



LOWER REPUBLICAN NRD – BOARD MEETING MINUTES

Lower Republican NRD Meeting Room,
30 North John, Alma, NE
March 10, 2022, at 2pm

A notice of the meeting was published in the Harlan County Journal and on the District Website at www.lrnrd.org.

Board of Directors Meeting:

Chairperson Marlin Murdoch called the meeting of the Lower Republican NRD Board of Directors to order with an invitation to prayer at 2:12 pm. The chairperson provided notice that the location of the current copy of the statutes dealing with public meetings laws is located on the south wall. Guests were asked to sign the attendance roster.

MATERIAL E-MAILED OUT PRIOR TO THE MEETING & AVAILABLE AT THE MEETING

Agenda

LRNRD Board Meeting Minutes, 2/22
LRNRD/RWP Treasurer's Report, 2/22
NRCS Staff Report, 2/22
LRNRD Staff Report, 2/22

Excused Absences: Matt Harrison.

Directors present at NRD Office: Clark Andrews, David Bartels, Bill Bose, Don Duffy, Tim Kahrs, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf.

Others present at the LRNRD office: Jerry Kovarik, NRCS, Troy Fletcher, Oxford, Rod Steinkruger, Franklin, Bonnie Hatch, Guide Rock, Michael Lukes, Guide Rock, Brian Shaw, Fairfield.

Staff present at LRNRD office: Todd Siel, Nick Simonson, Shirlee Poyser and Kristi Heft.

Comments from the Public: Tom Zikmund, new Operations Project Manager at Harlan County Lake introduced himself to the board and staff.

Motion #1 by Nelson Trambly seconded by David Bartels to approve the February minutes and variance request minutes as presented. Motion carried. Ayes 9, Nays 0, Absent 1.

Motion #2 by Toby tenBensel seconded by Tim Kahrs to approve the LRNRD and Rural Water Treasurer's reports for February. Motion carried. Ayes 9, Nays 0, Absent 1.

NRCS Staff Report: Jerry Kovarik gave the NRCS report. The report provided updates on EQIP, CSP and Covid – Office Mask – Return to Physical Workplace Updates. A copy of this report is in the minute book.

LRNRD Staff Report: The LRNRD public hearing for the Flag Creek water augmentation project was held on Tuesday, March 1, 2022, with approximately 20 members of the public present for the hearing. Manager Todd Siel presented a summary explaining the nature and necessity for this project and reasons for the location. A brief explanation of Republican River Compact history, our Integrated Management Plan obligations, and past litigation was the focus of the first part of the presentation. The latter portion of the statement was directed toward the options available to us for either decreasing water usage in our district or increasing supply. Streamflow augmentation for compact compliance has been used successfully in the past (NCORPE & Rock Creek) and this project will provide us 100% credit for every gallon of water pumped into Flag Creek. By increasing supply through water augmentation, this type of project keeps us from relying solely on regulations, such as well shutdowns or reducing irrigated acres, when management actions are required. After the summary presentation, Don Blankenau, serving as the presiding officer of the hearing, opened the floor to receive written or verbal testimony. Eight (8) attendees shared comments and concerns. Testimony received will now be reviewed by LRNRD staff and directors.

LRNRD Scholarship winners for 2022 are Ayden Molzahn, Kaylee Baker, Cody Hubl, alternate is Jayden Bauer.

Rules Violations for JD and Linda Anderson were presented to the board. Staff recommended to the board the following penalty: a 13 inch hard cap for the 2022 irrigation season, with penalties for overuse being the same as if in a compact call year, and limit carryover for the next allocation period to no more than 4.5 inches per acre on 163.9 acres in Section 9-3-22W, in Furnas County.

Motion #3 by Nelson Trambly seconded by David Bartels to enforce penalties of a 13 inch per acre hard cap for the 2022 irrigation season and limit carryover for the next allocation period to no more than 4.5 inches per acre on 163.9 acres owned by Linda Anderson in Section 9-3-22W in Furnas County for the violation of rule 5-6.3. Motion carried. Ayes 9, Nays 0, Absent 1.

Sub District 5 candidates for Terry Hoit's vacated position are Lee Fintel and Mike Hynek. Lee was available by phone and gave a short biography about himself and why he would like to become an NRD director by phone. Mike Hynek was unavailable by phone, but several representatives gave testimony on behalf of Mike.

Motion #4 by Bill Bose seconded by Tim Kahrs to table the appointment of a director to Sub District 5 until the April board meeting. Motion carried. Ayes 9, Nays 0, Absent 1.

Nick Simonson presented the FY2023 tree planter contractor agreement with Jaeger Enterprise, Inc. to the board.

Motion #5 by Bill Bose seconded by Clark Andrews to approve the tree planter contract with Jaeger Enterprise, Inc. as presented, and authorize district staff to sign the contract and any appendices included. Motion carried. Ayes 9, Nays 0, Absent 1.

Watershed & Flood Prevention Operations Environmental Assessment Plan and Design (WFPO EA): Nick Simonson discussed the WFPO projects and both projects are proceeding on schedule. Nick wants to form two (2) Ad Hoc Committees to discuss the next steps on each project individually. Each committee will have the opportunity to focus on their specific project and not confuse when projects overlap. Nick announced the appointment for the Turkey Creek Ad Hoc Committee: Toby tenBensel, Marlin Murdoch, Clark Andrews, Bill Bose. Nick announced the appointment to the Thompson Creek Ad Hoc Committee: Brad Wulf, Nelson Trambly, David Bartels, Tim Kahrs.

Motion #6 by Toby tenBensel seconded by Tim Kahrs to create an ad hoc committee for the Turkey Creek WFPO and appoint Toby tenBensel, Marlin Murdoch, Clark Andrews, and Bill Bose as members of the committee. Motion carried. Ayes 9, Nays 0, Absent 1.

Motion #7 by Toby tenBensel seconded by Brad Wulf to create an ad hoc committee for the Thompson Creek WFPO and appoint Brad Wulf, Nelson Trambly, David Bartels, and Tim Kahrs as member of the committee. Motion carried. Ayes 9, Nays 0, Absent 1.

Todd Siel received notification that the City of Franklin will be increasing the water rates May 1, 2022. The increase is due to rising expenses and the volume of water being used. The current rates, in effect since March 2011, are: \$70.85 for the meter charge and \$1.13 per 1,000 gallons. The Franklin City Council has approved a rate increase for the meter charge to \$75.57 and \$2.05 per 1000 gallons.

Motion #8 by Brad Wulf seconded by Bill Bose to approve raising the LRNRD rural water rates from \$2.21 to \$3.20 per 1,000 gallons and keeping the base fee at \$30, effective, May 1, 2022. Motion carried. Ayes 9, Nays 0, Absent 1.

Nick Simonson discussed eligible practices for NSWCP and adding NC-12 windbreaks and up to 75% cost share for all practices.

Motion #9 by Brad Wulf seconded by Nelson Trambly to approve the practices currently eligible for NSWCP and additionally to add NC-12, windbreaks, and up to 75% cost share for all practices. Motion carried. Ayes 9, Nays 0, Absent 1.

Platte to Republican High Flow Diversion Project (PRD) Update: There were no updates.

NCORPE Update: Mike Groene is no longer serving District 42; Mike Jacobson, of North Platte, has been appointed by Governor Ricketts to finish out the current term and he has filed to run in this year's election.

NARD Update: Manager Todd Siel, attended the NRD Managers Meeting on March 2, 2022, at the NARD office in Lincoln. Legislative bills and this year's election process provided a lot of conversation. Nitrate levels across the state also continues to be at the forefront of discussions with NDEE and UNL.

Other Business: None.

Motion #10 by Clark Andrews seconded by Tim Kahrs to move that the Board go into Closed Session at 3:38pm to discuss Contractual Negotiation, Imminent Litigation and Personnel. Motion carried. Ayes 9, Nays 0, Absent 1.

Motion #11 by Clark Andrews seconded by Brad Wulf to move that the Board come out of Closed Session at 5:25pm and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried. Ayes 9, Nays 0, Absent 1.

Motion #12 by David Bartels seconded by Clark Andrews to authorize the LRNRD staff to negotiate with Lueking LTD, et al, for the purchase and acquisition of property, et al, located in the Southeast Quarter of Section 35-4-19W, in Harlan County, Nebraska and authorize the Chairman of the Board to execute a purchase agreement and closing documents or other obligations necessary per legal counsel. Motion carried. Ayes 9, Nays 0, Absent 1.

The next regularly scheduled board meeting will be April 14th, 2022 at 7pm.

Meeting adjourned at 5:29pm.

Secretary

Date