,398	\$4,625
Engineer's Estimate	\$9,859	\$3,057

It was moved by Miller and seconded by Austin that Huebert Land Leveling be hired to construct a concrete extension for the existing boat ramp at the Pioneer Trails recreation area for a lump sum cost of \$8,398 in accordance with Huebert Land Leveling's proposal and engineer's specifications. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 16. BRUCE L. ANDERSON RECREATION AREA HANDICAPPED ACCESS FISHING PIER.**

In May 2013, the Board of Directors authorized staff to assist the local motorcycle club with promoting, and assisting with solicitation of funds, for construction of a handicapped access fishing pier at the Bruce

L. Anderson Recreation Area. In accordance with that authorization, staff is requesting authorization to apply for a grant from the York Community Foundation for this project.

It was moved by Miller and seconded by Luebbe that the Upper Big Blue NRD apply for a grant from the York Community Foundation for the purpose of constructing a handicapped access fishing pier at the Bruce L. Anderson Recreation Area. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

#### **ITEM 17. RECOGNITION AWARDS.**

Ken Regier was recognized for serving 35 years as a director on the Upper Big Blue NRD board. He was presented with a framed print in recognition of his service.

Rod DeBuhr, Water Department Manager, was presented with a framed print in recognition of 35 years of service to the district.

#### **ITEM 18. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on April 10, 2014 and presented the committee's report.

#### **ITEM 19. REAL ESTATE PURCHASE AGREEMENT.**

The real estate purchase agreement for the land for the new NRD office and maintenance/equipment building facilities has been approved by the York City Council and the document has been signed. The purchase price is \$185,000, with \$5,000 of that paid to the York County Title Company as escrow.

#### **ITEM 20. REPLAT OF PROPERTY.**

The City has the replat survey completed for the 10 acres the District is buying, and other vacant lots in the York Industrial Park. That replat was approved by the City Planning Commission at their meeting on April 8. The City Council is scheduled to consider the matter at the April 17th City Council meeting.

#### **ITEM 21. PHASE I ENVIRONMENTAL ASSESSMENT.**

The Phase I Environmental Assessment is being conducted by Olsson & Associates. The \$2,500 study should be completed by the end of April.

#### **ITEM 22. DESIGN –BUILD CONTRACTING.**

The committee discussed the design-build concept for the construction of the new NRD office and maintenance/equipment facilities. The Nebraska Statutes govern the steps and necessary actions by the District. A resolution is required to authorize the process, and to establish a Selection Committee. The



members of that committee ought to include the current Building Committee, the manager and engineer, the Performance Criteria architect, and a citizen from the District.

It was moved by Eberle and seconded by Houdersheldt to adopt the following resolution:

**Resolution**

**Selection of Design-Build Contracting  
Under the Political Subdivisions Construction Alternatives Act**

Whereas the Upper Big Blue NRD Board of Directors has determined the need for a new office building and maintenance/equipment building and associated facilities;

Whereas a purchase agreement has been entered into for the purchase of a building site in the City of York;

Whereas the Upper Big Blue NRD Board of Directors prefer the design-build concept of contracting for architectural design and construction services for the new facilities;

Therefore be it Resolved that the Upper Big Blue NRD Board of Directors

1. Select the construction delivery method of “Design-build” under the Political Subdivision Alternative Act., Neb. Rev. Stat. §§ 13-2901, et. Seq. for the proposed design and construction of NRD Office and Maintenance/ Equipment facilities and hereby direct the General Manager and legal counsel to initiate and carry out all actions necessary to comply with the requirements of the Act, including but not limited to the hiring of the Performance Criteria Developer, and preparation of a Request for Letters of Interest and Request for Proposals for the Design-Build entities.
2. Appoint the following persons to the Selection Committee to evaluate the proposals received from firms in response to the RFP in accordance with the Act, namely the policy entitled, Political Subdivision Alternative Act, Neb. Rev. Stat. §§ 13-2901, et. Seq. – Policies for Design-Build Contracting:
  - a. Members of the board: Doug Bruns, Steve Buller, Gary Eberle, Mike Nuss, Vance Teegerstrom and Lynn Yates
  - b. Members of the Administration or Staff: John Turnbull and Jay Bitner
  - c. Performance Criteria Developer: Allan Quick, Architect
  - d. A resident of the Political Subdivision: Ronda Rich
3. Direct the Selection Committee to make recommendations to the Upper Big Blue NRD Board of Directors on which design-build proposal to accept.

The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

**ITEM 23. PERFORMANCE CRITERIA ARCHITECT.**

The statutes that outline the design-build method of constructing public buildings require that the public entity hire an architect to draft the criteria and requirements of the design and construction. That architect cannot be involved in the actual design or construction or connected with the firm that is finally selected. Turnbull and Bitner met with Allan Quick, a Lincoln architect, to discuss the request for his firm to submit a proposal to develop the criteria for a Request for Proposals from design-build firms. Mr. Quick has submitted his proposal to work by the hour. His fee is \$115.00 per hour. The total proposal estimate is \$32,190.

It was moved by Eberle and seconded by Miller to accept Mr. Allan Quick's proposal to be the Performance Criteria Developer for the new NRD office and maintenance/equipment facilities at a rate of \$115.00 per hour with a cost not to exceed \$32,190.00. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 24. BUILDING PROJECT FINANCING.**

Turnbull met with our attorney Steve Seglin and Lauren Wismer of Gilmore & Bell law firm. Mr. Wismer is a bond attorney in Lincoln. Wismer stated that the District can work with banks on tax exempt financing without forming a building corporation. The existing law is sufficient. An office and equipment building complex is an authorized purpose of NRDs.

Mr. Wismer advised that a straight loan from a bank is the cleanest and simplest way to borrow for the building. A legal opinion on tax exempt status will be necessary. He can write that document and other necessary tax documents for about \$2,000. He has offered to review any loan documents for an additional fee. Steve Seglin will assist in this effort.

Turnbull also met with a commercial loan officer from Union Bank. He reviewed that information with the committee. Turnbull had previously met with a commercial loan officer at Cornerstone Bank.

The committee discussed how the cost of the new office building facility will impact future budgets and the length of time that financing may be needed. The committee also discussed the necessity of having the financing in place before a contract with a design-build firm is entered into.

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue NRD begin negotiations with selected banks for tax exempt financing. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

It was moved by Eberle and seconded by Stahly that the Upper Big Blue NRD continue to use Steve Seglin for legal matters regarding the new NRD office and maintenance/equipment facilities; and to hire Lauren Wismer of Gilmore & Bell, Lincoln, Nebraska, to prepare the necessary legal opinion and associated tax documents for tax exempt financing, as well as to review loan documents. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

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

Bruns reported that the Executive Committee met April 10, 2014 and presented the committee's recommendations.

**ITEM 26. BLUEPRINT NEWSLETTER PRINTING BILL.**

A bill for \$7,538.41 has been received from York Printing Company for printing the March edition of the Blueprint newsletter.

It was moved by Bruns and seconded by Ulmer to approve payment of \$7,538.41 to York Printing for the March Blueprint newsletter. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 27. \*FIRST QUARTER DIRECTORS' PER DIEM & EXPENSES.**

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

It was moved by Dickinson and seconded by Ulmer to approve payment of first quarter directors' per diem of \$9,800.00 and expenses of \$5,295.33. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 28. GROUNDWATER MODELING – BROWN & CALDWELL.**

Bitner reviewed the status of the work on the sub-regional groundwater model. Brown & Caldwell submitted bills totaling \$10,569.40 for work completed in March on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	175,221.53
Current bills	10,569.40
Total billed to date	185,790.93
Balance of Contract	\$91,848.07

It was moved by Bruns and seconded by Volkmer to approve payment of \$10,569.40 to Brown & Caldwell for work completed through March 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 29. OFFICE EQUIPMENT – FIREPROOF FILES.**

Nancy Brisk recommended the purchase of two 4-drawer fire proof filing cabinets. The District currently has 5 fire proof filing cabinets, which are used primarily for personnel records, agreements, and land rights documents. The price quoted for two cabinets from Eakes Office Equipment is \$4,248.00.

It was moved by Bruns and seconded by Austin to approve the purchase of two 4-drawer fire proof filing cabinets from Eakes Office Equipment for \$4,248.00. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 30. FINANCIAL REPORT MARCH 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2014.**

Turnbull reviewed the financial report for the period March 1, 2014 to March 31, 2014 that was distributed. It was moved by Houdersheldt and seconded by Miller to accept the financial report for March 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

There being no other business the chairman adjourned the meeting at 10:28 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, 2014, 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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Michael D. Nuss, Secretary

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Attachment

**STAY RESOLUTION  
RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
UPPER BIG BLUE NATURAL RESOURCES DISTRICT**

**IMMEDIATE TEMPORARY STAY PURSUANT TO NEB. REV. STAT. § 46-707(2), ON  
CONSTRUCTION OF NEW WATER WELLS.**

WHEREAS, the Upper Big Blue Natural Resources District was previously designated a Groundwater Management area for both groundwater quantity and quality, and

WHEREAS, areas within the District are known to have aquifers with limited groundwater supplies that have been identified in the District's Groundwater Management Area Rules and Regulations as "Transfer Limitation Areas", and

WHEREAS, drought conditions during 2012 and 2013 have placed stress on the groundwater resources of the District, and

WHEREAS, the Villages of Dwight and Brainard have made the District aware of the Village Boards concerns over the future viability of their water supply and requested that a temporary stay be imposed, and

WHEREAS, the District has received reports of domestic well problems and concerns over future potential well interference problems due to the construction of high capacity wells in the Transfer Limitation Areas, and

WHEREAS, the geologic conditions are such that construction of additional high capacity wells would increase the likelihood of future well interference issues.

NOW THEREFORE BE IT RESOLVED, that the Board finds that an immediate temporary stay, effective upon adoption, is necessary in accordance with Neb. Rev. Stat. § 46-707(2) and that the District hereby imposes an immediate temporary stay for a period of one hundred eighty days on the construction of new water wells in the Transfer Limitation Areas, specifically described and attached hereto as Appendix A.

BE IT FURTHER RESOLVED, water wells listed in subsection (3) of Neb. Rev. Stat. § 46-714, attached for reference, and water wells of public water suppliers are exempt from the stay. This includes, but is not limited to test holes, monitoring wells, and livestock and domestic wells with a pumping capacity of 50 gallon per minute or less, and

BE IT FURTHER RESOLVED, for the purposes of this stay a construction permit for a replacement well meeting the following criteria may be approved by the District staff through the current permitting process. 1)The well replaces an existing water well that has been or will be decommissioned within 180 days of construction of the replacement well, 2) the well is to be constructed in accordance with current well spacing rules, and, 3) the well is to be used to irrigate the same land previously irrigated by the original well. Permit applications for replacement wells that do not meet these criteria will be considered by the Board on a case by case basis.

**BOARD OF DIRECTORS MEETING  
MAY 15, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 15, 2014 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Burch Breazeale, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Jay Bitner, Nancy Beach, Ronda Rich, Paul Duer, Stan Boehr, and Josh Bowers of York County NRCS, and Mark Kolterman, candidate for the 24<sup>th</sup> District.

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

Yates reported that we published the legal notice of the board of directors' meeting on May 8, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Seventeen directors were present during roll call.

**ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

There were no requests for excused absence.

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

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

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

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

It was moved by Stahly and seconded by Volkmer to approve the agenda for the May 15, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 7. \*APPROVAL OF MINUTES OF THE APRIL 17, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Volkmer to approve the minutes of the April 17, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

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

Miller reported that the Projects & Programs Committee met on May 6, 2014 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Miller and seconded by Volkmer that payments totaling \$15,435.45 be approved for 4 completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 10. PAYMENT TO LINCOLN-OAKES NURSERIES FOR TREES.**

This District purchased 4,575 trees and shrubs from Lincoln-Oakes Nurseries located in Bismarck, North Dakota, for the purpose of planting farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings.

It was moved by Miller and seconded by Houdersheldt that the Upper Big Blue Natural Resources District make payment of \$3,217.19 to Lincoln-Oakes Nurseries for the purchase of 4,575 trees and shrubs. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None



**ITEM 11. WILD NEBRASKA PROGRAM – DON WITTE.**

The Upper Big Blue NRD entered into a Wild Nebraska – Wildlife Extension Agreement with Don Witte for a Grassland Habitat Project in June of 2013. The total project cost is \$7,570.28. The District's share is \$1,368.32, which consisted of purchasing and planting 1,325 American plum shrubs. The shrubs have been planted and Don Witte is requesting payment of \$1,368.32. Mr. Witte's share is \$687.48 plus any cost overruns in the cooperator's share. The remainder is paid for by Nebraska Game and Parks.

It was moved by Miller and seconded by Teegerstrom that the Upper Big Blue Natural Resources District make payment to Don Witte in the amount of \$1,368.32 for the shrubs and planting for Don Witte's Grassland Habitat Project. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met May 6, 2014 and presented the committee's recommendations.

**ITEM 13. GROUNDWATER TRANSFER - TERRY HEMMINGSON AND EUGENE MCLAUGHLIN.**

Terry Hemmingson and Eugene McLaughlin have applied for a groundwater transfer authorization to irrigate 5 acres in the SW1/4 of Section 9-T7N-R5W from well G-018455 located in the SE1/4 of Section 8-T7N-R5W, all in Clay County. The proposed transfer complies with the District's regulations; however, well G-018455 is not currently registered as an irrigation well. The type of use was changed from "irrigation" to "other" in 2009. The type of use needs to be changed back to irrigation.

It was moved by Luebbe and seconded by Nuss to approve transfer authorization T-070 conditional upon Mr. Hemmingson filing a Water Well Modification with the Department of Natural Resources changing the stated use of well G-018455 to irrigation. This must be done prior to the well being used for the groundwater transfer. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: Volkmer

**ITEM 14. GROUNDWATER TRANSFER - BRIAN AND JERRILYN JANZEN.**

Brian and Jerrilyn Janzen have applied for a groundwater transfer authorization to irrigate 14 acres in the N1/2 of Section 26-T9N-R4W from well G-011510 located in the SE1/4 of Section 23-T9N-R4W, all in York County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Bruns to approve transfer authorization T-071. The motion

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: Volkmer

**ITEM 15. PAYMENT TO KLEIN SALES & SERVICE.**

The District has ordered and received 18 Watermark monitors (data loggers) for resale at a cost of \$6,562.20.

It was moved by Luebbe and seconded by Ulmer to pay Klein Sales & Service \$6,562.20 for 18 Watermark monitors for resale. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 16. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on May 8, 2014 and presented the committee's report.

**ITEM 17. BUILDING SITE PURCHASE.**

The replat of the lots has been approved by the York City Council. The closing on the building site purchase should be in early June. The City has to wait for the 30 day public comment period to expire before the purchase can be finalized.

**ITEM 18. PHASE I ENVIRONMENTAL ASSESSMENT.**

The Phase I Environmental Assessment conducted by Olsson & Associates is now complete. No remedial actions are required. Two recognized environmental conditions were identified beneath and near the property. They are the USDA Grain Bin Contamination area with carbon tetrachloride, and the PCE/TCE Northeast Contamination area with chlorinated solvents. Olsson's recommends that the groundwater at the site should not be used for a drinking water source and that the installation of extraction wells should be avoided. Olsson's opinion is that a closed loop geothermal system is acceptable for the site.

**ITEM 19. PERFORMANCE CRITERIA DEVELOPMENT – FLOOR AND SITE PLANNING.**

Allan Quick, the architect hired as the Performance Criteria Developer, is drafting the floor plan concept for both the office and equipment buildings. He met with Bitner, Brisk and Turnbull for a long planning meeting to better understand what the District needs. After the floor plans and site plans are refined, the committee will review the plans.

**ITEM 20. BUILDING PROJECT TIMELINE.**

The following is the schedule of major steps leading up to the award of contract for construction of the new office facilities.

New Office Facility - Schedule

Request for Letters of Interest from design-build firms	5-May-14	
Committee review progress to date	8-May-14	
Request to banks for Loan Proposals	12-May-14	
Deadline to receive Letters of Interest from design-build Firms	29-May-14	
Closing on land purchase	Early Jun-14	
Deadline for banks to submit Loan Proposals	10-Jun-14	
Committee review loan proposals, floorplan and siteplan concepts	12-Jun-14	
Board action on loan proposals, floorplan and siteplan concepts	19-Jun-14	
Issuance of Project Design Criteria to Interested design-build firms	23-Jun-14	
Mandatory Meeting for Interested design-builders	7-Jul-14	
Committee review final loan	10-Jul-14	
Board Action on final loan with bank	17-Jul-14	
Deadline for receiving and opening of Design-Build Proposals	8-Aug-14	
Committee review and interview of top 3 Design-Build Proposals	14-Aug-14	Daytime meeting
Board action on best Design-Build Proposal	21-Aug-14	
Committee review negotiated agreement with selected firm	11-Sep-14	
Board action on Final Approval of Design-Build Contract	18-Sep-14	

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**ITEM 21. BUILDING PROJECT FINANCING.**

Turnbull recommended that a request for financing proposals be sent to local banks. The committee

made no changes to the list of banks that will receive the request. The request is for offers of financing for a fixed rate loan for 3, 5, 7, and 10 year terms. The deadline for receipt of proposals is June 10, 2014. The committee will review the proposals at the next committee meeting.

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

Bruns reported that the Executive Committee met May 8, 2014 and presented the committee’s recommendations.

**ITEM 23. GROUNDWATER MODELING – PAYMENT TO BROWN AND CALDWELL.**

Bitner reviewed the status of the work on the Sub-Regional groundwater model.

Brown & Caldwell submitted bills totaling \$10,101.75 for work completed in March on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	185,790.93
Current bills	10,101.75
Total billed to date	195,892.69
Balance of Contract	\$81,746.32

It was moved by Bruns and seconded by Austin to approve payment of \$10,101.75 to Brown & Caldwell for work completed through April 2014 on the sub-regional groundwater model. The motion was approved.

- AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 24. COMPUTER EQUIPMENT – PAPIO-MISSOURI RIVER NRD PAYMENT.**

Turnbull reviewed the current billing from the Papio NRD for computer equipment and work.

Backup software (Commvault)	\$6,022.50
APC Battery electrical Backup Device	1,139.20
IT services	1,275.00
Total	\$8,436.70

It was moved by Bruns and seconded by Ulmer to approve the payment of \$8,436.70 to the Papio-Missouri River NRD for Commvault backup software, APC Battery Backup, and technical service time. The motion was approved.

- AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 25. OFFICE EQUIPMENT – FIREPROOF FILES.**

Eakes Office Equipment has delivered the two fireproof files that were ordered and billed the district \$4,248.00 as quoted.

It was moved by Bruns and seconded by Houdersheldt to approve the payment of \$4,248.00 for two 4-drawer fire proof filing cabinets from Eakes Office Equipment. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 26. SCHOLARSHIPS.**

Scott Snell reviewed the scholarship applications with the Executive Committee. Seven applications were received. He recommended that two scholarships for \$2,000 each be awarded and that an alternate be selected. The individual recipients he recommended were Hayden Johansen from Utica and Jacob Tejral from Pleasantdale, Nebraska. He recommended Austin Tatro from Geneva as the alternate.

Snell explained to the board that following the Executive Committee meeting it came to his attention that one of the individuals he recommended for the scholarship, Jacob Tejral, resides just outside the District's boundaries, which makes him ineligible for the scholarship. He is recommending that Austin Tatro of Geneva be awarded one of the \$2,000 scholarships and that Nolan White of Exeter become the alternate.

It was moved by Ulmer and seconded by Volkmer to award a \$2,000 scholarship to Hayden Johansen of Utica; a \$2,000 scholarship to Austin Tatro of Geneva and to further name Nolan White of Exeter as the alternate. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 27. NARD WASHINGTON D.C. TRIP PAYMENT.**

The Embassy Suites hotel rooms for the Washington, D.C. NARD Conference were direct billed to the NARD. The NARD has billed \$4,062.48 to the NRD for reimbursement. The rooms were for Gary Eberle, John Turnbull and Scott Snell.

It was moved by Bruns and seconded by Stahly to pay \$4,062.48 to the NARD for the Washington, D.C. NARD Conference hotel room charges at the Embassy Suites Convention Center. The motion was approved.

Upper Big Blue NRD  
Board of Directors Meeting  
May 15, 2014

Page | 8

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Eberle

**ITEM 28. APPROVAL FOR OUT-OF-STATE TRAVEL.**

The Executive Committee approved out-of-state travel for Linda Luebbe, Eugene Ulmer, Rod DeBuhr and John Bush to attend the summer GMDA Conference in Atlantic City, New Jersey, June 4- 6, 2014.

**ITEM 29. FINANCIAL REPORT APRIL 1 - 30, 2014 AND CONSIDERATION OF EXPENDITURES FOR APRIL 2014.**

Turnbull reviewed the financial report for the period April 1, 2014 to April 30, 2014 that was distributed. It was moved by Stahly and seconded by Volkmer to accept the financial report for April 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

There being no other business the chairman adjourned the meeting at 8:52 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 May 15, 2014, 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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Michael D. Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**JUNE 19, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 19, 2014 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Jay Bitner, Ken Feather, Ronda Rich, Becky Roesler and Josh Bowers of York County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on June 12, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Austin arrived at 8:03 p.m.

**ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

Burch Breazeale requested that his absence from the June 19, 2014 board meeting be excused.

It was moved by Stahly and seconded by Volkmer to excuse the absence of Breazeale from the June 19, 2014 Board of Directors meeting as requested. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Breazeale

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

It was moved by Houdersheldt and seconded by Eberle to adopt the consent agenda. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Breazeale

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

It was moved by Houdersheldt and seconded by Eberle to approve the agenda for the June 19, 2014 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, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Breazeale

**ITEM 7. \*APPROVAL OF MINUTES OF THE MAY 15, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Eberle to approve the minutes of the May 15, 2014 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, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Breazeale

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

Miller reported that the Projects & Programs Committee met on June 12, 2014 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST SHARE PAYMENTS.**

It was moved by Miller and seconded by Moore that payments totaling \$56,471.62 be approved for twenty-six (26) completed Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Breazeale

**ITEM 10. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Houdersheldt and seconded by Eberle that payments totaling \$13,510.19 be approved



for ten (10) Nebraska Buffer Strip contracts as recommended by staff and 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, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Breazeale

**ITEM 11. NEBRASKA ASSOCIATION OF RESOURCES DISTRICT – PAYMENT FOR TREES.**

The District purchased 13,475 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 at a cost of \$8,183.29 (61 cents/tree). Total cost includes nursery stock, wood chips, plastic liners, and shipping.

It was moved by Miller and seconded by Dickinson that the Upper Big Blue Natural Resources District make payment of \$8,183.29 for the purchase of 13,475 trees and shrubs as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Breazeale

**ITEM 12. CORNERS FOR WILDLIFE PAYMENTS.**

Three Corners for Wildlife sites are pivot corners, or portions of pivot corners, that have been developed for wildlife habitat. These payments are being made with funds from the Environmental Trust through the Pheasants Forever Chapters.

It was moved by Miller and seconded by Houdersheldt that the Upper Big Blue Natural Resources District make payments totaling \$1,620.00 to two cooperators of the Corners for Wildlife Program, as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Breazeale

**ITEM 13. BRUCE L. ANDERSON RECREATION AREA - HANDICAPPED ACCESS FISHING DOCK.**

Staff briefed the Committee on the status of the proposed handicapped access fishing dock for Recharge Lake. The York Community Foundation approved a grant of \$5,000 and the Wild Hawgs Motorcycle Club has raised approximately \$7,000 for the project. The engineer's estimated project cost is \$28,600. Staff requested authorization to proceed with construction of the project and that the NRD fund the balance of cost. Based on the engineer's estimated cost, the NRD's share of cost would be \$16,600.

Buller suggested that a sign be placed near the fishing pier recognizing the contribution made by the Wild Hawks Motorcycle Club and the York Community Foundation.

It was moved by Miller and seconded by Volkmer that staff be authorized to proceed with construction of a handicapped accessible fishing dock and sidewalk at Recharge Lake, and that the NRD fund the balance of construction cost not paid by grants and funds raised for the Project by the Wild Hawks Motorcycle Club. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Breazeale

#### **ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met June 17, 2014 and presented the committee's recommendations.

#### **ITEM 15. GROUNDWATER TRANSFER – ROGER SHERIDAN.**

Roger Sheridan applied for a groundwater transfer authorization to irrigate 300 acres in the North 1/2 of Section 30-T7N-R4W, Fillmore County from well G-171877 located in the SW1/4 of Section 24-T7N-R5W, in Clay County. The proposed transfer does not comply with the District's regulations in that the proposed destination tract lies within the area of the District designated as a limited transfer area where no new transfers are allowed.

It was moved by Luebbe and seconded by Ulmer to deny proposed transfer authorization T-071 because the land to be irrigated is located in the limited transfer area and therefore does not comply with the District's Groundwater Management Area Regulations. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT VOTING: Nuss  
NOT PRESENT: Austin, Breazeale

#### **ITEM 16. GROUNDWATER MANAGEMENT AREA RULE 5 DRAFT CHANGES.**

The Water & Regulations Committee reviewed the draft changes to the Groundwater Management Area Rules and Regulations (District Rule 5). There was considerable discussion concerning a provision in the draft limiting new well construction to one well per 80 acres. The consensus of the committee was to delete that provision. There were some other committee changes relating to the definitions of domestic and municipal wells, determination of illegal domestic wells and the procedure for reviewing a permit application in the High Risk Groundwater Area. The staff has incorporated those changes in the final

It was moved by Luebbe and seconded by Stahly to approve the final draft to District Rule 5 as amended by the Board for public hearing and to hold the public hearing on July 30, 2014 at 7:30 p.m. at the NRD office.

It was moved by Eberle and seconded by Luebbe to amend the motion to add a paragraph to Chapter 25, page 5-48. 02.04 – After October 1, 2014, no new water wells that will be comingled, combined, or clustered or joined, with a new or existing wells shall be constructed in High Risk Groundwater Areas. Each existing well in a series of existing wells may be replaced. The amendment failed.

AYE: Eberle, Luebbe

NAY: Austin, Bruns, Buller, Dickinson, Houdersheldt, Miller, Moore, Stahly, Teegerstrom, Ulmer, Yates

NOT VOTING: Nuss, Regier, Volkmer

NOT PRESENT: Breazeale

It was moved by Buller and seconded by Houdersheldt to amend the motion that no more than 1 new well shall be constructed on a tract, a part of a tract or tracts, of land that are 80 acres or less, with a maximum of 2 wells per 160 acres. Each existing well in a series of existing wells may be replaced. The amendment was approved.

The question was called on the original motion as amended. The motion was approved.

AYE: Bruns, Buller, Eberle, Houdersheldt, Luebbe, Moore, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: Austin, Dickinson, Miller

NOT VOTING: Nuss, Volkmer

NOT PRESENT: Breazeale

#### **ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

The Committee reviewed a summary of changes in irrigated acres. The staff recommends that 1,222,275.41 acres be certified as irrigated with 503.45 acres pending certification for a total of 1,222,778.86 irrigated acres. This is an increase of 12,967.8 acres since February 28, 2014.

It was moved by Luebbe and seconded by Regier to certify 1,222,275.41 irrigated acres through June 15, 2014 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, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

#### **ITEM 18. FLOW METER MAINTENANCE PROGRAM.**

The District solicited quotes from 40 irrigation related businesses to perform meter maintenance for mechanical meters. The program is designed to conduct an inspection of each flow meter in the district

once every five years. The provider is asked to agree to a five year agreement with the option to review prices annually.

The District received three quotes for flow meter maintenance. They were Maken Irrigation Co., York - \$100 per meter; Tri City Meters, Alda - \$45 per meter; and Austin Bruns - \$40 per meter.

DeBuhr reported that he and John Bush, Water Resources Technician, met with Mr. Bruns to assess his capabilities regarding meter maintenance. Mr. Bruns indicated that he does not currently have experience with meter maintenance or repair. If hired to do the meter maintenance he and his wife would be doing the work and they would both be willing to take a meter service training program offered by McCrometer. John Bush and DeBuhr also met with Mark Vanosdall, President of Tri City Meters and toured their facility in Alda. Tri City has been the provider for the NRD's Maintenance program for the previous four years. Mr. Vanosdall and his employees are trained and/or experienced in the service and maintenance procedure for all of the current mechanical meter brands.

Staff recommends entering into a contract with Tri City Meters, Inc. to provide services for the District's Meter Maintenance Program.

It was moved by Luebbe and seconded by Regier to enter into a contract with Tri City Meters, Inc. to provide services for the District's Meter Maintenance Program. The motion was approved.

AYE: Austin, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Bruns

NOT PRESENT: Breazeale

#### **ITEM 19. HIGH PLAINS CLIMATE CENTER WEATHER STATION.**

The District has agreed to fund part of the operation and maintenance cost up to \$1,000 for the weather station located at Recharge Lake. The station is owned and operated by the UNL School of Natural Resources High Plains Climate Center. The station has been located at the lake since the mid 1990's.

It was moved by Luebbe and seconded by Teegerstrom to pay the UNL High Plains Climate Center \$1,000 for maintenance of the automated weather station at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

The High Plains Climate Center has notified the District that the cost of operation and maintenance of the weather stations has outpaced sponsor fees for several years. In order to maintain the program, the Center is raising the sponsorship fees. The fee for 2015 will be \$1,500, 2016 \$2,000 and 2017, \$2,600. The staff feels that the weather station has been a valuable tool and recommends that the District continue to sponsor the Recharge Lake weather station.

It was moved by Luebbe and seconded by Bruns to sponsor the High Plains Climate Center Weather Station at Recharge Lake for 2015 at a cost of \$1,500. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Yates  
NAY: Houdersheldt, Miller, Volkmer  
NOT VOTING: Ulmer  
NOT PRESENT: Breazeale

**ITEM 20. IRRIGATION SCHEDULING EQUIPMENT PAYMENT.**

The District purchased 900 gypsum blocks and 2 meters for resale from Delmhorst Instrument Co. at a cost of \$7,431.00.

It was moved by Luebbe and seconded by Ulmer to pay Delmhorst Instrument Co. \$7,431.00 for 900 gypsum blocks and 2 meters for resale. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale

**ITEM 21. HASTINGS UTILITIES AQUIFER STORAGE AND RECOVERY PROJECT PAYMENT.**

The District has been billed \$1,250.00 for a progress payment for the Hastings Utilities ASR Project. The District agreed to pay \$25,000 toward the project. Including this payment, the District will have contributed \$20,000.

It was moved by Luebbe and seconded by Austin to make a progress payment of \$1,250.00 to Hastings Utilities for work to date on the Aquifer Storage and Recovery Project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale

**ITEM 22. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on June 12, 2014 and presented the committee's report.

**ITEM 23. BUILDING SITE PURCHASE.**

The land purchase for the new NRD office facility is now complete. A \$5,000 down payment had already been paid. At the closing on May 29 final payment of \$180,567.25 was made, for total payments of \$185,567.25. The closing fee & letter (\$525) and title insurance (\$577.50) were split between the City of

York and the District, amounting to \$551.25 each. The District paid \$16.00 for the recording of the deed making \$567.25 due from the District in addition to the purchase price of \$185,000.

**ITEM 24. PHASE I ENVIRONMENTAL ASSESSMENT PAYMENT.**

A final bill for \$1,750.00 was received from Olsson & Associates for the Phase I Environmental Assessment at the NRD office facility building site. A payment of \$750.00 had already been made to Olsson's for work on the environmental assessment, making the total cost \$2,500.00.

It was moved by Buller and seconded by Nuss to approve payment of \$1,750.00 to Olsson & Associates for the Phase I Environmental Assessment at the NRD office facility building site. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 25. PERFORMANCE CRITERIA DEVELOPMENT – FLOOR OF SITE PLANNING.**

Allan Quick, the architect hired as the Performance Criteria Developer, is drafting the floor plan concept for both the office and equipment buildings. The concept plans for the office building and equipment/shop building were reviewed with the Committee. The staff and the architect will complete the criteria within a couple of weeks. The criteria, including the concept floor plans and site plan, will be provided to the four firms that have submitted a letter of interest. Those firms may then submit design/build proposals based on that criteria.

The four firms that have submitted letters of interest are:

Prochaska & Associates, Omaha – Architecture firm  
Jensen Lumber Company, York / Schemmer Architects – Engineers – Planners, Lincoln  
Beckenhauer Construction Inc., Norfolk  
Ayars & Ayars, Lincoln

**ITEM 26. BUILDING PROJECT TIMELINE.**

The following is the schedule of major steps leading up to the award of contract for construction of the new office facilities.

New Office Facility - Schedule

Deadline for banks to submit Loan Proposals	10-Jun-14
Committee review loan proposals, floor plan and site plan concepts	12-Jun-14
Board action on loan proposals, floor plan and site plan concepts	19-Jun-14

Issuance of Project Design Criteria to Interested design-build firms	23-Jun-14	
Mandatory Meeting for Interested design-builders	7-Jul-14	
Committee review final loan	10-Jul-14	
Board Action on final loan with bank	17-Jul-14	
Deadline for receiving and opening of Design-Build Proposals	8-Aug-14	
Committee review and interview of top 3 Design-Build Proposals	14-Aug-14	Daytime meeting
Board action on best Design-Build Proposal	21-Aug-14	
Committee review negotiated agreement with selected firm	11-Sep-14	
Board action on Final Approval of Design-Build Contract	18-Sep-14	

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**ITEM 27. BUILDING PROJECT FINANCING.**

Financing bids for the new NRD office facility were opened on June 10th from 9 area banks. After reviewing the bids with the Committee, Turnbull recommended that the District accept the Cornerstone Bank proposal for construction and long term financing of the new NRD office building, furnishings, and equipment/shop building at a fixed rate of 2.09% for 7 years.

It was moved by Buller and seconded by Bruns to accept the Cornerstone Bank proposal for construction and long term financing of the new NRD office building, furnishings, and equipment/shop building at a fixed rate of 2.09% for 7 years.

It was moved by Austin and seconded by Houdersheldt to amend the motion to read "To accept the Cornerstone Bank proposal for a construction loan at the rate of 1.50% and long term financing of the new NRD office building, furnishings, and equipment/shop building at a fixed rate of 2.09% for 7 years.  
The amendment carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: Breazeale

The question was called on the original motion as amended.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

Upper Big Blue NRD  
Board of Directors Meeting  
June 19, 2014  
Page | 10  
NAY: None  
NOT VOTING: Miller  
NOT PRESENT: Breazeale

**ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met June 12, 2014 and presented the committee's recommendations.

**ITEM 29. COMPUTER PURCHASE – HAMILTON INFORMATION SYSTEMS PAYMENT.**

A bill for \$5,488.00 has been received from Hamilton Information Systems for the new Fujitsu workstation for the Projects Department, which is needed for the groundwater modeling work.

It was moved by Bruns and seconded by Stahly to approve the payment of \$5,844.00 to Hamilton Information Systems, Aurora, for the Fujitsu Workstation computer. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Moore

**ITEM 30. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Bitner reviewed the status of the work on the sub-regional groundwater model. Brown & Caldwell submitted bills totaling \$7,918.45 for work completed in May on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	195,892.69
Current bills	7,918.45
Total billed to date	203,811.44
Balance of Contract	\$73,827.86

It was moved by Bruns and seconded by Ulmer to approve payment of \$7,918.45 to Brown & Caldwell for work completed through May 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale

**ITEM 31. LIABILITY, FIRE & CASUALTY INSURANCE.**

The renewal quote was received from Cornerstone Insurance and Dunbar Petersen of Omaha. The



newly purchased land at Pioneer Trails and the NRD building site have been added to the policy and included in the renewal quote. The quote for insurance for FY 2015 is \$55,239. Last year's quote was \$52,705. The committee discussed that comparison quotes should be periodically requested. Last year other quotes were obtained.

It was moved by Bruns and seconded by Luebbe to purchase and approve payment for liability, fire and casualty insurance from Dunbar Petersen through Cornerstone Insurance for \$55,239; and further to request quotes from additional firms for FY 2016. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: Breazeale

### **ITEM 32. FY 15 SALARIES & WAGES.**

Turnbull reviewed the Salary Survey he prepared which includes wage comparisons from all 23 NRDs and 62 other Nebraska firms and units of government. Turnbull conducts a statewide survey for all the NRDs, which includes the data for more job positions than are covered in the Upper Big Blue report.

He reviewed each staff position this district has with other employers' similar positions shown in the report. A proposed salary schedule is 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. The salary schedule sets the minimum, midpoint, and maximum for each position. Individual salaries and wages then need to be within those limits. (See the last page of the 2014 report.)

It was moved by Bruns and seconded by Miller to approve the changes in the salary schedules as listed in the June 2014 Upper Big Blue NRD Salary Survey & Salary Schedule report and that such changes and adjusted salary schedules be effective on July 1, 2014. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Breazeale

Turnbull reviewed the actual salaries and wages of the employees with the Committee. Turnbull recommended that the board authorize \$35,843 for salary increases for the staff, which is an overall change of 3.5 % from the payroll budget base.

It was moved by Bruns and seconded by Nuss to adjust the annual salaries of the district staff, with the exception of the General Manager, by an amount not to exceed \$35,843, 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.

Upper Big Blue NRD  
Board of Directors Meeting  
June 19, 2014

Page | 12

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Breazeale

The Executive Committee recommended that the board consider the General Manager's job performance and any salary adjustment at the June 19th Board Meeting.

It was moved by Bruns and seconded by Houdersheldt that the Board go into Executive Session at 9:37 p.m. to discuss the job performance of the General Manager. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

It was moved by Houdersheldt and seconded by Bruns that the Board return to Open Session at 9:45 p.m.. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

It was moved by Buller and seconded by Houdersheldt to increase the salary of the General Manager by 5.013% to \$121,500 for fiscal year 2015. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

### **ITEM 33. FIELD OFFICE SALARY REIMBURSEMENT – LITTLE BLUE NRD.**

A bill has been received from the Little Blue NRD in the amount of \$12,765.70 for salaries for the Adams County and Clay County NRCS Clerks for the past 12 months ending June 30.

It was moved by Bruns and seconded by Volkmer to approve payment of \$12,765.70 to the Little Blue NRD for NRCS office salaries for FY 2014 (July 1, 2013 thru June 30, 2014). The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 34. PRIMARY ELECTION COSTS.**

Two counties have billed the District for primary election costs.

Clay County	\$921.40
Seward County	\$599.37

The other counties have not yet submitted their bills. The wide variation in these bills and prior year's election costs were discussed.

It was moved by Bruns and seconded by Austin to approve payments of \$921.40 to the Clay County Clerk and \$599.37 to the Seward County Clerk for primary election costs. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Ulmer, Volkmer, Yates  
NAY: None  
NOT VOTING: Teegerstrom  
NOT PRESENT: Breazeale

**ITEM 35. GMDA CONFERENCE EXPENSES.**

Linda Luebbe and Eugene Ulmer requested reimbursement for their expenses to travel to the GMDA summer conference in Atlantic City, New Jersey June 4-5, 2014.

It was moved by Bruns and seconded by Volkmer to approve directors' expenses of \$1,786.29 to Linda Luebbe and \$1,600.34 to Eugene Ulmer for airfare, lodging and expenses to attend the GMDA conference in Atlantic City, New Jersey held June 4-5, 2014. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates  
NAY: None  
NOT VOTING: Luebbe, Ulmer  
NOT PRESENT: Breazeale

Linda Luebbe assisted Dean Pennington with planning this year's summer GMDA conference in Atlantic City, New Jersey. This required a hotel stay, meals, airfare to Atlantic City to secure the venue, and other associated travel expenses totaling \$1,474.47, which were reimbursed by the Upper Big Blue NRD.

Linda also incurred additional expenses totaling \$1,594.94 related to planning the conference, and generating the registrations and mailings to the membership.

Linda requested that the Upper Big Blue NRD office handle processing the conference registrations as well as signing the contract with Casino Resorts for the catering and facility charges, which came to a total of \$7,697.46. A list of the revenues and expenses from the conference are listed below.

**REVENUE**

Sponsorships	750.00
Early Registrations	7,595.00
Late Registrations	<u>1,300.00</u>
Total Revenue	\$ 9,645.00

**EXPENSES**

Resorts Casino	7,697.47
Linda Luebbe	1,594.94
Upper Big Blue NRD	<u>1,474.47</u>
Total Expenses	\$10,766.87

Net Profit/Loss            \$(1,121.87)

It was moved by Bruns and seconded by Stahly to make payment from the 2014 GMDA Summer Conference proceeds in the amount of \$7,697.46 to Resorts Casino, Atlantic City, New Jersey for catering, and reimburse Linda Luebbe \$1,594.94 for expenses incurred during the conference planning; and further to request reimbursement from the GMDA in the amount of \$1,121.87 for the revenue shortfall. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Breazeale

**ITEM 36. FINANCIAL REPORT MAY 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR MAY 2014.**

Turnbull reviewed the financial report for the period May 1, 2014 to May 31, 2014 that was distributed. It was moved by Houdersheldt and seconded by Volkmer to accept the financial report for May 2014 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, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

There being no other business the chairman adjourned the meeting at 10:41 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 June 19, 2014, 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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Michael D. Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**JULY 24, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 24, 2014 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Burch Breazeale, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Jay Bitner, Ken Feather, Ronda Rich, Stan Boehr, Nick Becker with Lindsey Corporation, and Josh Bowers of York County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on July 17, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Austin and Moore arrived a few minutes later.

**ITEM 4. REQUEST FOR EXCUSED ABSENCE.**

There were no requests for excused absence.

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

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

AYE: Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Austin

NOT PRESENT: Moore

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

It was moved by Bruns and seconded by Dickinson to approve the agenda for the July 24, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Austin

NOT PRESENT: Moore

**ITEM 7. \*APPROVAL OF MINUTES OF THE JUNE 19, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Dickinson to approve the minutes of the June 19, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Austin

NOT PRESENT: Moore

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

Miller reported that the Projects & Programs Committee met on July 17, 2014 and presented the committee's recommendations.

**ITEM 9. PIONEER TRAILS RECREATION AREA IMPROVEMENTS.**

Final design of the Pioneer Trails recreation area improvements is completed. Staff requested authorization to advertise for construction bids. Construction work could begin in October.

It was moved by Miller and seconded by Regier that staff be authorized to advertise for contractor bids to construct the recreation area improvements at the Pioneer Trails Project.

It was moved by Volkmer and seconded by Ulmer to amend the motion to delay construction on the Pioneer Trails Recreation Area until the new building is paid for and use those funds to pay towards the building. The amendment failed.

AYE: Breazeale, Stahly, Ulmer, Volkmer, Yates

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom

The question was called on the original motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Teegerstrom  
NAY: Breazeale, Luebbe, Stahly, Ulmer, Volkmer, Yates

**ITEM 10. STORM DAMAGED TREE REPLACEMENT PROGRAM POLICY.**

The Committee reviewed the Storm Damage Tree Replacement Program as drafted by the NRD staff. The proposed Storm Damage Tree Replacement Program met the committee's approval, but the Committee directed that private tree replacement be clarified for the rural sector.

It was moved by Miller and seconded by Luebbe that the Upper Big Blue Natural Resources District Board of Directors approve and adopt the Storm Damage Tree Replacement Program. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

**ITEM 11. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met July 17, 2014 and presented the committee's recommendations.

**ITEM 12. GROUNDWATER TRANSFER JACOB AND MERLIN ERICKSON.**

Jacob and Merlin Erickson applied for a groundwater transfer authorization to irrigate 80 acres in the South 1/2 of the NW1/4 of Section 16-T12N-R5W, from well G-008868 located in the NE1/4 of Section 17-T12N-R5W, all in Hamilton County. The proposed transfer complies with the District's regulations.

It was moved by Luebbe and seconded by Stahly to approve transfer authorization T-073. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: Dickinson, Volkmer

**ITEM 13. FLOW METER REPAIR COST-SHARE.**

Nine flow meters have been repaired under the Flow Meter Repair Cost-share program. The cost-share amount for those repairs is \$1,309.56.

It was moved by Luebbe and seconded by Regier to make cost-share payments for nine flow meters repaired at a total cost of \$1,309.56. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None



**ITEM 14. NEW FLOW METER CONSIDERATION.**

Nick Becker, representing Lindsey Mfg., presented information about the Growsmart IM3000 Magnetic Flow Meter. The staff met with Mr. Becker previously and reviewed the meters specification and installation requirements. One issue with magnetic meters of this type is that the sensor at the top of the pipe inside the meter may intermittently be out of the flow stream if the well pumps a little air. This can be avoided by mounting the meter so that the meter register is at a 45 degree angle. Growsmart indicates that this is the preferred method of installation. Some board members asked that Lindsey edit their installation manual to recommend this installation method. Mr. Becker indicated that they were re-writing the manual now to incorporate the latest changes in minimum distance requirements so they could do that at the same time. The staff recommended that the IM3000 be added to the District's approved meter list.

It was moved by Luebbe and seconded by Ulmer to approve the Growsmart IM3000 Magnetic Flow Meter for addition to the District's approved meter list, provided Lindsey adds a recommendation to the installation recommendations to mount the meter with the register at 45 degree angle. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Nuss

DeBuhr advised the board that since the night of the committee meeting the on-line version of the installation manual has already been updated.

**ITEM 15. IRRIGATION SCHEDULING EQUIPMENT PAYMENT.**

The District purchased 6 Watermark Monitors (data loggers) for resale from Klein Sales and Service at a cost of \$2,162.40.

It was moved by Luebbe and seconded by Houdersheldt to pay Klein Sales and Service \$2,162.40 for 6 Watermark Monitors for resale. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 16. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on July 22, 2014 and presented the committee's report.

**ITEM 17. BUILDING PROJECT FINANCING.**

Turnbull reviewed the draft financial documents with the Building Committee. Copies were provided for each board member. The documents were drafted by our attorney, Steve Seglin, and our bond attorney Lauren Wismer. The draft note and deed of trust were also reviewed, which were provided by Cornerstone Bank.

Turnbull explained that in order to obtain the tax exempt loan from Cornerstone Bank for the NRD Headquarters Facility, the Board of Directors need to take action on two items by the September 18th board meeting. These actions on the financing documents should follow the selection of a design-build proposal at the August 21 board meeting, and the consideration of the negotiated cost and construction schedule at the September 18 board meeting.

The Board of Directors needs to adopt the financing Resolution which approves the promissory note with Cornerstone Bank, the deed of trust and federal tax certificate. It also authorizes the Chairman and General Manager to make any changes in the documents prior to signing as advised by legal counsel and special tax counsel. It authorizes the Chairman and General Manager to sign the documents. It directs the Board officers, General Manager and legal counsel to carry out and perform the necessary obligations with consultation of special tax counsel and the bank.

The Board of Directors needs to adopt the Policy and Procedures for Federal Tax Law and Disclosure Requirements which requires a Compliance Officer, which as defined by the Federal Tax Certificate is the General Manager. It requires an annual compliance review and timely use of bond (loan) proceeds and restricts use of property by non government trade or business (leases, etc.) and requires record keeping for the life of indebtedness plus 6 years.

**ITEM 18. REQUEST FOR PROPOSALS – DESIGN-BUILD FIRMS.**

Four firms submitted letters of interest. The design criteria and project manual were provided to each. It was required that the interested firms attend a site showing on July 14. Three firms attended the site showing. Prochaska & Associates of Omaha; Jensen Lumber Company of York/ Schemmer Associates of Lincoln and Ayars & Ayars, Lincoln. The deadline for submitting written proposals is August 14. Beckenhauer Construction Inc. of Norfolk did not attend so that firm is no longer eligible to submit a proposal for the facility.

**ITEM 19. SCHEDULE.**

The following is the schedule of major steps for the planning, financing and construction of the new NRD Headquarters Facility.

- 14 August – Deadline for submittal of proposals from design-build firms
- 19 August – 9 a.m. Committee meeting to consider proposals
- 21 August – Board Meeting – select design-build firm
- September – Negotiations with design-build firm
- 18 September – Board Meeting – approval of building contract and approval of financing documents to secure bank loan

- October – begin construction
- 30 September 2015 – complete construction

**ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on July 22, 2014 and presented the committee's recommendations.

**ITEM 21. \*SECOND QUARTER DIRECTORS' PER DIEM AND EXPENSES.**

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

It was moved by Bruns and seconded by Dickinson to approve payment of second quarter directors' per diem of \$10,290.00 and expenses of \$3,580.97. The motion was approved as part of the consent agenda.

AYE: Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Austin

NOT PRESENT: Moore

**ITEM 22. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Turnbull reviewed the progress of the groundwater modeling work. The 143 page Technical Memo and the computer groundwater model have just been delivered. Bitner and Krausnick are beginning to review the document.

Brown & Caldwell submitted bills totaling \$13,226.70 for work completed in June on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	203,811.13
Current bills	13,226.70
Total billed to date	217,037.83
Balance of Contract	\$60,601.17

It was moved by Bruns and seconded by Austin to approve payment of \$13,226.70 to Brown & Caldwell for work completed through June 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 23. PRIMARY ELECTION COSTS.**

The Hamilton County clerk has billed the District \$1,461.35 for primary election costs.

It was moved by Bruns and seconded by Houdersheldt to approve payment of \$1,461.35 to the Hamilton County Clerk for primary election costs. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Volkmer, Yates

NAY: Ulmer

**ITEM 24. COPIER MAINTENANCE AGREEMENT BILLING.**

Advanced Office Automation of Lincoln invoiced the District \$4,320.87 for the June maintenance agreements on the color copier and printer. The bill is for 59,165 color copies and 19,832 black and white copies. The maintenance agreements are based on the number of copies and include all labor, toner and supplies, except paper and staples.

The monthly cost is normally much less and is handled by purchase order, but due to a large mailing to all the cooperators in the district and another mailing to those in the Hastings Wellhead Protection Area the number of color copies was substantially more.

It was moved by Bruns and seconded by Stahly to approve the payment of \$4,320.87 to Advanced Office Automation for the Maintenance Agreement June billing. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 25. PAYMENT TO YORK PRINTING COMPANY FOR BLUEPRINT NEWSLETTER PRINTING.**

A bill for \$6,938.41 has been received from York Printing for the June Blueprint newsletter. This reflects a credit of \$600.00 for assembly mistakes.

It was moved by Bruns and seconded by Austin to approve payment of \$6,938.41 to York Printing for the June Blueprint newsletter. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

**ITEM 26. FY 2015 BUDGET.**

The final draft FY 2015 Budget and the June 30, 2014 financial statement were presented to the committee. The draft consolidated budget includes the changes recommended by the Projects Committee. The main budget items are the new NRD Headquarters facility and the Pioneer Trails

Recreation Area improvements. The use of monies from the Sinking Fund for those two projects was considered. The loan from Cornerstone Bank for the new NRD facility is also included in the draft budget.

It was moved by Bruns and seconded by Houdersheldt to approve the FY 2015 Budget for the purpose of public hearing. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer

NAY: Volkmer, Yates

NOT VOTING: Stahly

Turnbull reviewed the lid calculations. The budget is in compliance with the tax lid. He recommended that the board approve the additional 1% restricted funds authority.

It was moved by Bruns 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, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: Volkmer

It was moved by Bruns and seconded by Miller to schedule the FY 2015 Budget Hearing for 7:30 p.m., Thursday, August 21, 2014, and the Special Public Hearing for the FY 2015 Tax Request for 7:30 p.m., Thursday, September 18, 2014. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: Volkmer

#### **ITEM 27. FINANCIAL REPORT JUNE 1 - 30, 2014 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2014.**

Turnbull reviewed the financial report for the period June 1, 2014 to June 30, 2014 that was distributed. It was moved by Volkmer and seconded by Houdersheldt to accept the financial report for June 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

There being no other business the chairman adjourned the meeting at 9:03 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, 2014,

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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Michael D. Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**AUGUST 21, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 21, 2014 at 7:30 p.m. in 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, Roger Houdersheldt, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Ken Feather, Ronda Rich, Becky Roesler, Josh Bowers of York County NRCS, and Andy Raun of Hastings Tribune.

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

Yates reported that we published the legal notice of the board of directors' meeting on August 14, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Thirteen directors were present during roll call. Buller arrived a few minutes later.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Burch Breazeale, Linda Luebbe and Merlin Volkmer requested excused absences for the August 21, 2014 board of directors meeting.

It was moved by Miller and seconded by Teegerstrom to excuse the absence of Luebbe, Volkmer and Breazeale from the August 21, 2014 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT VOTING: Buller

NOT PRESENT: Breazeale, Luebbe, Volkmer

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

It was moved by Dickinson and seconded by Stahly to adopt the consent agenda. Ulmer said that his vote in the July 24, 2014 minutes for Item 23 – Primary Election Costs was recorded incorrectly. He did not vote against the motion, but rather, abstained from the voting. The minutes will be corrected to reflect his abstention. The question was called on the motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

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

It was moved by Dickinson and seconded by Stahly to approve the agenda for the August 21, 2014 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, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE JULY 24, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Stahly to approve the minutes of the July 24, 2014 Board of Directors meeting, as corrected. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 8. FY 2015 BUDGET HEARING.**

Chairman Yates opened the Budget Hearing at 7:35 p.m. He stated for the record that the notice of this budget hearing was published in the York News-Times on August 5, 2014. Turnbull briefly reviewed the budget documents. There were no changes made from last month when the board approved it for the purpose of public hearing. Turnbull advised the board that we did receive the last of the valuations from the county clerks today. The Board will need to take action to set the property tax levy at the hearing scheduled for September 18, 2014.

Chairman Yates asked if anyone had any questions regarding the budget. Hearing no questions, he closed the hearing at 7:38 p.m.

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**



Eberle reported that the Water & Regulations Committee met August 12, 2014 and presented the committee's recommendations.

**ITEM 10. HIGH RISK GROUNDWATER AREA CHANGES TO RULE 5.**

The Water and Regulations Committee reviewed the testimony from the hearing record and forwarded their recommendations to the board.

It was moved by Eberle and seconded by Austin to approve the changes to the Groundwater Management Area Rules and Regulations (Rule 5) as presented at the July 30, 2014 public hearing with an effective date of October 1, 2014. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Moore, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: Dickinson, Miller, Nuss  
NOT PRESENT: Breazeale, Luebbe, Volkmer

It was moved by Eberle and seconded by Moore to require that the permits that were suspended, when the well drilling stay was imposed, meet the requirements of the revised Groundwater Management Area Rules and Regulations when the Stay is lifted. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Regier, Stahly, Teegerstrom, Yates  
NAY: Ulmer  
NOT VOTING: Miller  
NOT PRESENT: Breazeale, Luebbe, Volkmer

It was moved by Eberle and seconded by Stahly to lift the stay on well drilling on October 1, 2014. The motion was carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 11. GROUNDWATER TRANSFER – AC FEED YARDS.**

AC Feed Yards applied for a groundwater transfer authorization to irrigate 32.95 acres in the SW1/4 of the SW1/4 of Section 22-T9N-R2W, from well G-128400 located in the NW1/4 of Section 27-T9N-R2W, all in York County. The proposed transfer complies with the District's regulations.

It was moved by Eberle and seconded by Houdersheldt to approve transfer authorization T-074. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 12. GROUNDWATER TRANSFER – JOHN AND MARK ROHMOR.**

John and Mark Rohmor applied for a groundwater transfer authorization to irrigate 80 acres in the N1/2 of the NW1/4 of Section 36-T13N-R1W, from a new well (permit # 5058) located in the E1/2 of the SW1/4 of Section 25-T13N-R1W, all in Polk County. The proposed transfer complies with the District's regulations.

It was moved by Eberle and seconded by Regier to approve transfer authorization T-075. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT VOTING: Moore

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The Water and Regulations Committee review irrigation acres certification for 137 parcels totaling 10,274.04 acres. The net change in irrigated acres was 163.63 acres.

It was moved by Eberle and seconded by Ulmer to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer

NAY: None

NOT VOTING: Yates

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 14. DWIGHT – BRAINARD REGIONAL WATER SUPPLY STUDY PAYMENT.**

The Village of Brainard has requested reimbursement from the District for the District's contribution toward the Brainard – Dwight Regional Water Supply Study. The Board previously agreed to contribute \$1,000 toward this study. The total cost of the study is estimated to be \$30,000. The Lower Platte North NRD, Lower Platte South NRD, Brainard and Dwight also each agreed to contribute \$1,000, with the balance coming from a Department of Health and Human Services grant.

It was moved by Eberle and seconded by Houdersheldt to pay the Village of Brainard \$1,000 for the District's contribution to the Brainard – Dwight Regional Water Supply Study. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Regier, Stahly,

Teegerstrom, Ulmer, Yates

NAY: Nuss

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 15. DEPARTMENT OF HEALTH ANALYSIS PAYMENT.**

The Nebraska Department of Health and Human Services Laboratory has billed the District \$817 for 43 groundwater analysis for Uranium.

It was moved by Eberle and seconded by Regier to pay the Nebraska Department of Health and Human Services Laboratory \$817 for water analysis. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 16. IRRIGATION SCHEDULING EQUIPMENT FOR RESALE.**

The District has been billed \$744.95 by Delmhorst Instrument Company for 50 gypsum blocks and 1 soil moisture meter purchased for resale.

It was moved by Eberle and seconded by Regier to pay Delmhorst Instrument Company \$744.95 for 50 gypsum blocks and 1 soil moisture meter purchased for resale. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

The District has been billed \$1,437.62 by Clement Associates Inc. for soil probe components. These items were purchased for resale.

It was moved by Eberle and seconded by Stahly to pay Clement Associates Inc. \$1,437.62 for soil probe components purchased for resale. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 17. SERVI-TECH INC. LABORATORY WATER ANALYSIS.**

Servi-Tech Inc. Laboratory has billed the District \$1,464 for 122 groundwater analysis for nitrate-nitrogen completed in July.

It was moved by Eberle and seconded by Regier to pay Servi-Tech Inc. \$1,464 for water analysis completed in July. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 18. NRCS REGIONAL CONSERVATION PARTNERSHIP PROGRAM (RCPP) UPDATE.**

DeBuhr reported on two Regional Conservation Partnership Program pre-applications submitted last month. The first one was submitted by the Nebraska Department of Health. The proposal would identify irrigation wells in the Hasting Wellhead Protection Area needing rehabilitation to prevent nitrate contamination through the annulus. This application was not chosen by NRCS, but DHHS was encouraged to resubmit it next year.

The other application was submitted by the NARD with assistance from the Rainwater Basin Joint Venture. The District along with three other NRDs in the rainwater basin, are listed as co-sponsors. The project pre-application was selected by NRCS and preparation of the detailed project proposal is being prepared. The project is titled "Divots in Pivots". The broad goals of this RCPP are to implement field management solutions to optimize irrigation inputs and facilitate groundwater recharge. These objectives will be achieved through enhanced irrigation practices (variable rate pivot irrigation and/or subsurface drip), increased soil water capacity (non-till farming practices, soil water monitoring, implementation of a water budget), and increased groundwater recharge. Other project partners include the Nebraska Game and Parks Commission, US Fish and Wildlife Service, Lindsay, T&L Irrigation, Reinke, Valmont, Linday FieldNET and Cropmetrics. The NARD has also submitted an application to the Nebraska Environmental Trust. The RCPP funding requested for the three year project is \$3.7 million, with a total project cost of \$4.7 million. The four NRDs in-kind contributions are estimated to be \$55,000 over the projects. The staff recommends support of the project and requests that they be authorized to submit a letter of support.

It was moved by Eberle and seconded by Austin to authorize the staff to submit a letter of support for the Divots in Pivots RCPP and NET grants. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer  
NAY: Yates  
NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 19. PUMPING EQUIPMENT FOR WATER QUALITY MONITORING WELLS.**

The District has cooperated with the Nebraska Department of Environmental Quality, through an EPA grant to construct two monitoring wells near Grafton. The wells were constructed under a contract between NDEQ and Sargent Drilling. Under this contract several wells were also constructed in other NRDs. The District needs to arrange for the installation of pumps in these wells. This work must be done by the end of August. The District and NDEQ must also enter into an Intergovernmental Agreement for

reimbursement of the pump installation and operation of the wells. Sargent Drilling has quoted the cost to be no more than \$5,676.20 for material and \$1,000 for labor for a total of \$6,676.20. The grant will pay for the materials.

It was moved by Eberle and seconded by Austin to authorize the purchase and installation of pumps for the Grafton monitoring wells and authorize the General Manager and Treasurer to make payment in August in order to receive reimbursement by NDEQ, and further to enter into the Intergovernmental Agreement with the Nebraska Department of Environmental Quality. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 20. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects & Programs Committee met on August 12, 2014 and presented the committee's report.

**ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruno reported that the Executive Committee met on August 14, 2014 and presented the committee's recommendations.

**ITEM 22. GROUNDWATER MODELING - BROWN AND CALDWELL.**

The progress of the groundwater modeling work was reviewed. Limited field survey work is underway to correct locations and elevations of some wells. The corrected data will be entered into the model work in order to have a more accurate result.

Brown & Caldwell submitted bills totaling \$13,835.95 for work completed in July on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	217,037.83
Current bills	13,835.95
Total billed to date	230,873.78
Balance of Contract	\$46,765.22

It was moved by Bruns and seconded by Austin to approve payment of \$13,835.95 to Brown & Caldwell for work completed through July 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

Upper Big Blue NRD  
Board of Directors Meeting  
August 21, 2014

Page | 8

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 23. PRIMARY ELECTION COSTS.**

Butler and Saline Counties have billed the District \$389.35 and \$483.74 respectively for primary election costs.

It was moved by Bruns and seconded by Austin to approve payments of \$389.35 to the Butler County Clerk and \$483.74 to the Saline County Clerk for primary election costs. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Yates

NAY: None

NOT VOTING: Ulmer

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 24. SALARIES REIMBURSEMENT LOWER BIG BLUE & LOWER PLATTE NORTH NRD.**

A bill has been received from Lower Big Blue NRD 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 June 30th.

It was moved by Bruns and seconded by Austin to approve payment of \$ 4,847.51 to the Lower Big Blue NRD for NRCS office salaries for FY 2014 (July 1, 2013 through June 30, 2014). The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: Dickinson, Houdersheldt, Miller

NOT PRESENT: Breazeale, Luebbe, Volkmer

A bill was received for salaries for the Butler County NRCS clerk from the Lower Platte North NRD for the past 6 months.

It was moved by Bruns and seconded by Austin to approve payment of \$7,777.35 to the Lower Platte North NRD for NRCS office salaries for half of FY 2014 (January 1, 2014 thru June 30, 2014). The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

Nay: Dickinson, Houdersheldt, Miller

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 25. FISCAL YEAR 2015 NARD DUES.**

Turnbull recommended that the NARD dues of \$28,044.98 for FY 2015 be paid.

It was moved by Bruns and seconded by Moore to approve the payment of \$28,044.98 for the FY 2015

dues to the NARD. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

#### **ITEM 26. OPERATING POLICY NO. 20 – OBLIGATION OF DISTRICT FUNDS.**

Turnbull reviewed Operating Policy No. 20 with the committee. He recommended that the staff approval authority amounts for expenditures be increased. They have not been changed since 1994. The draft changes were reviewed by the committee.

It was moved by Bruns and seconded by Moore to approve the amendments to Operating Policy No. 20.  
The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

#### **ITEM 27. NARD RESOLUTIONS.**

A major balloting error was made by the York County Clerk in the May 2014 primary election. As a result of that error the State Canvassing Board ruled that all three candidates would have their names on the November General Election ballot.

Because of that, Eugene Ulmer suggested that the Board submit a resolution to the NARD fall conference dealing with elections. His proposal is that the NARD seek legislation to waive the NRD election fees billed by an individual county if errors occur on the part of that county's election officials.

It was move by Bruns and seconded by Stahly to submit the "Waive County Election Costs" resolution to the NARD for consideration at the September Conference. Following discussion on the matter the question was called for and the motion failed.

AYE: Nuss, Teegerstrom

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Regier

NOT VOTING: Stahly, Ulmer, Yates

NOT PRESENT: Breazeale, Luebbe, Volkmer

#### **ITEM 28. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on August 19, 2014 and presented the committee's report.

The Selection Committee was created by a Resolution adopted April 17, 2014 by the Board of Directors.

The committee members were appointed in that resolution. The stated purpose of the Selection Committee was to evaluate the proposals received from firms in response to the Request for Proposals for “design-build” concept for the new NRD headquarters facility.

The committee was directed to make recommendations to the Board on which design-build proposal to prioritize as the best proposal. Once the Board makes a final decision on that recommendation, the Selection Committee’s work is complete.

The Building Committee however will continue to oversee the design and construction of the NRD headquarters facility project.

**ITEM 29. DESIGN BUILD PROPOSALS REVIEW.**

Four firms submitted letters of interest to submit proposals to design and build the new NRD headquarters facility by the May 29, 2014 deadline. Three firms attended the required site showing on July 14. On August 14 two firms submitted proposals. They were JLC Incorporated teamed with Schemmer Associates, and Ayars and Ayars.

Committee members were provided with the multipage proposals which were reviewed at the committee meeting prior to the presentations by the two firms. The proposals each included the company’s qualifications, design concept or preliminary design, construction schedule and a cost estimate. The proposals were based on criteria and concepts provided to them by the District’s architect, Allan Quick, and the staff. Each firm had 1 hour to make their presentation and answer committee questions on their individual proposals. Neither firm saw or heard the other firm’s presentation.

**ITEM 30. DESIGN BUILD PROPOSAL PRIORITIZATION.**

After the presentations were complete, the committee discussed the proposals and rated them on the six criteria and standards that each company was asked to meet. Each committee member filled out a form to do that rating. The results were tabulated so as to rank the proposals in order of preference. The following recommendation is submitted to the Board.

It was moved by Buller and seconded by Bruns to prioritize Ayars & Ayars Inc., Lincoln, as the first design-build firm to negotiate with for a contract for the design, schedule and cost of the new NRD headquarters facilities; and further, to negotiate with JLC Inc., York, and Schemmer Associates Inc., Omaha, if negotiations with Ayars & Ayars are unsuccessful. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 31. ADOPTION OF FY 2015 BUDGET.**

It was moved by Miller and seconded by Eberle to adopt the FY 2015 Budget as presented. The motion



Upper Big Blue NRD  
Board of Directors Meeting  
August 21, 2014  
Page | 11  
was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer

NAY: Yates

NOT PRESENT: Breazeale, Luebbe, Volkmer

**ITEM 32. FINANCIAL REPORT JULY 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR JULY 2014.**

Turnbull reviewed the financial report for the period July 1, 2014 to July 31, 2014 that was distributed. It was moved by Regier and seconded by Dickinson to accept the financial report for July 2014 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, Ulmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Volkmer

There being no other business the chairman adjourned the meeting at 10:00 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 August 21, 2014, 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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Michael D. Nuss, Secretary

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**BOARD OF DIRECTORS MEETING  
AND  
FY 2015 TAX REQUEST HEARING  
SEPTEMBER 18, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 18, 2014 at 7:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Rod DeBuhr, Ken Feather, Ronda Rich, Micky Tatro, Becky Roesler, Hayden Johansen, Austin Tatro, and Josh Bowers of York County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on September 11, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Moore arrived a few minutes late.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Burch Breazeale requested an excused absence for the September 18, 2014 board of directors meeting.

It was moved by Regier and seconded by Ulmer to excuse the absence of Breazeale from the September 18, 2014 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Moore

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

It was moved by Houdersheldt and seconded by Dickinson to adopt the consent agenda. The question was called on the motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale

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

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the September 18, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale

**ITEM 7. \*APPROVAL OF MINUTES OF THE AUGUST 21, 2014 BOARD OF DIRECTORS MEETING AND FY2015 BUDGET HEARING.**

It was moved by Houdersheldt and seconded by Dickinson to approve the minutes of the August 21, 2014 Board of Directors meeting and FY 2015 Budget 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, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale

**ITEM 8. FY 2015 TAX REQUEST HEARING.**

Chairman Yates opened the Tax Request Hearing at 7:36 p.m. He stated for the record that notice of this hearing was published in the York News-Times on September 6, 2014.

Turnbull reviewed the valuations for fiscal year 2015 and recommended that the board adopt the following proposed resolution to set the tax.

Resolution

**Whereas** the FY 2015 Budget for the Upper Big Blue NRD, as adopted by this board of directors on August 21, 2014, has a property tax requirement of \$3,818,674.61;

**Whereas** the final total valuation of the NRD is \$13,477,799,076;

**Whereas** the FY 2014 Budget (prior year) required a tax request of \$2,926,479.04 and a property tax rate of \$ 0.026181;

**Whereas** the FY 2015 (current year) property tax rate would be \$0.021713 to generate \$2,926,479.04;

**Therefore be it resolved** by this Board of Directors on September 18 2014, to set the **FY 2015 tax request at \$ 3,818,674.61** for the Upper Big Blue Natural Resources District which will require a **property tax rate of \$0.028333**.

Chairman Yates asked for questions or comments on the proposed tax levy. Hearing none he closed the hearing at 7:38 p.m.

**ITEM 9. ADOPTION OF RESOLUTION TO SET FY 2015 TAX REQUEST.**

It was moved by Houdersheldt and seconded by Miller to adopt the Resolution to set the FY 2015 Tax Request. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 10. FY 2014 AUDIT.**

Gayle Steiger of Romans, Wiemer & Associates was present to review the FY 2014 Audit with the Board and answer questions. He reported to the board that the audit disclosed no instances of non-compliance, no negative findings, and that proper internal controls exist.

**ITEM 11. ACCEPT FY 2014 AUDIT.**

It was moved by Volkmer and seconded by Regier to accept the FY 14 audit as presented. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met September 9, 2014 and presented the committee's recommendations.

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 210 parcels totaling 19,986.58 acres. The net change in irrigated acres was a reduction of 2,143.66 acres. Most of these changes were a result of the Adams County Assessor's office providing the District with the wrong data. At the last update they gave the District the total parcel acres instead of the irrigated acres.

It was moved by Luebbe and seconded by Ulmer to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 14. FLOW METER REPAIR COST-SHARE PAYMENTS.**

Ten flow meters were repaired at a cost of \$1,350.91.

It was moved by Luebbe and seconded by Austin to make cost-share payments totaling \$1,350.91 for 10 flow meters repaired this month. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 15. SUSPENDED WELL PERMITS IN THE TEMPORARY STAY AREA.**

DeBuhr reported that each of the permit holders for the twelve permits (13 wells) that were suspended because of the temporary stay have been contacted. The staff reviewed their options. Four of the well sites are not in the high risk area and will be allowed to construct the wells after the stay expires. Three others could be constructed if the permit holder is willing to move the site to meet the minimum spacing requirements. The remaining six cannot comply with the well construction criteria. Some of these could be designated as replacement wells if the permit holder wanted to replace an existing well on the property. Each permit holder has been advised that they are to contact the District by October 1 if they wish to make any changes to their permit that would allow the well to be constructed. The staff recommends that the District refund the permit fees for the suspended permits, if the proposed well is not constructed.

It was moved by Luebbe and seconded by Stahly to authorize the staff to refund the permit fee for those permits that were suspended due to the temporary stay if the permit holder chooses not to construct a

well when the stay expires. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

#### **ITEM 16. 2014 NITRATES IN GROUNDWATER MANAGEMENT ZONES TEST RESULTS.**

The Committee reviewed the results of nitrate sampling from this summer. Wells in six of the twelve management zones were sampled in 2014. The wells in management zones with a median groundwater nitrate greater than 7 ppm are sampled annually. The wells in the other zones are sampled every three years. In 2012 the regulations were amended, setting the management triggers to 7 ppm for phase II and 10 ppm for Phase III. The rules provide that only one management zone is to be placed under phase II management per year. Currently the following zones are in Phase II, Zone 2 (2014), Zone 6 (2004), and Zone 11 (2012). Zone 5 is in Phase III management as of 2012. The 2014 results indicate that the median nitrate in Zone 3 is 7.1 ppm. DeBuhr recommended that Zone 3 be designated a Phase II management Area.

It was moved by Luebbe and seconded by Houdersheldt to designate Groundwater Management Zone 3, this includes the following townships in the District, a Phase II groundwater quality management area. Townships 07N-09W, 08N-09W and 8N-10W, Adams County, and townships 07N-07W, 07N-08W, 08N-05W, 08N-06W, 08N-07W, and 08N-08W, Clay County, and townships 09N-06W, 09N-07W, and 09N-08W, Hamilton County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Nuss

NOT PRESENT: Breazeale

#### **ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects & Programs Committee met on September 9, 2014 and presented the committee's report.

#### **ITEM 18. LAND TREATMENT PROGRAM COST SHARE PAYMENT.**

It was moved by Miller and seconded by Bruns that payment of \$5,000.00 be approved for one (1) completed Land Treatment Program application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 19. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Houdersheldt and seconded by Dickinson that payments totaling \$9,290.51 be approved for six (6) Nebraska Buffer Strip Program contracts as recommended by staff and 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, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 20. APPLICATIONS FOR STORM DAMAGED TREES.**

Feather briefed the Committee on the status of tree replacement at Beaver Crossing and recommended payment of \$600.00 on two cost share applications.

It was moved by Miller and seconded by Luebbe that payment of \$600.00 be approved for two (2) cost share applications completed under the Storm Damaged Tree Replacement Program as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 21. PIONEER TRAILS CONSTRUCTION BIDS.**

Bitner briefed the Committee on construction bids received from M.E. Collins, Nissen Electric, and Sargent Well Drilling for construction of facilities proposed for the Pioneer Trails Recreation Area Development Project. The following table is a summary of the bids received and engineer's estimate:

**Pioneer Trails Recreation Area Development  
Engineer's Estimate and Contractor Bids**

<b>Contractor</b>	<b>Contractor Bid</b>	<b>Engineer's Estimate</b>
M.E. Collins - General Construction Items	\$721,121.60	\$654,490.30
Nissen Electric - Electrical Distribution System	\$40,540.00	\$113,151.05
Sargent Well Drilling - Abandon Well and Construct New Public Water Supply Well	\$18,876.00	\$13,421.00
<b>Total Construction Cost</b>	<b>\$780,537.60</b>	<b>\$781,062.35</b>

Bitner recommended award of contracts to M.E. Collins, Nissen Electric, and Sargent Well Drilling for construction of the proposed facilities in accordance with their respective bids. The total construction cost, based on the bids, is within the FY 2015 budget approved by the Board of Directors for this project.

It was moved by Miller and seconded by Dickinson that M.E. Collins Contracting Co., Inc. be awarded a contract, in accordance with their bid of \$721,121.60, to construct all proposed recreation area improvements at the Pioneer Trails Recreation Area, except abandoning an existing well, installing a new public water supply well, and construction of the electrical distribution system; and that Nissen Electric be awarded a contract, in accordance with their bid of \$40,540.00, to construct the electrical distribution system; and that Sargent Well Drilling be awarded a contract, in accordance with their bid of \$18,876.00, to abandon an existing well and construct a new public water supply well for the Pioneer Trails Recreation Area Development Project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer  
NAY: Luebbe, Stahly, Volkmer, Yates  
NOT PRESENT: Breazeale

**ITEM 22. BRUCE ANDERSON RECREATION AREA - ACCESSIBLE FISHING PIER AT RECHARGE LAKE.**

Bitner briefed the Committee on construction bids received from M.E. Collins and Schoch Concrete Construction - for construction of sidewalk and abutment wall for the proposed handicapped accessible fishing pier at Recharge Lake. The following table is a summary of the bids received and engineer's estimate:

**Bruce Anderson Recreation Area  
Handicapped Accessible Fishing Pier - Sidewalk and Headwall  
Engineer's Estimate and Contractor Bids**

<b>Contractor</b>	<b>Contractor Bid</b>
M.E. Collins	\$16,110.84
Schoch Concrete Construction	\$16,957.00
Engineer's Estimate	\$10,715.50

Bitner recommended award of contract to M.E. Collins for construction of the proposed sidewalk and headwall for the proposed handicapped accessible fishing pier. Staff is currently working on design of the dock and fishing platform. The FY 2015 Budget for this project is \$30,000. The Wild Hawgs motorcycle club has raised approximately \$7,000 for the project, and the York Community Foundation has awarded a grant of \$5,000.

It was moved by Miller and seconded by Austin that M.E. Collins Contracting Co., Inc. be awarded a contract, in accordance with their bid of \$16,110.84, to construct a sidewalk and headwall for the proposed handicapped access fishing pier at the Bruce Anderson Recreation Area - Recharge Lake. The motion was approved.



AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

#### **ITEM 23. DORCHESTER WATERSHED DAMS – NRCS GRANT AGREEMENT.**

Stacy Sall, NRCS State Office, and Josh Bowers, NRCS District Conservationist, briefed the Committee on terms and conditions of the proposed Grant Agreement between the NRD and NRCS that would provide funding for engineering assessments for Dorchester Watershed Dams 1-A, 2-A, 3-A, and 4-A. The dams were constructed in the 1960's as part of the Dorchester Watershed PL566 Project. When NRDs were created, the District inherited the project and is responsible for owning, operating, and maintaining the dams and other project facilities.

In accordance with the Grant Agreement, USDA has allocated \$80,000 for engineering assessment of the dams to determine whether or not they meet current standards. The NRCS State Office will perform the required environmental assessments and will retain \$1,000 of the grant for that purpose. The NRD, at its option, may either take distribution of the remaining \$79,000 to hire a consultant to perform the engineering assessments, or may enter into a Reimbursable Agreement with the NRCS State Office, as an amendment to the master Agreement, that will allow the NRCS State Office to utilize the remaining \$79,000 to perform the engineering assessments at no additional cost to the NRD. Bitner and Turnbull recommend the second option that would allow the NRCS State Office to perform the assessments.

It was moved by Miller and seconded by Houdersheldt that the Upper Big Blue NRD, acting as Project Sponsor, enter into Grant Agreement 69-6526-4-870, as presented to the Projects Committee by the NRCS, for assessment of Dorchester Watershed Dams 1-A, 2-A, 3-A, and 4-A, and that the General Manager be designated as Contracting Officer and Authorized Representative and be authorized to execute the Agreement on behalf of the NRD, and that the Projects Department Manager be designated as the NRD's Liaison for the Project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

#### **ITEM 24. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on September 16, 2014 and presented the committee's report.

#### **ITEM 25. NRD HEADQUARTERS FACILITY DESIGN.**

Turnbull reviewed the architectural plans with the committee and briefed members on the status of the project.

The architectural design for the new NRD Headquarters facility is progressing rapidly. The staff has met with the Ayars & Ayars firm four times since the August board meeting to review planning and schedules. In addition, meetings have been held with CCS about audio visual equipment and Eakes Office about furnishings. These firms are coordinating with Ayars & Ayars.

On Monday, September 15, Yates, Buller, Eberle, Turnbull and Bitner met with Ayars & Ayars in Lincoln to review the plans and discuss the pace of the schedule. The site plan and layout of both buildings is complete. The interior and exterior design is settled on. The electrical, plumbing and landscaping are big items yet to be decided. Until all major items are decided a cost estimate cannot be made.

Weekly meetings have been scheduled for the next several weeks to attempt to reach a price and agreement with Ayars & Ayars by the October Board meeting.

**ITEM 26. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on September 16, 2014 and presented the committee's recommendations.

**ITEM 27. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Bitner reviewed the progress of the groundwater modeling work. The staff is working on the final details before making the first computer runs of the model.

Brown & Caldwell submitted bills totaling \$1,039.95 for work completed in August on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	\$230,873.78
Current bills	\$1,039.95
Total billed to date	\$231,913.73
Balance of Contract	\$45,725.27

It was moved by Bruns and seconded by Miller to approve payment of \$1,039.95 to Brown & Caldwell for work completed through August 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

**ITEM 28. NARD RESOLUTIONS.**

Three resolutions were submitted for the September NARD Conference. The Upper Big Blue NRD's

Upper Big Blue NRD  
Board of Directors Meeting  
& FY15 Tax Request Hearing  
September 18, 2014

Page | 10

resolution was withdrawn because of the Board action at the August meeting. The Executive Committee recommended the board support all three resolutions.

It was moved by Bruns and seconded by Austin to support Resolutions 2014-1 Tri-Basin NRD; Exempt Small Dams Built Before 1973 from Certain DNR Regulations, 2014-2 Lower Platte North NRD; Nebraska Chemigation Act Amendments and 2014- 3 Lower Platte South NRD; Biennial Budgeting for NRDs.

It was moved by Ulmer and seconded by Volkmer to divide the question and vote on each resolution separately. The motion carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: Houdersheldt, Luebbe, Miller, Moore, Regier  
NOT PRESENT: Breazeale

It was moved by Houdersheldt and seconded by Miller to support Resolution 2014-1 Exempt Small Dams Built Before 1973 from Certain DNR Regulations. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Breazeale

It was moved by Luebbe and seconded by Stahly to support Resolution 2014-2 Nebraska Chemigation Act Amendments. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: Volkmer  
NOT PRESENT: Breazeale

It was moved by Miller and seconded by Moore to support Resolution 2014-3 Biennial Budgeting for NRD's. The motion was approved.

AYE: Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom  
NAY: Ulmer, Volkmer  
NOT VOTING: Yates  
NOT PRESENT: Breazeale

#### **ITEM 29. FINANCIAL REPORT AUGUST 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2014.**

Turnbull reviewed the financial report for the period August 1, 2014 to August 31, 2014 that was distributed. It was moved by Volkmer and seconded by Bruns to accept the financial report for August

Upper Big Blue NRD  
Board of Directors Meeting  
& FY15 Tax Request Hearing  
September 18, 2014

Page | 11

2014 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, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale

There being no other business the chairman adjourned the meeting at 9:24 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, 2014, 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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Michael D. Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING  
OCTOBER 16, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 16, 2014 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Burch Breazeale, Doug Bruns, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Rod DeBuhr, Ronda Rich, Becky Roesler, and Josh Bowers of York County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on October 9, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Twelve directors were present during roll call. Miller, Moore and Regier arrived a few minutes late.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Steve Buller and Doug Dickinson requested an excused absence for the October 16, 2014 board of directors meeting.

It was moved by Teegerstrom and seconded by Ulmer to excuse the absence of Buller and Dickinson from the October 16, 2014 board of directors meeting as requested. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

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

**BOARD OF DIRECTORS MEETING  
NOVEMBER 20, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 20, 2014 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Burch Breazeale, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Rod DeBuhr, Ken Feather, Ronda Rich, David Robotham, Becky Roesler, Kristin Phillips, Marie Krausnick, Courtney Widup, Steve Seglin, J' Ulman and Cristy Joy and Gary Tucker of Ayars & Ayars, Kent Norquest of Fillmore County NRCS, and Steve Moseley of the York News-Times.

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

Yates reported that we published the legal notice of the board of directors' meeting on November 13, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Larry Moore and Merlin Volkmer requested an excused absence for the November 20, 2014 board of directors meeting.

It was moved by Regier and seconded by Luebbe to excuse the absence of Moore and Volkmer from the November 20, 2014 board of directors meeting as requested. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

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

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

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Moore, Volkmer

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

It was moved by Stahly and seconded by Dickinson to approve the agenda for the November 20, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Moore, Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE OCTOBER 16, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Dickinson to approve the minutes of the October 16, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Moore, Volkmer

**ITEM 8. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on November 13 and November 20, 2014 and presented the committee's recommendations.

**ITEM 9. AYARS & AYARS DESIGN-BUILD PROPOSAL.**

Ayars & Ayars was present at the November 13, 2014 Building Committee meeting to present the final proposal. They briefly talked about the facility components and design changes. A discussion was held about the changes and the overall plans. The proposal presented included all the changes made since August with updated costs.

Costs for the new NRD Headquarters Facility were presented at the October committee meeting. The committee directed that changes be made to meet a target price of \$4,500,000. The Building Committee, staff, Allan Quick (criteria developer), Ayars & Ayars and their sub-contractors have spent considerable time since then reviewing the design in an effort to reduce costs. That work is now done,

resulting in a cost reduction of \$260,799 (5 ½%). The total final cost of the complete proposal is \$4,484,672, which includes the new office building, new shop building, parking lots and landscaping.

Construction is to begin in February, 2015, although certain materials will be ordered prior to that date to protect pricing. The completion date is February 16, 2016.

It was moved by Eberle and seconded by Bruns to accept the Ayars & Ayars Design-Build Proposal for the new NRD Headquarters Facility. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 10. AYARS & AYARS DESIGN-BUILD CONTRACT.**

The final complete contract was sent out to the committee members on November 17th for their review. The committee briefly discussed the last few minor changes to the Agreement (contract) between the Upper Big Blue Natural Resources District and Ayars & Ayars, Incorporated, Lincoln, Nebraska.

The agreement is for the design and construction services of a new single story office building (approximately 13,592 square feet main level) with a full basement, adjacent maintenance building (approximately 10,200 square feet), site grading, utilities construction, paving 300 feet of drive access, paved parking for 78 stalls, systems furniture, and site landscaping. The stipulated sum of the agreement is \$4,484,672.00.

The agreement states that the District (owner) shall designate in writing a representative and alternate who shall have express authority to bind the owner with respect to project matters requiring the owner's approval or authorization. The agreement lists John Turnbull as the owner's representative and Lynn Yates as the alternate.

It was moved by Buller and seconded by Austin to approve and enter into the Agreement between the Upper Big Blue NRD and Ayars & Ayars, Incorporated, Lincoln, Nebraska; further, for the purposes of the agreement, to appoint John C. Turnbull, General Manager, as the District (owner's) representative, and Lynn Yates, Chairman, as the alternate, both of who shall have the express authority to bind the District with respect to project matters requiring the District's approval or authorization, including the signing of the Agreement. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 11. BUILDING PROJECT FINANCING.**



Turnbull explained that in order to obtain the tax exempt loan from Cornerstone Bank for the NRD Headquarters Facility, the Board of Directors need to take two actions at the November board meeting.

The Board of Directors required actions are:

- 1- Adopt the financing Resolution (attached) which:
  - a. Approves these documents
    - i. Promissory Note with Cornerstone Bank
    - ii. Deed of Trust
    - iii. Federal Tax Certificate
  - b. Authorizes the Chairman and General Manager to make any changes in the documents prior to signing as advised by legal counsel and special tax counsel.
  - c. Authorizes the Chairman and General Manager to sign the documents.
  - d. Directs the Board officers, General Manager and legal counsel to carry out and perform the necessary obligations with consultation of special tax counsel and the Bank.
- 2- Adopt the Policy and Procedures for Federal Tax Law and Disclosure Requirements (attached) which:
  - a. Requires a Compliance Officer, which as defined by the Federal Tax Certificate is the General Manager.
  - b. Requires an annual compliance review
  - c. Requires timely use of bond (loan) proceeds
  - d. Restricts use of property by non-government trade or business (leases, etc.)
  - e. Requires record keeping for life of indebtedness plus 6 years

Jim Hoffman, Cornerstone Bank Vice President - Commercial Loans was present at the November 13, 2014 committee meeting to discuss the loan for the building project.

The draft financial documents were reviewed with the committee. Copies were provided to each board member in July. The documents have been drafted by our attorney, Steve Seglin, and our bond attorney Lauren Wismer. Seglin reviewed the resolution with the committee. The draft note and deed of trust were also reviewed, which were provided by Cornerstone Bank. Jim Hoffman explained that the note is for the construction loan which has a fixed interest rate and a fixed term of one year. There was discussion about when the note would be dated, December 1 or March 1 or some other date. At the end of a year the note will be refinanced as a 2.09% fixed rate, 7 year term permanent loan. Payments will be twice a year in June and October to coincide with tax collections.

It was moved by Buller and seconded by Houdersheldt to adopt the Financing Resolution as presented.  
The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT VOTING: Miller  
NOT PRESENT: Moore, Volkmer

Steve Seglin explained the Policy and Procedures for Federal Tax Law to the committee. The Policy spells out that the requirements for the tax exempt loan are for the life of the loan plus 6 years. The District is required to adhere to the federal regulations as they change in the future.

It was moved by Buller and seconded by Austin to adopt the Policy and Procedures for Federal Tax Law and Disclosure Requirements for Tax-Exempt Bonds and/or Build America Bonds as presented. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Moore, Volkmer

#### **ITEM 12. ARCHITECT & CRITERIA DEVELOPER FEES.**

Allan Quick, Architect, submitted a bill for his work from April 26 through October 16, 2014. The total is \$18,413.20. Allan Quick's costs are not to exceed \$32,190 without further Board authorization. His work will continue through the completion of the building project.

It was moved by Buller and seconded by Houdersheldt to approve payment of \$18,413.20 to Allan Quick, Architect, for work completed through October 16, 2014 on the NRD Headquarters Facility building project. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Moore, Volkmer

#### **ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects & Programs Committee met on November 13, 2014 and presented the committee's recommendations.

#### **ITEM 14. APPLICATIONS FOR REPLACEMENT OF STORM DAMAGED TREES ON PRIVATE PROPERTY.**

Feather briefed the Committee on the status of tree replacements at Beaver Crossing, and

recommended the acceptance of two (2) applications for tree replacement on private property; Gerard Leif for cost-share in the amount of \$300.00 and Kenneth Cross for the cost-share amount of \$300.00, for a total cost-share of \$600.00.

It was moved by Miller and seconded by Dickinson that the applications from Gerard Leif in the amount of \$300.00 and Kenneth Cross in the amount of \$300.00, as reviewed by the Committee and recommended by staff, be approved for cost-share under the Storm Damaged Tree Replacement Program. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 15. PAYMENT FOR STORM DAMAGED TREES ON PUBLIC PROPERTY.**

The Village of Beaver Crossing planted 39 trees in the public right-of-way along mainstreet of Beaver Crossing. The total amount spent on this project is \$3,126.00. The District agreed to fund 50% of the total amount or \$1,563.00.

It was moved by Miller and seconded by Luebbe that payment of \$1,563.00 be made to the Village of Beaver Crossing for trees planted on public right-of-way at Beaver Crossing in accordance with the District's program for Replacement of Storm Damaged Trees on Public Property. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 16. PAYMENT FOR STORM DAMAGED TREES ON PRIVATE PROPERTY.**

Jim O'Hare planted three Black Hills Spruce, two Green Mountain Sugar Maple, and one Red Jewel Crab on his property located at 700 Dimery Avenue in Beaver Crossing. The approved application was for the amount of \$679.94; and Donald Schernikau planted two Red Jewel Crabapple on property owned by the Catholic Church located at 401 Dimery Avenue, Beaver Crossing. The approved application was for the amount of \$269.98. The District agreed to pay 50% of actual cost, not to exceed \$300 per property owner.

It was moved by Miller and seconded by Stahly that payment of \$300 be made to Jim O'Hare for the planting of trees on his property in Beaver Crossing and a payment of \$134.99 be made to Donald Schernikau for planting trees on property owned by the Catholic Church in Beaver Crossing in accordance with the District's program for Replacement of Storm Damaged Trees on Private Property. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 17. PIONEER TRAILS RECREATION AREA DEVELOPMENT - CONTRACTOR PROGRESS PAYMENT.**

Construction work has begun at the Pioneer Trails recreation area. To date, the majority of work has been for earthwork and preparation of the site for the amphitheater. Nissen Electric has purchased the electrical service pedestals for the RV camping pads and amphitheater. Staff recommends payment of \$3,900 to Nissen Electric in accordance with their October 16 invoice.

It was moved by Miller and seconded by Austin that payment of \$3,900 be made to Nissen Electric, LLC for electrical service pedestals to be installed at the RV camping pads and amphitheater as reviewed by the Committee and in Nissen Electric's Invoice No. 10037. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 18. PIONEER TRAILS RECREATION AREA DEVELOPMENT - GRANT APPLICATIONS.**

Snell presented a summary of grant applications being prepared to request funding from the Farr Trust and Hamilton Community Foundation. The Farr Trust application will request funding for the two picnic shelters, and the Hamilton Community Foundation application will request funding for the amphitheater. Snell requested authorization to apply for these grants.

It was moved by Miller and seconded by Austin that the Board of Directors authorize staff to file the grant applications with the Farr Trust and Hamilton Community Foundation as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 19. RECHARGE LAKE HANDICAPPED FISHING PIER - PROJECT BUDGET.**

Due to cost differences between the Engineer's estimate and bids received for walkway and headwall construction, staff requested an additional \$6,000 for the project budget. The total budget for this project would be increased from \$30,000 to \$36,000. The Wild Hawgs motorcycle club is co-sponsoring this project with the NRD and has raised \$10,000. A grant of \$5,000 is being provided for this project by the York Community Foundation. With the increased project budget, the District's share of cost is estimated to be \$21,000. Walkway and headwall construction began on November 3.

It was moved by Miller and seconded by Ulmer that the project budget for construction of the handicapped access fishing pier and walkway be increased from \$30,000 to \$36,000. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 20. RECHARGE LAKE HANDICAPPED FISHING PIER - DOCK FACILITY.**

Staff has obtained quotes from three (3) manufacturers for fabricating, shipping, and installing the proposed handicapped access fishing dock at Recharge Lake. Each manufacturer was required to provide a quote for a dock that is ADA compliant with railings to allow fishing from a wheel chair. The dock would have a gangway with length of 20 feet, straight dock section with length of 30 feet, dock tee section with length of 20 feet, and anchoring that allows for fluctuating lake level. Staff recommends acceptance of the quote from EZ Docks. The following is a summary of the quotes provided by each manufacturer:

	Super Deck	Wahoo Docks	EZ Docks
	\$19,326.00	\$36,638.39	\$19,753.00
	**\$21,826.00	Included in quote	Included in quote
<b>Total Cost:</b>	<b>21,826.00</b>	<b>\$36,638.39</b>	<b>\$19,753.00</b>

\*\* Installation extra; not included in quote.

It was moved by Miller and seconded by Houdersheldt that the EZ Dock Company be hired to manufacture, fabricate, ship to the site, and install one handicapped access fishing dock in accordance with the District's specifications, using the EZ Dock quote of \$19,753.00. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 21. HAZARD MITIGATION PLAN UPDATE - SEWARD COUNTY.**

Jeff Ball presented a summary of five (5) hazard mitigation plan groups that the District has been working with. Jeff presented a map that shows which portions of the Upper Big Blue NRD are included in each of the plans. At this time, Seward County is requesting a resolution that the Upper Big Blue NRD adopt the "Seward County Multi-Jurisdictional Hazard Mitigation Plan" as presented by Jeff Ball.

It was moved by Miller and seconded by Houdersheldt that the resolution to adopt the Seward County Multi-Jurisdictional Hazard Mitigation Plan, as presented to the committee, be adopted by the Upper Big Blue Natural Resources District. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

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

Luebbe reported that the Water & Regulations Committee met November 13, 2014 and presented the committee's recommendations.

**ITEM 23. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 11 parcels totaling 683.72 acres. The net increase in irrigated acres was 11.46 acres. This brings the total irrigated acres as of November 1 to 1,219,888.72.

It was moved by Luebbe and seconded by Nuss to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Moore, Volkmer

**ITEM 24. CHEMIGATION REGULATIONS.**

The Legislature adopted LB 272 last session. This new law requires the NRDs to adopt new chemigation regulations including setting the permit fees. The NARD contracted with attorney Don Blankenau to draft example regulations. NDEQ has reviewed the example regulations. DeBuhr took the example regulations and added language regarding the District site inspection procedures and permit fees. DeBuhr recommended a fee structure as follows: Initial and Special permit - \$60, Renewals - \$20, and Emergency - \$250. The staff of the Lower Big Blue and Little Blue NRDs are recommending the same fees.

It was moved by Luebbe and seconded by Nuss to adopt Rule 7- Chemigation Rules and Regulations for the purpose of conducting a public hearing in conjunction with the December Board of Directors meeting. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 25. FLOW METER REPAIR COST-SHARE PAYMENTS.**

Six flow meters have been repaired at a cost of \$1,623.43. The total cost-share request is \$715.51.

It was moved by Luebbe and seconded by Houdersheldt to make cost-share payments totaling \$715.51 for six flow meters repaired. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 26. INACTIVE WELLS AND FLOW METERS.**

DeBuhr told the Committee that several concerns have been raised regarding the rule that flow meters are required on all "functional wells". A functional well is defined as a well with a pump. Some well owners have wells that they do not use that are still equipped with pumps. The staff offered a suggestion that a wire seal could be placed on wells with pumps that were not planned to be used. The Committee discussed variance options and the pros and cons of each.

It was moved by Luebbe and seconded by Stahly that as an alternative to requiring the installation of a flow meter on wells that are not being used, the District will allow the well owner to attach a metal plate over the well discharge. The plate must be attached in a manner that is satisfactory to the District so as to make the pump discharge non functional and allow for the installation of a wire seal by the District.

After a brief discussion it was moved by Miller and seconded by Austin to amend the motion to replace the words "well discharge" with "pump head" and the words "pump discharge" with "pump head discharge". The question was called on the amendment. The amendment carried.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

The question was called on the motion as amended. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 27. MONITORING WELL REPAIR.**

The deep monitoring well near the Beaver Crossing I-80 interchange went bad. Sargent Drilling's cost estimate to repair the pump is \$2,778.00.

It was moved by Luebbe and seconded by Austin to authorize Sargent Drilling to repair the deep monitoring well at the Beaver Crossing I-80 interchange at an estimated cost of \$2,778.00. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Stahly, Volkmer

**ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on November 13, 2014 and presented the committee's recommendations.

**ITEM 29. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Brown & Caldwell submitted bills totaling \$5,253.45 for work completed in October on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	243,205.93
Current bills	5,253.45
Total billed to date	248,459.38
Balance of Contract	\$29,179.62

It was moved by Bruns and seconded by Austin to approve payment of \$5,253.45 to Brown & Caldwell for work completed through October 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 30. INTER-LOCAL AGREEMENT – MIDDLE REPUBLICAN NRD.**

The Middle Republican NRD is working on a ground water model for part of their district. They have hired Brown and Caldwell to do the work. The manager, Jack Russell, has asked for technical assistance on the modeling effort. Bitner and Turnbull recommend that the services be provided by Bitner through an inter-local agreement. The Upper Big Blue will be reimbursed for payroll, payroll overhead, and expenses by the Middle Republican.

It was moved by Bruns and seconded by Stahly to approve the Inter-Local Agreement between the Middle Republican NRD and the Upper Big Blue NRD. The motion was approved.



Upper Big Blue NRD  
Board of Directors Meeting  
November 20, 2014

Page | 12

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 31. FINANCIAL REPORT OCTOBER 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2014.**

Turnbull reviewed the financial report for the period October 1, 2014 to October 31, 2014 that was distributed. It was moved by Ulmer and seconded by Austin to accept the financial report for October 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

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 November 20, 2014, 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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Michael D. Nuss, Secretary

:ndb  
Attachments

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

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

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

It was moved by Houdersheldt and seconded by Volkmer to approve the agenda for the October 16, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

**ITEM 7. \*APPROVAL OF MINUTES OF THE SEPTEMBER 18, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Houdersheldt and seconded by Volkmer to approve the minutes of the September 18, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

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

Luebbe reported that the Water & Regulations Committee met October 7, 2014 and presented the committee's recommendations.

**ITEM 9. CERTIFICATION OF IRRIGATED ACRES.**

The Water and Regulations Committee reviewed the irrigation acres certification for 43 parcels totaling 4,702.66 acres. The net increase in irrigated acres was 211.72 acres. This brings the total irrigated acres as of October 1 to 1,228,399.71.

It was moved by Luebbe and seconded by Austin to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None

NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

**ITEM 10. FLOW METER REPAIR COST-SHARE PAYMENTS.**

Three flow meters have been repaired for a total cost of \$1,155.00. The cost-share payments to the cooperators total \$450.00.

It was moved by Luebbe and seconded by Stahly to make cost-share payments totaling \$450.00 for three flow meters repaired. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

**ITEM 11. WELL PERMIT VARIANCE.**

In March, Dale Livgren obtained a permit to construct a replacement well in the NW1/4 of Section 20-T7N-R6W, Clay County. Shuck Drilling Company constructed a replacement well, which did not produce sufficient water. Section 20-T7N-R6W was included in the temporary stay on April 17. A few days after the start of the stay the driller and owner requested that they be allowed to construct another "replacement" to see if they could get a better well. The staff agreed that this was allowable under their permit but that only one well could be used as the replacement during the stay and that the status of the other well would be determined based on the outcome of any new regulations adopted by the District. Now that the temporary stay has been lifted and section 20-T7N-R6W is not in the High Risk Management Area, Mr. Livgren would like to keep both wells. However, since the second well was constructed during the temporary stay, the District would need to grant a variance to allow its existence. The second well complies with the Groundwater Management Area regulations. The staff recommends the variance be granted. (The variance resolution is attached.)

It was moved by Luebbe and seconded by Nuss to adopt Variance Resolution 2014-1, granting a variance for the use of a new irrigation well owned by Dale Livgren constructed during the temporary stay in the NW1/4 of Section 20-T7N-R6W, Clay County. The motion was approved.

AYE: Austin, Breazeale, Eberle, Houdersheldt, Nuss, Stahly, Teegerstrom, Ulmer, Yates

NAY: Bruns, Luebbe

NOT VOTING: Volkmer

NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

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

Austin reported that the Projects & Programs Committee met on October 7, 2014 and presented the committee's report.

**ITEM 13. FY 2015 TREE PROGRAM & PRICES.**

The Nebraska Association of Resources District (NARD) will continue to receive 3¢ per tree purchased by the NRD's from Bessey Nursery at Halsey, Nebraska. Bessey Nursery raised their tree prices 4¢ per tree this year. The tree price at Halsey is 63¢ per tree for 2-0 conifers and hardwoods. The District prices for FY 2014 were 90¢/tree and 70¢/tree for planting. The staff is recommending that the price for trees be increased by 5 cents.

It was moved by Austin and seconded by Houdersheldt that the Upper Big Blue Natural Resources District set the planting cost for FY 2015 at \$.70 per tree, and the cost of the trees and shrubs at \$.95 per tree. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT VOTING: Miller, Regier

NOT PRESENT: Buller, Dickinson, Moore

**ITEM 14. APPLICATIONS FOR STORM DAMAGED TREES (PRIVATE PROPERTY).**

Feather briefed the Committee on the status of tree replacements at Beaver Crossing, and recommended the acceptance of two (2) applications; Jim O'Hare for the cost-share amount of \$300, and the Catholic Church for the cost-share amount of \$134.99, for a total of \$434.99. The total amount of the applications is \$1,050.63.

It was moved by Austin and seconded by Ulmer that the two (2) applications for Jim O'Hare in the amount of \$300, and the Catholic Church in the amount of \$134.99 be approved for cost-share, for a total of \$434.99, and be completed under the Storm Damaged Tree Replacement Program as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Dickinson, Moore

**ITEM 15. APPLICATION FOR STORM DAMAGED TREES (PUBLIC PROPERTY).**

The Village of Beaver Crossing wants to plant 38 trees in the public right-of-way along mainstreet in Beaver Crossing. The total amount to be spent on this project is \$3,126.00. Jim O'Hare, representing the Beaver Crossing Tree Board, and Steve Vavra, representing the Beaver Crossing Village Board, updated the committee on the progress of the tree planting projects for the Village of Beaver Crossing.

It was moved by Austin and seconded by Luebbe that the Upper Big Blue Natural Resources District approve the storm damaged tree application for trees to be planted in Beaver Crossing on public property in the amount of \$1,563.00, which is 50% of the total amount of \$3,126.00. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT VOTING: Moore  
NOT PRESENT: Buller, Dickinson

**ITEM 16. STORM DAMAGED TREE PROGRAM PAYMENTS.**

Larry & Jacque Paxson planted 2 Ivory Silk Tree Lilac, 2 Red Sunset Maple, 1 Seven Sons Flowering Tree, 1 Mountain Ash, 1 Canaan Fir and 1 Autumn Blaze Maple on their property located at 909 West Street in Beaver Crossing. The approved application was for \$622.40. The District agreed to pay up to 50% of \$600 or \$300 per property owner.

It was moved by Austin and seconded by Bruns that the Upper Big Blue Natural Resources District make payment of \$300 to Larry & Jacque Paxson for the planting of trees on their property located at 909 West Street in Beaver Crossing, Nebraska, due to storm damage. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Dickinson

Terry & Marsha Barth planted 1 Swamp White Oak, 1 Tulip Tree, 1 State Street Maple, 1 Weeping Willow, and 1 Siouland Cottonwood on their property located at 4040 Beaver Circle RD, Beaver Crossing, Nebraska. The approved application was for the amount of \$643.49. The District agreed to pay up to 50% of \$600 or \$300 per property owner.

It was moved by Austin and seconded by Bruns that the Upper Big Blue Natural Resources District make payment of \$300 to Terry & Marsha Barth for the planting of trees on their property located at 4040 Beaver Circle RD, Beaver Crossing, Nebraska due to storm damage. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Dickinson

**ITEM 17. PIONEER TRAILS RECREATION AREA DEVELOPMENT.**

The Pioneer Trails Recreation Area construction bid from M.E. Collins Construction Company included \$97,901 for construction of the amphitheater. The engineer's estimate for this work was \$21,283. Due to the large difference between the engineer's estimate and the contractor's bid, staff requested a quote from Nemaha Landscape Construction for that work. Nemaha's quote to build the amphitheater is \$37,900.

Staff recommends that construction of the amphitheater be removed from the M.E. Collins contract,

and that Nemaha Landscape Construction be awarded a contract for \$37,900 to construct the amphitheater.

It was moved by Austin and seconded by Houdersheldt that construction of the amphitheater at the Pioneer Trails Recreation Area be deleted from the M.E. Collins base bid, and that Nemaha Landscape Construction be awarded a contract to construct the amphitheater in accordance with their bid of \$37,900. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Dickinson

#### **ITEM 18. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on October 9, 2014 and presented the committee's report.

#### **ITEM 19. NRD HEADQUARTERS FACILITY.**

Turnbull reviewed the architectural plans and the latest cost estimate with the committee. Seven meetings have been held with Ayars & Ayars and their sub contractors since the last Board of Directors meeting. The staff has requested detailed cost breakdowns, which while not yet complete, are being provided.

Allan Quick, our criteria developer, was present at the meeting to discuss the development of the building plans over time. He explained that changes are a result of thinking things through and making a series of decisions that lead to a better building that will last a long time. The design of a building that leads to a final project is a process. The process does not end with the construction but rather continues throughout the use of the building. The design is centered on the staff organization and functions. The building is not only being constructed to house the staff but to increase their efficiency. An important factor is that the building is designed to allow for staff size increases in the future with minimal cost without expanding or adding to the building.

The committee discussed the projects costs. Direction was given to the staff to make reductions in cost to reach a target price. Turnbull stated that the staff will work with Ayars & Ayars to reduce costs. The committee emphasized that the reductions should not be done to the building layout or structure. Areas to consider initially for reductions are furnishings, landscaping, and audio visual. Ayars & Ayars listed alternatives for consideration, such as, parking lot lighting. The committee indicated that some of those alternatives may be desirable.

The staff will try to have the project costs as revised, the contract with Ayars & Ayars, and the bank financing documents ready for committee consideration at the November committee meeting.

**ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on October 9, 2014 and presented the committee's recommendations.

**ITEM 21. GROUNDWATER MODELING - BROWN AND CALDWELL.**

The first computer runs of the model have been made, which have shown that further calibration is needed.

Brown & Caldwell submitted bills totaling \$11,292.20 for work completed in September on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	231,913.73
Current bills	11,292.20
Total billed to date	243,205.93
Balance of Contract	\$34,433.07

It was moved by Bruns and seconded by Luebbe to approve payment of \$11,292.20 to Brown & Caldwell for work completed through September 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Dickinson

**ITEM 22. \*THIRD QUARTER DIRECTORS' PER DIEM & EXPENSES.**

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

It was moved by Houdersheldt and seconded by Volkmer to approve payment of third quarter directors' per diem of \$11,690.00 and expenses of \$4,651.12. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Nuss, Stahly, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Dickinson, Miller, Moore, Regier

**ITEM 23. PAYMENT TO ROMANS WIEMER & ASSOCIATES FOR FISCAL YEAR 2014 AUDIT.**

A bill for \$3,400.00 has been received from Romans Wiemer & Associates for conducting the FY 2014 audit.

It was moved by Bruns and seconded by Miller to approve payment of \$3,400.00 to Romans Wiemer & Associates for the FY 2014 Audit. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Dickinson

**ITEM 24. FINANCIAL REPORT SEPTEMBER 1 - 30, 2014 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2014.**

Turnbull reviewed the financial report for the period September 1, 2014 to September 30, 2014 that was distributed. It was moved by Houdersheldt and seconded by Eberle to accept the financial report for September 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Breazeale, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Dickinson

There being no other business the chairman adjourned the meeting at 8:25 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 October 16, 2014, 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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Michael D. Nuss, Secretary

:ndb  
Attachment



**BOARD OF DIRECTORS MEETING  
NOVEMBER 20, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 20, 2014 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Burch Breazeale, Doug Bruns, Steve Buller, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Mike Nuss, Kenneth Regier, Bill Stahly, Vance Teegerstrom, Eugene Ulmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Rod DeBuhr, Ken Feather, Ronda Rich, David Robotham, Becky Roesler, Kristin Phillips, Marie Krausnick, Courtney Widup, Steve Seglin, J' Ulman and Cristy Joy and Gary Tucker of Ayars & Ayars, Kent Norquest of Fillmore County NRCS, and Steve Moseley of the York News-Times.

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

Yates reported that we published the legal notice of the board of directors' meeting on November 13, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Larry Moore and Merlin Volkmer requested an excused absence for the November 20, 2014 board of directors meeting.

It was moved by Regier and seconded by Luebbe to excuse the absence of Moore and Volkmer from the November 20, 2014 board of directors meeting as requested. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

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

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

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Moore, Volkmer

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

It was moved by Stahly and seconded by Dickinson to approve the agenda for the November 20, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT PRESENT: Moore, Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE OCTOBER 16, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Dickinson to approve the minutes of the October 16, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Breazeale, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates  
NAY: None  
NOT VOTING: Buller  
NOT PRESENT: Moore, Volkmer

**ITEM 8. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on November 13 and November 20, 2014 and presented the committee's recommendations.

**ITEM 9. AYARS & AYARS DESIGN-BUILD PROPOSAL.**

Ayars & Ayars was present at the November 13, 2014 Building Committee meeting to present the final proposal. They briefly talked about the facility components and design changes. A discussion was held about the changes and the overall plans. The proposal presented included all the changes made since August with updated costs.

Costs for the new NRD Headquarters Facility were presented at the October committee meeting. The committee directed that changes be made to meet a target price of \$4,500,000. The Building Committee, staff, Allan Quick (criteria developer), Ayars & Ayars and their sub-contractors have spent considerable time since then reviewing the design in an effort to reduce costs. That work is now done,

resulting in a cost reduction of \$260,799 (5 ½%). The total final cost of the complete proposal is \$4,484,672, which includes the new office building, new shop building, parking lots and landscaping.

Construction is to begin in February, 2015, although certain materials will be ordered prior to that date to protect pricing. The completion date is February 16, 2016.

It was moved by Eberle and seconded by Bruns to accept the Ayars & Ayars Design-Build Proposal for the new NRD Headquarters Facility. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 10. AYARS & AYARS DESIGN-BUILD CONTRACT.**

The final complete contract was sent out to the committee members on November 17th for their review. The committee briefly discussed the last few minor changes to the Agreement (contract) between the Upper Big Blue Natural Resources District and Ayars & Ayars, Incorporated, Lincoln, Nebraska.

The agreement is for the design and construction services of a new single story office building (approximately 13,592 square feet main level) with a full basement, adjacent maintenance building (approximately 10,200 square feet), site grading, utilities construction, paving 300 feet of drive access, paved parking for 78 stalls, systems furniture, and site landscaping. The stipulated sum of the agreement is \$4,484,672.00.

The agreement states that the District (owner) shall designate in writing a representative and alternate who shall have express authority to bind the owner with respect to project matters requiring the owner's approval or authorization. The agreement lists John Turnbull as the owner's representative and Lynn Yates as the alternate.

It was moved by Buller and seconded by Austin to approve and enter into the Agreement between the Upper Big Blue NRD and Ayars & Ayars, Incorporated, Lincoln, Nebraska; further, for the purposes of the agreement, to appoint John C. Turnbull, General Manager, as the District (owner's) representative, and Lynn Yates, Chairman, as the alternate, both of who shall have the express authority to bind the District with respect to project matters requiring the District's approval or authorization, including the signing of the Agreement. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 11. BUILDING PROJECT FINANCING.**

Turnbull explained that in order to obtain the tax exempt loan from Cornerstone Bank for the NRD Headquarters Facility, the Board of Directors need to take two actions at the November board meeting.

The Board of Directors required actions are:

- 1- Adopt the financing Resolution (attached) which:
  - a. Approves these documents
    - i. Promissory Note with Cornerstone Bank
    - ii. Deed of Trust
    - iii. Federal Tax Certificate
  - b. Authorizes the Chairman and General Manager to make any changes in the documents prior to signing as advised by legal counsel and special tax counsel.
  - c. Authorizes the Chairman and General Manager to sign the documents.
  - d. Directs the Board officers, General Manager and legal counsel to carry out and perform the necessary obligations with consultation of special tax counsel and the Bank.
- 2- Adopt the Policy and Procedures for Federal Tax Law and Disclosure Requirements (attached) which:
  - a. Requires a Compliance Officer, which as defined by the Federal Tax Certificate is the General Manager.
  - b. Requires an annual compliance review
  - c. Requires timely use of bond (loan) proceeds
  - d. Restricts use of property by non-government trade or business (leases, etc.)
  - e. Requires record keeping for life of indebtedness plus 6 years

Jim Hoffman, Cornerstone Bank Vice President - Commercial Loans was present at the November 13, 2014 committee meeting to discuss the loan for the building project.

The draft financial documents were reviewed with the committee. Copies were provided to each board member in July. The documents have been drafted by our attorney, Steve Seglin, and our bond attorney Lauren Wismer. Seglin reviewed the resolution with the committee. The draft note and deed of trust were also reviewed, which were provided by Cornerstone Bank. Jim Hoffman explained that the note is for the construction loan which has a fixed interest rate and a fixed term of one year. There was discussion about when the note would be dated, December 1 or March 1 or some other date. At the end of a year the note will be refinanced as a 2.09% fixed rate, 7 year term permanent loan. Payments will be twice a year in June and October to coincide with tax collections.

It was moved by Buller and seconded by Houdersheldt to adopt the Financing Resolution as presented.  
The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Stahly,  
Teegerstrom, Ulmer, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: Moore, Volkmer

Steve Seglin explained the Policy and Procedures for Federal Tax Law to the committee. The Policy spells out that the requirements for the tax exempt loan are for the life of the loan plus 6 years. The District is required to adhere to the federal regulations as they change in the future.

It was moved by Buller and seconded by Austin to adopt the Policy and Procedures for Federal Tax Law and Disclosure Requirements for Tax-Exempt Bonds and/or Build America Bonds as presented. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier,  
Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 12. ARCHITECT & CRITERIA DEVELOPER FEES.**

Allan Quick, Architect, submitted a bill for his work from April 26 through October 16, 2014. The total is \$18,413.20. Allan Quick's costs are not to exceed \$32,190 without further Board authorization. His work will continue through the completion of the building project.

It was moved by Buller and seconded by Houdersheldt to approve payment of \$18,413.20 to Allan Quick, Architect, for work completed through October 16, 2014 on the NRD Headquarters Facility building project. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier,  
Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects & Programs Committee met on November 13, 2014 and presented the committee's recommendations.

#### **ITEM 14. APPLICATIONS FOR REPLACEMENT OF STORM DAMAGED TREES ON PRIVATE PROPERTY.**

Feather briefed the Committee on the status of tree replacements at Beaver Crossing, and

recommended the acceptance of two (2) applications for tree replacement on private property; Gerard Leif for cost-share in the amount of \$300.00 and Kenneth Cross for the cost-share amount of \$300.00, for a total cost-share of \$600.00.

It was moved by Miller and seconded by Dickinson that the applications from Gerard Leif in the amount of \$300.00 and Kenneth Cross in the amount of \$300.00, as reviewed by the Committee and recommended by staff, be approved for cost-share under the Storm Damaged Tree Replacement Program. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 15. PAYMENT FOR STORM DAMAGED TREES ON PUBLIC PROPERTY.**

The Village of Beaver Crossing planted 39 trees in the public right-of-way along mainstreet of Beaver Crossing. The total amount spent on this project is \$3,126.00. The District agreed to fund 50% of the total amount or \$1,563.00.

It was moved by Miller and seconded by Luebbe that payment of \$1,563.00 be made to the Village of Beaver Crossing for trees planted on public right-of-way at Beaver Crossing in accordance with the District's program for Replacement of Storm Damaged Trees on Public Property. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

#### **ITEM 16. PAYMENT FOR STORM DAMAGED TREES ON PRIVATE PROPERTY.**

Jim O'Hare planted three Black Hills Spruce, two Green Mountain Sugar Maple, and one Red Jewel Crab on his property located at 700 Dimery Avenue in Beaver Crossing. The approved application was for the amount of \$679.94; and Donald Schernikau planted two Red Jewel Crabapple on property owned by the Catholic Church located at 401 Dimery Avenue, Beaver Crossing. The approved application was for the amount of \$269.98. The District agreed to pay 50% of actual cost, not to exceed \$300 per property owner.

It was moved by Miller and seconded by Stahly that payment of \$300 be made to Jim O'Hare for the planting of trees on his property in Beaver Crossing and a payment of \$134.99 be made to Donald Schernikau for planting trees on property owned by the Catholic Church in Beaver Crossing in accordance with the District's program for Replacement of Storm Damaged Trees on Private Property. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 17. PIONEER TRAILS RECREATION AREA DEVELOPMENT - CONTRACTOR PROGRESS PAYMENT.**

Construction work has begun at the Pioneer Trails recreation area. To date, the majority of work has been for earthwork and preparation of the site for the amphitheater. Nissen Electric has purchased the electrical service pedestals for the RV camping pads and amphitheater. Staff recommends payment of \$3,900 to Nissen Electric in accordance with their October 16 invoice.

It was moved by Miller and seconded by Austin that payment of \$3,900 be made to Nissen Electric, LLC for electrical service pedestals to be installed at the RV camping pads and amphitheater as reviewed by the Committee and in Nissen Electric's Invoice No. 10037. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 18. PIONEER TRAILS RECREATION AREA DEVELOPMENT - GRANT APPLICATIONS.**

Snell presented a summary of grant applications being prepared to request funding from the Farr Trust and Hamilton Community Foundation. The Farr Trust application will request funding for the two picnic shelters, and the Hamilton Community Foundation application will request funding for the amphitheater. Snell requested authorization to apply for these grants.

It was moved by Miller and seconded by Austin that the Board of Directors authorize staff to file the grant applications with the Farr Trust and Hamilton Community Foundation as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 19. RECHARGE LAKE HANDICAPPED FISHING PIER - PROJECT BUDGET.**

Due to cost differences between the Engineer's estimate and bids received for walkway and headwall construction, staff requested an additional \$6,000 for the project budget. The total budget for this project would be increased from \$30,000 to \$36,000. The Wild Hawgs motorcycle club is co-sponsoring this project with the NRD and has raised \$10,000. A grant of \$5,000 is being provided for this project by the York Community Foundation. With the increased project budget, the District's share of cost is estimated to be \$21,000. Walkway and headwall construction began on November 3.

It was moved by Miller and seconded by Ulmer that the project budget for construction of the handicapped access fishing pier and walkway be increased from \$30,000 to \$36,000. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 20. RECHARGE LAKE HANDICAPPED FISHING PIER - DOCK FACILITY.**

Staff has obtained quotes from three (3) manufacturers for fabricating, shipping, and installing the proposed handicapped access fishing dock at Recharge Lake. Each manufacturer was required to provide a quote for a dock that is ADA compliant with railings to allow fishing from a wheel chair. The dock would have a gangway with length of 20 feet, straight dock section with length of 30 feet, dock tee section with length of 20 feet, and anchoring that allows for fluctuating lake level. Staff recommends acceptance of the quote from EZ Docks. The following is a summary of the quotes provided by each manufacturer:

	Super Deck	Wahoo Docks	EZ Docks
	\$19,326.00	\$36,638.39	\$19,753.00
	**\$21,826.00	Included in quote	Included in quote
<b>Total Cost:</b>	<b>21,826.00</b>	<b>\$36,638.39</b>	<b>\$19,753.00</b>

\*\* Installation extra; not included in quote.

It was moved by Miller and seconded by Houdersheldt that the EZ Dock Company be hired to manufacture, fabricate, ship to the site, and install one handicapped access fishing dock in accordance with the District's specifications, using the EZ Dock quote of \$19,753.00. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 21. HAZARD MITIGATION PLAN UPDATE - SEWARD COUNTY.**

Jeff Ball presented a summary of five (5) hazard mitigation plan groups that the District has been working with. Jeff presented a map that shows which portions of the Upper Big Blue NRD are included in each of the plans. At this time, Seward County is requesting a resolution that the Upper Big Blue NRD adopt the "Seward County Multi-Jurisdictional Hazard Mitigation Plan" as presented by Jeff Ball.

It was moved by Miller and seconded by Houdersheldt that the resolution to adopt the Seward County Multi-Jurisdictional Hazard Mitigation Plan, as presented to the committee, be adopted by the Upper Big Blue Natural Resources District. The motion was approved.



AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

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

Luebbe reported that the Water & Regulations Committee met November 13, 2014 and presented the committee's recommendations.

**ITEM 23. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 11 parcels totaling 683.72 acres. The net increase in irrigated acres was 11.46 acres. This brings the total irrigated acres as of November 1 to 1,219,888.72.

It was moved by Luebbe and seconded by Nuss to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Moore, Volkmer

**ITEM 24. CHEMIGATION REGULATIONS.**

The Legislature adopted LB 272 last session. This new law requires the NRDs to adopt new chemigation regulations including setting the permit fees. The NARD contracted with attorney Don Blankenau to draft example regulations. NDEQ has reviewed the example regulations. DeBuhr took the example regulations and added language regarding the District site inspection procedures and permit fees. DeBuhr recommended a fee structure as follows: Initial and Special permit - \$60, Renewals - \$20, and Emergency - \$250. The staff of the Lower Big Blue and Little Blue NRDs are recommending the same fees.

It was moved by Luebbe and seconded by Nuss to adopt Rule 7- Chemigation Rules and Regulations for the purpose of conducting a public hearing in conjunction with the December Board of Directors meeting. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 25. FLOW METER REPAIR COST-SHARE PAYMENTS.**

Six flow meters have been repaired at a cost of \$1,623.43. The total cost-share request is \$715.51.

It was moved by Luebbe and seconded by Houdersheldt to make cost-share payments totaling \$715.51 for six flow meters repaired. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 26. INACTIVE WELLS AND FLOW METERS.**

DeBuhr told the Committee that several concerns have been raised regarding the rule that flow meters are required on all “functional wells”. A functional well is defined as a well with a pump. Some well owners have wells that they do not use that are still equipped with pumps. The staff offered a suggestion that a wire seal could be placed on wells with pumps that were not planned to be used. The Committee discussed variance options and the pros and cons of each.

It was moved by Luebbe and seconded by Stahly that as an alternative to requiring the installation of a flow meter on wells that are not being used, the District will allow the well owner to attach a metal plate over the well discharge. The plate must be attached in a manner that is satisfactory to the District so as to make the pump discharge non functional and allow for the installation of a wire seal by the District.

After a brief discussion it was moved by Miller and seconded by Austin to amend the motion to replace the words “well discharge” with “pump head” and the words “pump discharge” with “pump head discharge”. The question was called on the amendment. The amendment carried.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

The question was called on the motion as amended. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 27. MONITORING WELL REPAIR.**

The deep monitoring well near the Beaver Crossing I-80 interchange went bad. Sargent Drilling’s cost estimate to repair the pump is \$2,778.00.

It was moved by Luebbe and seconded by Austin to authorize Sargent Drilling to repair the deep monitoring well at the Beaver Crossing I-80 interchange at an estimated cost of \$2,778.00. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Stahly, Volkmer

**ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on November 13, 2014 and presented the committee's recommendations.

**ITEM 29. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Brown & Caldwell submitted bills totaling \$5,253.45 for work completed in October on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	243,205.93
Current bills	5,253.45
Total billed to date	248,459.38
Balance of Contract	\$29,179.62

It was moved by Bruns and seconded by Austin to approve payment of \$5,253.45 to Brown & Caldwell for work completed through October 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 30. INTER-LOCAL AGREEMENT – MIDDLE REPUBLICAN NRD.**

The Middle Republican NRD is working on a ground water model for part of their district. They have hired Brown and Caldwell to do the work. The manager, Jack Russell, has asked for technical assistance on the modeling effort. Bitner and Turnbull recommend that the services be provided by Bitner through an inter-local agreement. The Upper Big Blue will be reimbursed for payroll, payroll overhead, and expenses by the Middle Republican.

It was moved by Bruns and seconded by Stahly to approve the Inter-Local Agreement between the Middle Republican NRD and the Upper Big Blue NRD. The motion was approved.

Upper Big Blue NRD  
Board of Directors Meeting  
November 20, 2014

Page | 12

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

**ITEM 31. FINANCIAL REPORT OCTOBER 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2014.**

Turnbull reviewed the financial report for the period October 1, 2014 to October 31, 2014 that was distributed. It was moved by Ulmer and seconded by Austin to accept the financial report for October 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Breazeale, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Nuss, Regier, Stahly, Teegerstrom, Ulmer, Yates

NAY: None

NOT PRESENT: Moore, Volkmer

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 November 20, 2014, 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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Michael D. Nuss, Secretary

:ndb  
Attachments

**BOARD OF DIRECTORS MEETING  
AND  
RULE 7 PUBLIC HEARING  
DECEMBER 18, 2014**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 18, 2014 at 1:30 p.m. in 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, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Vance Teegerstrom, Eugene Ulmer, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Ronda Rich, David Robotham, Becky Roesler, Kristin Phillips, Jeff Ball, DeeDee Novotny, Rita Hoblyn, Patty Connors, Ken Maca, Carol Maca, Dennis Griess, Paul Schroeder, Josh Bowers of York County NRCS, and Steve Moseley of the York News-Times.

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

Yates reported that we published the legal notice of the board of directors' meeting on December 11, 2014 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Bill Stahly requested an excused absence for the December 18, 2014 board of directors meeting.

It was moved by Luebbe and seconded by Ulmer to excuse the absence of Stahly from the December 18, 2014 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

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

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

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

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

It was moved by Dickinson and seconded by Houdersheldt to approve the agenda for the December 18, 2014 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 7. \*APPROVAL OF MINUTES OF THE NOVEMBER 20, 2014 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Houdersheldt to approve the minutes of the November 20, 2014 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 8. PUBLIC HEARING RULE 7 – CHEMIGATION RULES & REGULATIONS.**

Notice of this Public Hearing was advertised in the York News-Times on November 26, 2014 and December 2 and 9, 2014. The purpose is to set fees for chemigation permit applications. The proposed fees are; original and special application fee of \$60, annual renewal fee of \$20 and emergency permit application fee of \$250. Chairman Yates opened the Public Hearing at 1:33 p.m. He asked Rod DeBuhr, Water Department Manager, to review the proposed changes to Rule 7.

Yates:

At this time I would open the public hearing and I will have Rod go through the changes and explain them.

DeBuhr:

I think first of all I'll enter into evidence, Nancy already has them, is a meeting notice and proof of publication [Exhibit #1] for the meeting notice and a copy of the draft rules [Exhibit #2] which each

board member has in front of them. And then there is also a resolution for the board's consideration when we actually act on the adoption, if that's what you choose to do. In the last legislative session the Legislature passed a new law which required, which allowed the NRDs to set their own fees for chemigation permits. Chemigation permits were first required in 1987. And the Legislature then set the fee at \$30 for new and \$10 for renewals. A couple of years ago the NARD, on behalf of the districts, went to the Legislature and said that those fees need to be updated, because it's been a number of years, things have changed, and costs have gone up. And the Legislature chose to adopt a law that allowed you to set your own fees. The law does provide that you can only set them to recover costs. You can't make a profit, and so on. But this draft, these rules that you have in front of you, those that were, that are in black, that are not underlined or anything, those set of rules were developed by Don Blankenau, who's an attorney that you all know, or at least have heard of, on behalf of the Association. And it was sent out to all the NRDs to comply with the Act. And then each NRD was given the opportunity to set their own rules, their own fees. On page 7-7 the staff and the committee that sent these out recommended that we set the fee for new, or original and special permits at \$60 and renewals at \$20, and emergency permits at \$250. And we, since 1987 the district has never had to issue an emergency permit, so I doubt that will really matter. Then Chapter 11 is basically copying, and I paraphrased a little bit, but changed some of the wording a little bit, but it's a copy of our existing rules and how we handled inspection procedures. As far as when we count an inspection, what can come. We don't have to enforce this very much either but once in a while we notify a person that we're gonna do an inspection and they don't show up. And basically our rules say if they do that, if they don't show up without good cause two times in a row we can cancel their permit and make them pay a new fee. Then the remainder again is what Don Blankenau wrote to comply with the law on posting, enforcement procedures and reporting to the state which we are required to do on all permits that are issued. Unless there are questions, I think that the committee went through it pretty thoroughly and that's basically what it does is set those fees. The resolution that's included is necessary because we have to include language that lets the Department of Environment Quality know that we did set the fees to defray the costs and that the cost should cover our administrative costs and inspection program. So that language is in the resolution.

Brisk:

Rod, is the resolution, is that actually going to be an exhibit?

DeBuhr:

It doesn't have to be. As long as the board has it when they get to the time in the meeting where they make motions.

Yates:

Steve?

Buller:

I know we're in a public hearing and the rules are a little bit different. If we have questions about the rules is now the time to ask them or after the motion has been made?

DeBuhr:

You can ask questions.

Yates:

I think right now to ask the question. And then I'll ask for testimony or any public comment.

Buller:

Okay, and maybe you covered this Rod. Under the inspection part of Rule 7 we did have something in our rules previously regarding inspections.

DeBuhr:

These rules here are, I reformatted it a little bit, but these are what we had before. They're not new.

Buller:

And they were a part of Rule 7? They weren't somewhere else?

DeBuhr:

No. They were in Rule 7.

Buller:

Okay.

Yates:

Is there any other questions for Rod at this time? If not, is there anybody that wants to give any public testimony or comment?

DeBuhr:

Oh, I did forget one thing. I consulted with the staff from surrounding NRD's and both the Lower Big Blue and Little Blue NRD staff are recommending the exact same prices. We do share some, where we share common boundaries we do occasionally do inspections for each other because it might be more convenient for the producer if he has 3 permits in one NRD and 2 in the other or something that one person does them all. So we set our fees to match. Or at least we recommended to our boards to do that.

Brisk:

Rod, did you want to enter into the record the letter from Marty Link?

DeBuhr:

Yeah. We did get a letter from Department of Environmental Quality [Exhibit #3]. I didn't give it to all the directors but basically it says that our proposed rules meet the requirements.

Yates:

Okay, is there anybody that wants to comment or testify on this? If not I will close the public hearing at this time.

The Public Hearing on Rule 7 was officially closed at 1:44 p.m.



**ITEM 9. ADOPT RESOLUTION TO CHANGE RULE 7 – CHEMIGATION RULES & REGULATIONS.**

It was moved by Houdersheldt and seconded by Dickinson to adopt the resolution stating changes to Rule 7 – Chemigation Rules and Regulations as presented at the Public Hearing. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 10. DIRECTORS’ RECOGNITION.**

Ken Regier, long-time director in subdistrict 6, was recognized by the board and staff for 36 years of service on the Upper Big Blue NRD board. Regier did not file for re-election in the 2014 general election and will be going off the board. Because no one else filed for election in his subdistrict he will remain on the board until someone is appointed to fill the vacancy and sworn in.

Vance Teegerstrom, director in subdistrict 7, was recognized by the board and staff for 16 years of service on the Upper Big Blue NRD board. Teegerstrom will be replaced by former NRD board member Ronda Rich who was elected in the 2014 general election.

**ITEM 11. EMPLOYEE RECOGNITION.**

Rita Hoblyn, Projects Department Secretary, was honored for 20 years of service to the Upper Big Blue NRD and presented with an engraved desk clock.

Patty Connors, Receptionist/Secretary, was recognized for 5 years of service to the district and was presented with an engraved desk plaque.

**ITEM 12. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on December 11, 2014 and presented the committee’s recommendations.

**ITEM 13. NEW NRD HEADQUARTERS FACILITY – PAYMENT TO AYARS & AYARS.**

The first payment request has been submitted by Ayars & Ayars for the new NRD Headquarters Facility. The items to be paid are the performance bond, bond fees, funds control, overhead and profit for Ayars & Ayars, plus the bonds for their sub-contractors.

Original Contract	\$	4,484,673.00	
Change Orders		-	
Total Contract		4,484,673.00	

Previous Payments	-	
Current Payment	226,504.23	
Total Payments	226,504.23	5%
Contract Balance	4,258,168.77	95%

It was moved by Eberle and seconded by Bruns to approve payment of \$226,504.23, for items completed through November 30, 2014 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 14. LISTING EXISTING NRD OFFICE & STORAGE BUILDING FOR SALE.**

Since it may take some time to sell the existing NRD office and storage building the District should put the properties on the market well before the completion of the new NRD Headquarters Facility. Turnbull recommended that the District offer the existing office building and storage building for sale as soon as reasonably possible.

It was moved by Eberle and seconded by Austin to place the NRD Office building at 105 North Lincoln Avenue, and the storage building at 2nd and Platte Avenue, both in York, Nebraska, on the market for sale. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

There was discussion about whether or not to hire a real estate firm to sell the buildings. Things considered were the staff time required and the benefits of using an experienced realtor. The asking price of the buildings still needs to be determined. It is likely that the buildings will sell better separately. It is important that the sale of the buildings include the condition that NRD will occupy the office building and storage building until the completion of the new facility.

It was moved by Eberle and seconded by Houdersheldt to request listing proposals for the sale of the existing NRD office and storage buildings from no more than three local real estate firms. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 15. ARCHITECT & CRITERIA DEVELOPER FEES.**

The architect, Allan Quick, submitted a bill for services for November 2014.

Architect's Agreement	\$ 32,190.00
Previous Payments	18,413.20
Current Payment	1,546.70
Total Payments	19,959.90
Agreement Balance	12,230.10

It was moved by Eberle and seconded by Teegerstrom to approve payment of \$1,546.70 to Allan Quick, Architect, for work completed through November 30, 2014 on the NRD Headquarters Facility building project. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

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

Miller reported that the Projects & Programs Committee met on December 11, 2014 and presented the committee's recommendations.

**ITEM 17. LAND TREATMENT PROGRAM.**

It was moved by Miller and seconded by Volkmer that payment of \$6,216.54 be approved for two completed NSWCP Land Treatment Program applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 18. \*NEBRASKA BUFFER STRIP PROGRAM.**

It was moved by Dickinson and seconded by Houdersheldt that payment of \$4,122.78 be approved for five (5) Nebraska Buffer Strip Program contracts as recommended by staff and reviewed by the committee. The motion was approved as part of the consent agenda.

Upper Big Blue NRD  
Board of Directors Meeting  
& Rule 7 Public Hearing  
December 18, 2014

Page | 8

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 19. STORM DAMAGED TREE PROGRAM PAYMENTS.**

Gerard Leif planted (4) Black Hills Spruce, (1) Chanticleer Pear, (1) Flowering Crab and (1) Bakeri Spruce on property located at 404 Fremont Street in Beaver Crossing, NE for a total of \$743.90.

Kenneth Cross planted (5) Fat Albert Spruce and (5) Bakeri Spruce on property located at 4173 Yankee Hill Road, Friend, NE for a total of \$1,043.50. The District agreed to pay 50% of the actual cost not to exceed \$300.00 per property owner.

It was moved by Miller and seconded by Luebbe that the payments of \$300.00 each be made to Gerard Leif and Kenneth Cross for planting trees in accordance with the District program for replacement of storm damaged Trees on private property. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 20. PIONEER TRAILS RECREATION AREA DEVELOPMENT - CONTRACTOR PROGRESS PAYMENT.**

The general contractor, M.E. Collins, has started work on the Pioneer Trails Recreation Area Development Project. Staff recommends approval of the current progress payment, as reviewed by the Committee, for work completed in November.

It was moved by Miller and seconded by Volkmer that payment of \$40,996.12 be made to M.E. Collins, general contractor, for work completed at the Pioneer Trails Recreation Area Development Project in November 2014. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 21. RECHARGE LAKE HANDICAPPED ACCESSIBLE FISHING DOCK PROGRESS PAYMENT.**

The general contractor, M.E. Collins, has started work on the walkway and headwall for the Handicapped Access Fishing Dock Project at Recharge Lake. Staff recommends approval of the current progress payment, as reviewed by the Committee, for work completed in November.

It was moved by Miller and seconded by Houdersheldt that payment of \$2,131.02 be made to M.E.

Collins, general contractor, for work completed at the Handicapped Access Fishing Dock for Recharge Lake in November 2014. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

#### **ITEM 22. RECHARGE LAKE HANDICAPPED ACCESSIBLE FISHING DOCK PURCHASE.**

Staff recommends payment to Trade Winds Distributing, Inc. for dock materials to be installed at Recharge Lake for the handicapped accessible fishing dock facility.

It was moved by Miller and seconded by Dickinson that payment of \$17,910.90 be made to Trade Winds Distributing, Inc. for handicapped accessible dock materials, as reviewed by the Committee, to be installed for the handicapped accessible fishing dock facility at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

#### **ITEM 23. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met December 11, 2014 and presented the committee's recommendations.

#### **ITEM 24. KLITZ / MACA VARIANCE REQUEST.**

On November 13, 2014 the Water and Regulations Committee reviewed a request for a variance to construct a well in the SE¼ of the NE¼ of Section 20-T12N-R2E, Seward County. The application was held over to the December Committee meeting in order to get additional information. This property is located in the area of the District designated as a "High Risk Groundwater Area". The land is owned by Debra (Richters) Klitz and operated by Kenneth and Carol Maca. A permit (UBB-1-5197) for construction of the proposed well was approved on January 30, 2014. The well was not constructed as of the implementation of a temporary stay issued by the Board on April 17, 2014. The proposed well for which this variance is requested does not meet the regulations in the following respects:

1. A new water well constructed in the High Risk Groundwater Area must be located at least twelve hundred fifty (1,250) feet from any other water well regardless of ownership.
2. No more than one (1) water well shall be constructed on a tract, a part of a tract, or tracts of land that are eighty (80) acres or less in size, with maximum of two (2) water wells per one-

hundred sixty (160) acres.

Committee members asked several questions concerning well capacities, pivot design and the concerns over liability related to nearby domestic and irrigation wells. After considerable discussion the committee recommended the request for a variance be denied.

It was moved by Luebbe and seconded by Volkmer to deny the well spacing/well density variance requested by Kenneth Maca and Debra Klitz for construction of a well in the SE¼ of the NE¼ of Section 20-T12N-R2E, Seward County.

Kenneth Maca spoke to the board and explained his request and asked that they consider is variance.

It was moved by Ulmer and seconded by Regier to table the matter. The motion failed.

AYE: Miller, Nuss, Regier, Ulmer

NAY: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Teegerstrom, Volkmer, Yates

NOT PRESENT: Breazeale, Stahly

It was moved by Dickinson and seconded by Nuss to refer the matter back to the Water & Regulations Committee. The motion failed.

AYE: Buller, Dickinson, Nuss, Regier, Ulmer, Volkmer

NAY: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Teegerstrom, Yates

NOT PRESENT: Breazeale, Stahly

It was moved by Ulmer and seconded by Nuss to hold the matter over to the January 2015 board meeting. The motion failed.

AYE: Buller, Dickinson, Nuss, Regier, Ulmer

NAY: Austin, Bruns, Eberle, Houdersheldt, Luebbe, Miller, Moore, Teegerstrom, Volkmer, Yates

NOT PRESENT: Breazeale, Stahly

The question was called for on the original motion. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Volkmer, Yates

NAY: Nuss, Regier, Teegerstrom, Ulmer

NOT PRESENT: Breazeale, Stahly

#### **ITEM 25. GW LAND CORPORATION VARIANCE REQUEST (GERALD AND KRIS STENDEL).**

GW Land Corp has a grandfathered transfer from a well located in the NE¼ of Section 17-T6N-R4W, Fillmore County to irrigate 445 acres (3 pivots) in the S½ of Section 4 and SE¼ Section 5-T6N-R4W, Fillmore County. The existing well pumps 1,300 gpm according to Kris Stengel. He indicated that the pipeline will not carry more that 1,300 gpm. He wants to drill a second well. He has indicated that the

primary purpose is to take the stress off the aging well. If allowed he indicated that he would reduce the output of the existing well so that the total pumping rates were not more than 1,300 gpm from both wells. The nearest well to the proposed new well site is approximately 1,400 feet to the East. No additional irrigated acres are proposed. The destination tracts are in the High Risk Groundwater Area.

It was moved by Luebbe and seconded by Volkmer to deny the variance requested by GW Land Corporation for construction of a second well to transfer groundwater from Section 17-T6N-R4W to irrigate land in the S½ of Section 4-T6N-R4W and the SE¼ of Section 5-T6N-R4W, all in Fillmore County. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: Nuss

NOT PRESENT: Breazeale, Stahly

#### **ITEM 26. DARRYL NOVAK VARIANCE REQUEST.**

Darryl Novak has a grandfathered transfer from a well located in the NW¼ NW¼ of Section 1-T8N-R2E, Saline County (40 acre tract) to irrigate 339 acres in Sections 35 and 36-T9N-R2E, Seward County. The registration indicates that the existing well had a pumping capacity of 1,600 gpm in 1967. Mr. Novak indicated that this is a very good well but that trying to irrigate 339 acres is a stretch. Section 36 is in the High Risk Groundwater Area. Mr. Novak wants to construct a well in the E½ NE¼ of Section 35-T9N-R2E, Seward County, and irrigate 153 acres (66.23 in section 35 and 86.28 in section 36) of the current 339 acres with the new well. The remaining acres (186 ac.) would continue to be irrigated from the well in Section 1-T8N-R2E. The proposed new well would be constructed into the Dakota formation. The well is estimated to be approximately 500 feet deep. Mr. Novak indicated the he feels this deep well would take stress off of the existing well and surrounding aquifer. There is a domestic well 1,300 feet west and another domestic well 1,900 feet east of the proposed well site. Both of these wells are constructed into the Dakota formation. The nearest irrigation well is just under a mile south. There is another irrigation well constructed into the Dakota formation, just over a mile northeast of the proposed well site. No new irrigated acres would be added.

DeBuhr pointed out to the board that there was a typographical error in the committee motion in the Water & Regulations Committee minutes. Both sections of land are located in Range 2 East.

It was moved by Luebbe and seconded by Houdersheldt to deny the variance requested by Darryl Novak for construction of a well to transfer groundwater from Section 35-T9N-R2E to irrigate land in Section 36-T9N-R2E, all in Seward County. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Teegerstrom, Volkmer, Yates

NAY: Buller, Nuss

NOT VOTING: Ulmer

NOT PRESENT: Breazeale, Stahly

**ITEM 27. DENNIS GRIESS VARIANCE REQUEST.**

Kenneth Griess (Dennis Griess, operator) has a grandfathered transfer to transfer groundwater from a well in the NE¼ of Section 8-T8N-R4W, Fillmore County to gravity irrigate 28 acres in the W½ W½ SW¼ of Section 4-T8N-R4W. The grandfathered transfer also provides that an existing well on W½ W½ SW¼ of Section 4-T8N-R4W can be used to transfer back to Section 8 to supplement a 114 acre center pivot. In 2013 Dennis Griess installed a center pivot on the W½ W½ SW¼ of Section 4-T8N-R4W and uses it to also irrigate approximately 21 acres of E½ W½ SW¼ of Section 4-T8N-R4W (previously rain fed) owned by Leroy Griess and 5 acres in the pivot corner on the E½ of the SW¼ of Section 4-T8N-R4W, owned by Kenneth Griess. The installation of the center pivot appears to reduce the irrigated acres on the previously gravity irrigated parcel by 2 acres so that the total irrigated now is approximately 50 acres. The source tract (NE¼ of Section 8-T8N-R4W) is in the High Risk Groundwater Area.

The Water & Regulations Committee asked Dennis Griess several questions concerning the center pivot that was installed to irrigate the additional acres and whether it could be altered so that the water from the south well would not be needed.

Dennis Griess spoke to the board and asked for consideration of his variance.

It was moved by Luebbe and seconded by Houdersheldt to deny the variance requested by Dennis Griess for the transfer of groundwater from well G-026953 in Section 8-T8N-R4W to irrigate approximately 25 acres added in 2013 in the SW¼ of Section 4-T8N-R4W, all in Fillmore County. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Regier, Volkmer

NAY: Buller, Nuss, Teegerstrom

NOT VOTING: Ulmer, Yates

NOT PRESENT: Breazeale, Stahly

**ITEM 28. GROUNDWATER TRANSFER AUTHORIZATION.**

Alan and Marian Keller have applied for a groundwater transfer authorization (T-076) from existing well G-171114 in the E½ SE¼ of Section 24-T10N-R2E to irrigated 35 acres in NE¼ NE¼ of Section 25-T10N-R2E, all in Seward County. The proposed transfer meets all of the requirements of the regulations.

It was moved by Luebbe and seconded by Moore to approve transfer authorization T-076. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Yates

NAY: Dickinson, Volkmer

NOT PRESENT: Breazeale, Stahly

**ITEM 29. FLOW METER REPAIR COST-SHARE PAYMENTS.**



Six flow meters have been repaired. The total cost was \$985.35. The cost-share totals \$492.69.

It was moved by Luebbe and seconded by Houdersheldt to make cost-share payments totaling \$492.69 for six flow meters repaired. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly

**ITEM 30. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Bruns reported that the Executive Committee met on December 11, 2014 and presented the committee's recommendations.

**ITEM 31. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Brown & Caldwell submitted bills totaling \$6,291.20 for work completed in November on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	248,459.38
Current bills	6,291.20
Total billed to date	254,750.58
Balance of Contract	\$22,888.42

It was moved by Bruns and seconded by Nuss to approve payment of \$6,291.20 to Brown & Caldwell for work completed through November 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Teegerstrom, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly, Ulmer, Volkmer

**ITEM 32. 2014 GENERAL ELECTION COSTS (ADAMS, BUTLER, HAMILTON, & SEWARD COUNTIES).**

Bills have been received from the following county clerks for the general election costs.

Adams County	588.00
Butler County	1,514.86
Hamilton County	3,543.72
Seward County	3,516.42

It was moved by Bruns and seconded by Ulmer to approve payment of \$588.00 to the Adams County Clerk, \$1,514.86 to the Butler County Clerk, \$3,543.72 to the Hamilton County Clerk, and \$3,516.42 to

the Seward County Clerk for the general election costs. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly, Teegerstrom

**ITEM 33. REQUEST AUTHORIZATION TO CREATE NEW WATER TECHNICIAN POSITION.**

The workload in the Water Department has increased to a level where a third water technician is needed. Because of the deadline for meter installation, the number of inspections in the next 12 months will increase dramatically. The addition of new phase II water quality areas also is requiring more staff time.

The position was budgeted for in the current budget. An additional secretarial position was also budgeted. It is not being requested at this time because the need is not as critical and there is limited office space.

It was moved by Bruns and seconded by Houdersheldt to authorize a third water technician position on the District staff; and further to authorize the General Manager to recruit and hire an individual for that position. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Teegerstrom, Ulmer, Yates

NAY: Volkmer

NOT PRESENT: Breazeale, Stahly

**ITEM 34. REQUEST FOR BIDS FOR NEW WATER DEPARTMENT PICKUP & ATV.**

Each water technician needs to have a dedicated pickup and ATV in order to efficiently do their work. Therefore, the District needs to buy an additional pickup and ATV for the new water technician.

It was moved by Bruns and seconded by Austin to request bids for a new pickup and ATV for the Water Department.

Volkmer suggested that for safety reasons that we look at purchasing a 2-wheel trailer to haul the ATV's. It was moved by Volkmer and seconded by Luebbe to amend the motion to include bids for a 2-wheel ATV trailer. The amendment was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly, Teegerstrom

The question was called for on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly, Teegerstrom

**ITEM 35. CONSIDER OFFICE CLOSING DECEMBER 26, 2014.**

Because Christmas falls on a Thursday this year it has been suggested to also close the office on Friday, December 26. January 2 was also talked about because it too is on a Friday right after a holiday.

It was moved by Bruns and seconded by Austin to close the office on December 26, 2014 and declare it a paid holiday for the staff, but to require the office to be open on January 2, 2015. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly, Teegerstrom

**ITEM 36. BLUEPRINT PRINTING BILL.**

A bill for \$7,549.13 has been received from York Printing Company for printing the latest edition of the Blueprint newsletter.

It was moved by Bruns and seconded by Volkmer to approve payment of \$7,549.13 to York Printing Company for the Blueprint newsletter. The motion was approved.

AYE: Austin, Bruns, Buller, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier,  
Ulmer, Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Stahly, Teegerstrom

**ITEM 37. FINANCIAL REPORT NOVEMBER 1 - 30, 2014 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2014.**

Turnbull reviewed the financial report for the period November 1, 2014 to November 30, 2014 that was distributed. It was moved by Volkmer and seconded by Ulmer to accept the financial report for November 2014 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, Ulmer,  
Volkmer, Yates

NAY: None

NOT PRESENT: Breazeale, Luebbe, Stahly, Teegerstrom

There being no other business the chairman adjourned the meeting at 3:35 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 December 18, 2014, 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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Michael D. Nuss, Secretary

:ndb  
Attachment

**BOARD OF DIRECTORS MEETING**  
**January 15, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 15, 2015 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Rod DeBuhr, Ken Feather, Kristin Phillips, Tessa Burgener of the Aurora News Register, Josh Bowers of York County NRCS, Steve Moseley of the York News-Times and Seward County Commissioner Whitney Fleischman.

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

Yates reported that we published the legal notice of the board of directors' meeting on January 8, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fourteen directors were present during roll call.

**ITEM 4. DIRECTORS' OATH OF OFFICE.**

All newly elected directors were administered the oath of office prior to the board of directors meeting.

**ITEM 5. REQUESTS FOR EXCUSED ABSENCE.**

Yvonne Austin, Steve Buller and John Miller requested excused absences for the January 15, 2015 board of directors meeting.

It was moved by Volkmer and seconded by Rich to excuse the absence of Austin, Buller and Miller from the January 15, 2015 board of directors meeting as requested. The motion was approved.

Upper Big Blue NRD  
Board of Directors Meeting  
January 15, 2015

Page | 2

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

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

It was moved by Rich and seconded by Stahly to adopt the consent agenda. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 7. \*ADOPTION OF AGENDA.**

It was moved by Rich and seconded by Stahly to approve the agenda for the January 15, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 8. \*APPROVAL OF MINUTES OF THE DECEMBER 18, 2014 BOARD OF DIRECTORS MEETING AND RULE 7 PUBLIC HEARING.**

It was moved by Rich and seconded by Stahly to approve the minutes of the December 18, 2014 Board of Directors meeting and Rule 7 Public Hearing. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 9. DIRECTOR RECOGNITION.**

Larry Moore was recognized for serving 40 years on the Upper Big Blue NRD board of directors. He was presented with a framed Michael Forsberg print.

**ITEM 10. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on January 8, 2015 and presented the committee's recommendations.

**ITEM 11. PAYMENT TO AYARS & AYARS.**

A payment request for the period through December 31, 2014, has been submitted by Ayars & Ayars for the new NRD Headquarters Facility.

Ayars & Ayars Payment Request		1-8-14
Original Contract	\$4,484,673.00	
Change Orders		
Total Contract	\$4,484,673.00	
Previous Payments	\$226,504.23	
Current Payment	\$175,550.48	
Total Payments	\$402,054.71	9%
Contract Balance	\$4,082,618.29	91%

It was moved by Eberle and seconded by Bruns to approve payment of \$175,550.48 for items completed through December 31, 2014 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

- AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None  
 NOT PRESENT: Austin, Buller, Miller

**ITEM 12. TITLE INSURANCE.**

Legal counsel has advised the District to purchase title insurance for the cost of the buildings at the new NRD Headquarters Facility. The District and the City purchased a \$185,000 title Insurance policy on the land in May 2014. Cornerstone Bank required a Title & Lien Report for the financing, but that is not title insurance.

Turnbull ordered an amendment to the policy to add \$4,500,000 for the buildings. An invoice has been received for the \$4,685,000 title insurance policy. The cost is \$8,656.25 less the \$577.50 already paid, making a total due of \$8,078.75 to York County Title Company.

It was moved by Eberle and seconded by Dickinson to approve payment of \$8,078.75 to York County Title Company for title insurance for the new NRD Headquarters Facility buildings and land. The motion was approved.

- AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None  
 NOT PRESENT: Austin, Buller, Miller

**ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Projects & Programs Committee met on January 8, 2015 and presented the committee's recommendations.

**ITEM 14. CORNERS FOR WILDLIFE PROGRAM - NEW CONTRACT.**

Dale Nunns has one pivot corner located in the S1/2 SW1/4 of Section 10, Township 6 North, Range 2 West of the 6th P.M., Fillmore County, Nebraska. The plan is to seed a 3.5 acre pivot corner to a warm season grass and wildflower mix and plant three rows of trees consisting of Red Cedar and shrubs for a total of 450 trees. The contract is paid for by monies available through the local Pheasants Forever Chapter and the Environmental Trust. Dale will receive \$75/acre for a 5-year period on these 3.5 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.

It was moved by Dickinson and seconded by Volkmer that the Upper Big Blue Natural Resources District enter into the Corners For Wildlife Contract with Dale Nunns and Pheasants Forever located in the NE corner of the S1/2 SW1/4 of Section 10 (3.5 acres), Township 6 North, Range 2 West of the 6th P.M., Fillmore County, Nebraska for a period of 5 years with an annual payment of \$262.50. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Buller, Miller

**ITEM 15. PIONEER TRAILS RECREATION AREA DEVELOPMENT - CONTRACTOR PROGRESS PAYMENT.**

Nemaha Landscape Construction has completed approximately 90% of the work on the amphitheater. Staff recommends approval of the progress payment, as reviewed by the Committee, for work completed in December.

It was moved by Dickinson and seconded by Houdersheldt that payment of \$37,181.70 be made to Nemaha Landscape Construction, Inc. for work completed on the amphitheater at the Pioneer Trails Recreation Area Development Project in December 2014. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Buller, Miller

**ITEM 16. PIONEER TRAILS RECREATION AREA - ARMY NATIONAL GUARD AVIATION TRAINING.**

Turnbull presented an informal request from the Army National Guard aviation unit at Grand Island to use the lake at the Pioneer Trails Recreation Area for helicopter fire bucket training.



It was moved by Dickinson and seconded by Houdersheldt that the Upper Big Blue NRD work with the Nebraska Army National Guard to explore an agreement for the Nebraska Army National Guard Aviation units to occasionally use the Pioneer Trails lake for flight training in the use of fire buckets for fire fighting, taking into account safety and liability issues as well as compatibility of training with other public uses of the recreation area. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

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

Luebbe reported that the Water & Regulations Committee met January 8, 2015 and presented the committee's recommendations.

#### **ITEM 18. SENSOR-BASED NITROGEN FERTILIZATION OF CORN.**

Dr. Rich Ferguson, from the Department of Agronomy, University of Nebraska, was present to discuss the proposed study of sensor-based nitrogen fertilization of corn. He showed a power point which outlined the principal reasons for the study. The material handed out says "The project will promote the adoption of in-season nitrogen fertilization for corn as a key component of increasing N use efficiency of corn production and reducing environmental impact on groundwater quality." The project is to run for three years.

The project partnership will be the Nebraska Corn Board, UNL – Lincoln, potentially 5 NRDs, and several producers. The University will provide 8 researchers. The Corn Board has agreed to fund about \$66,000 each year for 3 years to hire a Research Technologist. Other NRDs to be approached are the Central Platte, Lower Loup, Lower Platte North and the Lower Platte South. Each NRD is being asked to participate in the study and to fund a maximum of \$26,530 in year one, \$26,280 for year two and \$26,280 for year three. If the NRD agrees then the money could be budgeted in FY 2016, 2017 and 2018.

It was moved by Luebbe and seconded by Rich to sponsor the Sensor-based Nitrogen Fertilization of Corn project, and further to budget funds for the project in FY 2016, 2017 and 2018. The motion was approved.

AYE: Bruns, Eberle, Houdersheldt, Luebbe, Moore, Regier, Rich, Robotham, Roesler, Stahly, Yates

NAY: Dickinson

NOT VOTING: Nuss, Volkmer

NOT PRESENT: Austin, Buller, Miller

**ITEM 19. GROUNDWATER TRANSFER AUTHORIZATION.**

A groundwater transfer application from Max and Lois Eberspacher, Seward County was considered. The source tract is 151.3 acres in the SE ¼ Section 36, T10N, R1E. The destination tract is 64 acres in the E½ NW ¼ Section 1, T9N, R1E. The application meets all the regulatory requirements. The lands involved are not in the High Risk Groundwater Area.

It was moved by Luebbe and seconded by Stahly to approve the Groundwater Transfer Application T-077. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Yates

NAY: Volkmer

NOT PRESENT: Austin, Buller, Miller

**ITEM 20. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigation acres certification for 22 parcels totaling 1,831.62 acres. The net increase in irrigated acres was 164.75 acres. This brings the total irrigated acres as of January 1 to 1,213,421.71.

It was moved by Luebbe and seconded by Rich to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 21. FLOW METER REPAIR COST-SHARE.**

Three flow meters have been repaired. The total cost was \$828.71. The cost-share request totals \$394.38.

It was moved by Luebbe and seconded by Bruns to make cost-share payments totaling \$394.38 for three flow meters repaired. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

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

Bruns reported that the Executive Committee met on January 8, 2015 and presented the committee's recommendations.

**ITEM 23. \*DIRECTORS 4TH QUARTER PER DIEM & EXPENSES.**

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

It was moved by Rich and seconded by Stahly to approve payment of 4th quarter directors' per diem of \$7,070.00 and expenses of \$2,614.20. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 24. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Bitner reviewed the progress of the groundwater modeling work. The work by Brown and Caldwell should be done on the sub-regional model (Seward County) by February.

Brown & Caldwell submitted bills totaling \$3,980.45 for work completed in December on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	254,750.58
Current bills	3,980.45
Total billed to date	258,731.03
Balance of Contract	\$18,907.97

It was moved by Bruns and seconded by Nuss to approve payment of \$3,980.45 to Brown & Caldwell for work completed through December 2014 on the sub-regional groundwater model. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 25. PRIMARY & GENERAL ELECTION COSTS.**

Fillmore County has billed the District \$1,177.96 for the primary election held in May. Bills also have been received from the following county clerks for the general election costs.

Clay County	\$ 2,262.35
Fillmore County	\$ 3,147.16
Saline County	\$ 1,404.76

It was moved by Bruns and seconded by Nuss to approve payment of \$4,325.12 to the Fillmore County Clerk for the primary and general election costs, and \$2,262.35 to the Clay County Clerk and \$1,404.76 to the Saline County Clerk for the general election costs. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

#### **ITEM 26. SCHOLARSHIP CRITERIA – DEFINITION OF FAMILY.**

The NRD Programs Book lists the following criteria for the Burke Scholarship.

- Full time student
- Reside in the Upper Big Blue NRD
- Attend a 2 or 4 year Nebraska college or university
- Are enrolled in a course of study leading to an associate or undergraduate degree in a natural resources related field
- Intend to enter the work force upon graduation in a “hands on” position such as soil/water conservation, resources manager or engineering technician, etc.
- Are not family members of staff/directors of the Upper Big Blue Natural Resources District

The manager has interpreted this program restriction on family to mean that children, grandchildren, brothers, sisters, parents or grandparents are not eligible for the scholarship. A director has asked that the program be amended to allow grandchildren of Directors and staff to be eligible. A discussion was held on the advisability of such a change.

It was moved by Bruns and seconded by Volkmer that the Burke Scholarship criteria on family restrictions not be changed. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Regier, Rich, Robotham, Roesler, Stahly, Volkmer

NAY: Moore

NOT VOTING: Nuss, Yates

NOT PRESENT: Austin, Buller, Miller

#### **ITEM 27. PERSONNEL POLICY #37 – TUITION ASSISTANCE.**

The personnel policy for staff tuition assistance was adopted in 1991. The policy states that the District will fund \$300 per semester per employee. A director has asked that the amount be increased in order to encourage employees to further their education.

The cost per credit hour at UNL in 1991 was \$54. The cost per credit hour in 2014 was \$216, four times greater than 1991. If the District tuition assistance were adjusted at the same rate as UNL tuition it would go from \$300 to \$1,200 per semester. Turnbull recommends that the policy be amended to change the per semester funding to \$1,200.

It was moved by Bruns and seconded by Nuss to strike the amount of \$300 and add \$1,200 in the last sentence in Paragraph I of the Personnel Policy #37: Tuition Assistance. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 28. FINANCIAL REPORT DECEMBER 1 - 31, 2014 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2014.**

Turnbull reviewed the financial report for the period December 1, 2014 to December 31, 2014 that was distributed. It was moved by Volkmer and seconded by Luebbe to accept the financial report for December 2014 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Miller

**ITEM 29. NOMINATING COMMITTEE REPORT.**

Roger Houdersheldt presented the Nominating Committee's report and submitted a slate of candidates. Chairman Yates selected Scott Snell and Jay Bitner to collect and count the ballots. Yates turned the chair over to Doug Bruns during the voting for Chairman.

**ITEM 30. ELECTION OF CHAIRMAN.**

The only committee nomination for the office of chairman was Lynn Yates. Bruns asked if there were any nominations from the floor. Hearing none the nominations ceased.

It was moved by Moore and seconded by Luebbe to cast a unanimous vote for Lynn Yates as Chairman. The motion was approved. Yates will serve as chairman for a two-year term.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer

NAY: None

NOT VOTING: Yates

NOT PRESENT: Austin, Buller, Miller

**ITEM 31. ELECTION OF VICE CHAIRMAN.**

The nominees for the office of vice chairman were John Miller and Linda Luebbe. There were no nominations from the floor. Miller received 9 votes and Luebbe received 5 votes. Miller will serve as vice chairman for a two-year term.

**ITEM 32. ELECTION OF SECRETARY.**

The nominees for the office of secretary were Mike Nuss and Ronda Rich. There were no nominations from the floor. Nuss received 9 votes and Rich received 5 votes. Nuss will serve as secretary for a two-year term.

**ITEM 33. ELECTION OF TREASURER.**

The nominees for the office of treasurer were Bill Stahly and Yvonne Austin. There were no nominations from the floor. Stahly received 12 votes and Austin received 2 votes. Stahly will serve as treasurer for a two-year term.

**ITEM 34. ELECTION OF NARD REPRESENTATIVE.**

The only committee nominee for the office of NARD Representative was Larry Moore. There were no nominations from the floor.

It was moved by Luebbe and seconded by Stahly to cast a unanimous vote for Larry Moore for NARD Representative. The motion was approved. Moore will serve as NARD Representative for a term of two years.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT VOTING: Moore

NOT PRESENT: Austin, Buller, Miller

**ITEM 35. ELECTION OF NARD ALTERNATE.**

The only committee nominee for the office of NARD Alternate was Gary Eberle. There were no nominations from the floor.

It was moved by Volkmer and seconded by Dickinson to cast a unanimous vote for Gary Eberle as NARD Alternate. The motion was approved. Eberle will serve as NARD Alternate for a term of two years.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT VOTING: Eberle

NOT PRESENT: Austin, Buller, Miller

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 January 15, 2015, 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.

---

Michael D. Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**February 19, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 19, 2015 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Doug Dickinson, Gary Eberle, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Kenneth Regier, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Rod DeBuhr, Ken Feather, Jeff Ball, Kristin Phillips, Bill Kuehner, Seward County Commissioner Gene Gausman, Kelly Turner and Amanda Ring of the York County Clerk's office, and Jim Husbands of York County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on January 12, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fourteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Yvonne Austin, Doug Bruns and Steve Buller requested excused absences for the February 19, 2015 board of directors meeting.

It was moved by Volkmer and seconded by Rich to excuse the absence of Austin, Bruns and Buller from the February 19, 2015 board of directors meeting as requested. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller



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

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

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

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

It was moved by Dickinson and seconded by Volkmer to approve the agenda for the February 19, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 7. \*APPROVAL OF MINUTES OF THE JANUARY 15, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Volkmer to approve the minutes of the January 15, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 8. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on February 12, 2015 and presented the committee's recommendations.

**ITEM 9. PAYMENT TO AYARS & AYARS, INC.**

The payment request for January has been submitted by Ayars & Ayars for the new NRD Headquarters Facility.

Original Contract	\$4,484,673.00	
Change Orders		
Total Contract	\$4,484,673.00	
Previous Payments	\$402,054.71	
Current Payment	\$ 99,224.51	

Total Payments	\$501,279.22	11%
Contract Balance	\$3,983,393.78	89%

It was moved by Eberle and seconded by Rich to approve payment of \$99,224.51, for items completed through January 31, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Austin, Bruns, Buller

**ITEM 10. ARCHITECTURAL PLAN STATUS.**

The architectural plans are 90% complete. A meeting was held with Ayars & Ayars, Eakes Office and the staff in Grand Island to make the final furniture selection.

**ITEM 11. SALE OF OFFICE AND STORAGE BUILDINGS – REALTORS.**

The committee reviewed the proposals submitted by three real estate firms with offices in York to list the existing NRD office building for sale. They were Woods Brothers Realty, Heritage Realtors, and Norm Green Realty & Auction.

Realtor	Woods Brothers	Heritage Realtors	Norm Green Realty
NRD Project Sales Team Brokers	Casey Collins – Beatrice	Angie Berthold – York	Michelle Ronne – York
Agents	Glen Coffey - York	Suzie Ellis - York	Ross Ronne - York
Qualifications included	No	Yes	Yes
Background included	No	Yes	Yes
Sales History in York included	No	Yes	Yes
Current Commercial listings in York	No	Yes	Yes
Recent Commercial Sales in York	No	No	Yes
Multiple Listing	Yes	Yes	Yes
Commission	\$295 plus unstated %	6 %	4 %

It was moved by Eberle and seconded by Houdersheldt that the Upper Big Blue NRD enter into a one year listing contract with Norm Green Realty & Auction to sell the NRD office building, at 105 N. Lincoln Avenue, York, Nebraska; that Lynn Yates, Chairman, and John Turnbull, General Manager, set the listing price after consultation with Norm Green Realty; and further that the NRD enter into a listing contract for the storage building at 2nd and Platte with Norm Green Realty & Auction at a later date. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

Chairman Yates moved the Executive Committee Report and action items, with the exception of the committee assignments, up in the agenda so that Kelly Turner, York County Clerk, could address the board and return to work.

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

Miller reported that the Executive Committee met on February 13, 2015 and presented the committee's recommendations.

#### **ITEM 13. DATA MANAGEMENT SYSTEM – BEEHIVE INDUSTRIES.**

The Executive Committee reviewed the Data Management System proposal from Beehive Industries, Lincoln, Nebraska.

The system is computer software written for the Districts that allows for data management. Currently the District uses Microsoft Access but our needs have outgrown its capabilities. All departments will be able to make use of the new Data Management System.

The Data Management System will allow the use of data for: well information, water quantity and quality, certified acres, chemigation, meter information, tree orders and planting plans, land treatment and other data applications.

The Beehive Industries software development and training was compared to GIS Workshop, but the staff is recommending the Beehive proposal. The software development work, if approved, would begin on February 20, 2015 and be completed by August 1, 2015.

The total cost is \$96,025. A down payment of \$20,000 is due upon approval of the proposal, and the remainder, \$76,025 will be due upon completion (August 2015). The company will continue to support the Data Management System for an annual fee of \$25,740 which is not due until FY 2017 (August 2016).

It was moved by Miller and seconded by Moore to approve the Beehive Industries proposal for a Data Management System software and training for a total cost of \$96,025, and to approve a down payment of \$20,000 for the same. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 14. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Brown & Caldwell submitted bills totaling \$10,293.95 for work completed in January on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	258,731.03
Current bills	10,923.95
Total billed to date	269,654.98
Balance of Contract	\$7,984.02

It was moved by Miller and seconded by Luebbe to approve payment of \$10,293.95 to Brown & Caldwell for work completed through January 31, 2015 on the sub-regional groundwater model. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

Bitner reviewed the results of some early runs on the groundwater modeling work with the committee. The results and the capabilities of the groundwater model were discussed. The committee encouraged the staff to proceed with their plans to meet with the Little Blue and Lower Big Blue staffs to discuss the results so far, and to further explore a three-district joint effort on the modeling of the Big and Little Blue River basins. A meeting with the Department of Natural Resources staff will also be scheduled in the near future to discuss the groundwater model and how its results compare to the Department's work.

**ITEM 15. PRIMARY & GENERAL ELECTION COSTS.**

York County has billed the District \$259.66 for the primary election and \$5,088.29 for the General Election.

An error was made by the York County Clerk's office during the primary election where the names of the three candidates for Subdistrict 4 were only listed on the ballots for voters in the precincts within Subdistrict 4 instead of all the precincts within the Upper Big Blue NRD. The mistake was discovered mid-morning on the day of the election and supplemental ballots were delivered to the polling sites, however 1,056 York County voters did not receive the supplemental Subdistrict 4 ballot. The election results showed that Stan Boehr received 3,422 votes, Eugene Ulmer received 2,870 votes and Becky Roesler received 2,852 votes. With the margin between Ulmer and Roesler at 18 votes, the error impacted the outcome.

During the automatic recount process it was discovered that the supplemental ballots were not properly initialed by the poll workers as required by statute and as a result were not counted during the recount process. Following the recount the results were that Stan Boehr received 3,004 votes, Becky Roesler

received 2,563 votes and Eugene Ulmer received 2,539 votes in the primary election. After the State Canvassing Board met the Secretary of State's office determined that all three candidates should advance to the General Election.

The Executive Committee members expressed their concern that as a result of the error made by the York County Clerk all of the general election costs were higher due to extra printing and other election expenses. They questioned how the York County Clerk's office had computed the election costs and whether we were being billed for the printing costs for the supplemental ballots.

The Executive Committee directed the General Manager to request that the York County Clerk attend the February 19, 2015 Board meeting to explain the bill for the election costs.

Kelly Turner, York County Clerk, attended the board meeting and addressed the board regarding the error made in the primary election. She acknowledged that she misinterpreted the meaning of election at-large and that caused the names of the three candidates in Subdistrict 4 not to appear on all the ballots. She said the billings were based on the printing cost per inch for the ballots. The bill for \$259.66 for the primary was the cost of the supplemental ballots that were printed.

Houdersheldt explained that he had offered a motion in committee to pay only \$4,088.29 to the York County Clerk's office, which failed. He felt that we should not pay for the printing of the supplemental primary election ballots and reduce our share of the general election costs by \$1,000 to cover our additional expense due to the error.

It was moved by Houdersheldt and seconded by Moore to pay \$4,088.29 to the York County Clerk for election costs. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Stahly, Volkmer, Yates

NAY: Miller

NOT VOTING: Roesler

NOT PRESENT: Austin, Bruns, Buller

#### **ITEM 16. PICKUP & ATV BIDS.**

Five bids were received for a 2015 model pickup truck for the Water Department as specified.

BIDDER	PICKUP MODEL	BID	DELIVERY
Great Plains Chrysler Dodge – Hastings	Dodge Ram 4x2 1/2 Ton	\$19,932.10	8 – 12 wks
Gene Steffy Ford – Columbus	Ford F-150 XLT	\$24,875.00	45 – 90 days
Friesen Ford – Aurora	Ford F-150 XLT	\$25,164.88	60 – 90 days
Jerry Spady Chevrolet GMC Cadillac – Hastings	Chevrolet Silverado 1500	\$26,080.00	6 – 8 wks
Moses Motor Co - York	Ford F-150 XLT	\$26,417.88	Middle of April

It was moved by Miller and seconded by Volkmer that the Upper Big Blue NRD accept the bid of \$19,932.10 from Great Plains Chrysler Dodge, Hastings, Nebraska, for one Dodge Ram 2 wheel drive 1/2 ton pickup truck as per the NRD's specifications. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 17. ATV BIDS.**

Several bids were received for the ATV for the Water Department.

ATV Quotes Automatic 4X4

	Year	Arctic Cat EFI 450 Core	Can Am Outlander L	Honda Rancher AT	Polaris Sportsman EXT	Suzuki King Quad 400 Asi
Heartland Motor Sports	2015			\$6,350		
Offroad Company	2015	\$6,323			\$5,962	
Offroad Company	2014	\$5,823				
Rod's Outdoor Power	2015			\$6,849		
Star City Motors	2015		\$6,370	\$6,617	\$5,950	\$6,175
Tri-City Cycle Works	2015		\$7,614			

It was moved by Miller and seconded by Houdersheldt to accept the bid of \$5,823 from the Offroad Company, Columbus, Nebraska for a new 2014 Artic Cat EFI 450 Core ATV. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 18. ATV TRAILER BIDS.**

Bids were also received for an ATV trailer.

ATV Trailers

	Bed Dimensions	Brand	Price
Blue River Power and Rental	5' X 8'	Challenger Series	\$1,205
Klute Truck Equipment	5' X 8'	H&H	\$1,425
Geneva Welding	5' X 8'	Finish Line LRR3 58	\$1,440

Geneva Welding	5' X 10'	Finish Line USR3 58 (solid sides included)	\$1,540
Blue River Power and Rental	5' X 8'	Finish Line LRR3 58	\$1,550
LCL Truck Equipment, Inc	5.5' X 10'	Doolittle	\$1,635
Stuart Cromwell Trailer Sales	4.5' X 8'	Aluma 548 (aluminum)	\$1,664
Geneva Welding	6' X 12"	Geneva Welding Built	\$1,750

Recommended Options for Finish Line Trailers

Solid Sides*	Blue River Power and Rental	\$50
Solid Sides*	Geneva Welding	\$50-\$75
Aluminum front panel**	Blue River Power and Rental	\$80
Raised front panel***	Geneva Welding	\$125

- \* less gravel & mud on deck
- \*\* protect front of trailer from rock chipping
- \*\*\* protect front of ATV from rock damage

It was moved by Miller and seconded by Stahly to accept the bid of \$1,540 from Geneva Welding for the 5 x 10 Finish Line USR3 58 ATV trailer with solid sides and to include a raised front panel for an additional \$125, for a total cost of \$1,665. The motion was approved.

- AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer  
 NAY: None  
 NOT VOTING: Yates  
 NOT PRESENT: Austin, Bruns, Buller

**ITEM 19. DIRECTOR APPOINTMENT – SUBDISTRICT 6.**

A vacancy exists in Subdistrict 6 because Ken Regier decided to retire from the Board. A notice of the vacancy was published several times, once on January 13, 2015 in the York News-Times, and four times, January 7, 14, 28, and February 4, 2015 in the Aurora News Register asking interested people to apply. The only applicant was William E. Kuehner II, who resides at 1008 South A Road, Phillips, Nebraska 68865.

As outlined in Operating Policy No. 3: Directors' Vacancies, the Executive Committee found William E. Kuehner II lawfully qualified to be considered for appointment to fill the Board vacancy in Subdistrict 6, and forwarded his name to the Board of Directors for consideration.

**As per Nebraska Statute 2-3215 (3) (a), the appointment is until January 12, 2017 (2 years). In the next general election this seat will have a term of 2 years, ending in January of 2019, when it will revert to a 4 year term.**

It was moved by Miller and seconded by Moore to appoint William E. Kuehner II to fill the vacancy in Subdistrict 6. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 20. SALARIES REIMBURSEMENT – LOWER PLATTE NORTH.**

An invoice for \$8,155.03 was received from the Lower Platte North NRD for the Butler County NRCS clerk's salary and benefits (\$7,698.15) and technician's wages (\$456.88) for the past 6 months.

It was moved by Miller and seconded by Volkmer to approve payment of \$8,155.03 to the Lower Platte North NRD for NRCS office salaries for half of FY 2015 (July 1 – December 31, 2014). The motion was approved.

AYE: Dickinson, Eberle, Luebbe, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: Houdersheldt, Miller

NOT PRESENT: Austin, Bruns, Buller

**ITEM 21. DIRECTOR EXPENSES.**

Linda Luebbe submitted an expense reimbursement claim for her trip to the GMDA conference in Scottsdale, Arizona in January. The expenses claimed are \$543.70.

It was moved by Miller and seconded by Rich to approve payment of \$543.70 to Linda Luebbe for travel expenses to the GMDA January Conference in Scottsdale, Arizona. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Austin, Bruns, Buller

**ITEM 22. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Projects & Programs Committee met on February 12, 2015 and presented the committee's recommendations.

**ITEM 23. LAND TREATMENT PROGRAM COST-SHARE PAYMENTS.**

It was moved by Miller and seconded by Volkmer that payments totaling \$12,401.00 be approved for three (3) completed NSWCP Land Treatment applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler,



Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 24. APPLICATION FOR STORM DAMAGED TREES (PRIVATE PROPERTY).**

Feather briefed the Committee on the status of tree replacement at Beaver Crossing and recommended the acceptance of one application for George Hoffmeister for cost-share in the amount of \$300.00. The total amount of the application is \$1,160.45.

It was moved by Miller and seconded by Luebbe that the application for George Hoffmeister in the amount of \$300.00 be accepted and completed under the Storm Damage Tree Replacement Program as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 25. HAZARD MITIGATION PROGRAM – INTERLOCAL AGREEMENT.**

Jeff Ball presented a request for the Upper Big Blue NRD to participate in an Interlocal Agreement with the Little Blue and Lower Big Blue NRDs, and counties within those NRDs, for the purpose of updating the All-Hazards Mitigation Plan (Plan). Staff recommends participating in the Interlocal Agreement.

It was moved by Miller and seconded by Rich that the Upper Big Blue NRD approve the Interlocal Agreement, as reviewed by the Committee, and agree to join with the Little Blue and Lower Big Blue NRDs, and Adams, Clay, Fillmore, Gage, Jefferson, Nuckolls, Saline, Thayer, and Webster Counties for the purpose of updating the All-Hazards Mitigation Plan (Plan) for counties and communities located within the NRDs, and that the Upper Big Blue NRD's contribution be approximately \$3,383.33 in cash or in-kind services. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 26. PIONEER TRAILS RECREATION AREA – CONTRACTOR PAYMENT.**

Nemaha Landscape Construction has completed construction of the amphitheater at Pioneer Trails. Fine grading, seeding, and electrical service for the amphitheater will be completed by others this spring. Staff recommends final payment of \$2,373.30 to Nemaha Landscape Construction, Inc.

It was moved by Miller and seconded by Houdersheldt that final payment of \$2,373.30 be made to Nemaha Landscape Construction, Inc., in accordance with their Contract, for construction of the amphitheater facility at the Pioneer Trails Recreation Area. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 27. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Luebbe reported that the Water & Regulations Committee met February 12, 2015 and presented the committee's recommendations.

**ITEM 28. GROUNDWATER TRANSFER AUTHORIZATION.**

A groundwater transfer application from Perkins-Garrett-Palmer Farms LLC, York County was considered. The source tract has 161.22 acres in the SE ¼, Section 28-T11N-R2W; of which, 158.39 acres is to be irrigated destination tract in the NW ¼, Section 34-T11N-R2W. The source and destination tracts are currently irrigated. A new well would be constructed for this transfer. Pumping capacity in this area is somewhat limited due to a very fine sand aquifer. The application meets all the regulatory requirements. The land manager indicated to the staff that he was not sure when, or if, the actual transfer would take place. The land is not in the High Risk Groundwater Area. The board discussed the need to limit the time of implementation of the transfer.

It was moved by Luebbe and seconded by Moore to approve the Groundwater Transfer Application T-078 with the stipulation that the physical works needed to facilitate the transfer must be in place within one year of approval. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Yates

NAY: Volkmer

NOT PRESENT: Austin, Bruns, Buller

**ITEM 29. NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY CHEMIGATION PAYMENT.**

The District processed 568 chemigation permits in 2014; of which 548 sites were approved and 204 sites were inspected. The District owes the Nebraska Department of Environmental Quality \$1,448.00 for their share of the fees collected.

It was moved by Luebbe and seconded by Regier to pay the Nebraska Department of Environmental Quality \$1,448.00 for their share of the chemigation fees collected in 2014. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 30. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigation acres certification for 67 parcels totaling 4,990.16 acres. The net increase in irrigated acres was 347.31 acres. This brings the total irrigated acres as of January 1 to 1,220,400.78.

It was moved by Luebbe and seconded by Rich to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 31. PAYMENT FOR IRRIGATION SCHEDULING EQUIPMENT PURCHASED FOR RESALE.**

The District owes Klein Sale and Service for 810 assembled watermark sensors and 12 watermark data loggers purchased for resale at cost of \$31,098.80.

It was moved by Luebbe and seconded by Regier to pay Klein Sale and Service \$31,098.80 for 810 assembled watermark sensors and 12 watermark data loggers purchased for resale. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 32. CROP-TIP SPEAKER FEE PAYMENT.**

Bob Utterback was the guest speaker at the 2014 CROP-TIP seminar. Utterback Marketing Services Inc. has billed the District \$2,285.00 for the speaker fees and expenses.

It was moved by Luebbe and seconded by Stahly to pay Utterback Marketing Services Inc. \$2,285.00 for speaker fees and expenses incurred for the 2014 CROP-TIP seminar. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 33. PURCHASE OF BATTERIES FOR ELECTRONIC METERS.**

The District staff will soon begin replacing batteries in electronic meters. The estimated cost for batteries is as follows:

	BRAND# OF METERS	NRD COST	CUSTOMER CHARGE
Sinninger	150	\$8.39 (\$1,258.42)	\$10.00
SeaMetric	400	\$75.38 (\$30,152.00)	\$80.00
Seamans	1	\$200? (\$200?)	Cost to the next \$5

It was moved by Luebbe and seconded by Volkmer to authorize the staff to purchase flow meter batteries for the 2015 season. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 34. EXECUTIVE COMMITTEE REPORT (CONT'D.)**

**ITEM 35. COMMITTEE ASSIGNMENTS.**

The Executive Committee presented their recommendations for committee membership.

New Committee Members - February 2015		
Projects & Programs	Water & Regulations	Executive
Austin	Bruns	Chairman Yates
Dickinson	Buller	Vice Chairman* Miller
Houdersheldt	Eberle	Secretary* Nuss
Roesler	Luebbe	Treasurer* Bill Stahly
Robotham	Rich	NARD Representative* Larry Moore
Volkmer	Kuehner (new appointee)	Projects Chairman To be elected by committee. at Feb. Board Meeting
Board Officer Nuss	Board Officer Miller	Water Chairman To be elected by committee. at Feb. Board Meeting
Board Officer Stahly	Board Officer Moore	Projects Representative Appointed by Exec after Committee Chairman elected
Board Chairman Yates	Board Chairman Yates	Water Representative Appointed by Exec after Committee Chairman elected

\* 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 Miller and seconded by Moore to approve the committee assignments. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

The Board recessed at 2:45 p.m. to allow the standing committees to elect their committee chair and vice chair. The Projects Committee elected Doug Dickinson as chairman and Merlin Volkmer as vice chairman. The Water Committee elected Gary Eberle as chairman and Ronda Rich as vice chairman. After which the Executive Committee appointed Roger Houdersheldt as the Projects Committee representative and Linda Luebbe as the Water Committee representative. They will serve on the Executive Committee along with the two committee chairmen. The Board reconvened at 3:00 p.m.

It was moved by Stahly and seconded by Rich to ratify the committee appointments. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 36. FINANCIAL REPORT JANUARY 1 - 31, 2015 AND CONSIDERATION OF EXPENDITURES FOR JANUARY 2015.**

Turnbull reviewed the financial report for the period January 1, 2015 to January 31, 2015 that was distributed. It was moved by Miller and seconded by Volkmer to accept the financial report for January 2015 as presented, approve payments of the accounts payable, less the payment to the York County Clerk, and publish the expenditures. The motion was approved.

AYE: Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Regier, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Bruns, Buller

**ITEM 37. DIRECTOR'S OATH OF OFFICE.**

Turnbull administered the oath of office to William E. Kuehner II and he was officially seated on the board.

There being no other business the chairman adjourned the meeting at 3:25 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 February 19,

2015, 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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Michael D. Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**March 19, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 19, 2015 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Doug Bruns, Doug Dickinson, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Jay Bitner, Scott Snell, Rod DeBuhr, Ken Feather, Jeff Ball, Kyle Yrkoski, Kristin Phillips, and Josh Bowers of York County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on March 12, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Thirteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Yvonne Austin, Steve Buller and Gary Eberle requested excused absences for the March 19, 2015 board of directors meeting.

It was moved by Volkmer and seconded by Houdersheldt to excuse the absence of Austin, Buller and Eberle from the March 19, 2015 board of directors meeting as requested. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

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

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

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Buller, Eberle, Kuehner, Moore

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

It was moved by Dickinson and seconded by Roesler to approve the agenda for the March 19, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Buller, Eberle, Kuehner, Moore

**ITEM 7. \*APPROVAL OF MINUTES OF THE FEBRUARY 19, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Roesler to approve the minutes of the February 19, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin, Buller, Eberle, Kuehner, Moore

**ITEM 8. BUILDING COMMITTEE REPORT.**

Rich reported that the Building Committee met on March 12, 2015 and presented the committee's recommendations.

**ITEM 9. AYARS & AYARS, INC. CONTRACTOR PAYMENT.**

The February payment request has been submitted by Ayars & Ayars for the new NRD Headquarters Facility. The payment request is primarily for design and engineering.

Original Contract	\$4,484,673.00	
Change Orders		
Total Contract	\$4,484,673.00	
Previous Payments	\$501,279.22	
Current Payment	\$ 34,837.01	
Total Payments	\$536,116.23	12%



Contract Balance	\$3,948,556.77	88%
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It was moved by Rich and seconded by Bruns to approve payment of \$34,837.01 for items completed through February 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: Volkmer

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 10. ARCHITECT AND CRITERIA DEVELOPER FEES.**

Allan Quick, Architect, submitted a bill for his services through February 28, 2015.

Architect's Agreement	\$32,190.00
Previous Payments	19,959.90
Current Payment	2,960.20
Total Payments	22,920.10
Agreement Balance	9,269.90

It was moved by Rich and seconded by Roesler to approve payment of \$2,960.20 to Allan Quick, Architect, for work completed through February 28, 2015 on the NRD Headquarters Facility building project. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 11. ARCHITECTURAL PLANS AND CHANGE ORDERS.**

Turnbull and Bitner reviewed the plans with the committee. Several changes to the plans have been considered to make the facility better.

Change Order 1 - Basement

Build 3 rooms to centralize furnace locations

Frame additional walls

Drywall additional walls

Doors and hardware

Paint

Fire sprinkler revisions

Electrical revisions for lights, switches, receptacles, conduit and wiring

Furnace layout and duct lengths

Upper Big Blue NRD  
Board of Directors Meeting  
March 19, 2015  
Page | 4  
Total Amount \$16,838.15

Change Order 2 – Lockable thermostat covers

Covers for 11 furnace thermostats  
Total Amount \$603.80

Change Order 3 – Exhaust Ducts for future furnaces

Exhaust ducts from basement to roof for future furnaces  
Total Amount \$509.06

Change Order 4 – Additional Insulation

Insulate additional area in shop/equipment building  
Insulate interior walls and ceilings of office, restroom, and water lab  
Total Amount \$540.39

Change Order 5 – Basement drywall additions

Drywall inside of basement walls full height  
Rooms 100, 101, 106, 108, and 109  
No tape or mud applied to joints  
Total Amount \$4,121.27

Change Order 6 – Basement 1/2" sheeting for walls instead of drywall

1/2" sheeting inside of basement walls full height  
Rooms 100, 101, 106, 108, and 109  
Total Amount of alternate \$6,419.01

Turnbull recommends that Change Orders 1, 2, 3, 4 and 5 be approved for a total cost of \$22,612.67. The total contract would change from \$4,484,673 to \$4,507,285.67. Other change orders are likely throughout construction and, as in other contracts, the contracting officer, Turnbull, will plan on considering and either approving or denying the changes as they are presented. Some changes will require fast action so as not to delay construction. Some may result in a reduction in cost.

It was moved by Rich and seconded by Bruns to approve Change Orders 1, 2, 3, 4 and 5 to the Ayars & Ayars contract for a total increase in price of \$22,612.67. The motion was approved.

AYE: Bruns, Dickinson, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates  
NAY: Houdersheldt, Luebbe, Volkmer  
NOT PRESENT: Austin, Buller, Eberle, Kuehner

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

Dickinson reported that the Projects & Programs Committee met on March 12, 2015 and presented the committee's recommendations.

**ITEM 13. LAND TREATMENT COST-SHARE PAYMENT.**

It was moved by Dickinson and seconded by Volkmer that payment of \$1,382.34 be approved for one (1) completed NSWCP Land Treatment application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

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

It was moved by Dickinson and seconded by Roesler that payments totaling \$3,065.00 be approved for three (3) Nebraska Buffer Strip Program contracts as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner, Moore

**ITEM 15. APPLICATIONS FOR STORM DAMAGED TREES (PRIVATE PROPERTY).**

Feather briefed the Committee on the status of tree replacement at Beaver Crossing and recommended the acceptance of (3) applications. Ronald Schernikau, Justin Schernikau and Gary Grantski for cost-share in the amount of \$300.00 each. The total cost for each applicant was \$600.

It was moved by Dickinson and seconded by Stahly that the applications for Ronald Schernikau in the amount of \$300, Justin Schernikau in the amount of \$300, and Gary Grantski in the amount of \$300 be accepted and completed under the Storm Damage Tree Replacement Program as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 16. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Rich reported that the Water & Regulations Committee met March 12, 2015 and presented the committee's recommendations.

**ITEM 17. NEW FLOW METER CONSIDERATION.**

Ken Quandt, Market Development Manager for McCrometer-Great Plains, explained the features of

McCrometer's Mc Mag 3000 electromagnetic flow meter. This flow meter meets the District's requirements except for the listed storage temperature range. Mr. Quandt and the NRD staff feel the printed material is in error and Mr. Quandt has requested a clarification from McCrometer's design engineers.

The staff recommends that the McCrometer Mc Mag 3000 be added the District's Approved Flow Meter List when McCrometer provides the written documentation showing that the flow meter meets the -40°F to 140°F storage temperature range requirement.

It was moved by Rich and seconded by Moore that the McCrometer Mc Mag 3000 be added to the District's Approved Flow Meter List when McCrometer provides written documentation showing that the flow meter meets the -40°F to 140°F storage temperature range requirement. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 18. FLOW METER REPAIR COST-SHARE.**

Five flow meters have been repaired. The total cost was \$1,134.48. The cost-share totals \$619.50.

It was moved by Rich and seconded by Luebbe to make cost-share payments totaling \$619.50 for five flow meters repaired. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 19. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 547 parcels totaling 53,839.27 acres. The net increase in irrigated acres was 3,412.73 acres. This brings the total irrigated acres as of March 1 to 1,223,844.

It was moved by Rich and seconded by Robotham to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 20. DAKOTA AQUIFER MONITORING.**

DeBuhr presented information prepared by Courtney Widup, Water Resources Technician, for an annual program to measure groundwater levels and assess water quality in the Dakota aquifer in the eastern part of the District. The estimated cost of water analysis for 23 wells sites is estimated to be approximately \$1,700. The spring static groundwater level would be measured in up to twelve irrigation wells.

It was moved by Rich and seconded by Luebbe to authorize the staff to establish a Dakota aquifer annual groundwater quality and static water level program for the Dakota aquifer at an estimated water analysis cost of \$1,700.00. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 21. FLOW METER BATTERIES PAYMENT.**

The staff has started to replace batteries in electronic flow meters. Two-hundred batteries for SeaMetric flow meters were purchased at a cost of \$14,866.00

It was moved by Rich and seconded by Robotham to pay Farm Land Irrigation \$14,866.00 for 200 batteries for SeaMetric flow meters. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 22. HIGH PLAINS CLIMATE CENTER WEATHER STATION AGREEMENT.**

The University of Nebraska High Plains Climate Center operates an automated weather station located at Recharge Lake. The District has historically paid for the maintenance cost for operation of the station. The original agreement between the District and HPCC has expired. A new agreement is needed for the station to continue operation. The District uses the data to provide daily crop water use to irrigators. It also provides weather information for the area for a variety of projects and studies. The annual cost to the District per the proposed agreement is \$2,000 for 2016 and \$2,600 per year through 2020.

It was moved by Rich and seconded by Houdersheldt to enter into the Provided Services Agreement with the University of Nebraska High Plains Climate Center for the operation of the weather station near Recharge Lake. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

**ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Executive Committee met on March 12, 2015 and presented the committee's recommendations.

**ITEM 24. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Turnbull, Bitner and DeBuhr met with the managers and several directors from the Little Blue and the Lower Big Blue NRD on March 11. Bitner briefed those districts on the current groundwater modeling effort in Seward and Saline counties and the results to date. The purposes and capabilities of the regional model were discussed.

Brown and Caldwell submitted an estimate of the cost to expand that modeling into all of the Little Blue, Lower Big Blue and Upper Big Blue NRDs. That estimate is for a little less than \$250,000. The other two NRDs suggested that this is the time of year to consider whether to have the groundwater model done in their respective NRDs. They requested that the presentation be given to each of their full boards in the near future. Neither district committed to any future work.

The staff is scheduling a meeting with the Department of Natural Resources to review the model work with them.

**ITEM 25. OUT OF STATE TRAVEL .**

The summer GMDA conference will be held in Coeur d'Alene, Idaho June 10 – 12, 2015. The Executive Committee approved out of state travel for Linda Luebbe and Ronda Rich for the summer GMDA conference in Coeur d'Alene, Idaho, June 10 – 12, 2015.

**ITEM 26. FINANCIAL REPORT FEBRUARY 1 - 28, 2015 AND CONSIDERATION OF EXPENDITURES FOR FEBRUARY 2015.**

Turnbull reviewed the financial report for the period February 1, 2015 to February 28, 2015 that was distributed. It was moved by Houdersheldt and seconded by Dickinson to accept the financial report for February 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bruns, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin, Buller, Eberle, Kuehner

There being no other business the chairman adjourned the meeting at 2:53 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 March 19, 2015, 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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Michael D. Nuss, Secretary

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## **BOARD OF DIRECTORS MEETING**

**April 16, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 16, 2015 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Patty Connors, Jay Bitner, Donna Bitner, Scott Snell, Rod DeBuhr, Ken Feather, Jeff Ball, Erinn Richert, Bill Schuster, Steven Obermeier, and Josh Bowers of York County NRCS.

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

Yates reported that we published the legal notice of the board of directors' meeting on April 9, 2015 in the York News-Times.

### **ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

### **ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call.

### **ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Steve Buller and Linda Luebbe requested excused absences for the April 16, 2015 board of directors meeting.

It was moved by Moore and seconded by Rich to excuse the absence of Buller and Luebbe from the April 16, 2015 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

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



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

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Luebbe

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

It was moved by Dickinson and seconded by Roesler to approve the agenda for the April 16, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Luebbe

**ITEM 7. \*APPROVAL OF MINUTES OF THE MARCH 19, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Dickinson and seconded by Roesler to approve the minutes of the March 19, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Luebbe

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

Dickinson reported that the Projects & Programs Committee met on April 7, 2015 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM.**

It was moved by Dickinson and seconded by Houdersheldt that the Board of Directors authorize payment of \$5,000.00 for one (1) completed NSWCP Land Treatment application as shown in the April Land Treatment Program report. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Buller, Luebbe

**ITEM 10. APPLICATION FOR STORM DAMAGED TREES (PUBLIC PROPERTY).**

The Village of Beaver Crossing wants to plant approximately 52 trees in the public right-of-way along streets in Beaver Crossing. The total amount to be spent on this project is approximately \$4,000. The species of trees to be planted are Tulip Poplar, River Birch, Japanese Lilac, Swamp White Oak, Hackberry, Kentucky Coffee Tree, Bald Cypress, Red Oak, Flowering Crab, Weeping Willow, Red Maple, Sycamore, Red/Scarlet Maple, Silver Linden, Canada Red Cherry, and Burning Bush.

It was moved by Dickinson and seconded by Volkmer that the Upper Big Blue Natural Resources District approve the storm damaged tree application for trees to be planted in Beaver Crossing on public property in the amount of \$2,000, which is 50% of the total amount of \$4,000. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 11. RECHARGE LAKE - HANDICAPPED ACCESS DOCK CONSTRUCTION.**

Trade Winds Distributing, Inc. has completed installation of the handicapped access fishing dock at Recharge Lake. The District previously made payment for dock materials. Staff recommends final payment of \$1,600 for dock installation in accordance with the Agreement.

It was moved by Dickinson and seconded by Houdersheldt that final payment of \$1,600.00 be made to Trade Winds Distributing, Inc. / EZ Dock, in accordance with the Agreement for furnishing and installing the handicapped access fishing dock at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 12. RECHARGE LAKE - SIDEWALK CONSTRUCTION.**

M.E. Collins Contracting Co., Inc. has completed construction of the sidewalk and headwall that provides a paved route from the main picnic shelter at Recharge Lake to the handicapped access fishing dock. Staff recommends that final payment of \$13,979.82 be made to M.E. Collins in accordance with the Agreement for this project.

It was moved by Dickinson and seconded by Austin that final payment of \$13,979.82 be made to M.E. Collins Contracting Co., Inc., in accordance with the project Agreement, for construction of the sidewalk and headwall that provides a paved route from the main picnic shelter to the handicapped access fishing dock at Recharge Lake. The motion was approved.

Upper Big Blue NRD  
Board of Directors Meeting  
April 16, 2015

Page | 4

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

### **ITEM 13. BEAVER CROSSING FLOOD PROTECTION PROJECT.**

At the March Projects Committee meeting the Committee directed staff to prepare a proposal for assisting the Village of Beaver Crossing with removal of trees from the creek that runs through the Village. Jeff Ball presented pictures showing the trees in the creek floodway that were downed during the tornado last year. Floodwater from the upstream dam flows through the creek during flood events. Staff presented estimates of cost from two contractors for combinations of cutting and removing trees from approximately 1,700 linear feet of the creek floodway, encompassing approximately 4 acres of land, and disposing of the debris.

The cost estimate from Henry Thompson Tree Service was \$52,500 and VanKirk Construction was \$110,000 for removal and disposal of the trees. The Committee based their recommendation on the lower of the two estimates.

It was moved by Dickinson and seconded by Bruns that the District offer to cost share with the Village to remove and dispose of trees from the floodway of the creek that passes through the Village, such that the total project cost not exceed \$60,000, and the cost be allocated 30% to the Village and 70% to the NRD.

Austin questioned why it was recommended that the NRD fund 70% of the cost, since this is a higher percentage than we normally fund. In light of the fact that we don't have a written policy for this type of work she was concerned that we might be setting a funding precedent for other such requests.

It was moved by Austin and seconded by Moore to amend the motion to read "that the District offer to cost share with the Village of Beaver Crossing to remove and dispose of trees from the floodway of the creek that passes through the Village of Beaver Crossing, such that the total project cost not exceed \$60,000, and the cost be allocated 50% to the Village of Beaver Crossing and 50% to the NRD." The amendment carried.

AYE: Austin, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: Bruns, Miller

NOT VOTING: Volkmer

NOT PRESENT: Buller, Luebbe

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 14. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Water & Regulations Committee met April 7, 2015 and presented the committee's recommendations.

**ITEM 15. NORMA CARLSON TRANSFER REQUEST.**

A groundwater transfer application from Norma Carlson, Clay County was considered. The source tract is 38.39 acres in the NE1/4 NE1/4, Section 7, T7N, R5W. The transfer will irrigate 21.99 acres in the destination tract in the SW1/4, Section 5, T7N, R5W. The application meets all the regulatory requirements. The lands involved are not in the High Risk Groundwater Area.

It was moved by Eberle and seconded by Austin to approve groundwater transfer T-079 with stipulation that the project be completed within one year. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Rich, Robotham, Roesler, Stahly, Yates  
NAY: Volkmer  
NOT VOTING: Nuss  
NOT PRESENT: Buller, Luebbe

**ITEM 16. AUGUSTUS M. BROWN, JR & COLENE K. BROWN TRUSTS TRANSFER REQUEST.**

A groundwater transfer application from the Augustus M. Jr & Colene K. Brown Trusts, York County was considered. The source tract is 159.49 acres in the NE1/4 Section 15, T11N, R3W. The transfer will irrigate 15 acres in the destination tract in the SE1/4, Section 10, T11N, R3W. The application meets all the regulatory requirements. The lands involved are not in the High Risk Groundwater Area.

It was moved by Eberle and seconded by Stahly to approve groundwater transfer T-080 with stipulation that the project be completed within one year. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Rich, Stahly, Yates  
NAY: Robotham, Roesler, Volkmer  
NOT VOTING: Nuss  
NOT PRESENT: Buller, Luebbe

**ITEM 17. SCOTT W. AND DARA SCHUSTER AND DOUGLAS E. PURDY TRANSFER VARIANCE REQUEST.**

A groundwater transfer application from Scott W. and Dara Schuster and Douglas E. Purdy, Hamilton County was considered. The source tract is 161.49 acres in the S1/2 NE1/4 & S1/2 NW1/4 Section 15, T10N, R8W. The transfer will irrigate 73 acres in the destination tract in the E1/2 SW1/4, Section 14, T10N, R8W. This transfer also irrigates 77 acres in the W1/2 SW1/4 of Section 14 T10N, R8W owned by William H. and Jean A. Schuster. This transfer is grandfathered transfer GT-1165.

This groundwater transfer does not comply with all of the District Rule 5 Chapter 11 requirements in that the destination tract (Mr. Purdy's property) is not adjacent to the source tract. DeBuhr recommends that a variance be granted for this transfer for the following reasons: 1. The transfer will not result in any new irrigated acres; 2. The conversion from gravity irrigation to center pivot should increase water use efficiency by approximately 35 percent, thereby reducing groundwater withdrawal; 3. The total acres irrigated by the transfer do not exceed the total acres in the source tract; 4. The transfer is not in the High Risk Groundwater Area. A resolution is attached explaining the specific reasons for such a variance.

It was moved by Eberle and seconded by Rich to approve the attached Resolution granting Transfer Variance T-081 for the Schuster Purdy Groundwater Transfer with stipulation that the project be completed within one year. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Kuehner, Miller, Moore, Rich, Robotham, Stahly

NAY: Houdersheldt, Roesler, Yates

NOT VOTING: Nuss, Volkmer

NOT PRESENT: Buller, Luebbe

#### **ITEM 18. ALLEN AND MICHELLE CLARK AND AC FEEDYARDS, INC. TRANSFER REQUEST.**

A groundwater transfer application from Allen and Michelle Clark and AC Feedyards, Inc, York County was considered. The source tract is 151.75 acres in the SW1/4 Section 15, T9N, R2W. The transfer is for lake fill. The lake is approximately 10 acres in size located in the NW1/4, Section 22 T9N, R2W. The application meets all the regulatory requirements. The lands involved are not in the High Risk Groundwater Area.

It was moved by Eberle and seconded by Houdersheldt to approve groundwater transfer T-082 with stipulation that the project be completed within one year. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT VOTING: Nuss, Volkmer

NOT PRESENT: Buller, Luebbe

#### **ITEM 19. FLOW METER REPAIR COST-SHARE.**

Fifteen flow meters have been repaired at the cost of \$7,013.21. The cost-share requests total \$2,157.70.

It was moved by Eberle and seconded by Houdersheldt to make cost-share payments totaling \$2,157.70 for fifteen flow meters repaired. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Volkmer, Yates

NAY: None

NOT VOTING: Stahly

NOT PRESENT: Buller, Luebbe

Ten thousand dollars was budgeted for flow meter repair cost-share in Fiscal Year 2014-2015. The requests for repair cost-share exceed the budgeted amount. DeBuhr asked that the Board raise the authorized amount to \$20,000. The funds can be found in other line items and the Water Department budget will not be exceeded.

It was moved by Eberle and seconded by Bruns to increase the FY14-15 spending limit for flow meter repair cost-share from \$10,000 to \$20,000. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

#### **ITEM 20. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 752 parcels totaling 63,990.13 acres. The net increase in irrigated acres was 3,056.08 acres. This brings the total irrigated acres as of April 1 to 1,226,899.59.

It was moved by Eberle and seconded by Austin to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

#### **ITEM 21. TRI-CITY METERS METER MAINTENANCE PAYMENTS.**

Tri-City Meters has completed the 2014-2015 meter maintenance. The total cost was \$43,635.00

It was moved by Eberle and seconded by Bruns to pay Tri-City Meters \$43,635 for the FY14-15 flow meter maintenance. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

#### **ITEM 22. IRRIGATION SCHEDULING EQUIPMENT FOR RESALE.**

The staff purchased soil probe components for resale from Clements and Associated, Inc. The total cost was \$7,768.05.

It was moved by Eberle and seconded by Austin to pay Clements and Associates, Inc. \$7,768.05 for soil probe components purchased for resale. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 23. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on April 9, 2015 and presented the committee's recommendations.

**ITEM 24. NEW NRD HEADQUARTERS FACILITY - AYARS & AYARS, INC. CONTRACT.**

Payment request # 5 is for \$71,459.78 from Ayars & Ayars for work completed on the new NRD headquarters facility for items completed through March 31, 2015.

Original Contract	\$4,484,673.00	
Change Orders		
Total Contract	\$4,484,673.00	
Previous Payments	\$536,116.23	
Current Payment	\$ 71,459.78	
Total Payments	\$607,576.01	14%
Contract Balance	\$3,877,096.99	86%

It was moved by Eberle and seconded by Nuss to approve payment of \$71,459.78 for items completed through March 31, 2015 on the contract for the new NRD headquarters facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT VOTING : Volkmer

NOT PRESENT: Buller, Luebbe

**ITEM 25. NRD HEADQUARTERS CONSTRUCTION REPORT.**

The formal groundbreaking took place on March 19th. Dirt work began on the site on March 30th, with grading and basement digging.

Turnbull reported that Ayars & Ayars did adjust the price of the large change order so the amount

agreed to is less than the amount authorized by the Board. The price of the change order for the basement went from \$16,838.15 to \$15,307.41, which is \$1,530.74 less.

The staff met with the Ayars & Ayars construction manager and project superintendent to review coordination, final plans and the schedule. Jeff Ball will be the NRD inspector on the job working under the supervision of Allan Quick. The final blueprint drawings are in the office for anyone to review.

**ITEM 26. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Executive Committee met on April 9, 2015 and presented the committee's recommendations.

**ITEM 27. \*FIRST QUARTER DIRECTORS' PER DIEM & EXPENSES.**

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

It was moved by Dickinson and seconded by Roesler to approve payment of first quarter directors' per diem of \$8,960.00 and expenses of \$4,287.89. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 28. PAYMENT TO YORK PRINTING FOR NEWSLETTER.**

A bill for \$4,840.22 was received from York Printing for printing the latest Blueprint newsletter.

It was moved by Miller and seconded by Houdersheldt to approve payment of \$4,840.22 to York Printing for the Blueprint newsletter. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 29. JULY BOARD MEETING DATE.**

The regularly scheduled July Board Meeting is on July 16. The year-end financial statement will not be ready by that date because the county treasurers' reports do not come until the 15th of the month. The financial statement is important for the FY 2016 budget that should be approved in July. Turnbull recommends that the Board Meeting be rescheduled for Thursday, July 23, and that the Projects and Water Committee meetings be scheduled for Thursday, July 16, with the Building and Executive Committee meetings scheduled for Tuesday, July 21.

It was moved by Miller and seconded by Stahly to hold the July Projects and Water Committee meetings



on July 16, the Building and Executive Committee meetings on July 21, followed by the Board of Directors meeting on Thursday, July 23, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 30. GROUNDWATER MODELING - BROWN AND CALDWELL.**

Bitner reviewed the progress of the groundwater modeling work. Brown & Caldwell submitted a bill for work completed in March on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$277,639.00
Prior payments	269,654.98
Current bills	4,106.10
Total billed to date	273,761.08
Balance of Contract	\$3,877.92

It was moved by Miller and seconded by Rich to approve payment of \$4,106.10 to Brown & Caldwell for work completed through March 31, 2015 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 31. FINANCIAL REPORT MARCH 1 - 31, 2015 AND CONSIDERATION OF EXPENDITURES FOR MARCH 2015.**

Turnbull reviewed the financial report for the period March 1, 2015 to March 31, 2015 that was distributed. It was moved by Volkmer and seconded by Roesler to accept the financial report for March 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Buller, Luebbe

**ITEM 32. EMPLOYEE RECOGNITION.**

Jay Bitner, NRD Project Department Manager, will retire effective April 30, 2015 after 37 years of service

to the District. He was honored by the board members and staff and presented with an engraved plaque. The Upper Big Blue NRD will host a retirement open house for Bitner on April 30, 2015 from 3:00 – 5:00 p.m. at the headquarters office in York.

There being no other business the chairman adjourned the meeting at 9:11 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, 2015, 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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Michael D. Nuss, Secretary

:ndb  
Attachment (1)

**BOARD OF DIRECTORS MEETING**  
**May 21, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 21, 2015 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Steve Buller, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Ken Feather, Nancy Beach, Marie Krausnick, and Josh Bowers of York County NRCS.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on May 14, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Sixteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Dickinson requested an excused absence for the May 21, 2015 board of directors meeting.

It was moved by Luebbe and seconded by Rich to excuse the absence of Doug Dickinson from the May 21, 2015 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

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

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

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

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

It was moved by Bruns and seconded by Volkmer to approve the agenda for the May 21, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

**ITEM 7. \*APPROVAL OF MINUTES OF THE APRIL 16, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Volkmer to approve the minutes of the April 16, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT VOTING: Buller

NOT PRESENT: Dickinson

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

Volkmer reported that the Projects & Programs Committee met on May 12, 2015 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT PROGRAM COST-SHARE PAYMENT.**

It was moved by Volkmer and seconded by Austin that payments totaling \$19,110.76 be approved for six (6) completed NSWCP Land Treatment applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

**ITEM 10. BEAVER CROSSING STORM DAMAGED TREE PROGRAM – PRIVATE PROPERTY PAYMENTS.**

Ronald Schernikau planted five Colorado Blue Spruce, and one Autumn Blaze Maple on his property located at 649 - 406th Road, Beaver Crossing, Nebraska 68313. The approved application was for the amount of \$600.00. The total cost of the trees was \$669.97. The District agreed to pay 50% of the actual cost, not to exceed \$300.00 per property owner.

It was moved by Volkmer and seconded by Bruns that the Upper Big Blue Natural Resources District make payment of \$300.00 to Ronald Schernikau for the planting of trees on his property in Beaver Crossing, in accordance with the Districts program for replacement of storm damaged trees on private property. The motion was approved.

- AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None  
 NOT PRESENT: Dickinson

Justin Schernikau planted six Colored Blue Spruce on his property located at 601 Albert Street, Beaver Crossing, Nebraska 68313. The approved application was for \$600.00. The total cost of the trees was \$599.97. The District agreed to pay 50% of the actual cost, not to exceed \$300.00 per property owner.

It was moved by Volkmer and seconded by Roesler that the Upper Big Blue Natural Resources District make payment of \$299.99 to Justin Schernikau for the planting of trees on his property in Beaver Crossing, in accordance with the Districts program for replacement of storm damaged trees on private property. The motion was approved.

- AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None  
 NOT PRESENT: Dickinson

**ITEM 11. RECHARGE LAKE RECOVERY WELL – COMPLIANCE & MAINTENANCE.**

The District staff received quotes from Sargent Drilling and Volzke Corporation for refurbishing and replacing worn out equipment and to reconfigure the above ground piping components to be in compliance with NRD regulations.

<b>RECOVERY WELL #1 (Shop Building)</b>		
WORK	SARGENT	VOLZKE
Video	\$1,014.00	\$300.00
Clean Well	\$4,280.00	\$2,000.00
New Pump	\$11,915.00	\$3,522.50
Above Gr.	\$9,155.36	\$5,411.50
<b>TOTAL</b>	<b>\$26,364.36</b>	<b>\$11,234.00</b>

<b>RECOVERY WELL #3 (SE Aux. Spwy.)</b>		
WORK	SARGENT	VOLZKE

Video		
Clean Well		
New Pump		
Above Gr.	\$10,118.48	\$4,128.00
<b>GRAND TOTAL</b>	<b>\$36,482.84</b>	<b>\$15,362.00</b>

NOTES:

1. All parts are quoted new, cost will be adjusted if it is beneficial and cost effective to refurbish.
2. Sargent will use ductile iron piping above ground; Volzke will use aluminum piping above ground.
3. Well #1:
  - a. Motor designed for a 10 hp:  
 Sargent quoted a 15 hp motor  
 Volzke quoted a 10 hp motor.
  - b. Cleaning of well:  
 Sargent will use acid \$1,850, disinfection \$930, jet (if needed) \$1,500  
 Volzke will use acid \$2,000.

It was moved by Volkmer and seconded by Austin that the Upper Big Blue NRD Board of Directors accept Volzke Corporation's quote of \$15,362.00 and their recommendation of materials to refurbish and/or replace worn out equipment and to reconfigure above ground piping components to be in compliance with NRD regulations. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Volkmer, Yates  
 NAY: Luebbe, Stahly  
 NOT PRESENT: Dickinson

**ITEM 12. PIONEER TRAILS – SARGENT DRILLING PAYMENT.**

Sargent Drilling was hired to drill a well at the RV Camping Area for drinking. The original contract price was \$18,876.00. The final construction price is \$19,602.00. The difference in the cost had to do with the depth of drilling.

It was moved by Volkmer and seconded by Houdersheldt that the Upper Big Blue Natural Resources District make the payment of \$19,602.00 for the drilling of a new well at the RV Camping Area at Pioneer Trails Recreation Area for the purpose of having drinking water. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None  
 NOT PRESENT: Dickinson

**ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Water & Regulations Committee met May 12, 2015 and presented the committee's recommendations.

**ITEM 14. FLOW METER REPAIR COST-SHARE.**

Twenty-five flow meters have been repaired this month at a total cost of \$6,930.85. The cost-share payment requests total \$3,146.05.

It was moved by Eberle and seconded by Luebbe to make cost-share payments totaling \$3,146.05 for twenty-five flow meters repaired. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

**ITEM 15. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 347 parcels totaling 30,748.41 acres. The net increase in irrigated acres was 2,160.00 acres. This brings the total irrigated acres as of May 1 to 1,229,059.59.

It was moved by Eberle and seconded by Rich to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

**ITEM 16. FLOW METER MAINTENANCE PAYMENT – BATTERIES.**

The District purchased 100 batteries and 125 gaskets from Farm Land Irrigation for use in Seametric meters. Total cost was \$7,708.00. When a battery is replaced, the meter owner is billed for the cost of the battery.

It was moved by Eberle and seconded by Robotham to pay Farm Land Irrigation \$7,708.00 for batteries and gaskets for the flow meter maintenance program. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

**ITEM 17. IRRIGATION SCHEDULING EQUIPMENT FOR RESALE PAYMENT.**

The staff purchased soil probe components for resale from Clements and Associates, Inc. at a cost of \$1,847.70, and Watermark Sensor monitoring equipment from Klein Sales & Service at cost of \$4,668.29.

It was moved by Eberle and seconded by Rich to pay Clements and Associates, Inc. \$1,847.70 for soil probe components, and Klein Sales & Service \$4,668.29 for Watermark Sensor monitoring equipment for a total cost of \$,6,515.99 for items purchased for resale. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Dickinson

**ITEM 18. BUILDING COMMITTEE REPORT.**

Buller reported that the Building Committee met on May 14, 2015 and presented the committee's recommendations.

**ITEM 19. NEW NRD HEADQUARTERS FACILITY CONSTRUCTION REPORT.**

The footings were completed for the shop and equipment building by May 4th. The steel framework erection began on May 8th. The siding installation began May 14th, with the roof to follow. The shop floor will be poured once the utilities are in place.

The basement has been dug for the office building, but the work has been held up by wet weather (4" of rain occurred between the 7th and 14th of May). As soon as the basement is dry, work will begin on the footings and foundation.

Coordination meetings are held once a week between Ayars & Ayars, Allen Quick, Turnbull and Jeff Ball. Ball, our engineering technician, is handling the construction inspections under the supervision of Allan Quick, the NRD architect.

**ITEM 20. CONTRACT PAYMENT – AYARS & AYARS, INC.**

Payment request #6 is for \$251,743.34 from Ayars & Ayars, for work completed on the new NRD Headquarters Facility, for items completed through April 30, 2015.

Original Contract	\$4,484,673.00	
Change Orders	\$21,081.93	
Total Contract	\$4,505,754.93	
Previous Payments	\$607,576.01	
Current Payment	\$251,743.34	



Total Payments	\$859,319.35	19%
Contract Balance	\$3,646,435.58	81%

It was moved by Buller and seconded by Austin to approve payment of \$251,743.34, for items completed through April 30, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

**ITEM 21. CORNERSTONE CONSTRUCTION LOAN INTEREST PAYMENT.**

The terms of the construction loan with Cornerstone Bank require an interest payment on June 1 for all the interest due. The exact amount of the interest won't be known until after this month's advance for the contractor's payment. Turnbull requested the authority to make the payment for interest due, which was anticipated to be about \$4,000.

Turnbull explained that a notice of interest due in the amount of \$2,243.96 was received just prior to the board meeting. The difference in interest due is because the loan advance for the current payment to Ayars & Ayars is not included in the calculation.

It was moved by Buller and seconded by Stahly to authorize the General Manager to make the interest payment of \$2,243.96 to Cornerstone Bank on the new NRD HQ Facility bank construction loan, when due on June 1, 2015. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

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

Miller reported that the Executive Committee met on May 14, 2015 and presented the committee's recommendations.

**ITEM 23. PAYMENT TO CONNOR ROOFING - OFFICE BUILDING ROOF REPLACEMENT.**

The roof over the board room and entryway has been replaced because of hail damage in 2014. The bill from Conner Roofing for that work is \$33,568.00. The insurance proceeds have already been received.

It was moved by Miller and seconded by Luebbe to approve payment of \$33,568.00 to Conner Roofing, York, Nebraska for the re-roofing of the board room and entryway of the NRD Office Building. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 24. GROUNDWATER MODELING.**

Turnbull, Bitner, DeBuhr and Krausnick met with the Department of Natural Resources on April 20 to brief Jim Schneider, the acting Director, and his principal staff, on the Sub-Regional Groundwater Model. Differences in model results between the Upper Big Blue model and the Department model were discussed. The DNR model is more regional in nature from an overview perspective. The NRD model is much more detailed. The discussion centered on how much of the area is hydraulically connected to the streams. The offer was made by the Department to review the model in the spirit of cooperation.

Bitner and Krausnick recommended that before the model is provided to DNR, that Brown & Caldwell review the current model, to which Bitner made minor modifications. Brown & Caldwell were asked to provide a quote for a quality assurance review, simulated water budget, preparing the electronic files for transfer to DNR, and support the District by responding to DNR's questions. This work will require an amendment to the agreement with Brown & Caldwell and will have a cost not to exceed of \$9,639. The total amount of the amended agreement would then be \$287,278.

The committee discussed the need to begin the larger groundwater model for the Big Blue and Little Blue river basins. The Lower Big Blue and Little Blue NRDs may or may not participate in the funding of that effort. Those decisions also may be dependent on the comments of the Department after their review of the sub-regional model.

It was moved by Miller and seconded by Houdersheldt to approve Amendment # 2 to the agreement for Consulting Services between the Upper Big Blue NRD and Brown & Caldwell for Groundwater Modeling Services. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

#### **ITEM 25. NEBRASKA EDUCATION TV PROPOSAL FOR NARD.**

The Nebraska Educational TV has proposed producing a video about the history and functions of NRDs. The NARD has been approached about funding the effort. The estimated cost for a one hour show is \$70,000. That is about \$3,000 per NRD if all participate. The NARD would be involved with the story features, story locations, and editing. Copies would be available for each NRD. Dean Edson is asking each NRD if they want to participate.

It was moved by Miller and seconded by Luebbe that the Upper Big Blue NRD participate in and contribute \$3,000 for the Nebraska Educational TV program about the history and functions of NRDs. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Dickinson

**ITEM 26. STAFFING.**

Turnbull reviewed his proposal for the staff organization which includes an Assistant Manager position. (See the attached organization chart). The assistant manager would oversee the Projects, Forestry, and Water Departments. The assistant manager would assume the duties of the General Manager in the General Manager's absence. Turnbull recommended that the Assistant Manager position be created with a salary schedule range of \$76,000 – \$114,000. That salary schedule is based on the state wide NRD salary survey that was just completed.

The committee discussed the need, duties and the salary level of an assistant manager. The pros and cons of an assistant manager position were considered as well as when that position would be filled.

It was moved by Miller and seconded by Houdersheldt to create the position of Assistant Manager with a salary schedule range of \$76,000 to \$114,000. The motion was approved.

AYE: Austin, Buller, Eberle, Houdersheldt, Kuehner, Miller, Moore, Stahly, Yates

NAY: Bruns, Luebbe, Nuss, Rich, Roesler, Volkmer

NOT VOTING: Robotham

NOT PRESENT: Dickinson

**ITEM 27. DIRECTOR'S RESIGNATION.**

Steve Buller submitted his resignation from the Board of Directors effective May 22, 2015. The Board will need to appoint someone from Sub-District 8 to fill the remainder of his term which ends in January 2017. Sub-District 8 includes most of the City of York.

Buller was presented with a plaque in appreciation for 22 years of service on the Upper Big Blue NRD Board of Directors.

**ITEM 28. FINANCIAL REPORT APRIL 1 - 30, 2015 AND CONSIDERATION OF EXPENDITURES FOR APRIL 2015.**

Turnbull reviewed the financial report for the period April 1, 2015 to April 30, 2015 that was distributed. It was moved by Volkmer and seconded by Roesler to accept the financial report for April 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Buller, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

There being no other business the chairman adjourned the meeting at 9:30 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 21, 2015, 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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Michael D. Nuss, Secretary

:ndb  
Attachment (1)

**BOARD OF DIRECTORS MEETING**  
**June 18, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 18, 2015 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Ken Feather, Marty Stange and Keith Leonhardt of Hastings Utilities, Seward County Commissioner Gene Gausman, Steve Moseley of the York News-Times and Kent Norquest of Fillmore County NRCS.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on June 11, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fourteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Miller and Roesler requested an excused absence for the June 18, 2015 board of directors meeting.

It was moved by Volkmer and seconded by Dickinson to excuse the absence of John Miller and Becky Roesler from the June 18, 2015 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

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

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

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

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

It was moved by Bruns and seconded by Rich to approve the agenda for the June 18, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

**ITEM 7. \*APPROVAL OF MINUTES OF THE MAY 21, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Rich to approve the minutes of the May 21, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

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

Eberle reported that the Water & Regulations Committee met June 9, 2015 and presented the committee's recommendations.

**ITEM 9. HASTINGS UTILITIES VADOSE ZONE NITRATE STUDY.**

This item was carried over from the May meeting. This study is a follow up of the initial vadose zone study conducted in 2010 and 2011. The objectives of the work are; to improve estimates of the current mass nitrate and pesticide in the vadose zone from the same locations as previously sampled, estimation of the travel time from land surface to groundwater for various scenarios, and estimate the potential for denitrification in the vadose zone and associated groundwater. The total project cost is estimated at \$299,982. The Little Blue NRD has committed \$500,000 over five years to Hastings Utilities to assist in the overall Aquifer Storage and Recovery Project, which is projected to cost \$45.5 million. The staff recommended that the District participate in the vadose zone nitrate study and contribute 20% of the total cost up to \$50,000 over two fiscal years. The NRD staff and Hastings Utilities staff are working on an inter-local agreement for this project.

It was moved by Luebbe and seconded by Austin to participate in the Vadose Zone Nitrate Study and contribute 20% of the total cost up to a maximum of \$50,000 over the next two fiscal years. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Miller, Roesler

**ITEM 10. GROUNDWATER TRANSFER AUTHORIZATION.**

Deborah A. Petersen, Glen T. Petersen and Marion Geiger applied for a groundwater transfer to irrigate 5 acres in the S1/2 NW1/4 and 5 acres in the SW1/4 of Section 2-T8N-R2W from well G-043946 located in the SE1/4 of Section 3-T8N-R2W all in Fillmore County. The proposed transfer complies with the Districts groundwater regulations.

It was moved by Luebbe and seconded by Rich to approve Groundwater Transfer T-083. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Yates  
NAY: Volkmer  
NOT PRESENT: Miller, Roesler

**ITEM 11. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 26 parcels totaling 2,243.19 acres. The net increase in irrigated acres was 657.69 acres. This brings the total irrigated acres as of June 1 to 1,229,717.28.

It was moved by Luebbe and seconded by Austin to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Miller, Roesler

**ITEM 12. IRRIGATION SCHEDULING EQUIPMENT FOR RESALE PAYMENT.**

The staff purchased ten ETgages for resale from ETgage Company at a cost of \$2,080.79, and 1,000 gypsum moisture blocks and two moisture testers for resale from Delmhorst Instrument Company at a cost of \$10,010.68.

It was moved by Luebbe and seconded by Bruns to pay ETgage Company \$2,080.79 for ten ETgages, and Delmhorst Instrument Company \$10,010.68 for 1,000 gypsum moisture blocks and two moisture testers

for a total cost of \$12,091.47 for irrigation scheduling items purchased for resale. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Miller, Roesler

**ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Volkmer reported that the Projects & Programs Committee met on June 9, 2015 and presented the committee's recommendations.

**ITEM 14. LAND TREATMENT PROGRAM COST-SHARE PAYMENTS.**

It was moved by Volkmer and seconded by Stahly that the Upper Big Blue Natural Resources District make payment of \$41,151.60 for eighteen completed NSWCP Land Treatment applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Miller, Roesler

**ITEM 15. \*NEBRASKA BUFFER STRIP PROGRAM CONTRACT PAYMENTS.**

It was moved by Dickinson and seconded by Rich that the Upper Big Blue Natural Resources District make payment of \$13,510.19 for ten Nebraska Buffer Strip Program contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Miller, Roesler

**ITEM 16. CORDOVA STORM DAMAGED TREE PROGRAM APPLICATION.**

The Village of Cordova wants to plant 32 trees in the public right-of-way along Railroad Street, the Community Building, and the Village Park. The estimated cost is \$2,599.68. Lance Larsen, representing the Village of Cordova, wrote a letter on behalf of the village requesting assistance in replacing the storm damaged trees in the Village of Cordova.

It was moved by Volkmer and seconded by Luebbe that the Upper Big Blue Natural Resources District approve the storm damaged tree application for trees to be planted in Cordova on public property in the amount of \$1,299.84, which is 50% of \$2,599.68 with the stipulation that the project is to be completed



by October 1, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

**ITEM 17. CORNERS FOR WILDLIFE PAYMENT.**

Two Corners for Wildlife sites which are on pivot corners, or portions of pivot corners, have been developed for wildlife habitat. These payments are being made with funds from the Environmental Trust through the Pheasants Forever Chapters.

It was moved by Volkmer and seconded by Austin that the Upper Big Blue Natural Resources District make payment of \$870.00 to Charles O'Donnell for the development of two pivot corners pertaining to the Corners for Wildlife Program, as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

**ITEM 18. PAYMENT TO M.E. COLLINS – PIONEER TRAILS RECREATION AREA.**

M.E. Collins Original Contract Amount:	\$721,121.60
M.E. Collins Current Contract Amount:	\$632,692.60
Percent Completed:	73%
Retainage:	\$46,185.66
Prior Payments:	\$40,996.12
Current Bill:	\$374,674.85
Total Billed to Date:	\$461,856.63
Balance of Contract:	\$170,835.97

It was moved by Volkmer and seconded by Houdersheldt that the Upper Big Blue Natural Resources District make payment to M.E. Collins in the amount of \$374,674.85 for the work completed at Pioneer Trails Recreation Area through June 5, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

**ITEM 19. PAYMENT TO NISSEN ELECTRIC, LLC . – PIONEER TRAILS RECREATION AREA.**

Nissen Electric Original Contract Amount:	\$40,540.00
Percent Completed:	56%

Prior Payments:	\$3,900.00
Current Bill:	\$18,850.00
Total Billed to Date:	\$22,750.00
Balance of Contract:	\$17,790.00

It was moved by Volkmer and seconded by Austin that the Upper Big Blue Natural Resources District make payment to Nissen Electric, LLC in the amount of \$18,850.00 for the work completed at Pioneer Trails Recreation Area through June 5, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

#### **ITEM 20. PICNIC SHELTER AT AURORA'S STREETER PARK.**

The City of Aurora has requested that the NRD provide a portion of funding for a picnic shelter to be constructed in the City of Aurora at Streeter Park. The shelter would have capacity for 80 – 100 people. Shelter size would be no larger than 40 x 60 with an estimated cost of \$85,000. The District cost-share for Parks & Recreation projects is 25% of project cost, not to exceed \$10,000.

Staff recommended that the District fund the Streeter Park picnic shelter in Aurora, NE at a cost not to exceed \$10,000. The Committee took no action on the recommendation in the month of May. John Miller requested that this project be brought back for the Committee to take a firm action on the project. The Committee preferred to not fund the project at this time.

It was moved by Austin and seconded by Nuss that the Upper Big Blue Natural Resources District not contribute to the construction of the shelter at Streeter Park in Aurora, NE. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

#### **ITEM 21. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on June 11, 2015 and presented the committee's recommendations.

#### **ITEM 22. CONSTRUCTION REPORT – NEW HEADQUARTERS FACILITY.**

The wet weather has held up work on the office building. The contractor poured some of the footings on May 28th, but little progress has been made since then. Things were ready for more concrete footings to be poured on June 3, but it rained. Rainfall June 1 – 11 has been over 5 inches.

The shop building shell is complete, except for windows and overhead doors, with work now progressing inside. The plumbing has been dug in and forms set for the first of the concrete floor work. Once the

floor is done, the tree cooler will be built, then the interior walls.

**ITEM 23. CONTRACT PAYMENT – AYARS & AYARS, INC.**

Payment request #7 is for \$255,588.00 from Ayars & Ayars, for work completed on the new NRD Headquarters Facility, for items completed through May 31, 2015.

Original Contract	\$4,484,673.00	
Change Orders	\$21,081.93	
Total Contract	\$4,505,754.93	
Previous Payments	\$859,319.35	
Current Payment	\$255,588.00	
Total Payments	\$1,114,907.35	25%
Contract Balance	\$3,390,847.58	75%

It was moved by Eberle and seconded by Dickinson to approve payment of \$255,588.00, for items completed through May 31, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

**ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Houdersheldt reported that the Executive Committee met on June 11, 2015 and presented the committee's recommendations.

**ITEM 25. 2015 BURKE SCHOLARSHIPS.**

Nine students applied for the Burke Scholarship. Snell is recommending that two applicants be awarded scholarships and that one alternate be named.

\$2,000 Scholarship      Claire White – Exeter  
\$2,000 Scholarship      Morgan Cool – Hampton  
Alternate                  Alex Lohrmeyer – Aurora

It was moved by Houdersheldt and seconded by Luebbe to award a \$2,000 scholarship to Claire White of Exeter; a \$2,000 scholarship to Morgan Cool of Hampton; and to further name Alex Lohrmeyer of Aurora as the alternate. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

**ITEM 26. LIABILITY, FIRE & CASUALTY INSURANCE.**

The renewal quote has been received from Cornerstone Insurance and Dunbar-Petersen of Omaha. The quote for insurance for FY2016 is \$55,685. Last year's quote was \$55,239. Workers Compensation is based on actual payroll, so a payroll audit is done at the end of each fiscal year to determine any additional premiums due.

When the new NRD Headquarters facility is complete next spring, an additional premium of about \$11,000 will be required to insure that complex.

	FY 2015	FY 2016
Liability, Auto, Fire & Casualty	\$48,725	\$49,313
Workers Compensation	\$6,514	\$6,372
	\$55,239	\$55,685

It was moved by Houdersheldt and seconded by Rich to purchase and approve payment for liability, auto, workers compensation, fire and casualty insurance from Dunbar-Petersen through Cornerstone Insurance for \$55,685. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

**ITEM 27. SALARY SURVEY.**

Turnbull reviewed the Salary Survey he had written which included wage comparisons from all 23 NRDs and 54 other Nebraska firms and units of government. Turnbull writes a statewide survey for all the NRDs, which includes the data for more job positions than are covered in the Upper Big Blue report.

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. The salary schedule sets the minimum, midpoint, and maximum for each position. Individual salaries and wages then need to be within those limits. (See the last page of the 2015 report.)

It was moved by Houdersheldt and seconded by Moore to approve the changes in the salary schedules as listed in the June 2015 Upper Big Blue NRD Salary Survey & Salary Schedule report, and that such changes and adjusted salary schedules be effective on July 1, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT VOTING: Luebbe, Volkmer

NOT PRESENT: Miller, Roesler

#### **ITEM 28. STAFFING.**

Turnbull interviewed two candidates for the engineer position this past week. He also discussed the assistant manager's position with the committee. Turnbull's intent is to fill each position in the near future. Because of the various possibilities, he said it is hard to have a firm budget number for payroll.

Turnbull announced to the Board that he has promoted Rod DeBuhr to the position of Assistant Manager.

#### **ITEM 29. WAGE ADJUSTMENTS.**

Turnbull reviewed the actual salaries and wages of the employees with the committee. Turnbull recommended that the board authorize \$38,500 for salary increases for the staff, for an average change for each employee of 3.5%.

It was moved by Houdersheldt 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 \$38,500, 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, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT VOTING: Volkmer

NOT PRESENT: Miller, Roesler

It was moved by Houdersheldt and seconded by Moore to go into Executive Session at 8:12 p.m. for the purpose of discussing the job performance of the General Manager. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

It was moved by Moore and seconded by Luebbe to return to Open Session at 8:32 p.m. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Rich, Robotham, Stahly, Volkmer, Yates

NAY: Nuss

NOT PRESENT: Miller, Roesler

It was moved by Moore and seconded by Rich to leave the salary of the General Manager at this current salary of \$121,500 for FY 2016. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Rich, Robotham, Stahly, Volkmer, Yates

NAY: Houdersheldt, Nuss

NOT PRESENT: Miller, Roesler

**ITEM 30. FINANCIAL REPORT MAY 1 - 31, 2015 AND CONSIDERATION OF EXPENDITURES FOR MAY 2015.**

Turnbull reviewed the financial report for the period May 1, 2015 to May 31, 2015 that was distributed. It was moved by Volkmer and seconded by Nuss to accept the financial report for May 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Miller, Roesler

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 June 18, 2015, 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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Michael D. Nuss, Secretary

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**BOARD OF DIRECTORS MEETING  
AND  
GROUNDWATER QUALITY MANAGEMENT AREA VIOLATION HEARING  
July 23, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 23, 2015 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Seward County Commissioner Gene Gausman, Jim Schneider, Paul Bethune, and Josh Bowers of York County NRCS.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on July 16, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Austin arrived at 7:35 p.m.

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

Chairman Yates asked whether there were any items that the board would like to have removed from the consent agenda for separate action. Houdersheldt asked that the directors' per diem and expenses be removed from the consent agenda.

It was moved by Bruns and seconded by Dickinson to adopt the consent agenda, with the exception of the directors' per diem and expenses. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

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

It was moved by Bruns and seconded by Dickinson to approve the agenda for the July 23, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin

**ITEM 6. \*APPROVAL OF MINUTES OF THE JUNE 23, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Bruns and seconded by Dickinson to approve the minutes of the June 23, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Austin

**ITEM 7. GROUNDWATER QUALITY MANAGEMENT AREA VIOLATION HEARING.**

Chairman Yates opened the hearing at 7:32 p.m. The notice of the hearing was published July 9, 2015 in the York News-Times.

YATES: Okay, the next thing on the agenda, Groundwater Quality Management Area Violation Hearing and I'm going to open the hearing. And the hearing was reported on, or the Notice of Hearing was published on July 1, 2015, [Exhibit #1]. And we have two of them [complaints]. The first one is this Allen Coufal.

DICKINSON: Coufal.

YATES: Coufal?

MILLER: Coufal, with an "S".

YATES: Okay.

DEBUHR: No. With a "C"

TURNBULL: That's how you say it [Coufal].



YATES: So the first thing is presentation of evidence for complainant. Rod?

DEBUHR: Okay, my name, for the record, I'm Rod DeBuhr, Assistant Manager for the District, and I'll represent the District as far as presenting evidence. I'm not aware that Mr. Coufal (is that how you say it?) is here. The first thing I would do is enter into the record a copy of District Rule 3 [Exhibit #2]. I don't think the directors have those in front of them, but we need that in the record. And, also, as another exhibit [Exhibit #3] District Rule 4, which is how the complaints are filed, and then finally District Rule 5 [Exhibit #4] which contains the requirements for reporting that Mr. Coufal has not complied with. In your, in front of you, there's a packet, the one with the little red "x" in the upper corner is Mr. Coufal's information. And I just included my notes on there to follow through on series of events that have occurred. On December 23<sup>rd</sup> 2014 we mailed a letter [Exhibit #5] and the required report forms requesting phase II water quality reports by first class mail. This was sent to all of the people, all of the known operators, in the phase II and phase III areas. In this case it's a phase II area in Seward County. Included were maps of the affected areas, summary of requirements in the water quality management area, an example report form, and other useful information to assist him with that form, and the report form itself. Then on March 6<sup>th</sup> we sent out a reminder postcard which is attached. And I'll enter those, the letter and the forms, as exhibits and then the postcard, both reminder postcards [Exhibit #6]. And, also we sent then on June 5<sup>th</sup>, excuse me, on April 7<sup>th</sup>, a past due postcard, which has been entered as an exhibit, it's going in as an exhibit. Then on May 15<sup>th</sup> we still had not, Mr. Coufal had not responded, so we sent, John Turnbull filed a complaint alleging that Mr. Coufal failed to submit the required reports and a copy of that complaint was sent by return receipt mail to Mr. Coufal and I would submit that letter and a copy of the complaint as an exhibit for the record [Exhibit #7]. [DeBuhr also entered Exhibit #8 which was a printout from the Seward County Assessor showing current ownership of the parcels belong to Allen W. Coufal.] Then on June 5<sup>th</sup> I sent Mr. Coufal my investigation report finding that he was in violation of Rule 5, Chapter 20, Paragraph 6 for failure to file the required report. The cover letter explained his options in this matter and mail included a schedule of compliance form and the report forms he could complete to come into compliance. And I would submit that as an exhibit [Exhibit #9]. And that was also sent by return receipt mail. And he did not respond so on July 1<sup>st</sup> we sent a letter with the hearing notice and again explained to him what his options were and told him when this hearing would be held on July 23<sup>rd</sup>. And I would submit that for evidence [Exhibit #10]. So as of today he has not, there has been no, no contact with him. He did attend the required training back in May, but he has not turned in his reports. That's all the evidence I have for Mr. Coufal.

YATES: Okay, thank you Rod. So at this time...

DEBUHR: If there's any questions about him, or comments I'd try to answer them.

Upper Big Blue NRD  
Board of Directors Meeting &  
Groundwater Quality Management Area  
Violation Hearing  
July 23, 2015

Page | 4

- YATES: Does anybody have any questions for Rod? Ok, so at this time I guess the violator can speak, but I don't believe he's here. So I guess with that we'll ....any questions from board members on this? If not we're going to go on to the next one.
- AUSTIN: So each of these letters was accompanied by the return receipt; the postcard?
- DEBUHR: The May 15<sup>th</sup>, the June 5<sup>th</sup> and July 1<sup>st</sup> were all made with return receipts.
- AUSTIN: Did we get the postcard back from him?
- DEBUHR: We got one back the others we have not. It was our, generally it's our policy, although it's not official, is that we also send it first class because some guys don't go to the post office and get it. So we can't prove they got first class, but we hope they at least read that.
- YATES: Is there any other questions? John?
- MILLER: So we do not have evidence that he received two of these?
- DEBUHR: That's correct. But we know that it was at the post office and that he received a card saying he could go pick it up.
- YATES: Any other questions? Okay, if not we will move on to the second one.
- DEBUHR: Okay. The second one is Eric Schroeder. This is in phase III in York County. Again, on December 23<sup>rd</sup> we did the same mailing and I would present that as evidence with the same attachments [Exhibit #11]. On March 6<sup>th</sup> then we sent the report card, the reminder card. On April 7<sup>th</sup> the late notice postcard was, a past due notice postcard, which I present in evidence [Exhibit #12]. And again, on May 15<sup>th</sup> John filed a complaint alleging that he failed to submit the report. And that was sent by return receipt mail. And also would submit that as evidence [Exhibit #13]. On June 5<sup>th</sup> then I sent Mr. Schroeder my investigation report that he was in violation of Rule 5, Chapter 20, Paragraph 6 by return receipt. And I would submit that into evidence [Exhibit #14]. And then on July 1<sup>st</sup> again a letter, a notice of this hearing, by return receipt mail, and I'd submit that as evidence [Exhibit #15]. And we, at this time have had no, we have heard nothing from Mr. Schroeder. He has also attended training in the past and he turned in reports last year and they're a list of those fields, included in the packet with that initial letter, of the fields he reported last year and he is still the operator of record for those fields. And that's the evidence that I have.
- YATES: Does anyone have any questions for Rod?
- LUEBBE: Has there been any attempt to reach him by phone?

- DEBUHR: Yes. I attempted, I attempted to call in both instances. Mr. Coufal he did not have an answering machine, or it wasn't functional, I'm not sure which. I was never able to leave a message. In Mr. Schroeder's case I called both his home and cell phone, because we had his cell number and left him messages in both places, without response.
- YATES: Bill?
- STAHLY: This notice of formal hearing on the back page; the rest of those people have contacted you and took care of it?
- DEBUHR: Yes. There were, those others listed, have all turned in their reports now.
- MILLER: So we also had three receipts? How many of those; did we get all of them back in the mail?
- DEBUHR: I don't, I don't think we got the last one. But after it was sent is when I called him and so he got full notified, phone called notified.
- YATES: Are there any other questions for Rod? Okay and I don't believe Eric Schroeder is here. So I guess we'll go on, and I did make a mistake, I said the notice of formal hearing was on July 1<sup>st</sup> and it was on July 9<sup>th</sup>. I have a copy of that here. Okay, with that we are going to close the hearing at this time. Close the proceedings.

The hearing was officially closed at 7:44 p.m.

#### **ITEM 8. ACTION ON ALLEGED VIOLATIONS.**

It was moved by Moore and seconded by Houdersheldt to adopt the Cease and Desist Order against Allen W. Coufal. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

It was moved by Miller and seconded by Dickinson to adopt the Cease and Desist Order against Eric Schroeder. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

#### **ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Water & Regulations Committee met July 16, 2015 and presented the committee's recommendations.

**ITEM 10. HASTINGS UTILITIES VADOSE ZONE NITRATE STUDY INTERLOCAL AGREEMENT.**

In June the Board approved participation in the Vadose Zone Nitrate Study with Hastings Utilities. The District will contribute twenty percent of the cost up to \$50,000 over two years.

It was moved by Eberle and seconded by Rich to enter into the Inter-local Cooperation Agreement with the City of Hastings/Hastings Utilities for the Hastings Vadose Zone Nitrate Study. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 11. MUNICIPAL WATER SYSTEM ASSISTANCE PROGRAM.**

The committee reviewed the second draft of the proposed Municipal Water System Assistance Program. The program is intended to provide assistance to communities for improvements in their water system to mitigate the impacts of non-point sources groundwater contamination. The program includes a formula (population + acres in WHPA = Participation Score). Communities with a score of less than 2,000 would be eligible for up to \$25,000; 2,000 to 5,000 = \$50,000 and over 5,000 = \$100,000. Funding could be spread over five years. A community would only be eligible once per five year period. Requests for funding would be reviewed each spring prior to establishment of the next fiscal year budget.

It was moved by Eberle and seconded by Austin to adopt the Municipal Water System Assistance Program. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 12. GROUNDWATER TRANSFER AUTHORIZATION - KREUTZ FARMS & LARRY TEWELL.**

Kreutz Farms and Larry Tewell applied for a groundwater transfer to irrigate 11 acres in the SE1/4 of Section 17-T8N-R8W from well G-002151 located in the NE1/4 of Section 20-T8N-R8W all in Clay County. The proposed transfer complies with the Districts groundwater regulations.

It was moved by Eberle and seconded by Houdersheldt to approve Groundwater Transfer T-85. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

**ITEM 13. GROUNDWATER TRANSFER AUTHORIZATION – NORRIS AND BONITA KRAMER.**

Norris and Bonita Kramer applied for a groundwater transfer to irrigate 7 acres in the NW1/4 of Section 16-T7N-R5W from well G-153494 located in the NE1/4 of Section 17-T7N-R5W all in Clay County. The proposed transfer complies with the Districts groundwater regulations.

It was moved by Eberle and seconded by Stahly to approve Groundwater Transfer T-86. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates  
NAY: Volkmer

**ITEM 14. FLOW METER REPAIR COST-SHARE.**

Forty-five flow meters have been repaired this month. The total cost was \$12,570.54. The cost-share totaled \$5,673.29.

It was moved by Eberle and seconded by Luebbe to make cost-share payments totaling \$5,673.29 for forty-five flow meters repaired. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

**ITEM 15. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 62 parcels totaling 5,251.25 acres. The net increase in irrigated acres was 440.92 acres. This brings the total irrigated acres as of July 1 to 1,230,158.20.

It was moved by Eberle and seconded by Bruns to certify the irrigated acres changes as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

The committee reviewed the irrigated acres certification for wetlands, golf courses and cemeteries. A total of 82 parcels totaling 8,457.39 acres were reviewed. This is the total reported acres in these categories.

It was moved by Eberle and seconded by Luebbe to certify the wetland, golf course and cemetery acres as presented to the committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

**ITEM 16. IRRIGATION & NITROGEN MANAGEMENT MANUALS PAYMENT.**

The University of Nebraska and NARD developed an updated manual for irrigation and nitrogen management. This manual replaces the one developed in the mid 1990s. The District provides these to all operators that are required to participate in training classes under the groundwater quality management regulations and to other interested persons. The District purchased 2,000 manuals. The cost of the manuals was \$2,300, but the District receives a \$500 discount because DeBuhr participated in development and review of the manual materials.

It was moved by Eberle and seconded by Austin to pay the University of Nebraska \$1,800 for 2,000 Irrigation and Nitrogen Management manuals. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

**ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Projects & Programs Committee met on July 16, 2015 and presented the committee's recommendations.

**ITEM 18. LAND TREATMENT PROGRAM COST-SHARE PAYMENTS.**

It was moved by Dickinson and seconded by Luebbe that the Upper Big Blue Natural Resources District make payment of \$24,348.77 for twelve (12) completed NRD Land Treatment applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

**ITEM 19. PAYMENT TO NEBRASKA ASSOCIATION OF RESOURCES DISTRICT FOR TREES.**

The District purchased 14,200 trees and shrubs from the Nebraska Association of Resources District for the planting of farmstead windbreaks, wildlife plantings, field windbreaks, and riparian plantings at a cost of \$9,390.05. Total cost includes trees and shrubs, wood chips, plastic liners, and shipping.

It was moved by Dickinson and seconded by Volkmer that the Upper Big Blue Natural Resources District make payment of \$9,390.05 for the purchase of 14,200 trees and shrubs as reviewed by the Projects and Programs Committee. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 20. STORM DAMAGED TREES (PUBLIC PROPERTY) PAYMENT – BEAVER CROSSING.**

The Village of Beaver Crossing planted 30 trees on the public right-of-way along the streets of Beaver Crossing. The total amount spent on this project was \$3,300.00. The species of trees planted were; Water Birch, Niobrara Paper Birch, Common Hackberry, Kentucky Coffeetree, American Sycamore, Swamp White Oak, Hills Oak, Bur English Oak, and English Oak. On April 16, 2015, the Upper Big Blue NRD Board of Directors voted to fund the project in the amount of \$2,000.00 (50% of \$4,000.00).

It was moved by Dickinson and seconded by Luebbe that the Upper Big Blue Natural Resources District make payment of \$1,650.00 to the Village of Beaver Crossing for the trees planted in Beaver Crossing on public property, which is 50% of the total amount of \$3,300.00. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 21. STORM DAMAGE TREE REPLACEMENT PROGRAM.**

The Projects & Programs Committee reviewed the Storm Damage Tree Replacement Program as presented by the NRD Staff. The present Storm Damage Tree Replacement Program was adopted for FY2015 and would end July 2015. The proposed program would continue until the NRD Board of Directors decides to discontinue the program.

It was moved by Dickinson and seconded by Volkmer that the Upper Big Blue NRD Board of Directors adopt the Storm Damage Tree Replacement Program as presented by the NRD Staff.

There was considerable discussion regarding details of the proposed program as it pertained to how the maximum cost-share payments were to be determined. Would it be by event, or per year? Several board members felt the policy needed to be reviewed again at the committee level before being presented to the board for adoption. With the approval of the Chair, Dickinson and Volkmer withdrew their motion.

**ITEM 22. RULE 6 NRD PARK REGULATIONS.**

The Projects & Programs Committee reviewed Rule 6 NRD Park Regulations and Pioneer Trails

Recreation Area Special Regulations. The District’s present rules state that swimming and wading is permitted in designated areas. Since the District has not designated any swimming areas, the following language was inserted: “Swimming and wading are permitted at the sole risk of the swimmer, unless specifically prohibited in Rule 6.” The committee recommended deleting the language “flotation devices, surf boards, throwing of Frisbees, balls, and similar devices is prohibited.”

Where trapping is allowed, it will only be permitted by special permit deeming the trapping season is set up by the Nebraska Game & Parks Commission.

Pioneer Trails Recreation Area no longer has a primitive campground. It is a day use area and campground.

Tent Camping Fees	\$ 5.00/night
RV Camping	\$15.00/night

It was moved by Dickinson and seconded by Houdersheldt that the Upper Big Blue Natural Resources District Board of Directors adopt the Rule 6 NRD Park Regulations, which include Pioneer Trails Recreation Area Special Regulations for the purpose of a Public Hearing to be held August 20, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None

**ITEM 23. PIONEER TRAILS RECREATION PROJECT UPDATE.**

Jeff Ball updated the Committee on the construction of the recreation facilities at Pioneers Trails Recreation Area. The project is 92% completed and the electrical work is 79% completed.

**ITEM 24. PAYMENT TO M.E. COLLINS.**

M.E. Collins Original Contract Amount:	\$721,121.60
M.E. Collins Current Contract Amount:	\$632,692.60
Percent Completed:	92%
Retainage:	\$58,443.40
Prior Payments:	\$415,670.97
Current Bill:	\$110,319.63
Total Billed to Date:	\$461,856.63
Balance of Contract:	\$106,702.00

Staff recommended that payment of \$110,319.63 be made to M.E. Collins Contracting Co., Inc.

It was moved by Dickinson and seconded by Miller that the Upper Big Blue Natural Resources District make payment to M.E. Collins in the amount of \$110,319.63 for the work completed at Pioneer Trails



Recreation Area through June 30, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None

**ITEM 25. PAYMENT TO NISSEN ELECTRIC, LLC.**

Nissen Electric Original Contract Amount:	\$40,540.00
Percent Completed:	79%
Prior Payments:	\$22,750.00
Current Bill:	\$ 9,290.00
Total Billed to Date:	\$32,040.00
Balance of Contract:	\$ 8,500.00

Staff recommended that payment of \$9,290.00 be made to Nissen Electric, LLC.

It was moved by Dickinson and seconded by Rich that the Upper Big Blue Natural Resources District make payment to Nissen Electric, LLC in the amount of \$9,290.00 for the work completed at Pioneer Trails Recreation Area through June 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None

**ITEM 26. VOLZKE CORPORATION – CONTRACT PAYMENT.**

Recharge Lake Recovery Well Maintenance  
 Recovery Well #1 (shop)  
 Quoted Price with all new parts \$8,754.00  
 Invoice #10451 \$8,000.26

Note: Difference due to refurbished pump & motor instead of buying new, metal column pipe was corroded with holes in which it was replaced with plastic and extended 10 feet.

Recovery Well #3 (SE Auxiliary Spillway)  
 Quoted Price with all new parts \$4,128.00  
 Invoice #10452 \$4,232.70

Note: Difference is due to small pieces that are necessary, but not included in the original quote.

It was moved by Dickinson and seconded by Bruns that the Upper Big Blue Natural Resources District make payment to Volzke Corporation in the amount of \$12,232.96 for the maintenance work done on

Well #1 and Well #3 at Recharge Lake. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 27. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on July 21, 2015 and presented the committee's recommendations.

**ITEM 28. TOUR NEW NRD HEADQUARTERS CONSTRUCTION SITE.**

The Building Committee toured the NRD Headquarters construction site to see the construction progress. The shop building is nearly complete with the drywall now being hung. The fire sprinkler system and the furnaces have been installed. The electrical and plumbing are roughed in. The utilities need to be installed underground to that building.

The office building basement walls are half done. Part of the steel support columns and beams are in place. The west part of the basement floor has been poured. The floor trusses are being installed. The rest of the basement walls and concrete floor should be done by the first part of August.

**ITEM 29. CONTRACT PAYMENT – AYARS & AYARS, INC.**

Turnbull reviewed the planned schedule of building construction payments and compared them to the actual payments. The FY 2015 budget had \$2,500,000 total planned expenditures for the project by June 30. The actual was \$1,398,515 due to the very wet site conditions in April and May.

Payment request # 8 is for \$283,607.81 from Ayars & Ayars for work completed on the new NRD Headquarters Facility for items completed through 30 June 2015.

Original Contract	\$4,484,673.00	
Change Orders	\$30,239.75	
Total Contract	\$4,514,912.75	
Previous Payments	\$1,114,907.35	
Current Payment	\$283,607.81	
Total Payments	\$1,398,515.16	31%
Contract Balance	\$3,116,397.59	69%

It was moved by Eberle and seconded by Houdersheldt to approve payment of \$283,607.81, for items completed through June 30, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

**ITEM 30. ARCHITECT & CRITERIA DEVELOPER FEES.**

Allan Quick, Architect, submitted his bill for services from March 9 to July 10, 2015.

Architect's Agreement	\$32,190.00
Previous Payments	\$22,920.10
Current Payment	\$4,164.80
Total Payments	\$27,084.90
Agreement Balance	\$5,105.10

It was moved by Eberle and seconded by Dickinson to approve payment of \$4,164.80 to Allan Quick, Architect, for work completed through July 10, 2015 on the NRD Headquarters Facility building project. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

**ITEM 31. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Executive Committee met on July 21, 2015 and presented the committee's recommendations.

**ITEM 32. DIRECTORS' SECOND QUARTER PER DIEM & EXPENSES.**

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

It was moved by Miller and seconded by Stahly to approve payment of 2nd quarter directors' per diem of \$9,800.00 and expenses of \$5,117.24. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None

**ITEM 33. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.**

A bill for \$7,498.45 was received from York Printing Company for printing the latest edition of the Blueprint newsletter.

It was moved by Miller and seconded by Austin to approve payment of \$7,498.45 to York Printing for the Blueprint newsletter. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 34. SALARIES REIMBURSEMENT – LITTLE BLUE NRD.**

A bill totaling \$11,358.93 was received for salaries for the Adams County and Clay County NRCS Clerks from the Little Blue NRD for the past 12 months ending on June 30th.

It was moved by Miller and seconded by Luebbe to approve payment of \$11,358.93 to the Little Blue NRD for NRCS office salaries for FY 2015 (July 1, 2014 to June 30, 2015). The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 35. GROUNDWATER MODELING - BROWN AND CALDWELL BILL.**

DeBuhr reviewed the progress of the groundwater modeling work.

Brown & Caldwell submitted a bill for work completed in May on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$287,278.00
Prior payments	\$273,761.08
Current bills	\$ 1,304.20
Total billed to date	\$275,065.28
Balance of Contract	\$ 12,212.72

It was moved by Miller and seconded by Houdersheldt to approve payment of \$1,304.20 to Brown & Caldwell for work completed through May 2015 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 36. REGIONAL GROUNDWATER MODEL.**

Brown and Caldwell are nearly done with their review of the sub-regional model which covers Seward County and the surrounding area. Once completed, the Department of Natural Resources will conduct their review. The committee discussed the need for a regional groundwater model and what geographic area it should include. The plan has been for the model to include the Lower Big Blue and Little Blue NRDs. The schedule and cost was also discussed. The consensus of the committee is that the regional groundwater model should be pursued, if not this year then next year.

**ITEM 37. INTEGRATED MANAGEMENT PLAN.**

The committee discussed the advantages and disadvantages of an Integrated Management Plan (IMP) for this NRD. One of the advantages is a joint state and local effort on water management for both surface and groundwater. There may be a need in the future for state financial assistance for cities and villages faced with water quality problems. However an IMP needs to be in place to allow the NRD to be eligible for the funds from the Integrated Management Fund approved by the Natural Resources Commission and administered by the Department of Natural Resources. Depending on interpretation it may be necessary for the NRD to have an IMP just so cities or villages could apply for funding on their own, for example, funding for a treatment system for nitrates.

**ITEM 38. RETIREMENT PLAN – RESTATEMENT OF 414 (h) PLAN.**

The NARD 414(h) Retirement Plan has been amended and restated. The NARD Board approved the restated plan on June 15, 2015. Each district needs to adopt a resolution approving the amendment and restatement of the plan. There are no changes to the plan itself. The rewrite incorporates the existing document and the three interim amendments that have already been adopted by the Districts. These amendments were adopted between 2008 and 2012.

**RETIREMENT PLAN RESOLUTION.**

Resolved, that the District Office, as a Participating Employer in the Plan, hereby consents to the adoption of The Amendment and Restatement of the Nebraska Association of Resources Districts 414(h) Plan (the “Amendment and Restatement”) to bring the Plan into compliance with the Pension Protection Act of 2006, other applicable law and guidance and to make certain other adjustments, is hereby authorized and approved;

Resolved Further, that the officers and management of the District office be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment and Restatement, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and

Resolved Further, that any and all action taken and documentation executed by management or the officers of the District Office to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

It was moved by Miller and seconded by Moore to adopt Nebraska Association of Resources Districts 414(h) Plan Resolution. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 39. NARD NEBRASKA PUBLIC TELEVISION PRODUCTION.**

In May the Board agreed to participate in the NARD Nebraska Public Television Production about the NRDs. The amount approved was \$3,000. The NARD has now entered into a contract with Nebraska Public Television. The NARD will be the co-producer which includes all the necessary rights to produce, edit and distribute the program. The program, which will be completed by February 2016, will be one hour long with six segments. The segments will be:

Introduction  
Water Resource Management  
Flood Control, Recreation and Soil Erosion  
Education  
Trees, Wildlife and Grazing Lands  
Current state of water and resources in Nebraska

The contract amount is \$81,600 which includes 150 DVDs. Twenty-one NRDs have agreed to participate. The NARD Board of Directors has decided that the NARD Foundation will contribute \$3,710. The cost to each participating NRD will be \$3,710.

It was moved by Miller and seconded by Luebbe to approve an additional cost of \$710 for the NARD Nebraska Public Television Production, for a total of \$3,710. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

**ITEM 40. NEW WATER DEPARTMENT MANAGER.**

Turnbull announced that Marie Krausnick has been promoted to Water Department Manager. She will begin her new position on August 1, 2015.

**ITEM 41. SALARY & WAGES.**

It was moved by Miller and seconded by Houdersheldt to increase the salary of the General Manager by 3.5% to \$125,753 retroactive to July 1, 2015. The motion was approved.

Upper Big Blue NRD  
Board of Directors Meeting &  
Groundwater Quality Management Area  
Violation Hearing  
July 23, 2015

Page | 17

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Roesler, Stahly, Yates

NAY: Robotham

NOT VOTING: Volkmer

#### **ITEM 42. FY 2016 CONSOLIDATED BUDGET.**

The final draft FY 2016 Budget was presented to the Board. The main budget item is the new NRD Headquarters facility.

It was moved by Miller and seconded by Houdersheldt to approve the FY 2016 Budget for the purpose of public hearing. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Robotham, Roesler, Stahly, Yates

NAY: Volkmer

Turnbull reviewed the lid calculations with the board and the District is in compliance with the tax lid. He recommended that the board approve the additional 1% restricted funds authority.

It was moved by Miller and seconded by Rich to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved by a three-fourths majority of the board.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Robotham, Roesler, Stahly, Yates

NAY: Volkmer

The dates for two public hearings need to be set so that the proper public notices can be published.

It was moved by Miller and seconded by Dickinson to schedule the FY 2016 Budget Hearing for 7:30 p.m., Thursday, August 20, 2015, and the Special Public Hearing for the FY 2016 Tax Request for 7:30 p.m., Thursday, September 17, 2015. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham,  
Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Luebbe

#### **ITEM 43. DIRECTOR APPOINTMENT – SUB-DISTRICT 8.**

Four people have applied for appointment to fill the vacancy in Sub-District 8. The appointment is for the unexpired term ending in January 2017. The applicants are at least 18 years old and registered to vote in the Sub-District. The voter registrations were verified with the York County election officials.

Upper Big Blue NRD  
Board of Directors Meeting &  
Groundwater Quality Management Area  
Violation Hearing  
July 23, 2015  
Page | 18

The applicants are Roberta Janda, Paul Bethune, Jim Schneider, and Greg Staehr.

The Executive Committee found that Roberta Janda, Paul Bethune, Jim Schneider and Greg Staehr were qualified applicants for appointment to fill the unexpired term for the vacancy in Sub-District 8; and further forwarded these names to the Board of Directors for their consideration.

Chairman Yates directed that each director present be polled and that they cast their vote for the candidate of their choice by name. Voting will cease when a majority of the board present has cast a vote for the same candidate. In the event there is no clear majority in the first round of voting the top two candidates will advance to the second round of voting which shall continue until there is a majority vote.

BETHUNE: Austin, Houdersheldt, Kuehner, Rich, Robotham, Roesler, Stahly, Volkmer  
JANDA: None  
SCHNEIDER: Bruns, Dickinson, Eberle, Moore, Nuss, Yates  
STAEHR: Miller

Fifteen members were present and voting on the appointment. Bethune received a majority of 8 votes and is appointed to fill the unexpired term in sub-district 8. Turnbull administered the oath of office and Bethune was seated on the board.

**ITEM 44. FINANCIAL REPORT JUNE 1-30, 2015 AND CONSIDERATION OF EXPENDITURES FOR JUNE 2015.**

Turnbull reviewed the financial report for the period June 1, 2015 to June 30, 2015 that was distributed. It was moved by Volkmer and seconded by Roesler to accept the financial report for June 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT VOTING: Bethune  
NOT PRESENT: Luebbe

There being no other business the chairman adjourned the meeting at 10:08 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 July 23, 2015, 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



Upper Big Blue NRD  
Board of Directors Meeting &  
Groundwater Quality Management Area  
Violation Hearing  
July 23, 2015

Page | **19**

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.

---

Michael D. Nuss, Secretary

:ndb

Attachments (3)

**BOARD OF DIRECTORS MEETING  
AND  
FY 2016 BUDGET HEARING  
August 20, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 20, 2015 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Paul Bethune, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Becky Roesler, and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Marie Krausnick, Ken Feather, Josh Bowers of York County NRCS, and Andy Raun of the Hastings Tribune.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on August 13, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Bill Stahly and Merlin Volkmer requested that their absence from the August 20, 2015 board of directors meeting be excused.

It was moved by Houdersheldt and seconded by Dickinson to excuse the absence of Stahly and Volkmer from the August 20, 2015 Board of Directors meeting as requested. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

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

Chairman Yates asked whether there were any items that the board would like to have removed from the consent agenda for separate action. There were no requests.

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

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates  
NAY: None  
NOT PRESENT: Stahly, Volkmer

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

It was moved by Rich and seconded by Dickinson to approve the agenda for the August 20, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates  
NAY: None  
NOT PRESENT: Stahly, Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE JULY 23, 2015 BOARD OF DIRECTORS MEETING & GROUNDWATER QUALITY MANAGEMENT AREA VIOLATION HEARING.**

It was moved by Rich and seconded by Dickinson to approve the minutes of the July 23, 2015 Board of Directors meeting and Groundwater Quality Management Area Violation Hearing. The motion was approved as part of the consent agenda.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates  
NAY: None  
NOT PRESENT: Stahly, Volkmer

Chairman Yates advised those present that he was moving the FY 2016 Budget Hearing down in the agenda, after the committee reports and proposed action items, due to the recent discussion regarding the Struebing Dam lake recreation improvement project and the possible impacts on the FY 2016 Budget.

**ITEM 8. EMPLOYEE RECOGNITION.**

John Bush, engineering technician for the Water Department, was recognized for 5 years of service to the District. He was presented with a laser engraved desk plaque.

**ITEM 9. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Projects & Programs Committee met on August 11, 2015 and presented the committee's recommendations.

**ITEM 10. LAND TREATMENT PROGRAM FINAL PAYMENTS.**

It was moved by Dickinson and seconded by Luebbe that the Upper Big Blue Natural Resources District approve payments totaling \$8,226.07 for two completed NSWCP Land Treatment applications as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 11. STORM DAMAGED TREES PROGRAM PAYMENT – BEAVER CROSSING.**

The Village of Beaver Crossing planted a total of 62 trees in the month of May 2015. Thirty trees were ordered through Great Plains Nursery at a cost of \$3,300.00. The District made payment of \$1,650.00 in July. After the Committee met in July, the Village of Beaver Crossing received the invoice from Papio Valley Nursery, Inc. for the thirty-two trees they purchased at a cost of \$2,061.00 (50% of \$2,061.00 = \$1,030.50). At the present time, Beaver Crossing has spent \$8,487.00 on trees and shrubs and received \$4,243.50 in cost-share monies to do this work. They have plans to do more this coming spring.

It was moved by Dickinson and seconded by Austin that the District make payment of \$1,030.50 to the Village of Beaver Crossing for 50% of the cost of trees purchased from Papio Valley Nursery Inc. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 12. STORM DAMAGE TREE REPLACEMENT PROGRAM.**

The Committee reviewed the Storm Damage Tree Replacement Program as presented by the NRD Staff. The present Storm Damage Tree Replacement Program was adopted for FY2015 and ended in July 2015. This proposal would make it a permanent program. The draft provided that the applicant apply within one year after the storm event and complete the project within two years of approval. After some discussion the committee amended the draft to read that the applicants have two years to make application for storm damage tree replacement and three years after approval to complete the project.

It was moved by Dickinson and seconded by Luebbe that the Board adopt the Storm Damage Tree Replacement Program as amended by the Committee. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 13. PIONEER TRAILS RECREATION PROJECT UPDATE.**

Jeff Ball updated the Committee on the construction of the recreation facilities at Pioneers Trails Recreation Area. The project is 95% completed and the electrical work is 100% completed.

**ITEM 14. PAYMENT TO M.E. COLLINS FOR WORK COMPLETED IN JULY.**

M.E. Collins Original Contract Amount:	\$721,121.60
M.E. Collins Current Contract Amount:	\$637,048.60
Percent Completed:	95%
Retainage:	\$30,237.05
Prior Payments:	\$525,990.60
Current Bill:	\$48,513.35
Total Billed to Date:	\$574,503.95
Balance of Contract:	\$62,544.65

Staff recommended that payment of \$48,513.35 be made to M.E. Collins Contracting Co., Inc.

It was moved by Dickinson and seconded by Houdersheldt that the District make payment to M.E. Collins in the amount of \$48,513.35 for the work completed at Pioneer Trails Recreation Area through July 31, 2015. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 15. PAYMENT TO NISSEN ELECTRIC, LLC FOR WORK COMPLETED IN JUNE.**

Nissen Electric Original Contract Amount:	\$40,540.00
Work Completed To Date	\$40,540.00
Percent Completed:	100%
Prior Payments:	\$32,040.00
Current Bill:	\$ 8,500.00
Total Billed to Date:	\$40,540.00
Balance of Contract:	\$0.00

Staff recommended that final payment of \$8,500.00 be made to Nissen Electric, LLC.

It was moved by Dickinson and seconded by Austin that the District make final payment to Nissen Electric, LLC in the amount of \$8,500.00 for the work completed at Pioneer Trails Recreation Area through July 2015. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

#### **ITEM 16. HAZARD MITIGATION RESOLUTION HAMILTON COUNTY.**

The Committee reviewed the Resolution for approval of the Hamilton County Hazard Mitigation Plan. These plans are reviewed every five years. A copy of the resolution is attached to these minutes.

It was moved by Dickinson and seconded by Rich that the District adopt the Hamilton County Multi-Jurisdictional Hazard Mitigation Plan Update Resolution. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

#### **ITEM 17. STRUEBING DAM.**

Turnbull reported that a representative of the Struebing family contacted the District concerning the sale of the Struebing property, which consists of 440 acres including the Struebing Dam and part of the reservoir. It is located approximately three miles southwest of David City. Previously the District had contacted the Struebing family concerning an option to buy this property, but they indicated that they were not interested as long as Mrs. Struebing was living. Mrs. Struebing died recently and now the family would like to sell the property. The dam was constructed in 1982 as part of the Central Butler Project. The permanent pool is approximately 71 acres. The Projects and Programs Committee recommended that the District investigate the potential for purchasing 200 to 240 acres of the Struebing Property.

On behalf of the Projects and Programs Committee Dickinson moved that the District investigate the potential for purchasing 200 to 240 acres of the Struebing property. Robotham seconded the motion. Dickinson then offered the following replacement motion. "To express an interest in purchasing land in Section 2 of T14N-R2E and adjacent sections of Butler County, Nebraska for the purpose of the Struebing Dam and lake recreation development and use; further to direct staff to investigate: (1) suitability of the lake to support recreation uses, (2) amount of land needed for recreation and wildlife habitat including fishing access, boat docks, day use areas, trails, campgrounds, roads and parking, (3) options that may be available for purchase or trade of properties in Section 2 of T14N-R2E and adjacent sections. Options may include third party entities as ownership partners or partial purchase by each.

Third party entities may include governmental, private or non-profit.”

There was no objection to the substitute motion and the chair called for the question. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler

NAY: Yates

NOT PRESENT: Stahly, Volkmer

In light of the board decision to consider the acquisition of property from the Struebing family for the purpose of recreational development of the Struebing Dam site Turnbull recommended that the board consider the following recommendation for changes to the proposed FY 16 Budget following the Budget Hearing.

To amend the FY 16 Budget by budgeting \$922,500 for land rights (General Fund page 3, line 43) for the Struebing Dam recreation development land rights, by deleting the \$200,000 transfer to the Sinking Fund (General Fund page 3, line 42), and transferring an additional \$722,432.92 that has been set aside for the Struebing project from the Sinking Fund (Sinking Fund page 6, line 10) to the General Fund (General Fund page 4, line 102).

#### **ITEM 18. DORCHESTER WATERSHED NRCS ASSESSMENT STUDY.**

The NRCS has requested that the District enter into an agreement for services to provide an assessment of the four reservoirs on the Dorchester watershed. The cost of the assessment is estimated at \$79,000. The NRCS will pay the District \$79,000 to fund the assessment. Under this agreement, the District will pay the NRCS the same \$79,000 to do the assessment. If the cost exceeds \$79,000 the NRCS will be responsible for the additional cost. If the assessment finds problems with the structures, the District will be eligible for federal funds to assist with repair. Without the assessment the District would be responsible for the repair cost.

It was moved by Dickinson and seconded by Rich that the District approve the Agreement for NRCS Services for assessment of the Dorchester Watershed Structures. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

#### **ITEM 19. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Water & Regulations Committee met August 13, 2015 and presented the committee's recommendations.

**ITEM 20. FLOW METER REPAIR COST-SHARE.**

Seven flow meters were repaired this month at a cost of \$2,904.41. The cost-share requested is \$974.55.

It was moved by Eberle and seconded by Luebbe to make cost-share payments totaling \$974.55 for seven flow meters repaired. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 21. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 10 parcels totaling 258.88 acres which resulted in a net decrease in irrigated acres of -97.19 acres. This brings the total irrigated acres as of August 1 to 1,230,061.01.

It was moved by Eberle and seconded by Austin to certify the irrigated acres changes as presented to the board. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 22. SCHROEDER & COUFAL VIOLATIONS.**

Attempts to reach Eric Schroeder and Allen Coufal have been unsuccessful. It is the staff's recommendation to start legal proceedings.

It was moved by Eberle and seconded by Moore that the Board authorize the staff to contact Steve Seglin, attorney, to start court action. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 23. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on August 13, 2015 and presented the committee's recommendations.



**ITEM 24. NEW NRD HEADQUARTERS FACILITY CONSTRUCTION REPORT.**

The shop building is nearly complete with the drywall now being taped. The electrical wiring is being pulled and the lights are being installed in the main garage. The utilities are being trenched to that building. The grading for the parking lot will begin in a few days, with the concrete paving to follow.

The concrete pouring for the office building basement walls is finally complete. Now things are moving rapidly. Five sub-contracting firms were at work the same time this week. The backfill is done up four feet from the bottom. The steel support columns and beams are in place and the last two pours of the basement floor are underway. The sub-floor is in place for the board room, break room, public restrooms, conference room and entry. The first floor stud walls are being erected in that area. The sewer line and water service have been dug in from the street to the building.

Once the basement floor is done, the framing sub-contractor will build the stud bearing walls so that the rest of the floor trusses can be installed. Then the backfill can be finished. The sub-floor and first floor walls are next which will take a few weeks.

**ITEM 25. CONTRACT PAYMENT – AYARS & AYARS, INC.**

Payment request #9 is for \$509,973.24 from Ayars & Ayars for work completed on the new NRD headquarters facility for items completed through July 31, 2015.

Original Contract	\$4,484,673.00	
Change Orders	\$30,239.75	
Total Contract	\$4,514,912.75	
Previous Payments	\$1,398,515.16	
Current Payment	\$509,973.24	
Total Payments	\$1,908,488.40	42%
Contract Balance	\$2,606,424.35	58%

It was moved by Eberle and seconded by Rich to approve payment of \$509,973.24, for items completed through July 31, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 26. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Executive Committee met on July 21, 2015 and presented the committee's recommendations.

**ITEM 27. GROUNDWATER MODELING BROWN AND CALDWELL INVOICE.**

Krausnick reviewed the progress of the groundwater modeling work and DNR's review.

Brown & Caldwell submitted a bill for work completed in July on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$287,278.00
Prior payments	\$275,065.28
Current bills	\$ 1,045.50
Total billed to date	\$276,110.78
Balance of Contract	\$ 11,167.22

It was moved by Miller and seconded by Austin to approve payment of \$1,045.50 to Brown & Caldwell for work completed through July 31, 2015 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates  
NAY: None  
NOT PRESENT: Stahly, Volkmer

**ITEM 28. NEBRASKA ASSOCIATION OF RESOURCES DISTRICT FY 16 DUES.**

A bill for \$29,166.78 has been received for the FY 2016 NARD Dues. Turnbull recommended payment.

It was moved by Miller and seconded by Moore to approve payment of \$29,166.78 to the NARD for the FY 2016 dues. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates  
NAY: None  
NOT PRESENT: Stahly, Volkmer

**ITEM 29. SALARY REIMBURSEMENT – LOWER BIG BLUE NRD.**

An invoice for \$4,941.46 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 30th.

It was moved by Miller and seconded by Austin to approve payment of \$ 4,941.46 to the Lower Big Blue NRD for NRCS office salaries for FY 2015 (July 1, 2014 through June 30, 2015). The motion was approved.

Upper Big Blue NRD  
Board of Directors Meeting &  
FY 2016 Budget Hearing  
August 20, 2015

Page | 10

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: Houdersheldt, Miller

NOT PRESENT: Stahly, Volkmer

**ITEM 30. SALARY REIMBURSEMENT - LOWER PLATTE NORTH NRD.**

An invoice for \$8,002.77 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 6 months.

It was moved by Miller and seconded by Rich to approve payment of \$8,002.77 to the Lower Platte North NRD for NRCS office salaries for the last half of FY 2015 (January 1 through June 30). The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: Houdersheldt, Miller

NOT PRESENT: Stahly, Volkmer

**ITEM 31. NARD VOTING DELEGATE & ALTERNATE.**

The Board needs to select directors to be the NARD Voting Delegate and Alternate for the September Conference.

It was moved by Miller and seconded by Nuss to appoint Larry Moore as the NARD Voting Delegate and Gary Eberle as the Alternate for the September NARD Conference. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 32. FY 2016 BUDGET HEARING.**

Chairman Yates opened the FY 2016 Budget Hearing at 8:26 p.m. Notice of the Budget Hearing was published in the York News-Times on August 6, 2015.

Turnbull reviewed the proposed budget that was forwarded for public hearing. It showed a tax of \$3,905,944.11. Total General Fund expenditures of \$7,982,611.25 and total Sinking Fund expenditures of \$2,400,669.08.

Earlier in the meeting Turnbull made a recommendation to amend the budget due to the board action on the Struebing Project. He presented a second budget document for the boards review showing his suggested changes to the budget. The first change is in the General Fund on page 3, line 43 "Land- Title & Easements". The recommended change is to budget \$922,500 in this line item. In the previous

budget draft there was no expenditure for this line item. The next change in the General Fund would delete the \$200,000 transfer from General Fund to the Sinking Fund on page 3, line 42 "Transfers to Other Funds".

At the bottom of page 5 in the Sinking Fund there is a table that is labeled "Supporting Schedule – Sinking Fund". The proposed change would transfer \$722,432.92 earmarked for the Struebing Project from the Sinking Fund to the General Fund. This would reduce the "Total Accumulations End of Year" in the same table to \$881,200.99 instead of \$1,807,889.70. This proposed change will draw down the balance in the Sinking Fund. Also in the Sinking Fund on page 6, line 10 "Transfers to Other Funds" the new total would be \$1,315,212.30. This figure includes the \$722,432.92 transfer to the General Fund for the Struebing Project and the \$592,779.38 transfer to the General Fund that was previously budgeted to help pay for the Pioneer Trails development project and construction of the new office facility.

In the General Fund, page 4, line 102 "Transfers from Other Funds" this figure would change to \$1,315,212.30 instead of \$592,779.38. The end result of this recommended budget change is listed on the cover page under "Total Property Tax All Funds" of \$3,905,697.22. The Notice of Budget Hearing and Budget Summary that was published in the paper had a property tax requirement of \$3,905,944.11. So the tax would be just slightly less, but still a tax increase from fiscal year 2015. The proposed changes still meet the lid law computations.

Chairman Yates asked if anyone had questions about the budget or proposed changes to the budget. Hearing none he officially closed the hearing at 8:35 p.m.

### **ITEM 33. ADOPTION OF FY 2016 BUDGET.**

It was moved by Houdersheldt and seconded by Miller to adopt the FY 2016 Budget.

It was moved by Moore and seconded by Luebbe to amend the FY16 Budget by budgeting \$922,500 for land rights (General Fund page 3, line 43) for the Struebing dam recreation development land rights, by deleting the \$200,000 transfer to the Sinking Fund (General Fund page 3, line 42), and transferring an additional \$722,432.92 that has been set aside for the Struebing project from the Sinking Fund (Sinking Fund page 6, line 10) to the General Fund page 4, line 102). The amendment carried.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT VOTING: Kuehner

NOT PRESENT Stahly, Volkmer

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates

NAY: None

NOT PRESENT: Stahly, Volkmer

**ITEM 34. FINANCIAL REPORT JULY 1-31, 2015 AND CONSIDERATION OF EXPENDITURES FOR JULY 2015.**

Turnbull reviewed the financial report for the period July1, 2015 to July 31, 2015 that was distributed. It was moved by Houdersheldt and seconded by Moore to accept the financial report for July 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Yates  
NAY: None  
NOT PRESENT: Stahly, Volkmer

There being no other business the chairman adjourned the meeting at 9:07 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 August 20, 2015, 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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Michael D. Nuss, Secretary

:ndb  
Attachment (1)

**BOARD OF DIRECTORS MEETING  
FY 2016 TAX REQUEST HEARING  
RULE 6 – NRD PARK REGULATIONS HEARING  
September 17, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 17, 2015 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Paul Bethune, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, David Robotham, Becky Roesler, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Nancy Brisk, Scott Snell, Rod DeBuhr, Marie Krausnick, Ken Feather, Gene Gausmann, Seward Co. Commissioner, and Josh Bowers of York County NRCS.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on September 10, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call. Austin and Moore arrived a few minutes late.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

There were no requests for excused absence.

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

Chairman Yates asked whether there were any items that the board would like to have removed from the consent agenda for separate action. There were no requests.

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

Upper Big Blue NRD  
Board of Directors Meeting &  
FY 2016 Tax Request Hearing &  
Rule 6 – NRD Park Regulations Hearing  
September 17, 2015

Page | 2

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

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

It was moved by Bruns and seconded by Rich to approve the agenda for the September 17, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 7. \*APPROVAL OF MINUTES OF THE AUGUST 20, 2015 BOARD OF DIRECTORS MEETING & FY 2016 BUDGET HEARING.**

It was moved by Bruns and seconded by Rich to approve the minutes of the August 20, 2015 Board of Directors meeting and FY 2016 Budget Hearing. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,  
Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 8. FY 2016 TAX REQUEST HEARING.**

The Notice of Budget Change and Notice of Special Hearing to Set Final Tax Request were published in the York News-Times on September 1, 2015.

Chairman Yates opened the Tax Request Hearing at 7:34 p.m. He turned the floor over to John Turnbull, General Manager, to review the FY 2016 tax request documents. Turnbull stated the total property tax request for FY 2016 as adopted by the board in August is \$3,905,697.22. The levy necessary to support that request is 0.026355. The tax levy last year was 0.028333. The current year's valuations are \$14,819,536,687 which is a ten percent increase from last year. The tax request is \$87,022.61 greater than last year.

Turnbull reviewed the Statement of Valuations which shows the valuations by county for last fiscal year (\$13,477,799,076) and the current fiscal year (\$14,819,536,687) for an increase of \$1,341,737,611. The growth was \$179,186,528.

He then reviewed a graph showing property taxes in the Upper Big Blue NRD from FY2006 to FY2016. The proposed tax this year is 2.3% higher than last year and the valuations are 10% higher than one year ago so the tax levy is 7.0% less than last year.

He reviewed the graph of property valuations in the Upper Big Blue NRD for the same period. He noted that we received State Aid up until 2011 at which time it stopped.

The last graph showed the property tax levies from FY2006 to the current proposal for FY2016. The maximum levy that the Upper Big Blue NRD can assess is 5.5 cents per \$100 valuation. Four and one-half cents is the general limit and we have an additional 1.0 cent due to groundwater management activities. Our current proposed tax request is 2.64 cents, which is less than half of what the District could tax by law.

Turnbull explained that the board needs to adopt a resolution setting the tax request. He read the proposed resolution that follows.

### Resolution

**Whereas** the FY 2016 Budget for the Upper Big Blue NRD, as adopted by this board of directors on August 20, 2015, has a property tax requirement of \$3,905,697.22;

**Whereas** the final total valuation of the NRD is \$14,819,536,687;

**Whereas** the FY 2015 Budget (prior year) required a tax request of \$3,818,674.61 and a property tax rate of \$ 0.028333;

**Whereas** the FY 2016 (current year) property tax rate would be \$0.025768 to generate \$3,818,674.61;

**Therefore be it resolved** by this Board of Directors on September 17 2015, to set the **FY 2016 tax request at \$ 3,905,697.22** for the Upper Big Blue Natural Resources District which will require a **property tax rate of \$0.026355**.

Yates asked if there were any questions regarding the proposed tax request. Hearing none, Yates closed the hearing at 7:39 p.m.

### **ITEM 9. ADOPTION OF FY 2016 TAX REQUEST RESOLUTION.**

It was moved by Houdersheldt and seconded by Rich to adopt the Resolution to set the FY2016 Tax Request. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates



**ITEM 10. RULE 6 – NRD PARK REGULATIONS HEARING.**

Public notice of the hearing on proposed changes to District Rule 6 – NRD Parks Regulations was published in the York News-Times on August 27, 2015.

Chairman Yates opened the hearing at 7:42 p.m. He turned the floor over the Rod DeBuhr, Assistant Manager, to review the proposed changes.

The primary purpose for the changes to the NRD Park Regulations was to allow for RV and tent camping and associated fees at the newly upgraded Pioneer Trails Recreation Area. However, the Projects and Programs Committee reviewed the rules in their entirety to clarify and simplify the regulations.

DeBuhr pointed out that Chapter 14 Fishing, Hunting, Trapping, paragraph 06 on page 12 which states “Trapping of furbearers on District owned or controlled lands is authorized only by special permit and only at such times as when the manager determines sufficient depredation is occurring to warrant the removal of surplus furbearers.” is in conflict with other paragraphs in the rules.

DeBuhr provided the board with a written recommendation for correcting those conflicting paragraphs within the document.

There is a proposed change on page 20, Chapter 24 Swimming and Wading. This change has to do with the fact that the current rules state swimming is permitted in designated areas; however, no areas are designated. The proposed change to paragraph 01 states “Swimming and wading are permitted at the sole risk of the swimmer, unless specifically prohibited in Rule 6.”

The existing language in paragraphs 02 and 03 was removed entirely and replaced with renumbered paragraph 02 “Swimming from vessels underway is prohibited.” And what was previously paragraph 05 was renumbered as 03 and changed to read “Swimming or wading within twenty (20) yards of the spillway is prohibited.”

Another proposed change is on page 24, Chapter 32 Smith Creek Recreation Area Special Regulations existing paragraph 01 which reads “Under the authority of, and in compliance with Chapter 2, Revised Statutes of Nebraska, the following regulations are prescribed by the Upper Big Blue Natural Resources District and are effective from April 1, 2011 until revoked or amended.” is to be stricken from the rules and the remaining paragraphs and subparagraphs renumbered. This language was also removed from Chapter 33 Pioneer Trails Recreation Area Special Regulations on page 26, Chapter 34 Anderson Recreation Area Special Regulations on page 28 and Chapter 35 Overland Trail Recreation Area Special Regulations on page 30. It was felt this was repetitious because this is already stated at the beginning of Rule 6 under Chapter 1 Authority.

Under Chapter 32 Smith Creek Recreation Area Special Regulations on page 25 the paragraph that said “Unsupervised swimming and wading are permitted in designated areas” was stricken. Renumbered paragraph 03.08 had the reference to trapping of furbearers stricken.

In Chapter 33 Pioneer Trails Recreation Area Special Regulations on page 26 we added language in paragraph 03.01 for the fees to be paid for camping and allowed free camping by Youth Organizations and included use of the Day Use Area under permitted activities.

On pages 27 and 28 reference to unsupervised swimming and wading being permitted in designated areas was removed. Reference to trapping of furbearers is removed from page 27, paragraph 03.07.

DeBuhr said he would recommend that in Chapter 34 Anderson Recreation Area Special Regulations paragraph 03.05 on page 29 and Chapter 35 Overland Trail Recreation Area Special Regulations on page 30 which states “Trapping of furbearers is prohibited.” be deleted because it is already covered under Chapter 14 Fishing, Hunting, Trapping on page 12. It was also proposed that in Chapter 36 Oxbow Trail Recreation Area Special Regulations, in paragraph 02.07 that language be added to limit hunting in designated areas to the allowable hunting seasons as set up by Nebraska Game and Parks Commission, and add paragraph 02.08 “Trapping of furbearers will be allowed at Oxbow Trail Reservoir during the allowable hunting and trapping season as set up by the Nebraska Game and Parks Commission.” The maps associated with Rule 6 and any proposed changes were also updated.

DeBuhr asked if there were any questions about the proposed changes.

Houdersheldt expressed concern about limiting trapping of furbearers at Oxbow Trails based on depredation. There was some discussion about whether or not trapping should be allowed at all and about whether or not trappers are contacting the district to obtain permission prior to trapping.

Chairman Yates closed the hearing at 7:54 p.m.

#### **ITEM 11. ADOPTION OF RULE 6 – NRD PARK REGULATIONS.**

It was moved by Miller and seconded by Robotham to adopt Rule 6 – NRD Park Regulations as presented.

It was moved by Houdersheldt and seconded by Eberle to amend the motion to Change Chapter 14, paragraph 06 to strike the words “and only such times as when the manager determines sufficient depredation is occurring to warrant the removal of surplus furbearers” and replace with the words “issued by the District.” Further to change Chapter 14, paragraph 07 by striking the work “depredation”.  
The amendment carried.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

As DeBuhr mentioned during the public hearing there are paragraphs in the rules that are in conflict with Chapter 14 Fishing, Hunting, Trapping. The following are his recommended changes to Rule 6 to correct the conflicting language.

Chapter 14, paragraph 06 as amended now states “Trapping of furbearers on District owned or controlled lands is authorized only by special permit.” This provision applies to all District recreation areas, but in subsequent chapters for Rule 6 this provision is repeated or the language is in conflict with Chapter 14, paragraph 06. The following paragraphs should be removed to provide clarity and consistency to the Rule.

*Chapter 32, paragraph 03.09 – Trapping at Smith Creek is only allowed by special permit during the trapping season as set up by the Nebraska Game and Parks Commission.*

*Chapter 33, paragraph 03.09 – Trapping at Pioneer Trails is only allowed by special permit during the trapping season as set up by the Nebraska Game and Parks Commission*

*Chapter 34, paragraph 03.05 – Trapping of furbearers is prohibited.*

*Chapter 35, paragraph 03.05 – Trapping of furbearers is prohibited.*

*Chapter 36, paragraph 02.08 – Trapping of furbearers will be allowed at Oxbow Trail Reservoir during the allowable hunting and trapping season as set up by the Nebraska Game and Parks Commission.*

It was moved by Miller and seconded by Houdersheldt to amend the motion to amend Rule 6 by deleting the paragraphs listed above in Chapters 32, 33, 34, 35 and 36 and renumber the following paragraphs as needed. The amendment carried.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

The question was called on the original motion as amended. The motion carried.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

## **ITEM 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Rich reported that the Water & Regulations Committee met September 8, 2015 and presented the committee’s recommendations.

**ITEM 13. BEAVER CROSSING MONITORING WELL PUMP REPLACEMENT PAYMENT.**

The pump in the deep well at the Beaver Crossing monitoring well site stopped working. The company who manufactured the original pump no longer produces the small 2” pumps, so an alternative manufacturer was located and a new pump, tubing, wiring, and control box were installed. The District contracted with Sargent Irrigation of Geneva to replace the pump.

It was moved by Rich and seconded by Luebbe to pay Sargent Irrigation of Geneva \$4,162.00 for the pump replacement in the deep monitoring well at Beaver Crossing monitoring well site. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

**ITEM 14. FLOW METER REPAIR COST-SHARE.**

Two flow meters have been repaired this month. The total cost was \$1,105.65. The cost-share totaled \$300.00.

It was moved by Rich and seconded by Bruns to make cost-share payments totaling \$300.00 for two flow meter repairs. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

**ITEM 15. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 5 parcels totaling 213.32 acres. Yielding a net decrease of 65.3 acres. This brings the total irrigated acres as of September 1 to 1,229,996.01.

It was moved by Rich and seconded by Luebbe to certify the irrigated acres changes as presented to the board. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

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

Dickinson reported that the Projects & Programs Committee met on September 8, 2015 and presented the committee's recommendations.

**ITEM 17. \*NEBRASKA BUFFER STRIP PAYMENTS.**

It was moved by Bruns and seconded by Rich that the Upper Big Blue Natural Resources District make payment of \$9,077.82 for six (6) Nebraska Buffer Strip Program contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 18. PRIVATE DAMS PROGRAM.**

The Committee reviewed the latest draft of the Private Dams Program as written and presented by the staff. The Committee made a couple of improvements and clarifications under the maintenance part of the agreement.

It was moved by Dickinson and seconded by Austin to adopt the Private Dams Program. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

**ITEM 19. APPLICATION FOR STORM DAMAGED TREES (PRIVATE PROPERTY).**

Virginia Fay, 1101 Road E, York, Nebraska, (three miles south of Bradshaw) has applied for Storm Damaged Trees assistance. Her pine trees at her farmstead were damaged severely during the June 4, 2014 hail storm. She decided to wait until spring to see if the trees would survive the hail damage. Ken Feather looked at the trees during the first week of September 2015, and found that the trees are completely dead on the west side. He recommended replacement of the hail damaged trees with Colorado Blue Spruce. The total amount of her application is \$632.96. The cost-share amount is \$300.00, which is the maximum authorized in the program.

It was moved by Dickinson and seconded by Volkmer that the Upper Big Blue Natural Resources District approve the Storm Damage Tree Replacement Program application submitted by Virginia Fay in the amount of \$300.00. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: None

**ITEM 20. HAZARD MITIGATION PROGRAM.**

Jeff Ball presented a resolution for a multi-jurisdictional hazard mitigation plan that was prepared by York County, with the assistance of JEO Consulting Group, Inc. of Lincoln Nebraska, which includes the jurisdiction of the Upper Big Blue Natural Resources District. FEMA regulation require documentation that the plan was 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 plan at the Federal level.

It was moved by Dickinson and seconded by Austin that the Upper Big Blue Natural Resources District adopt the York County Multi-Jurisdictional Hazard Mitigation Plan Resolution and authorize the Chairman of the Board to sign the document. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: None

**ITEM 21. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on September 10, 2015 and presented the committee's recommendations.

**ITEM 22. NEW NRD HEADQUARTERS FACILITY CONSTRUCTION REPORT.**

The shop building is almost complete with the interior walls now painted. The suspended ceilings are being installed and the wiring is nearly finished. The furnaces and duct work are essentially done. The paving is underway for the north parking lot and approaches to the shop.

Good progress is now being made. It has not been uncommon to see 4 or 5 sub-contractors at work at the same time. The first floor deck is complete. The framing of the bearing walls on the main floor is now started, and should be completed by the middle of September. The roof trusses will go up next so that the contractor can enclose the building in October. Grading of the entire site will also take place soon.

**ITEM 23. CONTRACT PAYMENT – AYARS & AYARS, INC.**

Payment request #10 is for \$179,289.12 from Ayars & Ayars for work completed on the new NRD Headquarters Facility for items completed through August 31, 2015.

Original Contract	\$4,484,673.00	
Change Orders	\$30,239.75	
Total Contract	\$4,514,912.75	
Previous Payments	\$1,908,488.40	
Current Payment	\$179,289.12	
Total Payments	\$2,087,777.52	46%
Contract Balance	\$2,427,135.23	54%

It was moved by Eberle and seconded by Rich to approve payment of \$179,289.12 for items completed through August 31, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

**ITEM 24. ARCHITECT & CRITERIA DEVELOPER FEES.**

Allan Quick, Architect, submitted a bill for his services from July 22 – September 10, 2015.

Architect's Agreement	32,190.00
Previous Payments	\$27,084.90
Current Payment	\$3,166.20
Total Payments	\$30,251.10
Agreement Balance	\$1,938.90

It was moved by Eberle and seconded by Stahly to approve payment of \$3,166.20 to Allan Quick, Architect, for work completed through September 10, 2015 on the NRD Headquarters Facility building project. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: None

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

Miller reported that the Executive Committee met on September 10, 2015 and presented the committee’s recommendations.

**ITEM. 26. GROUNDWATER MODELING – BROWN & CALDWELL.**

The Department of Natural Resources is still conducting their review of the groundwater model. No word has been received from the Department yet.

Brown & Caldwell submitted a bill for work completed in July on the groundwater modeling for the sub-regional model

Brown & Caldwell Contract Amount	\$287,278.00
Prior payments	\$276,110.78
Current bills	\$ 4,279.75
Total billed to date	\$280,390.53
Balance of Contract	\$ 6,887.47

It was moved by Miller and seconded by Austin to approve payment of \$ 4,279.75 to Brown & Caldwell for work completed through July 31, 2015 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: None

**ITEM 27. STAFFING UPDATE.**

Turnbull reported that he has hired a civil engineer who has a strong background in water resources with the US Bureau of Reclamation. The new employee is Jack Wergin from Aurora. He will report to work on October 5. Three candidates were interviewed out of ten applicants.

**ITEM 28. NARD RESOLUTIONS.**

Two resolutions have been submitted for consideration at the annual NARD conference.

NARD Resolution 2015-1 – Nebraska Public Meeting Amendment, submitted by the Lower Platte North NRD.



Upper Big Blue NRD  
Board of Directors Meeting &  
FY 2016 Tax Request Hearing &  
Rule 6 – NRD Park Regulations Hearing  
September 17, 2015  
Page | 12

It was moved by Miller and seconded by Moore to support NARD Resolution 2015-1 – Nebraska Public Meeting Amendment. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: None

NARD Resolution 2015-2 – Conversion of an Appropriation to Manufacture Hydropower, submitted by the Upper Niobrara-White NRD.

This resolution was submitted late. It will require a 2/3 vote at the conference to be considered.

A news release issued on September 10, 2015 said an agreement between the NRDs in the Niobrara Basin, Game and Parks and NPPD was announced. The agreement will lead to the sale of the Spencer Dam and its water rights to the NRDs and will also lead to instream flow water rights held by the NRDs and Game and Parks, and water for integrated management plans.

It was moved by Miller and seconded by Moore to support NARD Resolution 2015-2 - Conversion of an Appropriation to Manufacture Hydropower. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: None

#### **ITEM 29. FINANCIAL REPORT AUGUST 1-31, 2015 AND CONSIDERATION OF EXPENDITURES FOR AUGUST 2015.**

Turnbull reviewed the financial report for the period August 1, 2015 to August 31, 2015 that was distributed. It was moved by Volkmer and seconded by Roesler to accept the financial report for August 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: None

There being no other business the chairman adjourned the meeting at 8.47 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 September 17, 2015, 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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Michael D. Nuss, Secretary

:ndb

**BOARD OF DIRECTORS MEETING**  
**October 15, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 15, 2015 at 7:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Paul Bethune, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, David Robotham, Becky Roesler, and Lynn Yates.

Staff members and others in attendance were Rod DeBuhr, Nancy Brisk, Scott Snell, Marie Krausnick, Ken Feather, Jack Wergin, Nancy Beach and Josh Bowers of York County NRCS.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on October 8, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Eleven directors were present during roll call. Austin, Houdersheldt and Moore arrived a few minutes late.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Bill Kuehner, Linda Luebbe and Merlin Volkmer requested that their absence from the October 15, 2015 board of directors meeting be excused.

It was moved by Rich and seconded by Stahly to excuse the absence of Kuehner, Luebbe and Volkmer from the October 15, 2015 board of directors meeting as requested. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Austin, Houdersheldt, Kuehner, Luebbe, Volkmer

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

Chairman Yates asked whether there were any items that the board, or members of the public, would like to have removed from the consent agenda for separate action. There were no requests.

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

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Austin, Houdersheldt, Kuehner, Luebbe, Volkmer

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

It was moved by Dickinson and seconded by Rich to approve the agenda for the October 15, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Austin, Houdersheldt, Kuehner, Luebbe, Volkmer

**ITEM 7. \*APPROVAL OF MINUTES OF THE SEPTEMBER 17, 2015 BOARD OF DIRECTORS MEETING, FY 2016 TAX REQUEST HEARING & RULE 6 –NRD PARK REGULATIONS HEARING.**

It was moved by Dickinson and seconded by Rich to approve the minutes of the September 17, 2015 Board of Directors meeting, FY 2016 Tax Request Hearing and Rule 6 – NRD Park Regulations Hearing. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Austin, Houdersheldt, Kuehner, Luebbe, Volkmer

**ITEM 8. FISCAL YEAR 2015 AUDIT.**

Gayle Steiger of Romans, Wiemer & Associates was present to go over the FY 2015 audit with the Board. The auditors did not find any deficiencies in internal controls or material weaknesses.

It was moved by Austin and seconded by Dickinson to accept the FY 2015 audit as presented. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Rich reported that the Water & Regulations Committee met October 6, 2015 and presented the committee's recommendations.

**ITEM 10. HAMPTON MONITORING WELL REPAIR.**

The shallow monitoring well in Hampton is not working. Sargent Irrigation provided a bid of \$1,719.70 to replace the motor.

It was moved by Rich and seconded by Robotham to authorize staff to have the shallow monitoring well in Hampton repaired by Sargent Irrigation. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 11. GROUNDWATER TRANSFER AUTHORIZATION.**

Dennis Richters and Brigham LLC applied for a groundwater transfer to irrigate 7 acres in W ½ NW ¼ of Section 6, Township 10 North, Range 2 East and 7 acres in the W ½ SW ¼ of Section 6, Township 10 North, Range 2 East from well G-012371 located in the SE ¼ of Section 1, Township 10 North, Range 1 East, all in Seward County. The proposed transfer complies with the District's groundwater regulations.

It was moved by Rich and seconded by Bruns to approve Groundwater Transfer T-084. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 12. FLOW METER REPAIR COST-SHARE.**

Two flow meters have been repaired this month at a total cost of \$940.12. The amount of cost-share requested is \$300.00.

It was moved by Rich and seconded by Stahly to make cost-share payments totaling \$300.00 for two flow meter repairs. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 13. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 2 parcels totaling 291.41 acres, yielding a net increase in irrigated acres of 6.49 acres. This brings the total irrigated acres as of October 1 to 1,230,002.50.

It was moved by Rich and seconded by Robotham to certify the irrigated acres changes as presented to the Board. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

#### **ITEM 14. MUNICIPAL WATER QUALITY ASSISTANCE PROGRAM APPLICATION.**

The City of Seward has applied for funds to implement new technologies to their existing water treatment plant in an effort to reduce waste water discharge, lower electrical operating cost, and produce lower nitrate level drinking water to its customers. The application proposes to replace the RO filters and membranes with newer technologies that would remove nitrates down to <1.0 mg/l. The proposed cost of this project is \$149,900.00. At 25% cost share, our cost would be \$37,475.00. They would like to have the work completed by December of 2015. Since no monies have been budgeted this fiscal year for this program, they are requesting to be considered for funding for the next fiscal year (FY16), but to complete the work in the 2015 calendar year.

It was moved by Rich and seconded by Austin to inform Seward that their application fits the criteria of the Districts program, and it will be considered in our next budget cycle. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Kuehner, Luebbe, Volkmer

#### **ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Dickinson reported that the Projects & Programs Committee met on October 6, 2015 and presented the committee's recommendations.

#### **ITEM 16. STORM DAMAGED TREES PROGRAM PAYMENT TO VIRGINIA FAY.**

Virginia Fay of 1101 Road E, York, Nebraska planted four Colorado Blue Spruce to replace the trees that were damaged during the June 4, 2014 hail storm. The total amount of Virginia's application was \$632.96. The maximum cost-share amount is \$300.00.

It was moved by Dickinson and seconded by Austin that the District makes payment of \$300.00 to Virginia Fay for the planting of trees on her property located at 1101 Road E, York, Nebraska due to

storm damage. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 17. STORM DAMAGED TREE PROGRAM PAYMENT TO VILLAGE OF CORDOVA.**

The Village of Cordova planted 32 trees on public property owned by the Village. On June 16, 2015, the District agreed to pay up to 50% of the estimated cost of \$2,599.68. The actual cost for the trees was \$2,387.71.

It was moved by Dickinson and seconded by Bruns that the District makes payment of \$1,193.86 to the Village of Cordova for the planting of 32 trees on the public property within the corporate limits of the Village of Cordova. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 18. FY 2016 TREE PRICES.**

The Nebraska Association of Resources District (NARD) will continue to receive 3¢ per tree purchased by the NRD's from Bessey Nursery at Halsey, Nebraska. Bessey Nursery and Lincoln Oakes did not raise their tree prices this year. The tree price at Halsey is 63¢ per tree for 2-0 conifers and hardwoods. The District's prices for FY 2015 were 95¢/tree and 70¢/tree for planting. Staff recommends that the price for tree planting is increased by 5 cents to 75¢ per tree.

It was moved by Dickinson and seconded by Rich that the District set the cost of the trees and shrubs at 95¢ per tree and the planting cost at 75¢ per tree for FY 2016. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 19. PIONEER TRAILS CONSTRUCTION PAYMENT TO M.E. COLLINS.**

Construction of the recreation improvements at Pioneer Trails is complete. The staff recommended that final payment of \$54,167.01 be made to M.E. Collins Contracting Co., Inc. The total cost of M.E. Collins work was \$628,670.96. This was \$8,377.64 under the bid price.

It was moved by Dickinson and seconded by Miller that the District makes the final payment of \$54,167.01 to M.E. Collins Contracting Co., Inc. for work completed on the Pioneer Trails Recreation

Area. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 20. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on October 8, 2015 and presented the committee's recommendations.

**ITEM 21. NEW NRD HEADQUARTERS FACILITY CONSTRUCTION REPORT.**

The backfill around the office foundation is just about done and the site grading is well underway. The office building exterior and many of the interior walls are up. The exterior walls are now sheeted. The roof trusses were installed the week of September 28. The roof sheeting began on October 6. Electrical work, plumbing and fire sprinkler work has begun in the basement. The west parking lot is now paved along with a part of the south parking lot. The north parking lot was finished in mid-September.

The roof will be shingled in the next couple of weeks. The brickwork will begin the week of October 12th, which will take about 6 weeks to complete. The electrical, plumbing, and heating sub-contractors will also be busy at work.

The electrical service to the property will be energized in a few days and then the remaining work in the shop building can be completed.

**ITEM 22. PAYMENT TO AYARS & AYARS, INC.**

A change order was approved recently to change the type of electrical conduit in the office building. The change resulted in a \$4,865.00 decrease in the project contract price. The cost with prior change orders was \$4,514,912.75. The current contract now totals \$4,510,047.75. Other changes will occur as the construction progresses.

Payment request # 11 is for \$420,861.50 from Ayars & Ayars for work completed on the new NRD Headquarters Facility for items completed through September 30, 2015.

Original Contract	\$4,484,673.00	
Change Orders	\$25,374.75	
Total Contract	\$4,510,047.75	
Previous Payments	\$2,087,777.52	
Current Payment	\$420,861.50	
Total Payments	\$2,508,639.02	56%
Contract Balance	\$2,001,408.73	44%



It was moved by Eberle and seconded by Rich to approve payment of \$420,861.50 for items completed through September 30, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

### **ITEM 23. ARCHITECT & CRITERIA DEVELOPER AGREEMENT.**

Allan Quick, Architect, submitted a request to increase the amount authorized in his agreement with the District. Allan suggests now that the main structural work is done, that he will not need to come out to the site as often. He has been coming once a week. Allan thinks that a site visit every other week on the average will be sufficient. Jeff Ball continues to inspect the site daily and reports to Turnbull and Quick. DeBuhr and our new engineer, Jack B. Wergin, are getting up to speed on the project also.

Allan proposes 12 site visits for the period of October 2015 through April 2016. He requests additional fees of \$3,787.90 for that work, which includes his hourly rate and expenses. His hourly rate remains the same, \$115 an hour. Turnbull recommended that the amount of the contract be increased.

Architect's Agreement	\$32,190.00
Total Payments thru 17 September 2015	\$30,251.10
Agreement Balance	\$1,938.90
Request Additional for Oct - April	\$3,787.90
Revised Agreement	\$35,977.90

It was moved by Eberle and seconded by Houdersheldt to approve an increase in the amount of the agreement with Allan Quick, the Criteria Developer and advising architect on the NRD Headquarters Facility, bringing the Agreement maximum not to exceed amount to \$35,977.90. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

### **ITEM 24. BUILDING LOAN INTEREST PAYMENT.**

The semi-annual payment on the interest of the building construction loan was due on October 1. Bill Stahly, Treasurer, and John Turnbull, Manager, decided to pay that interest. The amount was \$5,183.38 which was the interest on the total funds drawn to date (\$1,461,444.28 at the time of the interest statement).

It was moved by Eberle and seconded by Austin to approve payment of \$5,183.38 to Cornerstone Bank

for interest due on the NRD Headquarters Facility construction loan. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

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

Miller reported that the Executive Committee met on October 8, 2015 and presented the committee's recommendations.

**ITEM 26. \*3RD QUARTER PER DIEM & EXPENSES.**

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

It was moved by Dickinson and seconded by Rich to approve payment of third quarter directors' per diem of \$11,060.00 and expenses of \$4,919.14. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Austin, Houdersheldt, Kuehner, Luebbe, Volkmer

**ITEM 27. GROUNDWATER MODELING – BROWN & CALDWELL.**

The Department of Natural Resources review of the groundwater model is not completed yet. Kurt Zeiler, hydro-geologist from Brown and Caldwell, gave a presentation about the model to the directors from the Lower Big Blue, Little Blue, and the Upper Big Blue NRD at the September NARD Conference during the Blue River Basin meeting. After the DNR review is done, the three NRDs plan to meet about the next steps to be taken in pursuing a basin wide groundwater model.

Brown & Caldwell submitted a bill for work completed in August on the groundwater modeling for the sub-regional model.

Brown & Caldwell Contract Amount	\$287,278.00
Prior payments	\$280,390.53
Current bills	\$ 1,731.50
Total billed to date	\$282,122.03
Balance of Contract	\$ 5,155.97

It was moved by Miller and seconded by Houdersheldt to approve payment of \$1,731.50 to Brown & Caldwell for work completed through August 30, 2015 on the sub-regional groundwater model. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

**ITEM 28. FINANCIAL REPORT SEPTEMBER 1-30, 2015 AND CONSIDERATION OF EXPENDITURES FOR SEPTEMBER 2015.**

DeBuhr reviewed the financial report for the period September 1, 2015 to September 30, 2015 that was distributed. It was moved by Houdersheldt and seconded by Rich to accept the financial report for September 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Luebbe, Volkmer

There being no other business the chairman adjourned the meeting at 9:00 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 October 15, 2015, 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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Michael D. Nuss, Secretary

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**BOARD OF DIRECTORS MEETING**  
**November 19, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 19, 2015 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Yvonne Austin, Paul Bethune, Doug Bruns, Doug Dickinson, Gary Eberle, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Rod DeBuhr, Nancy Brisk, Scott Snell, Marie Krausnick, Ken Feather, Jack Wergin, Mark Hoferer of NRCS, Andy Raun of the Hastings Tribune and Jim Husbands of York County NRCS.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on November 12, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Fifteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Roger Houdersheldt and Doug Bruns requested that their absence from the November 19, 2015 board of directors meeting be excused.

It was moved by Volkmer and seconded by Luebbe to excuse the absence of Houdersheldt and Bruns from the November 19, 2015 board of directors meeting as requested. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

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

Chairman Yates asked whether there were any items that the board, or members of the public, would like to have removed from the consent agenda for separate action. There were no requests.

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

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

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

It was moved by Rich and seconded by Volkmer to approve the agenda for the November 19, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

**ITEM 7. \*APPROVAL OF MINUTES OF THE OCTOBER 15, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Rich and seconded by Volkmer to approve the minutes of the October 15, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

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

Dickinson reported that the Projects & Programs Committee met on November 10, 2015 and presented the committee's recommendations.

**ITEM 9. LAND TREATMENT COST SHARE PROGRAM.**

The Projects and Programs Committee reviewed 8 new applications for Land Treatment Program cost share. Total cost share requested is \$36,585.47. There were no cost share payments submitted for approval. The Committee reviewed the Land Treatment Program funding summary. Staff reported on the October 26th meeting with NRCS to discuss ways to improve utilization of the Land Treatment Program. Staff presented data on land treatment programs from other NRDs and possible changes to the program for the Committee's consideration.

It was moved by Dickinson and seconded by Austin that the District change the Land Treatment Program by removing the limit of cost sharing on one type of conservation practice per 160 acres for life of practice and by increasing the maximum cost-share per landowner from \$5,000 per year to \$7,500 per year. The motion was approved.

AYE: Austin, Bethune, Eberle, Kuehner, Luebbe, Moore, Rich, Robotham, Stahly, Yates  
NAY: Dickinson, Miller, Nuss, Roesler, Volkmer  
NOT PRESENT: Bruns, Houdersheldt

**ITEM 10. PIONEER TRAILS CONTRACT PAYMENT – MID NEBRASKA LAND DEVELOPERS, LLC.**

Construction of the entrance road improvements and turnaround drainage improvements at Pioneer Trails are complete. The staff recommended that final payment of \$4,152.10 be made to Mid Nebraska Land Developers, LLC.

It was moved by Dickinson and seconded by Robotham that the District make the final payment of \$4,152.10 to Mid Nebraska Land Developers, LLC. for work completed on the Pioneer Trails Recreation Area. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
NAY: None  
NOT PRESENT: Bruns, Houdersheldt

**ITEM 11. STRUEBING LAND RIGHTS.**

On November 12, 2015, Teresa Otte, the representative for the Struebing family, spoke to general manager, John Turnbull, concerning the potential sale of their property consisting of approximately 444 acres in Section 2, Township 14 North, Range 2 East in Butler County. Ms. Otte indicated that the family is now willing to sell the property for \$4,000,000. Their previous offer was \$10,000 per acre (\$4,400,000). They would also require that a purchase agreement be signed by the end of the year with payment being made over two years.

Forty-five acres make up the Struebing dam and reservoir. The remaining property includes 328 acres of dryland, 59 acres of grass, and 12 acres for the farmstead and roads. The total assessed value is \$1,726,175.

Ducks Unlimited expressed a willingness to include cost-share up to \$300,000 toward this property in a National Wetlands Conservation Act grant application, however, the application would not be submitted until July 2016, and if approved, funds would not be available until after October 1, 2016.

Staff has explored the idea of a 200 foot conservation easement around the reservoir which would involve about 50 acres. The Struebing family has yet to be contacted about this. Typically a conservation easement would prohibit tillage, but could allow haying and limited grazing. Payment for an easement would have to be negotiated, but at a minimum it would be reasonable to expect to pay

the difference between cropland and grassland values. The latest Cornhusker Economics report on land values puts that difference at \$4,300 per acre. The NRCS Wetlands Reserve Program (WRP) currently pays \$3,655 for a WRP easement for dryland crop ground.

It was moved by Miller and seconded by Moore to inform the Struebing family that the District is not interested in purchasing the property at the offered price at this time. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

It was moved by Miller and seconded by Moore to direct the staff to enter into negotiations with the Struebing family to purchase a conservation easement around the reservoir to protect the water quality in the Struebing Dam. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Roesler, Volkmer, Yates

NAY: Nuss, Stahly

NOT PRESENT: Bruns, Houdersheldt

#### **ITEM 12. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Water & Regulations Committee met November 10, 2015 and presented the committee's recommendations.

#### **ITEM 13. FLOW METER REPAIR COST-SHARE.**

Three flow meters have been repaired this month at a total cost of \$1,111.95. The cost-share request is \$450.00.

It was moved by Eberle and seconded by Luebbe to make cost-share payments totaling \$450.00 for three flow meter repairs. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

#### **ITEM 14. CERTIFICATION OF IRRIGATED ACRES.**

The Water and Regulations Committee reviewed the irrigated acres certification for 27 parcels totaling 2,708.07 acres, yielding a net increase in irrigated acres of 11.81 acres. This brings the total irrigated acres as of November 1 to 1,230,014.31.

It was moved by Eberle and seconded by Rich to certify the irrigated acres changes as presented to the Board. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

**ITEM 15. HAMPTON MONITORING WELL REPAIRS.**

Sargent Irrigation of Aurora has completed work on the Hampton monitoring well and submitted an invoice for \$1,762.89.

It was moved by Eberle and seconded by Austin to pay Sargent Irrigation, Aurora, for work completed to the Hampton monitoring well totaling \$1,762.89. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

**ITEM 16. LATE WELL PERMIT-VRBKA PROPERTIES LLC.**

Earnest Well Drilling of Milford constructed a livestock well for Vrbka Properties LLC. This well will be tied to an existing well to provide water for their chicken barns. The combined pumping of the two wells is 78 GPM. Both the driller and property owner were unaware that a permit was required.

It was moved by Eberle and seconded by Rich to approve the late well construction permit for Vrbka Properties LLC. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

**ITEM 17. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on November 10, 2015 and presented the committee's recommendations.

**ITEM 18. NEW NRD HEADQUARTERS FACILITY CONSTRUCTION REPORT.**

The cooler units have been installed in the shop building and the electricity has been turned on for the final wiring. The suspended ceilings and cabinetry remains to be completed, along with the final work on the fire sprinkler systems.



The windows are installed on three walls in the office building. Some exterior doors have been installed. The rough in work for the electrical, heating and ventilating are underway. Brick work began on the east end, and the paved parking lots are complete. The roof shingling just got started on the 9th of November. The big window in the east end should be put in soon to completely enclose the building.

**ITEM 19. CONTRACT PAYMENT – AYARS & AYARS, INC.**

Payment request #12 is for \$276,946.87 from Ayars & Ayars for work completed on the new NRD Headquarters Facility for items completed through October 31, 2015.

Original Contract	\$4,484,673.00	
Change Orders	\$25,374.75	
Total Contract	\$4,510,047.75	
Previous Payments	\$2,508,639.02	
Current Payment	\$276,946.87	
Total Payments	\$2,785,585.89	62%
Contract Balance	\$1,724,461.86	38%

It was moved by Eberle and seconded by Rich to approve payment of \$276,946.87 for items completed through October 31, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

- AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates  
 NAY: None  
 NOT PRESENT: Bruns, Houdersheldt

**ITEM 20. ARCHITECT & CRITERIA DEVELOPER PAYMENT.**

The payment request from Allan Quick for \$1,525.60 was received the day of the Building Committee meeting, after the meeting ended. Turnbull recommends payment.

Architect's Agreement	\$35,977.90
Previous Payments	\$30,251.10
Current Payment	\$1,525.60
Total Payments	\$31,776.70
Agreement Balance	\$4,201.20

It was moved by Eberle and seconded by Dickinson to approve payment of \$1,525.60 to Allan Quick, architect, for work completed through November 4, 2015 on the NRD Headquarters Facility building project. The motion was approved.

- AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

**ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Executive Committee met on November 10, 2015 and presented the committee's recommendations.

**ITEM 22. GENERAL MANAGER'S RETIREMENT.**

Turnbull informed the Board of Directors by a letter dated November 5, 2015, that he would retire on January 30, 2016.

**ITEM 23. SEARCH COMMITTEE.**

The Chairman has appointed a Search Committee to find a new General Manager. The committee members are: Lynn Yates – Chairman, Gary Eberle, Roger Houdersheldt, John Miller, and Larry Moore. The Search Committee will seek candidates, conduct the initial interviews and make a final recommendation to the Board of Directors.

**ITEM 24. PAYMENT TO ROMANS, WIEMER & ASSOCIATES FOR FY 2015 AUDIT.**

A bill for \$3,475.00 has been received from Romans Wiemer & Associates for conducting the FY 2015 audit.

It was moved by Eberle and seconded by Austin to approve payment of \$3,475.00 to Romans Wiemer & Associates for the FY 2015 Audit. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

**ITEM 25. FINANCIAL REPORT OCTOBER 1 - 31, 2015 AND CONSIDERATION OF EXPENDITURES FOR OCTOBER 2015.**

Turnbull reviewed the financial report for the period October 1, 2015 to October 31, 2015 that was distributed. It was moved by Volkmer and seconded by Miller to accept the financial report for October 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Austin, Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bruns, Houdersheldt

There being no other business the chairman adjourned the meeting at 2:57 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 19, 2015, 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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Michael D. Nuss, Secretary

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**BOARD OF DIRECTORS MEETING**  
**December 17, 2015**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 17, 2015 at 1:30 p.m. in the Upper Big Blue NRD office, 105 North Lincoln Avenue, York, Nebraska. Directors present were Paul Bethune, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Becky Roesler, Bill Stahly, Merlin Volkmer and Lynn Yates.

Staff members and others in attendance were John Turnbull, Rod DeBuhr, Nancy Brisk, Marie Krausnick, Ken Feather, Jack Wergin, Kyle Yrkoski, Josh Bowers of NRCS, and Karen Griffin of Olsson Associates.

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

Chairman Yates reported that we published the legal notice of the board of directors' meeting on December 10, 2015 in the York News-Times.

**ITEM 2. OPEN MEETINGS ACT.**

Chairman Yates advised those in attendance that the Open Meetings Act is posted by the entrance to the board room.

**ITEM 3. ROLL CALL OF DIRECTORS.**

Sixteen directors were present during roll call.

**ITEM 4. REQUESTS FOR EXCUSED ABSENCE.**

Yvonne Austin requested that her absence from the December 17, 2015 board of directors meeting be excused.

It was moved by Miller and seconded by Volkmer to excuse the absence of Austin from the December 17, 2015 board of directors meeting as requested. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

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

Chairman Yates asked whether there were any items that the board, or members of the public, would like to have removed from the consent agenda for separate action. There were no requests.

It was moved by Stahly and seconded by Rich to adopt the consent agenda. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

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

It was moved by Stahly and seconded by Rich to approve the agenda for the December 17, 2015 board of directors meeting. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 7. \*APPROVAL OF MINUTES OF THE NOVEMBER 19, 2015 BOARD OF DIRECTORS MEETING.**

It was moved by Stahly and seconded by Rich to approve the minutes of the November 19, 2015 Board of Directors meeting. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

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

Dickinson reported that the Projects & Programs Committee met on December 10, 2015 and presented the committee's recommendations.

**ITEM 9. \*NEBRASKA BUFFER STRIP PAYMENTS.**

It was moved by Stahly and seconded by Rich that payment of \$4,122.78 be approved for five (5) Nebraska Buffer Strip Program contracts as recommended by staff and reviewed by the Committee. The motion was approved as part of the consent agenda.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 10. LAND TREATMENT PROGRAM COST SHARE PAYMENT.**

It was moved by Dickinson and seconded by Rich that the Upper Big Blue Natural Resources District make payment of \$5,000.00 for one (1) completed NSWCP Land Treatment application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 11. INTERLOCAL AGREEMENT WITH NARD FOR PURCHASE OF NURSERY STOCK.**

The Interlocal Agreement for the Conservation Tree Program is between the Upper Big Blue Natural Resources District and Nebraska Association of Resources Districts, for the purpose of obtaining seedling trees and shrubs. The agreement designates the NARD to act on behalf of the NRD's for acquiring trees and shrubs from the Forest Service. By October 1, the NRD's should have firm prices and inventories for seedlings to be harvested the following spring. The NARD and the Forest Service, in cooperation with the NARD, agree to confirm the orders of participating NRD's for seedlings by November 15 of each year. Between February 1 and April 1, orders may be increased but not decreased.

Prior to May 1, weather permitting, the trees and shrubs will be cut, dug, lifted, and transported to the packing shed and prepared for shipping. On or before June 15, each NRD agrees to pay NARD for the seedling trees and shrubs ordered.

This agreement is effective until September 30, 2018, unless terminated sooner. Charges payable to the NARD will not exceed .03 per seedling.

It was moved by Dickinson and seconded by Volkmer that the Upper Big Blue Natural Resources District enter into the agreement with the Nebraska Association of Resources District for the purpose of obtaining seedling trees and shrubs from the Forest Service. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 12. FARM HOUSE – PIONEER TRAILS RECREATION AREA.**

Feather and DeBuhr met with John Williams of Williams Midwest House Movers of Hastings at the Lewin house on December 1st. Mr. Williams indicated that the house was structurally sound and could be moved.

One option that the district has is to advertise the house for sale to be moved. Staff recommends that if the Board decides to advertise, that it be no more than 30 days. Other options would be to ask Williams Midwest Movers if they would buy it or take it to move, or as a last resort it could be torn down and

It was moved by Dickinson and seconded by Rich that the District advertise and take offers for the sale of the house at Pioneer Trails to be moved by the buyer. Offers will be taken until January 15, 2016.  
The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

### **ITEM 13. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Eberle reported that the Water & Regulations Committee met December 10, 2015 and presented the committee's recommendations.

### **ITEM 14. HYDROLOGIC EVALUATION FOR NEBRASKA NITROGEN.**

Nebraska Nitrogen is proposing to construct an anhydrous ammonia plant northeast of Geneva. The plant will require a new industrial water well that is capable of pumping up to 1,250 gallons of water per minute (gpm) for plant operations. About 80% of the water will be used for cooling and the rest will be discharged to Turkey Creek after it is used in plant operations. The initial rate of pumping will be 500 gpm, but the 1,250 gpm may be needed in the future for plant expansion. The plan is to pump water at those rates 365 days a year. Therefore, 500 gpm will result in a withdrawal of 800 acre feet per year. 1,250 gpm will produce 2,000 acre feet per year. The Upper Big Blue NRD groundwater rules require a groundwater hydrologic study if the proposed withdrawal amount is 500 acre feet or more per year. A typical center pivot pumps about 70 acre feet per year for irrigation.

Olsson Associates was hired by Nebraska Nitrogen to do the required hydrologic evaluation. The area Olsson's modeled was 304 square miles surrounding the proposed well site. According to their report "The new water well was simulated at a continuous pumping rate of 1,250 gpm for 25 years. Impacts of this simulation were evaluated for the roughly 120 groundwater wells within a 3 mile radius of the new water well."

The study went on to say "The impact analysis showed that the new large water use will have a minimal impact on existing wells in the area. Water level reductions in very close proximity to the proposed well were in the range of 5 to 10 feet. However, with almost no exceptions, existing wells are drilled deep enough and the pumps in these wells are set deep enough so that the water level drawdowns from operation of the proposed well should be small. The expected impacts to the groundwater supply and pumping capacity at existing wells should be minimal and should not affect their operations. Based on the results of this hydrogeologic analysis, there does not appear to be any reason why the proposed large water use should not be approved for construction and operation at a maximum pumping rate of 1,250 gpm." The District contracted with Jay Bitner, P.E., to review the report and offer his comments.

It was moved by Eberle and seconded by Luebbe to accept the Hydrologic Evaluation for Nebraska

Nitrogen, and to instruct staff to process the well construction permit upon submission. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Stahly, Volkmer, Yates

NAY: Nuss, Roesler

NOT PRESENT: Austin

**ITEM 15. NZONE REQUEST TO BE ADDED TO APPROVED NITRIFICATION INHIBITOR LIST.**

The District has been contacted by AgExplore requesting to have the product NZone considered in our Phase III Management Area list of approved nitrification inhibitors. In November a packet of information was provided to the Committee for their consideration. The staff reached out to Dr. Richard Ferguson for review of the research provided by AgExplore. Dr. Ferguson consulted with the professor conducting the research provided by AgExplore. Both professors agreed that the product NZone would not work as a nitrification inhibitor.

It was moved by Eberle and seconded by Luebbe to deny NZone's request to be placed on the Phase III Management Area list of approved nitrification inhibitors at this time. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT VOTING: Eberle, Houdersheldt

NOT PRESENT: Austin

**ITEM 16. FLOW METER REPAIR COST-SHARE.**

Five flow meters have been repaired this month at a total cost of \$1,273.44. The cost-share requested is \$620.00.

It was moved by Eberle and seconded by Houdersheldt to make cost-share payments totaling \$620.00 for five flow meter repairs. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 17. CERTIFICATION OF IRRIGATED ACRES.**

The committee reviewed the irrigated acres certification for 31 parcels totaling 2,238.23 acres, yielding a net decrease in irrigated acres of -128.21 acres. This brings the total irrigated acres as of December 1 to 1,229,886.10.

It was moved by Eberle and seconded by Rich to certify the irrigated acres changes as presented to the



Board. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 18. LATE WELL PERMIT – SEWARD PUBLIC SCHOOLS.**

The School District of Seward drilled two wells (45 gpm each) on the high school property. The wells will both be used to water the school grounds. Since the two wells have related uses on the same tract of land a well permit was required for their construction.

It was moved by Eberle and seconded by Rich to approve the late well construction permit for the School District of Seward. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Roesler, Stahly, Volkmer, Yates

NAY: Robotham

NOT PRESENT: Austin

**ITEM 19. BUILDING COMMITTEE REPORT.**

Eberle reported that the Building Committee met on December 10, 2015 and presented the committee's recommendations.

**ITEM 20. NEW NRD HEADQUARTERS FACILITY CONSTRUCTION REPORT.**

The work on the office building is proceeding rapidly. The brick work on the exterior is completed on the east, north and west sides. The planned completion date for the brickwork is just before Christmas. The large east window has been installed. Electrical wiring is being pulled in the building. The plumbing is roughed in, as well as some of the air ducts for the heating and ventilating system. The insulation above the ceilings is being installed. The drywall work will begin in the east end of the main floor about December 14th.

**ITEM 21. CONTRACT PAYMENT – AYARS & AYARS, INC.**

Payment request # 13 is for \$216,974.36 from Ayars & Ayars for work completed on the new NRD Headquarters Facility for items completed through November 30, 2015. Change orders which increased the price for parking paint striping (\$450.00) and reduced the price of the NPPD work on transformer installation (\$2,020.71) resulted in a contract decrease of \$1,570.71.

Original Contract	\$4,484,673.00	
Change Orders	\$23,804.04	
Total Contract	\$4,508,477.04	

Previous Payments	\$2,785,585.89	
Current Payment	\$216,974.36	
Total Payments	\$3,002,560.25	67%
Contract Balance	\$1,505,916.79	33%

It was moved by Eberle and seconded by Stahly to approve payment of \$216,974.36 for items completed through November 30, 2015 on the contract for the new NRD Headquarters Facility, to Ayars & Ayars, Inc., Lincoln, Nebraska. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

#### **ITEM 22. CONSTRUCTION LOAN UPDATE.**

The construction loan for the NRD Headquarters facility came due on December 1, 2015. It was a 12 month note with Cornerstone Bank. The Bank approved an extension of time on the note to February 16, 2016. All the other terms and conditions remain unchanged. Lynn Yates and John Turnbull signed the extension documents. Another extension will be considered by the Bank in February when a completion date is better known.

#### **ITEM 23. MOVING SCHEDULE UPDATE.**

The staff is just beginning to plan the move to the new building. The move will require the closing of the office for 2 – 3 business days during the move. We will hire a professional moving company to move the furniture, files and other heavy items. The computer and phone systems move will require very close coordination between the phone company, computer technical support, computer wiring firm and the staff. There will be a period of time when computer data will not be accessible, but that time period will be held to a minimum. Many details remain to be organized while the work of the District continues.

#### **ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.**

Miller reported that the Executive Committee met on December 10, 2015 and presented the committee's recommendations.

#### **ITEM 25. DIRECTORS EXPENSES – GMDA TRAVEL.**

Ronda Rich has submitted a claim for airfare reimbursement for the GMDA Conference in Sacramento in the amount of \$468.70. Linda Luebbe submitted her claim for airfare to the GMDA Conference for \$418.70.

It was moved by Miller and seconded by Moore to approve directors' expense payments of \$468.70 to Ronda Rich and \$418.70 to Linda Luebbe for airline fare reimbursement for the GMDA Conference in

Sacramento, California. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT VOTING: Luebbe, Rich

NOT PRESENT: Austin

**ITEM 26. NEBRASKA EDUCATIONAL TV NRD HISTORY PROJECT.**

The Nebraska Educational TV NRD History Project costs have been determined. The costs are evenly split among the participating Districts. The bill received is for \$3,710.00.

It was moved by Miller and seconded by Moore to approve payment of \$3,710.00 to the NARD for the Nebraska Educational TV NRD History Project. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 27. PAYMENT TO YORK PRINTING.**

An invoice for \$6,990.39 was received from York Printing for the November issue of the "Blueprint."

It was moved by Miller and seconded by Luebbe to approve payment of \$6,990.39 to York Printing for the November Blueprint. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

**ITEM 28. RECOGNITION DINNER.**

It was moved by Miller and seconded by Moore to hold a recognition dinner Friday night, January 22, 2016; and further to pay the cost of the dinners for John Turnbull (retiring General Manager), his wife and family, Jay Bitner (retired Engineer), his wife and family, staff members, past and present directors.

It was brought to the board's attention that pursuant to Operating Policy No. 34: Awards and Recognition Dinners, which was adopted following a public hearing on September 23, 1993, the District is only allowed to pay the cost of the dinner for current employees and board members. The maximum cost per person for the dinner shall not exceed \$25.

Houdersheldt proposed that the motion be amended to read "To hold a recognition dinner Friday night, January 22, 2016 for John Turnbull (retiring General Manager), Jay Bitner (retired Engineer), staff

members, present directors, and John's invited guests". Chairman Yates asked if there were any objections to adopting the amendment to the motion. There were none, so he declared the amendment adopted. The question was called on the motion as amended. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

#### **ITEM 29. NARD VOTING DELEGATE AND ALTERNATE FOR 2016.**

It was moved by Houdersheldt and seconded by Roesler to appoint Larry Moore as the Voting Delegate and Gary Eberle as the Alternate Voting Delegate for the 2016 NARD Conferences. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

#### **ITEM 30. SEARCH COMMITTEE.**

Yates reported that the Search Committee met on December 15, 2015 and presented the committee's report.

#### **ITEM 31. REVIEW OF GENERAL MANAGER APPLICANTS.**

The opening for the General Manager's position was advertised in the Omaha and Scottsbluff papers, on line at NEWorks (Nebraska Dept of Labor), Omaha.com, and Indeed.com, to get statewide and nationwide coverage. The job announcement was sent to all the NRDs, and posted on the NARD and Upper Big Blue websites. Twenty five resumes were received by the December 11th deadline.

After a short discussion on procedures, Turnbull left the meeting so that the committee members could select the finalists from all of the applicants. Three applicants have been invited for interviews which will happen in early January. The Search Committee will conduct the initial interviews and make a final recommendation to the Board of Directors.

#### **ITEM 32. SPECIAL BOARD OF DIRECTORS MEETING.**

Chairman Yates has scheduled a Special Board Meeting for 9:00 a.m., Tuesday, January 12, 2016. The purpose is for the Board of Directors to conduct the final interview for the General Manager candidate recommended by the Search Committee. The Board will then be able to consider the hiring of the new General Manager. The interview by the Board of Directors will have to be conducted in open session with a roll call vote on any decision.

**ITEM 33. FINANCIAL REPORT NOVEMBER 1 - 30, 2015 AND CONSIDERATION OF EXPENDITURES FOR NOVEMBER 2015.**

Turnbull reviewed the financial report for the period November 1, 2015 to November 30, 2015 that was distributed. It was moved by Eberle and seconded by Volkmer to accept the financial report for November 2015 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Roesler, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Austin

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 December 17, 2015, 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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Michael D. Nuss, Secretary

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