

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
September 15, 2011

The Twin Platte Natural Resources District (TPNRD) Board of Directors meeting was held at the W.W. Wood Building on the North Campus of the North Platte Community College, 1101 Halligan Drive, North Platte, Nebraska on September 15, 2011. Mr. Schilz called the meeting to order at 3:03 pm CDT (2:03 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 S Hansen  
Robert L Petersen  
Bob Peterson  
Dennis Schilz  
Douglas L Stack  
Shane Storer  
Joe Wahlgren  
Jerry Weaver  
John W Williams  
Robert Wiseman

BOARD MEMBERS ABSENT

James Meisner

NRCS PERSONNEL PRESENT

None

STAFF PRESENT

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

OTHERS PRESENT

Brad Johnson, Sargent Irrigation  
Jeff Shafer, NPPD  
Rick Zubrod, Kirkham Michael

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Schilz reported that the Nebraska Open Meeting Act requires public bodies to make available at least one current copy of the Open Meeting Act which may be 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. Schilz reported that the current Open Meeting Act was on the counter in the back of the meeting room and accessible to members of the public.

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Report of Directors Excused – Mr. Schilz 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. Schilz reported that Mr. Meismer notified the office he would be absent and is therefore excused.

Information Packet and Notebook available for the Public – Mr. Schilz reported that on the shelf in the back of the room is a copy of the Board Meeting Notebook and the Board Meeting Information Packet that each Board member has that are available for viewing by the public attending the Board of Directors meeting.

Other Announcements – None presented.

INFORMAL PUBLIC HEARING  
(Budget)

Open Proceedings – Dennis Schilz, Chair of the Twin Platte Natural Resources District Board of Directors and Presiding Officer, opened the Public Hearing at 3:04 pm.

Appointment of Hearing Examiner - Mr. Schilz appointed Kent O. Miller, General Manager of the Twin Platte Natural Resources District, Hearing Examiner.

Review of Purpose by Hearing Examiner – Mr. Miller reported that the purpose of the informal public hearing was for hearing testimony in regard to support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed Twin Platte Natural Resources District 2011-2012 Fiscal Year Budget.

Mr. Miller reported that copies of an informational packet for the proposed 2011-2012 Fiscal Year Budget were available for the public in the back of the meeting room and had been mailed to the Board of Directors. Mr. Miller reported that the proposed 2011-2012 Fiscal Year Budget has been available for the public to view in the Twin Platte Natural Resources District office.

Mr. Miller reported that a legal notice was published in the North Platte Telegraph on September 8, 2011 and he reported that a copy of the proof of publication was on file and available to view by the public and the Board of Directors.

Mr. Miller reviewed the following for the proposed 2011-2012 Fiscal Year Budget:

2009-2010 Actual Disbursements & Transfers	\$ 1,225,498.13
2010-2011 Actual Disbursements & Transfers	\$ 1,338,537.33
2011-2012 Proposed Budget of Disbursements & Transfers	\$ 8,769,281.86
2011-2012 Necessary Cash Reserve	\$ 200,000.00
2011-2012 Total Resources Available	\$ 8,969,281.86
Total 2011-2012 Personal & Real Property Tax Requirement	\$ 2,813,283.45
Unused Budget Authority Created For Next Year	\$ 550,600.36

**Breakdown of Property Tax:**

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Personal and Real Property Tax Required for Bonds	\$ -
Personal and Real Property Tax Required for All Other Purposes	\$ 2,813,283.45

Public Testimony - Mr. Miller opened the Hearing for Public Testimony.

No testimony was offered.

Informal Questions – Mr. Miller asked if there were questions in regard to the Budget.

There were no questions.

Close Proceedings - Mr. Miller turned the Hearing back to the Presiding Officer, Mr. Schilz.

Mr. Schilz declared the hearing closed at 3:07 pm.

INFORMAL PUBLIC HEARING (Setting Final Tax Request)

Open Proceedings – Dennis Schilz, Chair of the Twin Platte Natural Resources District Board of Directors and Presiding Officer, opened the Public Hearing at 3:07 pm.

Appointment of Hearing Examiner - Mr. Schilz appointed Kent O. Miller, General Manager of the Twin Platte Natural Resources District Hearing Examiner.

Review of Purpose by Hearing Examiner – Mr. Miller reported that the purpose of the informal public hearing was for hearing testimony in regard to 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 to fund the proposed Twin Platte Natural Resources District 2011-2012 Fiscal Year Budget.

Mr. Miller reported that copies of an informational packet for the proposed 2011-2012 Fiscal Year Budget were available for the public in the back of the meeting room and had been mailed to the Board of Directors. Mr. Miller reported that the proposed 2011-2012 Fiscal Year Budget has been available for the public to view in the TPNRD office.

Mr. Miller reported that a legal notice was published in the North Platte Telegraph on September 8, 2011 and he reported that a copy of the proof of publication was on file and available to view by the public and the Board of Directors.

Mr. Miller reviewed the following for the proposed 2011-2012 Fiscal Year Budget:

2010-2011 Property Tax Request	\$ 2,713,912.00
2010 Tax Rate	0.069101
Property Tax Rate (2010-2011 Request/2011 Valuation)	0.066661
2011-2012 Proposed Property Tax Request	\$ 2,813,283.45
Proposed 2011 Tax Rate	0.069101

Public Testimony - Mr. Miller opened the Hearing for Public Testimony.

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No testimony was offered.

Informal Questions – Mr. Miller asked if there were questions in regard to the Budget.

There were no questions.

Close Proceedings - Mr. Miller turned the Hearing back to the Presiding Officer, Mr. Schilz.

Mr. Schilz declared the hearing closed at 3:10 pm.

2011-2012 FISCAL YEAR BUDGET

Final Approval

Mr. Weaver 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 8, 2011, for a hearing scheduled for September 15, 2011 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 15, 2011 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 2011-2012 Fiscal Year Budget as presented for public hearing.

Mr. Wahlgren seconded the motion. The motion carried. (Nebraska Statutes requires a majority vote of the Board of Directors present.) (Motion #1)

Aye: Hansen, Petersen, Schilz, Stack, Storer, Wahlgren, Weaver, Williams,  
Wiseman  
Nay: Peterson  
Absent & Excused: Meismer

Set Property Tax Request

Mr. Weaver 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, a legal notice of special hearing to set final tax request was published in the North Platte Telegraph on September 8, 2011, for a hearing scheduled for September 15, 2011 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 15, 2011 held a public hearing for the purpose of hearing testimony in regard to support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax

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request at a different amount than the prior year tax request to fund the proposed Twin Platte Natural Resources District 2011-2012 Fiscal Year Budget; and

WHEREAS, the 2010-2011 Fiscal Year property tax request for the Twin Platte Natural Resources Districts was \$2,713,912.00 and the 2011-2012 Fiscal Year Budget requires a property tax request for the Twin Platte Natural Resources Districts of \$2,813,283.45.

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 2011-2012 Fiscal Year Budget at \$2,813,283.45.

Mr. Wiseman seconded the motion. The motion carried. (Nebraska Statutes requires that the Board of Directors passes by a majority vote a resolution setting the tax request at a different amount from the property tax request for the prior year. The State Auditor's office has interpreted a majority vote to be a majority of the Board of Directors which would require 6 affirmative votes.) (Motion #2)

Aye: Hansen, Petersen, Schilz, Stack, Storer, Wahlgren, Weaver, Williams, Wiseman  
Nay: Peterson  
Absent & Excused: Meismer

Restricted Funds Authority

Mr. Stack moved to approve the following resolution:

WHEREAS, the Nebraska Statutes provide that the Twin Platte Natural Resources District may exceed the budget limit for the 2011-2012 Fiscal Year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the Board of Directors; and

WHEREAS, the Twin Platte Natural Resources District may carry forward an additional unused restricted funds authority of \$5,371.71 to future budget years with approval of the additional one percent.

NOW THEREFORE BE IT RESOLVED, that the Twin Platte Natural Resources District Board of Directors approve exceeding the budget limit for the 2011-2012 Fiscal Year by an additional one percent.

Mr. Williams seconded the motion. The motion failed. (Nebraska Statutes requires an affirmative vote of at least 75% of the Board of Directors to exceed the budget limit for the 2011-2012 Fiscal Year by an additional one percent. 9 affirmative votes.) (Motion #3)

Aye: Schilz, Stack, Williams  
Nay: Hansen, Petersen, Peterson, Storer, Wahlgren, Weaver, Wiseman  
Absent & Excused: Meismer

PUBLIC FORUM

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

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AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

None presented.

BOARD OF DIRECTORS MINUTES

Minutes for August 11, 2011 Meeting – Mr. Schilz reported that the Minutes for the August 11, 2011 Board of Directors meeting was available for the Directors’ and he asked if there were any corrections or additions.

Mr. Petersen moved that the Minutes of the August 11, 2011 Board of Directors meeting be approved. Mr. Weaver seconded the motion. The motion carried. (Motion #4)

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

REQUESTS FOR ASSISTANCE

None presented.

HAZARD MITIGATION PLAN

Final Approval

Mr. Petersen moved to approve the following resolution:

WHEREAS, the Twin Platte Natural Resources District recognizes the threat that natural disasters pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential harm to people and property and save taxpayer dollars; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring local jurisdictions to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Twin Platte Natural Resources District, with assistance from Kirkham Michael Engineering Consultants of Omaha Nebraska, which includes information from the Twin Platte Natural Resources District; and

WHEREAS, the purpose of the mitigation plan is to lessen the affects of disasters by increasing the disaster resistance of the Twin Platte Natural Resources District and

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participating jurisdictions located in the plan area by identifying the hazards that affect the area and prioritize mitigation strategies to reduce potential loss of life and property from those hazards and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the participation jurisdiction in the form of a resolution and further requesting approval of the plan at the Federal level; and

NOW, THEREFORE, the governing body of Twin Platte Natural Resources District does herewith adopt the Twin Platte Natural Resources District Multi-Jurisdiction Hazard Mitigation Plan in its entirety.

Mr. Wahlgren seconded the motion. The motion carried. (Motion #5)

Aye: Hansen, Petersen, Peterson, Schilz, Stack, Storer, Wahlgren, Weaver, Williams, Wiseman

Nay: None

Absent & Excused: Meismer

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mr. Miller reported that a written report, prepared by the NRCS, was available for the Directors’.

SUBCOMMITTEE MEETINGS REPORT

Land Resources SubCommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

Water Resources SubCommittee

Mr. Wahlgren, Water Resources Subcommittee Member, presented a report for the Subcommittee meeting held on September 15, 2011.

Ground Water Management – Municipal & Industrial Accounting – Mr. Wahlgren asked Mrs. Dimmitt to report on municipal and industrial accounting for the TPNRD.

Mrs. Dimmitt reported on the status of the municipal and industrial accounting for the TPNRD.

Ground Water Management – Variances – K-L Lawn – Mr. Wahlgren reported that the TPNRD received a request for a variance from K-L Lawn (Ogallala, NE). Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of

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Directors to approve granting a variance to K-L Lawn (Ogallala, NE) to drill a new 4½ inch commercial well with the capacity to pump 49 gpm in the NESE Section 1, Township 13 North, Range 39 West, Keith County, Nebraska. Mr. Weaver seconded the motion. The motion carried. (Motion #6)

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

Ground Water Management – Variances – Glen Weinman – Mr. Wahlgren reported that the TPNRD received a request for a variance from Glen Weinman. Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Glen Weinman to de-certify and transfer a total of 15.35 certified ground water irrigated acres from the SE¼ Section 29, Township 16 North, Range 26 West, Lincoln County; to be relocated in the same SE¼ Section 29, Township 16 North, Range 26 West, Lincoln County, Nebraska. Mr. Wiseman seconded the motion. The motion carried. (Motion #7)

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

Ground Water Management – Variances – Page Peterson – Mr. Wahlgren reported that the TPNRD received a request for a variance from Page Peterson. Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Page Peterson to de-certify and transfer a total of 4.96 certified ground water irrigated acres from the SE¼ Section 12, Township 12 North, Range 26 West, Lincoln County; to be relocated in the same SE¼ Section 12, Township 12 North, Range 26 West, Lincoln County, Nebraska. Mr. Wiseman seconded the motion. The motion carried. (Motion #8)

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

Ground Water Management – Variances – Steve Scholz – Mr. Wahlgren reported that the TPNRD received a request for a variance from Steve Scholz. Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Steve Scholz to transfer the type of use from his

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existing irrigation well (G-036838) to a livestock use well in the NE¼ Section 11, Township 16 North, Range 29 West, Lincoln County, Nebraska. Mr. Weaver seconded the motion. The motion carried. (Motion #9)

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

Ground Water Management – Variances – Buck Hood – Mr. Wahlgren reported that the TPNRD received a request for a variance from Buck Hood. Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Buck Hood to certify irrigated acres in the SW¼ Section 21, Township 13 North, Range 29 West, Lincoln County. Mr. Wiseman seconded the motion. The motion carried. (Motion #10)

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

Ground Water Management – Variances – Lake Maloney Golf Association – Mr. Wahlgren reported that the TPNRD received a request for a variance from the Lake Maloney Golf Association. Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to the Lake Maloney Golf Association to certify irrigated acres in the N½ Section 7, Township 12 North, Range 30 West, and in the SE¼ Section 1, Township 12 North, Range 31 West, Lincoln County, Nebraska. Mr. Petersen seconded the motion. The motion carried. (Motion #11)

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

Ground Water Management – Variances – Indian Meadows Golf Course – Mr. Wahlgren reported that the TPNRD received a request for a variance from the Indian Meadows Golf Course. Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to the Indian Meadows Golf Course to certify irrigated acres in the NE¼ Section 18, Township 13 North, Range 30 West, Lincoln County, Nebraska. Mr. Wiseman seconded the motion. The motion carried. (Motion #12)

Aye: Hansen, Petersen, Schilz, Stack, Storer, Wahlgren, Weaver, Williams,

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Wiseman  
Nay: None  
Abstain: Peterson  
Absent & Excused: Meismer

Ground Water Management – Variances – North Platte Public Schools for the Madison Middle School – Mr. Wahlgren reported that the TPNRD received a request for a variance from the North Platte Public Schools for the Madison Middle School. Mr. Wahlgren asked Mrs. Dimmitt to report on the request.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to the North Platte Public Schools for the Madison Middle School to certify irrigated acres in the SE¼ Section 29, Township 14 North, Range 30 West, Lincoln County, Nebraska. Mr. Weaver seconded the motion. The motion carried. (Motion #13)

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

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

Ground Water Management – Violations – Chemigation – Mr. Wahlgren asked Mr. Miller to report on a possible Chemigation violation.

Mr. Miller reported that for the possible Chemigation violation that the staff had been working on, that it was determined that there was no violation.

Brule Watershed – Maintenance - No report presented.

Legislature - Legislative Resolution 314 Interim Study – Mr. Wahlgren asked Mr. Miller to report on the Legislative Resolution 314 interim study.

Mr. Miller reported on the status of the Legislative Resolution 314 interim study.

Basin-Wide Plan for Joint Integrated Water Resources Management - No report presented.

Integrated Management Plan – Offset Water - No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

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Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Weaver reported that the Financial Statement for August 2011 was available for the Directors’.

Accounts Payable - Mr. Weaver reported that the Accounts Payable report was available for the Directors’ and that he had reviewed the Accounts Payable and found the report to be in order.

Mr. Weaver moved that the Financial Statement for August 2011 be received and placed on file for audit and to approve payment of the invoices presented on September 15, 2011 in the amount of \$27,072.11. Mr. Petersen seconded the motion. The motion carried. (Motion #14)

Aye: Hansen, Petersen, Peterson, Schilz, Stack, Storer, Wahlgren, Weaver, Williams, Wiseman

Nay: None

Absent & Excused: Meismer

Budget Status – No report presented.

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the October 13, 2011 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 no bids/proposals would be presented for the October 13, 2011 Board of Directors meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts (NARD) – Annual Conference, September 26-27, 2011, Kearney - Schedule – Mr. Miller reported that the NARD annual conference would be held September 26-27, 2011 in Kearney.

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 – Mr. Miller reported that in the Director’s notebook was a report and \$70,158.65 was available for funding contracts.

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Mr. Williams moved to approve the September 15, 2011 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>
12.001	NC-17	Irrig Water Mgt	\$ 2,030.00	\$ 2,030.00
12.002	NC-1	Terraces	\$ 7,000.00	\$ 7,000.00
12.003	NC-14	Planned Grazing	\$ 7,496.58	\$ 7,496.58
Total Amount of New Contracts				\$ 16,526.58

FUNDS AVAILABLE	Practice NC-12, Windbreaks	\$ 21,047.60
	Practice NC-14, Planned Grazing	\$ 13,551.02
	Practice NC-17, Irrig Water Mgt	\$ 19,017.60
	Other available practices	\$ 15.85

Mr. Wiseman seconded the motion. The motion carried. (Motion #15)

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

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that a report was available for the Directors’ and \$8,800.00 was available for new contracts.

Tree Program – 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 – No report presented.

Brule Watershed – No report presented.

Interlocal Cooperation Agreements – No report presented.

Requests for Authorization to Travel – No requests presented.

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

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Miscellaneous Information – Mr. Miller reported that various items of information were available for the Directors’.

OTHER BUSINESS

There was no other business.

DINNER

The Board traveled to Mr. Wahlgren’s residence for dinner. No reports were presented and no actions occurred.

ADJOURNMENT

The meeting adjourned at 8:10 pm.

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Jerry Weaver, Secretary