

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, June 9, 2009
Curtis, Nebraska

Board Members Present: Josh Friesen, Kevin Fornoff, Dan Nelsen, Marty Schurr, Joe Anderjaska, Brad Randel, James Uerling, Rick McConville, Buck Haag, Benjie Loomis, Rick Spencer

Board Members Absent: None

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

NRCS Staff: None

Others: Traci Witthuhn, Roger Stockton, Brad Edgerton, Raymond Durner, William M. Barger, Brad Johnson, Jerrod Burke, Larry Burke, Clifford Houser, Mark Christensen

Information E-mailed to Directors

E-notes dated May 12, 19, 27 and June 2
E-mail from Steve Chick dated May 22nd
Minutes from NNRC Meeting, May 14th

Legislative Updates dated May 15, 22 and 29
PR Meeting Agenda & Signup

Information Mailed to Directors

Reg. Meeting Agenda
Public Hearing Agenda
Perm. Transfer Request #PT5 and PT4
Financial Report
I & E Report
Rep. River Basin Portal
Executive Committee Mtg Minutes

Minutes from May Meeting and Hearing
Variance Request #9, 4 and 6
Well Permit #MR531 & MR530
Monthly Income & Expense Rpt
Poster Contest Winner's Poster
Thank you letter from Dusty Capps
RRBC Job Description

Information Distributed at Meeting:

Draft Budget
EQIP & WRP Spreadsheets
Surface Water Report
RRBC Report

NRCS June Report
Permit to Construct Report
Cost Share Summary

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Friesen at 7:34 pm.

- a. Verify Quorum.
- b. Excused Absences – Rick McConville

◆ A motion was made by Uerling and seconded by Nelsen to excuse the absence of McConville.

Ayes- 8 Nays- 0 Motion Carried

2. The agenda and roster were circulated to those present.
 - a. **Added Items:**
 - 9.A. Repayment Request**
 - 11.B.2. PR Meeting in North Platte**
 - 13.A.2. Early Approval**
 - 14.E. Flow Meter Replacement**

3. 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. Guests should also note the location of a current copy of the statutes dealing with public meetings and the booklet with the information provided to directors.

4. The Minutes for the May 12th Regular Meeting and Variance Hearing were mailed to Directors.

- ◆ A motion was made by Fornoff and seconded by Anderjaska to approve the Minutes of the May 12th Regular Meeting with correction on Item 7, Maris vote and Variance Hearing.

Ayes- 7 Nays- 0 Abstain- Spencer Motion Carried

5. The meeting was recessed at 7:37 pm for the purpose of opening the variance hearing.

Haag and McConville arrived at 7:52 pm.

6. The meeting was reconvened at 8:06 pm.

7. CONSIDER VARIANCE REQUEST

Discussion was held.

- ◆ A motion was made by Anderjaska and seconded by Schurr to deny Variance Request No. 9-2009 submitted by Chancellor.

Ayes- 9 Nays- Nelsen Motion Carried

Discussion was held.

Randel arrived at 8:16 pm.

- ◆ A motion was made by Nelsen and seconded by Fornoff to approve Variance Request No. 6-2009 and associated Permanent Transfer PT5-2009 submitted by Larry Burke.

Ayes- 8 Nays- Haag, McConville, Uerling Motion Carried

Discussion was held.

- ◆ A motion was made by Schurr and seconded by Loomis to approve Variance Request No. 4-2009 and associated Permanent Transfer PT4-2009 submitted by Don Oppliger with net acres to be transferred of 115.

Ayes- 7 Nays- McConville, Spencer, Uerling, Haag Motion Carried

8. FINANCIAL ACTIONS

a. The May Financial and Monthly Income & Expense Reports were presented by Smith. The County Treasurer's Balance was \$294,228.23.

◆ A motion was made by Nelsen and seconded by Anderjaska to approve the May Financial and Monthly Income & Expense Reports as presented.

Ayes- 11 Nays- 0 Motion Carried

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

b. Draft 2009-2010 Budget. Smith went over changes.

9. LEGAL MATTERS

a. Case Status – LB 701 – Repayment Questions/Request.
Smith read allowed a letter received from a tax payer. He recommended the Board go into executive session to discuss and to invite Senator Christianson.

◆ A motion was made by Fornoff and seconded by Anderjaska to enter into executive session for the purpose of discussing possible litigation and to invite Senator Christensen to attend.

Ayes- 11 Nays- 0 Motion Carried

Entered Executive Session at 9:10 pm.

◆ A motion was made by Fornoff and seconded by Uerling to exit executive session.

Ayes- 11 Nays- 0 Motion Carried

Exited Executive Session at 9:19 pm.

◆ In light of the demand letter containing threatened litigation and the other unresolved issues associated with L.B. 701 reimbursements, a motion was made by Nelsen and seconded by Fornoff to direct the manager to retain legal counsel to initiate legal action, and to confer with the board on the nature of that action, to attempt to obtain a declaratory judgment or a similar decision from a court requesting the determination of the various issues involved with the reimbursement of the taxes collected under the portion of §11(1) (b) of L.B. 701 which were declared unconstitutional.

Ayes- 11 Nays- 0 Motion Carried

b. Occupation Tax Challenge – Lancaster District Court.
Nothing new.

10. OPEN FORUM

None.

11. REPORTS

A. NRCS REPORT.

1. District Cons. Report. Smith briefly went over Doug Whisenhunt's written report provided to the Board, EQIP and WRP spreadsheets.

B. NARD

1. Report – Anderjaska reported that Dan Steinkruger has resigned his directors position with NARD and that the insurance will only have to increase about 1.5%.

2. PR Meeting in North Platte. Smith reported that NARD will be holding a public relations meeting in North Platte on June 15th. Smith and Lawson will both be attending and he asked for any Board Member who would be interested. Anderjaska, Friesen and Uerling said they would plan on attending.

C. NNRC

1. Report – Nelsen reported on the May meeting. Next meeting will be July 7th in Chadron..

D. INFORMATION AND EDUCATION

1. Reports.

Lawson went over his report and answered questions.

E. REPUBLICAN RIVER BASIN COALITION

Traci Witthuhn handed out her report and answered questions.

1. Staffing. Witthuhn put together a job description of her duties and where her time is spent.

2. Budget. Witthuhn went over the projected 09-10 RRBC budget.

F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

Witthuhn reported that the next meeting will be June 18th. Fornoff and Randel are the representatives for our District.

G. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D. Roger Stockton updated the Board on the events of the RC&D and the grants they are pursuing. He also discussed tire recycling which will be held on August 15th and 22nd, South of town.

H. LEGISLATION.

1. Interim Hearings. Smith discussed some of the legislative issues which are outlined in the legislative reports that were e-mailed to board members.

I. ARBITRATION – REPORT. Smith reported that the arbitrators decision was scheduled to be out on June 17th but the arbitrator requested an extension until June 30th. States will then have 30 days to agree or disagree with the decision. Bruning will be in Holdrege on June 18th from 9:00 AM – 10:00 AM to discuss some of the arbitration.

12. GROUND WATER MANAGEMENT AREA

A. GROUND WATER MANAGEMENT AREA

1. REPORTS

(a) WELL PERMITS

Report enclosed.

(b) **SURFACE WATER**
Bureau's report enclosed.

(c) **METER PROGRAM**
None.

2. TRANSFERS REQUESTS.

(a) **INITIAL REVIEW LIST –None.**
(b) **FINAL REVIEW – See Hearing.**

3. ACREAGE REDUCTION PROGRAM.

Merrigan reported that the subordinate agreements were being completed now and then they will work on easements.

B. GROUND WATER QUALITY MANAGEMENT AREA

None.

C. OTHER GROUND WATER ACTIVITY

None.

13. PROGRAMS

A. CONSERVATION MANAGEMENT FUNDS

1. Approve Applications. Smith went over Cost-Share Report.

Haag exited meeting at 10:26 pm.

- ◆ A motion was made by Fornoff and seconded by Spencer to approve the Cost Share Report.

Ayes – 10 Nays – 0 Motion Carried

Haag reentered meeting at 10:28 pm.

2. Early Approval. Smith went over the early approval requests submitted by Hopewell Farms, Inc. and Karen Dack.

- ◆ A motion was made by Uerling seconded by McConville to approve the early approval requests from Hopewell Farms, Inc. and Karen Dack for 09-10.

Ayes – 11 Nays – 0 Motion Carried

B. WATERSHEDS

1. 80A. Nothing further to report.

2. 32A. Nothing further to report.

C. COMPLAINTS

None.

D. CHEMIGATION

Smith reported the technicians are doing inspections.

E. TREE PLANTING

Smith reported that the final numbers were being generated and we should have that report at the next meeting.

F. BUFFER STRIPS

None.

G. LIVESTOCK WASTE CONTROL APPLICATIONS

None.

14. GENERAL OPERATIONS

A. PERSONNEL.

None.

B. SALES AND RENTAL EQUIPMENT

Skid loader has been delivered.

C. VEHICLE.

Merrigan reported that he would try to work out a time to pick it up next week.

D. CENTRAL AIR UNIT REPLACEMENT.

Smith provided the Executive Committee Report.

- ◆ A motion was made by Anderjaska and seconded by Loomis to reaffirm the Executive Committee’s decision to go with Brown’s for the replacement of the central air unit.

Ayes – 11 Nays – 0 Motion Carried

E. FLOW METER REPLACEMENT

Smith reported that the flow meter unit at the McCook office no longer works. Merrigan researched replacement cost of the unit and it will be \$5,463.

- ◆ A motion was made by Fornoff and seconded by Loomis to approve the replacement of the ultrasonic flow meter unit.

Ayes – 9 Nays – Schurr, Anderjaska Motion Carried

The meeting was adjourned at 10:41 pm.

The next regular meeting will be held Tuesday, July 14, 2009 at 7:30 pm in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

Stacie M. Owens
Board Secretary