

**LITTLE BLUE NATURAL RESOURCES DISTRICT**  
**Minutes** **January 9, 2018**

**OPENING OF MEETING – RANDY UHRMACHER**

The directors of the Little Blue Natural Resources District met in regular session on Tuesday, January 9, 2018 at the Little Blue Natural Resources District Office, Davenport, Nebraska. Chairman Uhrmacher called the meeting to order at 7:30 p.m.

Uhrmacher led the group in the Pledge of Allegiance.

Uhrmacher 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, Edward Fleharty, Lyle Heinrichs, Joe Hergott, Mason Hoffman, Marlin Kimle, Kevin Kissinger, Jay Meyer, Charles Rainforth, Lyle Schroer, Matt Spencer, Gene Thomas, Jesse Von Spreckelsen, Alan Wiedel and Randy Uhrmacher.

**Board members absent:**

Everett Kellogg and Steven Shaw.

**OTHERS PRESENT**

Mike Onnen, Kevin Orvis, Marie Herbek, Kent Thompson, Marlene Faimon; Janet Valasek representing NRCS and numerous members of the public.

**ANNOUNCEMENT OF OFFICIAL DISTRICT PUBLICATIONS FOR NOTICES**

Legal notice of the regular meeting was provided to the *FAIRBURY JOURNAL NEWS* and the *HASTINGS TRIBUNE*. The agenda was mailed to all board members, radio, television and newspapers in the district and posted at the NRCS offices in the district and the Little Blue NRD office.

**ADOPTION OF BOARD MEETING AGENDA**

**MOTION # 1 – Heinrichs moved, seconded by Rainforth to approve the agenda for the January 10, 2017 meeting as presented.** Carried by roll call vote – 15 yes votes.

**CONSENT AGENDA ITEMS**

**Acceptance of Board Member Absences**

Onnen noted Kellogg and Shaw had notified the office of their intended absence.

## **Minutes of December 12, 2017 Board Meeting**

There were no changes to the minutes.

**MOTION # 2 – Brakhahn moved, seconded by Heinrichs to approve the absence of Kellogg and Shaw and the minutes of December 12, 2017 as circulated.** Carried by roll call vote – 15 yes votes.

## **PUBLIC COMMENT**

No comments were received.

## **ACTION TO APPROVE TREASURER'S REPORT – Warren Brakhahn**

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

**MOTION # 3 – Brakhahn moved, seconded by Rainforth to approve the financial report and payment of bills for the period of December 12, 2017 through January 9, 2018, except that each director who has per diem and/or reimbursement of expenses included in such financial report, abstains from voting for the approval of his personal per diem and/or expense reimbursement.**

Carried by roll call vote – 15 yes votes.

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

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

Brakhahn reviewed the Little Blue Public Water Project - South Treasurer's Report. **MOTION # 5 - Brakhahn moved, seconded by Rainforth 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 others authorized to handle district funds including the Assistant Treasurer, General Manager, Administrative Secretary, District Secretary, all NRCS Secretaries and our Water Project Clerk. These bonds provide some protection to the district 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.

## **AGENCY REPORTS**

### **NRCS Report – Janet Valasek, Nuckolls County**

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

## **STAFF REPORTS – Marlene Faimon**

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

## **DISTRICT APPOINTMENTS**

### **Report of District Legal Counsel**

Onnen reported to the board that the District retains legal counsel for various legal services and has no general counsel named at this time. Only the Chairman, Manager or their designees are authorized to seek legal counsel regarding District business. The District has used Don Blankenau on specific water related issues and Cline-Williams on specific personnel matters in the past. **MOTION # 6 – Kissinger moved, seconded by Brakhahn to retain Don Blankenau and Cline Williams for legal services on an as needed basis.** Carried by roll call vote – 15 yes votes

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

The District signed 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.

### **PROJECTS AND PLANNING COMMITTEE REPORT – Marlin Kimle**

The Projects and Planning Committee met prior to the regular meeting.

#### **Action on Water Sustainability Fund Project Contracts**

Several oxbow reconnection recharge projects have been approved through the Water Sustainability Fund administered through the Water Sustainability Fund. **MOTION # 7 – Kimle moved, seconded by Fleharty to approve the Grant Award Agreement Application # 5197 between the LBNRD and Natural Resources Commission for recharge projects under the Water Sustainability Fund.** Carried by roll call vote – 15 yes votes

#### **Action to Approve Contractor Bids for Tree Removal on Recreation Sites**

Bids were solicited for the removal of invasive trees from Buckley Creek and Prairie Lake Recreation Areas. **MOTION # 8 – Kimle moved, seconded by Heinrichs to accept the bid of \$39,000 offered by Nik Statz of Nelson to do tree cutting, dig holes, pile trees in holes at Buckley Creek Recreation Area.** Carried by roll call vote. Yes: Brakhahn, Fleharty, Heinrichs, Hoffman, Kimle, Kissinger, Meyer, Rainforth, Schroer, Spencer, Thomas, VonSpreckelsen, Wiedel and Uhrmacher. No: Hergott.

**MOTION # 9 – Kimle moved, seconded by Kissinger to accept the bid of \$38,860 offered by Plains Excavating LLC of Clay Center to do tree cutting, dig holes and burn and bury the trees on Prairie Lake Recreation Area.** Carried by roll call vote – 15 yes votes.

#### **Other Business**

Onnen reported the District has been working with the Rainwater Basin Joint Venture and Duck's Unlimited about holding an Agricultural Land Easement for wetland restoration and protection. More information and possible action will be available at a future meeting.

### **WATER RESOURCES COMMITTEE REPORT – Warren Brakhahn**

The Water Resources Committee met January 4, 2018.

#### **Transfer Permit Request for KZ Farms**

One Transfer Permit was presented for approval. Patrick Kreifels, a representative of KZ Farms, requested to make comments about the project. **MOTION # 10 – Brakhahn moved, seconded by Hoffman to approve the transfer permit of KZ Trust from the SW ¼ 4-5-11 to the SE ¼ 4-5-11, Adams County.** Carried by roll call vote. Yes: Fleharty, Hergott, Hoffman, Kimle, Kissinger, Meyer, Rainforth, Spencer, Wiedel and Uhrmacher. No: Brakhahn, Heinrichs, Schroer, Thomas, and VonSpreckelsen.

### **Report on Progress on Rules and Regulation, and Discussion**

Discussion was held on the Groundwater Management Rules. Mr. Kreifels was present and addressed the board about concerns for development of the property. **MOTION #11 Kissinger moved, seconded by Hoffman to establish a 60” allocation to be granted for the first 5-year allocation period; provide a one-time, five(5) acre inch bank balance for each certified irrigated acre to begin the first allocation period; and allow a carry-over of up to 8” of unused water to next successive allocation period.**

Carried by roll call vote. Yes: Brakhahn, Fleharty, Heinrichs, Hoffman, Kimle, Kissinger, Meyer, Rainforth, Thomas, VonSpreckelsen and Uhrmacher. No: Hergott, Schroer, Spencer and Wiedel.

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

Onnen gave a brief report on the upcoming Legislative session.

### **NOMINATIONS COMMITTEE REPORT**

The Nominations Committee – Ed Fleharty, Mason Hoffman and Matt Spencer met to select candidates for Board positions for the year 2018.

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

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

The Committee proposed the name of Marlin Kimle and Mason Hoffman for the position of Board Vice-Chairman. Uhrmacher asked for further nominations from the floor. There being none, the nominations were closed and a ballot vote taken. Kimle – 14 votes, Hoffman – 1 vote. Kimle was declared Vice-Chairman.

The Committee proposed the names of Ed Fleharty and Jesse VonSpreckelsen for the position of Secretary. Uhrmacher asked for further nominations from the floor. There being none, the nominations were closed and a ballot vote taken. Fleharty – 11 votes, VonSpreckelsen – 4 votes. Fleharty was declared Secretary.

The Committee proposed the names of Warren Brakhahn and Steve Shaw for the position of Treasurer. Uhrmacher asked for further nominations from the floor. There being none, the nominations were closed and a ballot vote taken. Brakhahn – 9 votes, Shaw – 6 votes. Brakhahn was declared Treasurer.

### **ACTION TO APPOINT VOTING DELEGATE FOR NARD LEGISLATIVE CONFERENCE**

**MOTION # 12 - Wiedel moved, seconded by Kissinger to appoint Lyle Heinrichs as the NARD Voting Delegate with Charles Rainforth as the alternate for the upcoming NARD Legislative Conference.** Carried by roll call vote – 15 yes votes.

### **STANDING COMMITTEE SELECTIONS**

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

**BOARD DEVELOPMENT – NRD Election and Representation Options**

Onnen reviewed how Boards are elected and the options available to Districts to select how their individual boards will be elected.

**OTHER BUSINESS**

There was no other business.

**ADJOURNMENT**

Uhrmacher adjourned the meeting at 9:50 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 9, 2018, 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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