

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
October 8, 2009

The Twin Platte Natural Resources District (TPNRD) Board of Directors meeting was held at the TierOne Bank Center Meeting Room, Second Floor, 111 South Dewey Street, North Platte, Nebraska on October 8, 2009. Mr. Rubenthaler called the meeting to order at 3:09 pm CDT (2:09 pm 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
Dale Margritz
Jim Meisner
Bob Petersen
Jim Rubenthaler
Dennis Schilz
Doug Stack
Shane Storer
Joe Wahlgren
Jerry Weaver
Bob Wiseman

BOARD MEMBERS ABSENT

None

NRCS PERSONNEL PRESENT

None

STAFF PRESENT

Bill Carhart, Range Programs Coordinator
Ann Dimmitt, Water Programs Regulatory Coordinator
Amy Mapes, Administrative Assistant
Kent Miller, General Manager
Dave Slattery, Conservation Programs Coordinator

OTHERS PRESENT

Neil Betty, West Central Water Coalition
Brad Johnson, Sargent Irrigation

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Rubenthaler reported that the Nebraska Open Meeting Act requires public bodies to make available at least one current copy of the Open Meeting Act posted in the meeting room at a location accessible to members of the public, and at the beginning of the meeting the public shall be informed about the location of the posted information. Mr. Rubenthaler reported that the current Open

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Meeting Act was in the back of the meeting room and accessible to members of the public.

Report of Directors Excused – Mr. Rubenthaler reported that Operating Policy Number 4: BOARD OF DIRECTORS ABSENCES provides that a Director will be considered excused if the Director notifies the office prior to the meeting that he will be absent and that the minutes will reflect whether an absent Director is excused or unexcused. Mr. Rubenthaler reported that all directors were present.

Distribution of Information – Mr. Rubenthaler reported that handouts were available for the public in the back of the meeting room.

Other Announcements – Mr. Rubenthaler reported that the monthly summary report of Natural Resources Conservation Service conservation plans was available for information and that the report would be passed around the Board table for review by each member of the Board present.

PUBLIC FORUM

Mr. Rubenthaler opened the Public Forum. There were no comments. Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

Programs Information Reports – Conservation Program – Mr. Slattery presented a power point report on the conservation tree program in the TPNRD.

BOARD OF DIRECTORS MEETING

Minutes for September 10, 2009 Meeting – Mr. Rubenthaler reported that the Minutes for the September 10, 2009 meeting were in the Directors’ packet and he asked if there were any corrections or additions.

Mr. Meismer moved that the Minutes of the September 10, 2009 Board of Directors meeting be approved. Mr. Petersen seconded the motion. The motion carried. (Motion #1)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Weaver, Wiseman
Nay: None
Absent & Excused: None

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REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service – District Conservationist Report – Mr. Miller reported that Mary Reece was unable to be present. Mr. Miller distributed a written report prepared by Mrs. Reece.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT

Land Resources Subcommittee

Mr. Hansen, Land Resources Sub-Committee Chairperson, presented a report for the meeting held on October 8, 2009.

Tree Program - 2009 Report – Mr. Hansen reviewed printed materials available in the Directors' notebooks. Mr. Hansen reported that the information outlines the costs and income reported by the tree program in 2009, as well as previous years including a 10-year average. Mr. Hansen reported that the reduced demand for machine and hand planted trees and higher fuel prices have affected the net returns negatively.

Tree Program - 2010 Planning - Policies – Mr. Hansen reported that the machine planting minimum is 150 trees, which still allows for smaller sites to be planted but at a higher cost to cover expenses.

Tree Program - 2010 Planning - Tree Stock – Mr. Hansen reported that the bare-root tree stock at the Halsey nursery for Eastern Red Cedar (ERC) and Rocky Mountain Juniper (RMJ) looked in short supply and the supply for the potted stock looked adequate during a visit to the nursery by Mr. Slattery. Mr. Hansen reported that an order has already been placed with the Halsey nursery for bare-root ERC and RMJ due to an allocation process from the nursery.

Tree Program - 2010 Planning - Machine Planting Charges - Mr. Hansen reported that in the Directors' Board meeting notebook were reports showing the TPNRD's tree program funds for 2009. Mr. Hansen reported that in 2007, the Board of Directors increased the tree planting charge from \$0.62 per tree for 2007 to \$0.74 per tree for 2008. Mr. Hansen reported that in 2008, the Board of Directors set the tree planting charge at \$0.74 per tree for 2009 which was the same as 2008.

Mr. Hansen moved the Land Resources Subcommittee's recommendation to the Board of Directors to approve that the TPNRD's tree stock charges be set by the General Manager based on the nursery charges to the TPNRD and that the TPNRD's machine planting

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charges be set at \$0.77 per tree for 2010. Mr. Petersen seconded the motion. The motion carried. (Motion #2)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack,
Storer, Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: None

Range Program – Interseeding Program – 2009 Report - Mr. Hansen reported that the range interseeder has been with the TPNRD since being purchased new in 1972, and though it has seen better days, still provides a useful service occasionally on TPNRD grasslands. Mr. Hansen reported that in the Directors' notebooks was information for expenses and income from the machine for 2005-2009. Mr. Hansen reported that 150 acres were interseeded in 2005 and 15 acres in 2006 using the TPNRD's machine. Mr. Hansen reported that there was no use of the machine in 2007, 2008, and 2009.

Range Program – Interseeding Program – 2010 Planning - Mr. Hansen reported that at this time there are no requests to use the interseeder. Mr. Hansen reported that the Subcommittee agreed that the TPNRD's machine does provide a needed service that should continue at least until it becomes economically unfeasible to keep the interseeder working.

Mr. Hansen reported that the Land Resources Subcommittee reviewed the Interseeder Service Agreement and the Interseeder Rental Agreement which are in the Directors' notebooks for information.

SUBCOMMITTEE MEETINGS REPORT
Water Resources SubCommittee

Mr. Meismer, Water Resources Sub-Committee Chairperson, presented a report for the meeting held on October 8, 2009.

Platte River Basin Plan - Petition and Request for Contested Case Hearing filed by Central Nebraska Public Power & Irrigation District (CNPPID) – Mr. Meismer reported that the TPNRD's Legal Counsel, Harriet Hageman, recommends that this agenda item be discussed by the Board of Directors in Executive Session. No discussion occurred.

Mr. Rubenthaler reported that this agenda item would be moved to the last item on the agenda.

TPNRD Integrated Management Plan (IMP) - Timeline - Mr. Meismer reviewed the following timeline:

Twin Platte Natural Resources District
Integrated Management Plan (IMP)
(Revised 08.03.09 / 08.12.09 / 10.08.09)

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<u>Task</u>	<u>Dates</u>
Effective Date of IMP	Sept. 15th
Water Subcomm. – Rules & Reg. (Legal Counsel Review)	Oct. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Oct. 8</i>
Water Subcomm./Bd. Meeting – Approve Rules & Reg. for Pub. Hearing	Nov. 12
<i>Water Subcomm. – Offsets Options</i>	<i>Nov. 12</i>
Public Hearing - Rules & Reg.	Dec. 8
Water Subcomm./Bd. Meeting – Approve Rules & Reg. Order	Dec. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Dec. 8</i>
Publish Rules & Reg. Order in NP Telegraph	Dec. 15, 22, 29
Effective Date for Rules & Reg. Rev.	Jan. 5
<i>Water Subcomm. / Bd. Mtg. – Additional Offsets Options</i>	<i>2010 as needed</i>

TPNRD Integrated Management Plan (IMP) - Rules and Regulations – Mr. Meismer reported that the Subcommittee continued their review of revisions of the Rules and Regulations. Mr. Meismer reported that the Subcommittee agreed that they would like the current draft of the Rules and Regulations distributed to the Board of Directors following the Board of Directors meeting this afternoon.

Mr. Meismer reported that the Subcommittee agreed that they would like the current draft of the Rules and Regulations reviewed by the District’s Legal Counsel, Harriet Hageman.

Mr. Meismer reported that the Subcommittee agreed that the current draft of the Rules and Regulations could be provided to the Nebraska Department of Natural Resources (NE DNR) following the Board of Directors meeting this afternoon to allow the NE DNR to provide comments.

Mr. Meismer reported that the Subcommittee agreed that they would like to finalize the Rules and Regulations during the November 12, 2009 meeting of the Subcommittee and take a recommendation to the Board of Directors on November 12, 2009 to approve the Rules and Regulations to take to a public hearing to be held on December 8, 2009 prior to the Board of Directors meeting that day. Mr. Meismer reported that the Subcommittee agreed to report to the Board of Directors that they could delay till the December 8, 2009 Board of Directors meeting, approval of the Rules and Regulations to take to a public hearing, if the Board would like additional time to review and the discuss the Rules and Regulations, and a public hearing could then be held on January 14, 2010 prior to the Board of Directors meeting that day.

TPNRD Integrated Management Plan (IMP) - Offset Water – Mr. Meismer reported that

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the Subcommittee continued discussion of potential options for offset water.

Ground Water Management – Violations – No report presented.

Ground Water Management – Certified Irrigated Acres – No report presented.

Nebraska Water Resources Association - TPNRD Membership – Mr. Meisner reported that in the Directors' Board meeting notebook was information about the Nebraska Water Resources Association (NWRA) obtained from the NWRA web site. Mr. Meisner reported that approximately 15 of the 23 Natural Resources Districts in Nebraska belong to the NWRA. Mr. Meisner reported that the TPNRD has not been a member. Mr. Meisner reported that the annual dues for the TPNRD would be \$400.00. Mr. Meisner reported that the annual dues include membership in the National Water Resources Association.

Mr. Meisner moved the Water Resources Subcommittee's recommendation to the Board to approve the Twin Platte Natural Resources District being a member of the Nebraska Water Resources Association. Mr. Schilz seconded the motion. The motion carried. (Motion #3)

Aye: Hansen, Margritz, Meisner, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Weaver, Wiseman
Nay: None
Absent & Excused: None

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meisner reported that the Financial Statement for September 2009 was in the Directors' notebook and available as a handout.

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 September 2009 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on October 8, 2009 in the amount of \$53,704.62. Mr. Schilz seconded the

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motion. The motion carried. (Motion #4)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack,
Storer, Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: None

Budget Status – Mr. Meismer reported that the Budget Status report was in the Directors’ notebook and available as a handout.

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the November 12, 2009 Board of Directors Meeting – Mr. Miller reported that the District Policy provides that “The staff will notify the Board during the Board meeting immediately prior to the Board meeting at which bids will be presented for consideration”. Mr. Miller reported that he plans to present bids/proposals for consideration during the November 12, 2009 Board of Directors meeting for the purchase of a vehicle, a ½ ton pickup, for the Conservation Programs Coordinator, Dave Slattery and a server for electronic data storage and computers backup. Mr. Miller reported that the Budget provides for these purchases.

DIRECTORS REPORTS

Nebraska Association of Resources Districts (NARD) – Board of Directors Meeting – Mr. Meismer reported on the Nebraska Association of Resources Districts Board of Directors Meeting held on September 29, 2009.

Nebraska Association of Resources Districts (NARD) – Annual Conference, September 28-29, 2009, Kearney, Nebraska – Mr. Meismer reported on the NARD Annual Conference held on September 28-29, 2009. Mr. Meismer reported that in the Directors’ notebook for information were the minutes for the Business Sessions.

Nebraska Association of Resources Districts (NARD) – 457 Plan – Mr. Miller reported that in the Directors’ notebooks for information are three documents related to amending and to restate the NARD 457 Plan.

Mr. Miller reported that the first document is 457 SRA. Mr. Miller reported that this is the NARD Eligible 457 Prototype Plan for Salary Reduction Contributions / Employer Contributions Adoption Agreement. Mr. Miller reported that this is for the TPNRD reference and does not need to be signed.

Mr. Miller reported that the second document is the NARD 457 Plan Amendment 1 (Final 092909). Mr. Miller reported that this is the amendment to the plan that the TPNRD will need to send two signed copies to the NARD. Mr. Miller reported that the

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NARD will gather these from all NRDs and have the NARD Board President sign a copy for each NRD office.

Mr. Miller reported that the third document is the proposed NARD 457 Plan Resolution. Mr. Miller reported that this resolution is proposed for approval by each NRD. Mr. Miller reported that each NRD is requested to send one signed copy to the NARD office.

Mr. Miller reported that the changes reflect the work of the NARD / NRD Benefits Committee, which Mr. Meismer and he are members, to update and codify the NARD 457 Plan with the NARD 414 (h) Plan. Mr. Miller reported that the NARD 414 (h) Plan is the retirement plan that each NRD employee is required to participate and the TPNRD provides a matching contribution. Mr. Miller reported that the NARD 457 Plan, which this proposed action is for, is a voluntary retirement plan that each NRD employee may participate and the TPNRD does not provide a matching contribution.

Mr. Wahlgren moved to approve the following resolution:

Resolved, that the District Office, as a Participating Employer in the Plan, hereby consents to the amendment and restatement of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan (the “Plan”) and adoption of Amendment No. One of the Nebraska Association of Resources Districts 457 Deferred Compensation 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.

and to authorize the General Manager to sign all documents related to this resolution. Mr. Petersen seconded the motion. The motion carried. (Motion #5)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: None

Water Policy Task Force – Mr. Meismer reported that the next meeting of the Water

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Policy Task Force will be October 20, 2009 in Grand Island, NE. Mr. Meismer reported that this will probably be the final meeting of the Water Policy Task Force, as the Nebraska Legislature has not taken action to extend the Water Policy Task Force beyond December 31, 2009.

Sandhills Resources, Conservation & Development Council – Mr. Hansen reported on activities of the Sandhills Resources, Conservation & Development Council.

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs – NE Soil & Water Conservation Program – Mr. Miller reported that in the Directors' notebook was a report and \$58,292.60 was available for funding contracts.

Mr. Petersen moved to approve the October 8, 2009 report and to approve the following new contracts:

<u>Cont#</u>	<u>Practice</u>	<u>Description</u>	<u>App Amt</u>	<u>Prop Amt to Fund</u>
10.008	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
10.009	NC-17	Irrigation Water Mgt	\$ 2,516.15	\$ 2,516.15
10.010	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
Total Amount of New Contracts				\$ 3,716.15

FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 22,594.70
	Practice NC-14, Planned Grazing	\$ 9,357.16
	Practice NC-17, Irrigation	\$ 15,162.40
	Other available practices	\$ 7,545.78

Mr. Schilz seconded the motion. The motion carried. (Motion #6)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren
 Nay: None
 Absent & Excused: None
 Abstain: Weaver, Wiseman

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' notebook was a report and \$5,871.40 was available for new contracts.

Tree Programs – No report presented.

Range Programs – No report presented.

Water Programs – No report presented.

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Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Regulatory Programs – Chemigation Program – Mr. Miller reported that in the Directors’ packet for information was a report for 2009.

Information & Education Programs – 2009 Awards – Presentation, November 9, 2009 – Mr. Miller reported that the TPNRD’s 2009 Conservation Award for Lincoln / McPherson Counties will be presented November 9, 2009 to James R. Fleecs of Lincoln County during the North Platte Chamber Farmer/Rancher Appreciation Banquet. Mr. Miller reported that the Board Chairperson, Mr. Rubenthaler, and TPNRD staff will participate in the award presentation.

Information & Education Programs – 2009 Awards – Presentation, December 8, 2009 – Mr. Miller reported that the TPNRD’s 2009 Grassland Award for Keith / Arthur Counties will be presented December 8, 2009 to KM Lute Trust Ranch, Mike Krab, Manager, during the TPNRD’s Awards Banquet. Mr. Miller reported that the Board of Directors meeting will be at 4:30 pm MST (5:30 pm CST) at the Lake McConaughy Visitors Center and the Awards Banquet will be at 6:00 pm MST (7:00 pm CST) at the Haythorn Ranch.

Brule Watershed – Mr. Miller reported that the TPNRD staff annually conducts an inspection of the Brule Watershed. Mr. Miller reported that in the Directors’ packet for information was the inspection report for September 4, 2009 prepared by Dave Slattery, Conservation Programs Coordinator.

Interlocal Cooperation Agreements – No report presented.

Hazard Mitigation Plan – No report presented.

Requests for Authorization to Travel – No requests for travel presented.

Legislature – Mr. Miller reported that in the Directors’ packet for information was a letter he sent Senator Beau McCoy on September 3, 2009.

Mr. Miller reported that Jim Meismer and he attended the Legislative Hearing on October 6, 2009 at the Lake McConaughy Visitors Center for Legislative Resolution 235 (Christensen) to examine water issues. Mr. Miller reported that he testified at the Hearing at the request of Senator Christensen in a neutral position. Mr. Miller reviewed the testimony he presented.

Mr. Miller reported that Jim Meismer and he attended the Legislative Hearing on October 7, 2009 at the University of Nebraska-Kearney for Legislative Resolution 128

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(Langemeier) to examine issues relating to the laws of Nebraska governing the management and use of Nebraska surface water and ground water and for Legislative Resolution 181 (McCoy) to examine the feasibility and benefits of restructuring the natural resources districts. Mr. Miller reported that he testified at the Hearing on October 7, 2009 in regard to LR 181 as an opponent. Mr. Miller reported that he planned to submit for the record the letter to Senator McCoy and provide more information in regard to the 21 interlocal cooperation agreements the TPNRD has with other NRDs and agencies.

Meetings and Dates of Interest – Mr. Miller reported that various items of information were in the Directors’ packet.

Miscellaneous Information – Mr. Miller reported that various items of information were in the Directors packet and notebook.

OTHER BUSINESS

There was no other business.

SUBCOMMITTEE MEETINGS REPORT (Continued)
Water Resources Subcommittee (Continued)

Platte River Basin Plan - Petition and Request for Contested Case Hearing filed by Central Nebraska Public Power & Irrigation District (CNPPID) –Mr. Petersen requested that he be excused for this agenda item due to a possible conflict with his serving as a member of the CNPPID Board of Directors. Mr. Petersen left the meeting room.

Mr. Meisner reported that the TPNRD’s Legal Counsel, Harriet Hageman, recommends that this agenda item be discussed by the Board of Directors in Executive Session.

Mr. Meisner moved that the Board of Directors go into Executive Session to discuss legal matters. Mr. Margritz seconded the motion. The motion carried. (Motion #7)

Aye: Hansen, Margritz, Meisner, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Weaver, Wiseman
Nay: None
Absent & Excused: None
Out of Room: Petersen

Mr. Rubenthaler reported that the Board of Directors was going into Executive Session to discuss legal matters.

The Board of Directors went into Executive Session at 4:40 pm CDT (3:40 pm MDT).

Mr. Rubenthaler opened the Board meeting room at 4:45 pm CDT (3:45 pm MDT).

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Mr. Wahlgren moved that the Board of Directors return to Regular Session. Mr. Margritz seconded the motion. The motion carried. (Motion #8)

Aye: Hansen, Margritz, Meismer, Rubenthaler, Schilz, Stack, Storer,
Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: None

Out of Room: Petersen

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, November 12, 2009 at 3:00 pm CST (2:00 pm MST) at the TierOne Bank Center Meeting Room, 111 South Dewey Street, Second Floor, North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 4:48 pm CDT (3:48 pm MDT).

Jerry Weaver, Secretary