

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
November 12, 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 November 12, 2009. Mr. Rubenthaler called the meeting to order at 3:07 pm CST (2:07 pm MST). 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  
Shane Storer  
Joe Wahlgren  
Jerry Weaver

BOARD MEMBERS ABSENT

Doug Stack  
Bob Wiseman

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

STAFF PRESENT

Glen Bowers, Water Programs Field Coordinator  
Ann Dimmitt, Water Programs Regulatory Coordinator  
Amy Mapes, Administrative Assistant  
Kent Miller, General Manager

OTHERS PRESENT

Benji Hoatson, Integrated Computers  
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 Meeting Act was in the back of the meeting room and accessible to members of the public.

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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 Mr. Wiseman had called the office prior to the meeting and he was therefore excused. Mr. Rubenthaler reported that Mr. Stack was unexcused.

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.

BOARD OF DIRECTORS MEETING

Minutes for October 8, 2009 Meeting – Mr. Rubenthaler reported that the Minutes for the October 8, 2009 meeting were in the Directors’ packet and he asked if there were any corrections or additions.

Mr. Petersen moved that the Minutes of the October 8, 2009 Board of Directors meeting be approved. Mr. Margritz seconded the motion. The motion carried. (Motion #1)

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

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

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USDA Natural Resources Conservation Service – District Conservationist Report – Mrs. Reece distributed and reviewed a written report for information.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT  
Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Water Resources SubCommittee

Mr. Meismer, Water Resources Sub-Committee Chairperson, presented a report for the meeting held on November 12, 2009.

Twin Platte Natural Resources District Integrated Management Plan (IMP) - Timeline - Mr. Meismer reported that the Subcommittee agreed to a revised timeline for developing and implementing revised Rules & Regulations and he asked Mr. Miller to report on the timeline.

Mr. Miller reviewed the following revised timeline for developing and implementing revised Rules & Regulations:

<u>Task</u>	<u>Dates</u>
<b>Effective Date of IMP</b>	<b>Sept. 15<sup>th</sup></b>
Water Subcomm. – Develop Rules & Reg.	Oct. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Oct. 8</i>
Legal Counsel Review	Oct. 9
NE DNR Comments	Oct. 9
Water Subcomm./Bd. Meeting) – Develop Rules & Reg.	Nov. 12
<i>Water Subcomm. – Offsets Options</i>	<i>Nov. 12</i>
Legal Counsel Review	Nov. 13
Board of Directors – Mail Draft Rules & Reg.	Dec.
Water Subcomm./Bd. Meeting – Develop Rules & Reg.	Jan. 14
Process Variances – Current Rules & Reg. (plus require lien filings and other conditions desired)	Jan. 14
<i>Water Subcomm. – Offsets Options</i>	<i>Jan. 14</i>

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Water Subcomm./Bd. Meeting – Approve Rules & Reg. for Pub. Hearing	Feb. 11
Process Variances – Current Rules & Reg. (plus require lien filings) and other conditions desired)	Feb. 11
<i>Water Subcomm. – Offsets Options</i>	<i>Feb. 11</i>
Public Hearing - Rules & Reg.	Mar. 11
Water Subcomm./Bd. Meeting – Approve Rules & Reg. Order	Mar. 11
Process Variances – Current Rules & Reg. (plus require lien filings) and other conditions desired)	Mar. 11
<i>Water Subcomm. – Offsets Options</i>	<i>Mar. 11</i>
Publish Rules & Reg. Order in NP Telegraph	Mar. 18, 25, Apr. 1
Process Variances – Current Rules & Reg. (plus require lien filings) and other conditions desired)	Apr. 8
Effective Date for Rules & Reg. Rev.	Apr. 9
Process Variances – New Rules & Reg.	May 13 & On Going
<i>Water Subcomm. / Bd. Mtg. – Offsets Options</i>	<i>On Going</i>

TPNRD Integrated Management Plan (IMP) - Rules and Regulations – Mr. Meismer reported that the draft for revisions of the Rules and Regulations discussed by the Subcommittee on October 8, 2009 were in the Directors’ Board meeting packet. Mr. Meismer reported that this draft of the Rules and Regulations is the same that was mailed to the Board of Directors following the October 8, 2009 Board meeting.

Mr. Meismer reported that the Subcommittee, on October 8, 2009, agreed that they would like the then current draft of the Rules and Regulations reviewed by the District’s Legal Counsel, Harriet Hageman with revisions recommended by Ms Hageman to be presented on November 12, 2009. Mr. Meismer reported that the Subcommittee, on October 8, 2009, agreed that the then current draft of the Rules and Regulations could be provided to the Nebraska Department of Natural Resources (NE DNR) to allow the NE DNR to provide comments with any comments from NE DNR to be presented on November 12, 2009.

Mr. Meismer reported that in the Directors’ Board meeting notebook were the latest draft for revisions of the Rules and Regulations discussed by the Subcommittee today with revisions recommended by Ms Hageman and comments from NE DNR.

Mr. Meismer reported that the Subcommittee continued their review of the Rules and Regulations.

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 and that the current draft of the Rules and Regulations could be provided to the NE DNR

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following the Board of Directors meeting this afternoon to allow the NE DNR to provide comments.

Mr. Meisner reported that the Subcommittee agreed that they would like the current draft of the Rules and Regulations distributed to the Board of Directors in December.

Mr. Meisner reported that the Subcommittee agreed that they would like to continue discussion of the Rules and Regulations during the Subcommittee meeting on January 14, 2010, finalize the Rules and Regulations during the February 11, 2010 meeting of the Subcommittee, and take a recommendation to the Board of Directors on February 11, 2010 to approve the Rules and Regulations to take to a public hearing to be held on March 11, 2010 prior to the Board of Directors meeting that day.

The Subcommittee agreed that they would continue to provide to the full Board drafts of the Rules and Regulations.

TPNRD Integrated Management Plan (IMP) - Offset Water – Mr. Meisner reported that the Subcommittee continued discussion of potential options for offset water.

Ground Water Management – Violations – No report presented.

Ground Water Management – Certified Irrigated Acres – Mr. Meisner reported that in the Directors' Board meeting notebook was a proposal received from Applied Data Consultants for Water Banking software and providing information for certified irrigated acres in the TPNRD on the TPNRD web site.

Mr. Meisner reported that the Subcommittee agreed that they would like to review the proposal and consider a recommendation for the Board of Directors during a meeting of the Subcommittee on December 8, 2009.

Ground Water Management – Variances – Mr. Meisner reported that in the Directors' board meeting packet was a draft resolution on "Report of Title on Transfers & Variances" prepared by the Ron Bishop, General Manager, Central Platte Natural Resources District (CPNRD). Mr. Meisner reported that the CPNRD is considering taking the resolution to the Nebraska Association of Resources Districts Legislative Conference in January, 2010.

Mr. Meisner moved the Water Resources Subcommittee's recommendation to the Board to approve that the Twin Platte Natural Resources District join in sponsoring the Central Platte Natural Resources District resolution on "Report of Title on Transfers & Variances". Mr. Margritz seconded the motion. The motion carried. (Motion #2)

Aye: Hansen, Margritz, Meisner, Petersen, Rubenthaler, Schilz, Storer,

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Wahlgren, Weaver  
Nay: None  
Excused: Wiseman  
Absent: Stack

SUBCOMMITTEE MEETINGS REPORT  
Wildlife Habitat & Urban Affairs

No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Executive Subcommittee

No report presented.

FINANCIAL REPORT

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

Accounts Payable - Mr. Meismer 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. Meismer moved that the Financial Statement for October 2009 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on November 12, 2009 in the amount of \$45,128.60. Mr. Petersen seconded the motion. The motion carried. (Motion #3)

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

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

Bids/Proposals - Vehicle – Mr. Miller reported that during the October 8, 2009 Board meeting, the General Manager reported, per TPNRD policy, that bids/proposals would be presented 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. Mr. Miller reported that the current vehicle used by Mr. Slattery, a heavy duty ¾ ton pickup will be used for hauling the TPNRD tree planting equipment (Tractor & Planter) and the current vehicle used for hauling the TPNRD tree planting equipment, a 1979 heavy duty 1 ton pickup, will be sold. Mr. Miller reported that the Budget provides for this purchase. Mr. Miller reported that in the Directors' Board meeting

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packet was the vehicles Schedule for Replacement for the 2010 Fiscal Year Budget. Mr. Miller reported that in the Directors' Board meeting notebook was a report of the bids received. Mr. Miller reported that the low bid received from Jason Zoellner Ford, Ogallala, NE, for an F-150 pickup, met the specifications, and he recommended that the Board approve the bid from Jason Zoellner Ford, Ogallala, NE.

Mr. Meismer moved to approve the low bid of \$23,702.00 from Jason Zoellner Ford, Ogallala, NE for the purchase of an F-150 pickup. Mr. Schilz seconded the motion. The motion carried. (Motion #4)

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

Bids/Proposals - Server – Mr. Miller reported that during the October 8, 2009 Board meeting, the General Manager reported, per TPNRD policy, that bids/proposals would be presented for consideration during the November 12, 2009 Board of Directors meeting for the purchase of a server. Mr. Miller reported that the server is used for electronic data storage and computers backup and that the current server is near capacity. Mr. Miller reported that the Budget provides for this purchase. Mr. Miller reported that in the Directors' Board meeting notebook was a report of the bids received. Mr. Miller reported that the low bid received from Integrated Computers, North Platte, NE, for a server, met the specifications, and he recommended that the Board approve the bid from Integrated Computers, North Platte, NE.

Mr. Wahlgren moved to approve the low bid of \$9,000.57 from Integrated Computers, North Platte, NE, for the purchase of a server. Mr. Meismer seconded the motion. The motion carried. (Motion #5)

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

Bids/Proposals Scheduled to be Presented for Consideration during the December 8, 2009 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the December 8, 2009 board meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts (NARD) – Board of Directors Meeting – Mr. Meismer reported on the NARD Board meeting held on November 9, 2009.

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Nebraska Association of Resources Districts (NARD) – Information and Education Program – Mr. Meismer reported that in the Directors’ Board meeting notebook was the NARD “Natural Resources Districts News & Notes” for October 2009.

Sandhills Resources, Conservation & Development Council – No report presented.

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs – NE Soil & Water Conservation Program (NSWCP) - Policy – Mr. Miller reported that for Practice NC-12 – Trees, that the current maximums per cooperator for NSWCP cost-share for tree planting sites are 300 trees and 3000 feet of fabric mulch. Mr. Miller reported that the staff recommends, that to allow more individuals to receive cost-share for tree planting, that the current maximums per cooperator for NSWCP cost-share for tree planting sites be revised to 200 trees and 2000 feet of fabric mulch.

Mr. Margritz moved to approve the maximum cost-share per cooperator for Nebraska Soil and Water Conservation Program Practice NC-12 – Trees, for tree planting sites be 200 trees and 2000 feet of fabric mulch. Mr. Wahlgren seconded the motion. The motion carried. (Motion #6)

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

Cost-Share Programs – NE Soil & Water Conservation Program (NSWCP) - Funding – Mr. Miller reported that on June 4, 2010, the Board of Directors approved the following:

- For Practice NC-12, Windbreaks, that 30% of available funds be reserved from July 1, 2009 to January 30, 2010
- For Practice NC-14, Planned Grazing Systems, that 30% of available funds be reserved from July 1, 2009 to January 30, 2010
- For Practice NC-17, Irrigation Water Management, that 30% of available funds be reserved from July 1, 2009 to January 30, 2010
- For the other eligible practices that 10% of available funds be reserved from July 1, 2009 to January 30, 2010
- Any funds available after January 30, 2010 may be used for any eligible practice.

Mr. Miller reported that the allocation for FY 2009-2010 for each practice is:

- NC-12 – Trees: \$22,594.70
- NC-14 – Planned Grazing Systems: \$22,594.70

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- NC-17 – Irrigation Water Management: \$22,594.70
- Other Practices: \$7,531.57

Mr. Miller reported that the Governor has recommended that all state agencies reduce spending 2.5% in FY 2009-2010 and 5.0% in FY 2010-2011. Mr. Miller reported that in the Directors Board meeting notebook was an NARD Memo dated November 3, 2009, in regard to Legislative Special Session Proposed Spending Cuts.

Mr. Miller recommended that the TPNRD allocation be reduced 2.5%.

Mr. Wahlgren moved to reduce the Twin Platte Natural Resources District Nebraska Soil and Water Conservation Program allocation for each practice for the Fiscal Year 2009-2010 as follows:

- NC-12 – Trees: \$22,029.83
- NC-14 – Planned Grazing Systems: \$22,029.83
- NC-17 – Irrigation Water Management: \$22,029.83
- Other Practices: \$7,343.28

Mr. Petersen seconded the motion. The motion carried. (Motion #7)

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

Cost-Share Programs – NE Soil & Water Conservation Program - Contracts – Mr. Miller reported that in the Director’s notebook was a report and \$54,660.04 was available for funding contracts.

Mr. Petersen moved to approve the November 12, 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>
10.011	NC-17	Irrigation Water Mgt	\$ 300.00	\$ 300.00
10.012	NC-17	Irrigation Water Mgt	\$ 300.00	\$ 300.00
10.013	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
Total Amount of New Contracts				\$ 1,200.00

FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 22,594.70
	Practice NC-14, Planned Grazing	\$ 11,459.93
	Practice NC-17, Irrigation	\$ 13,962.40
	Other available practices	\$ 7,545.78

Mr. Meismer seconded the motion. The motion carried. (Motion #8)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Storer,

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Wahlgren, Weaver  
Nay: None  
Excused: Wiseman  
Absent: Stack

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' notebook was a report and \$6,011.40 was available for new contracts.

Tree Programs – No report presented.

Range Programs – No report presented.

Water Programs – No report presented.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Regulatory Programs – No report presented.

Information & Education Programs – 2009 Awards – Presentation, November 9, 2009 – Mr. Miller reported that the TPNRD's 2009 Conservation Award for Lincoln / McPherson Counties was 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 participated 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 – No report presented.

Interlocal Cooperation Agreements - Cooperative Hydrology Study (COHYST) – Mr. Miller reported that in the Directors' Board meeting packet were draft revisions for the Cooperative Hydrology Study (COHYST) Interlocal Cooperation Agreement. Mr. Miller recommended that the Board approved the revised Interlocal Cooperation Agreement.

Mr. Schilz moved to approve the revised Interlocal Cooperation Agreement for the Cooperative Hydrology Study and to authorize the General Manager to sign the revised agreement for the Twin Platte Natural Resources District. Mr. Meismer seconded the

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motion. The motion carried. (Motion #9)

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

Hazard Mitigation Plan – No report presented.

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

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.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Tuesday, December 8, 2009 at 4:30 pm MST (5:30 pm CST) at the Lake McConaughy Visitors Center, Ogallala, Nebraska.

BASIN-WIDE PLAN FOR JOINT INTEGRATED WATER RESOURCES  
MANAGEMENT OF OVERAPPROPRIATED PORTIONS OF THE PLATTE RIVER  
NEBRASKA

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. Margritz moved that the Board of Directors go into Executive Session to discuss legal matters. Mr. Schilz seconded the motion. The motion carried. (Motion #10)

Aye: Hansen, Margritz, Meismer, Rubenthaler, Schilz, Storer,  
Wahlgren, Weaver  
Nay: None  
Excused: Wiseman

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Absent: Stack  
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 4:20 pm CST (3:20 pm MST).

Mr. Rubenthaler opened the Board meeting room at 5:07 pm CST (4:07 pm MST).

Mr. Wahlgren moved that the Board of Directors return to Regular Session. Mr. Margritz seconded the motion. The motion carried. (Motion #11)

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

ADJOURNMENT

The meeting adjourned at 5:09 pm CST (4:09 pm MST).

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Jerry Weaver, Secretary