

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
September 9, 2008
Curtis, Nebraska

Board Members Present: Kevin Fornoff, Josh Friesen, Stan Moore, Dan Nelsen, Marty Schurr, Joe Anderjaska, Brad Randel, Benjie Loomis, Jerry Mustion, Gayle Haag, Rick Spencer

Board Members Absent: None

NRD Staff: Dan Smith, Bob Merrigan, Roger Lawson and Stacie Owens

NRCS Staff: None.

Others: Traci Witthuhn, Raymond Durner, William Barger, Buck Haag, Brad Johnson, Clint Schafer

Information Mailed to Directors

Budget Hearing Agenda	Proposed 08-09 Budget
Agenda	Minutes from August 19 th Meeting
Minutes from Aug. 19 th Public Hearing	Agenda for Public Hearing
Request for Variances 517, 518, 519	Transfer Requests 14, 15, 16, 17 and 18
August Financial Report	E-Notes for Aug. 12, 19 and 26
I & E Report	Website Activity Chart
MRNRD Fact Sheet	Kearney Hub Article dated Aug. 23

Information Distributed at Meeting:

Supreme Court Filings	NARD Resolution 2008-4
NRCS Report	Hispanic Heritage Month Handout
Permit to Construct Report	Monthly Reservoir Report
Cost-Share Summary	RRBC Report

REGULAR MEETING

The regular monthly board meeting was called to order by Chairman Friesen at 7:51 p.m. The agenda and roster were circulated to those present.

Added Items: 13.G. Livestock Waste Control Application from Heartland Cattle Company

Notice of the regular monthly meeting was published in the **North Platte Telegraph** and the **McCook Daily Gazette** and was posted at the **MRNRD Office** and on the **District Website** at www.mrnrd.org. As a courtesy it was also provided to local radio stations.

The Minutes for the August 19, 2008 regular meeting and Variance Hearing were mailed to Directors.

- ◆ A motion was made by Anderjaska and seconded by Moore to approve the Minutes of the September 19, 2008 Regular Board Meeting as corrected and Variance Hearing.
Ayes- 11 Nays- 0 Motion Carried

The meeting was recessed at 7:54 p.m. for the purpose of opening the variance hearing. The meeting was reconvened at 8:10 p.m.

CONSIDER VARIANCE REQUEST

Friesen directed Item 12.a.2. on the Agenda be moved to this section of the Agenda if anyone would care to make a motion for both.

Merrigan presented the following Permanent Transfer Requests:

	FROM	TO
PT-14	Robert Boner	Steve Scholz
PT-15	Dave & Delma Fischer	Steve Scholz
PT-16	Robert Boner	Don Oppliger
PT-17	Robert Boner	Don Oppliger
PT-18	Robert Boner	Steve Scholz

Discussion was held.

- ◆ A motion was made by Spencer and seconded by Anderjaska to deny the Request for Variance for Well Permit 519 and Permanent Transfer 16-2008 acknowledging Rule 5-2.13 and lack of History of Use on the acres requesting variance for transfer.

Ayes- 4 Nays- Fornoff, Friesen, Mustion, Nelsen, Loomis, Randall, Schurr
Motion Failed

- ◆ A motion was made by Fornoff and seconded by Loomis to approve the Request for Variance for Well Permits 517, 518, 519 and Permanent Transfers 14, 15, 16, 17 and 18-2008 with the stipulation on Well Permit 519 and PT-16 that the remaining allocation would be 48 inches and acknowledgement of the bankruptcy currently taking place and putting no other conditions on this transfer. Any further issues would be between the buyer and seller of this property.

Ayes- 8 Nays- Haag, Spencer, Anderjaska Motion Carried

LEGAL MATTERS

a. Case Status – LB 701 – Nebraska Supreme Court Appeal and cross appeal filed. Smith went over parts of the challenge to the Occupation Tax that has been filed and advised that the full document is available at the MRNRD Office should anyone wish to read it.

FINANCIAL ACTIONS

a. The financial report for August was presented by Smith. The County Treasurer’s Balance was \$40,797.53

- ◆ A motion was made by Anderjaska and seconded by Spencer to approve the August financial report as presented.

Ayes- 11 Nays- 0 Motion Carried

A copy of this report is on file with the Minutes.

b. Budget. Consider adoption of budget for FY 2008-2009. Budget hearings were conducted prior to this meeting. No testimony other than staff was offered. Smith asked if there were additional questions. Anderjaska thanked Smith for doing a great job in preparing and presenting the budget.

◆ A motion was made by Nelsen and seconded by Schurr to adopt the Budget for FY 2008-2009 as presented at the hearing and to adopt the resolution setting the levy rate of .058524 based on a property tax request of \$1,031,739.00.

Ayes- 9

Nays- Anderjaska, Haag

Motion Carried

OPEN FORUM

None.

REPORTS

A. NRCS REPORT.

1. District Cons. Report. Whisenhunt was unable to attend. Smith pointed out Whisenhunt's written report and the inclusion of the Hispanic Heritage Month handout. Smith also discussed watersheds 80-A and 32-A which have now been considered design deficiencies. There are three programs available: (1) Rehabilitation with 65%-35% cost share; (2) Emergency Watershed with 75%-25% cost share and waiver of 90% federal and 10% local; and, (3) PL566 with 96.5% federal and 3.5% local but this programs lacks funding at this time. The MRNRD will also have costs associated with repairing the road on 80-A.

2. McCook Technician.

Smith discussed the NRCS's idea of a 4-year flat, 10-year agreement with reconsideration on the 5th year as apposed to the 5-year flat, 10-year agreement discussed at the last meeting. Smith also added language under the McCook technician's job description which now includes helping with soil conservation programs and watershed inspections. He requested the Board acknowledge and approve this change to the agreement with NRCS.

◆ A motion was made by Fornoff and seconded by Moore to approve the amended 10-year agreement and acknowledge the change to a 4-year flat agreement with reconsideration on the 5th year instead of the previously proposed 5-year flat rate, 10-year agreement with NRCS for the McCook Technician.

Ayes – 11

Nays – 0

Motion Carried

B. NARD

1. Anderjaska announced that there will be a Platte Institute Transparency Conference coming up and everyone is invited.

2. Resolutions – Smith went over another resolution 2008-4 regarding suggested changes to the current rules for the construction of dams.

C. NACD

E-notes dated August 12, 19 and 26, 2008 were mailed to the Directors.

D. NNRC

None.

E. DNR – ARBITRATION STATUS

Smith reported that DNR may be coming out and meeting with the Districts to talk about the status of the arbitration. No date set as of yet.

F. INFORMATION AND EDUCATION

1. REPORTS.

Lawson went over his I&E Report and answered questions.

G. REPUBLICAN RIVER BASIN COALITION

Traci Witthuhn handed out and went over her report.

H. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION

1. Report on August 19th at Holdrege. Minutes from this meeting were included in Witthuhn's hand out.

I. OTHER AGENCIES OR ASSOCIATIONS

1. RC&D

None.

J. LEGISLATION

1. Smith requested a volunteer from the Board to attend a Lead Group discussion with a Directors Panel in McCook on September 30th at the Bureau of Reclamation Office from 9:30 a.m. to 10:45 a.m. Moore volunteered.

GROUND WATER MANAGEMENT AREA

A. GROUND WATER MANAGEMENT AREA

1. REPORTS

(a) **WELL PERMITS**

Smith went over report.

(b) **SURFACE WATER**

Bureau's report enclosed.

(c) **METER PROGRAM**

None.

(d) **CREP**

Smith announced a notice has been received from DNR for numbers relating to CREP contracts in our District.

2. TRANSFER REQUEST

[moved to "CONSIDER VARIANCE REQUEST"]

B. GROUND WATER QUALITY MANAGEMENT AREA

Smith reported that Dennis Petersen is collecting samples now to test for nitrates and bacteria.

C. OTHER GROUND WATER ACTIVITY

None.

PROGRAMS

A. CONSERVATION MANAGEMENT FUNDS

Smith went over Cost-Share Report.

- ◆ A motion was made by Anderjaska and seconded by Haag to approve Cost Share Report.

Ayes – 11 Nays – 0 Motion Carried

B. WATERSHEDS

Covered under the NRCS report.

C. COMPLAINTS

Beverly Nutter’s runoff complaint. Notice has been sent to Brett Wood but we have not met with him yet. Merrigan and Marty Gugleman with NRCS will be meeting with him to come up with a plan to correct the runoff issue.

D. CHEMIGATION

None.

E. TREE PLANTING

None.

F. BUFFER STRIPS

Merrigan reported that money is available if any wants to look into it. New contracts are being done now.

G. LIVESTOCK WASTE CONTROL APPLICATIONS

Merrigan reported on the Heartland Cattle Company’s remodeling of their lagoon system.

- ◆ A motion was made by Anderjaska and seconded by Spencer to accept the Livestock Waste Control Application for Heartland Cattle Company with the condition that a monitoring well be installed.

Ayes – 11 Nays – 0 Motion Carried

GENERAL OPERATIONS

a. PERSONNEL

None.

b. SALES AND RENTAL EQUIPMENT

None.

The meeting was adjourned at 9:23 PM.

The next regular meeting and budget hearing will be held Tuesday, October 14, 2008 at 7:30 P.M. in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

Stacie M. Owens
Board Secretary