

MINUTES
LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE
August 11, 2016 at 7 pm

Board of Directors Meeting

A notice of the meeting was published in the local newspapers within the District and on the District Website at www.lnrnd.org.

Informational Material Mailed out Prior to the Meeting

1. Agenda, 7/16
2. Minutes, Cease & Desist Minutes, Index of Decision, 7/16
3. LRNRD/RWP Treasurer's Report, 7/16
4. NRCS and Staff Reports
5. Change in Location of Certified Acres on Contiguous Property - Aspegren
6. FY17 LRNRD Budget
7. Groundwater Rules and Regulations Summary

Materials Handed out at the Meeting:

1. Agenda, 8/16
2. Manager's Report
3. Indian Creek Fish Pond – Red Cloud Community Foundation

Chairperson Marlin Murdoch called the meeting of the Lower Republican NRD Board of Directors to order at 7:18 p.m. Marlin Murdoch noted that guests should sign the attendance roster and noted the location of a current copy of the statutes dealing with public meetings laws.

Directors present: Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Tim Kahrs, Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf.

Absent: Terry Hoit

Others present: Andy Raun, Hastings Tribune, Charlie Brooks, TBNRD, Jarrod McCartney, Red Cloud, Gary Shipman, Red Cloud, Clint Shipman, Red Cloud, Chelsea Erickson KDA-DWA Troy Fletcher, Oxford. Staff present: Mike Clements, Scott Dicke, Shirlee Poyser, Kristen Heft and Allan McCoy.

Motion #1 by Bill Bose seconded by Nelson Trambly to approve the board minutes and cease and desist minutes from the July board meeting. Motion carried. Ayes 10, Nays 0, Absent 1.

Motion #2 by Matt Harrison seconded by Roger Nelson to approve the LRNRD and RWP Treasurer's Report as presented. Motion carried. Ayes 10, Nays 0, Absent 1.

Mike Clements reported the current pool elevation at Harlan is 1936.8 compared to 1939.4 from July. Sasha Hahn has been hired as the new I & E/Rural Water Secretary. The Regional Conservation Partnership Program (RCPP) has final approval for the Department of Ag. The Rural Water board is gathering information on converting all of the old manual read meters to remote digital read meters. The Tire Recycling will be September 8th from 8 till noon in Alma, Hildreth and Blue Hill. Advertisements will be in the newspapers the next two weeks.

Scott Dicke reported that July has been a very busy month at the LRNRD. Efforts include landowner engagements, along with meetings for NCORPE (board and modeling), Republican River (basin planning and RRCA), the Platte-Republican project and kicking off the management action efforts. Field staff is still conducting chemigation inspections but have switched gears to start groundwater sampling for Nitrates. Additionally, Kristi and Shirlee have been lifting the load on all office activities as were looking to fill the vacant Information Coordinator position.

Merle Illian and Jarred McCartney are writing a Nebraska Environmental Trust grant for the Indian Creek Fish Pond Project south of Red Cloud. This grant would allow excavating the pond, adding a handicap dock and walkway, drilling a well, seed and seeding includes pollinators. They are asking the LRNRD to contribute \$2,100 for the seed and seeding pollinator.

Motion #3 by Nelson Trambly seconded by Brad Wulf to approve \$2,100 for seeding at the Indian Creek Fish Pond project contingent on receiving grant approval. Motion carried. Ayes 9, Nays 1, Absent 1.

Leland Aspegren submitted a change in location of certified acres on contiguous property: Reason for request - to switch from gravity to pivot irrigation, adding an end gun and using a different well.

Motion #4 by Brad Wulf seconded by Bill Bose to approve change in location of certified acres on contiguous property for Leland Aspegren. Motion carried. Ayes 10, Nays 0, Absent 1.

Mike Clements recommended the board issue a Cease and Desist Order to Gary Shipman. Pursuant to LRNRD Ground Water Rules and Regulation 7-2.9, an Operator must have a positive balance in their allocation account before using water in any year of an allocation period.

Motion #5 by Tim Kahrs seconded by Bill Bose to issue a Cease & Desist Order for Gary Shipman. Motion carried. Ayes 10, Nays 0, Absent 1.

Attorney Katie Spohn, Bruning Law Group, informed the board that flow meter tampering has been detected. The LRNRD should set a public hearing date and time to allow the individuals involved, time to respond. The public hearing was set at 5:00 pm, prior to our next board meeting, for September 8th

Motion #6 by Roger Nelson seconded by Tim Kahrs to set the Flow Meter Tampering Public Hearing for September 8th, 2016 at 5pm. Motion carried. Ayes 10, Nays 0, Absent 1.

Mike Clements presented the FY2017 LRNRD Budget to the board in detail.

Motion #7 by Dave Bartels seconded by Toby tenBensel to approve the proposed FY2017 LRNRD Budget and set the public hearing for September 8th immediately following the 5pm Meter Tampering Public Hearing. Motion carried. Ayes 10, Nays 0, Absent 1.

Discussion on the Groundwater Rules and Regulations was tabled until a future date.

Motion #8 by Nelson Trambly seconded by Brad Wulf to table the discussion on the Groundwater Rules and Regulations. Motion carried. Ayes 9, Nays 1, Absent 1.

NCORPE update: Nelson Trambly informed the board that NCORPE is looking at installing a fence in areas around the property. Tim Kahrs said there is discussion on bringing a poultry operation into the area and discussion of NCORPE property as the location. The production facility would potentially employ around 80 people.

Mike Clements requested the board set the 2017 Occupational Tax for \$10 per acre.

Motion #9 by Clark Andrews seconded by Dave Bartels to approve the 2017 \$10 per acre Occupation Tax. Motion carried. Ayes 10, Nays 0, Absent 1.

There were no comments from the public.

Motion #10 by Clark Andrews seconded by Tim Kahrs to move that the Board go into Executive session at 8:18 p.m. for the protection of the public interest and the prevention of needless injury to the reputation of certain individuals for purposes of a strategy session with respect to litigation which is imminent based upon the Lower Republican NRD Issuance of a Notice of Intent to Issue a Cease and Desist Order and Impose Penalties Without A Properly Installed and Operational Flow Meter to those individuals. Motion carried. Chairman admonished the board that this is the only subject that can be discussed in closed session. Ayes 10, Nays 0, Absent 1.

Motion #11 by Matt Harrison seconded by Tim Kahrs to move that the Board come out of Executive Session at 9:13 p.m. and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried. Ayes 10, Nays 0, Absent 1.

No comments from the public.

The next regularly scheduled board meeting will be September 8, 2016 immediately following the 5pm Cease and Desist hearing, and the LRNRD budget hearing.

The meeting was adjourned at 9:13PM.

Secretary

Date

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