

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, March 13, 2012, 1:30 p.m.
Tri-Basin Natural Resources District

CALL TO ORDER

The regular monthly board meeting of the Tri-Basin Natural Resources District (NRD) was called to order by Chairman Dave Nickel, at 1:30 p.m. Nickel noted Public Meeting Law is posted in the boardroom.

ROLL CALL

Roll call was taken with ten directors present: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Nickel, Olsen and Raffety. Reynolds arrived at 1:35. Winz and Helms were absent. Notice of the meeting was published in the Holdrege Citizen, Bertrand Herald, Elwood Bulletin and the Minden Courier and announced over radio stations KRVN, Lexington and KUVR, Holdrege.

EXCUSE ABSENCES

There were no absences to excuse.

MINUTES

Nickel presented the minutes of the February 21, 2012 Special and Regular Board of Director's Meeting and Planning Committee Meeting and February 29, 2012 Executive Committee Meeting.

Moved by Johnson, seconded by Olsen, to approve the minutes for the February 21, 2012 Regular Board of Directors Meeting. Motion carried.

AYE: Bergstrom, Garrelts, Johnson, Larson, Lundeen, Nelson, Olsen and Nickel

NAY: None

ABSTAIN: Harris and Raffety

ABSENT: Reynolds, Helms and Winz

Moved by Lundeen, seconded by Garrelts, to approve the minutes for the February 21, 2012 Special Regular Board of Directors Meeting. Motion carried.

AYE: Bergstrom, Garrelts, Johnson, Larson, Lundeen, Nelson and Olsen

NAY: None

ABSTAIN: Harris, Raffety and Nickel

ABSENT: Reynolds, Helms and Winz

Moved by Johnson, seconded by Larson, to approve the minutes for the February 21, 2012 Planning Committee Meeting. Motion carried unanimously.

Moved by Garrelts, seconded by Lundeen, to approve the minutes for the February 29, 2012 Executive Committee Meeting. Motion carried unanimously.

FINANCIAL REPORT

Garrelts presented the financial report for the month of February 2012 as follows:

Accrual Expenditures for Month	\$105,047.48
Cash Expenditures for Month.....	\$106,940.65
Accrual Revenues for Month.....	\$76,112.43
Cash Revenues for Month.....	\$75,222.68
Bank Balance—February 29, 2012.....	\$72,288.87
Accounts Receivable – February 29, 2012.....	\$14,166.78
Investments – February 29, 2012.....	\$203.55
Investments – Pinnacle Bank – February 29, 2012.....	\$1,022,387.41
Whiskey Slough IPA Balance – February 29, 2012.....	\$17,448.75
Fort Kearny-West IPA Balance – February 29, 2012.....	\$6,189.17

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South Dry Creek IPA Balance – February 29, 2012-----	\$8,483.70
Fort Kearny IPA Balance – February 29, 2012-----	\$12,422.38
North Dry Creek IPA Balance – February 29, 2012-----	\$16,119.51
Sacramento Creek IPA Balance – February 29, 2012-----	\$31,583.95

Moved by Larson, seconded by Raffety, to accept the February 2012 financial reports and file for audit. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Nickel

NAY: None

ABSTAIN: None

ABSENT: Reynolds, Helms and Winz

SPECIAL BILLS

Thorburn presented the VISA and NRRMD bills for approval. Garrelts asked that when the NRRMD Conjunctive Management Study is complete, a presentation should be made to the board on the results.

Moved by Johnson, seconded by Garrelts to approve the visa bills. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Moved by Lundeen, seconded by Garrelts to approve the NRRMD bill. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

NRCS REPORT

FSA Farm Plans: There were no farm plans to approve.

Activity and Progress Report: Breece reported staff has been working on EQIP and CSP applications and earthwork projects have started because of the early spring.

COST SHARE REPORT

Well Abandonment – Holloway presented eight well decommissioning cost-share applications to approve. There was discussion about how to adjust the NRD budget to account for over obligation of budgeted well decommissioning cost-share funds. Thorburn stressed the importance of properly decommissioning wells. Moved by Raffety, seconded by Lundeen to approve well decommissioning cost-share applications #66-#73. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Moved by Lundeen, seconded by Garrelts to use unobligated Conservation Tree Fund Cost-Share to supplement the Well Decommissioning Cost-Share fund as needed. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

NSWCP & NRD Applications – Thorburn presented three NSWCP, two requests for second extensions and a Nebraska Bufferstrip application. Thorburn mentioned the Dean Kring application got lost in the mail and should have been approved in February. Lynch explained landowners requested 2nd extensions due to delays associated with contractors. Moved by Garrelts, seconded by Raffety to approve three NSWCP cost-share applications (Arlyn Reiker - \$2260, Erick Ray Erickson Jr. - \$300 and Dean Kring - \$2620. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Moved by Olsen, seconded by Reynolds to approve two NSWCP 2nd extensions for St. Michael's Church and Merna Smith. Motion carried.

AYE: Bergstrom, Harris, Johnson, Larson, Lundeen, Olsen, Reynolds and Nickel

NAY: Garrelts, Nelson and Raffety

ABSTAIN: None

ABSENT: Helms and Winz

Moved by Bergstrom, seconded by Larson to approve a Nebraska Bufferstrip application for Josh Cederberg. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers – Thorburn presented two ground water transfer requests for SK&M Farms and two irrigated acre transfer requests for MBJL Ltd. And SKM Farms. Kirk Petersen and Merle & Barbara Pheiffer were present to answer questions. Thorburn will meet with the Gosper County Board to report on transfers on March 28, 2012. Thorburn reported that Jeff Cox spoke with Gosper and Phelps County Assessors and they are willing to collect back taxes for up to three years if TBNRD requires payment of back taxes.

Moved by Garrelts, seconded by Harris to approve groundwater transfer requests for SK&M Farms and certified irrigated acre transfer requests for MBJL Ltd and SK&M Farms. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Moved by Nelson seconded by Johnson to require payment of up to three years back taxes on any corrections to certified irrigated acres that the board may approve in the future. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

New Well Variances – There were no well variances to approve.

Educational Land Leases – There were no Educational Land Leases to approve.

OTHER BUSINESS

The public was given the opportunity to bring other specific business or non-agenda items before the board for comment and/or discussion.

UNFINISHED BUSINESS

Consider Contribution Request from Phelps County Prosperity Project: Thorburn explained that, as requested by legal counsel, committee items that entail substantive policy changes will be listed as separate agenda items.

Moved by Johnson, seconded by Bergstrom to approve the Executive Committee's recommendation to not contribute to the Phelps County Prosperity Project. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Consider Recommendation from Executive Committee to Revise NRD By-Laws: Thorburn noted an error on the proposed by-laws changes. The board asked that the correction be made and the item added to the April 2012 agenda.

Consider Recommendation for Executive Committee to Revise NRD Personnel Policy: Thorburn reviewed changes to the personnel manual page by page. The changes include:

1. Wording about Drug Free Work Place Policy training and forms was taken out because there is no training or form, but employees are required to acknowledge the policy in writing.
2. Clarification of Office Hours from 8 a.m. to 5 p.m. Monday-Friday.
3. Job Titles were changed and added in relation to positions listed as exempt from overtime because they are salaried - effective when Holloway retires.
4. Clarification of weather closing policy.
5. Revision to definitions of employee classifications
6. Clarification of when severance pay applies.
7. Clarification of health insurance benefits when an employee terminates.
8. Changes to benefits available to part-time employees.
9. Revisions to performance evaluation requirements.
10. Change that allows employees to take annual/sick leave in 15 minute increments as opposed to one hour increments.
11. Clarification of Funeral Leave.

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12. Revision of Leave Donation policy to align with Family Medical Leave Policy. Family Medical Leave was modified to comply with current law.
13. Clarification of liability when using a personal vehicle to conduct District business and clarification of use of District equipment.
14. Inclusion of "Accountable Reimbursement Plan" adopted by TBNRD as request of auditor.

Raffety commented that if TBNRD changes property insurance companies, assignment of liability for use of personal vehicle while on District business should be revisited.

Moved Reynolds, seconded by Bergstrom to approve the Executive Committee's recommendation to approve the Personnel Policy Manual as amended. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Consider Recommendation from Executive Committee to Revise NRD Personnel Structure: Thorburn explained proposed changes that will occur with the retirement of Holloway. Little will take on Holloway's current technical duties and Fahrenbruch will take over his administrative duties. Committee involvement and meeting attendance will be assigned over time and the Assistant Manager position will remain open. Thorburn mentioned Fahrenbruch will have to be bonded. A permanent and seasonal water technician will also need to be hired.

Moved by Johnson, seconded by Bergstrom to approve the Executive Committee's recommendation to approve the revised NRD Personnel Structure effective July 1, 2011. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Review Revision to Draft Republican Basin IMP: Thorburn explained that NDNR wants to add surface water control wording to the joint IMP. Their attorneys discovered this missing wording during review of the last draft. Thorburn reviewed the added surface water control wording with the board. It would be added on page 18 of the Draft Joint Republican Basin IMP.

Moved by Johnson, seconded by Raffety to approve NDNR's proposed change to the Republican Basin Joint IMP that adds wording about surface water controls. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Review Request from URNRD for Radio Campaign: Thorburn explained three districts committed to funding (one at a reduced rate) and four districts are still deciding. The funding contribution of \$5000 would be for a series of three radio commercials (airing mainly in Omaha area) promoting groundwater management. Nelson noted that NARD has \$100,000 budgeted for public relations. A motion was not made to support the ad campaign.

NARD REPORT

Nelson reported on the NARD meeting included a tour of Thirty Mile Canal and Monsanto facility. Nelson suggested the Board of Directors tour the Thirty Mile Canal/Monsanto facility and hold the board meeting at the Monsanto office.

COMMITTEE REPORTS

Executive Committee: Committee recommendations from the February 29, 2012 Committee meeting were discussed under "Unfinished Business".

STAFF REPORTS & NECESSARY ACTION

Board Directives to Staff: There were no staff reports to review.

Out-of-State Travel: There was no out-of-state travel to approve.

MONTHLY REPORTS

Republican Basin (NRRMD): Water Sustainability Task Force met February 24, 2012 in Lincoln. The next NRRMD meeting will be held at TBNRD.

Platte Basin: Thorburn mentioned concerns about the Plum Creek Cemetery which is located next to the proposed J2 Reregulation Reservoir. Thorburn reported the North Dry Creek Streamflow Augmentation project will start running soon. Reynolds commented that TBNRD should utilize the KAAPA pipeline to divert flows from Lost Creek to get offset credit. Thorburn commented that KAAPA is considering the proposal. Raffety commented that we should make sure that TBNRD doesn't get penalized for not running the project when NDNR advises not to pump.

South Dry Creek: IPA Meeting was held March 2, 2012. Thorburn will meet with Randy Smith, Kearney Co. Road Dept., to discuss placement of a new culvert.

Sacramento Creek: IPA Meeting was held March 2, 2012. Additional work planned, so assessment was not eliminated.

Middle Lost Creek: Thorburn will meet with Randy Smith, Kearney Co. Road Dept.

Fort Kearny West: : IPA Meeting was held March 2, 2012.

Fort Kearny: : IPA Meeting was held March 2, 2012. Cleanout work planned for this fall.

North Dry Creek: : IPA Meeting was held March 2, 2012. Committee wants estimates for cleanout further west on North Dry Creek.

Whiskey Slough: : IPA Meeting was held March 2, 2012.

Lake Seldom: Nothing to report.

CoHyst/PBHEP: Nothing to report.

Weed Management Areas – Riparian Vegetation Task Force: Weed Management Areas are looking for a State-Wide Coordinator.

Sand Creek/Little Blue Basin: Letter was sent to engineering companies explaining the delay in accepting proposals.

CNPPID: Ford reported Lake McConaughay is at elevation 3255 and 83% of capacity.

NEW BUSINESS

Consider Whether to Require Landowners to Reduce Certified Irrigated Acres if Constructing a Feedlot: Thorburn reported two landowners contacted him about constructing feedlots and had questions about associated irrigated acres. Currently, TBNRD has policy about converting existing feedlots to irrigated land, but doesn't have a policy about retiring certified irrigated acres when a feedlot is constructed. One of the locations is in Union Township. One of the landowners questioned whether he could sell certified irrigated acres. Moved by Olsen, seconded by Reynolds to have the Planning Committee develop a recommendation for policy for converting certified irrigated acres to a feedlot. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Consider Whether to Require Landowners to Identify a Water Source for Certified Irrigated Acres: Thorburn reported that because of Nebraska Republican Basin Compact reporting requirements, certified irrigated acres need to have a water source associated with the acres. TBNRD certified some irrigated acres, but no well or water source is associated with these acres. Thorburn asked the board if identifying a water source should be a conditional for maintaining certified acres and if a deadline should be set. Currently, TBNRD's database identifies water sources on most acres. Nickel suggested sending to committee. Landowners should be able to transfer acres if no water source is identified.

Moved by Garrelts, seconded by Bergstrom to have the Planning Committee develop a recommendation for policy requiring landowners to identify a water source for certified irrigated acres or risk losing the acres. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Consider IPA Assessments for FY 2012-2013: Thorburn reviewed proposed FY 2012-2013 IPA assessments as discussed at the IPA Steering Committee meetings. Moved by Raffety, seconded by Olsen to set the FY 2012-2013 IPA Assessments for Fort Kearny - \$.00, Fort Kearny West - \$.15, North Dry Creek - \$.15, Sacramento Creek - \$.05, South Dry Creek - \$.15, and Whiskey Slough - \$.05. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

PERSONNEL & LEGAL MATTERS

Moved by Garrelts, seconded by Johnson to move to executive session for the protection of the public to discuss contractual issues at 3:22. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

Moved by Garrelts, seconded by Lundeen to move out of executive session for the protection of the public to discuss contractual issues at 4:20. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Helms and Winz

COMMENTS AND CONCERNS

There were no comments or concerns.

NEXT BOARD MEETING

TBNRD Regular Board Meeting will be held on Tuesday, April 10, 2012 at 7:30 p.m., at Tri-Basin NRD.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:26 p.m.

DIRECTORS PRESENT

Brian Bergstrom, Todd Garrelts, Ed Harris, Phyllis Johnson, Joe Larson, Brad Lundeen, David Nelson, David Nickel, Dave Olsen, Dave Raffety and Larry Reynolds.

OTHERS PRESENT

John Thorburn, Carie Lynch, Nicole Salisbury, Kevin Breece, Richard Holloway, Dave Ford, Kirk Petersen, Merle Pfeiffer, Barbara Pfeiffer, Ruth Nielsen and David Haferer.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
 TRI-BASIN NATURAL RESOURCES DISTRICT
 BOARD OF DIRECTORS MEETING
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Motion #	Category	Subject	Aye	Nay	Abst	Motion
2012-03-13-1	Meeting Administration		8		2	Moved by Johnson, seconded by Olsen, to approve the minutes for the February 21, 2012 Regular Board of Directors Meeting. Motion carried.
2012-03-13-2	Meeting Administration		7		3	Moved by Lundeen, sseconded by Garrelts, to approve the minutes for the February 21, 2012 Special Regular Board of Directors Meeting. Motion carried.
2012-03-13-3	Meeting Administration					Moved by Johnson, seconded by Larson, to approve the minutes for the February 21, 2012 Planning Committee Meeting. Motion carried unanimously.
2012-03-13-4	Meeting Administration					Moved by Garrelts, seconded by Lundeen, to approve the minutes for the February 29, 2012 Executive Committee Meeting. Motion carried unanimously.
2012-03-13-5	Meeting Administration		11			Moved by Larson, seconded by Raffety, to accept the February 2012 financial reports and file for audit. Motion carried.
2012-03-13-6	Budget		11			Moved by Johnson, seconded by Garrelts to approve the visa bills. Motion carried.
2012-03-13-7	Budget		11			Moved by Lundeen, seconded by Garrelts to approve the NRRMD bill. Motion carried.
2012-03-13-8	Meeting Administration		11			Moved by Raffety, seconded by Lundeen to approve well decommissioning cost-share applications #66-#73. Motion carried.
2012-03-13-9	Budget	Well Decomissioning	11			Moved by Lundeen, seconded by Garrelts to use unobligated Conservation Tree Fund Cost-Share to supplement the Well Decommissioning Cost-Share fund as needed. Motion carried.
2012-03-13-10	Meeting Administration		11			Moved by Garrelts, seconded by Raffety to approve three NSWCP cost-share applications (Arlyn Reiker - \$2260, Erick Ray Erickson Jr. - \$300 and Dean Kring - \$2620. Motion carried.
2012-03-13-11	Meeting Administration		8	3		Moved by Olsen, seconded by Reynolds to approve two NSWCP 2 nd extensions for St. Michael's Church and Merna Smith. Motion carried.
2012-03-13-12	Meeting Administration		11			Moved by Bergstrom, seconded by Larson to approve a Nebraska Bufferstrip application for Josh Cederberg. Motion carried.
2012-03-13-13	Certification & Transfers	SK&M and MBJL	11			Moved by Garrelts, seconded by Harris to approve groundwater transfer requests for SK&M Farms and certified irrigated acre

						transfer requests for MBJL Ltd and SK&M Farms. Motion carried.
2012-03-13-14	Policies – By-Laws and River Basins	Back taxes	11			Moved by Nelson seconded by Johnson to require payment of up to three years back taxes on any corrections to certified irrigated acres that the board may approve in the future. Motion carried.
2012-03-13-15	Budget	Phelps County Prosperity Project	11			Moved by Johnson, seconded by Bergstrom to approve the Executive Committee’s recommendation to not contribute to the Phelps County Prosperity Project. Motion carried.
2012-03-13-16	Personnel	Personnel Policy Manual	11			Moved Reynolds, seconded by Bergstrom to approve the Executive Committee’s recommendation to approve the Personnel Policy Manual as amended. Motion carried.
2012-03-13-17	Personnel	Personnel Structure	11			Moved by Johnson, seconded by Bergstrom to approve the Executive Committee’s recommendation to approve the revised NRD Personnel Structure effective July 1, 2011. Motion carried.
2012-03-13-18	District Plans & Programs	Republican Basin IMP	11			Moved by Johnson, seconded by Raffety to approve NDNR’s proposed change to the Republican Basin Joint IMP that adds wording about surface water controls. Motion carried.
2012-03-13-19	Policies – By-Laws	Feedlot	11			Moved by Olsen, seconded by Reynolds to have the Planning Committee develop a recommendation for policy for converting certified irrigated acres to a feedlot. Motion carried.
2012-03-13-20	Policies – By-Laws	Identify Water Source	11			Moved by Garrelts, seconded by Bergstrom to have the Planning Committee develop a recommendation for policy requiring landowners to identify a water source for certified irrigated acres or risk losing the acres. Motion carried.
2012-03-13-21	Projects	IPA Assessments	11			Moved by Raffety, seconded by Olsen to set the FY 2012-2013 IPA Assessments for Fort Kearny - \$.00, Fort Kearny West - \$.15, North Dry Creek - \$.15, Sacramento Creek - \$.05, South Dry Creek - \$.15, and Whiskey Slough - \$.05. Motion carried.
2012-03-13-22	Meeting Administration					Moved by Garrelts, seconded by Johnson to move to executive session for the protection of the public to discuss contractual issues at 3:22. Motion carried.
2013-03-13-23	Meeting Administration					Moved by Garrelts, seconded by Lundeen to move out of executive session for the protection of the public to discuss contractual issues.at 4:20. Motion carried.