

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
March 8, 2018

The Twin Platte Natural Resources District (TPNRD) Board of Directors meeting was held at the Great Western Bank Meeting Room, Second Floor, 111 South Dewey Street, North Platte, Nebraska on March 8, 2018. Mr. Schilz called the meeting to order at 3:03 pm. 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

David Colvin
Eric S Hansen
James Meisner
Judy Pederson
Robert L Petersen
Dennis Schilz
Douglas L Stack
Joe Wahlgren
Jerry Weaver
Robert Wiseman

BOARD MEMBERS ABSENT

Shane Storer

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

STAFF PRESENT

Ann Dimmitt, IMP Manager
Kent O Miller, General Manager
Amy Oberst, Administrative Assistant

OTHERS PRESENT

Ken Anderson, Producer
Don Blankenau, Attorney
Mike Wheeler, Sargent Irrigation

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Schilz reported 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 the current Open Meeting Act was on the wall in the front of the meeting room which is accessible to members of the public.

Report of Directors Excused – Mr. Schilz reported Operating Policy Number 4: BOARD OF DIRECTORS ABSENCES provides a Director will be considered excused if the Director notifies the office prior to the meeting he will be absent and the minutes will reflect whether an absent Director is excused or unexcused. Mr. Schilz reported Mr. Storer notified the office he would be absent and is therefore excused.

Information Packet and Notebook available for the Public – Mr. Schilz reported on the table along the north wall of the meeting room is a notebook containing information each Board member has electronically. Mr. Schilz reported the notebook is available for viewing by the public attending the Board of Directors meeting, this information is available on the TPNRD website, and internet access is available in the room.

Other Announcements – None presented.

PUBLIC FORUM

Mr. Schilz opened the Public Forum.

Mr. Schilz stated that the public is provided an opportunity to speak to the Board during the public forum at the beginning of each Board meeting and the public is only allowed to speak during the Public Forum. Mr. Schilz stated that the Chairman may limit the time for each person speaking to the Board.

There were no comments.

Mr. Schilz closed the Public Forum.

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mrs. Reece reported that a written report was available for the Directors and she presented a report.

USDA Natural Resources Conservation Service (NRCS) – Brule Watershed – No report presented.

GENERAL INFORMATION

No report presented.

BOARD OF DIRECTORS MEETINGS

Minutes for the February 8, 2018 Meeting – Mr. Schilz reported the Minutes for the February 8, 2018 Board of Directors meeting were available and he asked if there were any corrections or additions.

Mr. Petersen moved the Minutes of the February 8, 2018 Board of Directors meeting be approved. Mrs. Pederson seconded the motion. The motion carried. (Motion #1)

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

FINANCIAL REPORT

Financial Statement - Mr. Meismer reported the Financial Statement for February 2018 was available for the Directors.

Accounts Payable - Mr. Meismer reported the Accounts Payable report was available and he reviewed the report and found it to be in order.

Mr. Meismer moved the Financial Statement for February 2018 be received and placed on file for audit and to approve payment of the invoices presented on March 8, 2018 in the amount of \$131,683.50. Mrs. Pederson seconded the motion. The motion carried. (Motion #2)

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

Budget Status – Mr. Meismer reported the Budget Status report was available.

Bids/Proposals Scheduled to be Presented for Consideration during the April 12, 2018 Board of Directors Meeting – Mr. Miller reported the District Policy provides “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 no bids/proposals would be presented for the April 12, 2018 Board of Directors meeting.

SUBCOMMITTEE MEETINGS REPORT
Land Resources SubCommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Water Resources SubCommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, presented a report for the Subcommittee meeting held on March 8, 2018.

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – Sale of Land – Mr. Meismer reported that the Water Resources Subcommittee recommends that the Board of Directors go into Executive Session to discuss legal matters related to NCORPE and personnel matters.

Mr. Meismer moved that the Board of Directors go into Executive Session to discuss legal matters related to NCORPE and personnel matters. Mrs. Pederson seconded the motion. The motion carried. (Motion #3)

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

Mr. Schilz reported that the Board of Directors is going into Executive Session to discuss legal matters related to NCORPE and personnel matters.

The Board of Directors went into Executive Session at 3:13 pm.

Mr. Schilz opened the Board meeting room at 3:56 pm.

Mr. Meismer moved that the Board of Directors return to Regular Session. Mr. Petersen seconded the motion. The motion carried. (Motion #4)

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

Mr. Meismer moved to approve the following Policy for Conditions of Sale of the NCORPE Property:

- I. NCORPE is an essential project for ensuring the goals and objectives of the TPNRD Integrated Management Plan are achieved. NCORPE is also essential to Nebraska's compliance with the Republican River Compact.
- II. TPNRD is working with NCORPE members to evaluate the appropriate conditions under which NCORPE can dispose of some of its real estate associated with the project. TPNRD believes NCORPE, as a public body, should not retain ownership to more real estate than is necessary to serve the purposes of NCORPE members.

III. TPNRD recognizes that multiple parties have threatened litigation, which litigation has the potential to limit NCORPE’s operations and the amount of water for use. This threatened litigation requires TPNRD and NCORPE to exercise great caution in the disposal of any real estate held by NCORPE.

ACCORDINGLY, TPNRD believes that the following conditions must be met before NCORPE disposes of any of its real estate:

1. Legislation must expressly convey the authority to natural resources districts and interlocal bodies comprised of natural resources districts, who are engaged in augmentation projects, absolute discretion in determining the rate and volume of water to pump without regard to the amount of real property owned by either of those entities;

2. Legislation shall expressly recognize or convey the power of sovereign immunity to natural resources districts and interlocal bodies comprised of natural resources districts, who are engaged in augmentation projects, for all claims associated with the operation and use of the augmentation projects.

3. Legislation will require the State of Nebraska to indemnify and make whole each natural resources district and/or interlocal body’s member, in the event the operation of an augmentation project is disrupted or limited in any way for reasons associated with the ownership of real property or the failure to own sufficient amounts of real property relative to the rates and volumes of water desired to be pumped.

4. The development of any legislation should be accomplished using a collaborative process that includes all interested stakeholders.

Mr. Wiseman seconded the motion. (Motion #5)

Mr. Stack moved to lay the question, Motion #5, on the table. Mr. Petersen seconded the motion. The motion carried. (Motion #6)

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

Variances – Mrs. Dimmitt reported on variance request TP-TRANS-18.05.

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Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve variance TP-TRANS-18.05. Mr. Weaver seconded the motion. The motion carried. (Motion #7)

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

Mrs. Dimmitt reported on variance request TP-TRANS-18.03.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve variance TP-TRANS-18.03. Mr. Wahlgren seconded the motion. The motion carried. (Motion #8)

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

Violations – No report presented.

Offset Water - NCORPE Project – Information & Education – Mr. Meismer reported that available for the Directors were the following:

- Draft NCORPE Update and Frequently Asked Questions to send to landowners with irrigated acres, who are funding NCORPE through the occupation tax.
- Draft NCORPE Update and Frequently Asked Questions (same content as above with a different heading) to send to others such as Bank Presidents, Attorneys, Land Managers, etc.

Mr. Miller reported that this is a follow-up from his report during the February 8, 2018 Board meeting during which he reported that Mrs. Dimmitt and he had been discussing that we need to do a better job of updating the public on the status of NCORPE. Mr. Miller reported that the staff is planning to mail the update and frequently asked questions following the Board meeting today. Mr. Miller reported that assembling the information for this mailing will provide the TPNRD Board members and staff information to share with all tax payers within the TPNRD. Mr. Miller reported that this information could also be used for news releases, presentations to organizations and service clubs, and articles in the TPNRD newsletters. Mr. Miller reported that the Subcommittee recommended a few changes for the Draft NCORPE Update and Frequently Asked Questions that will be made.

Mr. Meismer reported that the Subcommittee discussed personnel and consultant options for TPNRD information and education. Mr. Weisman reported that he believes the TPNRD needs to do better at providing information for the public. Mr. Hansen reported that he believes that the TPNRD should be providing conservation education in the schools within the TPNRD. Mr. Miller reported that all the NRDs have an I&E Coordinator except the

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TPNRD and that most of the I&E Coordinators are full time positions.

Following discussion, the Board requested the staff to prepare a job description and a cost estimate for a full time and a part time Information & Education Coordinator for the Board to consider on April 12, 2018.

Offset Water - NCORPE Project – Land Taxes – Mr. Meisner reported that the Legislature has approved Legislative Bill 758 and the Governor has signed the Legislative Bill that will allow NCORPE to pay in lieu of taxes.

Offset Water - NCORPE Project – North Pipeline – Mr. Meisner reported that the contractor has been finalizing the controls.

Mrs. Dimmitt reported on the funds the TPNRD has received or will receive from the NE Water Resources Cash Fund for the NCORPE Project. Mrs. Dimmitt reported that the Water Resources Cash Fund is a 60% grant. Mrs. Dimmitt reviewed the total funds for the TPNRD from the Water Resources Cash fund.

	60%	40%
Years 1-3	\$ 922,500.00	\$ 615,000.00 (Land purchase)
Years 4-6	\$2,595,106.66	\$1,730,071.10 (North Pipeline)
Year 7 (2018FY)	<u>\$1,555,000.05</u>	<u>\$1,099,754.91</u> (North Pipeline)
TOTAL	\$5,072,606.71	\$3,444,826.01

Mrs. Dimmitt reported that the funds for Year 7 may increase.

Offset Water - NCORPE Project – Wellfield Operation – Mr. Meisner reported that pumping of water to the Republican River is not presently occurring. Mr. Meisner reported that Kansas will not call for water before October 2018 and pumping may not be needed in 2018.

Offset Water - NCORPE Project – Ground Water Levels – Mr. Meisner reported that available for the Directors’ was an aerial photo of the NCORPE property showing the locations of ground water monitoring wells, and graphs for the monitoring wells.

Offset Water - NCORPE Project – Board Meetings – Mr. Weaver reported that the NCORPE Board has not met since January 31, 2018. Mr. Weaver reported that the next NCORPE Board meeting would be on April 18, 2018 at Curtis, NE. Mr. Weaver reported that the NCORPE Board has determined to meet every other month alternating between NRDs and Curtis, NE.

Offset Water - NCORPE Project – Bond Payments – Mr. Weisman requested the staff to determine if a larger payment could be made by the TPNRD for the bonds for the NCORPE Project and provide a report to the Board on April 12, 2018.

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Offset Water - Integrated Management Plan (IMP) Second Increment – Mr. Meismer reported that available for the Directors was an Upper Platte NRDs Second Increment IMP Timeline.

Mr. Meismer reported that available for the Directors was a listing of the categories for stakeholders, and representatives the Subcommittee has identified for each category for stakeholders for the second increment, that are being invited to participate as stakeholders. Mr. Meismer reported that available for the Directors was a tentative schedule for the TPNRD Stakeholders meetings. Mr. Meismer reported that the dates were selected as the facilitator for the Stakeholder meetings that the Subcommittee has selected, Stephanie White, HDR, would be in North Platte those days for other meetings which would reduce the cost for the TPNRD for her travel to North Platte.

Offset Water – Irrigation Districts – Western Pilot Project – No report presented.

Offset Water – Irrigation Districts – Cody-Dillon Instream Flows – Mr. Meismer reported that the staff is working with Cody-Dillon and Don Blankenau to find ways to obtain more leases and with NE DNR for transfer existing leases to an instream flow.

Offset Water – Irrigation Districts – K&L, Paxon-Hershey, Platte Valley, Suburban – No report presented.

Offset Water – Irrigation Districts – Excess Flows – No report presented.

Offset Water – Irrigation Districts – Engineering Analysis – No report presented.

Offset Water – Non-Irrigated Certified Acres – Mr. Meismer reported that the program will continue to be offered and that the staff is receiving some new contracts.

Offset Water – J2 Project – No report presented.

Offset Water – CPNRD Agreement – No report presented.

Offset Water – Conservation Tillage Measures – Mr. Meismer reported that a presentation on conservation tillage measures will be presented during the Platte Basin OA Plan Stakeholders meeting on March 21, 2018.

Joint CPNRD / TBNRD / TPNRD Water Resources Subcommittee Meeting - March 2, 2018 – Mr. Meismer reported on the joint meeting of the CPNRD / TBNRD / TPNRD Water Resources Subcommittees held on March 2, 2018 at the TBNRD offices in Holdrege, NE. Mr. Meismer reported that this is continuing the annual meetings previously held.

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Subcommittee Priorities – Mr. Meisner reported that the following is the current list of the Subcommittee priorities for offset water.

- 1 Irrigation Districts in TPNRD (2016FY Budget)
- 2 N-CORPE Project (2016FY Budget)
- 3 CPNRD Agreement (2016FY Budget)
- 4 J-2 Project (2016FY Budget)
5. Non-Irrigated Certified Acres (2016FY Budget)
- 6 Conservation tillage measures (2016FY Budget)
- 7 South Platte River Compact Coalition (2016FY Budget)

Mr. Meisner reported that available for the Directors was the IMP accounting shown on a graph and a chart.

Regulations - No report presented.

Platte Basin Over-Appropriated Plan - Stakeholders Meeting – Mr. Wahlgren reported that the next stakeholders meeting will be March 21, 2018 at 10:30 am at the Holiday Inn Express in North Platte, Nebraska.

Platte River Recovery Implementation Program – No report presented.

South Platte River Compact Coalition – No report presented.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

DIRECTORS REPORTS

Nebraska Association of Resources Districts (NARD) – Board of Directors – No report presented.

NARD – Legislative Conference, January 23-24, 2018 – Mr. Meisner reported that available for the Directors was the Legislative Bill Summaries and NARD positions determined during the Legislative Conference and the business session minutes.

Sandhills Task Force – Mr. Hansen presented a report.

Board of Director’s Elections 2018 – Mr. Schilz reported that available for the Directors was

the final listing of candidates for the 2018 election for the TPNRD Board of Directors.

Requests for Authorization to Travel – No requests presented.

DISTRICT REPORT

Cost-Share Programs – NE Soil & Water Conservation Program – Mr. Miller reported the monthly report was available for the Directors, \$28,535.77 was available, and there were six new applications to present.

Mr. Petersen moved to approve the March 8, 2018 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>
18.029	NC-17	Irrig Water Mgt	\$ 773.52	\$ 773.52
18.030	NC-14	Planned Grazing	\$ 6,216.08	\$ 6,216.08
18.031	NC-14	Planned Grazing	\$ 7,500.00	\$ 7,500.00
18.032	NC-20	Brush Mgt	\$ 5,545.83	\$ 5,545.83
18.033	NC-20	Brush Mgt	\$ 7,500.00	\$ 7,500.00
18.034	NC-12	Trees	\$ 1,000.34	\$ 1,000.34
Total Amount of New Contracts				\$ 28,535.77

FUNDS AVAILABLE

\$ 0.00

Mrs. Pederson seconded the motion. The motion carried. (Motion #9)

Aye: Colvin, Hansen, Meismer, Pederson, Petersen, Schilz, Stack, Weaver, Wiseman
Nay: None
Absent & Excused: Storer
Out of Room: Wahlgren

Cost-Share Programs – District Conservation Programs – Mr. Miller reported the monthly report was available for the Directors, and \$6,045.37 was available.

Personnel – No report presented.

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

OTHER BUSINESS

Mr. Hansen requested the Land Resources Subcommittee, when they next meet, to consider whether the TPNRD should continue to sell Red Cedar trees.

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NEXT MEETING

Mr. Schilz reported the next Board of Directors meeting would be held on Thursday, April 12, 2018 at 3:00 pm.

ADJOURNMENT

The meeting adjourned at 4:40 pm.

Jerry Weaver, Secretary