

**LITTLE BLUE NATURAL RESOURCES DISTRICT**  
**Minutes** **January 13, 2015**

**OPENING OF MEETING – CHARLES RAINFORTH**

The directors of the Little Blue Natural Resources District met in regular session on Tuesday, January 13, 2015 at the Little Blue Natural Resources District Office, Davenport, Nebraska. Chairman Rainforth called the meeting to order at 7:35 p.m.

Rainforth led the group in the Pledge of Allegiance.

Rainforth noted that a copy of the Nebraska Open Meeting Act was posted and available for any one who may want to review the document

Roll call was held.

**DIRECTORS PRESENT**

**Board members present:**

Warren Brakhahn, James Cunningham, Ross Fisher, Lyle Heinrichs, Joe Hergott, Everett Kellogg, Marlin Kimle, Kevin Kissinger, Sacha Lemke, Lyle Schroer, Matt Spencer, Gene Thomas, Randy Uhrmacher, Alan Wiedel and Charles Rainforth.

**Directors Absent:**

Edward Fleharty and Neal Hoff.

**OTHERS PRESENT**

Mike Onnen, Daryl Andersen, Kevin Orvis, Kent Thomas, Marie Herbek, Amy Wenske, Marlene Faimon, Terry Madson, Carl Watts, Stu Luttich, Andy Raun, Craig Capler ; Janet Valasek and Ken Burgert representing NRCS.

The oath of office was administered to all newly elected Board members.

**ANNOUNCEMENT OF OFFICIAL DISTRICT PUBLICATIONS FOR NOTICES**

The *Hastings Tribune* and *Fairbury Journal News* are the two newspapers in the District used to publish meeting notices and district expenditures for both the District and Rural Water Projects. The other publications in the District are used for various news releases, etc. Legal notice of the January meeting was provided to the *FAIRBURY JOURNAL NEWS* and the *HASTINGS TRIBUNE*. The agenda was provided to all board members, radio, television and newspapers in the District, posted at the NRCS offices in the District and Little Blue NRD office and on the district website.

**ACTION TO ADOPT BOARD MEETING AGENDA**

**MOTION # 1 – Brakhahn moved, seconded by Heinrichs to approve the agenda for the January 13, 2015 meeting as presented.** Carried by roll call vote – 15 yes votes.

## **ACTION TO APPROVE CONSENT AGENDA ITEMS**

### **Acceptance of Board Member Absences**

Onnen noted Hoff and Fleharty had notified the office of their intended absence and were excused.

### **Minutes of December 9, 2014 Board Meeting**

There were no changes to the minutes.

**MOTION # 2 – Heinrichs moved, seconded by Wiedel to approve the absences of Hoff and Fleharty and the minutes of December 9, 2014.** Carried by roll call vote – 15 yes votes.

## **ACTION TO APPROVE TREASURER'S REPORT – Randy Uhrmacher**

Copies of the Little Blue NRD Treasurer's Report were circulated. Uhrmacher reviewed the report.

**MOTION # 3 – Cunningham moved, seconded by Hergott to approve the report and payment of bills as presented.** Carried by roll call vote – 15 yes votes.

Uhrmacher reviewed the Little Blue Public Water Project Treasurer's Report.

**MOTION # 4 - Hergott moved, seconded by Brakhahn to approve the report and payment of bills as presented.** Carried by roll call vote – 15 yes votes.

Uhrmacher reviewed the Little Blue Public Water Project - South Treasurer's Report. **MOTION # 5 - Uhrmacher moved, seconded by Heinrichs to approve the report and payment of bills as presented.** Carried by roll call vote – 15 yes votes.

### **Report of Treasurer Bonding Requirements**

District policies require the District Treasurer be bonded for no less than \$50,000. The District currently retains a \$150,000 Public Official Bond for the Treasurer. The District also carries a Government Crime Policy in aggregate of \$200,000 which covers the Assistant Treasurer, General Manager, Administrative Secretary, District Secretary, all NRCS Secretaries and our Water Project Clerk. These bonds provide some protection from fraudulent actions relating to the District finances by those covered.

### **Report on District Investment Procedures**

Onnen explained the general procedures followed for making investments for the Little Blue NRD as well as for the North and South Water Projects.

## **PRESENTATION BY CRAIG CAPLES – NEBRASKA EDUCATIONAL TECHNOLOGY SERVICES**

Craig Caples of Nebraska Technology Services (NETS) gave a presentation on the use of their eMeeting program for conducting effective board meetings.

## **AGENCY REPORTS**

### **NRCS Report – Ken Burgert**

Burgert gave a brief report on the happenings in the NRCS.

## **STAFF REPORTS – Kevin Orvis**

The staff report was mailed to the Director's earlier. Orvis reviewed the report and answered questions.

## **DISTRICT APPOINTMENTS**

### **Action Regarding District's Legal Counsel**

Onnen reported to the board that Charles Shoemaker, with the assistance of Adam Pavelka, has represented the Little Blue NRD since 1985 and is interested in continuing to do so. His fee for 2015 will be \$150.00 per hour. **MOTION # 6 – Thomas moved, seconded by Uhrmacher to retain the Charles Shoemaker and Adam Pavelka of Hastings as the District's legal counsel for 2015 at a rate of \$150/hour and continue to use Don Blankenau on an as needed basis.** Motion carried by roll call vote – 15 yes votes

### **Report of Contract with Auditors**

The District currently has a five year contract with Schulz & Associates P.C. for conducting the annual audit. The contract began in 2014 and will expire in 2018. The annual price of the contract was \$6,950 for the first two years and \$7,275 for the last three years.

### **Report on District Insurance Coverages**

The District changed insurance carriers in July of 2014 to the League Association of Risk Management (LARM). The insurance was for a fifteen month period and will expire in October, 2015.

### **WATER RESOURCES COMMITTEE – Randy Uhrmacher**

A Water Resources Committee meeting was held prior to the regular board meeting.

### **Action on Transfer Permit for Scharchts**

One Transfer permit was presented for approval. **MOTION # 7 – Uhrmacher moved, seconded by Thomas to approve the irrigation transfer permit of Edgar and Allen Scharcht from the NW ¼ Section 4-T3N-R3W to the NE ¼ 5-T3N-R3W, Thayer County.** Carried by roll call vote – 15 yes votes.

### **Action on Variance Request for US EPA Recovery Well**

A variance request was presented for approval. **MOTION # 8 – Uhrmacher moved, seconded by Heinrichs to approve the spacing variance request of the US EPA for a groundwater recovery well installation in Section 20-T7N-R9W Adams County which is closer than the 1,000' District rule and request that EPA provide updates to the NRD as the project progresses.** Carried by roll call vote.  
Yes: Brakhahn, Cunningham, Fisher, Heinrichs, Hergott, Kellogg, Kimle, Kissinger, Schroer, Spencer, Thomas, Uhrmacher, Wiedel and Rainforth. Abstain: Lemke.

### **Action to Adopt Chemigation Rules and Regulations**

A hearing was held on January 8, 2015 to present updated Chemigation rules; one question about permit costs was received. **MOTION # 9 – Uhrmacher moved, seconded by Heinrichs to approve the new Chemigation Rules for the Little Blue NRD as presented at the public hearing held on January 8, 2015 with the effective date to be February 11, 2015.** Carried by roll call vote – 15 yes votes.

**Action to Adopt Rule Change to Chapter 11, Section E-7 Regarding Cease & Desist Orders**

A hearing was held on January 8, 2015 on the proposed change to Chapter 11, Section E-7, there was no public comment on the revised rule. **MOTION # 10 – Uhrmacher moved, seconded by Cunningham to approve the change to Chapter 11, Section E-7 of the Rules and Regulations for Enforcement of the Groundwater Management Area which provides that the District may, upon three (3) day’s notice to a violator, stating the contemplated action and in general the grounds therefore, and upon reasonable opportunity to be heard, issue cease and desist orders to enforce the rules and regulations of the District in accordance with Revised Statute 46-707 & 46-708.** Carried by roll call voter – 15 yes votes.

**Action to Approve Kenesaw Water Quality Sub-Area and Associated Rules**

A public hearing was held January 6, 2015 on the proposed Kenesaw/Prosser Water Quality Sub-Area, no public comments were received. **MOTION # 11 – Uhrmacher moved, seconded by Fisher to approve the Order adopting the Kenesaw/Prosser Level II Water Quality Sub-Area which describes the land area to be included in the sub-area and the regulations to be implemented to manage groundwater nitrates with effective date to be February 11, 2015.** Carried by roll call vote – 15 yes votes

**Action to Approve Carleton/Davenport/Shickley Sub-Area and Associated Rules**

A public hearing was held January 8, 2015 on the proposed Carleton/Davenport/Shickley Water Quality Sub-Area, no comments were received. **MOTION # 12 – Uhrmacher moved, seconded by Kissinger to approve the Order adopting the Carleton/Davenport/Shickley (CDS) Level II Water Quality Sub-Area which describes the land area to be included in the sub-area and the regulations to be implemented to manage groundwater nitrates with effective date to be February 11, 2015.** Carried by roll call vote – 15 yes votes.

**EXECUTIVE COMMITTEE REPORT**

An Executive Committee meeting was held prior to the regular board meeting.

**Action on Bids for New Pickup**

Bids were let for a new ¾ ton pickup, 10 bids were received. **MOTION # 13, Uhrmacher moved, seconded by Cunningham to accept the bid of \$27,883.20 on a 2015 Ford F-250 ¾ Ton diesel extended cab pickup from Kenesaw Motors of Kenesaw.** Failed by roll call vote. Yes: Cunningham, Lemke, Uhrmacher and Rainforth. No: Brakhahn, Fisher, Heinrichs, Hergott, Kellogg, Kimle, Kissinger, Schroer, Spencer, Thomas and Wiedel.

**MOTION # 14, Kissinger moved, seconded by Fisher to accept the bid of \$21,070.32 on a 2015 Ford F-250 ¾ Ton 4X4 XLT extended cab pickup from Kenesaw Motors of Kenesaw.** Carried by roll call vote. Yes: Cunningham, Fisher, Heinrichs, Hergott, Kellogg, Kimle, Kissinger, Schroer, Spencer, Thomas, Uhrmacher, Wiedel and Rainforth. No: Brakhahn and Lemke.

**Action on Bids for Field Equipment**

Bids were received for a new 4 x 4 Side by Side. **MOTION # 15 – Uhrmacher moved, seconded by Heinrichs to accept the bid of \$7,995 on a 2015 Honda Pioneer 500 4-Wheeler from Garber Honda of Fairbury.** Carried by roll call vote. Yes: Brakhahn, Fisher, Heinrichs, Hergott, Kellogg, Kimle, Kissinger, Lemke, Spencer, Thomas, Uhrmacher, Wiedel and Rainforth. No: Cunningham. Abstain: Schroer.

**MOTION # 16 – Kissinger moved, seconded by Brakhahn to accept the bid of \$ 1,375 on a 2015 H & H steel utility trailer from 81 Trailer Sales of Hebron.** Carried by roll call vote – 15 yes votes.

### **Action on Insurance – Values of Covered Property**

A field inspection was conducted by LARM of the District's properties and equipment to determine if the insured values were correct and current. The appraisals show some of our properties are under-covered. **MOTION # 17 – Thomas moved, seconded by Wiedel to table this action until further information is gathered.** Carried by roll call vote – 15 yes votes.

### **ACTION ON BATHYMETRIC SURVEY BIDS**

Authorization was given to receive quotes for bathymetric surveys for the lake at Good Samaritan Village and Prairie Lake, four quotes were received. **MOTION # 18 – Brakhahn moved by Kissinger to approve the quote of FYRA Engineering for conducting the bathymetric surveys of the Good Samaritan Village Lake and Prairie Lake in the amount not to exceed \$2,910, and sign the agreement with the Nebraska Department of Environmental Quality for the reimbursement of the costs of the surveys.** Carried by roll call vote – 15 yes votes.

### **LEGISLATIVE ACTIVITY REPORT – Mike Onnen**

Onnen reviewed legislative bills that relate to the NRD's.

### **NOMINATIONS COMMITTEE REPORT**

The Nominations Committee –Warren Brakhahn, Sacha Lemke and Joe Hergott met to select candidates for Board positions for the year 2015.

### **ELECTION OF BOARD OFFICERS AND REPRESENTATIVES**

The Committee proposed the names of Ed Fleharty and Charles Rainforth for the position of Board Chairman. Rainforth asked for further nominations from the floor. There being none, the nominations were closed and a ballot vote taken. Fleharty – 7 votes, Rainforth – 8 votes. Rainforth was declared Chairman.

For the position of Vice Chairman the Committee proposed moving the second place winner of the Chairman position to Vice-Chairman. Rainforth asked for further nominations from the floor. There being none the nominations were closed. **MOTION # 19 – Wiedel moved, seconded by Cunningham to waive the rules and cast a unanimous ballot for Edward Fleharty as Vice-Chairman. Chairman Rainforth called for a show of support and Edward Fleharty was declared the Vice-Chairman by acclamation.**

For the position of Treasurer the Committee proposed Neal Hoff to serve again. Rainforth asked for further nominations from the floor. There being none the nominations were closed. **MOTION # 20 – Thomas moved, seconded by Cunningham to waive the rules and cast a unanimous ballot for Neal Hoff as Treasurer. Chairman Rainforth called for a show of support and Neal Hoff was declared the Vice-Chairman by acclamation.**

The Committee proposed the names of Randy Uhrmacher and Marlin Kimle for the position of Secretary. Rainforth asked for further nominations from the floor. There being none, the nominations were closed and a ballot vote taken. Uhrmacher – 8 votes, Kimle – 7 votes. Uhrmacher was declared Secretary.

**APPOINTMENT OF VOTING DELEGATE FOR NARD LEGISLATIVE CONFERENCE**

Lyle Heinrichs agreed to remain as the representative to the NARD with Charles Rainforth as the alternate. Brakhahn asked for further nominations from the floor. There being none, the nominations were closed. **MOTION # 19 – Hergott moved, seconded by Cunningham to waive the rules and cast a unanimous ballot for Lyle Heinrichs as the District’s Representative to the NARD and Charles Rainforth as the alternate. Chairman Rainforth called for a show of support and Lyle Heinrichs was declared the NARD Representative and Charles Rainforth the NARD alternative representative by acclamation.**

**BOARD DEVELOPMENT – BOARD/COMMITTEE FUNCTION AND PROCEDURES**

Onnen gave a presentation on the board and committee functions.

**STANDING COMMITTEE SELECTIONS**

The board members were asked to turn their committee preference in to the Chairman. The assignments will be made by the Chairman.

**ADJOURNMENT**

Rainforth adjourned the meeting at 10:05 P.M.

COUNTY OF THAYER     )  
                                                          )  
STATE OF NEBRASKA    )

I, the undersigned, Secretary of the Little Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on January 13, 2015, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that a copy of the Nebraska Open Meetings Act was posted and available to the public; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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