

MINUTES
LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE
November 12th, 2009 at 2 p.m.
Board of Directors Meeting

A notice of the meeting was announced over radio station KRVN and published in the newspapers within the District.

INFORMATIONAL MATERIAL MAILED OUT PRIOR TO MEETING:

1. Agenda, LRNRD Public Hearing, 11/09
2. Agenda, Monthly Board Meeting, 11/09
3. LRNRD Board Meeting & Variance Minutes and Index of Decisions, 10/09
4. Treasurer's Report, 10/09
5. Budget Comparison, 10/09
6. Managers Report, 11/09
7. Water Shed – Dale Helms
8. Variance Request – 11/09
9. Variance Request – Supplemental Well Option 11/09
10. Rural Water Treasurer Report, 10/09
11. New Board Room Furniture Picture
12. Dana Cole, Audit Proposal for 2010-2012
13. NARD 457 Plan Restatement & Amendment #1
14. Great Plains Aquifer System
15. Letter from Joel Burke
16. Best Management Practices Plan Resolution
17. LRNRD NSWCP Cost Share Report

MATERIALS HANDED OUT AT THE MEETING:

1. Assistant Managers Report, 11/09
2. RRBC Report, 11/09

Chairperson Nelson Trambly called the regular monthly meeting of the Lower Republican NRD Board of Directors to order at 2:14 p.m.

Nelson Trambly informed the audience of the Open Meetings Law posters posted in the meeting room.

Directors present: Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly.

Absent: Terry Hoit, Brad Wulf.

Others present: Ginger Jensen, Kearney Hub, Nick Simonson, Harlan Co. NRCS, Traci Witthuhn, RRBC, Pat Underwood, Republican Valley Review, Brad Edgerton, Cambridge, Dale Helms, Holbrook, Jim Schneider, DNR, James Williams, DNR, Justin Lavene, Attorney Generals Office, Mike Delka, Bostwick Irrigation. Staff present: Mike Clements, Bryan Lubeck

Motion #1 by Jim Moore seconded by Matt Harrison to approve the board and variance hearing minutes from the October meeting. Motion carried. Ayes 9 Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Motion #2 by Jim Moore seconded by Bill Bose to accept the October treasurer's report as distributed. Motion carried. Ayes 9 Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Mike Clements had nothing further to add to his report. Mike presented Ginger Jensen with a card from the LRNRD Board of Directors. Ginger is a reporter for the Kearney Hub and has covered the LRNRD board meetings since 1991. She is moving to Florida to be with her family. Ginger...you will be greatly missed!

Bryan Lubeck reported that he had received and complied the Static Water Level Measurements Report for the Fall of 2009. A copy of this report is in the minute book.

Nick Simonson, Harlan County NRCS, gave a brief verbal report. NRCS has been working on CSP.

Traci Witthuhn gave the Republican River Basin Coalition report. A copy of this report is in the minute book.

Dale Helms, talked to the board about other ways and/or idea's we could decrease consumptive use or depletions. Copies of Dale's handouts are in the minute book.

There were no comments from the public.

Mike Clements updated the board on Les Bruntz's meter. Kristi Coe figured the power use records for 2009 and the usage came to 7.7 inches. Mike recommended that the board let Les install a mechanical meter and use power records from 2009.

Motion #3 by Marlin Murdoch seconded by Bill Bose to allow Les Bruntz to install a mechanical meter and use power records from 2009. Motion carried. Ayes 9 Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Motion #4 by Brian Holtze seconded by Matt Harrison to approve Variance Request #109 for Wayne Fouts. Motion carried. Ayes 9 Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Motion #5 by Marlin Murdoch seconded by Brian Holtze to table Variance Request #108 for John Tobiassen. Motion carried. Ayes 9 Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Motion #6 by Jim Moore seconded by Matt Harrison to approve Supplemental Well Options for Ziegler Farms, #51, Ziegler Farms #55 and David & Peggy Schnuerle #1566. Motion carried. Ayes 9 Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Motion #7 by Bill Bose seconded by Brian Holtze to approve the Rural Water treasurer's report as presented. Motion carried. Ayes 9 Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Mike Clements presented the new board room furniture proposal to the board.

Motion #8 by Jim Moore seconded by Roger Nelson to approve the purchase of new board room furniture. Motion carried. Ayes 6 Nelson Trambly, Dave Bartels, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson. Nays 3 Clark Andrews, Bill Bose, Matt Harrison – Absent – 2 Terry Hoit, Brad Wulf.

Motion #9 by Bill Bose seconded by Roger Nelson to accept the three year audit bid from Dana Cole, LLC, 2010 – 2012 for \$3,900 per year. Motion carried. Ayes 9 Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Mike talked to the board about the NARD 457 retirement plan offered through the NARD. Rules and requirements written into the by-laws need to be updated. The changes reflect the work of the NARD/NRD Benefits Committee to update and codify the NARD 457 Plan with the NARD 414(h) plan.

Motion #10 by Roger Nelson seconded by Bill Bose to approve the amendment of the NARD 457 deferred compensation plan. Motion carried. Ayes 9 Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Mike Clements worked with Chris Miller from Miller and Associates on the Great Plains Aquifer System (Dakota Aquifer). Mike does not feel this is a viable option for us at this time. Mike has some questions for Chris Miller before we pursue this option.

Mike Clements updated the board on the Declaratory Judgment. Attorney Joel Burke has filed for a *Motion on Summary Judgment and Motion for Default Judgment*. A copy of this letter is in the minute book.

Mike presented the board with a copy of the Best Management Practice Resolution. Mike Clements and several directors talked to area school boards and other organizations explaining the Best Management Practice Resolution and what would happen if surface water and quick response wells get shut down and how this would affect local economies, taxes, and schools, etc.

Roger Nelson briefly updated the board on the LRNRD hosting the NARD board meeting.

There was no Executive Committee Report.

There was a brief update on the Groundwater Management Area. They are still taking samples in the Superior-Hardy Area.

There was no Groundwater Management Committee Report.

The board reviewed the Applications for a Permit to Construct a Well.

There were no Wild NE applications.

Roger Stockton gave the Southwest RC&D report. They are starting a new project with a group called "Save Our Swanson" they are trying to reclaim the beaches that Game and Parks have not maintained.

Motion #11 by Marlin Murdoch seconded by Roger Nelson to approve the Cost Share Time Extensions as presented. Motion carried. Ayes 9 Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

H589	Matt Schlutz	January 3, 2010
H586	St. Michaels Catholic Church	March 3, 2010
FU722	Ryan Hunt	February 1, 2010

Clark Andrews would like to have Brent Ballou's variance request added to next month's agenda for reconsideration.

Motion #12 by Marlin Murdoch seconded by Clark Andrews to go into Executive Session at 3:22 p.m. to discuss possible Litigation on the Republican River Settlement Agreement. Motion carried. Ayes 9 Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

Motion #13 Marlin Murdoch seconded by Bill Bose to come out of executive session at 8:10 p.m. and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried. Ayes 9, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Nays – 0 Absent – 2 Terry Hoit, Brad Wulf.

The next regularly scheduled board meeting will be December 10th, starting with the Variance Hearings at 2:00 p.m., followed by the regular board meeting.

Chairperson Nelson Trambly adjourned the meeting at 8:10 p.m.

Secretary

Date