

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
September 13, 2001

The Twin Platte Natural Resources District Board of Directors meeting was held at the United Nebraska Bank Center Meeting Room, Second Floor, West Wing, 111 South Dewey Street, North Platte, Nebraska on September 13, 2001. Mr. Rubenthaler called the meeting to order at 7:40 p.m. CDT (6:40 p.m. MDT). A legal notice of the meeting was published in the NORTH PLATTE TELEGRAPH. A news release containing the agenda for the meeting and including the time and place was sent to the news media in the District.

BOARD MEMBERS

PRESENT

Eric Hansen
James Meisner
Robert Petersen
Jim Rubenthaler
Dennis Schilz
Douglas Stack
Joe Wahlgren
Jerry Weaver

BOARD MEMBERS

ABSENT & EXCUSED

Jeff Baldrige
Todd Kramer
Robert Wiseman

BOARD MEMBERS

ABSENT

NRCS PERS PRESENT

Mary Reece, D Cons

OTHERS PRESENT

STAFF PRESENT

Glen Bowers, Water P Coor
Bill Carhart, Range P Coor
Ann Fisher, Water P Tech
Ardis Lehmkuhler, Adm Asst
Kent O Miller, Gen Mgr

ANNOUNCEMENTS

Report of Directors Excused - Mr. Rubenthaler reported that Mr. Baldrige, Mr. Kramer, and Mr. Wiseman were excused.

DISTRIBUTION OF INFORMATION TO BOARD OF DIRECTORS

Directors Notebooks Containing Information Items Available for Handout - Mr. Rubenthaler reported that each Director has a notebook containing information items that are available for handouts for others attending the meeting. Mr. Rubenthaler reported that the handouts are on a table at the back of the room.

Other Items - Mr. Rubenthaler reported that notebooks containing the USDA Natural Resources Conservation Service Conservation Plans were available for information and that the notebooks would be passed around the Board table for review by each member of the Board of Directors present. Mr. Rubenthaler reported that a notebook containing the Cooperative Agreements with the State of Nebraska Board of Educational Lands and Funds for Conservation Plans was available for information and that the notebook would be passed around the Board table for review by each member of the Board of Directors present.

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INFORMAL PUBLIC HEARING

An Informal Public Hearing relating to the proposed Twin Platte Natural Resources District 2001-2002 Fiscal Year Budget and the proposed 2001 tax rate was held. Minutes were prepared and may be referenced for information.

PUBLIC FORUM

The Public Forum of the meeting was opened. There were no comments, and the Public Forum was closed.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

No report presented.

BOARD OF DIRECTORS MEETINGS

Minutes for August 9, 2001 Meeting - Mr. Rubenthaler reported that the Minutes for the August 9, 2001 Board of Directors meeting were in the Directors' Board meeting notebook and available as a handout and he asked if there were corrections or additions to the Minutes.

Mr. Petersen moved that the Minutes of the August 9, 2001 Board of Directors meeting be approved. Mr. Wahlgren seconded the motion, and it carried. (Motion #1)

AYE: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Wahlgren, Weaver

NAY: None

ABSENT: Baldrige, Kramer, Stack, Wiseman

COOPERATING AGENCIES REPORTS

USDA Natural Resources Conservation Service - Monthly Report – Mrs. Reece reported that her report was in the Directors' packet for information and she reviewed the report.

USDA Natural Resources Conservation Service – Programs Report – Mrs. Reece reported that notebooks containing the USDA Natural Resources Conservation Service Conservation Plans had been passed around the Board table for review by each member of the Board of Directors present.

USDA Natural Resources Conservation Service – Resource Conservation and Development – Mrs. Reece reported that a brochure about Resource Conservation and

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Development was on the Board table for review by each member of the Board of Directors present. Mr. Miller reported that individuals in Arthur, Keith, Lincoln and McPherson Counties in the Twin Platte Natural Resources District and Grant, Hooker, Thomas and Logan Counties in the Upper Loup Natural Resources District have established a steering committee and are working with the Natural Resources Conservation Service to establish the Sandhills Resource Conservation and Development council. Mr. Miller reported that if the Sandhills Resource Conservation and Development council is established, the Natural Resources Conservation Service will provide staffing and office costs. Mr. Miller reported that these 8 counties are the only remaining counties in Nebraska that are not within an established Resource Conservation and Development area. Mr. Miller reported that Goal 1 of the steering committee is to “Protect and Enhance the Quality and Quantity of All Natural Resources”. Mr. Miller reported that the steering committee has determined that the initial Board of Directors should be a representative from each of the counties and Natural Resources Districts and has set dues at \$50.00 for each county and each Natural Resources District.

Mr. Petersen moved that the Twin Platte Natural Resources District:

- Support the request to the Natural Resources Conservation Service for authorization of the Sandhills Resource Conservation and Development council and to authorize the General Manager to sign the request as the District representative.
- Authorize _____ to represent the Twin Platte Natural Resources District on the Sandhills Resource Conservation and Development council.
- Authorize payment of \$50.00 for dues for the first year of operation of the Sandhills Resource Conservation and Development council.
- Requests that the Sandhills Resource Conservation and Development council coordinate activities with the West Central Nebraska Development District to prevent duplication of activities.

Mr. Meismer seconded the motion, and it carried. (Motion #2)

AYE: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Wahlgren, Weaver

NAY: None

ABSENT: Baldrige, Kramer, Stack, Wiseman

Mr. Rubenthaler asked Mr. Hansen to represent the Twin Platte Natural Resources District on the Sandhills Resource Conservation and Development council.

Nebraska Board of Educational Lands and Funds - Cooperative Agreements Report – Mr. Rubenthaler reported that the Cooperative Agreements with the State of Nebraska Board of Educational Lands and Funds for Conservation Plans had been passed around the Board table for review by each member of the Board of Directors present.

Other Agencies - No report presented.

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SUBCOMMITTEE MEETINGS REPORT
Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Water Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meisner reported that the Financial Statements for August 2001 was in the Directors' notebook and available as a handout for information.

Accounts Payable - Mr. Meisner reported that the Accounts Payable report was in the Directors' notebook and available as a handout and that he had reviewed the Accounts Payable and found the report to be in order.

Mr. Meisner moved that the Financial Statement for August 2001 be received and placed on file for audit and to approve payment of the invoices for September 2001 in the amount of \$17,779.49. Mr. Weaver seconded the motion, and it carried. (Motion #3)

AYE: Hansen, Meisner, Petersen, Rubenthaler, Schilz, Wahlgren, Weaver

NAY: None

ABSENT: Baldrige, Kramer, Stack, Wiseman

Budget Status - Mr. Meisner reported that the Budget Status report was in the Directors' notebook and available as a handout.

Bids/Proposals - None were presented.

Bids/Proposals Scheduled To Be Presented for Consideration During the October 11, 2001 Board of Directors Meeting - Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the October 11, 2001 Board of

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Directors meeting.

POLICIES

Chemigation Program Policy Number : Over Flowing Waters of the State - Mr. Miller reported that Scott McPheeters had addressed the Board during the July 12, 2001 Board of Directors meeting in regard to the District's policy to deny an application for a chemigation permit for an irrigation system in which any portion of the equipment passes directly over flowing waters of the state and that the Board agreed to consider Mr. McPheeters request at a future meeting.. Mr. Miller reported that in the Directors' packet was a letter and pictures from Mr. McPheeters to the Board of Directors, dated August 9, 2001, in which Mr. McPheeters requests the Board to consider revising the District's policy as was considered during the June 14, 2001 Board of Directors meeting. Mr. Miller reported that the purpose of the District's current policy was to not allow a chemigation permit for an irrigation system that would cause the operator to be in violation of state regulations due to chemicals injected into the irrigation water coming in contact with flowing waters of the state. Mr. Miller reported that irrigation systems now may have the technology such that all of the chemigation system can be turned on or off for different locations in the field and/or selected nozzles can be turned off while the irrigation system is operating. Mr. Miller reported that producers have requested chemigation permits for irrigation systems in which a portion of the equipment passes directly over flowing waters of the state that have been denied. Mr. Miller reported that in the Directors' packet was the draft policy considered by the Board during the June 14, 2001 Board of Directors meeting in regard to revising the current policy to take into consideration irrigation systems, which have the capability of mechanically, electrically, manually, or some other means to prevent the chemical from coming in contact with the flowing waters of the state and that no action was taken at that time to revise the current policy. Following discussion, the Board agreed to consider revision of the current policy again during the October 11, 2001 Board of Directors meeting.

2002 FISCAL YEAR BUDGET

Restricted Funds Authority - Mr. Miller reported that the Nebraska Statutes provide that the Twin Platte Natural Resources District may exceed the budget limit for the 2001-2002 Fiscal Year by an additional one percent and carry forward to future budget years the full amount of the increase as unused restricted funds authority upon the affirmative vote of at least seventy-five percent of the Board of Directors. No action was considered, as eight members of the Board of Directors were present which would not allow for the opportunity for at least seventy-five percent of the Board of Directors to approve exceeding the budget limit for the 2001-2002 Fiscal Year by an additional one percent.

Final Approval -

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Mr. Meismer moved to approve the following resolution:

WHEREAS, a legal notice of budget hearing and budget summary was published in the North Platte Telegraph on September 6, 2001 for a hearing scheduled for September 13, 2001 by the Board of Directors of the Twin Platte Natural Resources District; and

WHEREAS, the Board of Directors of the Twin Platte Natural Resources District on September 13, 2001 held a public hearing for the purpose of hearing support, opposition, criticism, suggestions and observations of taxpayers relating to the proposed budget;

NOW THEREFORE BE IT RESOLVED, that the Twin Platte Natural Resources District Board of Directors approves the 2001-2002 Fiscal Year Budget as presented for public hearing.

Mr. Stack seconded the motion and it carried. (Motion #4)

AYE: Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren, Weaver

NAY: Hansen

ABSENT: Baldrige, Kramer, Wiseman

Set Property Tax Request -

Mr. Petersen moved to approve the following resolution:

WHEREAS, Nebraska Statutes provide that the property tax request for the prior year shall be the property tax request for the current year unless the Board of Directors passes by a majority vote a resolution setting the tax request at a different amount; and

WHEREAS, the 2000-2001 Fiscal Year property tax request for the Twin Platte Natural Resources Districts was \$283,303.00 and the 2001-2002 Fiscal Year Budget requires a property tax request for the Twin Platte Natural Resources Districts of \$349,328.01; and

WHEREAS, a legal notice of special hearing to set final tax request was published in the North Platte Telegraph on September 6, 2001 for a hearing scheduled for September 13, 2001 by the Board of Directors of the Twin Platte Natural Resources District; and

WHEREAS, the Board of Directors of the Twin Platte Natural Resources District on September 13, 2001 held a public hearing for the purpose of hearing 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; and

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WHEREAS, it is in the best interest of the Twin Platte Natural Resources District that the property tax request for the current year be a different amount than the property tax request for the prior year;

NOW THEREFORE BE IT RESOLVED, that the Twin Platte Natural Resources District Board of Directors sets the final property tax request for the Twin Platte Natural Resources District for the 2001-2002 Fiscal Year Budget at \$349,328.01.

Mr. Meismer seconded the motion and it carried. (Motion #5)

AYE: Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren, Weaver
NAY: Hansen
ABSENT: Baldrige, Kramer, Wiseman

DIRECTORS' REPORTS

Nebraska Association of Resources Districts

Annual Conference - Program – Mr. Meismer reported that in the Directors' packet for information was the program for the NARD annual conference September 24-25, 2001. Mr. Rubenthaler and Mr. Meismer reported that they planned to attend the annual conference.

Annual Conference - Resolutions – Mr. Meismer reported that in the Directors' packet for information were the resolutions that the office has received that will be considered during the conference. The Board of Directors reviewed each resolution and agreed that Mr. Rubenthaler and Mr. Meismer should determine how the District's five votes should be cast during the conference.

Annual Conference – Voting Delegate -

Mr. Petersen moved that for the Nebraska Association of Resources Districts 2001 Annual Conference the Twin Platte Natural Resources District's voting delegate be Jim Rubenthaler. Mr. Wahlgren seconded the motion, and it carried. (Motion #6)

AYE: Hansen, Meismer, Petersen, Schilz, Stack, Wahlgren, Weaver
NAY: None
ABSTAIN: Rubenthaler
ABSENT: Baldrige, Kramer, Wiseman

DIRECTORS' REPORTS

Central Nebraska Public Power & Irrigation District Water Conservation Task Force

No report presented.

DIRECTORS' REPORTS

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Platte River Citizens Advisory Council

No report presented.

DIRECTORS' REPORTS

Requests for Authorization to Travel

No requests were presented.

DIRECTORS' REPORTS

Board of Directors Tour of North Platte River Basin

Mr. Bowers show photos utilizing a power point projector and Mr. Hansen, Mr. Petersen, Mr. Rubenthaler, Mr. Wahlgren, Mr. Weaver, Mr. Bowers and Mr. Miller reported on the Board of Directors tour of the North Platte River Basin that occurred September 5–6, 2001.

DISTRICT REPORT

Requests for Assistance – Village of Brule – Mr. Miller reported that the Village of Brule has requested that the Twin Platte Natural Resources District enter into an agreement with the Nebraska Department of Environmental Quality and the Village to participate in the Nebraska Environmental Partnership Program for closing abandoned wells. Mr. Miller reported that in the Directors' packet for information was a letter from the Village of Brule and information from the Nebraska Department of Environmental Quality in regard to the Nebraska Environmental Partnership Program for closing abandoned wells. Mr. Miller reported that the program provides that a Natural Resources District contributes 65% and the Nebraska Department of Environmental Quality contribute 35% of the cost for the closure of abandoned wells within villages. Mr. Miller reported that the Twin Platte Natural Resources District currently has an abandoned well cost-share program in which the District will cost-share 65% of the cost for one well per landowner per year. Mr. Miller reported that the staff estimates that there may be 12 wells less than 6 inches in diameter and 2 large wells in Brule that could qualify at a cost to the District of \$1,800.00.

Mr. Schilz moved that the Twin Platte Natural Resources District:

- Enter into an agreement with the Nebraska Department of Environmental Quality and the Village of Brule to participate in the Nebraska Environmental Partnership Program for closing abandoned wells and to authorize the General Manager to sign the agreement as the District representative.
- Authorize up to \$2,000.00 from Account #43890 – Special Projects for the Nebraska Environmental Partnership Program for closing abandoned wells in the Village of Brule.

Mr. Petersen seconded the motion, and it carried. (Motion #7)

AYE: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren,

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Weaver
NAY: None
ABSENT: Baldrige, Kramer, Wiseman

The Board of Directors agreed that the staff should contact each village within the Twin Platte Natural Resources District to determine if the village would be interested in participating in the Nebraska Environmental Partnership Program for closing abandoned wells and that the Board of Directors would consider requests from a village.

Cost-Share Programs - Nebraska Soil & Water Conservation Program - Contracts - Mr. Miller reported that in the Directors' notebook and available as a handout was the monthly report. Mr. Miller reported that the Nebraska Legislature may conduct a special session due to lower than anticipated revenue and that the state's budget may need to be reduced. Mr. Miller reported that the funds available for the Nebraska Soil & Water Conservation Program could be reduced and that it is anticipated that the funds could be reduced between 3% and 8%. The Board of Directors agreed that where less than 8% of the funds allocated remain in a category, that no additional contracts be approved in that category at this time.

Cost-Share Programs - District Conservation Program – Mr. Miller reported that in the Directors' notebook and available as a handout for information was a report.

Cost-Share Programs – NE Buffer Strip Program - No report presented.

Tree Program – No report presented.

Range Programs – No report presented.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs - No report presented.

Water Programs – Ground Water Program – District Programs – Mr. Miller reported that the Chase County Commissioners had requested that the District participate in a meeting in Imperial, NE to present information in regard to the Twin Platte Natural Resources District's ground water monitoring program at or adjacent to livestock facilities. Mr. Miller reported that the staff had contacted the Upper Republican Natural Resources District prior to agreeing to participate and that they did not object. Mr. Miller reported that Mr. Bowers and Jim Goeke, Hydrogeologist with the University of Nebraska Lincoln Conservation and Survey Division, participated in the meeting, which was held in Imperial, NE. Mr. Bowers reported on the meeting.

Water Programs – Ground Water Program – 319 Project – No report presented.

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Water Programs –Watershed Program – Mr. Miller reported that in the Directors' packet for information was the District's report for the annual inspection of the Brule Watershed conducted on August 23, 2001. Mr. Miller reported that the dam is in good condition.

Water Programs – Platte River Activities - Cooperative Agreement Relating to Endangered Species – Mr. Miller reported on the status of the Cooperative Agreement. Mr. Miller reported that in the Directors' notebook and available as a handout was information for meetings of the Governance Committee. Mr. Miller reported that he attends meetings of the Governance Committee and the Water Management Committee as his schedule allows with a priority for attending meetings of the Water Management Committee, which he is a member. Mr. Miller reported that he is participating in meetings in Nebraska about the issues within Nebraska.

Water Programs – Platte River Activities - Cooperative Hydrology Study – Mr. Miller reported that in the Directors' notebook and available as a handout was information for meetings of the sponsors for the Cooperative Hydrology Study. Mr. Miller reported on the status of the Cooperative Hydrology Study. Mr. Miller reported that he participates in the meetings of the sponsors as the representative for the District.

Regulatory Programs – No report presented.

Information & Education Programs – No report presented.

Requests for Authorization to Travel – No requests were presented.

Meetings and Dates of Interest – Mr. Miller reported that various items of information were in the Directors' packet and in the Directors' notebook and available as a handout.

Miscellaneous Information – Mr. Miller reported that various items of information were in the Directors' packet and in the Directors' notebook and available as a handout.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting adjourned at 10:15 p.m. CDT (9:15 p.m. MDT).

Jerry Weaver, Secretary

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