

MINUTES
BOARD OF DIRECTORS MEETING
January 16, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 16, 2020 at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, and Lynn Yates.

Staff members and others in attendance were David Eigenberg, Nancy Brisk, Jack Wergin, Marie Krausnick, Ken Feather, Chrystal Houston, Jeff Ball, Jonathan Rempel, Delton Grotz, Ralph Grotz, Kendall Siebert, and Josh Bowers of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Chairperson Houdersheldt reported that we published the legal notice of the board of directors' meeting on January 9, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted by the entrance to the boardroom.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Jeff Bohaty, Doug Bruns and Paul Weiss requested that their absences from the January 16, 2020 board of directors meeting be excused.

It was moved by Volkmer and seconded by Yates to excuse the absence of Bohaty, Bruns, and Weiss from the January 16, 2020 board of directors meeting as requested. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Bethune to approve the agenda for the January 16, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE DECEMBER 19, 2019 BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Kuehner to approve the minutes of the December 19, 2019 Board of Directors meeting. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 7. DIRECTORS' RECOGNITION.

Lynn Yates and John Miller were each recognized for 10 years of service as members of the Upper Big Blue NRD board of directors. Bill Kuehner, David Robotham, and Paul Bethune were recognized for 5 years of service to the district.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met January 9, 2020 and presented the committee's recommendations.

ITEM 9. SEAMETRICS AG90 BATTERY POWERED INSERTION METER.

Representatives from Seametrics were on hand at the Water & Regulations Committee meeting to request the addition of the Seametrics AG90 battery powered insertion meter to the District's approved flowmeter list. The flowmeter meets the minimum specifications for inclusion on the approved flowmeter list.

It was moved by Kuehner and seconded by Luebbe to add the Seametrics AG90 battery powered insertion meter to the District's approved flowmeter list. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 10. THE NATURE CONSERVANCY PROPOSED PROJECT – RESILIENT FUTURES FOR NEBRASKA SOILS RESOURCE CONSERVATION PARTNERSHIP PROGRAM (RCPP).

Jacob Fritton and Hannah Birge, with the Nature Conservancy, attended the Water and Regulations Committee meeting to discuss a new partnership opportunity. The Nature Conservancy has applied for funding from RCPP to pair with private funds to launch "The Nebraska Soil Carbon Project" in partnership with the Upper Big Blue and Central Platte Natural Resources Districts. The goal of the five-year project is to work with 20-70 producers to increase soil carbon through the adoption of no-till, cover crops and diversified crop rotations.

It was moved by Kuehner and seconded by Rich to support the Nature Conservancy Resource Conservation Partnership Program application to launch "The Nebraska Soil Carbon Project". The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 11. DORIS RATHJE GROUNDWATER TRANSFER.

Doris Rathje currently waters 40 acres in the E1/2 SE1/4 of Section 29-T11N-R8W with well G-028130 located on the same property. That well has begun to pump sand. Doris would like to apply for a groundwater transfer to use well G-010842, located in the E1/2 NE1/4 of Section 32-T11N-R8W to water the 40 acres. This transfer fits within groundwater transfer rules.

It was moved by Kuehner and seconded by Miller to approve groundwater transfer T-100. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 12. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Two Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments, totaling \$1,000.00.

It was moved by Kuehner and seconded by Luebbe to make cost-share payments for two well abandonments, as reviewed by the Committee, at a cost of \$1,000.00. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 13. AQUIFER QUALITY WELL ABANDONMENT COST SHARE ASSISTANCE PROGRAM (AQWACAP).

The AQWACAP program has been in place intermittently since 1991. Title 259 outlines the minimum specifications for administration of the program. Currently, the District operates the program on those minimum specifications, 60% of the material and labor up to \$700.00 for hand dug wells and \$500.00 for all other wells. Since 1991 the costs of material and labor have increased. Discussion by the Committee resulted in a recommendation to leave the cost share rate at 60% and increase the cost share amount for both hand dug and other wells to \$750.00.

It was moved by Kuehner and seconded by Moore to increase the cost share amount awarded through the Aquifer Quality Well Abandonment Cost Share Assistance Program to 60%, and up to \$750.00 for hand dug and wells constructed by other methods effective February 1, 2020. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Houdersheldt

NAY: Yates

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 14. FALLER'S LANDSCAPING PAYMENT FOR PROJECT GROW PLANTING.

As part of the National Association of Conservation Districts (NACD) grant, a variety of fruit trees and berry shrubs were to be planted at the Project GROW Community Garden. The final work was completed at the garden site with the planting and trellising of grape vines in the fall/winter of 2019. An invoice has been received from Faller's Landscaping totaling \$1,672.13. The staff recommends payment of the invoice from Faller's Landscaping.

It was moved by Kuehner and seconded by Rich to pay Faller's Landscaping for grape vines and trellising at Project GROW totaling \$1,672.13. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 15. ANNUAL CHEMIGATION PAYMENT – NEBRASKA DEPARTMENT OF ENVIRONMENT & ENERGY.

District staff have prepared the 2019 annual chemigation report for submission to the Nebraska Department of Environment & Energy. In 2019, the District accepted 252 new and 1,330 renewal chemigation applications. By Statute, a portion of the application fee is required to be paid to the Nebraska Department of Environment & Energy for program administration. The District owes the Nebraska Department of Environment & Energy \$3,920.00 for the administration of the Chemigation Act.

It was moved by Kuehner and seconded by Eberle to pay the Nebraska Department of Environment & Energy for the administration of the Chemigation Act totaling \$3,920.00. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 16. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Work continues on Phase 2 of the Regional Groundwater Model. An invoice totaling \$14,556.50 has been received for work completed as of November 2019. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Yates to pay Brown & Caldwell for the November 2019 invoice totaling \$14,556.50. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on January 9, 2020 and presented the committee's recommendations.

ITEM 18. LAND TREATMENT PROGRAM COST-SHARE PAYMENT.

It was moved by Robotham and seconded by Rich that the Upper Big Blue NRD approve payment of \$5,507.95 for one completed NSWCP Land Treatment application, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 19. PRIVATE DAMS PROGRAM NEW APPLICATION.

The NRCS has completed the design for Carpenter Dam, located west of York. There are six landowners with properties adjacent to the lake, but the application will be in one landowners name.

It was moved by Robotham and seconded by Yates that the Upper Big Blue NRD approve the private dams program application from Tim Esser for Carpenter Dam with total estimated cost range of \$25,000 - \$50,000, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on January 9, 2020 and presented the committee's recommendations.

ITEM 21. DIRECTORS' 4TH QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Totals for the 4th quarter 2019 directors' per diem are \$8,540.00 and expenses are \$2,953.65; for a total expenditure of \$11,493.65. Individual expense vouchers were available for review.

It was moved by Miller and seconded by Dickinson to approve payment of 4th quarter 2019 directors' per diem of \$8,540.00 and expenses of \$2,953.65 for a total of \$11,493.65, and to publish these approved expenditures in the December 2019 Financial Report, 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 or her own per diem and/or expense reimbursement. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: Kuehner

NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 22. STAFFING.

The Executive Committee was briefed on a proposal for restructuring the Forestry/Maintenance Department. The proposal would eliminate the Forestry Department Manager position and create a new job classification called "Lead Maintenance Worker". The Forestry/Maintenance Department would remain a four-person department, however, the two proposed lead maintenance positions would be mid-level pay grade, instead of management level pay grade.

One Forestry/Lead Maintenance Worker would be assigned to direct and participate in work supporting forestry and wildlife programs. The other Lead Maintenance Worker would direct and participate in the maintenance of the District's facilities, vehicles, and recreation areas.

The two remaining entry level maintenance worker positions would perform seasonal tree planting duties and maintain District facilities and recreation areas, under the direction of the respective Lead Maintenance Worker. When the Lead Forestry Maintenance Worker is not busy with forestry programs, he or she would become the fourth member participating in all facility maintenance duties.

The responsibility for the overall supervision of the Forestry/Maintenance Department would remain with the Assistant Manager.

It was moved by Miller and seconded by Yates to approve the creation of two mid-level lead maintenance positions, with a pay range of \$18.44 to \$27.66 per hour. Duties for positions are outlined in the Job Descriptions for the Assistant Manager, District Forestry and Lead Maintenance Worker. And to instruct staff to start job searches for an Assistant Manager, District Forestry and Lead Maintenance Worker.

It was moved by Volkmer and seconded by Luebbe to amend the motion to strike any reference to "Assistant Manager" from the motion. The amendment failed.

AYE: Kuehner, Luebbe, Rich, Robotham, Volkmer
NAY: Bethune, Dickinson, Eberle, Miller, Moore, Nuss, Stahly, Yates, Houdersheldt
NOT PRESENT: Bohaty, Bruns, Weiss

It was moved by Kuehner to amend the motion to no longer have an Assistant Manager position. The Chair ruled the motion was out of order, so no further action was taken on Kuehner's amendment.

It was moved by Luebbe and seconded by Kuehner to refer the matter back to the Executive Committee. The motion failed.

AYE: Kuehner, Luebbe, Rich, Robotham, Volkmer
NAY: Bethune, Dickinson, Eberle, Miller, Moore, Nuss, Stahly, Yates, Houdersheldt
NOT PRESENT: Bohaty, Bruns, Weiss

The question was called on the original motion. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Miller, Moore, Nuss, Stahly, Yates, Houdersheldt
NAY: Kuehner, Luebbe, Rich, Robotham, Volkmer
NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 23. FINANCIAL REPORT DECEMBER 1 - 31, 2019 AND CONSIDERATION OF EXPENDITURES FOR DECEMBER 2019.

Eigenberg reviewed the financial report for the period December 1, 2019 to December 31, 2019 that was distributed. It was moved by Volkmer and seconded by Bethune to accept the financial report for December 2019 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty, Bruns, Weiss

ITEM 24. MOTION TO ADJOURN.

It was moved by Yates and seconded by Volkmer to adjourn the meeting at 2:53 p.m. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly,
Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Bruns, Weiss

I, the undersigned, Secretary of the Upper Big 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 January 16, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
February 20, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 20, 2020 at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff members and others in attendance were David Eigenberg, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Kendall Siebert, and Grant Jackson of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Chairperson Houdersheldt reported that we published the legal notice of the board of directors' meeting on February 13, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted by the entrance to the boardroom.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

There were no requests for excused absence.

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Dickinson to approve the agenda for the February 20, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 6. APPROVAL OF MINUTES OF THE JANUARY 16, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Yates and seconded by Bethune to approve the minutes of the January 16, 2020 Board of Directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 7. DIRECTORS' RECOGNITION.

Doug Bruns was recognized for 20 years of service as a member of the Upper Big Blue NRD board of directors. Paul Weiss was recognized for 5 years of service to the district.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met February 13, 2020 and presented the committee's recommendations.

ITEM 9. POOLING MODULE UPDATE.

The District has received the agreement for the Water Sustainability Fund award for the development of a Pooling Module. The District will partner with Olsson and their subcontractor, Sitka Technology to develop the module. An agreement was received from Olsson for work on the project. If approved, work on the project will begin in March 2020.

It was moved by Kuehner and seconded by Rich to approve the Nebraska Water Sustainability Fund Grant Award Agreement for Application No. 5241. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Yates, Houdersheldt
NAY: Bohaty, Bruns, Kuehner, Weiss
NOT VOTING: Miller, Volkmer

It was moved by Kuehner and seconded by Rich to approve the Letter of Agreement for Professional Services with Olsson for work on the Pooling Module. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Yates, Houdersheldt
NAY: Bohaty, Bruns, Kuehner, Miller, Volkmer, Weiss

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Five Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$2,500.00.

It was moved by Kuehner and seconded by Luebbe to make cost-share payment for five well abandonments, as reviewed by the Committee, at a cost of \$2,500.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

NOT VOTING: Kuehner

ITEM 11. FLOWMETER REPAIR COST SHARE PAYMENT.

One flow meter repair cost-share application has been approved for final payment totaling \$150.00.

It was moved by Kuehner and seconded by Luebbe to pay one flow meter repair cost-share claim totaling \$150.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT TO BROWN & CALDWELL.

Work continues on Phase 2 of the Regional Groundwater Model. Two invoices have been received for work completed in December (invoice #21361774) totaling \$12,700.50 and January (invoice #21363297) totaling \$18,840.00. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Stahly to pay Brown & Caldwell for the December and January invoices totaling \$31,540.50. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 13. HACH SERVICE PARTNERSHIP CONTRACT RENEWAL PAYMENT.

The District's HACH Spectrophotometer service agreement is up for renewal. This lab equipment is used to test in-house samples for drinking water nitrate. Each year HACH personnel come on site to clean and calibrate the Spectrophotometer. An invoice to renew the Districts three-year service agreement has been received totaling \$2,332.02.

It was moved by Kuehner and seconded by Yates to renew the HACH Service Partnership totaling \$2,332.02. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on February 13, 2020 and presented the committee's recommendations.

ITEM 15. HAZARD MITIGATION PLAN UPDATE.

The Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan has been reviewed and approved by both the Nebraska Emergency Management Agency and the Federal Emergency Management Agency. Each participating agency must adopt the plan to finalize their participation.

It was moved by Robotham and seconded by Rich that the Upper Big Blue NRD approve a resolution to adopt the UBBNRD Multi-Jurisdictional Hazard Mitigation Plan, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 16. CEDAR VIEW RECREATION AREA.

Staff presented information from the original geologic investigation of Kubicek Dam concerning a sand layer throughout the dam and lake area. Investigation indicated that 10 feet of material should remain over the sand layer. It appears that material could be removed from the lake in an attempt to get a 10-foot depth over 25% of the surface area. Staff presented drawings showing the existing depth, a 10-foot depth, and a 15-foot depth. An estimated 30,000 cubic yards would need to be removed to reach 10-foot depth and an estimated 35,000 cubic yards would result in a 15-foot depth. Staff contacted local contractors for estimated costs of removing material and the estimates ranged from \$4.00 per cubic yard to \$5.00 per cubic yard.

It was moved by Robotham and seconded by Bethune that the Upper Big Blue NRD proceed with offering the landowner the appraised value of the Cedar View Recreation Area, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Eberle, Miller, Moore, Nuss, Rich, Robotham, Volkmer, Houdersheldt
NAY: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Stahly, Weiss, Yates

ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on February 13, 2020 and presented the committee's recommendations.

ITEM 18. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

The Executive Committee reviewed an invoice from York Printing Company in the amount of \$6,207.29 for printing the Winter 2019/2020 issue of the BLUEPRINT newsletter.

It was moved by Miller and seconded by Dickinson to approve payment of \$6,207.29 to York Printing Company for printing the Winter 2019/2020 edition of the BLUEPRINT newsletter. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 19. UPDATE SIGNATURE CARDS FOR CORNERSTONE BANK.

Signatures on financial documents at Cornerstone Bank need to be updated to remove the name of retired assistant manager, Rodney DeBuhr. Names recorded on these documents will include Douglas L. Dickinson, Treasurer; David A. Eigenberg, General Manager; and Nancy D. Brisk, Office Manager.

It was moved by Miller and seconded by Yates to approve authority for updating all documents dealing with finances at Cornerstone Bank including, but not limited to: Account Agreement Signature Cards, Corporate Authorization Resolution Form and Safe Deposit Box Lease. The documents shall contain the signatures of Douglas L. Dickinson, Treasurer; David A. Eigenberg, General Manager; and Nancy D. Brisk, Office Manager. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT VOTING: Dickinson

ITEM 20. FINANCIAL REPORT JANUARY 1 - 31, 2020 AND PUBLICATION OF EXPENDITURES FOR JANUARY 2020.

Eigenberg reviewed the financial report for the period January 1, 2020 to January 31, 2020 that was distributed. It was moved by Volkmer and seconded by Yates to accept the financial report for January 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 21. MOTION TO ADJOURN.

It was moved by Rich and seconded by Yates to adjourn the meeting at 2:50 p.m. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

I, the undersigned, Secretary of the Upper Big 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 February 20, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

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MINUTES
BOARD OF DIRECTORS MEETING
April 16, 2020

Due to the coronavirus the Upper Big Blue Natural Resources District did not hold their regularly schedule board meeting on March 19, 2020. Under the circumstances monthly recurring bills were paid and the Board acted to retroactively approve the necessary motions from the March 19, 2020 meeting in conjunction with the April 16, 2020 meeting.

Because of the continued COVID-19 outbreak, the Upper Big Blue NRD Board of Directors conducted their April 16, 2020 meeting at 7:30 p.m. via teleconference as provided for by Executive Order 20-03 issued by Governor Ricketts on March 17, 2020. Members of the public are not currently allowed into the office, instead they have been encouraged to participate in the board meetings by phone. Details for participation via teleconference were available on the NRD's website: www.upperbigblue.org. A board agenda as well as materials to be discussed were also posted on the District's website.

Directors participating in the board meeting via teleconference were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff and others participating via teleconference were David Eigenberg, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, and Josh Bowers of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Chairperson Houdersheldt reported that we published the legal notice of the board of directors' meeting on April 9, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted at the NRD Office and that this meeting was held in compliance with Executive Order 20-03 issued by Governor Ricketts.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were participating during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

There were no requests for excused absence.

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Robotham to approve the agenda for the April 16, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 6. APPROVAL OF MINUTES OF THE FEBRUARY 20, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Miller to approve the minutes of the February 20, 2020 Board of Directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met March 12, 2020 and April 7, 2020 and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER MONTE & DIANA DREW.

Monte and Diana Drew applied for a groundwater transfer to irrigate 7 acres in the SW 1/4 of Section 4-T8N-R7W from well construction permit UBB-1-5742 located in the NW1/4 NW1/4 of Section 9-T8N-R7W, all in Clay County. The proposed transfer complies with the District's groundwater regulations.

It was moved by Kuehner and seconded by Rich to approve Groundwater Transfer T-101. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 9. ROUTINE FLOW METER MAINTENANCE PAYMENT TO TRI CITY METERS.

Tri City Meters has completed 428 routine flow meter inspections. An invoice totaling \$19,840.00 was received for 428 inspections, 14 Vic gaskets and 20 canopy boots.

It was moved by Kuehner and seconded by Luebbe to pay Tri City Meters for routine flow meter maintenance work to date totaling \$19,840.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Two Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$1,250.00.

It was moved by Kuehner and seconded by Luebbe to make cost-share payment for two well abandonments, as reviewed by the Committee, at a cost of \$1,250.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 11. FLOWMETER REPAIR COST SHARE PAYMENT.

Seven flow meter repair cost-share applications have been approved for final payment totaling \$1,050.00.

It was moved by Kuehner and seconded by Robotham to pay seven flow meter repair cost-share claims totaling \$1,050.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 12. WISH NEBRASKA, INC. PAYMENT FOR MATERIALS FOR RESALE.

The District has purchased 125 Seametric batteries from WISH Nebraska to begin the annual battery replacement program. The cost of the battery is reimbursed to the District by the landowner. The invoice total is \$12,537.50.

It was moved by Kuehner and seconded by Volkmer to pay WISH Nebraska for 125 Seametric batteries totaling \$12,537.50. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 13. KLEIN SALES & SERVICE PAYMENT FOR MATERIALS FOR RESALE.

Staff has purchased 100 sets of Watermark sensors along with 20 dataloggers and 10 replacement cables for handheld meters from Klein Sales & Service. The items have been delivered and placed in the inventory for resale. All items will be sold to producers as part of the Irrigation Scheduling Discount Program. The invoice total is \$20,225.00.

It was moved by Kuehner and seconded by Stahly to pay Klein Sales & Service for irrigation scheduling equipment for resale totaling \$20,225.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 14. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Work continues on Phase 2 of the Regional Groundwater Model. An invoice has been received for work completed in February totaling \$10,765.00. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Eberle to pay Brown & Caldwell for the work completed for the month of February totaling \$10,765.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 15. WATER SCIENCES LABORATORY PAYMENT.

District staff have collected two years of Arsenic, Uranium and Selenium samples from our dedicated monitoring well sites. An invoice from the Water Sciences Laboratory has been received for 50 samples totaling \$2,227.50. In visiting with researchers at the University of Nebraska-Lincoln it is recommended that we continue sampling for one more year before reviewing the data. Staff plans to continue sampling in 2020.

It was moved by Kuehner and seconded by Luebbe to pay the Water Sciences Laboratory for 50 Arsenic, Uranium and Selenium samples totaling \$2,227.50. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 16. CERTIFICATION OF IRRIGATED ACRES.

The Committee reviewed the acres' certification for 7 parcels totaling 459.81 acres, yielding an increase in irrigated acres of 20.48. This brings the total irrigated acres to 1,240,496.14.

It was moved by Kuehner and seconded by Miller to certify the acres' changes as presented to the Board. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 17. RULE 5 CHANGES.

The staff presented the draft Rule 5 changes as directed by the Committee in February. The draft changes correct some grammatical errors; add two new active ingredients to the approved nitrification inhibitor list; eliminates the use of nitrification inhibitors district wide but keeps the Phase III requirement of use; eliminates the requirement of split application; and changes the Phase II/III reporting requirements. The changes stay within the confines of the proposed changes presented for public hearing last fall. So, a public hearing will not be required. The Committee amended the draft to strike language "Prior to applying nitrogen fertilizer, but" in Chapter 20, Paragraph 07.

It was moved by Kuehner and seconded by Miller to forward the draft changes to Rule 5 as amended, to the Board for final approval.

Moore expressed his desire to see the matter held over until the Upper Big Blue NRD board meetings are being conducted at the office and not telephonically to allow the public to have the ability to be present when the decision is made.

It was moved by Moore and seconded by Rich to refer the matter back to Committee until such time that the board can resume regular board meetings. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: Miller

ITEM 18. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Seven Aquifer Quality Well Abandonment Cost-Share Assistance Program applications totaling \$3,893.54 were approved by the committee for final payment in the month of April.

It was moved by Kuehner and seconded by Rich to make cost-share payments for seven well abandonments, as reviewed by the Committee, at a cost of \$3,893.54. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 19. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Work continues on Phase 2 of the Regional Groundwater Model. An invoice has been received for work completed in March totaling \$46,125.25. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Volkmer to pay Brown & Caldwell for the work completed for the month of March totaling \$46,125.25. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 20. CERTIFICATION OF IRRIGATED ACRES.

In April the Committee reviewed the certification of acres for 207 parcels totaling 20,137.08 acres, which was an increase in irrigated acres of 310.96. This brings the total irrigated acres to 1,240,807.10.

It was moved by Kuehner and seconded by Nuss to certify the acres' changes as presented to the Board.
The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT VOTING: Kuehner

ITEM 21. PATRICIO GRASSINI, UNL, DATA REQUEST.

In 2017, a request was made to the board to release an anonymous dataset of Phase II/III report data (2005-2015) to Dr. Patricio Grassini, with the University of Nebraska-Lincoln. Dr. Grassini used the information, along with similar information from other Districts, to research benchmarking nitrogen application and grain yield. He presented his research findings at the Project GROW 2019 Winter Workshop. The final report has been published and reviewed by the Committee. Dr. Grassini has requested an update to the original dataset (2016-2018) so that he can continue his benchmarking research. The Committee discussed the value in Dr. Grassini's research.

It was moved by Kuehner and seconded by Rich to release an updated, anonymous Phase II/III dataset to Dr. Grassini for continued research in his benchmarking research. The motion was approved.

AYE: Bethune, Bohaty, Eberle, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: Bruns, Dickinson, Kuehner, Luebbe, Weiss

ITEM 22. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on March 12, 2020 and April 7, 2020 and presented the committee's recommendations.

ITEM 23. LAND TREATMENT PROGRAM COST-SHARE PAYMENT.

It was moved by Robotham and seconded by Yates that the Upper Big Blue NRD approve payment of \$1,912.47 for one completed NSWCP Land Treatment application as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 24. BUFFER STRIP PROGRAM THIRD QUARTER PAYMENTS.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue Natural Resources District approve third quarter payments totaling \$2,411.72 for two Nebraska Buffer Strip contracts, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 25. CITY OF STROMSBURG TREE PLANTING COST-SHARE.

The City of Stromsburg requests assistance in planting trees in the city park in the southwest area of Stromsburg. Trees will be planted by NRD Staff.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD provide \$839.50 (25% of total costs - \$3,358.40) of financial assistance to the City of Stromsburg for planting trees in the City Park, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 26. LAND TREATMENT PROGRAM COST-SHARE PAYMENT.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue Natural Resources District approve payment of \$11,398.55 for two completed NSWCP Land Treatment applications, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 27. MENTINK DAM SLIP LINING PROJECT.

Due to some changes in access to the dam while working with the landowner, staff thought contractors needed additional time to submit bids for the slip lining project at Mentink Dam and didn't think contractors could prepare bids prior to the April 7 Projects and Programs Committee meeting. Staff set the bid opening for 10:00 a.m. on April 15th at the NRD Office. Staff requested permission for the Board to consider awarding the bid at the April 16th Board Meeting.

Wergin told the board that the engineer's estimate for the project was \$22,874.65. He reviewed the bids that were received for the project. M.E. Collins' bid was \$69,671 and Pankoke Construction bid \$36,460.

It was moved by Robotham and seconded by Miller to award the bid to Pankoke Construction for \$36,460. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Houdersheldt
NAY: Bohaty, Bruns, Kuehner, Weiss, Yates
ABSENT: Volkmer

ITEM 28. PLOTTER / SCANNER PURCHASE.

The Projects Department budgeted for a new large format printer/scanner to replace the old plotter that was purchased in 2015. It has had service issues and parts have become difficult to find. In addition to a new plotter, staff wanted scanning capabilities in order to scan as-built drawings on file in the basement. A number of models were reviewed and staff selected a Canon Image PROGRAF TM-305 MFP T36.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue Natural Resources District purchase a Canon Image PROGRAF TM-305 MFP T36 large format printer/scanner for the quoted price of \$7,688.00, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 29. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on March 12, 2020 and April 7, 2020 and presented the committee's recommendations.

ITEM 30. DIRECTORS EXPENSES FOR ATTENDING 2020 GMDA WINTER CONFERENCE.

The 2020 Groundwater Management District Association (GMDA) Winter Conference was held in Fort Lauderdale, Florida. Linda Luebbe submitted a request for reimbursement of \$1,615.00 for her expenses to attend the conference.

It was moved by Miller and seconded by Yates to approve payment to Linda Luebbe of \$1,615.00 for expenses for the 2020 winter GMDA Conference. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None
NOT VOTING: Luebbe

ITEM 31. DIRECTORS' FIRST QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. The first quarter directors' per diem was \$7,630.00 and expenses were \$3,145.07 for a total expenditure of \$10,775.07. This total represents per diem and expenses for 16 board members. Director Weiss' submission was not received in time to process for the April Committee meeting. Per diem and expenses for Director Weiss will be considered at the May meeting.

It was moved by Miller and seconded by Rich to approve payment of first quarter 2020 directors' per diem of \$7,630.00 and expenses of \$3,145.07 for a total of \$10,775.07, and to publish these approved expenditures in the March Financial Report, 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 or her own per diem and/or expense reimbursement. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: Kuehner

ITEM 32. FINANCIAL REPORT FEBRUARY 1 - 29, 2020 AND PUBLICATION OF EXPENDITURES FOR FEBRUARY 2020.

Eigenberg reviewed the financial report for the period February 1, 2020 to February 29, 2020 that was distributed. It was moved by Stahly and seconded by Yates to retroactively approve the financial report for February 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 33. FINANCIAL REPORT MARCH 1 - 31, 2020 AND PUBLICATION OF EXPENDITURES FOR MARCH 2020.

Eigenberg reviewed the financial report for the period March 1, 2020 to March 31, 2020 that was distributed. It was moved by Volkmer and seconded by Miller to accept the financial report for March 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 34. MOTION TO ADJOURN.

It was moved by Rich and seconded by Dickinson to adjourn the meeting at 9:22 p.m. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Kuehner, Robotham

I, the undersigned, Secretary of the Upper Big 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 April 16, 2020,

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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
May 21, 2020

Due to concerns about COVID-19 the Upper Big Blue NRD Board of Directors conducted their May 21, 2020 meeting at 7:30 p.m. via teleconference as provided for by Executive Order 20-03 issued by Governor Ricketts on March 17, 2020. Members of the public are not currently allowed into the office, instead they have been encouraged to participate in the board meetings by phone. Details for participation via teleconference were available on the NRD's website: www.upperbigblue.org. A board agenda as well as materials to be discussed were posted on the District's website.

Directors participating in the board meeting via teleconference were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff and others participating via teleconference were David Eigenberg, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Rodney Verhoeff, Dennis Ditloff, Josh Bowers of York County NRCS, Josh Eickmeier, Mayor of Seward, and Seward City Administrator Greg Butcher.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Chairperson Houdersheldt reported that we published the legal notice of the board of directors' meeting on May 14, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted at the NRD Office and that this meeting was held in compliance with Executive Order 20-03 issued by Governor Ricketts.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were participating during the call. Stahly was unable to vote on the first three motions due to audio problems.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

There were no requests for excused absence.

ITEM 5. ADOPTION OF AGENDA.

It was moved by Miller and seconded by Moore to approve the agenda for the May 21, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Stahly

ITEM 6. APPROVAL OF MINUTES OF THE APRIL 16, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Volkmer to approve the minutes of the April 16, 2020 Board of Directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Stahly

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met May 12, 2020 and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER – NEBRASKA GAME & PARKS COMMISSION.

The Nebraska Game & Parks Commission applied for a groundwater transfer to irrigate 37.08 acres in the NW ¼ of Section 1-T9N-R6W from well construction permit UBB-1-5748 located in the SW ¼ of Section 36-T10N-R6W, all in Hamilton County. The proposed transfer complies with the District's groundwater regulations.

It was moved by Kuehner and seconded by Volkmer to approve Groundwater Transfer T-102. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Volkmer, Yates, Houdersheldt

NAY: Weiss

NOT PRESENT: Stahly

ITEM 9. GROUNDWATER TRANSFER – DENNIS & SHARI DITLOFF.

Dennis & Shari Ditloff applied for a groundwater transfer to irrigate 160 acres in the SE ¼ of Section 21-T12N-R4W from well G-034689 located in the NE ¼ of Section 28-T12N-R4W, all in York County. The proposed transfer complies with the District's groundwater regulations.

It was moved by Kuehner and seconded by Yates to approve Groundwater Transfer T-103.

Bethune expressed his concern that Mr. Ditloff doesn't hold title to the property since the closing isn't until December 1, 2020, and the name and address of the owner for the destination tract was left blank on the application.

Under the terms of the purchase agreement, which was attached to the application, Mr. Ditloff has the right to farm the property rent free from March 2, 2020 until the closing date. Mr. Ditloff provided Marie Krausnick, water department manager, the names of family members that would be listed on the deed. It was suggested that in the meanwhile Mr. Ditloff work with the current owner and have them complete and sign the application as the landowner for the destination tract.

It was moved by Miller and seconded by Luebbe to refer the matter back to the Water and Regulations Committee. The motion failed.

AYE: Bethune, Luebbe, Miller, Rich, Volkmer
NAY: Bohaty, Dickinson, Eberle, Kuehner, Moore, Nuss, Robotham, Weiss, Yates, Houdersheldt
NOT VOTING: Stahly
NOT PRESENT: Bruns

The question was called on the main motion. The motion was approved.

AYE: Bohaty, Dickinson, Eberle, Kuehner, Moore, Nuss, Robotham, Volkmer, Weiss, Yates, Houdersheldt
NAY: Bethune, Luebbe, Miller, Rich,
NOT VOTING: Stahly
NOT PRESENT: Bruns

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Six Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$2,584.10.

It was moved by Kuehner and seconded by Luebbe to make cost-share payments for six well abandonments, as reviewed by the Committee, at a cost of \$2,584.10. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 11. FLOWMETER REPAIR COST SHARE PAYMENT.

One flow meter repair cost-share application has been approved for final payment totaling \$150.00.

It was moved by Kuehner and seconded by Luebbe to pay one flow meter repair cost-share claim totaling \$150.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 12. ROUTINE FLOW METER MAINTENANCE PAYMENT – TRI CITY METERS.

Tri City Meters has completed 688 routine flow meter inspections. Two invoices were received for work completed totaling \$31,745.00. Invoice #16377 totaling \$15,205.00 and invoice #16378 totaling \$16,540.00.

It was moved by Kuehner and seconded by Stahly to pay Tri City Meters for routine flow meter maintenance work completed to date totaling \$31,745.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 13. CERTIFICATION OF IRRIGATED ACRES.

The Committee reviewed the acres' certification for 50 parcels totaling 3,864.97 acres, yielding an increase in irrigated acres of 183.95. This brings the total irrigated acres to 1,241,505.92.

It was moved by Kuehner and seconded by Rich to certify the acres' changes as presented to the Board. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on May 12, 2020 and presented the committee's recommendations.

ITEM 15. SEWARD TRAIL – REQUEST FOR EXTENSION OF INTERLOCAL AGREEMENT.

The Interlocal Agreement between the Upper Big Blue NRD and the City of Seward for the Seward Trail will expire on June 30, 2020. Through the interlocal agreement, the NRD will provide 25% of the local cost-share not to exceed \$150,000.00. Greg Butcher, Seward Administrator attended the call and requested an extension of the interlocal agreement. Delays include some realignment and addressing the railroad concerns with the one railroad crossing. Discussions included safety concerns with the Highway 15 crossing on the northwest edge of Seward.

It was moved by Robotham and seconded by Miller that the Upper Big Blue Natural Resources District extend the Interlocal Agreement with the City of Seward for the Seward Trail Project to June 30, 2023, as recommended by staff, and reviewed by the Committee. The motion was approved.

AYE: Bohaty, Dickinson, Eberle, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Houdersheldt
NAY: Bethune, Bruns, Luebbe, Weiss, Yates

ITEM 16. PAYMENT TO MID-NEBRASKA LAND DEVELOPERS.

Mid-Nebraska Land Developers has placed the rock on the face of the dam at Pioneer Trails.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue Natural Resources District pay Mid-Nebraska Land Developers \$8,552.00 for placing rock on the face of Pioneer Trails dam, as recommended by staff, and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on May 12, 2020 and presented the committee's recommendations.

ITEM 18. DIRECTOR'S FIRST QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed Director Weiss' per diem and expenses for this past quarter. Director Weiss' first quarter per diem was \$210.00 and expenses were \$27.60 for a total of \$237.60. His individual expense voucher was available for review. Director Weiss' submission was not received in time to process during the month of April.

It was moved by Miller and seconded by Luebbe to approve payment to Director Weiss for first quarter 2020 per diem of \$210.00 and \$27.60 for expenses, for a total expenditure of \$237.60, and to publish these approved expenditures in the May Financial Report. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: Weiss

NOT VOTING: Miller

ITEM 19. AUTHORITY TO MAKE PAYMENT OF JUNE 2020 FACILITY MORTGAGE.

The Committee was advised that the mortgage loan payment of \$243,292.37 for the NRD office/storage facility is due June 16, 2020. This payment represents both principle and interest payment.

It was moved by Miller and seconded by Kuehner to authorize the General Manager to make payment to Cornerstone Bank of \$243,292.37 for the June 2020 NRD mortgage loan payment. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 20. BURKE SCHOLARSHIP SELECTION.

Ten applications were received for the 2020 Burke Scholarship. An interim committee was appointed to review and rank all applications. The interim committee recommended that two applicants be awarded scholarships and that one alternate be named.

\$2,000 Scholarship: Benjamin Janssen, Marquette, Nebraska, graduate of Nebraska Christian High School, attending University of Nebraska-Lincoln.

\$2,000 Scholarship: Kaitlyn Fehlhafer, Utica, Nebraska, graduate of Centennial High School, attending University of Nebraska-Lincoln.

Alternate: Alena Carlson, Aurora Nebraska, graduate of Aurora High School, attending University of Nebraska-Kearney.

It was moved by Miller and seconded by Rich to award a \$2,000 scholarship to Benjamin Janssen, Marquette, Nebraska; a \$2,000 scholarship to Kaitlyn Fehlhafer, Utica, Nebraska; and to further name Alena Carlson, Aurora, Nebraska as the alternate. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 21. EDUCATIONAL CAPITAL PROJECTS (ECAP) SELECTION PROCESS.

The Committee was informed of two applications for the Educational Capital Projects Fund (ECAP). One application was received from Centennial Public High School to assist with the development of a Citizen Scientist educational program. This program is a start-up effort of Upper Big Blue NRD and Centennial Public High School. The program will help students understand the analysis of water samples and the process of understanding their results. This application is requesting \$1,200 in assistance. The second application is from Osceola High School to enhance an existing educational horticulture program. The application requests \$1,000 to purchase a dual-direction rear-tine tiller and 10 bags of potting soil.

It was moved by Miller and seconded by Dickinson to award a \$1,200 grant to Centennial Public High School for their Citizen Scientist Program. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

It was moved by Miller and seconded by Stahly to award a \$1,000 grant to Osceola High School to enhance an existing educational horticulture program. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 22. FISCAL YEAR 21 SALARY SCHEDULE.

The General Manager reviewed his recommended changes to the FY21 Salary Schedule. This schedule has been developed to provide guidance on FY21 salary structure. Midpoints were calculated by taking the average of 5 NRDs with similar property valuations, annual payrolls, and staffing numbers. Midpoints were then used to develop minimum (80%) and maximum (120%) wage limits. The Salary Schedule will be used in accordance with the Operating Policy.

It was moved by Miller and seconded by Dickinson to approve the FY21 Salary Schedule as presented.
The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Robotham, Stahly, Weiss, Yates, Houdersheldt
NAY: Bohaty, Kuehner, Luebbe, Rich, Volkmer

ITEM 23. FISCAL YEAR 21 WAGE INCREASE.

Fiscal Year 21 salaries and wages of the employees were discussed with the Committee. Eigenberg asked that the board authorize \$27,458 (2.0% of total FY20 payroll) for salary increases for the staff in the FY21 budget.

It was moved by Miller and seconded by Eberle to adjust the annual FY21 salaries of the district staff, except for the General Manager, by an amount not to exceed \$27,458 (2.0% of total FY20 payroll), and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy.

It was moved by Bohaty and seconded by Kuehner to amend the main motion and substitute with a motion to have a salary and wage freeze for fiscal year 2021. The amendment failed.

AYE: Bohaty, Kuehner, Luebbe, Robotham, Volkmer
NAY: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Stahly, Weiss, Yates, Houdersheldt

It was moved by Kuehner and seconded by Bohaty to amend the motion to insert that any one employee can have a maximum of 2.0% pay increase.

Following a brief discussion Chairman Houdersheldt ruled the amendment out of order due to conflict with Operating Policy 17.

The question was called on the main motion. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Stahly, Weiss, Yates, Houdersheldt
NAY: Bohaty, Kuehner, Luebbe, Volkmer
NOT PRESENT: Robotham

ITEM 24. FINANCIAL REPORT MARCH 1 - 31, 2020 AND PUBLICATION OF EXPENDITURES FOR MARCH 2020.

Eigenberg reviewed the financial report for the period March 1, 2020 to March 31, 2020 that was distributed. It was moved by Miller and seconded by Yates to approve the financial report for March

2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Miller, Moore, Nuss, Rich, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT VOTING: Luebbe, Weiss

NOT PRESENT: Robotham

ITEM 25. MOTION TO ADJOURN.

It was moved by Dickinson and seconded by Moore to adjourn the meeting at 9:29 p.m. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Robotham, Weiss

I, the undersigned, Secretary of the Upper Big 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 May 21, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
June 18, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 18, 2020 at 7:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Rodney Verhoeff, Nancy Beach, Stan Boehr, Kendall Siebert, Randy Wheeler, and Josh Bowers of York County NRCS,

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Chairperson Houdersheldt reported that we published the legal notice of the board of directors' meeting on June 11, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during the roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Gary Eberle requested an excused absence from the June 18, 2020 board meeting due to health reasons.

It was moved by Miller and seconded by Dickinson to excuse the absence of Eberle from the June 18, 2020 Board of Directors meeting as requested. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Bethune to approve the agenda for the June 18, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE MAY 21, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Stahly and seconded by Rich to approve the minutes of the May 21, 2020 Board of Directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 7. EMPLOYEE RECOGNITION.

Nancy Beach, who has worked as the Water Data Specialist for the Upper Big Blue NRD for the past 14 years, is retiring June 26. She was recognized by the board and staff for her service to the district.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met June 9, 2020 and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Two Aquifer Quality Well Abandonment Cost-share Assistance Program applications have been approved for final payment totaling \$1,329.14.

It was moved by Kuehner and seconded by Luebbe to make cost-share payments for two well abandonments as reviewed by the committee at a cost of \$1,329.14. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 10. FLOW METER REPAIR COST-SHARE PAYMENT.

One flow meter repair cost-share application has been approved for final payment totaling \$150.00.

It was moved by Kuehner and seconded by Yates to pay one flow meter repair cost-share claim totaling \$150.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 11. ROUTINE FLOW METER MAINTENANCE PAYMENT TO TRI CITY METERS.

Tri City Meters has completed the final 743 routine flow meter inspections. Two invoices totaling \$34,500 were received.

It was moved by Kuehner and seconded by Volkmer to pay Tri City Meters for routine flow meter maintenance for work completed totaling \$34,500. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT TO BROWN & CALDWELL.

Work continues on Phase 2 of the Regional Groundwater Model. Two invoices were received for work completed during April and May totaling \$44,462.00. As the project lead the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Volkmer to pay Brown & Caldwell for the work completed for the months of April and May totaling \$44,462.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 13. NEBRASKA CLIMATE CENTER WEATHER STATION PAYMENT UNL.

The University of Nebraska-Lincoln Mesonet has submitted an invoice for the annual hosting and maintenance of the Recharge Lake Weather Station totaling \$2,600.00. This is the only weather station in the District. Mesonet has a system of weather stations across the State and hosts the data on a Mesonet website. The data is used to calculate daily crop water use, groundwater modeling and mapping.

It was moved by Kuehner and seconded by Luebbe to pay the University of Nebraska-Lincoln \$2,600.00 for the annual hosting and maintenance fees for the Recharge Lake Weather Station. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 14. CERTIFICATION OF IRRIGATED ACRES.

The Water and Regulations Committee reviewed the certification of acres for 50 parcels totaling 3,427.73 acres which yielded an increase in irrigated acres of 78.46. This brings the total irrigated acres to 1,241,880.18.

It was moved by Kuehner and seconded by Yates to certify the acres changes as presented to the Board. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on June 11, 2020 and presented the committee's recommendations.

ITEM 16. LAND TREATMENT COST-SHARE PAYMENTS.

It was moved by Robotham and seconded by Rich that the Upper Big Blue NRD approve payment of \$49,887.71 for nine completed NSWCP Land Treatment applications and \$31,264.94 for thirteen completed NRD Land Treatment applications (combined total \$81,152.65) as recommended by staff and reviewed by the committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 17. NEBRASKA BUFFER STRIP PROGRAM 4TH QUARTER PAYMENTS.

The Nebraska Department of Agriculture provides funds for filter and riparian buffer strips along streams and lakes.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue Natural Resources District approve 4th quarter payments totaling \$16,536.21 for nine Nebraska buffer strip contracts as recommended by staff and reviewed by the committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 18. CORNERS FOR WILDLIFE PAYMENTS.

The Nebraska Environmental Trust provides funding through the Pheasants Forever Chapters for developing pivot corners for wildlife habitat.

It was moved by Robotham and seconded by Bruns that the Upper Big Blue Natural Resources District approve payments totaling \$664.50 for three Corners for Wildlife contracts as recommended by staff and reviewed by the committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 19. MENTINK DAM UPDATE AND PAYMENT REQUESTS.

The Snap Tite slip lining pipe purchased from ISCO was delivered to the site on May 19 and the grouting was completed June 8, 2020. ISCO submitted an invoice for the pipe totaling \$21,361.88. Pankoke Construction has completed 80.6 percent of the installation work totaling \$31,789.43. It is our policy to withhold 10% retainage until contracts are completed. The progress payment request less retainage is \$28,610.49.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue Natural Resources District approve payment of \$21,361.88 to ISCO Industries for the Snap Tite pipe and riser for Mentink Dam, as recommended by staff and reviewed by the committee. The motion was approved

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

It was moved by Robotham and seconded by Luebbe that the Upper Big Blue Natural Resources District approve payment of \$28,610.49 to Pankoke Construction for work completed on the pipe installation at Mentink Dam as recommended by staff and reviewed by the committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 20. STROMSBURG PARK TREE PROJECT PAYMENT.

The City of Stromsburg tree planting project at Buckley Park has been completed. NRD staff planted 428

trees and a total of 3,250 feet of weed control fabric was installed. The total project cost was \$3,285.08 and the City has requested reimbursement as outlined in our interlocal agreement.

It was moved by Robotham and seconded by Yates that the Upper Big Blue NRD approve payment of \$821.27 (25% of total costs of \$3,285.08) to the City of Stromsburg for planting trees in the city park, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 21. SUTTON TRAIL BRIDGE INTERLOCAL AGREEMENT EXTENSION.

The City of Sutton did not receive funding for their grant application for repair of the pedestrian trail bridge. With the grant awards being announced at the beginning of each year, it would be difficult to complete the repair of the bridge by the end of June of that same year. Staff suggested extending the Interlocal Agreement with Sutton for two years. The current Interlocal Agreement provides for a maximum cost share of \$20,000. If the city is successful in obtaining the grant in early 2021, the NRD could then budget funds in fiscal year 2022.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD extend the Interlocal Agreement with the City of Sutton for repair of the pedestrian trail bridge for two years through June 30, 2022, as recommended by staff and reviewed by the Committee.

It was moved by Nuss and seconded by Miller to amend the motion to include that the Upper Big Blue NRD fund up to 25% of the local share, not to exceed \$40,000. The amendment was approved.

AYE: Bruns, Dickinson, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Houdersheldt

NAY: Bethune, Bohaty, Kuehner, Yates

NOT PRESENT: Eberle, Weiss

The question was called on the original motion as amended. The motion was approved.

AYE: Bruns, Dickinson, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Houdersheldt

NAY: Bethune, Bohaty, Kuehner, Yates

NOT PRESENT: Eberle, Weiss

ITEM 22. SMITH CREEK RECREATION AREA IMPROVEMENTS.

Staff presented a plan to add improvements to the Smith Creek Recreation Area. The proposal would bring water and power to the site, including a security light with room for a siren, electrical outlets at the picnic shelter, and a well with one ADA complaint hydrant near the picnic shelter. Total project costs would be \$35,250. Discussion included having staff solicit additional bids for the well installation.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD move forward with bringing water and power to Smith Creek Recreation Area, including a pole with security light, electrical outlets at picnic shelter, and a well with one ADA compliant hydrant, at a cost not to exceed \$40,000,

after staff has received additional bids for the well, as recommended by staff and reviewed by the committee. Staff will not proceed until additional bids are presented at the July committee meeting.
The motion was approved.

AYE: Bethune, Bruns, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Houdersheldt
NAY: Bohaty, Dickinson, Kuehner, Volkmer, Yates
NOT PRESENT: Eberle, Weiss

ITEM 23. FY2021 PROJECTS DEPARTMENT BUDGET.

Staff presented a revised draft FY2021 Projects Department Budget to the committee. Recent dam inspections identified some priority maintenance projects that need to be included in the draft budget. Changes included increasing line 16, Project Operation and Maintenance from \$165,000 to \$310,000 and increasing line 44, Project Construction Costs from \$313,000 to \$315,000. Staff presented information on each maintenance project and planned construction projects.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD accept changes to the draft FY2021 Projects Budget, as recommended by staff and reviewed by the committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates, Houdersheldt
NAY: Bohaty, Kuehner, Luebbe, Volkmer
NOT PRESENT: Eberle, Weiss

ITEM 24. PROJECTS PRIORITY LIST.

The Projects and Programs Committee reviewed the project priority list. A supplemental well at Oxbow Trails was added to the list. The Committee discussed the importance of a supplemental well at Oxbow Trail Recreation Area to protect the fishery during drought periods.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD add the Oxbow Trail Supplemental Well project to the FY2021 Projects Budget, as recommended by staff and reviewed by the committee. The motion was approved.

AYE: Bethune, Dickinson, Miller, Moore, Nuss, Rich, Stahly, Houdersheldt
NAY: Bohaty, Bruns, Kuehner, Luebbe, Robotham, Volkmer, Yates
NOT PRESENT: Eberle, Weiss

ITEM 25. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on June 11, 2020 and presented the committee's recommendations.

ITEM 26. PAYMENT REQUEST FROM HARRY A. KOCH CO. FY 21 INSURANCE PACKAGE.

Staff has been working with Cornerstone Insurance to obtain quotes for the FY21 insurance renewal package. Due to the liability for the District owned dams, it has been difficult to get insurers to quote the complete package. We have 1 high-hazard dam (Hastings Northwest) and 2 significant-hazard dams

(Recharge Lake and Oxbow Trails), and 42 low-hazard dams that the District owns and maintains.

The renewal quote for the District's insurance package through Glatfelter has been received from Cornerstone Insurance and The Harry A. Koch Company of Omaha. The quote for FY21 is \$73,531, and the FY20 quote was \$64,107. The workmen's compensation carrier is BITCO. The workmen's compensation premium is based on actual payroll, so a payroll audit is done at the end of each fiscal year to determine any increase or refund of premium.

	FY20	FY 21
Liability, Auto, Fire & Casualty	\$ 49,681	\$ 52,436
Workmen's Compensation	\$ 14,548	\$ 21,095
Estimated Total	\$ 64,229	\$ 73,531

Staff was directed to perform a competitive insurance coverage search prior to FY22 renewal.

It was moved by Miller and seconded by Yates to make payment of \$73,531.00 to Harry A. Koch Co. for liability, auto, workmen's compensation, fire, and casualty insurance for FY21. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 27. PAYMENT REQUEST FROM NEBRASKA ASSOCIATION OF RESOURCES DISTRICT (NARD).

An invoice totaling \$10,244.26 was received from NARD for trees and supplies for the FY20 tree planting season.

It was moved by Miller and seconded by Bruns to make payment of \$10,244.26 to NARD for trees and supplies for the FY20 tree planting season. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 28. PAYMENT TO UNANIMOUS FOR WEBSITE IMPROVEMENTS.

An invoice totaling \$5,400.00 was received from Unanimous for website enhancement. Unanimous is our consultant for website support. The enhancements included: search icon/search results page, alert bar, updated banner area, drop-down menus banner video support, groundwater levels link, social media meta tag on news, rec areas, listing and map integration.

It was moved by Miller and seconded by Yates to make payment of \$5,400.00 to Unanimous for website

enhancements. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 29. FACILITY MORTGAGE PAYOFF.

Over the years board members have expressed a desire to see the mortgage on the NRD office paid off as quickly as possible. The loan originated on May 16, 2016 and was scheduled for two payments of \$243,292.37 each fiscal year with the final payment due October of 2023. The NRD has prepaid some additional principal since the inception of this loan. Interest on the current mortgage is 2.09%. In light of the fact that interest rates are near all-time lows, staff recommended that funds on hand be used to pay off the NRD facility mortgage. Staff obtained payoff information from Cornerstone Bank. As of June 19, 2020, the payoff amount was \$596,790.46.

It was moved by Miller and seconded by Yates to authorize the General Manager to make payoff of \$596,790.46 on June 19, 2020 to Cornerstone Bank. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 30. 2020 PRIMARY ELECTION COSTS.

The Clay County Clerk has billed the District \$1,914.97 for primary election costs.

It was moved by Miller and seconded by Nuss to approve payment of \$1,914.97 to the Clay County Clerk for 2020 primary election costs. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Eberle, Weiss

ITEM 31. EVALUATION OF GENERAL MANGER JOB PERFORMANCE AND REPORT ON STAFF WAGES.

The Executive Committee recommended that the full board consider the General Manager's job performance and any salary adjustment at the June 18th Board Meeting. The General Manager was also to report on the staff wages for FY21.

It was moved by Miller and seconded by Yates that the board go into closed session at 8:26 p.m. to prevent needless injury and to protect the reputation of the General Manager while conducting an evaluation of his job performance. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Eberle, Weiss

It was moved by Yates and seconded by Volkmer to return to open session at 9:15 p.m. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Eberle, Weiss

It was moved by Stahly and seconded by Moore to increase the General Manager's salary by one and one-half percent. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Houdersheldt
NAY: Miller, Yates
NOT PRESENT: Eberle, Weiss

ITEM 32. FINANCIAL REPORT MAY 1 - 31, 2020 AND PUBLICATION OF EXPENDITURES FOR MAY 2020.

Eigenberg reviewed the financial report for the period May 1, 2020 to May 31, 2020 that was distributed. It was moved by Volkmer and seconded by Yates to approve the financial report for May 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Eberle, Weiss

ITEM 33. MOTION TO ADJOURN.

It was moved by Volkmer and seconded by Rich to adjourn the meeting at 9:40 p.m. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Eberle, Weiss

I, the undersigned, Secretary of the Upper Big 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 June 18, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
July 23, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 23, 2020 at 7:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Jeff Bohaty, Doug Bruns, Doug Dickinson, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Kendall Siebert, Jonathan Rempel, Dr. Dan Snow, and Josh Bowers of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Miller reported that we published the legal notice of the board of directors' meeting on July 16, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Miller advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Thirteen directors were present during the roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Paul Bethune, Gary Eberle, Roger Houdersheldt, and Paul Weiss requested excused absences from the July 23, 2020 board meeting.

It was moved by Volkmer and seconded by Rich to excuse the absence of Bethune, Eberle, Houdersheldt and Weiss from the July 23, 2020 Board of Directors meeting as requested. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Volkmer to approve the agenda for the July 23, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE JUNE 18, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Stahly and seconded by Dickinson to approve the minutes of the June 18, 2020 Board of Directors meeting. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met July 14, 2020 and presented the committee's recommendations.

ITEM 8. WATER ACCOUNTING SOFTWARE PROJECT UPDATE AND PAYMENT.

Jim Schneider of Olsson Incorporated and John Burns of Sitka Technologies updated the Water and Regulations Committee via Zoom on the work completed on the Water Accounting Software. The group has completed the algorithm to pool the tracts, wells, and people. Work is proceeding on the water accounting portion of the software to provide staff the ability to track water use by pool. An invoice has been received from Olsson for work completed to date totaling \$27,554.96. This project is partially funded through the Water Sustainability Fund. The District is responsible for payments to Olsson. The District will request reimbursement from the Nebraska Department of Natural Resources for 60% of the project through the Water Sustainability Fund agreement.

It was moved by Kuehner and seconded by Robotham to pay Olsson for work done to date on the Water Accounting Software totaling \$27,554.96. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 9. MATERIALS FOR RESALE - PAYMENT TO CLEMENTS ASSOCIATES INC.

Staff purchased 10 soil probe handles, extension rods, and consultant tubes for resale through the Irrigation Water Management Discount program. An invoice totaling \$2,364.60 has been received from Clements Associates Inc.

It was moved by Kuehner and seconded by Luebbe to pay Clements Associates Inc. for 10 soil probe handles, extension rods and consultant tubes totaling \$2,364.60. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Seven Aquifer Quality Well Abandonment Cost-share Assistance Program applications have been approved for final payments, totaling \$4,543.40.

It was moved by Kuehner and seconded by Volkmer to make cost-share payments for seven well abandonments, as reviewed by the Committee, at a cost of \$4,543.40. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 11. FLOWMETER REPAIR COST-SHARE PAYMENTS.

Two flow meter repair cost-share applications have been approved for final payments totaling \$300.00.

It was moved by Kuehner and seconded by Luebbe to pay two flow meter repair cost-share claims totaling \$300.00. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown & Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. They have submitted an invoice for work completed during June totaling \$14,901.50. As the project lead, the District will make the payment to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Yates to pay Brown & Caldwell for the work completed for the month of June totaling \$14,901.50. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on July 14, 2020 and presented the committee's recommendations.

ITEM 14. LAND TREATMENT PROGRAM COST-SHARE PAYMENT.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD approve payment of \$8,971.91 for seven completed NRD Land Treatment applications, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 15. PRIVATE DAM PROGRAM PAYMENT.

Work on the Kleinschmidt Dam has been completed at a total cost of \$67,974.96. The maximum NRD cost-share for the project under the private dam program is \$50,000.00.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue Natural Resources District approve payment totaling \$50,000.00 to Abbi Kleinschmidt for the completed Kleinschmidt Dam under the private dam program, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 16. JOHNSON CREEK DAM #46 – PAYMENT TO LOWER BIG BLUE NRD FOR PIPE INSTALLATION.

The Lower Big Blue NRD led the Johnson Creek Dam #46 slip lining project. The total cost of the project was \$37,262.99. Total assistance provided by the Lower Big Blue NRD was \$10,831.80.

It was moved by Robotham and seconded by Rich that the Upper Big Blue Natural Resources District approve payment of \$10,831.80 to the Lower Big Blue NRD for work completed on the Johnson Creek Dam #46 slip lining project, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 17. MENTINK DAM – PAYMENT TO PANKOKE CONSTRUCTION FOR PIPE INSTALLATION.

The Mentink Dam slip lining pipe project has been completed. The original contract with Pankoke Construction was \$36,460.00. Two change orders approved by staff, which included access road improvements and emergency spillway erosion repair, brought the revised contract cost to \$41,332.00. Payment of \$28,610.49 was made to Pankoke Construction in June leaving a final payment due of \$12,721.51.

It was moved by Robotham and seconded by Yates that the Upper Big Blue Natural Resources District approve a final payment of \$12,721.51 to Pankoke Construction for work completed on the pipe installation at Mentink Dam, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Yates reported that the Executive Committee met on July 21, 2020 and presented the committee's recommendations.

ITEM 19. DIRECTORS' SECOND QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Totals for the second quarter directors' per diem are \$7,070.00 and expenses are \$959.88, for a total expenditure of \$8,029.88.

It was moved by Yates and seconded by Dickinson to approve payment of second quarter 2020 directors' per diem of \$7,070.00 and expenses of \$959.88 for a total of \$8,029.88, and to publish these approved expenditures in the June 2020 Financial Report, 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 or her own per diem and/or expense reimbursement. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: Kuehner

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 20. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

An invoice in the amount of \$11,131.42 was received from York Printing Company for the June 2020 issue of the BLUEPRINT newsletter.

It was moved by Yates and seconded by Luebbe to approve payment of \$11,131.42 to York Printing Company for printing the June 2020 edition of the BLUEPRINT newsletter. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 21. NRD SHARED SERVICES SALARIES REIMBURSEMENT LOWER BIG BLUE NRD.

An invoice dated July 2, 2020 totaling \$6,804.98 was received from the Lower Big Blue NRD for salaries and benefits for the Saline County NRCS clerk and technician. We were invoiced \$5,936.21 for work performed by the clerk in FY 2020 (July 1, 2019 - June 30, 2020) and \$868.77 for the technician during the months of July and August in FY 2020.

At the request of our board the Interlocal Cooperative Agreements with Central Platte NRD, Little Blue NRD, Lower Big Blue NRD, Lower Platte South NRD and Lower Platte North NRD for shared personnel services were revised to remove payment for any future technician's salaries. The process was started in July of 2019 and the last agreement was fully executed September 18, 2019. The Interlocal Agreement with the Lower Big Blue NRD was approved by their board on August 26, 2019. Since the original Interlocal Agreement was still in place during the months of July and August we were billed for the technician's time for those two months. No further payments will be made for technician's wages.

It was moved by Yates and seconded by Rich to approve payment of \$6,804.98 to the Lower Big Blue NRD for the NRCS clerk and the July and August technician salaries in Saline County for FY 2020. The motion was approved.

AYE: Bohaty, Bruns, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: Dickinson, Miller

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 22. NRD SHARED SERVICES SALARIES REIMBURSEMENT LITTLE BLUE NRD.

An invoice dated June 16, 2020 totaling \$24,193.72 was received from the Little Blue NRD for salaries and benefits for the Clay and Adams County NRCS clerks. The invoice breakdown was \$19,929.77 for Clay County and \$4,263.95 for Adams County for work performed in FY 2020 (July 1, 2019 - June 30, 2020).

It was moved by Yates and seconded by Nuss to approve payment of \$24,193.72 to the Little Blue NRD for NRCS clerk salaries in Clay and Adams County for FY 2020. The motion was approved.

AYE: Bohaty, Bruns, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: Dickinson

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 23. NRD SHARED SERVICES SALARIES REIMBURSEMENT LOWER PLATTE NORTH NRD.

An invoice dated June 30, 2020, totaling \$15,540.17 was received from the Lower Platte North NRD for our portion of the salary and benefits for the Butler County NRCS clerk. The Upper Big Blue NRD has 44.67% of the land area in Butler County. The invoice is for work performed in FY 2020 (July 1, 2019 - June 30, 2020).

It was moved by Yates and seconded by Stahly to approve payment of \$15,540.17 to the Lower Platte North NRD for the NRCS clerk's salary in Butler County for FY 2020. The motion was approved.

AYE: Bohaty, Bruns, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates
NAY: Dickinson

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 24. FY 2021 CONSOLIDATED BUDGET.

Eigenberg recommended that the Board approve the additional 1% restricted funds authority. He advised the Board that a three-fourths majority of the Board present and voting was required for approval.

It was moved by Yates and seconded by Nuss to approve an increase in the total budgeted restricted funds authority by an additional 1%. The motion was approved.

AYE: Bruns, Dickinson, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: Bohaty, Kuehner, Volkmer

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

The final draft of the FY21 Consolidated Budget was presented to the Board. Total tax asking for FY21 is down 8.34% as compared to the FY20 budget. Eigenberg provided a brief presentation outlining the budgeting process and rationale behind the proposed budget.

It was moved by Yates and seconded by Dickinson to recommend that the Board adopt the FY21 Consolidated Budget for the purpose of Public Hearing. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

The dates for two public hearings need to be set so that the proper public notices can be published. In the past, public hearings have coincided with the August and September Board meetings. Eigenberg recommended that the Board schedule the FY21 Budget Hearing for 7:30 p.m., Thursday, August 20, 2020, and the Special Public Hearing for the FY21 Tax Request for 7:30 p.m., Thursday, September 17, 2020.

It was moved by Yates and seconded by Dickinson to schedule the FY21 Budget Hearing for 7:30 p.m., Thursday, August 20, 2020 and the FY21 Tax Request Hearing for 7:30 p.m., Thursday, September 17, 2020. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 25. 2020 PRIMARY ELECTION COSTS.

The Hamilton County Clerk invoiced the District \$842.82 for primary election costs and the Seward County Clerk invoiced the District \$4,180.19.

It was moved by Yates and seconded by Nuss to approve payment of \$842.82 to the Hamilton County Clerk for 2020 primary election costs. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

It was moved by Yates and seconded by Dickinson to approve payment of \$4,180.19 to the Seward County Clerk for 2020 primary election costs. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 26. FINANCIAL REPORT JUNE 1 - 30, 2020 AND PUBLICATION OF EXPENDITURES FOR JUNE 2020.

Eigenberg reviewed the financial report for the period June 1, 2020 to June 30, 2020 that was distributed. It was moved by Dickinson and seconded by Yates to approve the financial report for June 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

ITEM 27. MOTION TO ADJOURN.

It was moved by Yates and seconded by Dickinson to adjourn the meeting at 9:08 p.m. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly,
Volkmer, Yates

NAY: None

NOT PRESENT: Bethune, Eberle, Houdersheldt, Weiss

I, the undersigned, Secretary of the Upper Big 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 July 23, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
FISCAL YEAR 2021 BUDGET HEARING
August 20, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 20, 2020 at 7:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed fiscal year 2021 budget. The budget detail was available at the office of the Upper Big Blue NRD during regular business hours.

Directors present were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, John Bush, Kyle Yrkoski, Josh Bowers of York County NRCS, Jeff Wusk and Kyle Vnoucek representing the Geneva Boys Pond.

ITEM 1. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 2. PUBLIC NOTICE OF BUDGET HEARING AND BUDGET SUMMARY.

Houdersheldt stated for the record that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on August 11, 2020.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during the roll call.

ITEM 4. PROPOSED FISCAL YEAR 2021 BUDGET DISCUSSION.

Houdersheldt asked general manager, David Eigenberg, to review the proposed budget. Last year's property tax request was \$3,755,302.84. The proposed property tax request for fiscal year 2021 is \$3,442,206.44, which is a decrease of 8.34%, or \$313,096.40 from the prior year. Eigenberg also reminded the board that the working document still shows the prior year's valuations because the county clerks have until August 20 to certify the valuations and not all of those have been received. The tax request hearing to set the levy will take place September 17, 2020.

Under the current lid the Upper Big Blue NRD could increase their prior year's restricted funds authority by 2.5% or \$54,268.57. The board voted to approve an additional 1% increase in restricted funds authority in the amount of \$21,707.43, making the allowable increase 3.5% or \$75,975.99. Our unused restricted funds authority for fiscal year 2021 is \$659,080.04. This means that the NRD taxed \$659,080.04 less than the maximum allowed.

Eigenberg reviewed a table showing a comparison of the three prior fiscal year budgets and the current proposed budget figures. He asked if any of the board members had questions regarding the budget. There were no questions from the board.

ITEM 5. PUBLIC COMMENTS.

Houdersheldt asked the members of the public who were present if they had any questions or comments regarding the proposed fiscal year 2021 budget. No comments on the budget were received from any member of the public.

ITEM 6. CLOSE OF HEARING.

Houdersheldt officially closed the hearing at 7:33 p.m.

I, the undersigned, Secretary of the Upper Big 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 August 20, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
August 20, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 20, 2020 at 7:33 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, John Bush, Kyle Yrkoski, Josh Bowers of York County NRCS, Jeff Wusk and Kyle Vnoucek representing Geneva Boys Pond, and Kendall Siebert.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Houdersheldt reported that we published the legal notice of the board of directors' meeting on August 13, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during the roll call.

ITEM 4. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Bethune to approve the agenda for the August 20, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

ITEM 5. APPROVAL OF MINUTES OF THE JULY 23, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Miller and seconded by Rich to approve the minutes of the July 23, 2020 Board of Directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

ITEM 6. ADOPTION OF FISCAL YEAR 2021 BUDGET.

A separate hearing for the proposed fiscal year 2021 budget was held on August 20, 2020 beginning at 7:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska. The required Notice of Budget Hearing and Budget Summary was published on August 11, 2020 in the York News-Times.

The proposed budget was reviewed during the hearing. No one present had comments or questions regarding the adoption of the budget.

It was moved by Dickinson and seconded by Moore to adopt the FY2021 Budget as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

ITEM 7. STAFF RECOGNITION.

John Bush, water resources technician, was recognized by the board for 10 years of service to the District. Kyle Yrkoski was recognized for 5 years of service. Kyle worked as a water resources technician for four and a half years, before being promoted to his current position as district forester.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met August 11, 2020 and presented the committee's recommendations.

ITEM 9. DISTRICT RULE 5 CHANGES.

Krausnick reviewed the draft changes to District Rule 5 – Groundwater Management Area #1 and #2 with the Water and Regulations Committee. The draft changes add a definition for nitrification inhibitors listing nitropryrin, pronitridine, or dicyandiamide as approved active nitrification inhibiting ingredients. It also cleans up grammatical errors, removes language pertaining to the use of nitrification inhibitors district-wide, and the requirement for split nitrogen applications in Phase II and III Management Areas.

It was moved by Kuehner and seconded by Yates to approve the proposed changes to District Rule 5 – Groundwater Management Area #1 & #2 with an effective date of November 1, 2020. The motion was approved.

AYE: Bethune, Bohaty, Dickinson, Eberle, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Weiss, Yates

NAY: Bruns, Luebbe, Stahly, Volkmer

ITEM 10. BEEHIVE 2.0 SCOPE OF WORK.

Krausnick reviewed the scope of work for phase 2 of online producer input using Beehive Coreweb with the Water and Regulations Committee. Funding is included in the FY21 budget to complete the migration of the existing Beehive database to version 2.0. Version 2.0 includes the development of a mobile interface for producer online input, a new level of account management for online users that allows one account to be created to access all related persons in Beehive, and a new staff user interface.

It was moved by Kuehner and seconded by Rich to approve the scope of work for phase 2 of online producer input. The motion was approved.

AYE: Bethune, Dickinson, Eberle, Houdersheldt, Moore, Nuss, Rich, Robotham, Stahly, Yates
NAY: Bohaty, Bruns, Kuehner, Luebbe, Miller, Volkmer, Weiss

ITEM 11. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Five Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments totaling \$3,284.66.

It was moved by Kuehner and seconded by Luebbe to make cost-share payments for five well abandonments, as reviewed by the Committee, at a cost of \$3,284.66. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates
NAY: None

ITEM 12. FLOWMETER REPAIR COST SHARE PAYMENTS.

Two flow meter repair cost-share applications have been approved for final payments totaling \$300.00.

It was moved by Kuehner and seconded by Stahly to pay two flow meter repair cost-share claims totaling \$300.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates
NAY: None

ITEM 13. ON-FARM RESEARCH PARTNERSHIP PAYMENT.

One invoice for the On-Farm Research Partnership Program has been received from Justin Goertzen totaling \$426.00. The program allows for reimbursement up to \$300.00 for the cost of soil, water, and plant tissue sample analysis as a participant in UNL On-Farm Research Program.

It was moved by Kuehner and seconded by Yates to reimburse Justin Goertzen \$300.00 for soil analysis expenses as part of the UNL On-Farm Research Program. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates
NAY: None

ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on August 13, 2020 and presented the committee's recommendations.

ITEM 15. GENEVA BOYS POND ASSISTANCE REQUEST.

Jeff Wusk from Geneva gave a presentation on planned maintenance and upgrades to the Geneva Boys Pond. The City owns the ground and the Geneva Fire Department does much of the maintenance. Planned improvements include removing silt from the existing pond and expanding the pond to the south. Facilities to be added include extending the concrete path, adding a new picnic shelter, a fishing dock, a fishing pier, and possibly a basketball court. Geneva has been discussing these improvements with the Nebraska Game and Parks Commission. Geneva requested technical and financial assistance from the NRD. Through the NRD Parks Program, the NRD offers financial assistance to communities for the development or improvement of natural resources in nature areas, campgrounds, and park facilities. The NRD can provide 25% of local cost-share assistance not to exceed \$10,000.

It was moved by Robotham and seconded by Rich that the Upper Big Blue NRD enter into an interlocal agreement with the City of Geneva to provide technical assistance and 25% of local cost-share, not to exceed \$7,500.00, to the City for planned improvements to the Geneva Boys Pond, as recommended by staff and reviewed by the Committee.

It was moved by Moore and seconded by Luebbe to amend the motion to include July 1, 2022 as the termination date for the interlocal agreement. The amendment carried.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates
NAY: None

It was moved by Bohaty and seconded by Rich to amend the motion to increase the cost-share not to exceed \$10,000. The amendment carried.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates
NAY: None

The question was called on the original motion as amended. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss
NAY: None
NOT VOTING: Yates

ITEM 16. SMITH CREEK RECREATION AREA – WATER AND POWER TO SITE.

Staff presented cost estimates submitted by contractors to bring power to Smith Creek, install a well, a water line and ADA compliant hydrant, a security light with room for a warning siren, and electrical service to the well, light, and the picnic shelter. Quotes submitted are estimates and may change as facilities are set in the field.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD proceed with the low quotes for bringing power to Smith Creek Recreation Area, installing a well, water line with ADA compliant hydrant, pole with security light, outlets on picnic shelter, and all electrical work, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on August 13, 2020 and presented the committee's recommendations.

ITEM 18. 2020 PRIMARY ELECTION COSTS.

The Butler County Clerk invoiced the District \$751.39 for primary election costs.

It was moved by Miller and seconded by Yates to approve payment of \$751.39 to the Butler County Clerk for 2020 primary election costs. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

ITEM 19. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FY21 DUES.

An invoice for \$35,488.00 was received from NARD for the FY 21 dues.

It was moved by Miller and seconded by Luebbe to approve payment of \$35,488.00 to the NARD for the FY 21 dues. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

ITEM 20. NEBRASKA WATER LEADERS ACADEMY SPONSORSHIP PROGRAM.

Staff reviewed a proposal for the Upper Big Blue NRD sponsorship of the Nebraska Water Leaders Academy. The Executive Committee was provided a draft of the proposal in July. The committee made no suggested changes to the proposal.

It was moved by Miller and seconded by Dickinson to adopt the Upper Big Blue NRD sponsorship program for the Nebraska Water Leaders Academy as outline in the attached proposal. Sponsorships will be available for the 2021 Academy. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss
NAY: Yates

ITEM 21. QUOTES FOR CONCRETE REPLACEMENT.

The Executive Committee was updated on several building issues. Three quotes were received for removing and re-pouring the concrete around the north entry doors. The existing concrete has settled causing the grade to tilt toward the building allowing water to pond against the building and leak into the basement.

Contractor	Address	Amount
Dan's Construction	3016 Division Ave., York, NE	\$8,000
Tom's Construction	1422 Michigan, York NE	\$9,636
Schoch Concrete Construction	P.O. Box 12, Benedict, NE	\$10,580

The Executive Committee recommendation to the board was to accept the low quote of \$8,000 from Dan's Construction for the removal and re-pouring of the north patio on the north side of the building with work is to be completed prior to November 1, 2020.

The assistant manager, Rodney Verhoeff, was asked to check with Dan's construction to ensure the work could be completed prior to November 1, 2020.

Verhoeff informed the board that when he contacted Dan's Construction following the committee meeting Dan emphatically stated he could not complete this project by that time because he had taken on several new, large jobs. Dan did not offer any timeframe as he felt he was too booked up at this time to commit to the project. Based on this information Verhoeff recommended to the board they consider accepting the second lowest bid from Tom's Construction for \$9,636 with the original November 1, 2020 completion date.

It was moved by Miller and seconded by Dickinson to accept the quote from Tom's Construction for the removal and re-pouring of the north patio on the north side of the building, at a cost not to exceed \$9,636. Work is to be completed prior to November 1, 2020. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Robotham, Stahly, Volkmer, Weiss, Yates
NAY: Bethune, Rich

ITEM 22. FINANCIAL REPORT JULY 1 - 31, 2020 AND PUBLICATION OF EXPENDITURES FOR JULY 2020.

Eigenberg reviewed the financial report for the period July 1, 2020 to July 31, 2020 that was distributed. It was moved by Volkmer and seconded by Yates to approve the financial report for July 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

ITEM 23. MOTION TO ADJOURN.

It was moved by Bethune and seconded by Dickinson to adjourn the meeting at 8:21 p.m. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates

NAY: None

I, the undersigned, Secretary of the Upper Big 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 August 20, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb
attachment

MINUTES
FISCAL YEAR 2021 TAX REQUEST HEARING
September 17, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 17, 2020 at 7:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request.

Directors present were Paul Bethune, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Kendall Siebert, Josh Bowers of York County NRCS, and Kyle Overturf of AMGL.

ITEM 1. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 2. PUBLIC NOTICE OF TAX REQUEST HEARING.

Houdersheldt stated for the record that the Notice of Special Hearing to Set Final Tax Request was published in the York News-Times on September 9, 2020.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during the roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Jeff Bohaty requested an excused absence from the FY21 Tax Request Hearing.

It was moved by Kuehner and seconded by Volkmer to excuse the absence of Bohaty from the September 17, 2020 fiscal year 2021 tax request hearing. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 5. FISCAL YEAR 2021 TAX REQUEST.

Houdersheldt asked general manager David Eigenberg to review the property tax request and proposed tax rate for fiscal year 2021. Eigenberg reviewed the valuations for the portions of nine counties within the Upper Big Blue NRD. The total valuation was \$14,951,779,871, which was a decrease of \$77,970,126 from the prior fiscal year, or just slightly over one-half percent. The property tax needed to fund the FY 21 budgeted expenditures is \$3,442,206.43 which will require a property tax rate of .023022 to fund the budget. The board will need to adopt a resolution following this hearing to set the levy.

ITEM 6. PUBLIC COMMENTS.

Houdersheldt asked the members of the public who were present if they had any questions or comments regarding the proposed tax request for fiscal year 2021. No comments were received.

ITEM 7. CLOSE OF HEARING.

Houdersheldt officially closed the hearing at 7:35 p.m.

I, the undersigned, Secretary of the Upper Big 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 September 17, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
September 17, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 17, 2020 at 7:36 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Josh Bowers of York County NRCS, Kendall Siebert, and Kyle Overturf with the accounting firm AMGL.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Houdersheldt reported that we published the legal notice of the board of directors' meeting on September 10, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Jeff Bohaty requested an excused absence from the September 17, 2020 board of directors meeting.

It was moved by Volkmer and seconded by Dickinson to excuse the absence of Bohaty from the September 17, 2020 board of directors meeting as requested. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Stahly to approve the agenda for the September 17, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty

ITEM 6. APPROVAL OF MINUTES OF THE FY 2021 BUDGET HEARING.

It was moved by Miller and seconded by Yates to approve the minutes of the FY 2021 budget hearing. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty

ITEM 7. APPROVAL OF MINUTES OF THE AUGUST 20, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Bruns to approve the minutes of the August 20, 2020 board of directors meeting. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty

ITEM 8. ADOPTION OF RESOLUTION TO SET FY 2021 TAX REQUEST.

A separate hearing for the proposed fiscal year 2021 tax request was held on September 17, 2020 beginning at 7:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska. The required notice of special hearing to set final tax request was published on September 9, 2020 in the York News-Times. The tax request was reviewed during the hearing.

Miller read the following resolution required to set the tax request.

RESOLUTION SETTING THE FISCAL YEAR 2021 PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the governing body of the Upper Big Blue Natural Resources District passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held on September 17, 2020 as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the governing body of the Upper Big Blue Natural Resource District resolves that:

1. The Fiscal Year 2021 property tax request be set at \$3,442,206.43.
2. The total assessed value of property differs from last year's total assessed value by a decrease of 1%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.025116 per \$100 of assessed value.
4. The Upper Big Blue Natural Resources District proposes to adopt a property tax request that will cause its tax rate to be \$0.023022 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the Upper Big Blue Natural Resources District will decrease from last year's proposed operating budget by 8%.
6. A copy of this resolution shall be certified and forwarded to the County Clerk on or before October 13, 2020.

It was moved by Miller and seconded by Dickinson to adopt the Resolution to set the FY2021 Tax Request. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 9. FISCAL YEAR 2020 AUDIT.

Kyle Overturf of AMGL presented the FY20 audit to the board. He summarized the Independent Auditor's Report, specifically the audit opinion which stated that the financial statements were free of materials misstatements and there were no issues. He said it is the highest level of assurance that you can get from an outside accounting firm.

He discussed the Management's Discussion and Analysis section. One of the key points was that the NRD paid off the mortgage note payable of \$1,138,868 to Cornerstone Bank, so liabilities were down about 1.1 million dollars. Total assets were down approximately \$300,000 so effectively the net position was up a little over \$800,000. He pointed out that of the District's sources of revenue almost 86% comes from property taxes. He said that the fund balance in the General Fund was 42.8% of the General Fund expenditures for June 2020 year end; or about 5 months cash. The majority of the NRDs property tax collections come in every 6 months so that is an appropriate amount of cash to have on hand.

It was moved by Miller and seconded by Dickinson to accept the FY 2020 audit as presented. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 10. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met September 8, 2020 and presented the committee's recommendations.

ITEM 11. WATER QUALITY MANAGEMENT PLAN – STAKEHOLDER PROJECT GRANT APPLICATION.

Krausnick presented a Project Implementation Plan (PIP) document to the Water Committee. The PIP is a grant application to the Environmental Protection Agency (EPA) for Federal 319 funding for stakeholder work in the Priority and Special Priority Areas from the Water Quality Management Plan. A contract for facilitation services from JEO was also presented to the committee for their consideration. No action was taken on the facilitation contract.

It was moved by Kuehner and seconded by Volkmer to forward the Project Implementation Plan to the Environmental Protection Agency for funding consideration. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 12. BEEHIVE ANNUAL MAINTENANCE AGREEMENT PAYMENT.

An invoice was received from Beehive Industries for the annual license renewal totaling \$25,740.00. The annual agreement covers technical support, data hosting, and user licenses.

It was moved by Kuehner and seconded by Rich to approve payment of \$25,740.00 for Beehive's annual license renewal. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 13. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Six Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments, totaling \$2,486.75.

It was moved by Kuehner and seconded by Yates to make cost-share payments for six well abandonments, as reviewed by the Committee, at a cost of \$2,486.75. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 14. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during July totaling \$22,195.00. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Stahly to pay Brown & Caldwell for work completed for the month of July totaling \$22,195.00. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 15. WATER ACCOUNTING SOFTWARE PROJECT UPDATE AND PAYMENT.

An invoice has been received from Olsson for work on the water accounting platform totaling \$46,417.38. This project is partially funded through the Water Sustainability Fund. The District is responsible for payments to Olsson. The District will request reimbursement from the Nebraska Department of Natural Resources for 60% of the project through the Water Sustainability Fund agreement.

It was moved by Kuehner and seconded by Volkmer to pay Olsson for work done to date on the Water Accounting Software totaling \$46,417.38. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on September 10, 2020 and presented the committee's recommendations.

ITEM 17. LAND TREATMENT PROGRAM PAYMENT.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD approve payment of \$2,462.68 for one completed NSWCP Land Treatment application, as recommended by staff and

reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 18. NEBRASKA BUFFER STRIP PROGRAM FIRST QUARTER PAYMENT.

It was moved by Robotham and seconded by Luebbe that the Upper Big Blue Natural Resources District approve first quarter payment totaling \$225.00 for one Nebraska Buffer Strip contract, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 19. PRIVATE DAMS PROGRAM PAYMENT - DWAIN KUBICEK.

Work on the Kubicek Dam has been completed at a total cost of \$71,156.03. Dwaine Kubicek and the NRCS have signed off on the project as completed as designed. Under the Private Dams Program, the cost share rate is 75%, not to exceed \$50,000.00.

It was moved by Robotham and seconded by Yates that the Upper Big Blue Natural Resources District approve payment of \$50,000.00 to Dwaine Kubicek for the Kubicek Dam construction under the Private Dams Program, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 20. BEAVER CROSSING PARKS RESTROOM PROJECT.

In December of 2018, the NRD Board approved financial assistance of \$5,000.00 from the FY2019 budget and an additional \$5,000.00 from the FY2020 budget to Beaver Crossing for improvements to the restroom/snack shack in the Village park. Staff contacted the Village Clerk in April of 2020 and at that time no work had been done on the project. The NRD and the Village did not have an interlocal agreement, and because the approval for funding was tied to prior fiscal years, staff informed Beaver Crossing that they would need to be re-approved for funding assistance. Jere Leif and Terry Barth, representing Beaver Crossing, gave an update on the work. There were no ball games this summer due to COVID-19, so the City Council decided this summer was a good time to begin working on the project. Work started in June of 2020, and to date the Village has completed approximately 80% of the project and invested approximately \$70,000.00. Most of the work was completed with volunteer labor and funding for this project is the result of fund raisers and donations. Total project costs are estimated to be \$80,000.00. Work remaining includes painting, window installation, plumbing fixtures, concrete

sidewalks, and final electrical work. Jere Leif thought that the project would be completed in 30-45 days. He and Terry Barth expressed their appreciation for the NRD's assistance with rebuilding the park since the 2014 tornado.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD provide 25% of local cost-share assistance, not to exceed \$10,000, to the Village of Beaver Crossing for improvements on the park restroom/snack shack project, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bruns, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: Bethune, Weiss

NOT VOTING: Dickinson, Kuehner

NOT PRESENT: Bohaty

ITEM 21. LITTLE BLUE NRD AND LOWER BIG BLUE NRD ALL-HAZARDS MITIGATION PLAN – INTERLOCAL AGREEMENT.

The Little Blue NRD has written an interlocal agreement with the UBBNRD for updating the nine county All-Hazards Mitigation Plan which includes 3 NRDS (Little Blue, Lower Big Blue, and Upper Big Blue), and nine counties (Adams, Clay, Fillmore, Gage, Jefferson, Nuckolls, Saline, Thayer, and Webster). Little Blue NRD has entered into an agreement with JEO Consulting Group for updating this plan. Estimated cost is \$200,000 with a federal grant providing \$150,000. Each NRD and County is to provide \$4,166.67 of cash or in-kind service for this plan update. It will be dependent upon the costs whether the UBBNRD will need to provide funds or in-kind services. In 2010 the UBBNRD provided \$3,000 of funding assistance for this plan, and in 2015 the UBBNRD agreed to provide \$3,383.33 in cash or in-kind services, but upon completion of that update no payment was necessary.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD enter into an Interlocal Agreement with the Little Blue NRD, the Lower Big Blue NRD, and nine counties (Adams, Clay, Fillmore, Gage, Jefferson, Nuckolls, Saline, Thayer, and Webster) for the update of the All-Hazards Mitigation Plan for the nine county area, which each NRD and County agrees to provide \$4,166.67 of cash or in-kind services, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 22. OXBOW TRAIL – WATER AND POWER TO SITE.

Staff presented cost estimates submitted by contractors for bringing power to Oxbow Trail, installing a domestic well, a water line and ADA compliant hydrant, a security light with room for a warning siren, and electrical service to the well, light, and the picnic shelter. Quotes submitted are estimates and costs may change as facilities are set in the field. Staff confirmed with Butler Public Power District that the

buried power line from the road to the recreation area will allow for future upgrades, such as a day use area and RV park, if the NRD chooses to add these facilities in the future. This would be similar to the setup at Bruce Anderson Recreation Area (Recharge Lake) where the buried line runs from the overhead line north of the entrance to near the entrance of the RV area.

It was moved by Robotham and seconded by Stahly that the Upper Big Blue NRD proceed with the low quotes for bringing power to Oxbow Trail Recreation Area, installing a domestic well, water line with ADA compliant hydrant, pole with security light, outlets on picnic shelter, and all electrical work, as recommended by staff and reviewed by the Committee.

After some discussion it was moved by Bethune and seconded by Bruns to amend the motion to not exceed \$45,000. The amendment failed.

AYE: Bethune, Bruns, Eberle, Kuehner, Moore, Robotham, Stahly

NAY: Dickinson, Luebbe, Miller, Nuss, Rich, Volkmer, Weiss, Yates, Houdersheldt

NOT PRESENT: Bohaty

The question was called on the original motion. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates, Houdersheldt

NAY: Bethune, Kuehner, Luebbe, Volkmer, Weiss

NOT PRESENT: Bohaty

ITEM 23. FRIESEN DAM – ADJACENT CULVERT REPAIR PROJECT – PIPE JACKING QUOTE.

Staff received a quote from Horizontal Boring & Tunneling of Exeter for jacking a 16" steel pipe adjacent to the 15" CMP culvert east of Friesen Dam. The quote will also include grouting the old culvert shut and if needed, pumping costs to lower the upstream water levels. This culvert is part of the Friesen Dam emergency spillway operation.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD accept the quote totaling \$31,592.00 from Horizontal Boring & Tunneling Co. of Exeter for furnishing and boring/installing 128 feet of 16" x .312" wall Steel Pipe, filling existing CMP with grout, and pumping upstream water if needed east of Friesen Dam, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on September 10, 2020 and presented the committee's recommendations.

ITEM 25. NARD LEGISLATIVE RESOLUTION.

NARD Resolution 2020-1 – Extreme Weather Event or Climate Change Action Plan. Submitted by the Lower Platte South NRD. This resolution supports legislation for the development of an evidence-based, data-driven, strategic action plan to provide methods for adapting to and mitigating the impacts of extreme weather events or climate change. The consensus and recommendation of the Executive Committee was to oppose this resolution.

It was moved by Miller and seconded by Yates to oppose NARD Resolution 2020-1 – Extreme Weather Event or Climate Change Action Plan. Submitted by the Lower Platte South NRD with 1 yes and 4 no votes at the upcoming NARD business meeting. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Miller, Rich, Stahly, Volkmer, Weiss, Yates
NAY: Kuehner, Luebbe, Nuss, Robotham, Houdersheldt
NOT VOTING: Moore
NOT PRESENT: Bohaty

ITEM 26. FINANCIAL REPORT AUGUST 1 - 31, 2020 AND PUBLICATION OF EXPENDITURES FOR AUGUST 2020.

Eigenberg reviewed the financial report for the period August 1, 2020 to August 31, 2020 that was distributed. He advised the board that Paul Bethune submitted NADC Form C-3 Contractual Interest Statement disclosing that he made repairs to one of the offices totaling \$103.96, for which he submitted an invoice. It was moved by Volkmer and seconded by Yates to approve the financial report for August 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None
NOT VOTING: Bethune
NOT PRESENT: Bohaty

ITEM 27. MOTION TO ADJOURN.

It was moved by Miller and seconded by Bethune to adjourn the meeting at 9:16 p.m. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None
NOT PRESENT: Bohaty

I, the undersigned, Secretary of the Upper Big 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 September 17, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
October 15, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 15, 2020 at 7:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Kendall Siebert, Tim Horst of Ducks Unlimited, and Josh Bowers of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Houdersheldt reported that we published the legal notice of the board of directors' meeting on October 8, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call. Moore arrived a short time later.

ITEM 4. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Volkmer to approve the agenda for the October 15, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Weiss

ITEM 5. APPROVAL OF MINUTES OF THE FY 2021 TAX REQUEST HEARING.

It was moved by Yates and seconded by Rich to approve the minutes of the FY 2021 tax request hearing. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE SEPTEMBER 17, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Stahly and seconded by Volkmer to approve the minutes of the September 17, 2020 board of directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Weiss

ITEM 7. EMPLOYEE RECOGNITION.

Jack Wergin was recognized for 5 years for service as the district's engineer and Projects Department Manager.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met October 6, 2020 and presented the committee's recommendations.

ITEM 9. GROUNDWATER TRANSFER AUTHORIZATION REQUEST - BEN UNDERWOOD.

Ben Underwood, Ryan Underwood, and Molly Underwood Niazi have purchased property in the SE ¼ of Section 18-T09N-R01W and applied for a well construction permit to irrigate 150 acres on the same property. Ben, Ryan, and Molly would like to apply for a groundwater transfer to use the proposed well to irrigate 80 acres in the N ½ SW ¼ of Section 17-T09N-R01W. This transfer fits within the groundwater transfer rules.

It was moved by Kuehner and seconded by Yates to approve groundwater transfer T-104. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Moore, Weiss

ITEM 10. POTENTIAL WATER QUALITY PARTNERSHIP PROJECT WITH UNIVERSITY OF NEBRASKA, LINCOLN.

Dr. Laila Puntel, with University of Nebraska, was on site to present a grant opportunity in partnership with the Upper Big Blue and Tri Basin Natural Resources Districts. The potential project would utilize the

district's Phase II/III Management Area data coupling it with a benchmarking platform and University of Nebraska Extension to assist with in field trials. The grant application is due on October 16, 2020 and the University is looking for a partnership commitment from the Upper Big Blue Natural Resources District.

It was moved by Kuehner and seconded by Rich to partner with the University of Nebraska on the water quality partnership project grant. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 11. THE NATURE CONSERVANCY SOIL CARBON PROJECT CONTRACT.

The Nature Conservancy submitted a contract for the board's consideration to partner in the Resource Conservation Partnership Project soil carbon project. The contract would require district staff to identify and work with area producers through Natural Resources Conservation Service, Environmental Quality Incentives Program to incorporate no-till, diverse crop rotations, and cover crops into their operations. The district would be eligible for salary reimbursement for time spent on the project.

It was moved by Kuehner and seconded by Robotham to approve the contract with The Nature Conservancy for the soil carbon project. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 12. FLOW METER REPAIR COST-SHARE PAYMENT.

One flow meter repair cost-share application has been approved for final payment, totaling \$150.00.

It was moved by Kuehner and seconded by Luebbe to make cost-share payment for one flow meter repair cost-share, as reviewed by the Committee, at a cost of \$150.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 13. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown & Caldwell are continuing to work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during August totaling \$32,228.50. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Rich to pay Brown & Caldwell for work completed for the month of August totaling \$32,228.50. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Weiss

ITEM 14. PHASE II BEEHIVE PRODUCER INPUT PAYMENT.

Beehive Industries is ready to begin work on phase 2 of online producer input and migration to Beehive 2.0. An invoice totaling \$10,000.00, 50% of total project cost, has been received. The remaining costs will be invoiced upon completion of the project.

It was moved by Kuehner and seconded by Rich to pay Beehive Industries \$10,000.00 to begin work on phase 2 of online producer input and data migration to Beehive 2.0. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: Moore
NOT PRESENT: Weiss

ITEM 15. WATER ACCOUNTING SOFTWARE PROJECT UPDATE AND PAYMENT.

Two invoices have been received from Olsson for work completed on the water accounting platform totaling \$58,698.53 for work completed in August and September. This project is partially funded through the Water Sustainability Fund. The District is responsible for payments to Olsson. The District will request reimbursement from the Nebraska Department of Natural Resources for 60% of the project through the Water Sustainability Fund agreement.

It was moved by Kuehner and seconded by Nuss to pay Olsson for work completed in August and September on the Water Accounting Platform totaling \$58,698.53. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: None
NOT PRESENT: Weiss

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on October 8, 2020 and presented the committee's recommendations.

ITEM 17. POTENTIAL OWNERSHIP OF WETLANDS PROPERTY.

Tim Horst from Ducks Unlimited attended the October 15, 2020 board meeting to answer any questions concerning the gifting of a wetland area to the NRD. The property is approximately 40 acres located in the SE ¼ of the SW ¼ of Section 34, Township 12 North, Range 5 West, in Hamilton County, or approximately 5 miles north of Hampton. Ducks Unlimited sees NRD ownership as a means to keep this area open to the public. In the past month, Ducks Unlimited has removed trees from the property and removed the pond in the northeast corner of the property. Staff showed photos at the Projects & Programs Committee meeting of the wetlands before and after this work had been completed and drone video of the property with the improvements.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD consider accepting ownership of the 40 acres of wetlands located in the Southeast Quarter of the Southwest Quarter of Section 34, Township 12 North, Range 5 West, in Hamilton County, approximately 5 miles north of Hampton from Ducks Unlimited, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Houdersheldt

NAY: Bohaty, Luebbe, Miller, Yates

NOT PRESENT: Weiss

ITEM 18. RECHARGE LAKE – ROCK PURCHASE.

Staff presented photos of bank erosion areas at Recharge Lake due to high reservoir levels for most of 2019. Rock will be placed along the dam east of the spillway, an area just west of the spillway, and both north and south of the boat dock. Rock will be placed by NRD staff with rented equipment. The estimated cost for 175 tons of rock delivered is \$8,872.50.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD purchase 175 tons of rock to be placed along the dam and east shoreline of Recharge Lake, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on October 8, 2020 and presented the committee's recommendations.

ITEM 20. DIRECTORS' THIRD QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Totals for the third quarter directors' per diem were \$7,980.00 and expenses were \$2,547.77 for a total

expenditure of \$10,527.77. Individual expense vouchers were available for review.

It was moved by Miller and seconded by Yates to approve payment of third quarter 2020 directors' per diem of \$7,980.00 and expenses of \$2,547.77 for a total of \$10,527.77, and to publish these approved expenditures in the September 2020 Financial Report, 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 or her own per diem and/or expense reimbursement. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: Kuehner

NOT PRESENT: Weiss

ITEM 21. PAYMENT TO AMGL CPAS & ADVISORS FOR FY2020 AUDIT.

An invoice for \$8,300.00 was received from AMGL CPAs & Advisors for conducting the FY 2020 Audit.

It was moved by Miller and seconded by Luebbe to approve payment of \$8,300.00 to AMGL CPAs & Advisors for conducting the FY 2020 Audit. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 22. CONSIDERATION OF STATEMENT OF WORK SUPPLEMENTING MEMORANDUM OF AGREEMENT BETWEEN USDA, NRCS AND UBBNRD.

The Executive Committee was provided a copy of the Statement of Work which supplements the Memorandum of Agreement between the NRCS and UBBNRD. No Board comments were received on the Statement of Work during September. The Statement of Work details the working relationship between the parties, providing responsibilities and aligning resources for each party. Management recommended that formal action be taken to accept the Statement of Work.

It was moved by Miller and seconded by Bethune to approve this Statement of Work to supplement the Memorandum of Agreement between the NRCS and UBBNRD; and give the General Manager the authority to sign such document. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 23. MASTER PLAN AND LONG-RANGE IMPLEMENTATION PLAN.

The Board was provided copies of both the Master Plan and Long-Range Implementation Plan for their review. No Board feedback or suggested changes were received. Staff recommends the Plans be

approved.

It was moved by Miller and seconded by Dickinson to approve the 2020 editions of the Master Plan and Long-Range Implementation Plan, and to direct staff to provide a copy of the Master Plan to the Nebraska Department of Natural Resources, and copies of the Long-Range Implementation Plan to the Nebraska Department of Natural Resources, the Governor's Policy Research Office, and the Nebraska Game and Parks Commission. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 24. FUND RAISING FOR NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS.

In an email received from NARD, it was suggested by the NARD Executive Committee that each NRD consider a contribution to both the NARD and NARD Foundation. Last month, the Executive Committee instructed management to compile a summary of expenses incurred by Upper Big Blue NRD Board members and staff to attend last year's fall conference. Total expenses exceeded \$7,100. Management recommended a \$7,000 contribution to NARD in lieu of 2020 Fall Conference registration and expenses.

The committee recommendation was to approve \$4,250 be paid the Nebraska Association of Resources Districts, which was the amount of the registrations for last year's fall conference.

It was moved by Miller and seconded by Yates to approve payment of \$4,250 to NARD in lieu of 2020 Fall Conference registration and expenses. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 25. FINANCIAL REPORT SEPTEMBER 1 - 30, 2020 AND PUBLICATION OF EXPENDITURES FOR SEPTEMBER 2020.

Eigenberg reviewed the financial report for the period September 1, 2020 to September 30, 2020 that was distributed. It was moved by Volkmer and seconded by Bethune to approve the financial report for September 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 26. MOTION TO ADJOURN.

It was moved by Volkmer and seconded by Yates to adjourn the meeting at 8:49 p.m. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

I, the undersigned, Secretary of the Upper Big 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 October 15, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
November 19, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 19, 2020 at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Kendall Siebert, Landrum Neer and Lucy Harrington of Westervelt Ecological Services, and Josh Bowers of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Houdersheldt reported that we published the legal notice of the board of directors' meeting on November 12, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Weiss requested that his absence from the November 19, 2020 board of directors meeting be excused.

It was moved by Luebbe and seconded by Volkmer to excuse the absence of Weiss from the November 19, 2020 board of directors meeting as requested. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Robotham to approve the agenda for the November 19, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 6. APPROVAL OF MINUTES OF THE OCTOBER 15, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Yates and seconded by Stahly to approve the minutes of the October 15, 2020 board of directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met November 12, 2020 and presented the committee's recommendations.

ITEM 8. BROWN AND CALDWELL MODELING CONTRACT AMENDMENT.

Brown and Caldwell submitted a contract amendment to extend work on the Blue River Basin Regional Groundwater Model to February 28, 2021. The amendment is not seeking additional funds to complete the project, just added time to deliver a fully calibrated model, provide technical training to use the model, and final report.

It was moved by Kuehner and seconded by Rich to approve the contract amendment with Brown and Caldwell to complete work on the Blue River Basin Regional Groundwater Model. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 9. WATER QUALITY MANAGEMENT PLAN UPDATE/JEO FACILITATION CONTRACT.

The District has been approved for 319 funding to continue work on the Districts' water quality management plan. Krausnick and Wergin reviewed the JEO facilitation contract for the Water Quality Management Plan Stakeholder Project. The goal of the project is to identify best management practices that landowners/operators would be most likely to implement. JEO will facilitate three stakeholder

meetings and one public open house. Upon completion, the district intends to apply for further 319 funding to put best management practices on the ground.

It was moved by Kuehner and seconded by Volkmer to approve the contract with JEO for facilitation of the Water Quality Management Plan Stakeholder Project. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Seven Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments, totaling \$3,750.00.

It was moved by Kuehner and seconded by Luebbe to make cost-share payments for seven well abandonments, as reviewed by the Committee, at a cost of \$3,750.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 11. FLOW METER REPAIR COST-SHARE PAYMENT.

One Flow Meter Repair Cost-Share application was approved for final payment, totaling \$150.00.

It was moved by Kuehner and seconded by Yates to make cost-share payment for one flow meter repair cost-share, as reviewed by the Committee, at a cost of \$150.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during September totaling \$27,981.25. As the project lead, the District will cover 100% of the bill to Brown and Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Yates to pay Brown and Caldwell for work completed for the month of September totaling \$27,981.25. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 13. ON-FARM RESEARCH PARTNERSHIP PAYMENT.

Two invoices for the On-Farm Research Partnership Program has been received from Kendall Siebert totaling \$337.75. The Program allows for reimbursement up to \$300.00 for the cost of soil, water, and plant tissue sample analysis as a participant in UNL On-Farm Research Program.

It was moved by Kuehner and seconded by Nuss to reimburse Kendall Siebert \$300.00 for soil analysis expenses as part of the UNL On-Farm Research Program. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 14. UNL WATER SCIENCES LABORATORY PAYMENT – ARSENIC, URANIUM, AND SELENIUM ANALYSIS.

Two invoices have been received from the UNL Water Sciences Laboratory totaling \$3,207.60. The Water Sciences Lab processed 72 samples for Arsenic, Uranium, and Selenium.

It was moved by Kuehner and seconded by Volkmer to pay the UNL Water Sciences Laboratory for Arsenic, Uranium, and Selenium sample analysis totaling \$3,207.60. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 15. PHASE III IRRIGATION WATER SAMPLING UPDATE.

Three producers remain out of compliance for Phase III irrigation water sampling. In accordance with District Rule 4, staff recommends scheduling public hearings for each producer that is out of compliance.

It was moved by Kuehner and seconded by Moore to schedule a public hearing to run in conjunction with the December Board of Directors meeting for producers in violation of the Phase III Management Area irrigation sampling requirement. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on November 12, 2020 and presented the committee's recommendations.

ITEM 17. STARA DAM PLACEMENT OF ROCK.

The face of the Stara Dam in Butler County has been washing out. Staff has contacted three contractors (Pankoke Construction, Greckel Construction, and Hartmann Construction) to obtain quotes for placing 225 tons of rock along the face of the dam. Pankoke and Hartmann visited the site, but only Pankoke submitted a quote. Greckel and Hartmann said they were too busy and could not get to this project until next year. The engineer's estimate was \$22,000.00. Pankoke submitted a quote of \$18,281.25.

It was moved by Robotham and seconded by Yates that the Upper Big Blue NRD accept the quote from Pankoke Construction of \$18,281.25 for supplying and placing 225 tons of rock on the face of Stara Dam, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 18. WESTERVELT REQUEST FOR UPPER BIG BLUE NRD TO HOLD EASEMENT.

Information was presented to the Board on the request from Westervelt Ecological Services to have the Upper Big Blue NRD hold easement on 79 acres of wetland located approximately 1 mile north of Utica (N ½ of the NE ¼ of Section 19, T11N, R1E in Seward County). This wetland would be part of a mitigation bank to restore habitat, which offer credits to offset ecological losses that occur in water of the U.S. Wetland, and stream credits allow a client to satisfy their environmental mitigation permit requirements prior to impacting wetlands or waters. Westervelt thought it would be more desirable for a local entity to hold the easement as compared to a federal agency. Landrum Neer and Lucy Harrington of Westervelt Ecological Services were present at the board meeting to provide additional information and to answer questions from the board regarding their request. The Projects and Programs Committee will consider the matter of the easement at their December meeting.

ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on November 12, 2020 and presented the committee's recommendations.

ITEM 20. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

York Printing Company submitted an invoice in the amount of \$7,515.10 for printing the Fall 2020 issue of the BLUEPRINT newsletter.

It was moved by Miller and seconded by Dickinson to approve payment of \$7,515.10 to York Printing

Company for printing the Fall 2020 edition of the BLUEPRINT newsletter. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty, Weiss

ITEM 21. TOM'S CONCRETE CONSTRUCTION INVOICE.

The Executive Committee was informed that the tear out and replacement concrete work in the patio area north of the main office is complete. Tom's Construction, 1422 Michigan, York, Nebraska was the contractor. An invoice for the original bid of \$9,636.00 was received. Additional work over and above the original bid was completed. Tom's Construction has requested to be compensated an additional \$655.00 for extra labor and material. Total amount requested is \$10,291.00 for concrete, labor, and materials.

It was moved by Miller and seconded by Nuss to approve payment of \$10,291.00 to Tom's Concrete Construction for the tear out and replacement concrete work in the patio area north of the main office.

It was moved by Bethune and seconded by Yates to divide the question so as to consider separately the part about the additional payment of \$655. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Moore, Rich, Stahly, Volkmer, Yates, Houdersheldt

NAY: Miller, Nuss, Robotham

NOT PRESENT: Bohaty, Weiss

The question was called on the motion to pay Tom's Concrete Construction \$9,636.00. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

It was moved by Miller and seconded by Bohaty to pay Tom's Concrete Construction an additional \$655.00. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Houdersheldt

NAY: Bethune, Yates

NOT PRESENT: Weiss

ITEM 22. PROPOSED REVIEW OF PERSONNEL POLICIES.

Eigenberg requested permission to have legal counsel provide a review of the Personnel Policies. The Upper Big Blue NRD's Personnel Policies were originally adopted in 1991. Several in-house revisions

have been made since then, but no legal review has been conducted. Staff has reviewed the current policies and have suggestions on grammar, spelling, and address corrections. Board action would be required before any edits could be made to the policies.

It was moved by Miller and seconded by Yates to have legal counsel provide a review of the personnel policies and instruct staff to incorporate proposed changes into a 2021 version of the Personnel Policies for Board approval. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 23. FINANCIAL REPORT OCTOBER 1 - 31, 2020 AND PUBLICATION OF EXPENDITURES FOR OCTOBER 2020.

Eigenberg reviewed the financial report for the period October 1, 2020 to October 31, 2020 that was distributed. It was moved by Stahly and seconded by Rich to approve the financial report for October 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

ITEM 24. MOTION TO ADJOURN.

It was moved by Rich and seconded by Yates to adjourn the meeting at 3:51 p.m. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt

NAY: None

NOT PRESENT: Weiss

I, the undersigned, Secretary of the Upper Big 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 November 19, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
December 17, 2020

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 17, 2020 at 1:40 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Doug Bruns, Doug Dickinson, Gary Eberle, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Merlin Volkmer, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Kendall Siebert, Rodney Grotz, and Josh Bowers of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Houdersheldt reported that we published the legal notice of the board of directors' meeting on December 10, 2020 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during roll call.

ITEM 4. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Yates to approve the agenda for the December 17, 2020 board of directors meeting as presented. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 5. APPROVAL OF MINUTES OF THE NOVEMBER 19, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Stahly to approve the minutes of the November 19, 2020 board of directors meeting. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 6. DIRECTOR RECOGNITIONS.

The board and staff recognized three directors who will be leaving the board, having fulfilled their term of office. Each director was presented with a plaque expressing appreciation for their years of dedicated service to the citizens of the District. Merlin Volkmer was recognized for 39 years; Gary Eberle for 23 years and Doug Bruns for 21 years on the board. They will be missed.

ITEM 7. GROUNDWATER QUALITY MANAGEMENT AREA ACTION ON ALLEGED VIOLATION.

The Upper Big Blue NRD held a formal adjudicatory hearing prior to this board meeting to hear the complaint filed by David Eigenberg on behalf of the District against Mitchell Leif. The complaint alleged that the required irrigation water samples from Phase III Groundwater Management Area wells were not submitted as required by the Groundwater Management Area Rules and Regulations. Notice of that hearing was published in the York News-times on November 25, December 3, and December 10, 2020.

It was moved by Rich and seconded by Kuehner to allow Mr. Leif until April 1, 2021 to comply with the Phase III Management Area sampling requirement. Also, this sampling will not be applied to his April 1, 2023 sampling requirement. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met December 10, 2020 and presented the committee's recommendations.

ITEM 9. GROUNDWATER TRANSFER AUTHORIZATION WM REGIER FARMS.

WM Regier Farms, represented by Russell Regier, own a property in the NW ¼ of Section 31-T10N-R4W and in the E ½ of Section 36-T10N-R5W in Hamilton County. Russell Regier applied to transfer water from Section 31 to Section 36 to water 14 acres. This transfer fits within the groundwater transfer rules.

It was moved by Kuehner and seconded by Volkmer to approve groundwater transfer T-105. The motion was approved.

AYE: Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: Bethune

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Six Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments totaling \$4,239.54.

It was moved by Kuehner and seconded by Volkmer to make cost-share payments for six well abandonments, as reviewed by the Committee, at a cost of \$4,239.54. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 11. FLOWMETER REPAIR COST-SHARE PROGRAM REVIEW.

Staff reviewed the actual cost to repair a flowmeter in relationship to the cost-share payments received by program applicants. When the program was first initiated the intent was to cover roughly 50% of the cost of flowmeter repairs. Over time, the costs associated with flowmeter repairs have increased to the point that the District program is only covering 20-25% of the cost. Staff recommended increasing the maximum cost-share amount to \$300.00, while leaving the percentage at 50% of the total cost.

It was moved by Kuehner and seconded by Rich to increase the flowmeter repair cost-share amount to 50%, not to exceed \$300.00. The motion was approved.

AYE: Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Yates, Houdersheldt
NAY: Bethune, Bohaty, Weiss

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT TO BROWN & CALDWELL.

Brown and Caldwell are continuing to work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during October totaling \$6,101.25. As the project lead, the District makes payment to Brown & Caldwell and requests reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Robotham to pay Brown & Caldwell for work completed for the month of October totaling \$6,101.25. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 13. WATER ACCOUNTING PLATFORM UPDATE AND PAYMENT TO OLSSON.

Olsson and Sitka Technologies have completed work on the water accounting platform. The team hosted a staff training on November 20, 2020. Sitka will remain the webhost of the platform for the next two years as part of the water sustainability contract. Sitka will also provide basic technical support for the staff. An invoice totaling \$27,425.24 has been received for work completed through December 5, 2020.

It was moved by Kuehner and seconded by Rich to pay Olsson for work completed through December 5, 2020 on the water accounting platform totaling \$27,425.24. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 14. ON-FARM RESEARCH PARTNERSHIP PAYMENTS.

Invoices for the On-Farm Research Partnership Program have been received from Jay Goertzen and Lynn Yates totaling \$585.26. The Program allows for reimbursement up to \$300.00 for the cost of soil, water, and plant tissue sample analysis, as a participant in UNL On-Farm Research Program.

It was moved by Kuehner and seconded by Luebbe to reimburse Jay Goertzen and Lynn Yates for soil and plant tissue analysis expenses as part of the UNL On-Farm Research Program totaling \$585.26. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Houdersheldt

NAY: None

NOT VOTING: Yates

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on December 10, 2020 and presented the committee's recommendations.

ITEM 16. NEBRASKA BUFFER STRIP PROGRAM SECOND QUARTER PAYMENTS.

It was moved by Robotham and seconded by Yates that the Upper Big Blue Natural Resources District approve second quarter payments totaling \$4,632.74 for six Nebraska Buffer Strip contracts, as recommended by staff, and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 17. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Robotham and seconded by Rich that the Upper Big Blue NRD approve payment of \$1,698.74 for two completed NSWCP Land Treatment applications, and \$2,993.19 for one NRD Land Treatment application, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich,
Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 18. PRIVATE DAMS PROGRAM NEW APPLICATION.

It was moved by Robotham and seconded by Yates that the Upper Big Blue NRD approve a private dam application for Suzanne Johnson located east of McCool in the NE 1/4 of Section 16-T9N-R1W in York County, at a cost estimate range of \$15,000 - \$35,000 as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 19. FY2021 STORM DAMAGED TREE PROGRAM PAYMENT.

In June of 2020 Marie Krausnick applied for cost-share assistance through the storm damaged tree program. At the July 23, 2020 meeting the board approved her application for cost-share assistance up to \$300. In September of 2020 our district forester, Kyle Yrkoski, inspected the plantings and approved payment. On October 15, 2020 payment in the amount of \$225.23 was made. Later there was some discussion about whether the board wanted to review and approve the final cost-share amount. It was the board's decision that they want to approve all cost-share payments. As a result, the following motion was made to retroactively approve the payment to Krausnick.

It was moved by Robotham and seconded by Yates that the Upper Big Blue NRD approve payment of the storm damage tree program application from Marie Krausnick, who planted a maple tree at 205 Beech Ave in York, at a 50% cost-share of \$225.23, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 20. WESTERVELT REQUEST FOR UPPER BIG BLUE NRD TO HOLD WETLAND EASEMENT.

In November, the board received a request from Westervelt Ecological Services to have the Upper Big Blue NRD hold easement on 79 acres of wetland, located approximately 1 mile north of Utica (N ½ of the NE ¼ of Section 19-T11N-R1E in Seward County). One of the terms that the Board had before considering the proposal was that the property be open to public access. Westervelt Ecological Services indicated that they plan to sell a portion of the land on the west end of the property for a home to be built, so not all the 79 acres would be part of the wetland mitigation project. The Board expressed concern that if the wetland portion of the property were open to public access that the proximity to a dwelling could cause issues with hunting on the wetland. The NRCS could hold easement if NRD declines.

It was moved by Robotham and seconded by Weiss that the Upper Big Blue NRD Board not proceed with the request for holding an easement on the potential wetland property located in the N ½ of the NE ¼ of Section 19-T11N-R1E in Seward County, as discussed and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 21. FRIESEN DAM CULVERT REPAIR.

Horizontal Boring & Tunneling completed the project with some minor changes from the quote to the final invoice. Water did not have to be pumped from the inlet which reduced the contract by \$800.00. The total steel pipe installed was two feet longer than the original quote which added \$458.00, for a total finished price of \$31,250.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD approve payment of \$31,250.00 to Horizontal Boring & Tunneling for work completed on the culvert adjacent to Friesen Dam, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 22. OXBOW TRAIL SUPPLY WELL.

Staff requested permission to begin soliciting quotes for installing a supply well in the northeast corner of the Oxbow Trail Recreation Area property. Costs would be itemized by well installation, power to site, electrical hookup, pad, pipeline, and fencing. This is in a high-risk water area of the NRD. The Committee recommended having a test well drilled to ensure the supply well could produce enough water.

It was moved by Robotham and seconded by Nuss that the Upper Big Blue NRD solicit bids for a test well and a supply well at the northeast corner of Oxbow Trail Recreation Area and report the results of the test well prior to continuing with the supply well, as recommended by staff and reviewed by the Committee. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: Bohaty

ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on December 10, 2020 and presented the committee's recommendations.

ITEM 24. 2020 PRIMARY ELECTION COSTS.

The Fillmore County Clerk invoiced the District \$900.56 for the 2020 primary election costs.

It was moved by Miller and seconded by Luebbe to approve payment of \$900.56 to the Fillmore County Clerk for 2020 primary election costs. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 25. 2020 GENERAL ELECTION COSTS.

Invoices were received from the Adams County Clerk in the amount of \$483.00 and the Fillmore County Clerk in the amount of \$3,891.99 for 2020 general election costs.

It was moved by Miller and seconded by Dickinson to approve payments of \$483.00 to Adams County and \$3,891.99 to Fillmore County for the 2020 general election costs. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt
NAY: None

ITEM 26. RESOLUTION RATIFYING ASSIGNMENT OF DIVIDENDS FROM NARD RISK POOL.

May 30, 2020 the NARD and NARD Risk Pool offices were destroyed by fire. In September, the NARD and NARD Risk Pool Boards approved the use of \$200,000 from the NARD general operating fund, \$100,000 from the NARD Foundation, and \$900,000 from the NARD Risk Pool to be used towards the purchase of another building to house the Association and Risk Pool offices. The NARD will borrow the remaining \$900,000 for the purchase.

Dean Edson worked with the Nebraska Department of Insurance to make sure the NARD was properly accounting for the \$900,000 proceeds under the Nebraska Intergovernmental Risk Act. The NARD Board also wants to properly account for the other funds to eventually pay back all three entities for the contribution made toward the purchase.

The Nebraska Department of Insurance determined that the best way to account for the \$900,000 would be to treat the funds as dividends to each district then have each district assign the dividend on the same day to the NARD Foundation for the purpose of buying a building.

On behalf of the Upper Big Blue NRD, NARD Representative Paul Bethune was asked to sign an acknowledgement and attestation form on December 11, 2020 regarding the dividend distribution. Due to time constraints, Director Bethune requested the Executive Committee's consensus for approval to sign the document and then have the full board ratify his actions.

On December 11, 2020, the NARD Intergovernmental Risk Management Pool Association board declared a dividend be issued December 28, 2020 totaling \$900,000 to be evenly distributed to the 23 Natural Resources Districts with the intention that the Districts will ratify and assign their full portion of the dividend to the NARD.

A copy of both the acknowledgment and attestation form and the resolution are attached to these minutes.

It was moved by Miller and seconded by Yates to approve authority to sign attached resolution. The motion was approved.

AYE: Bethune, Bohaty, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

ITEM 27. FINANCIAL REPORT NOVEMBER 1 - 30, 2020 AND PUBLICATION OF EXPENDITURES FOR NOVEMBER 2020.

Eigenberg reviewed the financial report for the period November 1, 2020 to November 30, 2020 that was distributed. It was moved by Stahly and seconded by Nuss to approve the financial report for November 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

ITEM 28. MOTION TO ADJOURN.

It was moved by Volkmer and seconded by Eberle to adjourn the meeting at 3:04 p.m. The motion was approved.

AYE: Bethune, Bruns, Dickinson, Eberle, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Volkmer, Weiss, Yates, Houdersheldt

NAY: None

NOT PRESENT: Bohaty

I, the undersigned, Secretary of the Upper Big 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 December 17, 2020, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

Attachments (2)

**MINUTES
BOARD OF DIRECTORS MEETING
January 21, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 21, 2021 at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, and Josh Bowers of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Houdersheldt reported that we published the legal notice of the board of directors' meeting on January 14, 2021 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Houdersheldt advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during roll call.

ITEM 4. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Yates to approve the agenda for the January 21, 2021 board of directors meeting as presented. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 5. APPROVAL OF MINUTES OF THE DECEMBER 17, 2020 BOARD OF DIRECTORS MEETING.

It was moved by Yates and seconded by Robotham to approve the minutes of the December 17, 2020 board of directors meeting. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 6. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Water & Regulations Committee met January 14, 2021 and presented the committee's recommendations.

ITEM 7. MUNICIPAL WATER SYSTEM ASSISTANCE PROGRAM APPLICATION MCCOOL JUNCTION.

Due to elevated nitrate levels in the Village's municipal wells, the Village has decided to construct a new well to supply potable water to its residents. The Village has applied to the District to assist in the construction of the well. Since the Village received funds through this program within the last five years, the maximum funding they can receive is \$41,650.00. The total project cost is \$848,500.00.

Moved by Rich seconded by Yates to enter into an agreement with the Village of McCool Junction for the construction of a new municipal well at 25% of the local share not to exceed \$41,650.00. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates, Houdersheldt
NAY: Weiss

ITEM 8. PILOT REVERSE OSMOSIS PROGRAM.

The Water and Regulations Committee discussed the draft pilot reverse osmosis program. Questions arose concerning responsibility for system maintenance and demand for the program. The Committee recommended that the district not proceed with developing a program.

Moved by Rich seconded by Stahly to discontinue discussions on a pilot reverse osmosis program. Motion approved.

AYE: Bethune, Dickinson, Grotz, Luebbe, Miller, Moore, Rich, Robotham, Stahly, Weiss, Yates, Houdersheldt
NAY: J. Bohaty, R. Bohaty, Kuehner, Nuss, Siebert

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM.

Krausnick informed the Committee that well abandonment assistance requests have exceeded the program budget for fiscal year 2021 by approximately \$15,000. Krausnick requested that an additional \$20,000 be authorized for the program. Sufficient funds remain in her department budget to allow this additional expenditure and not exceed her overall budget. The Water and Regulations Committee recommended that staff be allowed to exceed the well abandonment line item by \$20,000.

Moved by Rich seconded by Robotham to exceed the AQWACAP budget by \$20,000.00 for FY21. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

Eleven Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$8,086.78.

Moved by Rich seconded by Nuss to make cost-share payments for eleven well abandonments, as reviewed by the Committee, at a cost of \$8,086.78. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 10. CHEMIGATION PROGRAM SUMMARY AND PAYMENT – NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY (NDEE).

The District processed 245 new and 1,482 renewal chemigation permits in 2020. The District's owes NDEE \$4,189.00 for their share of the permit fees.

Moved by Rich seconded by Luebbe to pay the NDEE their share of the chemigation fees for 2020 totaling \$4,189.00. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates, Houdersheldt

NAY: Weiss

ITEM 11. REGIONAL GROUNDWATER MODELING PAYMENT BROWN & CALDWELL.

Work continues on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during November totaling \$41,824.50. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

Moved by Rich seconded by Yates to pay Brown & Caldwell for work completed for the month of November totaling \$41,824.50. Motion was approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 12. WATER QUALITY MANAGEMENT PLAN (WQMP) STAKEHOLDER PAYMENT – JEO ENGINEERING.

JEO Engineering has facilitated the first of three stakeholder meetings in conjunction with continuing implementation of the Districts WQMP. JEO Engineering has submitted an invoice totaling \$3,345.00 for work completed through December 18, 2020.

Moved by Rich seconded by Stahly to pay JEO Engineering for work completed through December 18, 2020, totaling \$3,345.00, for the facilitation of stakeholder meetings surrounding continued implementation of the Districts WQMP. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt
NAY: None

ITEM 13. ARSENIC, URANIUM, AND SELENIUM ANALYSIS PAYMENT – WATER SCIENCES LABORATORY.

An invoice was received from the Water Sciences Laboratory totaling \$2,284.20. The Water Sciences Lab processed 47 samples for Arsenic, Uranium, and Selenium.

Moved by Rich seconded by Luebbe to pay the Water Sciences Laboratory for Arsenic, Uranium, and Selenium sample analysis totaling \$2,284.20. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt
NAY: None

ITEM 14. PHASE II AND III REPORTING UPDATE.

There are 28 producers out of compliance for not reporting their 2020 Phase II and III Management Area practices. They have been issued complaints and violations according to our rules and regulations. Staff recommends scheduling public hearings to coincide with the February board of directors meeting.

Moved by Rich seconded by Yates to schedule public hearings for the 28 producers out of compliance for Phase II and III Management Area Reporting. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt
NAY: None

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on January 14, 2021 and presented the committee's recommendations.

ITEM 16. TREATMENT PROGRAM PAYMENTS.

Moved by Robotham seconded by Nuss that the Upper Big Blue NRD approve payment of \$40,847.38 for six completed NSWCP land treatment applications, as recommended by staff and reviewed by the

Committee. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 17. BEAVER CROSSING PARK RESTROOM AND SNACK SHACK PAYMENT.

The Upper Big Blue NRD has an interlocal Agreement with Beaver Crossing for the construction of a Park Restroom and Snack Shack. Through this Interlocal Agreement, the NRD agreed to provide 25% of the local cost not to exceed \$10,000.00. Beaver Crossing has completed the work on the facility. Total construction costs were \$82,930.32, and Beaver Crossing contributed 595 hours of volunteer work. Twenty-five percent of \$82,930.32 is \$20,732.58 but the NRD contribution would not exceed \$10,000.00.

Moved by Robotham seconded by Luebbe that the Upper Big Blue NRD approve payment of \$10,000.00 to Beaver Crossing for work completed on the Park Restroom / Snack Shack as outlined in the Interlocal Agreement, and as recommended by staff and reviewed by the Committee. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 18. OXBOW TRAIL SUPPLY WELL.

Staff provided three quotes for the supply well at the northeast corner of Oxbow Trail Recreation Area. Quotes received were Sargent Drilling of Geneva - \$62,654.88; Volzke Corp Irrigation Well Drilling of Utica - \$57,444.12; and Grosch Irrigation Drilling & Exploring of Silver Creek - \$53,907.10. The actual cost of the well could be lower or higher depending on the site conditions. The well driller would provide an estimate of the well capacity upon completion of the test hole. The target flow from the well is 800 gallons per minute. Other costs include Butler Public Power District bringing 3 phase power from the north at an estimated cost of \$12,875.00, and Klement Electric hooking up the power to the well at an estimated cost of \$5,000.00. Additional costs would include building a 1-foot pad in the well location, fencing around the well, and digging a channel from the well to the existing channel.

Moved by Robotham seconded by Nuss that the Upper Big Blue NRD approve the low well quote from Grosch Irrigation, Drilling, and Exploring of Silver Creek, for \$53,907.10, approve Butler Public Power District to bring 3 phase power to the site (estimated cost of \$12,875.00), and Klement Electric to hook up power to the well for \$5,000.00, with a total project costs not to exceed \$110,000.00, as recommended by staff and reviewed by the Committee. Motion failed.

AYE: Bethune, Dickinson, Miller, Moore, Nuss, Rich, Robotham, Houdersheldt

NAY: J. Bohaty, R. Bohaty, Grotz, Kuehner, Luebbe, Siebert, Stahly, Weiss, Yates

ITEM 19. CXT VAULT RESTROOMS – OXBOW TRAIL & SMITH CREEK.

Staff presented estimated costs for replacing the existing vault restrooms at Smith Creek and Oxbow Trail Recreation Areas. Total cost estimate was \$70,000 for each site and included a CXT Double Rocky Mountain Vault Restroom with chase, removal of existing vault, site prep, backfill, sidewalks, and an ADA parking stall. Turnaround time from the initial order to delivery of the CXT vault restroom is 90-120 days. Initial quotes from CXT were \$48,464.00 for Smith Creek and \$48,714.00 for Oxbow Trail for a Double Rocky Mountain Vault Restroom with electrical package (which provides lights). Final cost may be slightly higher as additional items may be added such as an electrical outlet in the chase. Staff will get quotes from contractors for the removal, site prep, backfill, and concrete work prior to delivery of the CXT vault.

Moved by Robotham seconded by Nuss that the Upper Big Blue NRD proceed with ordering 2 CXT Double Rocky Mountain Vaults with Chase and Electrical packages, one for Smith Creek Recreation Area and one for Oxbow Trail Recreation Area, as recommended by staff and reviewed by the Committee. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 20. KOHTZ WETLAND – WETLANDS AMERICA TRUST INC DONATION.

NRD staff and legal counsel have reviewed the Donation Agreement between the Upper Big Blue NRD and the Wetlands America Trust, Inc for the donation of the 39.75-acre wetland tract located in the SE ¼ of the SW ¼ of Section 34, Township 12 North, Range 5 West, in Hamilton County, approximately 5 miles north of Hampton. Work to be completed by the donor include fencing, and installation of a solar well. Discussion included property tax issues and future maintenance activities. NRD suggestions have been incorporated into the final Donation Agreement.

Moved by Robotham seconded by Rich that the Upper Big Blue NRD accept the wetland property and approve the board chairperson to sign the donation agreement between the Upper Big Blue NRD and the Wetlands America Trust, Inc., as recommended by staff and reviewed by the Committee. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on January 14, 2021 and presented the committee's recommendations.

ITEM 22. DIRECTORS' 4TH QUARTER PER DIEM AND EXPENSES.

The Executive Committee reviewed the Directors' per diem and expenses for this past quarter. Totals for the 4th quarter 2020 directors' per diem are \$7,980.00 and expenses are \$2,556.85 for a total expenditure of \$10,536.85. Individual expense vouchers were available for review.

Moved by Miller seconded Rich to approve payment of 4th quarter 2020 directors' per diem of \$7,980.00 and expenses of \$2,556.85 for a total of \$10,536.85, and to publish these approved expenditures in the December 2020 Financial Report, 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 or her own per diem and/or expense reimbursement. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 23. 2020 GENERAL ELECTION COSTS.

Invoices have been received for 2020 general election costs. An invoice for \$3,760.03 was received from the Seward County Clerk for \$3,760.03, and York County Clerk for \$4,076.00.

Moved by Miller seconded by Robotham to approve payments of \$3,760.03 to the Seward County Clerk, and \$4,076.00 to York County Clerk for the 2020 general election costs. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 24. FINANCIAL REPORT DECEMBER 1- 31 2020 AND PUBLICATION OF EXPENDITURES FOR DECEMBER 2020.

Eigenberg reviewed the financial report for the period December 1, 2020 to December 31, 2020 that was distributed. It was moved by Miller and seconded by Rich to approve the financial report for December 2020 as presented, approve payments of the accounts payable and publish the expenditures. The motion was approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

ITEM 25. NOMINATING COMMITTEE REPORT.

The Nominating Committee which consisted for Jeff Bohaty, Bill Stahly and Lynn Yates presented their slate of candidates for board officers.

ITEM 26. ELECTION OF OFFICERS.

Election of officer is conducted by secret ballot in accordance with Operating Policy 9. Houdersheldt appointed Marie Krausnick and Jack Wergin to count the ballots. Houdersheldt turned the meeting over to vice chairperson Miller during the election for chairperson.

Nominees for the office of chairperson were Roger Houdersheldt and Lynn Yates. Miller asked if there were any nominations from the floor. There were none. The board members were instructed to cast their ballots. Houdersheldt received 8 votes and Yates received 9 votes. Yates will serve as chairperson for 2 years.

Nominees for the office of vice chairperson were Bill Kuehner and John Miller. There were no nominations from the floor. The board members were instructed to cast their votes. Kuehner received 10 votes and Miller received 7 votes. Kuehner will serve as vice chairperson for 2 years.

Nominees for the office of secretary were Linda Luebbe and Bill Stahly. There were no nominations from the floor. The board members were instructed to cast their votes. Luebbe received 8 votes and Stahly received 9 votes. Stahly will serve as secretary for 2 years.

Nominees for the office of treasurer were Doug Dickinson and Ronda Rich. Kuehner nominated John Miller. There were no further nominations. Ballots were cast and Dickinson received 7 votes, Rich 5 votes and Miller 5 votes. Because none of the candidates received a majority vote Houdersheldt instructed there to be a second round of voting. The board members were instructed to cast their vote for either Rich or Miller. The winner would then face off against Dickinson for the office. In the second round of voting Miller received 9 votes and Rich 8 votes. In the third and final round of voting Dickinson received 11 votes and Miller received 5 votes. Dickinson will serve as treasurer for 2 years.

Nominees for the position of NARD Representative were Paul Bethune and Larry Moore. Houdersheldt advised the board that the candidate with the highest number of votes would serve as the NARD Representative and the other remaining candidate would serve as NARD Alternate. Ballots were cast and Bethune received 11 votes and Moore received 6 votes. Bethune will serve as NARD Representative for 2 years and Moore will serve as Alternate for 2 years.

ITEM 27. MOTION TO ADJOURN.

It was moved by Dickinson and seconded by Robotham to adjourn the meeting at 3:43 p.m. Motion approved.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates, Houdersheldt

NAY: None

I, the undersigned, Secretary of the Upper Big 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 January 21, 2021, 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 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 for 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.

Linda L. Luebbe, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
February 18, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 18, 2021 at 1:44 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, and Grant Jackson of York County NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on February 11, 2021 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCES.

Richard Bohaty, Roger Houdersheldt, and Mike Nuss requested that their absences from the February 18, 2021 board of directors meeting be excused.

It was moved by Kuehner and seconded by Dickinson to excuse the absence of Richard Bohaty, Mike Nuss, and Roger Houdersheldt from the February 18, 2021 board of directors meeting as requested.
Motion approved.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Houdersheldt, Nuss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Robotham to approve the agenda for the February 18, 2021 board of directors meeting as presented. Motion approved.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Houdersheldt, Nuss

ITEM 6. APPROVAL OF MINUTES OF THE JANUARY 21, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Bethune to approve the minutes of the January 21, 2021 board of directors meeting. Motion approved.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Houdersheldt, Nuss

ITEM 7. ACTION ON ALLEGED VIOLATIONS PHASE II & III MANAGEMENT AREAS.

It was moved by Dickinson and seconded by Bethune to adopt the cease-and-desist order against Jason Preissler, as presented to the board on February 18, 2021. Motion approved.

AYE: Bethune, Dickinson, Grotz, Kuehner, Luebbe, Moore, Rich, Robotham, Siebert, Stahly, Yates

NAY: Jeff Bohaty, Weiss

NOT VOTING: Miller

NOT PRESENT: Richard Bohaty, Houdersheldt, Nuss

It was moved by Dickinson and seconded by Rich to adopt the cease-and-desist order against Robb Samuelson, as presented to the board on February 18, 2021. Motion approved.

AYE: Bethune, Dickinson, Grotz, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Yates

NAY: Jeff Bohaty, Weiss

NOT VOTING: Kuehner

NOT PRESENT: Richard Bohaty, Houdersheldt, Nuss

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Water & Regulations Committee met February 11, 2021 and presented the committee's recommendations.

Richard Bohaty joined the meeting via Zoom at 2:00 p.m.

ITEM 9. PROPOSED UNIVERSITY OF NEBRASKA LINCOLN/UNIVERSITY OF NEBRASKA MEDICAL CENTER COLLABORATION.

ITEM 9a. VADOSE ZONE STUDY PROPOSAL.

Dr. Dan Snow was present at the Water and Regulations Committee meeting via Zoom to answer any questions on the proposal submitted at the request of the district to conduct a vadose zone study of the groundwater management areas. Dr. Snow is proposing a 4-year study, each year focusing in different groundwater management zones. He will collect a combination of shallow (0-15') and deep (to the water table) samples. This project will also include work by Dr. Karrie Weber, to look at Arsenic, Uranium, and Selenium concentrations.

It was moved by Kuehner and seconded by Rich to accept the proposal for a district wide vadose zone study, not to exceed \$279,254.00. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Yates
NAY: Grotz, Weiss
NOT PRESENT: Houdersheldt, Nuss

ITEM 9b. DRINKING WATER QUALITY STUDY PROPOSAL.

Dr. Eleanor Rogan and Dr. Karrie Weber were present via Zoom to answer any questions on the proposal submitted by the University of Nebraska Medical Center (UNMC) to conduct a drinking water quality study within the Upper Big Blue NRD. They are asking the district to assist in the collection of 50 private well samples near known pediatric cancer incidents for a minimum of two years. UNMC in return has agreed to cover all lab costs associated with the sample analysis.

It was moved by Kuehner and seconded by Luebbe to accept the proposal, presented by UNMC to assist in the collection of water samples from private drinking water wells within the Upper Big Blue NRD. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.
NAY: None
NOT PRESENT: Houdersheldt, Nuss

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Three Aquifer Quality Well Abandonment Cost-Share Assistance Program applications are being recommended for final payments totaling \$1,856.48.

It was moved by Kuehner and seconded by Robotham to make cost-share payments for three well abandonments, as reviewed by the Committee, at a cost of \$1,856.48. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 11. REGIONAL GROUNDWATER MODELING CONTRACT EXTENSION.

The contract for work on the regional groundwater model will expire on February 28, 2021. Brown & Caldwell is asking for an extension of time to continue calibration of the regional model. They are asking that the contract be extended to June 30, 2021.

It was moved by Kuehner and seconded by Robotham to authorize David Eigenberg to sign the contract extension, as drafted and presented to the Committee. Motion approved.

AYE: Bethune, Richard Bohaty, Dickinson, Luebbe, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: Jeff Bohaty, Grotz, Kuehner, Miller

NOT PRESENT: Houdersheldt, Nuss

ITEM 12. BROWN & CALDWELL REGIONAL GROUNDWATER MODELING PAYMENT.

Brown & Caldwell is continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during December totaling \$23,225.50. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

It was moved by Kuehner and seconded by Stahly to pay Brown & Caldwell for work completed for the month of December totaling \$23,225.50. Motion approved.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: Jeff Bohaty

NOT PRESENT: Houdersheldt, Nuss

ITEM 13. WATER QUALITY MANAGEMENT PLAN (WQMP) STAKEHOLDER PAYMENT – JEO ENGINEERING.

JEO Engineering has facilitated the second of three stakeholder meetings in conjunction with continuing implementation of the Districts WQMP. JEO Engineering has submitted an invoice totaling \$2,955.00 for work completed through January 22, 2021.

It was moved by Kuehner and seconded by Rich to pay JEO Engineering for work completed through January 22, 2021, totaling \$2,955.00, for the facilitation of stakeholder meetings surrounding continued implementation of the Districts WQMP. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Robotham reported that the Projects & Programs Committee met on February 11, 2021 and presented the committee's recommendations.

ITEM 15. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Robotham and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$14,819.10 for two completed NSWCP Land Treatment applications, as recommended by staff and reviewed by the Committee. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 16. CITY OF YORK—FLOOD MITIGATION EVALUATION – EXTENSION OF INTERLOCAL AGREEMENT.

The York City Council voted to approve the flood mitigation evaluation to be completed by JEO Consulting Group Inc., at a cost of \$70,000. The Upper Big Blue NRD has an Interlocal Agreement with the City of York for a flood mitigation evaluation, in which the NRD agreed to provide 50% of the local cost-share, not to exceed \$20,000. The Interlocal Agreement will expire on June 30, 2021 and the current study schedule runs through September 30, 2021.

It was moved by Robotham and seconded by Rich that the Upper Big Blue NRD approve Amendment #1 to the Interlocal Agreement with the City of York for the Flood Mitigation Evaluation, as recommended by staff and reviewed by the Committee. (Amendment #1 extends the Interlocal Agreement to June 30, 2022). Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 17. EDUCATIONAL LANDS LEASE BUTLER COUNTY.

The Upper Big Blue NRD has received a State of Nebraska Cooperative Agreement Between the Nebraska Board of Educational Lands and Funds and Lessee and Upper Big Blue Natural Resources District, for a parcel located in Sections 17 and 20 of Township 13 North, Range 2 East in Butler County sold at public auction or acquired by assignment. This parcel is located approximately 1 mile northwest of Ulysses.

It was moved by Robotham and seconded by Rich that the Upper Big Blue NRD approve and sign the State of Nebraska Cooperative Agreement Between the Nebraska Board of Educational Lands and Funds and Lessee and Upper Big Blue Natural Resources District, as recommended by staff and reviewed by

the Committee. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on February 11, 2021 and presented the committee's recommendations.

ITEM 19. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

The Executive Committee reviewed an invoice from York Printing Company in the amount of \$7,537.57 for printing the Winter 2020/2021 issue of the *Blueprint* newsletter.

It was moved by Miller and seconded by Moore to approve payment of \$7,537.57 to York Printing Company for printing the Winter 2020/2021 edition of the *Blueprint* newsletter. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: None

NOT VOTING: Dickinson

NOT PRESENT: Houdersheldt, Nuss

ITEM 20. 2020 GENERAL ELECTION COSTS.

Invoices were received for 2020 general election costs from the Clay County Clerk in the amount of \$1,876.00 and the Hamilton County Clerk for \$3,547.83.

It was moved by Miller and seconded by Luebbe to approve payments of \$1,876.00 to Clay County Clerk, and \$3,547.83 to Hamilton County Clerk for the 2020 general election costs. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates.

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 21. ATTORNEY FEES.

Invoice # 6918 for \$5,549.60 from BWJ, (Blankenau Wilmoth Jarecke), was received for services provided during the month of January 2021.

It was moved by Miller and seconded by Dickinson to approve payment of \$5,549.60 to BWJ for services

provided during the month of January 2021. Motion approved.

AYE: Bethune, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Siebert, Stahly, Weiss, Yates
 NAY: Jeff Bohaty, Richard Bohaty, Robotham
 NOT PRESENT: Houdersheldt, Nuss

ITEM 22. COMMITTEE ASSIGNMENTS.

Yates presented draft committee assignments for 2021 – 2022 to the Executive Committee for their review. An effort was made to accommodate each director’s committee assignment request and maintain some historic prospective on each committee. The Executive Committee voted to forward the revised committee assignments to the board.

Committee assignments were finalized according to Operating Policy 15: Board Standing Committees. The board meeting was recessed at 3:00 p.m. to allow the Projects and Programs Committee, and the Water and Regulations Committee to meet to elect their respective committee chair and vice-chair. The Executive Committee met to appoint one additional representative from Projects and Programs and Water and Regulations Committee to the Executive Committee, after which the board meeting reconvened at 3:21 p.m. The two-year committee assignments are listed in the chart below.

COMMITTEE MEMBER ASSIGNMENTS 2021 - 2022		
Projects & Programs	Water & Regulations	Executive
Richard Bohaty	Paul Bethune	Lynn Yates, Board Chair
Roger Houdersheldt	Jeff Bohaty, Vice-Chair	Bill Kuehner, Vice-Chair
Bill Kuehner	Doug Dickinson	Bill Stahly, Secretary
Linda Luebbe, Vice-Chair	Rodney Grotz	Doug Dickinson, Treasurer
Ronda Rich, Chair	John Miller, Chair	Paul Bethune, NARD Representative
David Robotham	Larry Moore	Ronda Rich, Projects Committee Chair
Paul Weiss	Mike Nuss	John Miller, Water Committee Chair
Bill Stahly	Kendall Siebert	Roger Houdersheldt, Projects Committee Representative
Lynn Yates	Lynn Yates	Kendall Siebert, Water Committee Representative

ITEM 23. FINANCIAL REPORT JANUARY 1- 31 2021 AND PUBLICATION OF EXPENDITURES FOR JANUARY 2021.

Eigenberg reviewed the financial report for the period January 1, 2021 to January 31, 2021 that was distributed. It was moved by Luebbe and seconded by Rich to approve the financial report for January 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion approved.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Houdersheldt, Nuss

ITEM 24. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Dickinson to adjourn the meeting at 3:35 p.m. Motion approved.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Houdersheldt, Nuss

I, the undersigned, Secretary of the Upper Big 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 February 18, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
March 18, 2021

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 18, 2021 at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Patty Connors, Jeff Ball, DeeDee Novotny, and Josh Bowers of York County NRCS.

Brisk, Eigenberg, Grotz, Luebbe, Moore and Novotny participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on March 11, 2021 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCES.

Kuehner requested that his absence from the March 18, 2021 board of directors meeting be excused.

It was moved by Miller and seconded by Rich to excuse the absence of Kuehner from the March 18, 2021 board of directors meeting as requested. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 5. ADOPTION OF AGENDA.

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the March 18, 2021 board of directors meeting as presented. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 6. APPROVAL OF MINUTES OF THE FEBRUARY 18, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Bethune to approve the minutes of the February 18, 2021 board of directors meeting. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met March 11, 2021 and presented the committee's recommendations.

ITEM 8. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Four Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments totaling \$2,769.60.

It was moved by Miller and seconded by Nuss to make cost-share payments for four well abandonments, as reviewed by the Committee, at a cost of \$2,769.60. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 9. REGIONAL GROUNDWATER MODELING CONTRACT EXTENSION – NEBRASKA DEPARTMENT OF NATURAL RESOURCES.

The contract between the Upper Big Blue Natural Resources District and the Nebraska Department of Natural Resources, for work on the regional groundwater model will expire on March 31, 2021. As presented, the contract extension extends the agreement between the two agencies until June 30, 2021. The contract extension corresponds with the contract extension with Brown & Caldwell.

It was moved by Miller and seconded by Dickinson to authorize David Eigenberg to sign the contract

extension, as drafted and presented to the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 10. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown & Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during January totaling \$21,343.50. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

Brown & Caldwell has submitted a model calibration proposal to the Nebraska Department of Natural Resources for their approval. The proposal outlines a multi-step approach using the PEST method of calibration. At benchmark steps in the calibration process, 'test calibrations' will be run to verify the model's overall calibration before proceeding further.

It was moved by Miller and seconded by Houdersheldt to pay Brown & Caldwell for work completed for the month of January totaling \$21,343.50. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 11. WATER QUALITY MANAGEMENT PLAN (WQMP) STAKEHOLDER PAYMENT – JEO ENGINEERING.

JEO Engineering has facilitated the final stakeholder meeting in conjunction with continuing implementation of the Districts WQMP. A public open house was scheduled for March 18, 2021 from 3:00 – 6:00 at the Holthus Convention Center, in York. JEO Engineering has submitted an invoice totaling \$4,355.00 for work completed through February 19, 2021.

It was moved by Miller and seconded by Dickinson to pay JEO Engineering for work completed through February 19, 2021, totaling \$4,355.00, for the facilitation of stakeholder meetings surrounding continued implementation of the Districts WQMP. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 12. WATER ACCOUNTING PLATFORM PAYMENT – OLSSON.

The District's water sustainability fund (WSF) contract for the water accounting platform included two

years of site hosting and maintenance. To close out the WSF contract, staff requested that Olsson submit an invoice for the two years of site hosting and maintenance totaling \$15,000.00.

It was moved by Miller and seconded by Nuss to pay Olsson for two years of hosting and maintenance for the water accounting platform totaling \$15,000.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Kuehner

ITEM 13. ROUTINE FLOW METER MAINTENANCE PAYMENT – TRI-CITY METERS, INC.

Tri-City Meters has submitted an invoice in the amount of \$25,110.00 for the routine maintenance of 520 mechanical flowmeters. This is approximately one fourth of the meters for the year.

It was moved by Miller and seconded by Luebbe to pay Tri-City Meters for work completed for routine flow meter maintenance totaling \$25,110.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Kuehner

ITEM 14. MATERIALS FOR RESALE IRRIGATION SCHEDULING EQUIPMENT PAYMENT – KLEIN SALES & SERVICES.

Staff purchased 143 Water Mark Sensors for resale from Klein Sales & Service in Osceola at a cost of \$5,434.00.

It was moved by Miller and seconded by Robotham to pay Klein Sales & Services for 143 Water Mark Sensors totaling \$5,434.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Kuehner

ITEM 15. MATERIALS FOR RESALE BATTERY REPLACEMENT PAYMENT – WISH NEBRASKA.

Staff purchased 100 Seametrics battery kits as part of the District's electronic meter maintenance program from WISH Nebraska at a cost of \$10,200.00.

It was moved by Miller and seconded by Stahly to pay WISH Nebraska for 100 Seametrics battery kits totaling \$10,200.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 16. WITHDRAWAL REPORTING UPDATE.

Krausnick provided a list of outstanding agricultural water use report violators. Staff has followed the steps outlined in the District's Rules and Regulations and issued a complaint, violation, and intends to issue an order of cease and desist/schedule of compliance. Since there have been no requests for public hearing, the staff recommends the issuance of an order of cease and desist in accordance with the District's Rules and Regulations.

It was moved by Miller and seconded by Houdersheldt to issue orders of cease and desist for all out of compliance agricultural water use reporters as of March 18, 2021.

It was moved by Miller and seconded by Rich to amend the motion to include the names of those out of compliance. Code 504 LLC, Dale J. Luzum, John V. and Norman Ricenbaw, Mark W. Shonka, Snoberger Farms, and Cheyenne and Roxanne Wohlford. Amendment carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Jeff Bohaty, Weiss

NOT PRESENT: Kuehner

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: Jeff Bohaty, Richard Bohaty, Rodney Grotz, Kendall Siebert, Paul Weiss

NOT PRESENT: Kuehner

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on March 11, 2021 and presented the committee's recommendations.

ITEM 18. LAND TREATMENT PROGRAM PAYMENT.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$3,988.50 for one completed NSWCP land treatment application, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 19. NEBRASKA BUFFER STRIP PROGRAM.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$7,443.30 for six third quarter Nebraska Buffer Strip Program contracts, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 20. PERCIVAL ERICKSON DAM ROCK PURCHASE.

Percival Erickson Dam, located 1 mile southeast of Saronville, has erosion on the face if the dam. Staff wants to purchase rock and have it delivered to the dam site, where NRD staff will place the rock on the dam face later this year.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD purchase approximately 173 tons of rock to be delivered to Percival Erickson Dam, located 1 mile southeast of Saronville, at a cost of \$11,260.57, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 21. SMITH CREEK DAM - RESTORE EMERGENCY SPILLWAY CHANNEL.

The land for the Smith Creek Dam and Recreation Area was purchased through an easement. Under the terms of the easement, the landowner was allowed to farm through the emergency spillway channel, provided it did not interfere with the operation of the spillway. Over the years the spillway channel has been raised 3 to 4 feet. Recommendations from the 2015 and 2020 Nebraska Department of Natural Resources dam inspection reports stated that the emergency spillway should be restored to original channel and grassed. Staff has met with the landowner and has put together a plan to restore the emergency spillway channel and grass approximately 100 feet of the spillway channel that was previously farmed.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD hire Pankoke Construction to restore the spillway channel at a cost of \$7,322.50 and hire Miller Seed to seed and apply hydro mulch on approximately 125 feet of the spillway channel (includes 25 feet of dam), at a cost of \$6,594.00, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: Jeff Bohaty, Kendall Siebert

NOT VOTING: Luebbe

NOT PRESENT: Kuehner

ITEM 22. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Houdersheldt reported that the Executive Committee met on March 11, 2021 and presented the committee's recommendations.

ITEM 23. 2020 GENERAL ELECTION COSTS.

Invoices were received from the Butler County Clerk in the amount of \$1,375.20 and the Saline County Clerk for \$5,964.83 for the 2020 general election costs.

It was moved by Houdersheldt and seconded by Rich to approve payments of \$1,375.20 to Butler County Clerk and \$5,964.83 to Saline County Clerk for the 2020 general election costs. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 24. FINANCIAL REPORT FEBRUARY 1- 28, 2021 AND PUBLICATION OF EXPENDITURES FOR FEBRUARY 2021.

Eigenberg reviewed the financial report for the period February 1, 2021 to February 28, 2021 that was distributed. It was moved by Houdersheldt and seconded by Rich to approve the financial report for February 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Kuehner

ITEM 25. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Rich to adjourn the meeting at 2:58 p.m. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

I, the undersigned, Secretary of the Upper Big 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 March 18, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
April 15, 2021

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 15, 2021 at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Carleen Light, and Josh Bowers of York County NRCS. No one participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on April 8, 2021 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Thirteen directors were present during roll call. Robotham arrived at 7:13 p.m. and Luebbe arrived at 7:23 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCES.

Roger Houdersheldt and Paul Weiss requested that their absence from the April 15, 2021 board of directors meeting be excused.

It was moved by Rich and seconded by Kuehner to excuse the absence of Houdersheldt and Weiss from the April 15, 2021 board of directors meeting as requested. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Robotham, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Moore and seconded by Rich to approve the agenda for the April 15, 2021 board of directors meeting as presented. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Robotham, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE MARCH 18, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Miller and seconded by Rich to approve the minutes of the March 18, 2021 board of directors meeting. Motion approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Kuehner

NOT PRESENT: Houdersheldt, Luebbe, Robotham, Weiss

ITEM 7. STAFF RECOGNITION.

Marie Krausnick, Water Department Manager, was recognized for 20 years of service to the District and presented with a framed print. Water Department Secretary Carleen Light was presented with a framed print in recognition of 15 years of service. General Manager David Eigenberg received a plaque and was recognized for 5 years of service.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met April 6, 2021 and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Five Aquifer Quality Well Abandonment Cost-share Assistance Program applications were recommended for final payments totaling \$3,077.98.

It was moved by Miller and seconded by Nuss to make cost-share payments for five well abandonments, as reviewed by the Committee, at a cost of \$3,077.98. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Robotham, Weiss

ITEM 10. BEEHIVE 2.0 DEPLOYMENT PAYMENT – BEEHIVE INDUSTRIES.

Beehive Industries has completed work on the migration from Beehive to Beehive 2.0. Staff is reviewing the work before giving the final go ahead for the conversion. The 2.0 platform will be cloud-based to allow for mobile use by both staff and online users. The total project cost was \$20,000.00. An invoice in the amount of \$10,000.00 for the final installment was received.

It was moved by Miller and seconded by Dickinson to make the final payment to Beehive Industries of \$10,000.00 for the completion of the Beehive 2.0 platform upgrades. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Robotham, Weiss

ITEM 11. ANNUAL PAYMENT TO BEEHIVE INDUSTRIES FOR ONLINE PRODUCER INPUT PORTAL.

An invoice was received for the annual hosting and maintenance of the Online Producer Input portal totaling \$7,600.00 from Beehive Industries.

It was moved by Miller and seconded by Stahly to pay Beehive Industries for the annual hosting and maintenance of the Online Producer Input portal. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Robotham

NOT PRESENT: Houdersheldt, Luebbe, Weiss

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT BROWN & CALDWELL.

Brown and Caldwell are continuing work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed in February totaling \$9,786.00. As the project lead, the District makes payment to Brown & Caldwell and requests reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

The Nebraska Department of Natural Resources has signed off on the model calibration proposal. Brown & Caldwell has started working through the first three calibration steps.

It was moved by Miller and seconded by Nuss to pay Brown & Caldwell for work completed for the month of February totaling \$9,786.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Weiss

ITEM 13. WATER QUALITY MANAGEMENT PLAN STAKEHOLDER PAYMENT – JEO ENGINEERING.

Twenty-four attendees participated in a public open house held March 18, 2021. This included agency partners, University of Nebraska, stakeholders, and members of the public who were in attendance to learn about the District's water quality management planning (WQMP) efforts. JEO Engineering submitted an invoice totaling \$9,748.75 for work completed through March 19, 2021.

It was moved by Miller and seconded by Rich to pay JEO Engineering for work completed through March 19, 2021, totaling \$9,748.75, for the facilitation of the public open house in conjunction with the stakeholder work as part of the WQMP implementation. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Weiss

ITEM 14. ROUTINE FLOW METER MAINTENANCE PAYMENT – TRI-CITY METERS, INC.

Tri-City Meters has submitted their second invoice in the amount of \$24,570.00 for the routine maintenance of 511 mechanical flow meters.

It was moved by Miller and seconded by Dickinson to pay Tri-City Meters for work completed for routine flow meter maintenance totaling \$24,570.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Luebbe, Weiss

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on April 8, 2021 and presented the committee's recommendations.

ITEM 16. PAYMENT TO LINCOLN-OAKES NURSERY.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$2,198.60 to Lincoln-Oakes Nursery for 2,150 trees purchased by the NRD, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 17. DUNKER DAM SLIP LINING PROJECT.

Staff has prepared specifications for slip lining Dunker Dam, located 4 miles west of Ulysses, and expects to have bids back by noon on Thursday, April 15th. Wergin advised the committee that quotes for the HDPE pipe purchase have already been obtained. He requested that he be allowed to present the information to the full board at their meeting on April 15 for their consideration.

It was moved by Rich and seconded by Moore that the Upper Big Blue NRD consider purchasing the HDPE pipe and awarding a bid for slip lining Dunker Dam at the NRD board meeting on April 15, 2021, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

Wergin stated that the cost to purchase pipe for the slip lining project is estimated to be \$6,297.50. \$2,497.50 for the pipe and estimated shipping of \$4,000.

Three contractors were provided specifications for bidding the project. Two bids were received for installation of the pipe. M.E. Collins Contracting \$24,425.00 and Pankoke Construction \$25,284.00. The engineer's estimate was \$23,875.00.

It was moved by Dickinson and seconded by Bethune that the Upper Big Blue NRD purchase 125 feet of 18" HDPE pipe from ISCO Industries for \$2,497.50, plus shipping and handling, and award the pipe installation contract to M.E. Collins Contracting for \$24,425.00 for the repair of Dunker Dam principal spillway pipe. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 18. SMITH CREEK RECREATION AREA REQUEST TO UTILIZE RECREATION AREA.

Randy Wheeler and Thomas Anthony requested permission to utilize the park area at Smith Creek Recreation Area. Two years ago, their group was allowed to park campers around the picnic shelter. Last year they were not allowed access to the park area, so they camped in the parking lot. Their group has done some repairs at the park and does a good job of cleanup. The Committee said that they like to see the park used. Discussion included having the group fill out a special occasion permit with the NRD, which will protect the NRD and provide proof that the group has approval from the NRD.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD allow the group to apply for a special occasion permit to utilize the Smith Creek Park Area on the last week of June 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on April 8, 2021 and presented the committee's recommendations.

ITEM 20. DIRECTORS' 1ST QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. The first quarter directors' per diem is \$7,840.00 and expenses are \$2,310.04 for a total expenditure of \$10,150.04. Individual expense vouchers were available for review.

It was moved by Kuehner and seconded by Rich to approve payment of first quarter 2021 directors' per diem of \$7,840.00 and expenses of \$2,310.04 for a total of \$10,150.04, and to publish these approved expenditures in the March Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 21. ATTORNEY FEES.

Invoice #7020 for \$5,992.00 from BWJ, (Blankenau Wilmoth Jarecke), was received for services provided during the month of March 2021.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$5,992.00 to BWJ for services provided during the month of March 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 22. FANTASTIC FUN RIVER RUN EXHIBIT.

In 2005 Scott Snell, former public relations department manager, designed and fabricated the Fantastic Fun River Run exhibit. The purpose of the exhibit was to make an interactive game for all ages to make

learning about rivers and our environment fun. Snell constructed the exhibit himself with the financial help of a grant of \$15,418 from Water for the West which was funded through the Bureau of Reclamation.

Snell logged thousands of miles with the traveling exhibit in the first several years of its life. It was even displayed at the Nebraska State Fair twice. The exhibit is now 16 years old, and the District no longer receives requests for use of the exhibit. For the past 5 years the exhibit has been sitting unused in the basement of the NRD office.

Chrystal Houston, current public relations department manager, has been trying to find a new, permanent place to house the exhibit. Houston recently offered the exhibit to Raising Nebraska for display at the Nebraska State Fair, but the offer was declined. Houston explained to the committee that due to the size of the exhibit, which is over 34 feet long, there are not many facilities that have the space to set it up and have room for people to walk around it. Then they would also be faced with where to store it when not in use. The other concern that has been raised is the risk of spreading COVID since the exhibit is interactive and requires lots of physical contact.

The committee recommended that because we are unable to find another individual, group, or agency that would utilize the exhibit for its intended purpose, the District should gift the river run to Scott Snell.

It was moved by Kuehner and seconded by Nuss to gift the river run education exhibit to Scott Snell to be used as he deems appropriate. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 23. KOHTZ WETLAND – WETLANDS AMERICA TRUST INC. DONATION.

The District has received the executed Donation Agreement between the Upper Big Blue NRD and the Wetlands America Trust, Inc for the donation of the 39.75-acre wetland tract located in the Southeast Quarter of the Southwest Quarter of Section 34, Township 12 North, Range 5 West, in Hamilton County, approximately 5 miles north of Hampton. The deed transfer is filed, and the real estate transfer has been received.

ITEM 24. REVISED PERSONNEL POLICIES.

A copy of the revised Employee Handbook was provided to the Board for their review. Legal counsel and staff have met to discuss proposed revisions to our policy. Management hopes that Board approval can be obtained at the May Board Meeting.

ITEM 25. FINANCIAL REPORT MARCH 1- 31, 2021 AND PUBLICATION OF EXPENDITURES FOR MARCH 2021.

Eigenberg reviewed the financial report for the period March 1, 2021 to March 31, 2021 that was distributed. It was moved by Miller and seconded by Rich to approve the financial report for March 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 26. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Dickinson to adjourn the meeting at 8:14 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

I, the undersigned, Secretary of the Upper Big 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 April 15, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
May 20, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 20, 2021 at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Lisa Hurley, Executive Director of the York County Development Corporation, Julie Hoffman, and April McDaniel, representing the Peyton Parker Lane Playground, and Josh Bowers of York County NRCS. No one participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on May 13, 2021 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call. Robotham arrived at 7:09 p.m., and Luebbe arrived at 7:23 p.m.

ITEM 4. ADOPTION OF AGENDA.

It was moved by Kuehner and seconded by Rich to approve the agenda for the May 20, 2021 board of directors meeting as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe, Robotham

ITEM 5. APPROVAL OF MINUTES OF THE APRIL 15, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Dickinson to approve the minutes of the April 15, 2021 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe, Robotham

ITEM 6. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met May 11, 2021 and presented the committee's recommendations.

ITEM 7. FLOW METER REPAIR COST SHARE PAYMENTS.

It was moved by Miller and seconded by Nuss to pay twelve flow meter repair cost-share claims totaling \$3,293.20. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe, Robotham

ITEM 8. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Nineteen Aquifer Quality Well Abandonment Cost-share Assistance Program applications were recommended for final payments, totaling \$11,477.12. A discussion took place regarding the end of year obligated funds for 28 remaining well abandonments resulting in a committee recommendation to continue paying claims through the end of FY21.

It was moved by Miller and seconded by Rich to continue future payments through FY21, and to make cost-share payments for 19 well abandonments, as reviewed by the Committee, at a cost of \$11,477.12. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe, Robotham

ITEM 9. CERTIFICATION OF IRRIGATED ACRES.

The Water and Regulations Committee reviewed the no-crop and irrigated acres' certification for 806 parcels totaling 72,776.31 acres, resulting in an increase in irrigated acres of 1,141.61. This brings the total irrigated acres to 1,243,583.31.

It was moved by Miller and seconded by Grotz to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe

ITEM 10. REGIONAL GROUNDWATER MODELING PAYMENT TO BROWN & CALDWELL.

Brown & Caldwell are continuing to work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during March totaling \$1,311.75. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

It was moved by Miller and seconded by Nuss to pay Brown & Caldwell for work completed for the month of March totaling \$1,311.75. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe

ITEM 11. WATER QUALITY MANAGEMENT PLAN (WQMP) STAKEHOLDER PAYMENT – JEO ENGINEERING.

JEO Engineering has facilitated the final report and follow-up stakeholder survey in conjunction with continuing implementation of the Districts WQMP. JEO Engineering has submitted an invoice totaling \$462.50 for work completed through April 23, 2021.

It was moved by Miller and seconded by Rich to pay JEO Engineering for work completed through April 23, 2021, totaling \$462.50, for the facilitation of the final report and stakeholder survey surrounding continued implementation of the Districts WQMP. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe

ITEM 12. ROUTINE FLOW METER MAINTENANCE PAYMENT – TRI-CITY METERS, INC.

Tri-City Meters has submitted the final two invoices totaling \$47,215.00 for the routine maintenance of 1,007 mechanical flow meters. All data has been delivered and reviewed by the staff.

It was moved by Miller and seconded by Dickinson to pay Tri-City Meters for work completed for routine flow meter maintenance totaling \$47,215.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Luebbe

ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on May 13, 2021 and presented the committee's recommendations.

ITEM 14. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$9,973.54 for 2 completed NSWCP Land Treatment Projects, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 15. GILTNER DRAINAGE STUDY.

Giltner submitted a request for funding assistance for a drainage study. Brandon Loughrin of Miller & Associates discussed problems around the school and bank, along the east side of Giltner. Study costs were estimated at \$9,000.00.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD enter into a Interlocal Agreement with the Village of Giltner to cost-share a drainage study at 50%, not to exceed \$4,500.00, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 16. PEYTON PARKER LANE PLAYGROUND.

April McDaniel, Julie Hoffman, and Lisa Hurley were present at the Projects and Programs Committee meeting to give a presentation and update on the Peyton Parker Lane Playground to be constructed in Minck's Park in York. The estimated cost for the facility is \$920,000.00. The City of York is supportive of the project and NRD financial assistance would be provided through an interlocal agreement with the City of York.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD enter into an Interlocal Agreement with the City of York to provide \$20,000.00 of fiscal year 2022 funding and \$20,000.00 of fiscal year 2023 funding for the Peyton Parker Lane Playground project.

It was moved by Weiss and seconded by Grotz to amend the motion to provide \$50,000 funding per year for two years.

It was moved by Dickinson and seconded by Jeff Bohaty to refer the matter back to the Projects and Programs Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Rich, Robotham, Siebert, Stahly, Yates

NAY: Grotz, Miller, Moore, Nuss, Weiss

ITEM 17. PERCIVAL-ERICKSON DAM – PAYMENT FOR ROCK.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD pay Martin Marietta \$11,774.80 for 180.90 tons of rock delivered to Percival-Erickson Dam west of Sutton. NRD staff will place the rock on the face of the dam. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 18. SMITH CREEK RECREATION AREA IMPROVEMENTS.

Pipers Inc has installed the domestic well and waterline at Smith Creek. The ADA accessible hydrant is on back order. Norris Public Power has installed the power pole and the security light pole. Staff has requested a quote for removal of the existing vault restroom.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD accept Pankoke Construction's bid of \$4,100.00 for removing the existing vault restroom at Smith Creek, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly

NAY: Bethune, Jeff Bohaty, Nuss, Weiss, Yates

ITEM 19. OXBOW TRAIL RECREATION AREA IMPROVEMENTS.

Pipers Inc will be installing the domestic well and waterline at Oxbow Trail. Butler Public Power will be bringing power to the site. Staff obtained a quote for removal of the existing vault restroom.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD accept Pankoke Construction's bid of \$4,500.00 for removing the existing vault restroom at Oxbow Trail, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly

NAY: Bethune, Nuss, Weiss, Yates

ITEM 20. WETLANDS EASEMENT – REAL PROPERTY.

Tim Horst of Ducks Unlimited attended the Projects & Programs Committee meeting and presented information on a parcel of land upon which they would like the NRD to hold an agricultural easement to prevent any building construction on an 89-acre parcel of land located in the NW quarter of Section 8, Township 8 North, Range 2 West in Fillmore County, north of Fairmont. This parcel is adjacent to a restored wetland. The Projects and Programs Committee took no action on his request.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD agree to hold an agricultural easement on the 89-acre parcel of land in the NW ¼ of Section 8, Township 8 North, Range 2 West in Fillmore County owned by Ducks Unlimited.

It was moved by Miller and seconded by Kuehner to amend the motion to say that if at any time the tax status is lowered the District will relinquish the easement. Question was called on the amendment. Amendment failed.

AYE: Jeff Bohaty, Kuehner, Miller, Weiss

NAY: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

The question was called on the original motion. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Luebbe, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Miller, Weiss

ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on May 13, 2021 and presented the committee's recommendations.

ITEM 22. BURKE SCHOLARSHIP SELECTION.

The scholarship selection committee met and recommended changes to the Burke Scholarship selection parameters. First, to change the deadline for application from the end of April until the middle of March so the selection process would mirror school sponsored honor programs. Award announcements would be made at the April Board Meeting. The selection committee also recommends that the Upper Big Blue NRD administer up to three scholarships awarded annually in the amount of \$2,000 each.

Eleven completed applications were received for the 2021 Burke Scholarship. An interim selection committee was appointed to review and rank all applications. The selection committee recommended that three applicants be awarded scholarships and that one alternate be named. The recipients are as follows.

\$2,000 Scholarship: Alena Carlson, Aurora, Nebraska, graduate of Aurora High School, attending University of Nebraska, Kearney.

\$2,000 Scholarship: Makenna Havlat, Seward, Nebraska, graduate from Milford Public Schools, attending Chadron State College, Chadron.

\$2,000 Scholarship: Blake Frink, Hastings, Nebraska, graduate from Adams Central Schools, attending University of Nebraska, Lincoln.

Alternate: Keeley Conrad, York Nebraska, graduate of York High School, attending University of Nebraska, Lincoln.

It was moved by Kuehner and seconded by Luebbe to suspend the current policy governing the selection and award process for the Burke Scholarship Program for FY 21, allowing for the additional award of a \$2,000 scholarship to Alena Carlson, Aurora, Nebraska; and for FY 22, \$2,000 scholarships would be awarded to Blake Frink, Hastings, Nebraska, and Makenna Havlat, Seward, Nebraska; and to further name Keeley Conrad, York, Nebraska, the alternate. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 23. EDUCATIONAL CAPITAL PROJECTS (ECAP) SELECTION PROCESS.

The Committee was advised of one application for the FY2021 Educational Capital Projects Fund (ECAP). The application was received from Cross County Public High School to assist with the development of a sensory garden. The garden will become home to raised vegetable gardens, a small garden pond and fish, a seating area, as well as space for a variety of native and exotic vegetation. The application requests \$1,900 of a total project cost of \$18,000.

It was moved by Kuehner and seconded by Dickinson to award a \$1,900 grant to Cross County Public High School for their sensory garden project. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 24. FISCAL YEAR 22 SALARY SCHEDULE.

Eigenberg presented his recommended changes for the FY22 Salary Schedule. He explained the logic and starting point behind this recommendation and answered questions. This schedule was developed to provide guidance on the FY22 salary structure. Midpoints were calculated by taking the average of 5 NRDs with similar property valuations, annual payrolls, and staffing numbers. Midpoints were then used to develop minimum (80%) and maximum (120%) wage limits. The Salary Schedule will be used in accordance with the Operating Policy.

It was moved by Kuehner and seconded by Houdersheldt to approve the FY22 Salary Schedule as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 25. FISCAL YEAR 22 WAGE INCREASE.

The current FY21 salaries and wages of the employees were reviewed with the Executive Committee. Eigenberg asked that the board authorize \$41,178 (3.0% of total FY21 payroll) for salary increases for the staff in the FY22 budget.

It was moved by Kuehner and seconded by Nuss to adjust the annual FY22 salaries of the district staff, except for the General Manager, by an amount not to exceed \$41,200 (3.0% of total FY21 payroll), and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 26. FINANCIAL REPORT APRIL 1- 30, 2021 AND PUBLICATION OF EXPENDITURES FOR APRIL 2021.

Eigenberg reviewed the financial report for the period April 1, 2021 to April 30, 2021 that was distributed. It was moved by Stahly and seconded by Houdersheldt to approve the financial report for April 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 27. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Rich to adjourn the meeting at 9:11 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

I, the undersigned, Secretary of the Upper Big 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 May 20, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
June 17, 2021

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 17, 2021, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, Mike Nuss, Ronda Rich, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Julie Hoffman, and Josh Bowers of York County NRCS. No one participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on June 11, 2021, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

David Robotham, John Miller, and Larry Moore requested that their absence from the June 17, 2021, board of directors meeting be excused.

It was moved by Rich and seconded by Kuehner to excuse the absence of Robotham, Miller and Moore from the June 17, 2021, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Dickinson to approve the agenda for the June 17, 2021, board of directors meeting as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 6. APPROVAL OF MINUTES OF THE MAY 20, 2021, BOARD OF DIRECTORS MEETING.

It was moved by Stahly and seconded by Dickinson to approve the minutes of the May 20, 2021, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Jeff Bohaty reported that the Water & Regulations Committee met June 8, 2021 and presented the committee's recommendations.

ITEM 8. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Twelve Aquifer Quality Well Abandonment Cost-share Assistance Program applications have been approved for final payment, totaling \$8,551.41.

It was moved by Jeff Bohaty and seconded by Dickinson to make cost-share payments for twelve well abandonments, as reviewed by the committee, at a cost of \$8,551.41. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 9. NEBRASKA MESONET PAYMENT – RECHARGE LAKE WEATHER STATION.

An invoice totaling \$3,900.00 was received for the maintenance and hosting of the Recharge Lake weather station. Nebraska Mesonet is shifting payments to the calendar year rather than July 1 fiscal year. The invoice is for the period July 1, 2021, through December 31, 2022.

It was moved by Jeff Bohaty and seconded by Luebbe to pay Nebraska Mesonet \$3,900.00 for eighteen months of Recharge Lake weather station maintenance and hosting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 10. PAYMENT TO SARGENT DRILLING FOR MONITORING WELL PUMP REPLACEMENT.

During spring sampling, the deep monitoring well at the York dedicated monitoring well site (York 5B) was not working. Staff had the pump replaced by Sargent Drilling, Geneva, Nebraska who submitted an invoice for \$3,881.00.

It was moved by Jeff Bohaty and seconded by Bethune to pay Sargent Drilling, of Geneva, for the replacement of York 5B pump totaling \$3,881.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 11. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during April totaling \$15,015.75. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

It was moved by Jeff Bohaty and seconded by Houdersheldt to pay Brown & Caldwell for work completed for the month of April totaling \$15,015.75. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 12. CONTRACT EXTENSION REGIONAL GROUNDWATER MODELING – BROWN & CALDWELL.

Brown and Caldwell are continuing to work on the refinement and calibration of the regional Blue River Basin groundwater model. Transient model runs are taking large amounts of computation time. Brown & Caldwell is asking for an extension of time until December 31, 2021 to complete the modeling work.

It was moved by Jeff Bohaty and seconded by Houdersheldt to approve the Blue River Basin groundwater model contract extension allowing work to continue through December 31, 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Rich, Siebert, Stahly, Weiss, Yates

NAY: Grotz, Nuss

NOT PRESENT: Miller, Moore, Robotham

ITEM 13. WATER QUALITY MANAGEMENT PLAN (WQMP) STAKEHOLDER PAYMENT – JEO ENGINEERING.

JEO Engineering has facilitated the final report and follow-up stakeholder survey in conjunction with continuing implementation of the Districts WQMP. JEO Engineering has submitted an invoice totaling \$1,202.50 for work completed through May 21, 2021. This will be the last invoice, as the stakeholder implementation phase of work has been completed.

It was moved by Jeff Bohaty and seconded by Rich to pay JEO Engineering for work completed through May 21, 2021, totaling \$1,202.50, for the facilitation of the final report and stakeholder survey surrounding continued implementation of the Districts WQMP. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 14. DRAFT FY22 WATER DEPARTMENT BUDGET.

Krausnick reviewed the second draft of the Water & Regulations Department budget with the committee. Additional funds were added to complete the regional Blue River Basin model. The committee recommended that the draft be forwarded to the Executive Committee for inclusion in the consolidated budget.

It was moved by Jeff Bohaty and seconded by Luebbe to forward the Water Department budget to the Executive Committee for inclusion in the consolidated budget. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 15. PHASE II/III PROGRAM REVIEW.

Krausnick provided two lists of producers who are in violation of district rules and regulations for Phase II/III management area reporting, and those who have not completed nitrogen certification training. Staff has followed the steps outlined in the District's Rules and Regulations and issued a complaint, violation, and intent to issue an order of cease and desist/schedule of compliance. The producers have until June 18 to complete the Phase II/III management area report and June 16 to complete the nitrogen certification test. If the producers fail to come into compliance, they have the option of requesting a public hearing before the board of directors or face the issuance of an Order of Cease and Desist.

It was moved by Jeff Bohaty and seconded by Luebbe to issue orders of cease and desist for all producers out of compliance with Phase II/III reporting by the close of business Friday, June 18, 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Stahly, Weiss, Yates

NAY: Grotz, Siebert

NOT PRESENT: Miller, Moore, Robotham

It was moved by Jeff Bohaty and seconded by Rich to issue orders of cease and desist for all producers out of compliance with nitrogen certification training by the close of business Wednesday, June 16, 2021.

Krausnick informed the board that staff has contacted producers who are out of compliance with nitrogen certification training and offered them the opportunity to attend a special nitrogen certification training on Thursday, June 24. They may also take the written test. She asked that the board amend the motion and extend the deadline to close of business on Friday, June 25.

It was moved by Houdersheldt and seconded by Dickinson to amend the motion to say Friday, June 25, 2021. Amendment carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Stahly, Weiss, Yates

NAY: Siebert

NOT PRESENT: Miller, Moore, Robotham

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Stahly, Weiss, Yates

NAY: Grotz, Siebert

NOT PRESENT: Miller, Moore, Robotham

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on June 10, 2021 and presented the committee's recommendations.

ITEM 17. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$1,413.64 for one completed NSWCP Land Treatment Project, and \$18,364.48 for ten completed NRD Land Treatment Projects, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Rich

NOT PRESENT: Miller, Moore, Robotham

ITEM 18. NEBRASKA BUFFER STRIP PROGRAM.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve 4th quarter payments of \$18,016.70 for ten Nebraska Buffer Strip Program contracts, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 19. CORNERS FOR WILDLIFE PROGRAM PAYMENTS.

It was moved by Rich and seconded by Jeff Bohaty that the Upper Big Blue NRD approve payment of \$402.00 for two Corners for Wildlife contracts, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 20. PEYTON PARKER LANE PLAYGROUND FUNDING REQUEST.

The Committee reviewed the NRD's Parks Program guidelines and discussed the Special Projects Program. They discussed eligibility requirements and the importance of staying within the program to be consistent with all parties. The City of York is supportive of the project and NRD financial assistance would be provided through the City of York.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD enter into an Interlocal Agreement with the City of York to provide 25% of the local cost-share, not to exceed \$10,000.00 of fiscal year 2022 funds for the Peyton Parker Lane Playground, as outlined in the NRD's Parks Program. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Yates

NAY: Bethune, Weiss

NOT PRESENT: Miller, Moore, Robotham

ITEM 21. DUNKER DAM SLIP LINING PROJECT.

M.E. Collins grouted the pipe on June 4. There was some concern with the cellular grout used, so the contractor will be plugging the grout pipes and vent pipes with concrete. Shipping costs for the pipe were higher due to shortages of trailers and truck drivers.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$7,397.50 to ISCO Industries for the 18" HDPE Pipe and delivery, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 22. YORK FLOOD MITIGATION EVALUATION.

The City of York requested reimbursement for work completed between February and May on the York Flood Mitigation Evaluation. The evaluation will identify potential flood risk reduction measures. To-date JEO Consulting has completed the kickoff meeting, conducted a field visit, has reviewed NDNR/FEMA updated flood modeling, and has started to look at flood plain modeling scenarios. The NRD has an Interlocal Agreement with the City of York to provide 50% of the costs not to exceed \$20,000.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue approve payment of \$5,281.25 (50% of local costs totaling \$10,562.50) to the City of York for work completed on the York Flood Mitigation Evaluation project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 23. SMITH CREEK RECREATION AREA IMPROVEMENTS.

Pieper's Inc. has installed the domestic well and waterline at Smith Creek and Pankoke Construction has removed the old restroom. The new CXT Rocky Mountain Double Vault Restroom was installed on Thursday, June 10th. The ADA accessible hydrant will be installed following some additional grading work.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$13,312.00 to Pieper's Inc. for installation of the domestic well at Smith Creek, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$3,198.00 to Pankoke Construction for removing the existing vault restroom at Smith Creek, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 24. OXBOW TRAIL RECREATION AREA IMPROVEMENTS.

Pankoke Construction has removed the old restroom. The new CXT Rocky Mountain Double Vault Restroom was installed on Wednesday, June 9th. Pieper's Inc will be installing the domestic well and waterline at Oxbow Trail. Butler Public Power will be bringing power to the site. They will need to install some overhead line from the road to cross the gas line.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$3,510.00 to Pankoke Construction for removing the existing vault restroom at Oxbow Trail, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 25. FY 2022 DRAFT FORESTRY BUDGET.

Staff presented the second draft of the FY 2022 Forestry budget for the committee's review. The committee recommended that the draft be forwarded to the Executive Committee for inclusion in the consolidated budget.

It was moved by Rich and seconded by Luebbe to forward the draft Forestry budget to the Executive Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 26. FY 2022 DRAFT PROJECTS BUDGET.

Staff presented a second draft of the FY 2022 Projects budget for the committee's review. The committee made changes to the proposed budget and recommended that the draft be forwarded to the Executive Committee with those changes for inclusion in the consolidated budget.

It was moved by Rich and seconded by Houdersheldt to forward the draft Projects budget to the Executive Committee with the additions of 1) \$125,000 for purchasing additional 16.3 acres on the west side of Oxbow Trails for park development 2) \$100,000 for installing storm warning sirens at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trail recreation areas 3) \$160,000 for installing storm shelters at Pioneer Trails and Recharge 4) \$40,000 for improving parking/camping options at Smith Creek. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Yates

NAY: Weiss

NOT PRESENT: Miller, Moore, Robotham

ITEM 27. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on June 10, 2021 and presented the committee's recommendations.

ITEM 28. PAYMENT TO THE HARRY A. KOCH CO. FOR FY 22 INSURANCE COVERAGE.

Staff worked with Cornerstone Insurance to obtain quotes for the FY22 insurance package. Due to the liability for the district owned dams it is difficult to get insurers to quote the complete package. We have 1 high-hazard dam (Hastings Northwest) and 3 significant-hazard dams (Struebing, Recharge Lake and Oxbow Trail), and 40 low-hazard dams or structures that the district owns and maintains.

A renewal quote of \$77,589 was submitted by Cornerstone Insurance and The Harry A. Koch Company of Omaha for the district's FY 22 insurance package through Glatfelter. The cost of coverage for FY21 was \$73,531. Our workers compensation carrier is BITCO. The work comp premium is based on actual payroll, so a payroll audit will be conducted at the end of each fiscal year to determine any additional premium due.

	FY21	FY 22
Liability, Auto, Fire & Casualty	\$52,436	\$56,913
Workers Compensation	\$21,095	\$20,676
Estimated Total	\$73,531	\$77,589

It was moved by Kuehner and seconded by Rich to make payment of \$77,589 to Harry A. Koch Co. for liability, auto, workmen's compensation, fire, and casualty insurance for FY22. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 29. PAYMENT REQUEST FROM NEBRASKA ASSOCIATION OF RESOURCES DISTRICT (NARD).

An invoice totaling \$11,107.79 was received from NARD for trees and supplies for the FY21 tree planting season.

It was moved by Kuehner and seconded by Luebbe to make payment of \$11,107.79 to NARD for trees and supplies for the FY21 tree planting season. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 30. PAYMENT TO NORTH PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

The Executive Committee reviewed an invoice from North Printing Company in the amount of \$10,916.16 for printing the Spring 2021 edition of the BLUEPRINT newsletter.

It was moved by Kuehner and seconded by Rich to approve payment of \$10,916.16 to York Printing Company for printing the Spring 2021 edition of the BLUEPRINT newsletter. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 31. EVALUATION OF GENERAL MANAGER'S JOB PERFORMANCE AND FY22 COMPENSATION.

The Executive Committee recommended that the full board consider the general manager's job performance and any salary adjustment at the June 17th Board Meeting.

It was moved by Kuehner and seconded by Houdersheldt that the board go into closed session at 8:22 p.m. to prevent needless injury and to protect the reputation of the general manager while conducting an evaluation of his job performance. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

It was moved by Kuehner and seconded by Dickinson to return to open session at 8:35 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

It was moved by Houdersheldt and seconded by Grotz to increase the general manager's salary by 3%.

Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Luebbe

NOT PRESENT: Miller, Moore, Robotham

ITEM 32. FINANCIAL REPORT MAY 1 -31, 2021 AND PUBLICATION OF EXPENDITURES FOR MAY 2021.

Eigenberg reviewed the financial report for the period May 1, 2021, to May 31, 2021 that was distributed. It was moved by Houdersheldt and seconded by Grotz to approve the financial report for May 2021 as presented, approve payments of the accounts payable and publish the expenditures.

Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

ITEM 33. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Dickinson to adjourn the meeting at 9:17 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller, Moore, Robotham

I, the undersigned, Secretary of the Upper Big 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 June 17, 2021, 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 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 for 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.

Bill Stahly, Secretary

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**MINUTES
BOARD OF DIRECTORS MEETING
July 22, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 22, 2021, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, and Josh Bowers of York County NRCS. No one participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on July 15, 2021, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call. Grotz arrived at 7:02 p.m.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

There were no requests for excused absence.

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Dickinson to approve the agenda for the July 22, 2021, board of directors meeting as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 6. APPROVAL OF MINUTES OF THE JUNE 17, 2021, BOARD OF DIRECTORS MEETING.

It was moved by Luebbe and seconded by Bethune to approve the minutes of the June 17, 2021, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met July 13, 2021 and presented the committee's recommendations.

ITEM 8. MUNICIPAL WATER SYSTEM ASSISTANCE PROGRAM AGREEMENT EXTENSION – MCCOOL JUNCTION.

The Village of McCool Junction was awarded funding by the Upper Big Blue NRD for the construction of a new municipal well. The well driller is having trouble acquiring the materials needed to construct the well. The original funding agreement expired on June 30, 2021. The Village is requesting an extension to December 31, 2021, for completion of this project.

It was moved by Miller and seconded by Luebbe to extend the Municipal Water System Assistance Program agreement with the Village of McCool Junction until December 31, 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 9. FLOWMETER REPAIR COST-SHARE PAYMENTS.

Six flow meter repair cost-share applications have been approved for final payments totaling \$1,386.60.

It was moved by Miller and seconded by Luebbe to pay six flow meter repair cost-share claims totaling \$1,386.60. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Five Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$3,594.61.

It was moved by Miller and seconded by Rich to make cost-share payments for five well abandonments, as reviewed by the Committee, at a cost of \$3,594.61. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 11. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on July 13, 2021 and presented the committee's recommendations.

ITEM 12. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$54,051.36 for 12 completed NRD Land Treatment Projects, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 13. STORM DAMAGED TREE PROGRAM PAYMENT.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD approve payment of \$99.50 to Joe and Carol Schmeiding for a tree through the storm damaged tree program, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 14. DUNKER DAM SLIP LINING PROJECT PAYMENT.

M.E. Collins has completed packing the grout and vent pipes with concrete.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$24,425.00 to M.E. Collins Contracting for work completed at Dunker Dam, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 15. STARA DAM - PAYMENT TO PANKOKE CONSTRUCTION.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$18,848.38 to Pankoke Construction for the purchase and placement of 232 tons of rock on the face of Stara Dam, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

ITEM 16. YORK FLOOD MITIGATION EVALUATION PAYMENT.

JEO met with the City of York, the mayor, city council members, and NRD staff to update the city on the evaluation. JEO will be taking a closer look at modeling in a few areas of town to see if a more detailed flood routing could reduce the flood plain.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD approve payment of \$2,312.50 (50% of local costs totaling \$4,625.00) to the City of York for work completed on the York Flood Mitigation Evaluation project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 17. PAYMENT TO CXT INCORPORATED FOR SMITH CREEK RECREATION AREA RESTROOMS.

The new CXT Rocky Mountain double vault restroom was installed on Thursday, June 10.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$52,244.00 to CXT Incorporated for the purchase and installation of the CXT Rocky Mountain double vault restroom at Smith Creek, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 18. PAYMENT TO CXT INCORPORATED FOR OXBOW TRAIL RECREATION AREA RESTROOMS.

The new CXT Rocky Mountain double vault restroom was installed on Wednesday, June 9th.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$52,494.00 to CXT Incorporated for the purchase and installation of the CXT Rocky Mountain double vault restroom at Oxbow Trail, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 19. GENEVA BOYS POND – PAYMENT TO CITY OF GENEVA.

Geneva has completed the digging of the Boys Pond and the city has requested payment of \$10,000 through the Interlocal Agreement (25% of \$41,725.00 = \$10,431.25). Geneva had 122 hours of

volunteer work at the time the digging was completed. Other work included installation of erosion seeding mats along the shoreline, rock ramp area for fish stocking, and habitat trees.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD approve payment of \$10,000 to the City of Geneva for work completed on the rehabilitation of the Geneva Boys Pond as outlined in the Interlocal Agreement between the City and the NRD, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on July 22, 2021 and presented the committee's recommendations.

ITEM 21. DIRECTORS' SECOND QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Totals for the second quarter directors' per diem are \$9,100.00 and expenses are \$2,981.61, for a total expenditure of \$12,081.61. Individual expense vouchers were available for review.

It was moved by Kuehner and seconded by Rich to approve payment of second quarter 2021 directors' per diem of \$9,100.00 and expenses of \$2,981.61 for a total of \$12,081.61, and to publish these approved expenditures in the June 2021 financial report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 22. LITTLE BLUE NRD SALARY REIMBURSEMENT.

An invoice dated June 22, 2021, totaling \$20,608.66 was received from Little Blue NRD for the Clay County NRCS clerk's salary for work performed in FY 2021 (July 1, 2020 - June 30, 2021). The Adams County NRCS clerk position was vacant during FY 2021.

It was moved by Kuehner and seconded by Nuss to approve payment of \$20,608.66 to the Little Blue NRD for the NRCS clerk salary in Clay County. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 23. LOWER BIG BLUE NRD SALARY REIMBURSEMENT.

An invoice dated June 23, 2021, totaling \$6,394.34 was received from the Lower Big Blue NRD for the Saline County NRCS clerk's salary for work performed in FY 2021 (July 1, 2020 - June 30, 2021).

It was moved by Kuehner and seconded by Rich to approve payment of \$6,394.34 to the Lower Big Blue NRD for the NRCS clerk in Saline County for FY 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 24. LOWER PLATTE NORTH NRD SALARY REIMBURSEMENT.

An invoice dated July 8, 2021, totaling \$16,161.95 was received from the Lower Platte North NRD for the Butler County NRCS clerk's salary for work performed in FY 2021 (July 1, 2020 - June 30, 2021).

It was moved by Kuehner and seconded by Houdersheldt to approve payment of \$16,161.95 to the Lower Platte North NRD for the NRCS clerk's salary in Butler County for FY 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 25. REVIEW PROPOSED PERSONNEL POLICY CHANGES.

Eigenberg led discussion and staff answered questions regarding the process of updating the Personnel Policies.

It was moved by Kuehner and seconded by Dickinson to approve Personnel Policy DRAFT 04-08-2021.

After lengthy discussion regarding proposed changes to the policy, payment for leave in excess of the maximum carryover limits, and the sick leave banking policy, it was moved by Kuehner and seconded by Miller to send Personnel Policy Draft 04-08-2021 back to the Executive Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Siebert
NAY: Miller, Moore, Nuss, Rich, Robotham, Stahly, Weiss, Yates

ITEM 26. FY 2022 CONSOLIDATE BUDGET.

Eigenberg recommended that the Board approve the additional 1% restricted funds authority. The affirmative vote of three-fourths majority of the board members present (13 votes) is required for approval.

It was moved by Kuehner and seconded by Rich to approve an increase in the total budgeted restricted funds authority by an additional 1%. Motion failed to achieve a three-fourths vote.

AYE: Bethune, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Siebert, Weiss

A draft of the FY22 Consolidated Budget was presented to the Executive Committee and other board members. In this draft, the tax request for FY22 was down 9.82% as compared to the FY21 budget. Eigenberg briefly explained the budgeting process and rationale behind the proposed budget. There was discussion about the total dollars needed to purchase a new half-ton four-wheel drive crew cab pickup for the forestry department. An additional \$12,000 was placed in the Forestry budget auto & truck line item, bringing the total for the line item to \$44,000. Further action was taken by the Committee to amend the proposed FY22 Budget by adding to the sinking fund \$100,000 designated for future drainage projects, \$100,000 designated for Oxbow Trail Recreational Area Development and \$100,000 designated for Recharge Watershed Improvements and adding \$50,000 to professional services in the Project Department budget. These proposed changes caused the total tax asking for FY22 to increase by 0.80%, as compared to the FY21 budget. The Executive Committee forwarded the draft FY22 Budget with these changes to the full board for their approval.

It was moved by Kuehner and seconded by Rich to adopt the FY22 Consolidated Budget as amended for the purpose of Public Hearing.

There was a great deal of discussion regarding the proposed transfers to the sinking fund, especially the funds earmarked for future drainage projects.

It was moved by Grotz and seconded by Kuehner to amend the motion to remove the \$100,000 transfer to sinking fund for "Future Drainage Projects" from the proposed FY22 Budget. Amendment failed

AYE: Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Luebbe, Siebert, Stahly, Weiss

NAY: Bethune, Dickinson, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Yates

The question was called on the original motion. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Yates

NAY: Jeff Bohaty, Grotz, Kuehner, Siebert, Stahly, Weiss

The dates for two public hearings need to be set so that the public notices can be published. In the past, public hearings have coincided with August and September Board meetings. Action is needed by the Board to schedule the FY22 Budget Hearing for 7:00 p.m., Thursday, August 19, 2021, and the Special Public Hearing for the FY22 Tax Request for 7:00 p.m., Thursday, September 16, 2021. Regular monthly Board meetings will also occur on these dates following the close of the hearings.

It was moved by Kuehner and seconded by Rich to schedule the FY22 Budget Hearing for 7:00 p.m., Thursday, August 19, 2021, and the FY22 Tax Request Hearing for 7:00 p.m., Thursday, September 16, 2021. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 27. FINANCIAL REPORT JUNE 1 -30, 2021 AND PUBLICATION OF EXPENDITURES FOR JUNE 2021.

Eigenberg reviewed the financial report for the period June 1, 2021, to June 30, 2021, that was distributed. It was moved by Houdersheldt and seconded by Dickinson to approve the financial report for June 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 28. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Rich to adjourn the meeting at 9:10 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

I, the undersigned, Secretary of the Upper Big 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 July 22, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
FISCAL YEAR 2022 BUDGET HEARING
August 19, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 19, 2021 at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to the proposed fiscal year 2022 budget. The budget detail was available at the office of the Upper Big Blue NRD during regular business hours.

Directors present were Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, Kyle Overturf of AMGL, and Josh Bowers of York County NRCS.

ITEM 1. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 2. PUBLIC NOTICE OF BUDGET HEARING AND BUDGET SUMMARY.

Yates stated for the record that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on August 3, 2021.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during the roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Paul Bethune and Rodney Grotz requested an excused absence.

It was moved by Rich and seconded by Dickinson to excuse the absence of Bethune and Grotz from the FY2022 Budget Hearing as requested. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 5. PROPOSED FISCAL YEAR 2022 BUDGET DISCUSSION.

Yates asked general manager, David Eigenberg, to review the proposed budget. Last year's property tax request was \$3,442,206.43. The proposed property tax request for fiscal year 2022 is \$3,469,900.61, which is an increase of .80%, or \$27,694.18 from the prior year.

The budget includes transfers totaling \$300,000 to the sinking fund. The transfers are \$100,000 for Oxbow Trail development; \$100,000 for Recharge Lake watershed improvements; and \$100,000 for future drainage improvements. Eigenberg also reminded the board that the working document still shows the prior year's

valuations because the county clerks have until August 20 to certify the valuations and not all of those have been received. The tax request hearing to set the levy will take place September 16, 2021.

Under the current lid the Upper Big Blue NRD could increase the prior year's restricted funds authority by 2.5% or \$56,167.97. The board could have approved an additional 1% increase in restricted funds authority but voted not to. The unused restricted funds authority for fiscal year 2022 is \$897,937.58.

Eigenberg reviewed a comparison of the three prior fiscal year budgets and the current proposed budget figures. He asked if any of the board members had questions regarding the budget. There were no questions from the board.

ITEM 6. PUBLIC COMMENTS.

Yates asked the members of the public who were present if they had any questions or comments regarding the proposed fiscal year 2022 budget. No comments on the budget were received from any member of the public.

ITEM 7. CLOSE OF HEARING.

Yates officially closed the hearing at 7:08 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the fiscal year 2022 budget hearing held August 19, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
August 19, 2021

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 19, 2021, at 7:09 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Marie Krausnick, Crystal Houston, and Josh Bowers of York County NRCS. No one participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on August 12, 2021, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Paul Bethune and Rodney Grotz requested that their absence from the August 19, 2021 board of directors meeting be excused.

It was moved by Rich and seconded by Dickinson to excuse the absence of Bethune and Grotz from the August 19, 2021 board of directors meeting as requested. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 5. ADOPTION OF AGENDA.

It was moved by Luebbe and seconded by Rich to approve the agenda for the August 19, 2021, board of directors meeting as presented. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 6. APPROVAL OF MINUTES OF THE JULY 22, 2021, BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Rich to approve the minutes of the July 22, 2021, board of directors meeting. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 7. PRESENTATION OF FISCAL YEAR 2021 AUDIT.

Kyle Overturf of AMGL, P.C. presented the fiscal year 2021 audit to the board. He reviewed the audit report and management's discussion and analysis. He said that the audit did not identify any deficiencies in internal controls that would be considered material weaknesses but did identify a significant deficiency relating to segregation of duties. He told the board that due to the limited number of personnel this is not uncommon, but something that they should be aware of. He did suggest that we consider adopting a formal capitalization policy of at least \$2,500.

It was moved by Houdersheldt and seconded by Dickinson to accept the FY21 Audit as presented. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 8. ADOPTION OF FISCAL YEAR 2022 BUDGET.

Eigenberg reviewed the proposed fiscal year 2022 budget during the hearing held prior to the board meeting. There were no comments from the public regarding the budget.

It was moved by Rich and seconded by Moore to adopt the FY 2022 Budget as presented. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met August 10, 2021 and presented the committee's recommendations.

ITEM 10. BEEHIVE INDUSTRIES ANNUAL MAINTENANCE PAYMENT.

Beehive Industries provides a data management software solution for the district. The software solution houses all the water programs, along with land treatment, and dams' data. An invoice for the annual maintenance and hosting has been received totaling \$25,740.00.

It was moved by Miller and seconded by Moore to pay Beehive Industries for annual maintenance and hosting for Beehive 2.0 totaling \$25,740.00. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 11. FLOWMETER REPAIR COST-SHARE PAYMENTS.

Seven flow meter repair cost-share applications have been approved for final payments totaling \$1,586.20.

It was moved by Miller and seconded by Luebbe to pay seven flow meter repair cost-share claims totaling \$1,586.20. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 12. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Twelve Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments totaling \$8,754.60.

It was moved by Miller and seconded by Houdersheldt to make cost-share payments for twelve well abandonments, as reviewed by the Committee, at a cost of \$8,754.60. Motion carried. Jeff Bohaty and Richard Bohaty abstained from voting because they each had a cost-share payment eligible for final payment.

AYE: Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Jeff Bohaty, Richard Bohaty

NOT PRESENT: Bethune, Grotz, Robotham

ITEM 13. PAYMENT TO BROWN & CALDWELL FOR REGIONAL GROUNDWATER MODELING.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during June totaling \$16,069.00. As the project lead, the District will cover 100% of the bill to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources. Under the current contract \$80,242.13 remains to be billed.

The Nebraska Department of Natural Resources has requested more communication between Brown & Caldwell and the Department's subcontractor, McDonald Morrissey Associates (MMA), in reviewing output files from the models. It is hoped that MMA staff can provide ideas to Brown & Caldwell that will shorten model runtimes and improve data efficiencies.

It was moved by Miller and seconded by Stahly to pay Brown & Caldwell for work completed for the month of June totaling \$16,069.00. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 14. CERTIFICATION OF IRRIGATED ACRES.

The Water and Regulations Committee reviewed the no-crop and irrigated acres' certification for 186 parcels totaling 14,568.57 acres, yielding an increase in irrigated acres of 802.26. This brings the total irrigated acres to 1,243,575.21.

It was moved by Miller and seconded by Nuss to certify the acres' changes as presented to the committee. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 15. POTENTIAL PROJECTS OR PROGRAMS.

Based on discussions at the July Board of Directors meeting, Krausnick presented some ideas for potential projects or programs for FY23. One project, replacement of the deep monitoring well at Beaver Crossing, sparked discussion. When the well was constructed, the neat cement called for in the construction specifications warped the casing. Once the casing was warped, a standard two-inch pump like the ones used in the other dedicated monitoring wells, would not fit down the casing. So, an alternative pump was set. The company who manufactured the original pump has discontinued the line of two-inch pumps originally set in the well. The staff found an alternative plastic pump that would fit down the casing. That pump only lasted a few years. The well has not been sampled since September 2020.

It was moved by Miller and seconded by Nuss to contact Sargent Drilling in Geneva to get an estimate of cost to replace the deep dedicated monitoring well at Beaver Crossing. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 16. FOUR-WHEELER BID AUTHORIZATION.

Krausnick has budgeted for the replacement of two Polaris 4-wheelers with Honda Ranchers. Due to supply shortages, Krausnick would like to get the districts name on the waiting list for the Honda Ranchers as soon as possible. Staff is requesting authorization to solicit bids for two Honda Ranchers to be presented to the committee for consideration in September.

It was moved by Miller and seconded by Luebbe to authorize staff to solicit bids for two Honda Rancher 4-wheelers to present to the committee for consideration in September. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 17. PHASE II/III MANAGEMENT AREA REPORTING UPDATE.

Krausnick updated the committee that 11 producers remain out of compliance for Phase II/III Management Area reporting. One additional producer has been turned over to the District Court for irrigating while under an Order of Cease and Desist. Twenty-four producers have come into compliance since the issuance of Order of Cease and Desist. Since the board of directors issues the Order of Cease and Desist, the board will have to lift the Order for those producers who have come into compliance.

It was moved by Miller and seconded by Moore to direct the staff to continue prosecuting anyone who has been issued a summons. Motion carried.

AYE: Dickinson, Houdersheldt, Luebbe, Miller, Moore, Rich, Robotham, Stahly, Yates

NAY: Jeff Bohaty, Richard Bohaty, Kuehner, Nuss, Siebert, Weiss

NOT PRESENT: Bethune, Grotz

It was moved by Miller and seconded by Moore to lift the Order of Cease and Desist for 24 producers who have come into compliance for Phase II/III Management Area reporting. Producers are Michael P. Alberts, Mike Campbell, Terry I. Coats, Ryan Fjell, Gil Frank, Aidan T. Friesen, Michael George, Curtis Hackbart, Jon G. Hansen, Kevin P. Heine, Kevin Herrold, Steven J. Hiebner, Neal L. Hoagland, Cody Huenefeld, Timothy D. Johnson, James E. Konzak, Chase Kumpf, Miller Farms of Polk LLC, Garet J. Peters, Skyler Ratkovec, Robb Samuelson, Robert Lyle Sterns, Merlin G. & Chad M. Stuhr, and Matt Wyman, and Jeary Morgan. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 18. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on August 12, 2021 and presented the committee's recommendations.

ITEM 19. LAND TREATMENT PROGRAM PAYMENT.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$859.57 for one completed NRD Land Treatment Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 20. CITY OF YORK FLOOD MITIGATION EVALUATION UPDATE AND PAYMENT.

JEO is continuing their evaluation of the flood routing to see if the flood plain area can be reduced. The City of York submitted a request for payment in the amount of \$3,712.50 for current work performed by JEO.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$3,712.50 (50% of local costs totaling \$7,425.00) to the City of York for work completed on the York Flood Mitigation Evaluation project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz, Kuehner

ITEM 21. SMITH CREEK RECREATION AREA ELECTRICAL QUOTE.

Staff presented an updated quote from Dawson Electric for the electrical work at Smith Creek. The updated quote was necessary due to increase in material costs and the additional electrical service to the new CXT Restroom. The Committee instructed staff to add a completion date to the work.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve the quote of \$5,688.60 from Dawson Electric Inc. for completing the electrical work at Smith Creek Recreation Area, to be finished by Friday, November 19, 2021, as recommended by staff and reviewed by the Committee.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 22. WATER QUALITY MANAGEMENT PLAN IMPLEMENTATION.

Staff presented draft programs for implementing the NRDs Water Quality Management Plan (WQMP). Programs were developed as the result of the Stakeholder Group recommendations. These recommendations included installation of buffer strips, grassed waterways, terraces, and cover crops within target areas. The Agricultural Conservation Planning Framework program was used to identify the very high-risk areas and high-risk areas of the Recharge Lake watershed. The special priority areas would include the well head protection areas.

WQMP – Cover Crop Program - Staff presented a draft cover crop program that would target 1,000 acres of the Recharge Lake drainage area (the very high-risk and high-risk areas) and 1,000 acres of well head protection areas (from cities with an approved well head protection plan). Funding would cover actual costs up to an annual rate which would be set at \$50/acre the first year, \$50/acre the second year, \$40/acre the 3rd year, \$30/acre the 4th year, and \$30/acre the fifth year.

WQMP – Land Treatment Program – Staff presented a draft WQMP Land Treatment Program that would mirror the NRDs land treatment program with an increased rate of cost share and a higher maximum cost share. Area for this program would be the very high-risk and high-risk areas of the Recharge Lake drainage. Cost share would be set at 90% with a maximum of \$15,000.

WQMP Buffer Strip Incentive Program – Staff presented a draft WQMP Buffer Strip Incentive Program that would offer an NRD incentive payment set at 50% of the Nebraska Buffer Strip rate. The maximum rate from the Nebraska Buffer Strip Program is \$250/acre so the maximum rate of the NRD incentive payment would be \$125/acre. The area for this program would be the entire Beaver Creek watershed.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD adopt the WQMP Cover Crop, WQMP Land Treatment, and the WQMP Buffer Strip Incentive programs as written, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: Jeff Bohaty

NOT PRESENT: Bethune, Grotz

ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on August 12, 2021 and presented the committee's recommendations.

ITEM 24. UPDATE AND ADOPTION OF EMPLOYEE HANDBOOK.

The Upper Big Blue NRD Personnel Policies Handbook was originally adopted in May of 1991. A handful of policies have been added or updated over the years. Eigenberg received approval from the board in January 2021 to work with the District's legal counsel to draft an updated Employee Handbook. After staff and legal worked through several rough drafts of the existing personnel policies and incorporated new language, updated statutes, and new policies the board was provided with a draft Employee Handbook for their review in April 2021. Meanwhile, staff and legal continued to work on refining the draft Employee Handbook. In July the board considered adoption of the draft Employee Handbook, but due to the number of changes the board wanted more time to review the draft and get more clarification on some of the proposed changes prior to adoption. The draft was sent back to the Executive Committee for further development. In August the board was provided a new draft of the Employee Handbook dated 8-13-2021.

It was moved by Kuehner and seconded by Miller to recommend approval of Employee Handbook draft 08-13-2021. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Bethune, Grotz

ITEM 25. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FY 22 DUES.

An invoice in the amount of \$36,907.42 was received from the Nebraska Association of Resources Districts for the FY 22 dues.

It was moved by Kuehner and seconded by Siebert to approve payment of \$36,907.42 to the NARD for the FY 22 dues.

AYE: Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: Jeff Bohaty

NOT PRESENT: Bethune, Grotz

ITEM 26. KANSAS NEBRASKA NATIONAL HERITAGE AREA DISCUSSION (NHA).

Discussion focused on the impact of a Kansas Nebraska National Heritage Area designation on counties in the District and the District as a whole.

It was moved by Kuehner and seconded by Robotham to recommend approval of Resolution 2021-1 opposing Kansas Nebraska National Heritage Area designation. Motion carried. A copy of Resolution 2021-1 is attached.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Moore, Nuss, Robotham, Siebert, Stahly, Weiss, Yates

NAY: Luebbe, Miller, Rich

NOT PRESENT: Bethune, Grotz

ITEM 27. EXECUTIVE ORDER #10048 “30X30 PLAN” - “CONSERVING AND RESTORING AMERICA THE BEAUTIFUL.”

Discussion focused on the impact that Executive Order #10048 (Conserving and Restoring America the Beautiful) would have on the district. Consensus was that this conservation work is what the NRD system already provides to the state daily.

It was moved by Kuehner and seconded by Houdersheldt to recommend approval of Resolution 2021-2 opposing Executive Order #10048 (Conserving and Restoring America the Beautiful). Motion carried. A copy of Resolution 2021-2 is attached.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Bethune, Grotz

ITEM 28. FINANCIAL REPORT JUNE 1 -30, 2021 AND PUBLICATION OF EXPENDITURES FOR JUNE 2021.

Eigenberg reviewed the financial report for the period July 1, 2021, to July 31, 2021, that was distributed. It was moved by Rich and seconded by Houdersheldt to approve the financial report for July 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Bethune, Grotz

ITEM 29. MOTION TO ADJOURN.

It was moved by Miller and seconded by Dickinson to adjourn the meeting at 9:15 p.m. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Bethune, Grotz

I, the undersigned, Secretary of the Upper Big 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 August 19, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

Attachments (2)

MINUTES
FISCAL YEAR 2022 TAX REQUEST HEARING
September 16, 2021

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 16, 2021, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to setting the final tax request.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, and Josh Bowers of York County NRCS.

ITEM 1. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 2. PUBLIC NOTICE OF TAX REQUEST HEARING.

Yates stated for the record that the Notice of Special Hearing to Set Final Tax Request was published in the York News-Times on September 7, 2021.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during the roll call. There were no requests for excused absence.

ITEM 4. FISCAL YEAR 2022 TAX REQUEST.

Yates asked general manager David Eigenberg to review the property tax request and proposed tax rate for fiscal year 2022. Eigenberg reviewed the valuations for the portions of nine counties within the Upper Big Blue NRD. The total valuation was \$14,979,047,203, which was an increase of \$27,267,332 from the prior fiscal year, or 0.18 percent. The property tax needed to fund the FY 22 budgeted expenditures is \$3,469,099.61 which will require a property tax rate of 0.023165 to fund the budget. Eigenberg advised the board that they would need to adopt a resolution following this hearing to set the levy.

ITEM 6. PUBLIC COMMENTS.

Yates asked those who were present if they had any questions or comments regarding the proposed tax request for fiscal year 2022. No comments were received.

ITEM 7. CLOSE OF HEARING.

Yates officially closed the hearing at 7:07 p.m.

I, the undersigned, Secretary of the Upper Big 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 September 16, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
September 16, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 16, 2021, at 7:08 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Marie Krausnick, Chrystal Houston, Josh Bowers of York County NRCS, Jonathan T. Rempel, Daniel Grotz, and Lance Peters. No one participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on September 9, 2021, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

There were no requests for excused absence.

ITEM 5. ADOPTION OF AGENDA.

It was moved by Houdersheldt and seconded by Rich to approve the agenda for the September 16, 2021, board of directors meeting as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 6. APPROVAL OF MINUTES OF THE FY 2022 BUDGET HEARING.

It was moved by Stahly and seconded by Dickinson to approve the minutes of the FY 2022 Budget Hearing. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 7. APPROVAL OF MINUTES OF THE AUGUST 19, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Miller to approve the minutes of the August 19, 2021 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 8. ADOPTION OF FY 2022 TAX REQUEST RESOLUTION.

The following resolution was presented to the board for adoption.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the governing body of the Upper Big Blue Natural Resources District passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held on September 16, 2021 as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the governing body of the Upper Big Blue Natural Resource District resolves that:

1. The Fiscal Year 2022 property tax request be set at \$3,469,900.61.
2. The total assessed value of property differs from last year's total assessed value by 0.18 percent.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.02298 per \$100 of assessed value.
4. The Upper Big Blue Natural Resources District proposes to adopt a property tax request that will cause its tax rate to be \$0.023165 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the Upper Big Blue Natural Resources District will increase from last year's proposed operating budget by 6.8 percent.
6. A copy of this resolution shall be certified and forwarded to the County Clerk on or before October 13, 2021.

It was moved by Houdersheldt and seconded by Moore to adopt the FY 2022 Tax Request Resolution as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 9. STAFF RECOGNITION.

Nancy Brisk, office manager, was recognized for 40 years of service to the District.

ITEM 10. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met September 7, 2021 and presented the committee's recommendations.

ITEM 11. GROUNDWATER TRANSFER – ROTH/HILLMANN.

Kirby Roth and Kris Saltzman own 148.11 acres in the SW1/4 of Section 19-T10N-R3E. The property is watered by well G-069284B. Roth and Saltzman would like to transfer water to 43.5 acres in the N1/2 NW1/4 of Section 30-T10N-R3E owned by Lynne D. Hillmann LE. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Kuehner to approve groundwater transfer T-108. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Weiss

ITEM 12. GROUNDWATER MANAGEMENT AREA #2 SUMMER SAMPLING.

Krausnick reviewed the results of the summer monitoring well sampling. The median nitrate levels in Zones 6 and 11 have reached the Phase III Management Area trigger of 10 ppm. Rule 5 states that when the median nitrate level reaches 10 ppm, the Board will take steps to move the affected zone from Phase II to Phase III Management.

It was moved by Miller and seconded by Moore to move Groundwater Management Area #2, Zones 6 and 11, from Phase II to Phase III Management effective January 1, 2022.

Siebert expressed concern that before we move from a phase II to phase III management area, we need to determine whether moving from phase II to phase III is beneficial and whether we are reducing the nitrate levels in our management areas. He referenced the On-Farm Research studies that we helped

fund last year. There were 6 inhibitor studies and 1 fall and spring anhydrous application study. He stated that producers who are attending our required nitrogen training sessions are being told by presenters that nitrification inhibitors are not effective in controlling leaching of nitrogen in the soils in this area. He feels our rules banning fall fertilization until after November 1 are effective.

Rodney Grotz was concerned about the number of additional acres that might be required to have a nitrification inhibitor applied if the land is moved from a phase II to phase III management area. He said that nitrification inhibitors are a relatively new technology, and it isn't yet known what the impacts could be from their use. He cited research that shows they are not proven to work in all soil types. He felt the District should revisit the use of nitrification inhibitors in Rule 5.

Moore said that District Rule 5 has been reviewed and changed at least 13 times since its adoption. He was not opposed to opening Rule 5 up again for review but felt strongly that the board needs to take action to uphold the existing Rule 5. If changes are made to Rule 5 in the future, as far as what triggers a move from one management phase to the next or the use of a nitrification inhibitor, then we will act accordingly. Houdersheldt, Miller, Rich, and other board members agreed with Moore regarding the need to uphold the existing Rule 5.

Jonathan Rempel addressed the board to express his concerns. He felt that the District needs to review their data to determine if the management zones are working to reduce nitrates. He voiced the same concerns that Rodney Grotz raised regarding the use of nitrification inhibitors. He questioned whether the monitoring wells being sampled are representative of all the irrigation wells in the District. He asked whether the NRD had pulled any 3-10 foot core samples to determine whether there is less leaching in the shallow soil profile.

Houdersheldt said that expecting the nitrogen problem to be solved in 5-10 years is unrealistic. It took many years for us to get to this point and it will take many years for our rules to effect change. Hopefully in 15-20 years we will see some improvements. He also said he was not opposed to reviewing Rule 5 regarding the use of nitrification inhibitors.

Yates reminded those in attendance that there are other options besides fall fertilizing and nitrification inhibitors. Luebbe echoed this statement and said that fall fertilizing could be banned altogether, thus eliminating the need for a nitrification inhibitor.

Daniel Grotz and Lance Peters also address the board regarding their concerns about moving zones 6 and 11 from phase II to phase III management areas and the safety and effectiveness of nitrification inhibitors.

Jeff Bohaty asked if Rule 5 required a decision to be made right away. After further discussion regarding Rule 5 and how to proceed with the motion on the floor, it was moved by Grotz and seconded by Jeff Bohaty to refer the matter back to the Water and Regulations Committee. Motion failed.

AYE: Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Siebert, Stahly, Yates

NAY: Bethune, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham

NOT PRESENT: Weiss

After a great deal of discussion, it was moved by Luebbe and seconded by Moore to call for the question. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Jeff Bohaty, Richard Bohaty, Grotz, Kuehner

NOT PRESENT: Weiss

Question was called on the original motion. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Yates

NAY: Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Siebert, Stahly

NOT PRESENT: Weiss

ITEM 13. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Three Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$2,250.00.

It was moved by Miller and seconded by Nuss to make cost-share payments for three well abandonments, as reviewed by the Committee, at a cost of \$2,250.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 14. REGIONAL GROUNDWATER MODELING PAYMENT TO BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed during July totaling \$2,807.00. As the project lead, the District will cover 100% of the bill to Brown and Caldwell, and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources. Under the current contract, \$77,435.13 remains to be billed.

It was moved by Miller and seconded by Nuss to pay Brown and Caldwell for work completed for the month of July totaling \$2,807.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 15. PHASE II/III MANAGEMENT AREA REPORTING UPDATE.

Krausnick updated the board on the producers who remain out of compliance for Phase II/III Management Area reporting. Three producers have been turned over to the District Court for irrigating

while under an Order of Cease and Desist. Six producers have come into compliance since the August board of directors meeting. Since the board of directors issues the Order of Cease and Desist, the board will have to lift the Order for those producers who have come into compliance.

It was moved by Miller and seconded by Nuss to lift the Order of Cease and Desist for six producers who have come into compliance for Phase II/III Management Area reporting. Producers are AF Farms Inc. c/o Adam Fritz, Randy L. Jensen, Allen J. Luebbe, Fred Schluckebier, and Matthew C. Snoberger, and Glenn Huebert. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on September 9, 2021 and presented the committee's recommendations.

ITEM 17. NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$1,597.50 for two first quarter Nebraska Buffer Strip Program contracts, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 18. PRIVATE DAMS PROGRAM.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve the Leona Rath private dam application with an estimated cost range of \$50,000 - \$75,000, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 19. PAYMENT TO CITY OF YORK FOR FLOOD MITIGATION EVALUATION.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$2,981.25 (50% of local costs totaling \$5,962.50) to the City of York for work completed on the York Flood Mitigation Evaluation project, as recommended by staff, and reviewed by the Committee. Motion

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 20. SMITH CREEK RECREATION AREA IMPROVEMENTS.

Staff has put together a design for recreation improvements at Smith Creek Recreation Area. Improvements will include new ADA parking stalls, sidewalks, and enlargement of the parking area. Staff will solicit bids for work that involves earthwork, concrete, and disposal of existing bollards and separate bids for installation of a drain line from the hydrant to the reservoir. NRD staff plans to install new bollards south of the existing line of bollards.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD solicit bids for improvements to the Smith Creek Recreation Area and present bids at a future committee meeting for consideration. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 21. SMITH CREEK EMERGENCY SPILLWAY RESTORATION.

Staff has prepared a design for restoration of the emergency spillway at Smith Creek Recreation Area. Work will include some erosion repair below the spillway channel, and staff will visit with the adjacent landowner to discuss possible improvements east of the spillway.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD solicit bids for improvements to the Smith Creek emergency spillway, which will include restoring the channel, seeding, and fencing. Staff will present bids at a future committee meeting for consideration. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 22. REQUEST TO SOLICIT BIDS FOR TRUCK, UTV, AND SNOW PUSHER ATTACHMENT.

Staff requested approval to solicit bids for a new pickup for the Forestry Department, a new 4 X 4 UTV, and a snow pusher attachment for the tractor.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD solicit bids for a new

pickup, a new 4 X 4 UTV, and a new snow pusher attachment for the tractor, as recommended by staff and reviewed by the committee. Staff will present bids at a future committee meeting for consideration. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on September 9, 2021 and presented the committee's recommendations.

ITEM 24. PAYMENT TO AMGL CPAS & ADVISORS FOR FY 2021 AUDIT.

An invoice for \$8,450.00 was received from AMGL CPAs & Advisors for conducting the FY 2021 Audit.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$8,450.00 to AMGL CPAs & Advisors for conducting the FY 2021 Audit. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 25. COPIER PURCHASE.

Quotes from three dealers for a new copier were reviewed and are listed on the spreadsheet below. Staff recommended purchasing the Ricoh IM C6000-RS # 418228 from Capital Business Systems at the quoted price of \$10,096.54. Expected delivery may be two to three months depending on availability.

Advanced Office Automation		Eakes Office Solutions		Eakes Office Solutions		Capital Business Systems	
Savin IM C6000 #418228	\$8,380.00	Sharp MX-6071	\$9,202.67	Ricoh IM C 6000-RS	\$11,872.88	Ricoh IM C6000-RS #418228	\$8,884.54
Paper Feed Unit PB3280 4 paper trays #418345	546.00	1 550 stand + 2,100 split tanem trays	Included	Paper Feed Unit PB3280 (550 x 2)	Included	Paper Feed Unit PB3280 (550x2) #418349	Included
Large Paper Deck 1,500 sheets #418360	678.00	3,000-sheet Large Capacity Tray	Included	LCIT RT3040	Included	LCIT RT3040 (1,500 sheets)	Included
Booklet Finisher-SR3270 #418335	1,564.00	50-sheet Staple/Saddle Stitch Finisher	Included	Booklet Finisher SR3270 (1,000 Sheet)	Included	Finisher SR3260 (2000 sheet) #418337	Included
Bridge Unit-BU3080 #418345	114.00	Paper Pass Unit	Included	Bridge Unit-BU3080 #418345	Included	Bridge Unit BU3090 #418345	Included
3-Hole Punch PU3080 #418381	339.00	3-Hole Punch Module	Included	Punch Unit PU3080 NA	Included	Punch Unit PU3090 NA #418381	Included
Fax Unit Type37 #418600	763.00	Fax Expansion Kit	Included	Fax Option Type M37	Included	Fax Option Type M37 #41860	Included
PostScript 3 Tpe 37 #418408	225.00			Internal Multi-Fold Unit FD3010	Included	Internal Folding Unit	1,212.00
Total Unit Price	\$12,609.00	Total Unit Price	\$9,202.67	Total Unit Price	\$11,872.88	Total Unit Price	\$10,096.54
Trade-in Allowance	\$200.00	Trade-in Allowance	0.00	Trade-in Allowance	0.00	Trade-in Allowance	0.00
Total purchase price	\$12,409.00	Total Purchase Price	\$9,202.67	Total Purchase Price	\$11,872.88	Total purchase price	\$10,096.54
MAINTENANCE AGREEMENT COSTS							
Advanced Office Automation		Eakes Office Solutions		Eakes Office Solutions		Capital Business Systems	
Black & White copies/prints	\$0.00600	Black & White copies/prints	\$0.00910	Black & White copies/prints	\$0.00850	Black & White copies/prints	\$0.007
Color copies/prints	\$0.0590	Color copies/prints	\$0.04340	Color copies/prints	\$0.04110	Color copies/prints	\$0.048

It was moved by Kuehner and seconded by Miller to purchase the Ricoh IM C6000-RS # 418228 with a quoted price of \$10,096.54 from Capital Business Systems. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 26. RECOMMENDATION FOR THE PURCHASE OF 4-WHEELERS.

A quote from one dealer was reviewed for two Honda Ranchers, Model TRX420FM2. Quotes included assembly, setup, documentations fees, and delivery to York. Bid price was \$7,862.00 per unit with an expected delivery date of on or before May 15, 2022. The dealer will allow \$2,800 trade-in value for each of the 2014 Polaris Sportsman 400.

It was moved by Kuehner and seconded by Bethune to purchase two Honda Rancher 4-wheelers from Rod's Power Sports, Lincoln, Nebraska, for a total of \$15,724.00 and accept trade-in value of \$5,600.00 for two 2014 Polaris Sportsman 400. Total expenditure will be \$10,124.00. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 27. NARD LEGISLATIVE RESOLUTION 2021-1 – EXECUTIVE ORDER #10048 30X30 PLAN.

The Executive Committee was provided a copy of NARD Resolution 2021-1 – Executive Order #10048 – 30x30 plan submitted by the Tri-Basin NRD.

This resolution opposes any effort by the federal government to pursue an arbitrary goal to set aside any percentage of land and water in the United States that would circumvent the existing system of local control; infringe on private property rights; required federal approval of local or state soil and water conservation plans, regulations, or projects. The consensus and recommendation of the Executive Committee was to support this resolution.

It was moved by Houdersheldt and seconded by Miller to direct Paul Bethune, NARD Representative, to cast 5 votes in support of Resolution 2021-1 – Executive Order #10048 at the NARD Fall Conference. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 28. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR AUGUST 1-31, 2021.

Eigenberg reviewed the financial report for the period August 1, 2021, to August 31, 2021, that was distributed. It was moved by Houdersheldt and seconded by Grotz to approve the financial report for August 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

ITEM 29. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Miller to adjourn the meeting at 9:08 p.m. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Weiss

I, the undersigned, Secretary of the Upper Big 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 September 16, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
October 21, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 21, 2021, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Marie Krausnick, Chrystal Houston, Jack Wergin, legal counsel Don Blankenau and Kennon Meyer, and Josh Bowers of York County NRCS. No one participated via Zoom.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on October 14, 2021, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Thirteen directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Roger Houdersheldt and Paul Weiss requested an excused absence from the October 21, 2021 board of directors meeting.

It was moved by Miller and seconded by Nuss to excuse the absence of Houdersheldt and Weiss from the October 21, 2021 board of directors meeting as requested. Motion carried.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Bethune

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Kuehner and seconded by Luebbe to approve the agenda for the October 21, 2021, board of directors meeting as amended to include going into closed session. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Moore

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE FY 2022 TAX REQUEST HEARING.

It was moved by Rich and seconded by Dickinson to approve the minutes of the FY 2022 Tax Request Hearing. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 7. APPROVAL OF MINUTES OF THE SEPTEMBER 16, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Luebbe and seconded by Rich to approve the minutes of the September 16, 2021 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met October 12, 2021 and presented the committee's recommendations.

ITEM 9. WATER USE SUMMARY SCOPE OF WORK – OLSSON.

Krausnick presented a scope of work document to develop a water use summary report showing producers their pooling and water use. The report would use data available in the Water Accounting Platform. The intent would be to educate producers on how the district views and uses their water use data in an allocation. Total project cost is \$10,000.

It was moved by Miller and seconded by Moore to authorize staff to begin working with Olsson and Sitka Technologies on the development of a water use summary not to exceed \$10,000. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 10. GROUNDWATER TRANSFER – O’C & O’C INC.

Paul J. Jr. and Nancy S. O’Connor own 159.75 acres in the SE1/4 of Section 31-T09N-R03W. The property is watered by well G-024560. The O’Connor’s would like to transfer water to 40 acres in the NE1/4 of Section 06-T08N-R03W owned by O’C and O’C Inc. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Rich to approve groundwater transfer T-109. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 11. FLOW METER REPAIR COST SHARE PAYMENT.

One flow meter repair cost share application has been approved for final payment totaling \$300.00.

It was moved by Miller and seconded by Luebbe to make cost-share payment for one flow meter repair cost share, as reviewed by the Committee, at a cost of \$300.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 12. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Three Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$1,052.49.

It was moved by Miller and seconded by Nuss to make cost-share payments for three well abandonments, as reviewed by the Committee, at a cost of \$1,052.49. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 13. VADOSE ZONE STUDY PAYMENT - UNIVERSITY OF NEBRASKA LINCOLN.

Staff continues to work with local landowners to gain permissions to enter property for the vadose zone study. An invoice was received for work completed by the University totaling \$2,421.77.

It was moved by Miller and seconded by Siebert to make payment to the University of Nebraska Lincoln for work completed on the vadose zone study, at a cost of \$2,421.77. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 14. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing to work on calibration of the Regional Groundwater Model. An invoice was received for work completed during August totaling \$5,462.00. As the project lead, the District will cover 100% of the bill to Brown and Caldwell, and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

It was moved by Miller and seconded by Bethune to pay Brown and Caldwell for work completed for the month of August totaling \$5,462.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

Brown and Caldwell have submitted a contract extension for the Blue River Basin Regional Groundwater Model to extend work to June 30, 2022. In addition, the total project cost is proposed to increase between \$102,850 and \$177,480. The Committee discussed the modeling and the amount of money invested over many years of modeling. Krausnick explained that the Upper Big Blue's additional share for the updated contract would range from \$20,055.75 to \$34,608.60.

It was moved by Miller and seconded by Rich to authorize David Eigenberg to sign contract Amendment No. 4, as drafted and presented to the Committee, not to exceed \$177,480.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Kuehner, Luebbe

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 15. CERTIFICATION OF IRRIGATED ACRES.

The Water and Regulations Committee reviewed the irrigated acres' certification for 39 parcels totaling 2,800.87 acres, yielding an increase in irrigated acres of 147.80. This brings the total irrigated acres to 1,243,785.80.

It was moved by Miller and seconded by Nuss to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 16. PHASE II/III MANAGEMENT AREA REPORTING UPDATE.

Chairperson Miller updated the committee on an out of compliance operator who has been in contact with the districts' legal counsel requesting to settle out of court for their violation of district rules and regulations for nitrogen management reporting. Legal counsel was present at the October 21 board of directors meeting to discuss ongoing litigation with the board.

It was moved by Miller and seconded by Rich to go into closed session at 7:23 p.m. for the purpose of discussing pending litigation regarding violation of District rules and regulations for nitrogen management reporting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

It was moved by Kuehner and seconded by Dickinson to return to open session at 8:28 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

It was moved by Miller and seconded by Dickinson to authorize legal counsel to negotiate consent decrees with current violators of Phase II and III Management Area reporting. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: Jeff Bohaty, Kuehner, Siebert

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects & Programs Committee met on October 14, 2021 and presented the committee's recommendations.

ITEM 18. NARD INTERLOCAL AGREEMENT FOR PURCHASE OF TREES.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve the interlocal agreement with the Nebraska Association of Resources Districts that designates the NARD to act on the NRD's behalf for the purposes of acquiring trees and shrubs from the USDA Forest Service, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Jeff Bohaty, Moore

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 19. TREE PRICING FOR 2021-22 SEASON.

The purchase prices for trees increased a small amount, however NRD staff recommended keeping the resale prices the same as the 2020-21 season. The mulch/fabric contractor increased his rates for the installation of weed barrier from \$0.80 to \$0.85 per linear foot.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD keep the 2021-2022 prices for trees at the same rate as the 2020-2021 prices (\$1.18 per tree, \$55.00 for acreage package, \$1.18 per tree for machine planting services), as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 20. YORK FLOOD MITIGATION EVALUATION PAYMENT.

JEO met with the city of York on September 14 to update them on the project. A more detailed routing of the flood flows through Tributary A, beginning near York High School, lowered the flood plain considerably. To change the flood plain the city will need to file a Letter of Map Revision (LOMR). The approval process could take up to a year, however JEO is confident approval would be granted. JEO also presented some alternatives that included installation of a levee on the south end of the city and is evaluating the installation of a flood basin in the northwest area of town. The total bill for the month was \$15,700.00 however 50% cost share (\$7,850.00) would exceed the total NRD funding amount of \$20,000.00. The study is approximately 1 month behind.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD approve payment of \$5,712.50, the remainder of the \$20,000 obligated, to the City of York for work completed on the York Flood Mitigation Evaluation project, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 21. PAYMENT TO CITY OF SUTTON FOR PEDESTRIAN BRIDGE.

The pedestrian bridge on Saunders Avenue in Sutton has been completed at a total cost of \$290,421.00. The NRD has an interlocal agreement with Sutton to provide 25% of the local share not to exceed \$40,000.00.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$40,000.00 as outlined in the interlocal agreement to the City of Sutton for the replacement of the pedestrian bridge on Saunders Avenue, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 22. SMITH CREEK RECREATION AREA IMPROVEMENTS.

Staff contacted three contractors who have expressed interest in bidding on the recreation improvements at Smith Creek Recreation Area. Improvements will include new ADA parking stalls, sidewalks, and enlarged parking area. Two contractors will be submitting bids; however, both have said they are unable to get the work done by the proposed December 15th deadline. Staff will allow contractors to re-submit bids with an early spring completion date. A separate contractor was contacted for removing old bollards and installing new bollards but their quote seemed high so NRD staff will remove the old bollards and install the split rail fence.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD accept the bid of \$4,500.00 from Pieper's Inc. for installing a drain line from the hydrant near the restroom to the lake (approximately 125 feet) and approve NRD staff to purchase materials for the split rail fence (estimated at \$3,000.00), as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 23. SMITH CREEK EMERGENCY SPILLWAY RESTORATION.

Staff has put together a design for restoration of the emergency spillway at Smith Creek Recreation Area. Work will include some erosion repair below the spillway channel, and staff will visit with the adjacent landowner to discuss possible improvements east of the spillway.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD award the bids for survey of up to \$1,800.00 from Brian Foral, for earthwork of \$7,688.63 from Pankoke Construction, and for fine grading, seeding, and hydro mulching of \$11,400.00 from Miller Seed for restoring the

emergency spillway at Smith Creek Dam, as recommended by staff, and reviewed by the Committee.
Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Kuehner

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 24. SMITH CREEK EMERGENCY SPILLWAY – ADJACENT LANDOWNER.

The original easement dated 1984 stated the landowner could farm through the emergency spillway if it did not affect the operation of the spillway. The NRD, and the Nebraska Department of Natural Resources, now agree that this emergency spillway must be placed in grass to protect the dam. Staff has suggested the board consider compensating Tony Beckler who is the adjacent landowner if we want to alter the existing easement to remove the option for him to farm the spillway.

Staff is proposing we make an offer of compensation based on land rates presented in the Nebraska Farm Real Estate Market Highlights, 2020-2021. The average rate for dryland cropland (Irrigation potential) is listed at \$6,820 per acre. The spillway area is 0.61 acres so at that rate the compensation would be \$4,160.20.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD offer Tony Beckler, the adjacent landowner, compensation of \$4,250.00 for stopping the farming operations in the emergency spillway and for removing the statement that allows farming of the emergency spillway from the easement filed in Seward County, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Siebert, Stahly

NAY: Miller, Yates

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 25. SKID STEER RENTAL AGREEMENT.

Staff presented an agreement for a one-year rental of a skid steer.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD accept the one-year rental agreement from York Equipment, Inc. for use of a Bobcat model T770 skid steer for one year with a limit of 300 hours at a cost of \$6,000.00 with an hourly rate for use over 300 hours of \$25.00 per hour, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 26. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on October 14, 2021 and presented the committee's recommendations.

ITEM 27. THIRD QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Totals for the third quarter directors' per diem are \$11,060.00 and expenses are \$4,479.50 for a total expenditure of \$15,539.50.

It was moved by Kuehner and seconded by Luebbe to approve payment of third quarter 2021 directors' per diem of \$11,060.00 and expenses of \$4,479.50 for a total of \$15,539.50, and to publish these approved expenditures in the September 2021 Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Weiss

ITEM 28. PROCUREMENT PROCESS FOR FORESTRY DEPARTMENT PICKUP TRUCK.

A bid from Gene Steffy Ford of Columbus, NE for a half-ton truck was received. Specifications for this purchase were provided at the Executive Committee meeting. Bid price was \$44,184 for a 2022 Ford F-150 V-8 XLT Crew Cab Truck. Expected delivery date would be 90 -120 days after order. The dealer is allowing \$4,000 trade-in for the 2008 Chevrolet Equinox.

It was moved by Kuehner and seconded by Dickinson to purchase a 2022 Ford F-150 V-8 XLT Crew Cab Truck from Gene Steffy Ford, Columbus, NE and to accept trade-in of \$4,000 for the 2008 Chevrolet Equinox. Total expenditure will be \$40,184.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

ITEM 29. PROCUREMENT PROCESS FOR UTILITY TASKED VEHICLE (UTV).

Eight quotes were received from local UTV vendors. Bids ranged from \$12,500 to \$18,610. Specifications and a summary sheet for this purchase were provided at the Executive Committee meeting.

It was moved by Kuehner and seconded by Miller to reject all submitted bids and to readvertise with more detail specifications. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

ITEM 30. PROCUREMENT PROCESS FOR SNOW PUSHER TRACTOR ATTACHMENT.

Four bids were received for snow pushers that would attach to the Case International tractor loader. Bids ranged from \$3,825 – \$7,100. Specifications and a summary sheet for this purchase were provided at the Executive Committee meeting. Staff's preference is the option from Grosshans International for \$3,825.00 which is the lowest bid. All pushers are similar equipment. Grosshans' anticipate delivery in early December.

It was moved by Kuehner and seconded by Rich to purchase one 8 1/2-foot snow pusher from Grosshans International Aurora, Nebraska, for a total of \$3,825.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

ITEM 31. CONSIDERATION OF FY22 NEBRASKA WATER LEADERS ACADEMY APPLICATION.

Director John Miller put forth the name of Amy Jones, Executive Director of the Prairie Plains Resources Institute to be considered for the Upper Big Blue NRD Water Leaders Academy Sponsorship. The FY22 budget has funds to support sponsorship.

It was moved by Kuehner and seconded by Miller to present the name of Amy Jones, Executive Director of the Prairie Plains Resources Institute to be considered for the Upper Big Blue Water Leaders Academy Sponsorship. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Nuss

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

ITEM 32. MASTER AND LONG-RANGE IMPLEMENTATION PLANS.

The Executive Committee was asked to review digital copies of the Master and Long-Range Implementation Plans during their September meeting and to provide feedback and edits by the October board meeting. Staff recommended that the Committee forward the edited documents to the full Board for approval. Copies of approved plans will be provided to partnering agencies in late October.

It was moved by Kuehner and seconded by Rich to present the FY22 Master and Long-Range Implementation Plans to the full board for their approval. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

ITEM 33. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR SEPTEMBER 2021.

Eigenberg reviewed the financial report for the period September 1, 2021, to September 30, 2021, that was distributed. It was moved by Stahly and seconded by Bethune to approve the financial report for September 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

ITEM 34. MOTION TO ADJOURN.

It was moved by Bethune and seconded by Jeff Bohaty to adjourn the meeting at 9:48 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Moore, Weiss

I, the undersigned, Secretary of the Upper Big 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 October 21, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
November 18, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 18, 2021, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Rodney Verhoeff, Nancy Brisk, Marie Krausnick, Crystal Houston, Jack Wergin, Josh Bowers of York County NRCS, and Glenn Huebert.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on November 10, 2021, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during roll call. Moore arrived at 1:37 p.m.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Kendal Siebert requested an excused absence from the November 18, 2021 board of directors meeting.

It was moved by Miller and seconded by Kuehner to excuse the absence of Siebert from the November 18, 2021 board of directors meeting as requested. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Siebert, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Dickinson to approve the agenda for the November 18, 2021, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Siebert, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE OCTOBER 21, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Bethune to approve the minutes of the October 21, 2021 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Siebert, Weiss

ITEM 7. STAFF RECOGNITION.

Miranda Coffey, NRD water data specialist, and April English, NRD field office secretary in the York NRCS office, were honored for five years of dedicated service to the District.

ITEM 8. GLENN HUEBERT REQUEST TO ADDRESS THE BOARD.

Glenn Huebert of Hampton, Nebraska made a request to be placed on the November 18, 2021 board agenda. Mr. Huebert was present and spoke to the board regarding his concerns about contamination of the water and food supply due to chemicals such as anhydrous ammonia and Roundup.

ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met November 9, 2021 and presented the committee's recommendations.

ITEM 10. CONSIDERATION OF NEW FLOWMETER – McMAG2000, McCROMETER.

McCrometer has requested that the board consider adding the McMag2000 Flow Meter to the District's agricultural approved flow meter list. Representatives from McCrometer were present at the committee meeting to answer questions. The McMag2000 fits the minimum requirements for inclusion on the District's approved flow meter list. Kuehner requested that in the future, to streamline the approval process, staff prepare a form that provides answers to the questions routinely asked by the board when considering whether to approve a manufacturer's request to be added to the approved list.

It was moved by Miller and seconded by Moore to add the McMag2000 Flow Meter to the list of agricultural approved flow meters. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 11. ONLINE REPORTING PORTAL ANNUAL HOSTING PAYMENT – BEEHIVE INDUSTRIES.

An invoice totaling \$7,600.00 was received from Beehive Industries for the annual hosting and maintenance of the online reporting portal.

It was moved by Miller and seconded by Houdersheldt to pay Beehive Industries for the annual hosting and maintenance of the online reporting portal totaling \$7,600.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 12. FLOW METER REPAIR COST-SHARE PAYMENT.

One flow meter repair cost-share application has been approved for final payment totaling \$239.70.

It was moved by Miller and seconded by Luebbe to make cost-share payment for one flow meter repair cost-share, as reviewed by the Committee, at a cost of \$239.70. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 13. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Three Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payments totaling \$2,250.00.

It was moved by Miller and seconded by Luebbe to make cost-share payments for three well abandonments, as reviewed by the Committee, at a cost of \$2,250.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 14. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN AND CALDWELL.

Brown and Caldwell are continuing to work on calibration of the regional groundwater model. They submitted an invoice for work completed during the month of September totaling \$1,991.00. As the

project lead the District will cover 100% of the invoice from Brown and Caldwell and request reimbursement from the other three basin districts and the Nebraska Department of Natural Resources.

It was moved by Miller and seconded by Houdersheldt to pay Brown and Caldwell for work completed for the month of September totaling \$1,991.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 15. REGIONAL GROUNDWATER MODELING CONTRACT EXTENSION – NEBRASKA DEPARTMENT OF NATURAL RESOURCES.

Krausnick reviewed the contract amendment between the Upper Big Blue Natural Resources District and the Nebraska Department of Natural Resources (NeDNR) for work on the regional Blue River Basin model. The NeDNR is committed to continue covering fifty percent of the project cost and extend the project completion date to June 30, 2022.

It was moved by Miller and seconded by Rich to authorize David Eigenberg to sign contract amendment three with the NeDNR, to continue work on the regional Blue River Basin modeling. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 16. CERTIFICATION OF IRRIGATED ACRES.

The Water and Regulations Committee reviewed the irrigated acres' certification for thirty-nine parcels totaling 2,794.85 acres, yielding a decrease in irrigated acres of 87.45.

It was moved by Miller and seconded by Luebbe to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 17. CLOSED SESSION – PENDING LITIGATION REGARDING VIOLATION OF DISTRICT RULES.

It was moved by Miller and seconded by Moore to go into closed session at 2:22 p.m. for the purpose of discussing pending litigation regarding violation of the District rules and regulations for nitrogen management reporting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Siebert, Weiss

It was moved by Houdersheldt and seconded by Dickinson to return to open session at 2:47 p.m.
Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Siebert, Weiss

ITEM 18. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on November 9, 2021 and presented the committee's recommendations.

ITEM 19. STORM DAMAGED TREE PROGRAM PAYMENT.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$131.74 to Kristi Brazda for a storm damaged tree, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Siebert, Weiss

ITEM 20. PAYMENT TO CITY OF GILTNER FOR DRAINAGE STUDY.

The City of Giltner submitted an invoice for \$11,420.00 from Miller and Associates for the Giltner Drainage Study. The NRD agreed to pay 50% of study costs, not to exceed \$4,500.00.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$4,500.00 to the Village of Giltner for the Giltner Drainage Study costs, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT VOTING: Moore

NOT PRESENT: Siebert, Weiss

ITEM 21. SMITH CREEK RECREATION AREA IMPROVEMENTS – PAYMENT TO DAWSON ELECTRIC.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$5,688.60 to Dawson Electric for work completed at Smith Creek Recreation Area, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 22. SMITH CREEK RECREATION AREA IMPROVEMENTS – EARTHWORK AND CONCRETE.

Staff requested quotes from three contractors for proposed improvements at Smith Creek Recreation Area. The improvements would include new ADA parking stalls, sidewalks, and enlargement of the parking area to be completed by May 15, 2022. Only two of the three contractors submitted quotes. WY-AD Construction submitted a quote of \$29,875.00 and Pankoke Construction submitted a quote of \$27,585.00.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD accept the quote of \$27,585.00 from Pankoke Construction for stripping rock, clearing and grubbing, providing offsite borrow material, placing sidewalks and ADA parking stalls at Smith Creek Recreation Area, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 23. OXBOW TRAIL RECREATION AREA ELECTRICAL IMPROVEMENTS.

Klement Electric submitted a revised quote in the amount of \$5,358.81 for the electrical work at Oxbow Trail Recreation Area. Installing electricity to the restroom was not requested as part of the initial quote from Klement Electric, and material prices have increased since the original quote was submitted in August of 2020.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD accept the quote of \$5,358.81 from Klement Electric for wiring the well, security light, picnic shelter, and restroom at Oxbow Trail Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Moore, Nuss, Rich, Robotham, Stahly

NAY: Kuehner, Miller, Yates

NOT PRESENT: Siebert, Weiss

ITEM 24. OXBOW TRAIL RECREATION AREA IMPROVEMENTS.

Staff presented a drawing showing the proposed ADA parking stalls and sidewalks at Oxbow Trail Recreation Area and requested authorization to solicit quotes to complete the work.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD staff solicit quotes for adding ADA parking stalls and sidewalks to Oxbow Trail Recreation Area, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Siebert, Weiss

ITEM 25. OVERLAND TRAIL RECREATION AREA IMPROVEMENTS.

Staff presented a plan to add facilities at the Overland Trail Recreation Area. Currently there is only a small parking area. Staff would like to remove the hill along the county road to enlarge the parking area, add a vault restroom, picnic shelter, well, security light, and bring power to the site. Staff requested approval to begin discussions with the adjacent landowner to acquire an additional easement to better incorporate a trail around the lake. The Projects and Programs Committee discussed the improvements, and the consensus was to hold off construction of larger items such as a restroom and picnic shelter until the NRD can evaluate the use of the area.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD staff solicit quotes for the earthwork, enlarging the parking area, adding a domestic well with a hydrant, adding a security light at Overland Trail, and staff can begin discussions with the adjacent landowner for expansion of the NRD easement for an improved trail, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: Luebbe

NOT PRESENT: Siebert, Weiss

ITEM 26. PIONEER TRAILS PLAYGROUND IMPROVEMENTS.

Staff has been in contact with the State of Nebraska about getting a recycled tire grant to assist with the cost of placing rubber mulch on the playground area at Pioneer Trails. While there are no guarantees that we will be awarded a grant, the Upper Big Blue NRD was encouraged to apply. Wergin advised the board that the work could be completed prior to the grant being awarded.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD accept the quote of \$5,457.00 from Sterling West for NuPlay rubber mulch and 12" black plastic border timbers for a 32-foot by 32-foot playground at Pioneer Trails Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: Robotham

NOT PRESENT: Siebert, Weiss

ITEM 27. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on November 9, 2021 and presented the committee's recommendations.

ITEM 28. PAYMENT TO YORK PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

York Printing Company submitted an invoice in the amount of \$7,869.31 for printing the Fall 2021 issue of the Blueprint newsletter.

It was moved by Kuehner and seconded by Luebbe to approve payment of \$7,869.31 to York Printing Company for printing the Fall 2021 edition of the Blueprint newsletter. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Siebert, Weiss

ITEM 29. PROCUREMENT PROCESS FOR UTILITY TASKED VEHICLE (UTV).

Quotes from three vendors were reviewed for a utility tasked vehicle (UTV). Specifications for this purchase were provided to the board. Quoted prices ranged from \$14,728 to \$15,800 for UTVs that met minimum specifications. Expected delivery would be 90 -120 days after the order is placed.

It was moved by Kuehner and seconded by Dickinson to purchase a 2022 John Deere XUV590M equipped with an auto tilt feature from AKRS Equipment, York, NE for \$15,800. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Siebert, Weiss

ITEM 30. NRD REDISTRICTING UPDATE.

Staff presented a draft map of the redistricting plan which was developed with the use of ESRI software. Staff has been in contact with Andrew Buller, Assistant Deputy for elections at the Secretary of State's Office. When asked if there are precedents to follow when deciding to include census blocks that are not neatly matched up with district boundaries, he said there are not. The only state statute for NRD subdistricts says that they should have "substantially equal population." Management requested that the map illustrating eight subdistricts of the district be adopted.

It was moved by Kuehner and seconded by Rich to adopt boundaries as illustrated on the draft map, dividing the district into eight subdistricts, and to follow these boundaries for election processes for the next ten years. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Siebert, Weiss

ITEM 31. OUT-OF-STATE TRAVEL.

The Executive Committee approved out-of-state travel for any director, and up to seven staff members of the water department that wish to attend the 2022 GMDA Annual Meeting. The conference will be held at the Marriott Riverwalk January 18-20, 2022 in San Antonio, Texas. Kuehner expressed concern regarding the number of staff that are allowed to attend the conference.

ITEM 32. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR OCTOBER 2021.

Eigenberg reviewed the financial report for the period October 1, 2021, to October 31, 2021, that was distributed. It was moved by Houdersheldt and seconded by Rich to approve the financial report for October 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Richard Bohaty, Siebert, Weiss

ITEM 33. ASSISTANT MANAGER'S RESIGNATION.

Eigenberg informed the Executive Committee at their November 9, 2021 meeting that assistant manager Rodney Verhoeff had submitted his resignation effective November 30, 2021. Chairperson Yates and the board thanked Rodney for his service.

ITEM 34. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Nuss to adjourn the meeting at 3:55 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NAY: None

NOT PRESENT: Richard Bohaty, Siebert, Weiss

I, the undersigned, Secretary of the Upper Big 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 November 18, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
December 16, 2021**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 16, 2021, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Marie Krausnick, Chrystal Houston, Jack Wergin, Josh Bowers of York County NRCS, and Kelly Stron-Heath and Kyle Svec with City of Geneva.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on December 9, 2021, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

There were no requests for excused absence from the November 18, 2021 board of directors meeting.

ITEM 5. ADOPTION OF AGENDA.

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the December 16, 2021, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE NOVEMBER 18, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Kuehner to approve the minutes of the November 18, 2021 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met December 9, 2021 and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER REQUEST - FOLTS/RUFFERTY.

Scott Folts owns 75.49 acres in the W1/2 NW1/4 of Section 32-T12N-R03W. The property is watered by well G-023995. An existing groundwater transfer waters 35.97 acres in the SW1/4 SW1/4 29-T12N-R03W from well G-023995. Folts made application to transfer water to an additional 38.73 acres in the SE1/4 SW1/4 of Section 29-T12N-R03W owned by Kevin Senff. The Water & Regulations Committee had recommended approval of the transfer because it was believed the application complied with existing transfer rules. Following their meeting it was discovered that the application does not conform to the groundwater transfer rules.

It was moved by Miller and seconded by Luebbe to refer the matter back to the Water and Regulations Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Moore

NOT PRESENT: Grotz, Weiss

ITEM 9. BEEHIVE DATA CONNECTIONS SCOPE OF WORK.

Beehive Industries submitted a scope of work to generate, deploy, and maintain a network of data tables that staff can connect to outside of the Beehive interface to perform data queries, analysis, and build reports. The total cost of the project is \$14,000.00 and it would be completed before the end of the fiscal year. Money is budgeted in fiscal year 2022 for this project. Staff discussed a language change to the scope document that would allow existing views to remain in the data system and provide time for staff to integrate the new view data into reports and queries. A final draft, including the added language, was provided to the board for review.

It was moved by Miller and seconded by Rich to approve the Open Data Scope of Work from Beehive Industries, including the staff recommendation to include language under Task 1.2 Project Deliverable, not to exceed \$14,000.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Six Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$4,500.00.

It was moved by Miller and seconded by Luebbe to make cost-share payments for six well abandonments, as reviewed by the Committee, at a cost of \$4,500.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 11. MONITORING WELL REPAIRS & REPLACEMENT.

Staff reviewed two dedicated monitoring well projects with the committee. The first was the replacement of the deep monitoring well at the Beaver Crossing monitoring site. Krausnick presented two cost estimates from Sargent Drilling of Geneva and Downey Drilling, Incorporated of Lexington. Both firms have experience constructing monitoring wells. The second project would repair the Harvard monitoring well that was damaged. The total cost of the project is \$2,417.00. Krausnick spoke with the landowner concerning costs to repair the damage. The landowner said that he did not carry insurance to pay for the repairs but would split the cost to repair. Each party would be responsible for \$1,208.50.

It was moved by Miller and seconded by Nuss to authorize Sargent Drilling in Geneva to complete the necessary repairs to the damaged Harvard monitoring well, not to exceed \$2,417.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

It was moved by Miller and seconded by Luebbe to authorize Sargent Drilling in Geneva to complete the replacement of the deep well at the Beaver Crossing monitoring site, not to exceed \$16,731.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

It was moved by Miller and seconded by Luebbe to authorize Sargent Drilling in Geneva to decommission the existing deep well at the Beaver Crossing monitoring site. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 12. PENDING LITIGATION.

Eigenberg informed the committee of the status of pending litigation. One producer has signed the consent decree which has been accepted by the court. Settlement is to be paid to the district within 30 days of the executed consent decree. The second producer has made a counteroffer to the settlement in the initial consent decree. The third producer has not responded to any correspondence. Eigenberg advised the board that details concerning litigation need to be discussed in closed session.

It was moved by Miller and seconded by Houdersheldt that the board go into closed session at 1:49 p.m. for the purpose of discussing pending litigation regarding violations of the District rules and regulations for nitrogen management reporting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

It was moved by Houdersheldt and seconded by Kuehner to return to open session at 2:25 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

It was moved by Jeff Bohaty and seconded by Kuehner to accept the current counteroffer to our original settlement offer. Motion failed.

AYE: Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Siebert

NAY: Bethune, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Yates

NOT PRESENT: Grotz, Weiss

ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on December 9, 2021 and presented the committee's recommendations.

ITEM 14. GENEVA TRAIL – REQUEST FOR ASSISTANCE.

Geneva City Administrator Kyle Svec and Jenni Hoarty, Geneva in Motion, presented background information on the planned Geneva Trail during the Projects and Programs Committee meeting. The trail will be split into three phases and Geneva has applied for assistance from the Nebraska Game and Parks Commission Recreational Trails Program for phase 1. Geneva will be notified if their application has been selected in January or February of 2022. The phase 1 trail cost estimate, including design and construction, is \$342,346.00. The NGPC Recreational Trails program provides 80% cost share up to \$250,000. That would leave a local cost share estimate of \$92,346.00. In the past the NRD has provided 25% of the local cost share amount for trail projects. Twenty-five percent of \$92,346.00 would be \$23,086.50. Geneva currently has funding commitments of \$62,900.00 for phase 1 of the trail.

It was moved by Rich and seconded by Moore that the Upper Big Blue NRD provide 25% of the local cost share commitment not to exceed \$25,000.00 for phase 1 of the Geneva Trail Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 15. NEBRASKA BUFFER STRIP PROGRAM PAYEMENTS.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$2,978.24 for four second quarter Nebraska Buffer Strip contracts, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 16. PRIVATE DAMS PROGRAM PAYMENT.

The Suzanne Johnson private dam has been completed and a request for payment has been received.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD approve payment of \$46,784.08 (75% of total costs of \$62,378.77) for the Suzanne Johnson private dam, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Moore, Weiss

ITEM 17. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on December 9, 2021 and presented the

committee's recommendations.

ITEM 18. OUT-OF-STATE TRAVEL.

The 2022 NARD Washington D.C. Conference is tentatively scheduled to be held on March 19-23, 2022. Dean Edson, Executive Director of NARD, has asked the NRDs to indicate their intent to participate in the upcoming trip. The Executive Committee approved out-of-state travel for any director and up to two staff members to attend the 2022 NARD Washington D.C. Conference.

ITEM 19. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR NOVEMBER 2021.

Eigenberg reviewed the financial report for the period November 1, 2021, to November 30, 2021, that was distributed. It was moved by Houdersheldt and seconded by Miller to approve the financial report for November 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

ITEM 20. MOTION TO ADJOURN.

It was moved by Bethune and seconded by Jeff Bohaty to adjourn the meeting at 3:15 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Grotz, Weiss

I, the undersigned, Secretary of the Upper Big 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 December 16, 2021, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
January 20, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 20, 2022, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Bill Kuehner, Mike Nuss, Ronda Rich, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Marie Krausnick, Jack Wergin, and Angie Johnson.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on January 13, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Eleven directors were present during roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Houdersheldt, Luebbe, Miller, Moore, and Robotham requested excused absences from the January 20, 2022 board of directors meeting.

It was moved by Rich and seconded by Dickinson to excuse the absence of Houdersheldt, Luebbe, Miller, Moore, and Robotham from the January 20, 2022 board of directors meeting as requested. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 5. ADOPTION OF AGENDA.

It was moved by Dickinson and seconded by Rich to approve the agenda for the January 20, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 6. APPROVAL OF MINUTES OF THE DECEMBER 16, 2021 BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Kuehner to approve the minutes of the December 16, 2021 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 7. EMPLOYEE RECOGNITION.

Sylvia Jividen, field office secretary in the Geneva NRCS office, was recognized for 20 years of service to the District. She was presented with an engraved crystal vase.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Jeff Bohaty reported that the Water & Regulations Committee met January 13, 2022 and presented the committee's recommendations.

ITEM 9. MUNICIPAL WATER SYSTEM ASSISTANCE APPLICATION EXTENSION – MCCOOL JUNCTION.

The Village of McCool Junction is experiencing supply chain delays in the construction of their new municipal well. The existing Municipal Water System Assistance Application Agreement expired on December 31, 2021. They are requesting an extension until May 9, 2022 to complete their project.

It was moved by Jeff Bohaty and seconded by Dickinson to extend the Municipal Water System Assistance Application Agreement with the Village of McCool Junction to May 9, 2022. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Yates
NAY: None
NOT VOTING: Weiss
NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 10. FLOW METER REPAIR COST-SHARE PAYMENTS.

Three flow meter repair cost-share applications have been approved for final payments totaling \$830.97.

It was moved by Jeff Bohaty and seconded by Siebert to pay three flow meter repair cost-share claims totaling \$830.97. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 11. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Four Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$1,961.24.

It was moved by Jeff Bohaty and seconded by Nuss to make cost-share payments for four well abandonments, as reviewed by the Committee, at a cost of \$1,961.24. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 12. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA-LINCOLN.

The University of Nebraska-Lincoln has completed coring at one site. Maslonka is working with the University to schedule the remaining core tests for year one of the project. Two invoices totaling \$7,288.03 were received for work completed through December 31, 2021.

It was moved by Jeff Bohaty and seconded by Dickinson to make payment to the University of Nebraska-Lincoln for work completed on the vadose zone study, at a cost of \$7,288.03. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 13. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed between September and November totaling \$11,203.25. As the project lead, the District will cover 100% of the bill to Brown & Caldwell, and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

It was moved by Jeff Bohaty and seconded by Bethune to pay Brown & Caldwell for work completed from September 24, 2021 to November 25, 2021 totaling \$11,203.25. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 14. PAYMENT TO WISH NEBRASKA - BATTERIES FOR RESALE.

Staff purchased 125 Seametric batteries for resale from WISH Nebraska, Incorporated at a cost of \$13,387.50.

It was moved by Jeff Bohaty and seconded by Dickinson to pay WISH Nebraska Incorporated for the purchase of 125 Seametrics batteries totaling \$13,387.50. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 15. PAYMENT TO NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY – ANNUAL CHEMIGATION PERMIT FEES.

The District processed 231 new and 1,566 renewal chemigation permits in 2021. The portion of the permit fees that are due the Nebraska Department of Environment and Energy totals \$4,287.00.

It was moved by Jeff Bohaty and seconded by Nuss to pay the NDEE their share of the chemigation fees for 2021 totaling \$4,287.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 16. LIFTING OF ORDER TO CEASE AND DESIST – NICHOLAS JOHNSON.

Nicholas Johnson has submitted the 2020-2021 Phase II/III Management Area report and has come into compliance. Since the board of directors issues the Order of Cease and Desist, the board would need to lift the Order.

It was moved by Jeff Bohaty and seconded by Nuss to lift the Order of Cease and Desist for Nicholas Johnson for Phase II/III Management Area reporting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 17. LITIGATION UPDATE.

Eigenberg updated the committee on the status of litigation. All three producers have signed their consent decree. One has made payment to the District in accordance with the decree. The District is awaiting payment from the two remaining producers. Specific details concerning litigation need to be discussed in closed session.

It was moved by Kuehner and seconded by Siebert that the board go into closed session at 1:53 p.m. for the purpose of discussing pending litigation regarding violations of the District rules and regulations for nitrogen management reporting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

It was moved by Dickinson and seconded by Kuehner to return to open session at 2:23 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 18. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on January 13, 2022 and presented the committee's recommendations.

ITEM 19. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD approve payment of \$23,118.58 for five completed NSWCP Land Treatment Projects, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 20. WATER QUALITY MANAGEMENT PLAN – COVER CROP PROGRAM PAYMENT.

It was moved by Rich and seconded by Siebert that the Upper Big Blue NRD approve payment of \$3,875.00 for one completed WQMP Cover Crop Program, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 21. PRIVATE DAMS PROGRAM.

The Committee reviewed a private dams program application from C & A Complex Management LLC (Alyssa Hendrix). There was discussion about whether this application fits the Private Dams Program.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve the Private Dams Application from C & A Complex Management LLC (Alyssa Hendrix) with an estimated cost share of \$50,000 contingent on design approval from the Nebraska Department of Natural Resources and any required Corp of Engineers permitting, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 22. COOPERATIVE AGREEMENTS FOR NEBRASKA EDUCATIONAL LAND LEASES.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD approve four Nebraska Board of Educational Land Leases, as recommended by the Board of Educational Lands Lease Administrator and staff, and as reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 23. HAZARD MITIGATION PLAN GRANT APPLICATION.

Staff is incorporating Nebraska Emergency Management Agency comments into the grant application. The application requires funding commitment letters for local contributors.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve the Grant Program Application Funding Certification that states the Upper Big Blue NRD will provide its share of funds to cover the 25% local match with the proposed Hazard Mitigation Plan Update, and approve the Interlocal Agreement for the Cooperative Hazard Mitigation Planning Effort in which the NRD, Seward County, York County, and Hamilton County each agree to provide cash and/or in-kind services of approximately six and one-quarter percent (6.25%), not to exceed \$6,250, to cover the 25% local cost share requirement (estimated \$25,000) for the update of the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 24. SMITH CREEK EMERGENCY SPILLWAY RESTORATION – UPDATE AND PAYMENTS.

Staff gave a presentation on the Smith Creek Emergency Spillway Restoration project showing the earthwork, fine grading, seeding, and hydro-mulching.

It was moved by Rich and seconded by Kuehner that the Upper Big Blue NRD approve payment of \$7,688.63 to Pankoke Construction for earthwork on the Smith Creek Emergency Spillway Restoration Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD approve payment of \$10,500.00 to Miller Seed & Supply for grading, seeding, and hydro mulching on the Smith Creek Emergency Spillway Restoration Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 25. OXBOW TRAIL RECREATION AREA UPDATE AND PAYMENT.

The NRD did not receive any quotes for the Oxbow Trail Recreation Area Day Use Renovation Project. Design specifications were sent to six contractors. Staff will resend request for quotes with a February due date.

The electrical work has been completed, except for the wiring to the domestic well. We are waiting for the well driller to complete the work. Klement Electric submitted an invoice for \$4,558.81 for the electrical work that has been completed and will invoice \$800 separately for hooking up the electrical service to the well.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD approve payment of \$4,558.81 to Klement Electric for electrical work completed at Oxbow Trail Recreation Area, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 26. OVERLAND TRAIL – QUOTES FOR RECREATION AREA IMPROVEMENTS.

The NRD received four quotes on the Overland Trail Recreation Area – Day Use Renovation Project 2022. Quotes were from Pankoke Construction (\$7,550.00), Mid-Nebraska Land Developers (\$8,655.20), Greckel Construction (\$9,850.00), and Van Kirk Brothers Construction (\$12,392.00).

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD accept the quote of \$7,550.00 from Pankoke Construction for the Overland Trail Recreation Area – Day use Renovation Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 27. PIONEER TRAILS PLAYGROUND – UPDATE AND PAYMENT.

Mulch and border materials for the playground have been delivered to the site. Staff is working with Kelsey Mersch on the playground equipment.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$5,568.38 to The American Fence Company of South Dakota for the re-cycled tire mulch and the borders for the Pioneer Trails Playground, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on January 13, 2022 and presented the committee's recommendations.

ITEM 29. DIRECTORS' 4TH QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Totals for the fourth quarter 2021 directors' per diem are \$6,720.00 and expenses are \$2,643.84 for a total expenditure of \$9,363.84.

It was moved by Kuehner and seconded by Siebert to approve payment of 4th quarter 2021 directors' per diem of \$6,720.00 and expenses of \$2,643.84 for a total of \$9,363.84, and to publish these approved expenditures in the December 2021 financial report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 30. CAPITAL PURCHASES IN FY22 BUDGET.

Staff asked that the Board consider the purchase of two sets of playground equipment for children 5 to 12 years of age. One set would be installed at Bruce Anderson Recreational Area and the other at Smith Creek Recreational area.

It was moved by Kuehner and seconded by Rich to instruct staff to investigate options for two sets of playground equipment for children 5 to 12 years of age. Options are to include purchase price, delivery, and installation. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 31. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR DECEMBER 2021.

Eigenberg reviewed the financial report for the period December 1, 2021, to December 3, 2021, that was distributed. It was moved by Kuehner and seconded by Dickinson to approve the financial report for December 2021 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

ITEM 32. MOTION TO ADJOURN.

It was moved by Rich and seconded by Dickinson to adjourn the meeting at 3:27 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Nuss, Rich, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Luebbe, Miller, Moore, Robotham

I, the undersigned, Secretary of the Upper Big 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 January 20, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
February 17, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 20, 2022, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Chrystal Houston, Marie Krausnick, Jack Wergin

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on February 10, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during roll call.

ITEM 4. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Luebbe to approve the agenda for the February 17, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 5. APPROVAL OF MINUTES OF THE JANUARY 20, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Rich to approve the minutes of the January 20, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 6. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met February 10, 2022 and presented the committee's recommendations.

ITEM 7. FLOW METER REPAIR COST-SHARE PAYMENT.

One flow meter repair cost-share application has been recommended for final payment totaling \$300.00.

It was moved by Miller and seconded by Luebbe to pay one flow meter repair cost-share claim totaling \$300.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 8. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Six Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were recommended for final payments totaling \$3,904.76.

It was moved by Miller and seconded by Luebbe to make cost-share payments for six well abandonments, as reviewed by the Committee, at a cost of \$3,904.76. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 9. PAYMENT TO BEEHIVE INDUSTRIES FOR DATA CONNECTIONS PROJECT.

Beehive Industries will begin work on the open data connections project approved by the board of directors in December. The agreement requires half of the project cost at the beginning of the project with the remaining half provided upon delivery of the finished product. An invoice totaling \$7,000.00 was received to cover the first half of the project cost.

It was moved by Miller and seconded by Siebert to make payment to Beehive Industries for the first half of the open data connections project totaling \$7,000.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 10. TRI-CITY METERS CONTRACT AMENDMENT REQUEST.

Tri-City Meters is under contract to the district to provide routine flowmeter maintenance to mechanical flowmeters in the district. Under the existing agreement Tri-City Meters bills the district \$20.00 to replace the Victaulic gasket on certain McCrometer flowmeter installations. Tri-City Meters has seen an increase in the cost of Victaulic gaskets. They are requesting an amendment to the remaining term of their contract to increase the billable cost of Victaulic gaskets from \$20.00 to \$25.00.

It was moved by Miller and seconded by Moore to approve the contract amendment with Tri-City Meters to increase the billable cost of Victaulic gaskets to \$25.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 11. 2021 WATER USE VIOLATIONS – ISSUANCE OF CEASE-AND-DESIST ORDERS.

At the time of the Water & Regulations Committee meeting five agricultural producers were in violation of Rule 5, Chapter 13, Paragraph 01 for not submitting their 2021 Water Use Report – Irrigation Wells. Each of the five producers received the complaint of violation, investigation report, and notice of intent to issue cease and desist order alternative action options documents. Since that time, Matt Snoberger of M. Snoberger Farms has submitted the required water use reports. The remaining four have failed to respond. The next course of action outlined in District Rule 4 is to issue an Order of Cease and Desist. The four producers in violation are Jason Preissler, Chase Kumpf, Cody Engle, and Clint Ratkovec.

It was moved by Miller and seconded by Moore to issue Orders of Cease and Desist to Jason Preissler, Chase Kumpf, Cody Engle, and Clint Ratkovec for failure to submit the 2021 Water Use Report – Irrigation Wells. The Order states that if the required reports are not submitted by March 4, 2022 the individuals will be turned over to the District Court. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 12. LIFTING CEASE AND DESIST ORDER AGAINST KEVIN MACK.

Kevin Mack has submitted the 2020-2021 Phase II/III Management Area report and has come into compliance. Since the board of directors issues the Order of Cease and Desist, the board needs to lift the Order.

It was moved by Miller and seconded by Kuehner to lift the Order of Cease and Desist for Kevin Mack for Phase II/III Management Area reporting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on February 10, 2022 and presented the committee's recommendations.

ITEM 14. NSWCP LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$23,966.18 for four completed NSWCP Land Treatment Projects, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 15. OXBOW TRAIL RECREATION AREA IMPROVMENTS.

The NRD received three quotes for the Oxbow Trail Recreation Area renovation project. The quote from Schaefer Concrete of Garland (\$8,683.02) was incomplete and after discussion with Travis Schaefer was rejected. The quote from Pankoke Construction of Beaver Crossing was \$16,864.00 but included a completion date of June 25, 2022, which did not meet the specified completion date of May 20, 2022. Dankers Concrete of Pleasant Dale submitted a quote of \$16,977.00. The engineer's estimate was \$15,915.00.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD accept the quote from Dankers Concrete of \$16,977.00 for the Oxbow Tail Recreation Area park renovation project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates
NAY: Weiss

ITEM 16. LANGWORTHY-REINMILLER DAM – ENCROACHMENT.

The General Manager sent a letter to the Seward County Commissioners asking for their input on the Langworthy-Reinmiller Dam and violation of the Agreement between the NRD, Seward County, and the Langworthy Trust. A copy of the Trust letter and previous correspondence with the Trust were included. The Trust stated they have not violated the agreement and have no intention of planting crops in the conservation pool. The pool below the drawdown inlet has been filled. Discussion included closing the drain valve and restoring the portion of the reservoir filled in with the pivot bridge fill.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD, with concurrence of the Seward County Commissioners, return the dam to the original operation by closing the drawdown valve, instructing the Trust to remove the material placed in the lake bottom below the drawdown inlet, and instructing the Trust to plant the minimum of 20 feet of grass on the outside edge of the conservation pool, as specified by the Agreement and as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 17. PROJECT PRIORITY LIST.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD adopt the project priority list as presented from totaling the individual board member rankings, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: Kuehner, Luebbe

ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on February 10, 2022 and presented the committee's recommendations.

ITEM 19. PAYMENT TO LEE ENTERPRISES FOR PUBLIC RELATION ADVERTISING.

An invoice for \$7,267.87 has been received from Lee Enterprises for service during the month of January. The invoice includes public relations items as well as job search advertisements and legal notices. Management created purchase orders for job search advertisements and legal notices. However, the total for the public relations items exceeds the spending authority of the general manager. Management requests that the board approve an expenditure of \$6,339.93 for public relations items.

It was moved by Kuehner and seconded by Houdersheldt to approve payment of \$6,339.93 to Lee Enterprises for public relations items provided during the month of January. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 20. PAYMENT TO CAPITAL BUSINESS SYSTEMS FOR RICOH C6000 COPIER.

An invoice for \$10,096.54 was received from Capital Business Systems for the purchase of a Ricoh C6000 copier. The machine has been installed and is operational.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$10,096.54 to Capital Business Systems for the Ricoh C6000 copier. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 21. PURCHASE OF CHAIRS FOR BOARD AND LARGE CONFERENCE ROOMS.

The FY22 budget contains funding to purchase thirty-two chairs for the board room and large conference room. Staff requested quotes for thirty-two high-quality, USA built, upholstered chairs. Two vendors have provided demo chairs for the board to try. Staff requested approval to purchase thirty-two chairs. Prices were quoted using contract pricing available to a state/county government entity.

It was moved by Kuehner and seconded by Dickinson to approve purchase of ten executive chairs to be used in the large conference room. Selection of style of chair will be at the staff's discretion.

It was moved by Grotz and seconded by Miller to amend the motion to purchase thirty-two chairs for the board room and large conference room. Amendment failed.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Miller, Moore, Rich, Yates

NAY: Jeff Bohaty, Richard Bohaty, Kuehner, Luebbe, Nuss, Robotham, Siebert, Stahly, Weiss

Question was called on the original motion. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Nuss, Rich, Robotham, Siebert, Stahly

NAY: Miller, Moore, Weiss, Yates

ITEM 22. PLAYGROUND EQUIPMENT PURCHASE.

Staff recommended that the Board utilize funds in the FY22 budget to purchase two sets of playground equipment for children 5 to 12 years of age. The Executive Committee was provided four price options for the playground equipment. The committee's consensus was to purchase one Nucleus NU-2975 set of playground equipment for children 5 to 12 years of age to be installed at Bruce Anderson Recreation Area for a cost of \$64,984. This price includes delivery, installation, and groundcover.

It was moved by Kuehner and seconded by Rich to approve purchase of one Nucleus NU-2975 set of playground equipment for children 5 to 12 years of age to be installed at Bruce Anderson Recreation Area with a price not to exceed \$64,984. Price is to include delivery, installation, and groundcover.
Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 23. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JANUARY 2022.

Eigenberg reviewed the financial report for the period January 1, 2022 to January 31, 2022, that was distributed. It was moved by Kuehner and seconded by Rich to approve the financial report for January 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 24. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Kuehner to adjourn the meeting at 3:34 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

I, the undersigned, Secretary of the Upper Big 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 February 17, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
March 17, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 17, 2022, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Chrystal Houston, Marie Krausnick, Jack Wergin, Josh Bowers of York NRCS, and Seward County Commissioner Bob Vrbka.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on March 10, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Richard Bohaty requested an excused absence from the March 17, 2022 board of directors meeting.

It was moved by Rich and seconded by Stahly to excuse the absence of Richard Bohaty from the March 17, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Luebbe to approve the agenda for the March 17, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 6. APPROVAL OF MINUTES OF THE FEBRUARY 17, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Luebbe and seconded by Dickinson to approve the minutes of the February 17, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met March 10, 2022 and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER AUTHORIZATION – TODD DANHAUER.

Todd Danhauer owns 80 acres in the E1/2 SW1/4 of Section 28-T12N-R06W. The property will be watered by well permit UBB-1-5877. Mr. Danhauer would like to transfer water to an additional 80 acres in the E1/2 NW1/4 of Section 33-T12N-R06W. This transfer fits within our groundwater transfer rules.

It was moved by Miller and seconded by Nuss to approve groundwater transfer T-111. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 9. FLOW METER REPAIR COST-SHARE PAYMENTS.

Seven flow meter repair cost-share applications were recommended for final payments totaling \$1,530.83.

It was moved by Miller and seconded by Luebbe to pay seven flow meter repair cost-share claims totaling \$1,530.83. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Six Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were recommended for final payments totaling \$4,500.00.

It was moved by Miller and seconded by Houdersheldt to make cost-share payments for six well abandonments, as reviewed by the Committee, at a cost of \$4,500.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 11. PAYMENT TO UNIVERSITY OF NEBRASKA LINCOLN FOR VADOSE ZONE STUDY.

The University of Nebraska Lincoln has submitted two invoices totaling \$5,005.00 for work completed January 1, 2022 through February 28, 2022 on the Vadose Zone Study. Coring is underway to complete year one of the study and should be finished prior to planting season.

It was moved by Miller and seconded by Rich to make payment to the University of Nebraska Lincoln for the work completed on the Vadose Zone Study totaling \$5,005.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 12. PAYMENT TO BROWN & CALDWELL FOR REGIONAL GROUNDWATER MODELING.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice in the amount of \$12,514.00 was received for work completed from November 2021 to January 2022. As the project lead, the District will pay the invoice from Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

It was moved by Miller and seconded by Houdersheldt to pay Brown & Caldwell for work completed through January 2022 totaling \$12,514.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 13. IRRIGATION SCHEDULING EQUIPMENT FOR RESALE – CLEMENTS ASSOCIATES, INC.

Staff purchased soil probes to be added to the districts inventory of irrigation scheduling equipment. An invoice totaling \$2,576.79 was received from Clements Associates Inc.

It was moved by Miller and seconded by Luebbe to pay Clements Associates Inc. for the purchase of soil probes totaling \$2,576.79. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 14. IRRIGATION SCHEDULING EQUIPMENT FOR RESALE – IRROMETER COMPANY, INC.

Staff purchased 10 dataloggers and 6 cables to add to the districts inventory of irrigation scheduling equipment. An invoice totaling \$4,974.00 was received from Irrrometer Company, Inc.

It was moved by Miller and seconded by Siebert to pay Irrrometer Company, Inc. for 10 dataloggers and 6 cables totaling \$4,974.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 15. ROUTINE FLOW METER MAINTENANCE PAYMENT – TRI-CITY METERS, INC.

Tri-City Meters has completed mechanical flow meter maintenance on 1,255 flow meters. Three invoices totaling \$58,735.00 have been received.

It was moved by Miller and seconded by Robotham to pay Tri-City Meters, Inc. for the routine maintenance of mechanical flow meters totaling \$58,735.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 16. LIFTING OF ORDERS TO CEASE AND DESIST – KEVIN ELGE & CHASE KUMPF.

Kevin Elge has submitted his 2020-2021 Phase II/III Management Area report and has come into compliance.

Chase Kumpf was out of compliance for the reporting of irrigation water use for the 2021 growing season. Staff contacted the landowner for the property once operated by Chase Kumpf and they were able to report the ending flow meter reading. As a result, Chase Kumpf is now in compliance. Since the board of directors issues the Orders of Cease and Desist the board needs to lift the Orders.

It was moved by Miller and seconded by Siebert to lift the Order of Cease and Desist for Kevin Elge for Phase II/III Management Area reporting. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

It was moved by Miller and seconded by Nuss to lift the Order of Cease and Desist for Chase Kumpf for reporting irrigation water use for the 2021 growing season. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on March 10, 2022 and presented the committee's recommendations.

ITEM 18. LAND TREATMENT PROGRAM NSWCP PAYMENT.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$7,500.00 for one completed NSWCP Land Treatment Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 19. NEBRASKA BUFFER STRIP PROGRAM THIRD QUARTER PAYMENTS.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$7,443.30 for six Nebraska buffer strip contracts, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 20. PRIVATE DAMS PROGRAM NEW APPLICATION.

Terry Chrisman has applied for cost-share assistance through the Private Dams Program for a failed dam

located northeast of McCool Junction. Dustin Chrisman (Terry's son) is the point of contact and will be utilizing a private engineer for the design and construction oversight. The preliminary cost estimate ranges from \$90,000 to \$120,000.

It was moved by Rich and seconded by Jeff Bohaty that the Upper Big Blue NRD approve the Terry Chrisman private dams application with an estimated cost share of \$50,000.00, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 21. PRIVATE DAMS PROGRAM APPLICATION FEE.

Staff presented a draft Agreement for Technical Assistance for Private Dams Program Survey & Design that outlines the details of having landowners submit a deposit fee of 2% of the preliminary cost estimate with their private dams application. If the landowner decides not to proceed with construction, they may forfeit the fee. This fee structure does not apply to landowners utilizing a private engineer.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve the "Agreement for Technical Assistance for Private Dams Program Survey & Design" with a correction replacing "farm pond" with "dam" under paragraph 4, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 22. LANGWORTHY-REINMILLER DAM.

In February 2022 the board approved the following motion. *"That the Upper Big Blue NRD, with concurrence of the Seward County Commissioners, return the dam to the original operation by closing the drawdown valve, instructing the Trust to remove the material placed in the lake bottom below the drawdown inlet, and instructing the Trust to plant the minimum of 20 feet of grass on the outside edge of the conservation pool, as specified by the Agreement and as recommended by staff and reviewed by the Committee."*

At their March meeting the Projects & Programs Committee continued the discussion concerning the removal of the pivot bridge and changes made to the reservoir at Langworthy-Reinmiller Dam, because the Seward County Commissioners have yet to take a stance on the matter. Bob Vrbka, Seward County Commissioner attended the February Projects and Programs Committee meeting and during the discussion told the committee that this matter would be added to the Seward County Commissioners Tuesday, March 15, 2022 meeting agenda. Staff had planned to attend the meeting and report back to the board, but they were later informed by commissioner Vrbka that the matter would not be placed on

the agenda. Since the NRD holds the easement the NRD can act on their own to return this dam to its original operation.

It was moved by Rich and seconded by Dickinson that the Upper Big Blue NRD board reconsider the motion passed at the February 17, 2022 board meeting that the Upper Big Blue NRD, with concurrence of the Seward County Commissioners, return the dam to the original operation by closing the drawdown valve, instructing the Trust to remove the material placed in the lake bottom below the drawdown inlet, and instructing the Trust to plant the minimum of 20 feet of grass on the outside edge of the conservation pool, as specified by the Agreement.

It was moved by Houdersheldt and seconded by Miller to amend the motion to strike “with concurrence of the Seward County Commissioners.” Amendment carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Richard Bohaty

ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on March 10, 2022 and presented the committee’s recommendations.

ITEM 24. PAYMENT TO NORTH PRINTING & OFFICE SUPPLY FOR THE BLUEPRINT NEWSLETTER.

The Committee reviewed the invoice from North Printing & Office Supply in the amount of \$8,008.28 for printing the Spring 2022 issue of the BLUEPRINT newsletter.

It was moved by Kuehner and seconded by Dickinson to approve payment to North Printing & Office Supply in the amount of \$8,008.28 for printing the Spring 2022 issue of the BLUEPRINT newsletter.
Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Moore

NOT PRESENT: Richard Bohaty

ITEM 25. DIRECTOR’S EXPENSES FOR ATTENDING THE 2022 GMDA WINTER CONFERENCE.

The 2022 Groundwater Management District Association (GMDA) Winter Conference was held in San Antonio, Texas. Linda Luebbe submitted a request for reimbursement of expenses incurred to attend the conference.

It was moved by Kuehner and seconded by Rich to approve payment of \$1,573.70 to Linda Luebbe for expenses for the 2022 GMDA Winter Conference. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Luebbe, Moore

NOT PRESENT: Richard Bohaty

ITEM 26. BOARD ROOM AUDIO-VISUAL EQUIPMENT UPDATES.

Staff met with two audio-visual vendors. We requested quotes to update the A/V system in our board room by adding 12 additional wireless tabletop mics and the technology to support them, two fixed cameras (one facing the front, one facing the back with the ability to remotely pan, tilt and zoom), two large monitors on each side of the room, and hard-wired connections from the back of the room to the existing rack in the front of the room.

A quote in the amount of \$64,998 for proposed work from Yandas Pro Audio & Video was received. This quote utilizes our current wireless mics, amps, speakers, projector, and screen. Yandas will extend the 2-year service contract to a 3-year service contract upon installation.

A quote was received from CCS Presentation Systems – Midwest. Their quote in the amount of \$50,753.46 included a rolling table to control A/V functions from the rear of the room. Two cameras would be added to allow for hybrid and virtual meetings. A new audio processor would replace the existing processors, which would allow for seamless integration of the cameras and audio. A new air media unit would be installed. Existing microphones (ceiling and wireless) would be reused. Twelve additional wireless mics would be added to the system.

It was moved by Kuehner and seconded by Rich to accept the quote from Yandas Pro Audio & Video in the amount of \$64,998.00 for the purchase, and installation of a turnkey board room A/V system, adding 12 additional wireless tabletop mics, two fixed cameras, two large monitors, hard wired connections from the back of the room to the existing rack and all technology to support the system. Motion carried.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Jeff Bohaty

NOT PRESENT: Richard Bohaty

ITEM 27. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR FEBRUARY 2022.

Eigenberg reviewed the financial report for the period February 1, 2022 to February 28, 2022, that was distributed. It was moved by Houdersheldt and seconded by Rich to approve the financial report for February 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Richard Bohaty

ITEM 28. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Jeff Bohaty to adjourn the meeting at 3:17 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Richard Bohaty

I, the undersigned, Secretary of the Upper Big 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 March 17, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
April 21, 2022

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 21, 2022, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Chrystal Houston, Marie Krausnick, Jack Wergin, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on April 14, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Thirteen directors were present during roll call. Robotham arrived at 7:04 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Jeff Bohaty, Luebbe, and Weiss requested an excused absence from the April 21, 2022 board of directors meeting.

It was moved by Kuehner and seconded by Stahly to excuse the absence of Jeff Bohaty, Luebbe and Weiss from the April 21, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Robotham

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Houdersheldt and seconded by Rich to approve the agenda for the April 21, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE MARCH 17, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Bethune to approve the minutes of the March 17, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met April 12, 2022 and presented the committee's recommendations.

ITEM 8. FLOW METER REPAIR COST-SHARE PAYMENTS.

Twenty-nine flow meter repair cost-share applications were recommended for final payments totaling \$7,835.63.

It was moved by Miller and seconded by Siebert to pay twenty-nine flow meter repair cost-share claims totaling \$7,835.63. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Eight Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were recommended for final payments totaling \$5,454.35.

It was moved by Miller and seconded by Nuss to make cost-share payments for eight well abandonments, as reviewed by the Committee, at a cost of \$5,454.35. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 10. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

The University of Nebraska Lincoln has submitted an invoice for work completed on the Vadose Zone Study during the month of March 2022 totaling \$2,435.44. Coring for year 1 has ended. Four deep core samples remain to be taken in the first year of the study. Those sites will be collected after harvest 2022 along with the second-year samples.

It was moved by Miller and seconded by Dickinson to make payment to the University of Nebraska Lincoln for the work completed on the Vadose Zone Study totaling \$2,435.44. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 11. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed from January 28, 2022 to February 24, 2022 totaling \$6,171.25. As the project lead, the District will remit payment to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

The Nebraska Department of Natural Resources is beginning to make preliminary model runs using the model. With each calibration adjustment and model run, the areas of interconnection change. Once maps are available to share staff will provide that information to the committee.

It was moved by Miller and seconded by Houdersheldt to pay Brown and Caldwell for work completed through February 2022 totaling \$6,171.25. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 12. ROUTINE FLOW METER MAINTENANCE PAYMENT – TRI-CITY METERS, INC.

Tri-City Meters has completed mechanical flow meter maintenance on 483 meters. The final invoice totaling \$22,885.00 was received.

It was moved by Miller and seconded by Rich to pay Tri-City Meters, Inc. for the routine maintenance of mechanical flow meters totaling \$22,885.00. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 13. CERTIFICATION OF IRRIGATED ACRES.

The Committee reviewed the irrigated acres' certification for 218 parcels totaling 20,076.53 acres which yielded an increase in irrigated acres of 683.22. The total irrigated acres for the District are 1,243,631.41 acres.

It was moved by Miller and seconded by Grotz to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on April 14, 2022 and presented the committee's recommendations.

ITEM 15. NEBRASKA SOIL & WATER CONSERVATION PROGRAM (NSWCP) LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD approve payment of \$11,339.94 for 2 completed NSWCP Land Treatment applications as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 16. NEW PRIVATE DAMS PROGRAM APPLICATION.

Dalen Hall has decided to re-apply for cost-share assistance through the Private Dams Program for a failed dam located southwest of McCool Junction. The design for this dam was completed back in 2020 and at that time, Dalen decided not to proceed. The initial cost estimate ranges from \$40,000 to \$60,000.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve the Dalen Hall Private Dams Application with an estimated cost- share of \$45,000.00, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 17. UPPER BIG BLUE NRD AND LOWER PLATTE SOUTH NRD INTERLOCAL AGREEMENT.

The Lower Platte South NRD has drafted an Interlocal Agreement with the Upper Big Blue NRD to cooperate and effectively implement programs and projects along the shared NRD boundary. This Interlocal Agreement will be amended for specific projects. These amendments will specify the identity, location, and terms of each specific project to be implemented in the neighboring NRD.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD enter into an Interlocal Agreement with the Lower Platte South NRD in order to assist and cooperate on projects and programs along the shared NRD boundary, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 18. UPPER BIG BLUE NRD – LOWER PLATTE SOUTH NRD INTERLOCAL AGREEMENT – AMENDMENT NO. 1

Amendment No. 1 to the Interlocal Agreement between the Upper Big Blue NRD and the Lower Platte South NRD outlines details of cost-share opportunities within the Branched Oak Watershed, which is mostly in the Lower Platte South NRD, but extends into the Upper Big Blue NRD.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD approve Amendment No. 1 of the Interlocal Agreement with the Lower Platte South NRD, which identifies cost-share opportunities for projects within the Branched Oak Watershed, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 19. VARIABLE RATE IRRIGATION PILOT PROGRAM.

The committee discussed the recent history of the NRD's Variable Rate Irrigation Program. Over the six years of the program there have been 20 VRI applications approved.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD eliminate the Variable Rate Irrigation Pilot Program at the end of FY 2022 (June 30, 2022). Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Moore, Rich, Robotham, Siebert, Yates

NAY: Miller, Nuss, Stahly

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 20. FILLMORE COUNTY AG SOCIETY TREE PLANTING AGREEMENT.

Fillmore County Ag Society lost a row of pine trees to disease and have requested assistance for replacement through the Community Tree Resources Program. The total cost for planting the trees is \$2,142.27.

It was moved by Rich and seconded by Miller that the Upper Big Blue NRD agrees to provide 50% cost-share, not to exceed \$1,000, to the Fillmore County Ag Society for the planting of trees through the Community Tree Resources Program, as recommended by staff and reviewed by the Committee.

Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 21. PIONEER TRAILS SPILLWAY – ROCK REMOVAL.

The downstream chute floor of the Pioneer Trails spillway has filled with rocks over time. This area is usually under water but is currently dry. The Projects and Programs Committee instructed staff to obtain quotes for presentation at the April 21, 2022 board meeting to remove rock from the spillway and place near the upstream face of the dam. One quote in the amount of \$4,000 was received from Wy-Ad Enterprises of York. Work is expected to be completed in May.

It was moved by Rich and seconded by Stahly to accept the quote of \$4,000 from Wy-Ad Enterprises of York for the removal and placement of rock from the downstream chute of the Pioneer Trails spillway.

Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 22. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on April 14, 2022 and presented the committee's recommendations.

ITEM 23. DIRECTORS' FIRST QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. The first quarter directors' per diem is \$8,750.00 and expenses are \$4,513.08 for a total expenditure of

\$13,263.08. Individual expense vouchers were available for review.

It was moved by Kuehner and seconded by Siebert to approve payment of first quarter 2022 directors' per diem of \$8,750.00 and expenses of \$4,513.08 for a total of \$13,263.08, and to publish these approved expenditures in the March Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Moore, Weiss

ITEM 24. FIFTY PERCENT DOWN PAYMENT – YANDAS PRO AUDIO & VIDEO.

The Committee was advised that an invoice in the amount of \$32,000 from Yandas Pro Audio & Video for 50% of the total cost of the board room audio and video improvement was received. This down payment request is customary with Yandas for large equipment orders.

It was moved by Kuehner and seconded by Houdersheldt to approve payment to Yandas Pro Audio and Video in the amount of \$32,000 for 50% of the total cost of board room audio and video improvements. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Moore, Weiss

ITEM 25. BURKE SCHOLARSHIP SELECTION.

The scholarship selection committee reviewed nine applications for the 2022 Burke Scholarship. An interim committee was appointed to review and rank all applications. The interim committee is recommending that scholarships be award to two applicants and that one alternate be named.

\$2,000 Scholarship: Keeley Conrad, York, Nebraska, attending University of Nebraska-Lincoln.

\$2,000 Scholarship: Matt Mittmann, York, Nebraska, attending University of Nebraska-Lincoln.

Alternate: Remi Christensen, Seward, Nebraska plans to attend University of Nebraska-Lincoln.

It was moved by Kuehner and seconded by Robotham to award 2022 Burke Scholarships of \$2,000 to Keeley Conrad, York, Nebraska; Matt Mittmann, York, Nebraska; and to further name Remi Christensen of Seward, Nebraska, the alternate. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: Jeff Bohaty, Luebbe, Moore, Weiss

ITEM 26. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR MARCH 2022.

Eigenberg reviewed the financial report for the period March 1, 2022 to March 31, 2022, that was distributed. It was moved by Houdersheldt and seconded by Nuss to approve the financial report for March 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

ITEM 27. MOTION TO ADJOURN.

It was moved by Bethune and seconded by Rich to adjourn the meeting at 8:30 p.m. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Luebbe, Weiss

I, the undersigned, Secretary of the Upper Big 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 April 21, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
May 19, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 19, 2022, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Linda Luebbe, John Miller, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Chrystal Houston, Jack Wergin, Joseph Sisco, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on May 12, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Bill Kuehner and Larry Moore requested an excused absence from the May 19, 2022 board of directors meeting.

It was moved by Rich and seconded by Robotham to excuse the absence of Kuehner, and Moore from the May 19, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 5. ADOPTION OF AGENDA.

It was moved by Dickinson and seconded by Siebert to approve the agenda for the May 19, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Kuehner, Moore

ITEM 6. APPROVAL OF MINUTES OF THE APRIL 21, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Siebert to approve the minutes of the April 21, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Kuehner, Moore

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met May 12, 2022 and presented the committee's recommendations.

ITEM 8. UNITED STATES GEOLOGICAL SURVEY GWMA#2 MONITORING NETWORK REVIEW PROPOSAL.

The United States Geological Survey (USGS) presented a project proposal to review the current Groundwater Management Area #2 (GWMA#2) well network to ensure the wells being sampled fit the original criteria of the 1995 study that established the network. This study could be the first phase of a larger study to look at the monitoring network and the parameters and contaminant data collected.

It was moved by Miller and seconded by Nuss to partner with the USGS to review the existing GWMA#2 monitoring well network, not to exceed \$86,680.00. Motion carried.

AYE: Bethune, Richard Bohaty, Grotz, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: Jeff Bohaty, Dickinson
NOT VOTING: Houdersheldt
NOT PRESENT: Kuehner, Moore

ITEM 9. RAINWATER BASIN WETLAND GROUNDWATER RECHARGE ANALYSIS PROJECT.

Krausnick reviewed the project proposal and the five-year budget for the project at Teal View Wetland. The total project cost is \$22,750.00 over five years. The project would install above and below ground monitoring equipment to quantify the recharge benefits of wetlands.

It was moved by Miller and seconded by Rich to partner with the Rainwater Basin Joint Venture on the Rainwater Basin Wetland Groundwater Recharge Analysis Project for five years not to exceed, \$15,750.00. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: Jeff Bohaty
NOT PRESENT: Kuehner, Moore

ITEM 10. NEBRASKA NATURAL RESOURCES DISTRICTS AND THE EMERGENT THEORY OF NON-PARTICIPATION – JOSEPH SISCO.

Joseph Sisco, a University of Nebraska graduate student, would like to interview producers in the Lower Elkhorn and Upper Big Blue Natural Resources Districts, to find out why producers are hesitant to participate in conservation programs offered by NRDs. He is seeking a partnership with the District to assist in identifying producers for his research.

It was moved by Miller and seconded by Luebbe to instruct district staff to work with Joseph Sisco on his Nebraska Natural Resources Districts and the Emergent Theory of Non-Participation research project involving the Upper Big Blue NRD and authorize Dave Eigenberg to sign the site permission form.
Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Kuehner, Moore

ITEM 11. GROUNDWATER TRANSFER AUTHORIZATION – J BAR K LLC.

J Bar K LLC – Kelvin Jorgensen owns 79.05 acres in the N1/2 SE1/4 of Section 15-T09N-R01W. The property will be watered by well permit UBB-1-5897. Jorgensen would like to transfer water to 70.02 acres in the W1/2 SW1/4 of Section 14-T09N-R01W owned by J Bar K LLC. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Grotz to approve groundwater transfer T-112. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: Luebbe
NOT PRESENT: Kuehner, Moore

ITEM 12. GROUNDWATER TRANSFER AUTHORIZATION – RAEANN ANDERSON WEYMOUTH AND ROB AND LAUREL C. MARLATT.

RaeAnn Anderson Weymouth and Rob and Laurel C. Marlatt own 39.77 acres in the SW1/4 SW1/4 Section 21-T10N-R06W. The property is watered by well G-059193. Marlatt would like to transfer water to 39.77 acres in the E1/2 SE1/4 of Section 20-T10N-R06W owned by RaeAnn Anderson Weymouth Trustee. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Grotz to approved groundwater transfer T-113. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: Luebbe

NOT PRESENT: Kuehner, Moore

ITEM 13. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Three Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$2,183.18.

It was moved by Miller and seconded by Nuss to make cost-share payments for three well abandonments, as reviewed by the Committee, at a cost of \$2,183.18. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 14. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

The University of Nebraska Lincoln has submitted an invoice for work completed on the Vadose Zone Study from April 1–30, 2022 totaling \$2,460.87.

It was moved by Miller and seconded by Richard Bohaty to make payment to the University of Nebraska Lincoln for the work completed on the Vadose Study totaling \$2,460.87. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 15. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed from February 2022 to March 2022 totaling \$5,596.25. As the project lead, the District will pay the invoice from Brown and Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources. A map of model runs from December 16, 2021 and February 25, 2022 showed the impacts calibration is having on the areas of connection between surface and groundwater. Further calibration is being conducted. Staff will update the board as future model runs are completed.

It was moved by Miller and seconded by Houdersheldt to pay Brown and Caldwell for work completed through March 2022 totaling \$5,596.25. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 16. PAYMENT TO OLSSON FOR WATER USE SUMMARY REPORT.

Olsson has delivered the water use summary report and invoiced the District \$10,000 for the completed report.

It was moved by Miller and seconded by Nuss to pay Olsson for the delivery of the water use summary report totaling \$10,000.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 17. CHEMIGATION COST-SHARE PROGRAM DISCUSSION.

Staff presented a draft chemigation cost-share incentive program incorporating feedback from the April committee meeting. The draft program incorporates incentives for site setup, equipment, and the initial chemigation permit. Language was added to the proposed program document based on committee discussion.

It was moved by Miller and seconded by Siebert to approve the creation of the Upper Big Blue NRD Chemigation Incentive Program beginning in the 2023 growing season. Motion carried.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Jeff Bohaty, Richard Bohaty, Weiss

NOT PRESENT: Kuehner, Moore

ITEM 18. CERTIFICATION OF IRRIGATED ACRES.

The Committee reviewed the irrigated acres' certification for 243 parcels totaling 21,590.90 acres, which yielded a decrease in irrigated acres of 13.98. The total irrigated acres for the District are 1,243,617.43 acres.

It was moved by Miller and seconded by Luebbe to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 19. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on May 12, 2022 and presented the committee's recommendations.

ITEM 20. NEBRASKA SOIL & WATER CONSERVATION PROGRAM COST SHARE PAYMENT.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$2,490.24 for one completed NSWCP Land Treatment Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 21. PAYMENT FOR TEAL VIEW EDUCATIONAL WETLAND PARKING LOT.

The NRD entered an interlocal agreement with the Rainwater Basin Joint Venture for the installation of a parking lot at Teal View Educational Wetland. Through this Agreement, the RWBJV agreed to provide \$11,500 of cost-share assistance for the parking lot. Total costs were \$11,848.00, with \$1,425.00 to ASP Enterprises for woven fabric and \$10,423.00 for rock, and installation from WyAd Enterprises. The invoice from ASP Enterprises was paid last month. The NRD will be reimbursed \$11,500 by the RWBJV.

It was moved by Rich and seconded by Siebert that the Upper Big Blue NRD approve payment of \$10,423 to WyAd Enterprises for the installation of fabric and rock at the Teal View Educational Wetland, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 22. WATER QUALITY MANAGEMENT PLAN COVER CROP PROGRAM.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD approve payment of \$7,500.00 for one completed WQMP Cover Crop Program project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 23. RECHARGE LAKE PLAYGROUND EQUIPMENT.

The playground equipment has been delivered and is being stored in the NRD yard. Installation is currently scheduled for late May or June. The NRD will be invoiced for the installation cost upon completion.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$37,444.00 to Creative Sites for the playground equipment to be installed at Recharge Lake, as recommended by staff, and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Executive Committee met on May 12, 2022 and presented the committee's recommendations.

ITEM 25. REQUEST FOR PROPOSALS TO CONDUCT ANNUAL AUDITS.

Brisk sent letters to seventeen accounting firms requesting proposals to conduct the annual audit for the next three years. Only two firms submitted proposals which are listed below.

Firm	FY22 Audit	FY23 Audit	FY24 Audit
AMGL CPA's & Advisors	\$ 8,650	\$ 8,850	\$ 9,050
Single audit if necessary	\$ 2,800	\$ 2,900	\$ 3,000
Dana F. Cole & Company	\$11,500	\$12,650	\$13,900
Single audit if necessary	\$ 4,500	\$ 4,950	\$ 5,400

Staff recommended accepting the proposal from AMGL CPA's & Advisors to conduct the annual audit for the next three fiscal years.

It was moved by Siebert and seconded by Luebbe to approve AMGL CPA's & Advisors proposal to perform FY22 Audit - \$8,650, FY23 Audit - \$8,850, and FY24 Audit - \$9,050. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 26. FISCAL YEAR 23 SALARY SCHEDULE.

Eigenberg recommended changes for the FY23 Salary Schedule. He explained the logic and starting point behind his recommendation and answered questions. The schedule was developed to provide guidance on the FY23 salary structure. Midpoints were calculated by taking the average of 5 NRDs with similar

property valuations, annual payrolls, and staffing numbers. Midpoints were then used to develop minimum (80%) and maximum (120%) wage limits. The Salary Schedule will be used in accordance with the District's Operating Policy.

It was moved by Siebert and seconded by Rich to approve the FY23 Salary Schedule as presented.
Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 27. FISCAL YEAR 23 WAGE INCREASE.

Eigenberg discussed the wages of current staff positions with the Executive Committee. As part of this discussion, he informed the committee that prior to preparing his proposal to increase wages he removed one of the Engineering Technician positions from the spreadsheet because he has no plans to fill this position. However, he does plan to fill the recently vacated positions for Water Department Manager, Water Resources Technician, and Water Data Assistant.

Eigenberg requested that the board authorize a 6.0% increase in the FY22 payroll (less the vacant engineering technician position) for a total of \$82,216 for FY23 salary increases for staff.

It was moved by Siebert and seconded by Rich to adjust the annual FY23 salaries of the district staff, except for the General Manager, by 6.0% of the FY 22 payroll, not to exceed \$82,216, and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 28. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR APRIL 2022.

Eigenberg reviewed the financial report for the period April 1, 2022 to April 30, 2022, that was distributed. It was moved by Houdersheldt and seconded by Jeff Bohaty to approve the financial report for April 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

ITEM 29. MOTION TO ADJOURN.

It was moved by Miller and seconded by Houdersheldt to adjourn the meeting at 9:13 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Moore

I, the undersigned, Secretary of the Upper Big 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 May 19, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
BOARD OF DIRECTORS MEETING
June 16, 2022

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 16, 2022, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Chrystal Houston, Jack Wergin, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on June 9, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Thirteen directors were present during roll call. Moore arrived at 7:23 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Robotham, Siebert, and Weiss requested an excused absence from the June 16, 2022 board of directors meeting.

It was moved by Kuehner and seconded by Rich to excuse the absence of Robotham, Siebert, and Weiss from the June 16, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Dickinson to approve the agenda for the June 16, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE MAY 19, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Bethune and seconded by Miller to approve the minutes of the May 19, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT VOTING: Kuehner

NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met June 7, 2022 and presented the committee's recommendations.

ITEM 8. BEAVER CROSSING MONITORING WELL REPLACEMENT - PAYMENTS TO SARGENT DRILLING.

Sargent Drilling, of Geneva, Nebraska submitted an invoice in the amount of \$17,091.50 for the construction of the replacement monitoring well at the Beaver Crossing site.

It was moved by Miller and seconded by Luebbe to pay Sargent Drilling, of Geneva, Nebraska \$17,091.50 for the construction of the replacement monitoring well at Beaver Crossing. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Robotham, Siebert, Weiss

Sargent Drilling, of Geneva, Nebraska submitted an invoice in the amount of \$3,000 for the decommissioning of the original monitoring well at the Beaver Crossing site.

It was moved by Miller and seconded by Luebbe to pay Sargent Drilling, of Geneva, Nebraska \$3,000.00 for the decommissioning of the original monitoring well at Beaver Crossing. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 9. FLOW METER REPAIR COST SHARE PROGRAM PAYMENTS.

Eighteen flow meter repair cost-share applications have been approved for final payments totaling \$4,567.03.

It was moved by Miller and seconded by Rich to pay eighteen flow meter repair cost-share claims totaling \$4,567.03. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENT.

One Aquifer Quality Well Abandonment Cost-Share Assistance Program application was approved for final payment totaling \$667.14.

It was moved by Miller and seconded by Stahly to make cost-share payment for one well abandonment, as reviewed by the Committee, at a cost of \$667.14. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 11. REGIONAL GROUNDWATER MODELING CONTRACT EXTENSION.

Brown and Caldwell are continuing their work to calibrate the regional groundwater model. The current contract will expire June 30, 2022. Brown & Caldwell has requested an extension until December 31, 2022 to complete the project.

It was moved by Miller and seconded by Houdersheldt to instruct David Eigenberg to sign the regional groundwater model contract extension with Brown & Caldwell, extending the project until December 31, 2022. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: Grotz

NOT PRESENT: Moore, Robotham, Siebert, Weiss

The Department of Natural Resources has submitted a contract amendment to the Upper Big Blue Natural Resources District for the regional modeling effort. The amendment extends the project until December 31, 2022.

It was moved by Miller and seconded by Rich to instruct David Eigenberg to sign the regional groundwater model contract extension with Nebraska Department of Natural Resources, extending the project until December 31, 2022. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates
NAY: None
NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 12. BEEHIVE DATA CONNECTIONS PROJECT FINAL PAYMENT.

Beehive has completed the data connections to our database which allows our staff to connect to data in real time to generate reports and perform data analysis. The total project cost was \$14,000. In February of this year, we made a payment of \$7,000 for the first half of the project. Beehive submitted an invoice in the amount of \$7,000 for the remaining balance.

It was moved by Miller and seconded by Nuss to pay Beehive Industries for the delivery of the open data connections project in the amount of \$7,000.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates
NAY: None
NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 13. RULES ENFORCEMENT UPDATE.

Krausnick provided the Water and Regulations Committee with a list of producers who are in violation of district rules and regulations for Phase II/III management area reporting, and those who have not completed nitrogen certification training. Staff advised the committee that the appropriate steps outlined in the District's Rules and Regulations had been taken to begin the process of issuing cease and desist orders.

It was moved by Miller and seconded by Rich to issue orders of cease and desist for all producers out of compliance with Phase II/III & Hastings Management Area.

Prior to the board meeting it was discovered that the letter of intent to issue an order of cease and desist/schedule of compliance did not get mailed. For that reason, it was moved by Miller and seconded by Grotz to table the motion. The motion to table carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates
NAY: None
NOT PRESENT: Moore, Robotham, Siebert, Weiss

Jason Preissler has come into compliance with 2021 Annual Water Use Reporting, his 2020-2021 Phase II/III & Hastings Management Area reporting and 2021-2022 Phase II/III & Hastings Management Area reporting. The active Order of Cease and Desist filed against him by the District can be lifted.

It was moved by Miller and seconded by Nuss to lift the Order of Cease and Desist filed against Jason Preissler. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Moore, Robotham, Siebert, Weiss

ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on June 9, 2022 and presented the committee's recommendations.

ITEM 15. LAND TREATMENT PROGRAM NSWCP & NRD PAYMENTS.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD approve payment of \$7,500.00 for one completed NSWCP land treatment program application, and \$31,059.20 for fifteen completed NRD land treatment program applications as reviewed. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 16. NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD approve payments totaling \$16,059.20 for nine Nebraska buffer strip program contracts as reviewed. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 17. PAYMENT TO NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FOR TREES.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$15,613.22 to the Nebraska Association of Resources Districts for the purchase of trees for resale. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 18. CITY OF YORK REQUEST FOR ASSISTANCE – LETTER OF MAP REVISION.

Dr. Sue Crawford, York City Administrator presented a request for assistance to proceed with a Letter of Map Revision (LOMR) for the City of York, which if approved, would lessen the flood plain in Tributary A which begins by the York High School. Several homes could potentially be removed from the flood plain, resulting in an estimated flood insurance savings of \$30,000 per year. The estimated cost for the LOMR is \$42,000.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD provide 50% of the local share, not to exceed \$21,000, through an amendment to the Interlocal Agreement with the City of York for work involved in filing a Letter of Map Revision request to reduce the flood plain in Tributary A located on the east edge of York. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 19. PAYMENT TO PANKOKE CONSTRUCTION - OVERLAND TRAIL RECREATION AREA IMPROVEMENTS.

Pankoke Construction has completed the earthwork on the parking lot at Overland Trail Recreation Area. NRD staff were unable to remove all the bollards, so Pankoke removed and disposed of them for an additional charge.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$9,187.50 to Pankoke Construction for earthwork completed on the parking area at Overland Trail Recreation Area. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 20. WATER QUALITY MANAGEMENT PLAN – TARGET AREA MAPPING PROPOSAL.

Staff requested a proposal from JEO Consulting for running the Agricultural Conservation Planning Framework (ACPF) program on the entire WQMP Target area of the Beaver Creek Watershed. This program will identify the very high-risk areas, the high-risk areas, and the critical source areas of the watershed, which will expand the areas eligible for increased incentive programs offered by the NRD.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD enter a contract with JEO Consulting Group to run the Agricultural Conservation Planning Framework on the remainder of the NRD's WQMP target area (Beaver Creek Watershed), for a fee of \$9,500.00 to expand the area available for the NRD's WQMP incentive programs. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on June 9, 2022 and presented the committee's recommendations.

ITEM 22. FISCAL YEAR 23 INSURANCE RENEWAL QUOTE -THE HARRY A. KOCH COMPANY.

Staff worked with Cornerstone Insurance to obtain a quote for the FY23 insurance renewal package. Due to the liability for the district owned dams, it is difficult to get insurers to quote the complete package. We have 1 high-hazard dam (Hastings Northwest) and 5 significant-hazard dams (Recharge Lake, Oxbow Trails, Struebing, Dorchester 1A and Dorchester 2A), and 39 low-hazard dams that the district owns and maintains.

The renewal quote for the district's insurance package has been received from Cornerstone Insurance and The Harry A. Koch Company of Omaha. The quote for FY23 is \$84,553. Last year's premium was \$77,589. Our workers compensation carrier is BITCO. The workers compensation premium is based on actual payroll, so a payroll audit is conducted at the end of each fiscal year to determine if any additional premium or refund is due.

	FISCAL YEAR 22	FISCAL YEAR 23
Liability, Auto, Fire & Casualty	\$56,913	\$63,738
Workers Compensation	\$20,676	\$20,815
Totals	\$77,589	\$84,553

It was moved by Kuehner and seconded by Rich to make payment of \$84,553 to The Harry A. Koch Company for liability, auto, workers' compensation, fire, and casualty insurance for FY23. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 23. PAYMENT TO NORTH PRINTING & OFFICE SUPPLY FOR THE BLUEPRINT NEWSLETTER.

An invoice in the amount of \$13,874.37 was received from North Printing & Office Supply for the Spring 2022 edition of the Blueprint newsletter.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$13,874.37 to North Printing & Office Supply for the Spring 2022 edition of the Blueprint newsletter. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 24. NARD 414(H) RETIREMENT PLAN AND 457 DEFERRED COMPENSATION PLAN RESTATEMENT RESOLUTIONS AND PARTICIPATION AGREEMENTS.

The Manager was advised that to maintain compliance with our retirement plans, the District must pass a restatement resolution for the NARD 414(h) and 457 deferred compensation retirement plans. This is an amendment and restatement to bring the plans into compliance with the legislative and regulatory changes set forth in IRS Notice 2017-37 (i.e., the 6-year pre-approved plan restatement cycle). Initial effective date of Plan was January 1, 1998, the effective date for amendment and restatement is January 1, 2022

It was moved by Kuehner and seconded by Houdersheldt to adopt the NARD 457 Retirement Plan Restatement Resolution and sign the participation agreement. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

It was moved by Kuehner and seconded by Miller to adopt the NARD 414(h) Retirement Plan Restatement Resolution and sign the participation agreement. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 25. EVALUATION OF GENERAL MANGER JOB PERFORMANCE AND FY23 COMPENSATION.

The Executive Committee recommended that the full board consider the General Manager's job performance and any salary adjustment at the June 16th Board Meeting.

It was moved by Kuehner and seconded by Miller that the board go into closed session at 8:07 p.m. to prevent needless injury and to protect the reputation of the General Manager while conducting an evaluation of his job performance. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

It was moved by Moore and seconded by Rich to return to open session at 8:53 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

It was moved by Houdersheldt and seconded by Moore to increase the salary of the General Manager by 5 percent. Motion carried.

AYE: Dickinson, Grotz, Houdersheldt, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: Bethune, Jeff Bohaty, Richard Bohaty, Kuehner, Luebbe

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 26. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR MAY 2022.

Eigenberg reviewed the financial report for the period May 1, 2022 to May 31, 2022, that was distributed. It was moved by Houdersheldt and seconded by Jeff Bohaty to approve the financial report for May 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

ITEM 27. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Bethune to adjourn the meeting at 9:30 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Stahly, Yates

NAY: None

NOT PRESENT: Robotham, Siebert, Weiss

I, the undersigned, Secretary of the Upper Big 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 June 16, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb
Attachments (4)

MINUTES
BOARD OF DIRECTORS MEETING
July 28, 2022

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 28, 2022, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, Linda Luebbe, John Miller, Mike Nuss, Ronda Rich, David Robotham, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on July 21, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Eleven directors were present during roll call. Luebbe arrived at 7:03 p.m., and Robotham arrived at 7:08 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Jeff Bohaty, Houdersheldt, Moore and Siebert requested an excused absence from the July 28, 2022 board of directors meeting. Kuehner asked that Houdersheldt's request be voted on separately.

It was moved by Kuehner and seconded by Dickinson to excuse the absence of Jeff Bohaty, Moore, and Siebert from the July 28, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Rich, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Luebbe, Moore, Robotham, Siebert

It was moved by Rich and seconded by Miller to excuse the absence of Houdersheldt from the July 28, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Luebbe, Miller, Nuss, Rich, Stahly, Yates

NAY: Richard Bohaty, Dickinson, Grotz, Kuehner, Weiss

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Robotham, Siebert

ITEM 5. ADOPTION OF AGENDA.

It was moved by Dickinson and seconded by Rich to approve the agenda for the July 28, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Robotham, Siebert

ITEM 6. APPROVAL OF MINUTES OF THE JUNE 16, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Luebbe and seconded by Bethune to approve the minutes of the June 16, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Robotham, Siebert

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met July 14, 2022 and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER AUTHORIZATION - GROTZ/MAZURE.

Duane, Brenda, Darren, and Cara Grotz own 129.21 acres in the NE1/4 of Section 05-T10N-R03W. The property is watered by well G-006929. An existing transfer (GT-1406) provides water to the SW1/4 NW1/4 of Section 04-T10N-R03W to irrigate 37.88 acres. The Grotzes would like to transfer water to an additional 39.86 acres in the NW1/4 NW1/4 of Section 04-T10N-R03W owned by the Fay Mazure Family Trust. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Nuss to approve groundwater transfer T-114. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Grotz

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 9. GROUNDWATER TRANSFER AUTHORIZATION - FOLTS/SENF.

Scott Folts owns 75.49 acres in the W1/2 NW1/4 of Section 32-T12N-R03W. The property is watered by well G-023995. An existing transfer (GT-14536) provides water to the SW1/4 NW1/4 of Section 29-T12N-

R03W to irrigate 35.97 acres. Mr. Folts would like to transfer water to an additional 38.73 acres in the SE1/4 SW1/4 of Section 29-T12N-R03W owned by Keven Senff. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Rich to approve groundwater transfer T-110. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 10. MUNICIPAL WATER SYSTEM ASSISTANCE PROGRAM EXTENSION – MCCOOL JUNCTION.

The new municipal well that the Village of McCool Junction is constructing is nearly completed. The interlocal agreement between the Upper Big Blue Natural Resources District and the Village has expired. The Village is requesting an agreement extension until September 30, 2022 to allow time to complete their project.

It was moved by Miller and seconded by Robotham to extend the interlocal agreement between the Upper Big Blue NRD and the Village of McCool Junction for the construction of a new municipal well to September 30, 2022. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 11. FLOW METER REPAIR COST SHARE PROGRAM.

Nine flow meter repair cost-share applications were reviewed and recommended for final payments totaling \$2,026.72.

It was moved by Miller and seconded by Luebbe to pay nine flow meter repair cost-share claims totaling \$2,026.72. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 12. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Two Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were reviewed and recommended for final payments totaling \$1,250.00.

It was moved by Miller and seconded by Nuss to make cost-share payments for two well abandonments, as reviewed by the Committee, at a cost of \$1,250.00. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 13. PAYMENT TO UNIVERSITY OF NEBRASKA LINCOLN FOR VADOSE ZONE STUDY.

The University of Nebraska Lincoln submitted an invoice in the amount of \$10,080.20 for work completed on the Vadose Zone Study during the month of May.

It was moved by Miller and seconded by Luebbe to make payment to the University of Nebraska Lincoln for the work completed on the Vadose Study totaling \$10,080.20. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 14. REGIONAL GROUNDWATER MODELING UPDATE.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. They submitted an invoice in the amount of \$3,768 for work completed from April 1, 2022 to May 26, 2022 As the project lead, the District will make payment to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

It was moved by Miller and seconded by Rich to pay Brown & Caldwell for work completed on Phase 2 of the Regional Groundwater Model totaling \$3,768.00. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 15. RULES ENFORCEMENT UPDATE.

Krausnick provided a list of producers who are in violation of district rules and regulations for Phase II/III management area reporting. Staff followed the steps outlined in the District's Rules and Regulations and issued a complaint, violation, and intent to issue an order of cease and desist/schedule of compliance.

The producers out of compliance are Brian Harrenstein, Nicholas Johnson, Amy D. Leonard Et Al & Daniel J. Leonard IV & Levi T. Gorusch, Perfect Circle Irrigation, and Security Grain Co Inc.

This matter came before the board at the June 16, 2022 board meeting. A motion to issue orders of cease and desist was made, however the motion was tabled.

It was moved by Miller and seconded by Stahly to take the motion from the table. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

It was moved by Miller and seconded by Richard Bohaty to issue orders of cease and desist for all producers out of compliance with Phase II/III & Hastings Management Area. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

Cody Engle has come into compliance with the 2021 Annual Water Use Reporting. As a result, the active Order of Cease and Desist filed against him by the District can be lifted.

It was moved by Miller and seconded by Kuehner to lift the Order of Cease and Desist filed against Cody Engle. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on July 14, 2022 and presented the committee's recommendations.

ITEM 17. NRD LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$41,576.22 for fifteen completed NRD Land Treatment Program projects, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 18. COMMUNITY TREE RESOURCES PROGRAM – PAYMENT TO FILLMORE COUNTY AG SOCIETY.

The Fillmore County Ag Society submitted an invoice in the amount of \$2,076.50 for trees that were planted. Under the terms of our interlocal agreement the NRD agreed to fund 50% of the cost, not to

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$1,000.00 to the Fillmore County Ag Society for trees planted through the Community Resources Tree Program, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 19. SMITH CREEK RECREATION AREA IMPROVEMENTS – PAYMENT TO PIEPER’S INC.

Pieper’s Inc. submitted and invoice in the amount of \$8,672.56 for installing the waterline, water hydrant and drain line at Smith Creek Recreation Area.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD approve payment of \$8,672.56 to Pieper’s Inc. for the installation of the waterline, hydrant, and drain line at Smith Creek Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 20. SMITH CREEK RECREATION AREA QUOTES FOR PARKING LOT ROCK.

Staff contacted four contractors for quotes to provide, install, and roll 291 tons of 1” diameter crusher run rock over the Smith Creek parking area. Pankoke Construction submitted a quote of \$16,150.50 and Greckel Construction submitted a quote of \$15,132.00. The other two contractors did not submit quotes.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD accept the quote of \$15,132.00 from Greckel Construction to supply, install, and roll rock on the parking area at Smith Creek Recreation Area. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 21. PAYMENT TO DANKERS CONCRETE FOR OXBOW TRAIL RECREATION AREA IMPROVEMENTS.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$16,977.00 to Dankers Concrete for completing the sidewalk and ADA parking stalls at Oxbow Trail Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 22. OVERLAND TRAIL RECREATION AREA – QUOTES FOR PARKING LOT ROCK.

Staff contacted four contractors for quotes to provide, install, and roll 139 tons of 1” diameter crusher run rock at the Overland Trail parking area. Pankoke Construction submitted a quote of \$8,861.25 and Greckel Construction submitted a quote of \$7,367.00. No other contractors submitted quotes.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD accept the quote of \$7,367.00 from Greckel Construction to supply, install, and roll rock on the parking area at Overland Trail Recreation Area. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 23. PAYMENT TO JEO CONSULTING FOR WQMP TARGET AREA MAPPING.

JEO Consulting is running the Agricultural Conservation Planning Framework (ACPF) Program on the upper portion of the WQMP Target area of the Beaver Creek Watershed. This program will identify the very high-risk areas, the high-risk areas, and the critical source areas of the watershed, which will expand the areas eligible for increased incentive programs offered by the NRD.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD approve payment of \$4,900.00 to JEO Consulting Group for work completed through July 1, 2022 on the ACPF mapping of the upper portions of the NRD’s WQMP target area (Beaver Creek Watershed), as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on July 14, 2022 and presented the committee’s recommendations.

ITEM 25. DIRECTORS’ SECOND QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors’ per diem and expenses for this past quarter and recommended payment. Totals for the second quarter directors’ per diem are \$8,890.00 and expenses

are \$6,332.87 for a total expenditure of \$15,222.87. Individual expense vouchers were available for review.

It was moved by Kuehner and seconded by Miller to approve payment of second quarter 2022 directors' per diem of \$8,890.00 and expenses of \$6,332.87 for a total of \$15,222.87, and to publish these approved expenditures in the June 2022 Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 26. NRD SHARED SERVICES SALARIES REIMBURSEMENT – LITTLE BLUE NRD.

The Little Blue NRD submitted an invoice totaling \$18,105.88 for the Clay County NRCS secretary's salary and benefits for fiscal year 2022. The Adams County NRCS secretary position was vacant during all of fiscal year 2022.

It was moved by Kuehner and seconded by Nuss to approve payment of \$18,105.88 to the Little Blue NRD for the NRCS secretary's FY22 salary in Clay County. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 27. NRD SHARED SERVICES SALARIES REIMBURSEMENT – LOWER BIG BLUE NRD.

The Lower Big Blue NRD submitted an invoice in the amount of \$6,731.08 for the Saline County NRCS secretary's salary and benefits for FY 2022.

It was moved by Kuehner and seconded by Rich to approve payment of \$6,731.08 to the Lower Big Blue NRD for the NRCS secretary's FY22 salary in Saline County. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 28. QUOTE FOR CONCRETE WORK - HEADQUARTERS DRIVEWAY.

Tom's Concrete Construction submitted a quote of \$7,287.00 for repair and expansion of the south driveway at the office. The bid includes widening the driveway by a total of four feet, two feet for incoming and two feet for outgoing traffic. The existing island in the driveway will remain. Work would include improvements to the radius on the south and north approaches. The committee requested that

staff obtain an alternate quote prior to the July board meeting to remove the existing island and replace the cleared area with concrete. The committee did recommend forwarding the existing quote to the full board for consideration.

It was moved by Kuehner and seconded by Rich to send the quote from Tom's Concrete Construction for \$7,287 to widen and improve the existing south driveway to office to the board for consideration.

Krausnick informed the board that she had not yet received the alternate quote from Tom's Concrete Construction.

It was moved by Miller and seconded by Luebbe to refer the matter back to the Executive Committee.
Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 29. 2022 PRIMARY ELECTION COSTS.

The following invoices were received for the 2022 primary elections: Butler County Clerk \$1,324.93; Fillmore County Clerk \$3,289.72; Seward County Clerk \$3,865.99 and York County Clerk \$3,413.45.

It was moved by Kuehner and seconded by Luebbe to approve payment of \$1,324.93 to the Butler County Clerk for 2022 primary election costs. Motion carried.

AYE: Bethune, Richard Bohaty, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: Dickinson

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

It was moved by Kuehner and seconded by Rich to approve payment of \$3,289.72 to the Fillmore County Clerk for 2022 primary election costs. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: Miller

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

It was moved by Kuehner and seconded by Rich to approve payment of \$3,865.99 to the Seward County Clerk for 2022 primary election costs. Motion carried.

AYE: Bethune, Richard Bohaty, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: Dickinson

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

It was moved by Kuehner and seconded by Rich to approve payment of \$3,413.45 to the York County Clerk for 2022 primary election costs. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Stahly, Weiss, Yates

NAY: Robotham

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 30. FISCAL YEAR 2023 CONSOLIDATED BUDGET.

Eigenberg recommended that the Board approve the additional 1% restricted funds authority. Approval requires an affirmative vote of three-fourths majority of the Board present and voting.

It was moved by Kuehner and seconded by Dickinson to approve an increase in the total budgeted restricted funds authority by an additional 1%. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: Grotz, Kuehner

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

A draft of the FY23 Consolidated Budget was presented to the Executive Committee. Total tax asking for FY23 is down 1.70% as compared to the FY22 budget in this draft. Eigenberg provided the board a brief presentation outlining the budgeting process and rationale behind the proposed budget. Discussion focused on the total dollars needed to purchase a new 3/4-ton four-wheel drive crew cab pick-up for the maintenance department. An additional \$12,000 was placed in the Forestry Budget auto & truck line item, bringing the total for the line to \$64,000. This addition to the Forestry Budget line item of \$12,000 will result in a 1.36% decrease in the FY23 as compared to the FY22 budget.

It was moved by Kuehner and seconded by Dickinson to adopt the FY23 Consolidated Budget for the purpose of Public Hearing. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

The dates for two public hearings need to be set so that the proper public notices can be published. In the past, public hearings have coincided with August and September Board meetings. Eigenberg requested that the board schedule the FY23 Budget Hearing for 7:00 p.m., Thursday, August 18, 2022, and the Special Public Hearing for the FY23 Tax Request for 7:00 p.m., Thursday, September 15, 2022.

It was moved by Kuehner and seconded by Miller to schedule the FY23 Budget Hearing for 7:00 p.m., Thursday, August 18, 2022, and the FY23 Tax Request Hearing for 7:00 p.m., Thursday, September 15, 2022. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 31. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JUNE 2022.

Eigenberg reviewed the financial report for the period June 1, 2022 to June 30, 2022, that was distributed. It was moved by Miller and seconded by Dickinson to approve the financial report for June 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

ITEM 32. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Dickinson to adjourn the meeting at 8:44 p.m. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Jeff Bohaty, Houdersheldt, Moore, Siebert

I, the undersigned, Secretary of the Upper Big 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 July 28, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
FISCAL YEAR 2023 BUDGET HEARING
August 18, 2022

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 18, 2022 at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to the proposed fiscal year 2023 budget. The budget detail was available at the office of the Upper Big Blue NRD during regular business hours.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Paul Weiss.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, and Josh Bowers of York County NRCS.

ITEM 1. OPEN MEETINGS ACT.

Kuehner advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 2. PUBLIC NOTICE OF BUDGET HEARING AND BUDGET SUMMARY.

Kuehner stated for the record that the Notice of Budget Hearing and Budget Summary was published in the York News-Times on August 6, 2022.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during the roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Rodney Grotz and Lynn Yates requested an excused absence from the Fiscal Year 2023 Budget Hearing.

It was moved by Luebbe and seconded by Rich to excuse the absence of Grotz and Yates from the FY2023 Budget Hearing as requested. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 5. PROPOSED FISCAL YEAR 2023 BUDGET DISCUSSION.

Kuehner asked general manager, David Eigenberg, to review the proposed budget. Last year's property tax request was \$3,469,900.61. The proposed property tax request for fiscal year 2023 is \$3,422,876.66, which is a decrease of 1.36%, or \$47,023.95 from the prior year.

Eigenberg also reminded the board that the working document still shows the prior year's valuations because the county clerks have until August 20 to certify the valuations. The tax request hearing to set the levy will take place September 15, 2022.

Under the current lid the Upper Big Blue NRD could increase the prior year's restricted funds authority by 2.5% or \$57,572.17. The board approved an additional 1% increase in restricted funds authority of \$23,028.87. The unused restricted funds authority for fiscal year 2023 is \$981,978.87.

Eigenberg reviewed a comparison of the three prior fiscal year budgets and the current proposed budget figures. He asked if any of the board members had questions regarding the budget. There were no questions from the board.

ITEM 6. PUBLIC COMMENTS.

Kuehner asked the members of the public who were present if they had any questions or comments regarding the proposed fiscal year 2023 budget. No comments on the budget were received from any member of the public.

ITEM 7. CLOSE OF HEARING.

Kuehner officially closed the hearing at 7:08 p.m.

I, the undersigned, Secretary of the Upper Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the fiscal year 2023 budget hearing held August 18, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
AUGUST 18, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 18, 2022, at 7:09 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Paul Weiss.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Kuehner reported that we published the legal notice of the board of directors' meeting on August 11, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Kuehner advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Rodney Grotz and Lynn Yates requested an excused absence from the August 18, 2022 board of directors meeting.

It was moved by Rich and seconded by Dickinson to excuse the absence of Grotz and Yates from the August 18, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 5. ADOPTION OF AGENDA.

It was moved by Dickinson and seconded by Rich to approve the agenda for the August 18, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 6. APPROVAL OF MINUTES OF THE JULY 28, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Luebbe and seconded by Rich to approve the minutes of the July 28, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 7. ADOPTION OF FISCAL YEAR 2023 BUDGET.

Eigenberg reviewed the proposed fiscal year 2023 budget during the hearing held prior to the board meeting. There were no comments from the public regarding the budget.

It was moved by Houdersheldt and seconded by Bethune to adopt the FY 2023 Budget as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met August 9, 2022 and presented the committee's recommendations.

ITEM 9. PAYMENT TO UNIVERSITY OF NEBRASKA LINCOLN - VADOSE ZONE STUDY.

The University of Nebraska-Lincoln submitted an invoice in the amount of \$4,090.47 for work completed during the month of June on the Vadose Zone Study.

It was moved by Miller and seconded by Luebbe to make payment to the University of Nebraska-Lincoln for the work completed on the Vadose Zone Study totaling \$4,090.47. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 10. STAFF PORTAL ANNUAL LICENSE AND MAINTENANCE PAYMENT – BEEHVIE INDUSTRIES.

Beehive Industries submitted an invoice in the amount of \$27,156.00 for the annual maintenance and support for the office's database platform. The annual fee allows staff unlimited licensed use of the database platform along with platform updates.

It was moved by Miller and seconded by Rich to pay Beehive Industries for the annual license and maintenance of the office's database platform totaling \$27,156.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 11. FLOW METER REPAIR COST SHARE PROGRAM.

Three flow meter repair cost-share applications were recommended for final payments totaling \$900.00.

It was moved by Miller and seconded by Luebbe to pay three flow meter repair cost-share claims totaling \$900.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT VOTING: Moore

NOT PRESENT: Grotz, Yates

ITEM 12. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres' certification for 643 parcels totaling 58,733.32 acres, yielding an increase in irrigated acres of 510.03. The District has a total of 1,244,127.46 irrigated acres. The committee also reviewed the acre changes to two wetland parcels, yielding a decrease of wetland acres of 0.03 acres.

It was moved by Miller and seconded by Dickinson to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 13. BID REQUEST HALF-TON WATER DEPARTMENT PICKUP.

Krausnick presented the bid specifications for the replacement of the 2010 Ford F-150 for the Water Department. Money was allocated in the FY23 budget for the purchase. Staff is requesting permission to release the specification sheet for the purpose of soliciting bids for review by the committee in September.

It was moved by Miller and seconded by Nuss to instruct staff to solicit bids for the replacement of the Water Department 2010 Ford F-150. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 14. RULES ENFORCEMENT UPDATE – LIFT ORDERS OF CEASE AND DESIST.

Amy D. Leonard Etal & Daniel J. Leonard IV & Levi T. Gorusch have come into compliance for their Phase II & III Reporting. Staff is requesting the lifting of the Order of Cease and Desist filed against them. At the time of the committee meeting four producers remained out of compliance.

It was moved by Miller and seconded by Nuss to lift the Order of Cease and Desist filed against Amy D. Leonard Etal & Daniel J. Leonard IV & Levi T. Gorusch.

Miller advised the board that Brian Harrenstein submitted his phase II and III reports and has come into compliance. It was moved by Miller and seconded by Dickinson to amend the motion to lift the Order of Cease and Desist filed against Brian Harrenstein. Amendment carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on August 11, 2022 and presented the committee's recommendations.

ITEM 16. NRD LAND TREATMENT PROGRAM PAYMENTS.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$8,859.56

for 2 completed NRD land treatment program projects, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 17. STORM DAMAGED TREE REPLACEMENT PROGRAM.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve changes to the Storm Damaged Tree Program to allow for multiple new trees to replace a storm damaged tree with a total 50% reimbursement per landowner, not to exceed \$300.00, with a minimum of \$100.00, as reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 18. SMITH CREEK RECREATION AREA PARK IMPROVEMENTS.

Pankoke Construction has completed the sidewalks and ADA parking stalls. Greckel Construction is scheduled to begin placing 1" diameter crusher run rock at Smith Creek starting Monday.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$30,077.50 to Pankoke Construction for the installation of sidewalks and ADA parking stalls at Smith Creek Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 19. TEAL VIEW WETLAND EDUCATION AREA SIGNS.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$6,218.00 to Wallingford Signs for the two new signs at Teal View Wetland Education Area, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 20. CITY OF GENEVA TRAIL PAYMENT REQUEST.

The Projects and Programs Committee was updated on the Geneva trail, and a recommendation was made to approve the partial payment request from the City of Geneva for work completed through July 26, 2022 in the amount of \$2,670.75 (25% of \$10,683) as recommended by staff and reviewed by the committee.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$2,670.75 (25% of \$10,683) to the City of Geneva for work completed on the Geneva Trail through July 26, 2022, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 21. PIONEER TRAILS RECREATION AREA – SURVEY OF EAST SHORELINE.

Staff is requesting authorization to hire JEO to perform a survey at Pioneer Trails based on their estimate of \$4,200.00 for field work and drafting.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD authorize a survey performed by JEO staff, serving as the Hamilton County surveyor, at Pioneer Trails at a cost not to exceed \$4,200.00.

It was moved by Miller and seconded by Houdersheldt to amend the motion to strike the words “serving as the Hamilton County surveyor.” Amendment carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 22. REQUEST FOR BIDS - NEW MAINTENANCE DEPARTMENT PICKUP.

The Projects and Programs Committee was provided specifications for a new $\frac{3}{4}$ ton pickup for the maintenance department, and staff is requesting authorization to solicit bids.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve the staff to solicit bids for a new $\frac{3}{4}$ ton replacement pickup. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 23. REQUEST FOR BIDS FOR NEW MOWER.

Staff presented the committee with specifications for a new lawn mower and requested authorization to advertise for bids to replace the 2016 Grasshopper mower.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD board approve the staff to solicit bids for the new replacement mower. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 24. WATER QUALITY MANAGEMENT PLAN.

Staff presented information on the Upper Big Blue NRD Water Quality Management Plan for Hastings (WQMP). Work would begin August 2022 and be completed by August 2023. If all partners agree to participate in the proposed project the estimated cost of \$67,000 would be split as follows. The Nebraska Department of Environment and Energy would pay \$40,000 and the Upper Big Blue NRD, Little Blue NRD, and City of Hastings would each pay \$9,000 of the project cost.

Staff is recommending entering an Interlocal Agreement with the City of Hastings, and Little Blue NRD to partner on the Lake Hastings additional target area for the Upper Big Blue NRD WQMP and to provide funding in an amount not to exceed \$9,000 for the project.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD enter an Interlocal Agreement with the City of Hastings, and Little Blue NRD to partner on the Lake Hastings additional target area for the Upper Big Blue NRD WQMP and provide funding not to exceed \$9,000. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 25. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Dickinson reported that the Executive Committee met on August 11, 2022 and presented the committee's recommendations.

ITEM 26. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FY23 DUES.

An invoice for \$38,383.72 was received from NARD for FY23 dues.

It was moved by Dickinson and seconded by Houdersheldt to approve payment of \$38,383.72 to the NARD for the FY23 dues. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 27. 2022 PRIMARY ELECTION COSTS.

The Hamilton County Clerk invoiced the District \$1,345.76 for the 2022 primary election costs.

It was moved by Dickinson and seconded by Siebert to approve payment of \$1,345.76 to the Hamilton County Clerk for 2022 primary election costs. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 28. NRD SHARED SERVICES SALARY REIMBURSEMENT - LOWER PLATTE NORTH NRD.

The Lower Platte North NRD submitted an invoice in the amount of \$16,781.40 for the Upper Big Blue NRD's portion of the Butler County NRCS secretary's FY22 salary.

It was moved by Dickinson and seconded by Miller to approve payment of \$16,781.40 to the Lower Platte North NRD for the NRCS secretary's FY22 salary in Butler County. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 29. ADMINISTRATION VEHICLE BID AUTHORIZATION.

Funds were allocated in the FY23 budget to replace the vehicle used by the Administration Department. Staff provided specifications and requested authorization to solicit bids for one full size sports utility vehicle. The bids will be presented to the Committee for consideration in September.

It was moved by Dickinson and seconded by Nuss to authorize staff to solicit bids for one full size sports utility vehicle and to present bids to the Committee for consideration in September. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly

NAY: Jeff Bohaty, Richard Bohaty, Kuehner, Weiss

NOT PRESENT: Grotz, Yates

ITEM 30. REQUEST FOR BIDS TO CONSTRUCT A MAINTENANCE STORAGE SHED.

The FY23 budget contains funds to build a 42ft X 120ft X 14ft building with (2) 30-foot sliding doors and 1 walk-in door. Staff is requesting authorization to solicit bids for this building.

It was moved by Dickinson and seconded by Rich to authorize staff to solicit bids for the construction of a 42ft X 120ft X 14ft building with (2) 30-foot sliding doors and 1 walk-in door. Bids will be presented to the Committee for consideration in September.

There was discussion regarding the specifications for the building, specifically the height of the doors, the need for another walk-in door, and the possibility of a concrete floor instead of white rock.

It was moved by Houdersheldt and seconded by Miller to amend the motion to change the height of the building to 16 feet, add another walk-in door, and get a price for an optional concrete floor.

After further discussion regarding the various options for the proposed building it was moved by Luebbe and seconded by Siebert to refer the matter back to the Executive Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Kuehner, Luebbe, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: Houdersheldt, Miller, Moore

NOT PRESENT: Grotz, Yates

ITEM 31. QUOTE FOR CONCRETE WORK – HEAD QUARTERS MAIN DRIVEWAY.

Tom's Concrete Construction submitted a quote totaling \$7,287.00 for repair and expansion of the south driveway at the office on July 6, 2022. The quote included widening the driveway by a total of 4 feet; two feet for incoming and two feet for outgoing traffic. The existing island in the driveway would remain intact under this bid.

The Executive Committee instructed staff to obtain a quote from Tom's Concrete Construction to remove the existing island and replace the cleared area with concrete. The quote submitted August 3, 2022 to remove the island and replace with concrete was \$17,996.00.

It was moved by Dickinson and seconded by Robotham to approve the quote from Tom's Concrete Construction dated August 3, 2022 for \$17,996.00 to remove existing island and replace cleared area with concrete, improve radius curves to existing drives and repair broken/cracked sections on south driveway to office.

Eigenberg advised the board that due to the dollar amount of the revised quote he felt that while it is not required under our Operating Policy, it would be appropriate to solicit quotes from other area contractors.

It was moved by Moore and seconded by Rich to refer the matter back to the Executive Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss,

Rich, Robotham, Stahly, Weiss

NAY: Kuehner, Siebert

NOT PRESENT: Grotz, Yates

ITEM 32. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JUNE 2022.

Eigenberg reviewed the financial report for the period July 1, 2022 to July 31, 2022, that was distributed. It was moved by Rich and seconded by Bethune to approve the financial report for July 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

ITEM 33. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Siebert to adjourn the meeting at 8:37 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss

NAY: None

NOT PRESENT: Grotz, Yates

I, the undersigned, Secretary of the Upper Big 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 August 18, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

MINUTES
FISCAL YEAR 2023 TAX REQUEST HEARING
September 15, 2022

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 15, 2022, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to setting the final tax request.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Nancy Brisk, Jack Wergin, Marie Krausnick, Chrystal Houston, and Josh Bowers of York County NRCS.

ITEM 1. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 2. PUBLIC NOTICE OF TAX REQUEST HEARING.

Yates stated for the record that the Notice of Special Hearing to Set Final Tax Request was published in the York News-Times on September 3, 2022.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during the roll call. Nuss arrived at 7:05 p.m.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Roger Houdersheldt and Paul Weiss requested excused absences from the September 15, 2022 tax request hearing.

It was moved by Stahly and seconded by Kuehner to excuse the absence of Houdersheldt and Weiss from the September 15, 2022 tax request hearing. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss, Weiss

ITEM 5. FISCAL YEAR 2023 TAX REQUEST.

Yates asked general manager David Eigenberg to review the property tax request and proposed tax rate for fiscal year 2023. Eigenberg reviewed the valuations for the portions of nine counties within the Upper Big Blue NRD. The total valuation was \$15,547,839,908 which was an increase of \$568,792,705 from the prior fiscal year, or 4.0 percent. The property tax needed to fund the FY 23 budgeted expenditures is \$3,422,876.66 which will require a property tax rate of 0.022015 to fund the budget. Eigenberg advised the board that they would need to adopt a resolution following this hearing to set the levy.

ITEM 6. PUBLIC COMMENTS.

Yates asked those who were present if they had any questions or comments regarding the proposed tax request for fiscal year 2023. No comments were received.

ITEM 7. CLOSE OF HEARING.

Yates officially closed the hearing at 7:06 p.m.

I, the undersigned, Secretary of the Upper Big 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 September 15, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
SEPTEMBER 15, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 15, 2022, at 7:06 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on September 8, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Roger Houdersheldt and Paul Weiss requested an excused absence from the September 15, 2022 board of directors meeting.

It was moved by Miller and seconded by Siebert to excuse the absence of Houdersheldt and Weiss from the September 15, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Dickinson to approve the agenda for the September 15, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE FY 23 BUDGET HEARING.

It was moved by Rich and seconded by Nuss to approve the minutes of the August 18, 2022 FY23 Budget Hearing. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 7. APPROVAL OF MINUTES OF THE AUGUST 18, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Luebbe and seconded by Siebert to approve the minutes of the August 18, 2022 Board of Directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 8. ADOPTION OF FISCAL YEAR 2023 TAX REQUEST RESOLUTION.

It was moved by Moore and seconded by Bethune to adopt the FY 2023 Tax Request Resolution as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

RESOLUTION SETTING THE FISCAL YEAR 2023 PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the governing body of the Upper Big Blue Natural Resources District passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held on September 15, 2022 as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the governing body of the Upper Big Blue Natural Resource District resolves that:

1. The Fiscal Year 2023 property tax request be set at \$3,422,876.66.
2. The total assessed value of property differs from last year's total assessed value by 4.0 percent.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.022318 per \$100 of assessed value.
4. The Upper Big Blue Natural Resources District proposes to adopt a property tax request that will cause its tax rate to be \$0.022015 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the Upper Big Blue Natural Resources District will increase from last year's proposed operating budget by 5.0 percent.
6. A copy of this resolution shall be certified and forwarded to the County Clerk on or before October 15, 2022.

ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water & Regulations Committee met September 6, 2022 and presented the committee's recommendations.

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

It was moved by Miller and seconded by Luebbe to make cost-share payments for two well abandonments, as reviewed by the Committee, at a cost of \$985.60. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 11. FLOW METER REPAIR COST-SHARE PAYMENTS.

It was moved by Miller and seconded by Luebbe to pay two flow meter repair cost-share claims, as reviewed by the Committee, at a cost of \$489.90. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 12. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

The University of Nebraska Lincoln submitted an invoice in the amount of \$3,439.51 for work completed

during the month of July on the Vadose Study.

It was moved by Miller and seconded by Stahly to make payment to the University of Nebraska Lincoln for the work completed on the Vadose Study totaling \$3,439.51. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 13. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. They submitted an invoice in the amount of \$32,534.25 for work completed from May 2022 to July 2022. As the project lead, the District will pay Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources.

Kurt Zeiler, principal modeler will be on hand in person or virtually for the Blue River Basin meeting at the September NARD conference. Kurt will provide a brief update on the modeling efforts.

It was moved by Miller and seconded by Rich to pay Brown & Caldwell for work completed through July 2022 totaling \$32,534.25. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 14. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 75 parcels totaling 5,003.54 acres, which yielded a decrease in irrigated acres of 58.27. The total irrigated acres for the District is 1,244,069.19 acres.

It was moved by Miller and seconded by Siebert to certify the acres changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 15. BID ACCEPTANCE HALF-TON WATER DEPARTMENT PICKUP.

Krausnick presented three bids for the replacement of the 2010 Ford F-150 within the water department. Bids were reviewed from Baxter Chrysler Dodge Jeep for a 2023 Dodge RAM 1500, Gene Steffy Ford for a 2023 Ford F150 XLT, and Zoellner Ford Lincoln for a 2023 Ford F150 XLT. All three were

crew cab 4-wheel drives. A late bid was submitted by Sid Dillon of Crete, but not reviewed by the committee.

It was moved by Miller and seconded by Nuss to authorize the purchase of a 2023 Dodge RAM 1500 SLT from Baxter Chrysler Dodge Jeep, not to exceed \$41,240.00, allowing \$5,000.00 for trade in of the 2010 Ford F150 XLT. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 16. RULES ENFORCEMENT UPDATE – LIFT ORDER OF CEASE AND DESIST.

Perfect Circle Irrigation and Nicholas Johnson have come into compliance for their Phase II & III Reporting. Staff is requesting the lifting of the Order of Cease and Desist filed against them. Two producer remains out of compliance.

It was moved by Miller and seconded by Nuss to lift the Order of Cease and Desist filed against Perfect Circle Irrigation and Nicholas Johnson. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on September 8, 2022 and presented the committee's recommendations.

ITEM 18. NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$1,597.50 for two Nebraska Buffer Strip contracts, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 19. STORM DAMAGED TREE PROGRAM PAYMENTS.

The District has received three completed storm damaged tree claims and eleven new applications.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$819.57 for three completed storm damaged tree projects, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 20. SMITH CREEK RECREATION AREA PARKING LOT IMPROVEMENTS.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD approve payment of \$15,132.00 to Greckel Construction for supplying, installing, and rolling the rock in the Smith Creek parking area, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 21. OVERLAND TRAIL RECREATION AREA PARKING LOT IMPROVEMENTS.

It was moved by Rich and seconded by Grotz that the Upper Big Blue NRD approve payment of \$6,963.67 to Greckel Construction for supplying, installing, and rolling the rock at Overland Trail parking area, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 22. CITY OF GENEVA TRAIL - PAYMENT REQUEST.

The City of Geneva has completed the concrete work on the trail, and final grading and seeding still need to be completed.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$2,489.30 (25% of \$9,957.20) to the City of Geneva for work completed on the Geneva Trail from 7/27/22 to 8/24/22, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 23. DORCHESTER 2A – EROSION CONTROL ON UPSTREAM FACE OF DAM.

Dorchester 2A dam is experiencing some erosion on the west end of the dam. The shoreline has eroded back to the dam embankment and has extended beyond the upstream fence. Staff requested authorization to obtain quotes from contractors to add rock and rebuild the fence.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD request quotes for rocking approximately the west two-thirds of the upstream dam face of Dorchester 2A dam, and for rebuilding the fence on the upstream toe of the dam, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 24. REQUEST FOR BIDS - PARKS DEPARTMENT TRAILER.

Staff presented specifications for a new trailer. It was suggested that a 24-foot trailer with composite flooring be considered.

It was moved by Rich and seconded by Siebert that the Upper Big Blue NRD advertise for bids for a new Parks Department trailer, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 25. BID ACCEPTANCE - PARKS DEPARTMENT PICKUP.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD accept the bid from Sid Dillion of Crete for a 2022 Chevy Silverado 2500HD 4WD Crew Cab LT for a total cost of \$40,449.00 (bid of \$47,949.00 and trade-in of \$7,500 for the 2016 pickup) with an estimated delivery of 90 days, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 26. BID ACCEPTANCE - PARKS DEPARTMENT MOWER.

Four bids were received for a new Grasshopper mower.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD accept the bid from Klein's Outdoor Power of Stromsburg for a Grasshopper Model 725DT with 3572RPF Mower for a total cost of \$8,411.00 (bid of \$15,411.00 and trade-in of \$7,000 for the 2016 mower) with an estimated delivery of 3 weeks, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 27. ADDITIONAL MOWER REPLACEMENT - PARKS DEPARTMENT.

After reviewing the bids to replace the 2016 Grasshopper mower, the Committee discussed replacing the 2019 Grasshopper mower. Staff will consult with the Parks Department about replacing this mower and determine the width of the mowing deck and other specifications.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD advertise for bids for a new Grasshopper mower to replace the existing 2019 Grasshopper mower. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Jeff Bohaty, Grotz, Miller

NOT PRESENT: Houdersheldt, Weiss

ITEM 28. WATER QUALITY MANAGEMENT PLAN TARGET AREA MAPPING.

JEO Consulting has completed the Agricultural Conservation Planning Framework (ACPF) Program on the upper portion of the WQMP Target area of the Beaver Creek Watershed. This program identifies the very high-risk areas, the high-risk areas, and the critical source areas of the watershed, which will expand the areas eligible for increased incentive programs offered by the NRD.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD approve payment of \$3,650.00 to JEO Consulting Group for work completed through July 29, 2022 on the ACPF mapping of the upper portions of the NRD's WQMP target area (Beaver Creek Watershed), as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 29. LAKE HASTINGS – ADDITIONAL TARGET AREA FOR UBBNRD WQMP.

The Upper Big Blue NRD approved entering an Interlocal Agreement with the Little Blue NRD and the City of Hastings for each agency to provide funding, not to exceed \$9,000.00 for the Lake Hastings WQMP at the August board meeting. The Nebraska Department of Environment and Energy is estimating that the 319 Grant funding for the Lake Hastings Watershed WQMP will be approved within a week. If approved, this grant will provide \$40,000.00 for the Plan (60% 319 funding and 40% local funding). JEO Consulting has provided a contract for completing this plan for a total cost of \$64,815.00. The Upper Big Blue NRD must have confirmation of the 319 Grant funding before signing the JEO Consulting Contract. Staff believes the confirmation of the 319 Grant funding will be received prior to

the September 15, 2022 Board Meeting. Discussions included future funding requests for implementation projects following completion of the WQMP.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD board of directors authorize staff to sign/approve Section 319 Grant funding from the Nebraska Department of Environment and Energy for the Lake Hastings WQMP, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: Houdersheldt, Weiss

It was moved by Rich and seconded by Bethune that upon approval of the Section 319 Grant funding from the Nebraska Department of Environment and Energy, the Board authorizes staff to sign/approve the contract with JEO Consulting to complete the Lake Hastings WQMP for a total cost of \$64,815.00, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: Houdersheldt, Weiss

ITEM 30. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on September 8, 2022 and presented the committee's recommendations.

ITEM 31. NARD LEGISLATIVE CONFERENCE RESOLUTIONS.

The board was provided NARD Resolution 2022-1 – Sustainable Farming Practices - Submitted by the Tri-Basin Natural Resources District.

This resolution would reinforce that Nebraska's natural resources districts will work with all interested parties to inform and educate businesses, industry and the public about the wide variety and extensive scope of sustainable farming and ranching practices utilized by our constituents, as well as the role that natural resources districts play in sustaining the productivity of our farmland and rangeland while producing food and fiber needed by our nation and the world.

It was moved by Kuehner and seconded by Dickinson to support NARD Resolution 2022-1 – Sustainable Farming Practices Submitted by the Tri-Basin with 5 yes and 0 no votes at the upcoming NARD business meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 32. FRONT OFFICE COPIER REPLACEMENT.

The fiscal year budget contains funds to replace the front office copier. Staff is requesting authorization to solicit bids for a replacement copier for the committee to consider in October.

It was moved by Kuehner and seconded by Nuss to authorize staff to solicit bids for replacement copier and to present bids to the committee for consideration in October. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 33. BID ACCEPTANCE - ADMINISTRATION VEHICLE.

Bids for a new Administration vehicle were reviewed. The 2011 Chevrolet Impala will need to either be traded in on the purchase or sold privately. Bids were requested for a full-size sport utility vehicle. Three area dealers, all out of District, submitted bids for either Chevrolet or Ford vehicles. Bid prices for the vehicles ranged from \$58,159 to \$64,780 with trade-in values for the 2011 Chevrolet Impala of \$4,000 to \$5,000. One dealer allowed an additional \$5,000 customer discount.

It was moved by Kuehner and seconded by Nuss to purchase one 2023 Ford Expedition sport utility vehicle from Gene Steffy Ford of Columbus, Nebraska for a total of \$58,159. To trade-in the 2011 Chevrolet Impala to Gene Steffy Ford of Columbus, Nebraska for \$4,000. Total net cost of purchase is \$54,159. Motion failed.

AYE: Bethune, Dickinson, Miller, Moore, Nuss, Rich, Stahly

NAY: Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Robotham, Siebert, Yates

NOT VOTING: Luebbe

NOT PRESENT: Houdersheldt, Weiss

ITEM 34. QUOTE FOR CONCRETE EXPANSION ON MAIN DRIVEWAY.

On May 5, 2022 Tom's Concrete Construction submitted a quote of \$1,914.40 for replacement, repair, and expansion of the radius on the south driveway, and leaving the existing island in the driveway intact.

It was moved by Kuehner and seconded by Siebert to approve the bid from Tom's Concrete Construction dated May 5, 2022 for \$1,914.40 for replacement, repair, and expansion of the radius on the south driveway at the office.

There was concern that with the changing economy a 5-month-old quote may not still be honored. Staff was instructed to contact Tom Manning to confirm the quote. Tom's Concrete Construction submitted an updated quote of \$2,314.00 prior to the board meeting.

It was moved by Kuehner and seconded by Moore to amend the motion to \$2,314.00. Amendment carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Nuss, Rich, Siebert, Stahly, Yates

NAY: Luebbe, Robotham

NOT PRESENT: Houdersheldt, Weiss

Question was called on the original motion as amended. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Miller, Moore, Rich, Siebert, Stahly, Yates

NAY: Luebbe, Nuss, Robotham

NOT PRESENT: Houdersheldt, Weiss

ITEM 35. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR AUGUST 2022.

Eigenberg reviewed the financial report for the period August 1, 2022 to August 31, 2022, that was distributed. It was moved by Miller and seconded by Dickinson to approve the financial report for August 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

ITEM 36. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Jeff Bohaty to adjourn the meeting at 8:47 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Weiss

I, the undersigned, Secretary of the Upper Big 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 September 15, 2022, 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 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 for 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.

Bill Stahly, Secretary

:ndb

**MINUTES
BOARD OF DIRECTORS MEETING
OCTOBER 20, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 20, 2022, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, and Bill Gilg of Aurora NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on October 13, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call. Kuehner arrived at 7:15 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Mike Nuss requested an excused absence from the October 20, 2022 board of directors meeting.

It was moved by Houdersheldt and seconded by Dickinson to excuse the absence of Nuss from the October 20, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Nuss

ITEM 5. ADOPTION OF AGENDA.

It was moved by Rich and seconded by Dickinson to approve the agenda for the October 20, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Nuss

ITEM 6. APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2022 TAX REQUEST HEARING.

It was moved by Moore and seconded by Bethune to approve the minutes of the September 15, 2022 tax request hearing. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Nuss

ITEM 7. APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Rich and seconded by Robotham to approve the minutes of the September 15, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner, Nuss

ITEM 8. PRESENTATION OF FY 2022 AUDIT.

Kyle Overturf of AMGL CPA's and Advisors presented the fiscal year 2022 audit. He advised the board that due to changes in auditing standards the format of this year's audit is significantly different from last year. He drew the board's attention to the letters to the board which stated that during the audit they did not identify any deficiencies in internal control that would be considered a material weakness. However, they did note a significant deficiency in internal control due to the size of the District's accounting and administrative staff which limits the segregation of duties. He advised the board that four audit adjustments were made that increased the District's governmental funds by \$4,222. He recommended that the board adopt a formal capitalization policy of at least \$2,500.

It was moved by Dickinson and seconded by Rich to accept the FY 2022 audit as presented. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 9. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water and Regulations Committee met October 11, 2022 and presented the committee's recommendations.

ITEM 10. GROUNDWATER TRANSFER AUTHORIZATION – LUCILLE E SMITH.

Lucille E. Smith NE Land Trust owns 119.12 acres in the NE ¼ of Section 15-T10N-R06W. The property is watered by well G-057622. Smith would like to transfer water to an additional 34 acres in the SW ¼ NW ¼ of Section 14-T10N-R06W. This transfer meets the groundwater transfer rules.

It was moved by Miller and seconded by Dickinson to approve groundwater transfer T-115. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 11. PROJECT GROW AMENDED INTERLOCAL AGREEMENT WITH CITY OF YORK.

Staff presented an interlocal agreement between the Upper Big Blue Natural Resources District (UBBNRD) and the City of York to continue partnering on the Project GROW soil health demonstration. The agreement extends the partnership to December 31, 2027. As stated in the initial agreement, the UBBNRD agrees to manage 160 acres of the City's wellfield acres using soil health practices while the city agrees to pay the farming costs and retain revenues from those acres.

It was moved by Miller and seconded by Luebbe to authorize Lynn Yates, board chair, to sign the interlocal agreement between the Upper Big Blue Natural Resources District and the City of York to continue the Project GROW partnership. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 12. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENT.

One Aquifer Quality Well Abandonment Cost-Share Assistance Program application was recommended for final payment totaling \$750.00.

It was moved by Miller and seconded by Luebbe to make cost-share payment for one well abandonment, as reviewed by the Committee, at a cost of \$750.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 13. FLOW METER REPAIR COST-SHARE PROGRAM POLICY.

Krausnick presented a copy of the current flow meter repair cost-share program to the committee. It was brought to the staffs' attention that because of supply chain issues, broken flow meters are being exchanged for refurbished flow meters from repair vendors when parts are not available. Discussion surrounding whether the flow meter repair cost-share approved for the broken flow meter can be transferred to a refurbished flow meter.

It was moved by Miller and seconded by Moore that the Board approve a temporary amendment to the flow meter repair cost-share program until September 1, 2023, if the following situation exists: 1. A producer/owner has a repairable flow meter that repair parts are not readily available for because of supply chain issues, 2. The producer/owner replaces the flow meter rather than wait for repair parts, or 3. The producer/owner submits a repair estimate from a recognized repair facility. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 14. FLOW METER REPAIR COST SHARE PROGRAM PAYMENTS.

Six flow meter repair cost-share applications have been recommended for final payments totaling \$1,800.00.

It was moved by Miller and seconded by Luebbe to pay six flow meter repair cost-share claims totaling \$1,800.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 15. GWMA#2 SAMPLING NETWORK PROJECT PAYMENT – US GEOLOGICAL SURVEY.

An invoice totaling \$30,586.00 was received from the U.S. Geological Survey for work completed on the evaluation of the Upper Big Blue NRD groundwater-quality monitoring program.

It was moved by Miller and seconded by Stahly to pay the U.S. Geological Survey for work completed on the GWMA#2 sampling network project totaling \$30,586.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 16. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing to work on Phase 2 of the Regional Groundwater Model. An invoice was submitted for work completed from July 2022 to August 2022 totaling \$4,502.50. As the project lead, the District covers 100% of the bill to Brown & Caldwell and requests reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources. Krausnick reviewed the presentation given by Kurt Zeiler, with GSI, at the fall NARD Conference.

It was moved by Miller and seconded by Houdersheldt to pay Brown and Caldwell for work completed through August 2022 totaling \$4,502.50. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 17. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres' certification for 47 parcels totaling 3,694.45 acres, yielding an increase in irrigated acres of 156.64. The total irrigated acres for the District is 1,244,225.83 acres.

It was moved by Miller and seconded by Bethune to certify the acres changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 18. WATER QUALITY SIMPLE TEST FOR DOMESTIC WELLS PILOT PROGRAM.

Due to the overwhelming response to the water quality simple test kits, Krausnick presented a draft pilot program for the committee's consideration. In the draft, staff would allow up to five test kits be given per request.

It was moved by Miller and seconded by Dickinson to adopt the Water Quality Simple Test for Domestic Wells Pilot Program, as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 19. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on October 13, 2022 and presented the committee's recommendations.

ITEM 20. PRIVATE DAMS PROGRAM APPLICATIONS.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD approve the private dams program applications from James (Hank) McGowan for a dam located in the SE ¼ of Section 16, Township 9 North, Range 3 West, in York County with an estimated cost of \$40,000 (NRD funding of \$30,000), and from Richard Bohaty for a dam located in the SW ¼ of Section 36, Township 12 North, Range 3 East, in Seward County with a estimate cost of \$43,000 (NRD funding of \$32,250), as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Jeff Bohaty, Richard Bohaty

NOT PRESENT: Nuss

ITEM 21. STORM DAMAGED TREE PROGRAM PAYMENT.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$158.25 for one completed storm damaged tree project for Chelsea Enniga, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 22. TREE PRICES FOR SPRING 2023.

Staff recommended keeping the 2023 tree prices and machine planting the same as 2022, raising the acreage packages from \$55.00 to \$60.00, and the mulch/fabric contractor will be raising the rate from \$0.85 per linear foot to \$0.88 per liner foot.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD set the 2023 tree prices at \$1.18 per tree, \$60.00 for the acreage packages, \$1.18 per tree for machine planting, and \$0.88 per linear foot for the cost and installation of weed barrier, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 23. SKID STEER RENTAL – 2023.

York Equipment has submitted a proposal for a yearly rental of a Bobcat T770 skid steer for 2023 at the same rate as 2022 (\$6000.00 up to 300 hours, \$25/hour for use over 300 hours).

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve the Bobcat T770 skid steer rental proposal for 2023 from York Equipment of \$6,000.00 for one year up to 300 hours and \$25.00/hour for use over 300 hours, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 24. GENEVA TRAIL UPDATE AND PAYMENT REQUEST.

Geneva submitted a reimbursement claim for work completed on the Geneva Trail. The total claim for the period of 8/25/22 to 9/30/22 was \$85,187.87. Twenty-five percent of \$85,187.87 is \$21,296.97, but this amount would exceed the funding commitment of the NRD (25% not to exceed \$25,000.00). There are \$19,839.95 of NRD funds remaining for this project.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$19,839.95 to the City of Geneva for work completed on the Geneva Trail from 8/25/22 to 9/30/22, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 25. OXBOW TRAIL RECREATION AREA SUPPLY WELL.

The committee reviewed last year's bids for a supply well at Oxbow Trail Recreation Area that was not approved for construction. Funding for the supply well was re-budgeted in fiscal year 2023. The lake at Oxbow Trail is the NRD's best fishery. If the lake level is not maintained there is a danger the fishery could be lost and take several years to reestablish. Five potential well sites have been located west of the parking area.

It was moved by Rich and seconded by Bethune that the Upper Big Blue NRD staff solicit bids to have a supply well installed at the northeast area of Oxbow Trail Recreation Area.

Because the well is in a high-risk groundwater area it was moved by Houdersheldt and seconded by Luebbe to amend the motion to state "and that the well not be pumped during May, June, July or August." Amendment carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

The question was called on the original motion as amended. The motion carried.

AYE: Bethune, Houdersheldt, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Yates
NAY: Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Weiss
NOT PRESENT: Nuss

ITEM 26. PARKS DEPARTMENT MOWER BIDS.

Three bids were received for an additional Grasshopper mower. Bids were received from Klein's Blue River of Stromsburg (bid of \$16,258.84, trade in credit of \$8,500, total \$7,758.84). Superior Outdoor Power of Superior (bid of \$17,282.34, trade in credit of \$5,500, total \$11,782.34), and Nick's Farm Store of Geneva (bid of \$19,485.00, trade in credit of \$14,000, total \$5,485.00).

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD accept the bid from Nick's Farm Store of Geneva for a Grasshopper mower Model 725DT with 3572RPF, for a total cost of \$5,485.00 (Bid of \$19,485.00 and trade in of \$14,000 for the 2019 mower) with an estimated delivery of 1 month, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: Luebbe
NOT PRESENT: Nuss

ITEM 27. DORCHESTER 2A – ROCK ON UPSTREAM FACE OF DAM.

Staff sent specifications to six contractors for the Dorchester Dam 2A rock and fencing project with a completion date of December 23. Five of the contractors were too busy. Gana Trucking and Excavating of Martell submitted the lone quote which was 25% over the engineer's estimate. The line item for fencing was significantly higher than the estimate. Staff was instructed to work with Gana to renegotiate the fencing bid.

Gana Trucking and Excavating did submit a revised bid for fencing, but staff felt it was still too high. Staff recommended awarding bid items 1 and 3, mobilization and supplying and placing 296 tons of rock at the Dorchester 2A Dam shoreline maintenance project.

It was moved by Rich and seconded by Miller that the Upper Big Blue NRD award Gana Trucking and Excavating of Martell, Nebraska bid items 1 and 3, mobilization and supplying and placing 296 tons of rock at a cost of \$27,925.76 for the Dorchester 2A dam shoreline maintenance project. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on October 13, 2022 and presented the

committee's recommendations.

ITEM 29. THIRD QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Roger Houdersheldt did not submit his reimbursement request by the September cutoff date, so his per diem and expenses will be considered next month. Directors third quarter per diem was \$9,590.00 and expenses were \$3,859.39, for a total of \$13,449.39. Individual expense vouchers are available for review.

It was moved by Kuehner and seconded by Robotham to approve payment of third quarter 2022 directors' per diem, except for Roger Houdersheldt. Totals for the 16 director's third quarter directors' per diem are \$9,590.00 and expenses are \$3,859.39, for a total of \$13,449.39, and to publish these approved expenditures in the September 2022 Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Nuss

ITEM 30. RECOMMENDATION FOR THE PURCHASE OF REPLACEMENT COPIER.

Quotes from three dealers were reviewed for a front office copier replacement. The spreadsheet below provides vendor names and make and model of copiers from the three vendors. Staff recommended purchasing the Ricoh IM C6000-RS from Capital Business Systems without the optional internal folding unit at a cost of \$9,907.50. Expected delivery date is in 4 weeks.

COPIER REPLACEMENT QUOTES 10/6/2022					
Advanced Office Automation		Eakes Office Solutions		Capital Business Systems	
Ricoh IM C6000 #418228	\$8,716.00	Ricoh IM C 6000-RS	\$10,656.51	Ricoh IM C6000-RS #418228	\$9,907.50
Paper Feed Unit PB3280 4 paper trays	587.00	Paper Feed Unit PB3280 (550 x 2)	Included	Paper Feed Unit PB3280 (550x2) #418349	Included
Large Paper Deck 1,500 sheets #418360	891.00	LCIT RT3040	Included	LCIT RT3040 (1,500 sheets)	Included
Booklet Finisher-SR3270	1,624.00	Booklet Finisher SR3270 (1,000 Sheet	Included	Finisher SR3260 (2000 sheet) #418337	Included
Bridge Unit-BU3080	147.00	Bridge Unit-BU3080 #418345	Included	Bridge Unit BU3090 #418345	Included
3-Hole Punch PU3080	353.00	Punch Unit PU3080 NA	Included	Punch Unit PU3090 NA #418381	Included
Fax Unit Type37	794.00	Fax Option Type M37	Included	Fax Option Type M37 #41860	Included
Total Unit Price	\$13,112.00	Total Unit Price	\$10,656.51	Total Unit Price	\$9,907.50
Optional Internal Folding Unit	1,571.00	Optional Internal Folding Unit FD3010	\$1,234.68	Optional Internal Folding Unit	1,285.43
Total Purchase Price	\$14,683.00	Total Purchase Price	\$11,891.19	Total Purchase Price	\$11,192.93
Trade-in of \$400.00 included in price		Trade-in of \$1,000 included in price		No Trade-in Allowance	
Expected delivery 3-6 months		Expected delivery 2-3 weeks		Expected delivery 4 weeks	
MAINTENANCE AGREEMENT COSTS					
Advanced Office Automation		Eakes Office Solutions		Capital Business Systems	
Black & White copies/prints	\$0.0071	Black & White copies/prints	\$0.00719	Black & White copies/prints	\$0.0065
Color copies/prints	\$0.058	Color copies/prints	\$0.03857	Color copies/prints	\$0.040

It was moved by Kuehner and seconded by Houdersheldt to purchase the Ricoh IM C6000-RS without the optional internal folding unit for the quoted price of \$9,907.50 from Capital Business Systems.

Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 31. FACILITY HAIL REPAIR ESTIMATES.

The initial insurance settlement was received from our insurance company for storm damage that occurred this summer. Staff developed contractor quote packets providing damaged items and measurements of damaged area. A direct mailing was sent to 13 commercial roofing contractors. An advertisement was placed in the York News-Times providing district contact information for any additional contractors wishing to provide quotes. Four quotes were returned for consideration. Two quotes were for all repairs: asphalt roofing on main office (319 East 25th Street, York, NE) and steel buildings repair (319 East 25th Street, York, NE and 1112 Recharge Road, York, NE). Two quotes were for main office asphalt roofing only at 319 East 25th Street York, NE.

	Asphalt Roofing & Gutter Material Cost	Asphalt Roofing & Gutter Labor Cost	Steel Material Cost	Steel Labor Cost	Total Bid Cost	Estimated Project Time	Available Start Date	Notes
Shamrock Roofing Nebraska 7899 Frontage RD Overland Park, KS 66204	\$65,142.20	\$28,125.00	NA	NA	\$93,267.20	17 days	Within 7 days of award	Bid covers 30 yr asphalt shingles.
Conner Roofing Co 3702 N Division Ave York, NE 68467	\$84,234.52	Included in material cost	\$24,875.00	Included in material cost	\$109,109.50	14 days	After shingle color is chosen, owner could determine start date.	Labor Included in Bid Price. Bid covers 30 yr asphalt shingles. Bid also included \$10,384.00 for additional Hip Vent and Downspouts.
CCR Roofing Services LLC 2200 NW S Outer RD. Blue Springs, MO 64015	\$67,348.97	Included in material cost	NA	NA	\$67,348.97	5-7 days	2-3 weeks from award date.	This bid does not include gutters or downspouts. Bid covers asphalt shingles. Unforeseen labor rate \$95/hr. Plywood decking, if required \$30/sheet.
J-Tech Construction 6200 Havelock Ave Lincoln, NE 68507	\$75,410.58	\$23,465.44	\$23,600.32	\$4,396.29	\$126,872.63	14 Ddays	Spring 2023	Bid covers 30 yr asphalt shingles.

It was moved by Kuehner and seconded by Dickinson to approve the low quote from Conner Roofing Company, York, NE, for \$109,109.50 to make repairs from hail damage to all facilities at 319 East 25th Street, York NE and 1112 Recharge Road, York NE. This will include replacing and repairing asphalt shingles, roofing felt, ice and water barriers, valleys, flashing, rain troughs, downspouts, and furnace vent/rain caps at main office. (This list may not be inclusive to all damages), and to repair all damaged metal siding, trim, and doors to metal buildings at properties located at 319 East 25th Street, York NE and 1112 Recharge Road, York NE. This motion also grants authority for the contractor and staff to work directly with property insurance carrier to secure additional insurance funds if additional items not under the first estimate are discovered. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 32. UPDATES TO WATER LEADERS ACADEMY SCHOLARSHIP.

The committee discussed the district's Water Leaders Academy Scholarship. Our webpage provides an overview of the program's guidelines and selection process. There was an increase in tuition this past year. Our scholarship program lays out specific costs to attend the academy and the amount for a scholarship. Consensus of the committee was to remove the reference to specific dollar amounts, as the tuition for WLA has increased and may do so again in the future. Direction was given to the staff to rewrite and to incorporate the first two bullets to read: Cost and Responsibilities: The total tuition for attendance of the Water Leaders Academy includes lodging and meals. The first \$500 associated with tuition is the responsibility of the applicant. This is considered an application fee. Scholarship will cover full tuition cost minus \$500. Additional costs (travel cost, incidentals, etc.) are not covered by scholarship and are the responsibility of the applicant.

It was moved by Kuehner and seconded by Bethune to approve revisions to the district's Water Leaders Academy Scholarship guidelines incorporating the first two bullets on webpage to read: Cost and Responsibilities: The total cost of attendance of the Water Leaders Academy includes lodging and meals. The first \$500 associated with tuition is the responsibility of the applicant. This is considered an application fee. Scholarship will cover full tuition cost minus \$500. Additional costs (travel cost, incidentals, etc.) are not covered by scholarship and are the responsibility of the applicant. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Houdersheldt

NOT PRESENT: Nuss

ITEM 33. MASTER AND LONG-RANGE IMPLEMENTATION PLANS.

The committee and board were asked to review copies of the Master and Long-Range Implementation Plans during the September meeting and to provide feedback and edits by the October committee meeting. Staff's recommendation was for the committee to forward to the full Board, the edited document for approval. Copies of approved plans will be provided to partnering agencies in late October.

It was moved by Kuehner and seconded by Rich to present the FY23 draft of the Master and Long-Range Implementation Plans to the full board for their approval. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 34. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR SEPTEMBER 2022.

Yates reviewed the financial report for the period September 1, 2022 to September 30, 2022, that was distributed. It was moved by Houdersheldt and seconded by Bethune to approve the financial report for

September 2022 as presented, approve payments of the accounts payable and publish the expenditures.
Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 35. MOTION TO ADJOURN.

It was moved by Miller and seconded by Kuehner to adjourn the meeting at 9:10 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

I, the undersigned, Secretary of the Upper Big 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 October 20, 2022, 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 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 for 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.

Bill Stahly, Secretary

**MINUTES
BOARD OF DIRECTORS MEETING
NOVEMBER 17, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 17, 2022, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, Janet Yates, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on November 10, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during roll call.

ITEM 4. ADOPTION OF AGENDA.

It was moved by Luebbe and seconded by Miller to approve the agenda for the November 17, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 5. APPROVAL OF MINUTES OF THE OCTOBER 20, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Robotham to approve the minutes of the October 20, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 6. STAFF RECOGNITION.

Janet Yates was recognized for 5 years of service as the Upper Big Blue NRD secretary in the Seward NRCS field office.

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water and Regulations Committee met November 10, 2022 and presented the committee's recommendations.

ITEM 8. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Twelve Aquifer Quality Well Abandonment Cost-share Assistance Program applications were recommended for final payments totaling \$9,000.00.

It was moved by Miller and seconded by Moore to make cost-share payments for twelve well abandonments, as reviewed by the Committee, at a cost of \$9,000.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 9. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

Two invoices were received for work completed on the Vadose Zone Study from August 1 through September 30, 2022 totaling \$5,583.67. Staff are working with the University to find sites for the 2022-2023 sampling.

It was moved by Miller and seconded by Moore to pay the University of Nebraska Lincoln for work completed on the Vadose Zone Study totaling \$5,583.67. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 10. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing to work on Phase 2 of the Regional Groundwater Model. They submitted an invoice for work completed from August 2022 to September 2022 totaling \$1,102.00. As the project lead, the District will make payment to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources. A total of \$170,070.60 remains in the project budget.

It was moved by Miller and seconded by Moore to pay Brown & Caldwell for work completed through September 2022 totaling \$1,102.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 11. MATERIALS FOR RESALE SEAMETRICS BATTERY REPLACEMENT KITS – WISH NEBRASKA INC.

Staff purchased 50 Seametrics battery kits from WISH Nebraska for \$5,175 to be used for the electronic meter maintenance program.

It was moved by Miller and seconded by Luebbe to pay WISH Nebraska Inc. for 50 Seametrics battery kits totaling \$5,175.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 12. ONLINE PRODUCER INPUT ANNUAL PAYMENT – BEEHIVE INDUSTRIES.

An invoice was received for the annual hosting and maintenance of the online producer input site totaling \$8,018.00.

It was moved by Miller and seconded by Moore to pay Beehive Industries for the annual hosting and maintenance of the online producer input totaling \$8,018.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 13. 2023 DODGE RAM 1500 BID AWARD - SID DILLON.

Staff were notified by Sid Dillon, formerly Baxter, that the 2023 Dodge Ram 1500 pickup that they submitted a bid on is no longer being manufactured for sale through the government purchase program and as a result they are unable to honor that bid. They are offering instead a new 2022 Dodge Ram 1500 Big Horn at the same bid price of \$41,240.00. This pickup is in stock and ready for delivery.

It was moved by Miller and seconded by Nuss to instruct staff to purchase the 2022 Ram 1500 Big Horn from Sid Dillon, formerly Baxter, in exchange for the 2023 RAM 1500, not to exceed \$41,240.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Robotham, Siebert, Stahly, Weiss, Yates
NAY: Grotz, Luebbe, Moore, Rich

ITEM 14. SCOPE OF WORK – PHASE II/III SUMMARY REPORT.

A scope of work was received from ESA, formerly Sitka Technologies, to expand the water accounting platform to include Phase II/III Management Area data. The project would deliver a hardcopy report and a future front facing producer interface. Currently the platform does not offer producer credentials for logging in to view data. This would be the beginning of a nitrogen dashboard. The total project cost is \$44,000.00.

It was moved by Miller and seconded by Siebert to enter into a contract with ESA to incorporate Phase II/III Management Area data into the existing Water Accounting platform, not to exceed \$44,000.00.
Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Weiss, Yates
NAY: Jeff Bohaty, Grotz, Kuehner, Stahly

ITEM 15. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 104 parcels totaling 8,532.74 acres, yielding an increase in irrigated acres of 143.21, resulting in total irrigated acres of 1,244,369.04.

It was moved by Miller and seconded by Moore to certify the acres changes as presented to the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 16. DISTRICT RULE 5 REVIEW.

The Water and Regulations Committee had a lengthy discussion surrounding groundwater quality and possible changes to Rule 5.

It was moved by Miller and seconded by Moore to leave Rule 5 on the agenda for the purpose of discussion from December to March. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on November 10, 2022 and presented the committee's recommendations.

ITEM 18. STORM DAMAGED TREE REPLACEMENT PROGRAM PAYMENTS.

Claims were submitted for three completed storm damaged tree replacement projects.

It was moved by Rich and seconded by Luebbe that the Upper Big Blue NRD approve payment of \$575.00 for three completed storm damaged tree projects, (Virginia Fay - \$150.00, Deborah Brisk - \$275.00, Monique Peetz - \$150.00), as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 19. PARKS DEPARTMENT TRAILER BIDS.

Bids for a new parks department trailer were received from Klute Truck Equipment & Trailer Sales of Bradshaw for \$13,250.00; from CTR Investment Auto Sales of Aurora for \$15,495.00; and from United Trailer Sales of Alda for \$15,144.00. The bid from United Trailer Sales did not meet the specifications.

It was moved by Rich and seconded by Houdersheldt that the Upper Big Blue NRD accept the bid from Klute Truck Equipment & Trailer Sales of Bradshaw of \$13,250.00 for a 102" X 25' deck over, low profile, dovetail, gooseneck trailer, as recommended by staff and reviewed by the committee.

A question arose regarding the design of the trailer floor. Wergin stepped out of the meeting to confirm the trailer specifications with our lead maintenance person. It was moved by Siebert and seconded by Jeff Bohaty to refer the motion back to the Projects & Programs Committee. Wergin returned to the room with the needed information. The motion to refer to committee was withdrawn by Siebert with the approval of the second. The original motion was approved.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on November 10, 2022 and presented the committee's recommendations.

ITEM 21. THIRD QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed director's per diem and expenses for this past quarter for Roger Houdersheldt. His third quarter per diem was \$280.00 and expenses were \$145.00, for a total expenditure of \$425.00.

It was moved by Kuehner and seconded by Robotham to approve payment of third quarter 2022 per diem of \$280.00 and expenses of \$145.00 for Roger Houdersheldt for a total of \$425.00, and to publish this expenditure in the October 2022 Financial Report. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: Weiss

NOT VOTING: Houdersheldt

ITEM 22. PAYMENT TO AMGL CPAS & ADVISORS FOR FY2022 AUDIT.

An invoice for \$8,650.00 was received from AMGL CPAs & Advisors for conducting the FY 2022 Audit.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$8,650.00 to AMGL CPAs & Advisors for conducting the FY 2022 Audit. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 23. BOARD ROOM MODIFICATION AND IMPROVEMENTS.

The modifications and improvements to the UBBNRD Board Room were approved in FY 22. Due to supply chain shortages, not all the purchased equipment is currently available for installation. Yandas has installed all equipment, except for the 12 additional mics and sound board. The current sound system will be updated as soon as the new equipment is available. In the interim the existing sound system will remain functional.

It was moved by Kuehner and seconded by Miller to approve the video recording of both committee and board meetings from December 2022 through March 2023 and posting of the recordings on the district's website. And further, to re-evaluate the effectiveness of this practice during the month of April 2023. Motion carried.

AYE: Dickinson, Houdersheldt, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Weiss, Yates

NAY: Bethune, Jeff Bohaty, Richard Bohaty, Grotz, Kuehner, Siebert, Stahly

ITEM 24. BID PROCESS STORAGE/MAINTENANCE SHED.

The FY23 budget contains funds for the construction of a storage building. Staff provided conceptual drawings of a 42 ft x 120 ft x 14 ft building. Staff requested the committee's assistance to develop building specifications for the purpose of soliciting bids. Staff will incorporate their recommendations and provide a summary bid packet for the purchase and erection of a storage building. The bid packet should include options for a 120 ft X 42 ft mono sloped steel structure building, with a height of 17 feet at the high point to 14 feet at the low point of the roof line. Building options should include a totally open front building with four bays measuring 24 feet wide or, 2 – 24-foot bays with overhead doors and one 30-foot bay with one rolling door. Enclosed building options should include one walk-in door. Other options should include a concrete floor or perimeter concrete footing. Bid specs should include electricity with overhead lights and outlets.

It was moved by Kuehner and seconded by Houdersheldt to direct staff to create a bid packet for the purchase and erection of a storage building and authorize staff to proceed with bids. Bid packet will include options for a 120 ft X 42 ft mono slope steel structure building, with a height of 17 feet at the

high point to 14 feet at the low point of the roof line. Building options will include an open front building with four bays measuring 24 feet wide or, 2 – 24-foot bays with overhead doors and one 30-foot bay with one rolling door. Other options will include a full concrete floor or perimeter concrete footings. Bid specs will include electricity with overhead lights and outlets, enclosed building options will include one walk-in door. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Rich, Robotham, Siebert, Stahly, Yates
NAY: Luebbe, Nuss, Weiss

ITEM 25. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR SEPTEMBER 2022.

Yates reviewed the financial report for the period October 1, 2022 to October 31, 2022, that was distributed. It was moved by Houdersheldt and seconded by Miller to approve the financial report for October 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 26. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by Jeff Bohaty to adjourn the meeting at 3:00 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

I, the undersigned, Secretary of the Upper Big 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 November 17, 2022, 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 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 for 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.

Bill Stahly, Secretary

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**MINUTES
BOARD OF DIRECTORS MEETING
DECEMBER 15, 2022**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 15, 2022, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Linda Luebbe, John Miller, Larry Moore, Mike Nuss, Ronda Rich, David Robotham, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, Kevin Peterson, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on December 8, 2022 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call. Weiss arrived at 1:37 p.m.

ITEM 4. ADOPTION OF THE AGENDA.

It was moved by Dickinson and seconded by Rich to approve the agenda for the December 15, 2022, board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Weiss

ITEM 5. APPROVAL OF MINUTES OF NOVEMBER 17, 2022 BOARD OF DIRECTORS MEETING.

It was moved by Luebbe and seconded by Robotham to approve the minutes of the November 17, 2022 board of directors meeting. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates

NAY: None
NOT PRESENT: Weiss

ITEM 6. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water and Regulations Committee met December 8, 2022 and presented the committee's recommendations.

ITEM 7. GROUNDWATER TRANSFER AUTHORIZATION – GERARD M. & JANET M. LEIF.

Gerard M. & Janet M. Leif own 59.76 acres in the SE ¼ of Section 35-T10N-R01E. The property will be watered by well construction permit UBB-1-5918. Mr. & Mrs. Leif would like to transfer to an additional 28 acres in the NE ¼ of Section 02-T09N-R01E. Both tracts are in Seward County. The transfer meets the groundwater transfer rules.

It was moved by Miller and seconded by Dickinson to approve groundwater transfer T-116. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Yates
NAY: None
NOT PRESENT: Weiss

ITEM 8. GROUNDWATER TRANSFER AUTHORIZATION – DALEN & LACY HALL.

Dalen & Lacey Hall own 160.57 acres in the NE ¼ of Section 32-T09N-R03W. The property will be watered by well construction permit UBB-1-5927. Dalen and Lacey would like to transfer to an additional 130 acres in the SW ¼ of Section 33-T09N-R03W owned by Connie F. Hall. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Houdersheldt to approve groundwater transfer T-117. Motion carried.

AYE: Bethune, Jeff Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Moore, Robotham, Siebert, Stahly, Yates
NAY: Richard Bohaty, Luebbe, Nuss, Rich,
NOT VOTING: Weiss

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Seven Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$4,984.00.

It was moved by Miller and seconded by Luebbe to make cost-share payments for seven well abandonments, as reviewed by the Committee, at a cost of \$4,984.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 10. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

Two invoices were received for work completed on the Vadose Zone Study from October 1, 2022 through November 30, 2022 totaling \$10,400.83.

It was moved by Miller and seconded by Houdersheldt to pay the University of Nebraska Lincoln for work completed on the Vadose Zone Study totaling \$10,400.83. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 11. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell are continuing their work on Phase 2 of the Regional Groundwater Model. An invoice was received for work completed from September 30, 2022 to October 27, 2022 totaling \$1,071.25. As the project lead, the District will make payment to Brown & Caldwell and request reimbursement from the other three basin districts, and the Nebraska Department of Natural Resources. A total of \$168,999.35 remains in the project budget.

It was moved by Miller and seconded by Dickinson to pay Brown & Caldwell for work completed through October 2022 totaling \$1,071.25. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

A contract amendment was received from Brown & Caldwell to extend the project until June 30, 2023. The amendment only requests additional time to complete the work. No additional funds are being requested. This extension would allow Brown & Caldwell time to complete model runs, allow the Nebraska Department of Natural Resources time to review the work, and give Brown & Caldwell time to complete the final report.

It was moved by Miller and seconded by Houdersheldt to enter into the contract amendment with Brown & Caldwell to extend the modeling work until June 30, 2023. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 12. ON-FARM RESEARCH PARTNERSHIP – KENDALL SIEBERT PAYMENT.

Kendall Siebert has submitted soil sample analysis invoices for two On-Farm Research Partnership projects dealing with nitrogen management. The two invoices total \$174.00. Under the On-Farm

Research Partnership Program, the Upper Big Blue Natural Resources District will reimburse the costs of soil, water, and plant tissue analysis for projects dealing with groundwater quality.

It was moved by Miller and seconded by Nuss to pay Kendall Siebert for two On-Farm Research Project soil analysis costs totaling \$174.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Stahly, Weiss, Yates
NAY: None
NOT VOTING: Siebert

ITEM 13. MATERIALS FOR RESALE - WATERMARK SENSORS PAYMENT – KLEIN SALES & SERVICE.

Staff purchased 450 (150 sets) of WaterMark Sensors for the Districts irrigation scheduling equipment discount program. An invoice was received from Klein Sales & Service totaling \$18,900.00.

It was moved by Miller and seconded by Robotham to pay Klein Sales & Service for 450 WaterMark Sensors totaling \$18,900.00. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 14. ZONE 4 MONITORING WELL CONSTRUCTION.

Staff have located a cooperater just outside of the Osceola Wellhead Protection Area (GWMA#2 Zone 4) willing to let the District install a set of nested monitoring wells on their property. Staff would like to continue working with the landowner to site the wells and release a request for proposals to drillers for well construction.

It was moved by Miller and seconded by Houdersheldt to instruct staff to release a request for proposals for the construction of a set of nested monitoring wells in GWMA#2 Zone 4. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Rich reported that the Projects and Programs Committee met on December 8, 2022 and presented the committee's recommendations.

ITEM 16. NEBRASKA BUFFER STRIP PROGRAM – SECOND QUARTER PAYMENTS.

It was moved by Rich and seconded by Richard Bohaty that the Upper Big Blue NRD approve payment of \$2,978.24 for four Nebraska Buffer Strip Program contracts for the second quarter of FY2023, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 17. CITY OF YORK PAYMENT REQUEST – MINCKS PARK RESTROOM.

The City of York has completed the restroom facility at Mincks Park. Through an agreement with the City of York the NRD is providing 25% of the local share, not to exceed \$10,000.00. The total cost for constructing the restroom was \$125,073.25.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD approve payment of \$10,000.00 to the City of York for construction of the restroom facility at Mincks Park, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 18. PAYMENT REQUEST FOR PLAYGROUND INSTALLATION.

Dostal Construction has completed the installation of the playground equipment at Recharge Lake. A final invoice was submitted by Creative Sites. Adjustments were made to the initial quote for dirt work completed by the NRD, extra concrete work for bench pads, hydrant sidewalk and drain, and the removal of seeding costs. Seeding will be completed by others in the spring of 2023.

It was moved by Rich and seconded by Robotham that the Upper Big Blue NRD approve payment of \$26,013.00 to Creative Sites for the installation of the playground equipment at Recharge Lake, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 19. PIONEER TRAILS SHORELINE ACCESS.

Staff are working on plans to improve the shoreline access at Pioneer Trails, as recommended by the Nebraska Game and Parks Commission 2018 Fishery Report. Staff are proposing to cut back the east shoreline bank and have a 10-foot berm from the boat ramp south to the emergency spillway. Improved shoreline access at Pioneer Trails was one of the board's top priority projects during FY2023 projects budget development. Erosion on the bank of the emergency spillway also needs to be addressed.

It was moved by Rich and seconded by Nuss that the Upper Big Blue NRD staff prepare a design and specifications, and request bids for the east bank shoreline improvement at Pioneer Trails Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 20. SMALL PICNIC SHELTERS – PIONEER TRAILS, RECHARGE, SMITH CREEK.

Staff have researched various types of picnic shelters and recommend installing the same type of shelters currently located at Recharge Lake and Pioneer Trails which were purchases from Cedar Forest Products. The Projects & Programs Committee instructed staff to investigate different types of shelters.

It was moved by Rich and seconded by Stahly that the Upper Big Blue NRD staff prepare a request for bids for three smaller picnic shelters and include the rebuilding of the existing picnic shelter at Smith Creek. Staff will include quotes for the Cedar Forest Products shelters and invite contractors to propose other types of shelters. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on December 8, 2022 and presented the committee's recommendations.

ITEM 22. PAYMENT TO NORTH PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

The Executive Committee reviewed an invoice from North Printing Company in the amount of \$11,148.34 for printing the Fall 2022 issue of the Blueprint newsletter.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$11,148.34 to North Printing Company for printing the Fall 2022 edition of the Blueprint newsletter. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates
NAY: None

ITEM 23. PAYMENT TO YANDAS MUSIC & PRO AUDIO.

In March of 2022, the District accepted the proposal from Yandas Music & Pro Audio to upgrade the audio-video system in the board room for \$64,628. At that time, Yandas requested a down payment of \$32,000 to allow them to order the necessary components before any price increases occurred. Due to supply chain issues and the chip shortage, installation was delayed. On November 13, 2022 Yandas was onsite to install most of the improvements. The components that have not yet been shipped are the additional microphones and the new sound board. Yandas requested partial payment of \$15,816.65 for

the work that is completed. The remaining contract balance is \$16,811.35.

It was moved by Kuehner and seconded by Nuss to approve payment of \$15,816.65 to Yandas Music & Pro Audio for upgrades installed in the board room. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 24. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR NOVEMBER 2022.

Yates reviewed the financial report for the period November 1, 2022 to November 30, 2022, that was distributed.

It was moved by Houdersheldt and seconded by Miller to approve the financial report for November 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 25. MOTION TO ADJOURN.

It was moved by Miller and seconded by Houdersheldt to adjourn the meeting at 2:34 p.m. Motion carried.

AYE: Bethune, Jeff Bohaty, Richard Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Luebbe, Miller, Moore, Nuss, Rich, Robotham, Siebert, Stahly, Weiss, Yates

NAY: None

I, the undersigned, Secretary of the Upper Big 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 December 15, 2022, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
JANUARY 19, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 19, 2023, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, Ronda Rich, Ken Maca, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on January 12, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. ADOPTION OF THE AGENDA.

It was moved by Dickinson and seconded by Houdersheldt to approve the agenda for the January 19, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 5. APPROVAL OF MINUTES OF DECEMBER 15, 2022 BOARD OF DIRECTORS MEETING.

It was moved by R. Bohaty and seconded by Siebert to approve the minutes of the December 15, 2022 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 6. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Water and Regulations Committee met January 12, 2023 and presented the committee's recommendations.

ITEM 7. GROUNDWATER TRANSFER AUTHORIZATION – RL GROSSHANS TRUST.

RL Grosshans Trust owns 157.53 acres in the SW¼ of Section 10-T11N-R06W. The property is watered by well G-001666. RL Grosshans Trust would like to transfer to an additional 60 acres on two tracts in the E½ SE¼ of Section 09-T11N-R06W owned by 8 P Farms LLC. Both tracts are in Hamilton County. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by R. Bohaty to approve groundwater transfer T-118A & T-118B.
Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 8. GROUNDWATER TRANSFER AUTHORIZATION – MICHAEL S. & LORI A. KLEIN.

Michael S. & Lori A. Klein own 117.84 acres in the NE¼ of Section 04-T13N-R02W. The property is watered by well G-024410. Michael and Lori would like to transfer to an additional 68 acres in the S½ SE¼ of Section 33-T14N-R02W owned by Marilyn Peterson. Both tracts are in Polk County. This transfer fits within the groundwater transfer rules.

It was moved by Miller and seconded by Houdersheldt to approve groundwater transfer T-119. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 9. ZONE 4 MONITORING WELL CONSTRUCTION BIDS.

Staff presented two bids for the construction of a three well dedicated monitoring well nest in Polk County. Sargent Drilling of Geneva, Nebraska presented the low bid for the construction.

It was moved by Miller and seconded by Dickinson to contract with Sargent Drilling – Geneva for the construction of a three well dedicated monitoring well nest. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None
NOT PRESENT: Nuss

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM (AQWACAP) PAYMENTS.

Two Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were recommended for final payments totaling \$1,345.44.

It was moved by Miller and seconded by R. Bohaty to make cost-share payments for two well abandonments, as reviewed by the Committee, at a cost of \$1,345.44. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 11. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres' certification for 40 parcels totaling 3,637.95 acres, yielding an increase in irrigated acres of 460.67. The total irrigated acres for the District is 1,244,829.71 acres.

It was moved by Miller and seconded by Bethune to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 12. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

An invoice was received for work completed on the Vadose Zone Study from December 1, 2022 through December 31, 2022 totaling \$2,794.57.

It was moved by Miller and seconded by R. Bohaty to pay the University of Nebraska Lincoln for work completed on the Vadose Zone Study totaling \$2,794.57. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 13. WEATHER STATION ANNUAL PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

An invoice totaling \$3,000.00 for the York 2W weather station was received from Nebraska Mesonet. The district uses the information from the weather station to post the crop water use during the growing season.

It was moved by Miller and seconded by Siebert to pay the University of Nebraska for the annual weather station maintenance totaling \$3,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 14. ANNUAL CHEMIGATION PAYMENT – NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY (NDEE).

A portion of each chemigation permit application fee goes to the NDEE for administration of the program. The portion owed by the Upper Big Blue Natural Resources District for 2022 is \$4,027.00.

Director Peterson advised the board previously that he is a member of the NDEE's Environmental Quality Council and he will abstain from voting on this motion. He plans to seek advice from legal counsel in the future regarding any possible conflict of interest.

It was moved by Miller and seconded by Stahly to pay the Nebraska Department of Environment and Energy for their portion of the chemigation program administration totaling \$4,027.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Peterson

NOT PRESENT: Nuss

ITEM 15. REQUEST FOR EXCUSED ABSENCE.

Micheal Nuss requested an excused absence from the January 19, 2023 board of directors meeting to deal with snow removal following the recent snowstorm.

It was moved by Houdersheldt and seconded by R. Bohaty to excuse the absence of Nuss from the January 19, 2023 board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on January 12, 2023 and presented the committee's recommendations.

ITEM 17. NEBRASKA SOIL & WATER CONSERVATION PROGRAM (NSWCP) PAYMENT.

It was moved by R. Bohaty and seconded by Miller that the Upper Big Blue NRD approve payment of \$6,180.76 for one completed NSWCP land treatment project, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 18. DORCHESTER DAM 2A SHORELINE IMPROVEMENTS.

Gana Trucking has completed hauling and placing rock on the upstream face of Dorchester Dam 2A. The project required less rock than was estimated. NRD staff will rebuild the fence along the face of the dam.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$22,822.96 to Gana Trucking for supplying and placing 240.42 tons of rock on the face of Dorchester 2A Dam, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 19. OXBOW TRAIL RECREATION AREA IMPROVEMENTS.

Piepers Inc has requested that Klement Electric install the electrical service to the well for the electrical panel, then Piepers will hook up the domestic well. The committee discussed the low water levels at Oxbow Trail and their concerns that if we have a dry spring, we may not get a supply well in place in time to save the fish in Oxbow Trail lake. A possible solution would be to have staff contact an upstream landowner to see if they would pump water from their irrigation well into the lake at Oxbow Trail. The landowner would be compensated based on the number of acre feet pumped.

It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD staff contact well owners upstream of Oxbow Trail Lake to see if any well owners would be willing to pump water into the channels that supply Oxbow Trail. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Weiss

NOT PRESENT: Nuss

ITEM 20. LANGWORTHY-REINMILLER DAM UPDATE.

Sean Parks of Olsson completed the field report from soil samples taken at Langworthy-Reinmiller dam on Thursday, November 9, 2022. Olsson's report stated in part that "the soils observed were not naturally derived alluvium and were man-placed fill soils. . . . In some instances, multiple layers of fill

appeared to be present in the soil samples.” In the conclusion section, “Olsson’s observation that man-placed fill soil, not deposited by runoff events, are present in the storage area of the dam.”

Analysis of the soil samples revealed that 80% of the material in the lake bottom is from fill material, with 20% of the material coming from derived alluvium. Staff suggested that 80% of the material to be removed would be the responsibility of the landowner and 20% the responsibility of the NRD. Staff suggested removing material to a level of one foot below the drawdown invert, which will leave room for future sediment. The estimated amount of material to be removed is 4,334 cubic yards. Fill material could be hauled and stockpiled at Oxbow Trails near Ulysses or to Smith Creek near the Utica I-80 exit.

NRD costs incurred include costs for the survey and costs for the soil sample analysis. NRD legal counsel will draft a letter to the landowner explaining the NRD’s stance on Langworthy-Reinmiller Dam fill material removal, with expected cost reimbursement.

It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD staff solicit bids for removing material from Langworthy-Reinmiller lake bottom with options to haul material to Oxbow Trail, Smith Creek, or stockpile on site. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 21. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on January 12, 2023 and presented the committee’s recommendations.

ITEM 22. DIRECTORS’ FOURTH QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors’ per diem and expenses for this past quarter. Totals for the 4th quarter 2022 directors’ per diem were \$7,700.00 and expenses were \$2,653.44, for a total expenditure of \$10,353.44.

It was moved by Kuehner and seconded by Siebert to approve payment of 4th quarter 2022 directors’ per diem of \$7,700.00 and expenses of \$2,653.44, for a total of \$10,353.44, and to publish these approved expenditures in the December 2022 Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

ITEM 23. RATIFICATION OF NARD BY-LAW CHANGES.

The committee reviewed the revised by-laws that the NARD Board of Directors approved at their

November 7th meeting. Each NRD has been asked to ratify the changes to the by-laws for the Association, Risk Pool, and Foundation. Director Bethune, NARD representation for the district, answered questions and concerns regarding the changes.

It was moved by Kuehner and seconded by R. Bohaty to ratify the changes to the by-laws for the NARD Association, NARD Risk Pool, and NARD Foundation. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 24. 2022 GENERAL ELECTION COSTS.

Three invoices were received for 2022 general election costs. Payment requests were from Adams County Clerk for \$467.81, Seward County Clerk for \$6,203.59, and York County Clerk for \$4,026.75.

It was moved by Kuehner and seconded by Siebert to approve payments of \$467.81 to the Adams County Clerk, \$6,203.59 to the Seward County Clerk and \$4,026.75 to the York County Clerk for 2022 general election costs. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 25. COOPERATIVE AGREEMENTS FOR EDUCATIONAL LAND LEASES.

The Upper Big Blue NRD received a State of Nebraska Cooperative Agreement Between the Nebraska Board of Educational Lands and Funds and Lessee, and Upper Big Blue Natural Resources District, for two parcels with legal descriptions of all that part of S½ SE¼ including all of that part lying south of the Blue River and approximately 10 acre tract north of Blue River 17-13-02; and all that part of NE¼ lying south of the Blue River and excluding a building site 20-13-2 located in Butler County, and west 25 acres of SW¼ SW¼ 27-11-03: E½ SW¼ and SE¼ SW¼ except 42.85 acres leased to Izaak Walton and except 13.50 acres lying west of CB & Q RR ROW 21-11-03; N½ NE¼ 33-11-03 and W½ NW¼ except 6.10 acres 34-11-03 in Seward County has been sold at public auction or acquired by assignment. State statute requires NRD concurrence to agreement.

It was moved by Kuehner and seconded by Miller to sign the State of Nebraska Cooperative Agreement Between the Nebraska Board of Educational Lands and Funds and Lessee(s) and Upper Big Blue Natural Resources District. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 26. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR DECEMBER 2022.

Yates reviewed the financial report for the period December 1, 2022 to December 31, 2022, that was distributed.

It was moved by J. Bohaty and seconded by Dickinson to approve the financial report for December 2022 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 27. NOMINATING COMMITTEE REPORT.

The nominating committee which consisted of directors Richard Bohaty, Dickinson and Weiss presented a slate of candidates for officer elections. Elections will be for two-year terms.

The following directors agreed to have their names placed on the ballot: Chair –Yates, Vice Chair – Houdersheldt and Kuehner, Secretary – Richard Bohaty and Stahly, Treasurer – Dickinson and Siebert, NARD Representative - Bethune and Miller. NARD Alternate Representative - Bethune and Miller. The board was reminded that nominations from the floor are allowed and that electing officers is conducted by secret ballot. Chair Yates appointed staff members Mary Krausnick and Jack Wergin to collect and tally the ballots.

ITEM 28. ELECTION OF CHAIR.

Yates turned the chair over to Doug Dickinson during the election of officers. The only candidate for Chair was Lynn Yates. Dickinson called for nominations from the floor. Miller was nominated from the floor. Ballots were distributed and counted, with Yates receiving 13 votes and Miller 3 votes. Yates will retain the office of chair for a term of two years.

ITEM 29. ELECTION OF VICE-CHAIR.

The candidates for office of vice-chair were Kuehner and Houdersheldt. Dickinson called for nominations from the floor. Hearing none he directed that ballots be cast. Kuehner received 14 votes and Houdersheldt 2 votes. Kuehner will retain the office of vice-chair for a term or two years.

ITEM 30. ELECTION OF SECRETARY.

The candidates for the office of secretary were Stahly and Richard Bohaty. Dickinson called for nominations from the floor. Hearing none he directed that ballots be cast. Stahly received 15 votes and Richard Bohaty received 1 vote. Stahly will retain the office of secretary for a term of two years.

ITEM 31. ELECTION OF TREASURER.

The candidates for the office of treasurer were Dickinson and Siebert. A call for nominations from the floor was made. Hearing none, ballots were cast. Dickinson received 13 votes and Siebert received 3

votes. Dickinson will retain the office of treasurer for a term of two years.

ITEM 32. ELECTION OF NARD REPRESENTATIVE AND ALTERNATE.

The candidate for the position of NARD Representative was Bethune. Miller was nominated from the floor. Prior to casting ballots, the board was advised that the individual with the most votes would be the representative and the other would be the alternate. In the first round of voting Bethune received 8 votes and Miller received 8 votes. Ballots were recast. In the second round of voting Bethune received 10 votes and Miller received 6 votes. Bethune will serve as the NARD representative and Miller will serve as the alternate for a period of two years.

ITEM 33. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Dickinson to adjourn the meeting at 3:20 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Nuss

I, the undersigned, Secretary of the Upper Big 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 January 19, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
FEBRUARY 16, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 16, 2023, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Terry Julesgard, and Nicole Strand of Osceola NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on February 9, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Thirteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Roger Houdersheldt, John Miller, and Micheal Nuss requested an excused absence from the February 16, 2023 board of directors meeting.

It was moved by Kuehner and seconded by Dickinson to excuse the absence of Houdersheldt, Miller, and Nuss from the February 16, 2023 board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Dickinson and seconded by Kuehner to approve the agenda for the February 16, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 6. APPROVAL OF MINUTES OF JANUARY 19, 2023 BOARD OF DIRECTORS MEETING.

It was moved by Peterson and seconded by Siebert to approve the minutes of the January 19, 2023 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Jeff Bohaty reported that the Water and Regulations Committee met February 9, 2023 and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER AUTHORIZATION.

Andrew Wilson owns 188.98 acres in the NE¼ of Section 15-T09N-R07W. The property is watered by well G-044217. Andrew Wilson would like to transfer water to an additional 13 acres in the SE¼ of Section 10-T09N-R07W owned by Wilson Farms Inc. Both tracts are in Hamilton County. This transfer fits within the groundwater transfer rules.

It was moved by J. Bohaty and seconded by Kuehner to approve groundwater transfer T- 120. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 9. GWMA #2 NETWORK REVIEW - PAYMENT UNITED STATES GEOLOGICAL SURVEY.

An invoice was received from United States Geological Survey for evaluation of the Upper Big Blue Natural Resources District groundwater quality monitoring program, as agreed in the Joint Funding Agreement.

It was moved by J. Bohaty and seconded by R. Bohaty to pay United State Geological Survey for evaluation work completed in the amount of \$14,024.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 10. INTERLOCAL AGREEMENT EXTENSION – VILLAGE OF MCCOOL JUNCTION.

It came to the attention of staff that the Cooperative Agreement with the Village of McCool Junction expired on September 30, 2022. To make final payment under the Municipal Water Quality Assistance program the Cooperative Agreement must be amended to March 31, 2023.

It was moved by J. Bohaty and seconded by Siebert to amend the Cooperative Agreement between the Upper Big Blue Natural Resources District and the Village of McCool Junction, Nebraska to extend the term of the original Agreement from September 30, 2022 to March 31, 2023. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 11. MUNICIPAL WATER QUALITY ASSISTANCE PAYMENT – VILLAGE OF MCCOOL JUNCTION.

The Village of McCool Junction submitted their receipts for cost-share assistance on the newly completed municipal well. The total project cost was \$722,850.92 and the District's share will be \$41,650.00.

It was moved by J. Bohaty and seconded by Siebert to pay McCool Junction for the construction of a new well as part of the Municipal Water Quality Assistants Program in the amount of \$41,650.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 12. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Two Aquifer Quality Well Abandonment Cost-Share Assistance Program applications have been approved for final payment, totaling \$1,500.00.

It was moved by J. Bohaty and seconded by R. Bohaty to make cost-share payments for two well abandonments, as reviewed by the Committee, at a cost of \$1,500.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 13. WATER METER REPAIR COST-SHARE ASSISTANCE PROGRAM.

Two Water Meter Repair Cost-Share Assistance Program applications have been approved for final payment, totaling \$600.00.

It was moved by J. Bohaty and seconded by Siebert to make cost-share payments for two water meter repair cost-share applications, as reviewed by the Committee, at a cost of \$600.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 14. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 31 parcels totaling 2,953.33 acres, yielding an increase in irrigated acres of 303.10. The total irrigated acres for the District are 1,245,132.81.

It was moved by J. Bohaty and seconded by Stahly to certify the acres' changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 15. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

An invoice was received for work completed on the vadose zone study from January 1, 2023 through January 31, 2023 totaling \$3,646.60.

It was moved by J. Bohaty and seconded by Bethune to pay the University of Nebraska Lincoln for work completed on the vadose zone study totaling \$3,646.60. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Dickinson

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 16. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

An invoice totaling \$7,822.50 for work performed on the regional scale groundwater flow model of the Blue River Basin from October 28, 2022 through December 31, 2022.

It was moved by J. Bohaty and seconded by Dickinson to pay Brown and Caldwell for work performed October 28, 2022 through December 31, 2022 in the amount of \$7,822.50. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 17. MATERIALS FOR RESALE.

Two invoices from WISH Nebraska, Inc for battery replacement kits were received. The first in the amount of \$41,400.00, and the second in the amount of \$4,340.00, for a total of \$45,740.00.

It was moved by J. Bohaty and seconded by Siebert to pay WISH Nebraska, Inc for battery replacement kits in the amount of \$45,740.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 18. RULES ENFORCEMENT – ISSUANCE OF ORDERS TO CEASE AND DESIST.

Five producers failed to file their annual groundwater use report for irrigation by the December 1, 2022, deadline. Notice of Intent to Issue Cease and Desist Order Alternative Action Options were mailed to these individuals giving them until January 23, 2023 to submit their reports. No reports have been submitted to date.

It was moved by J. Bohaty and seconded by Peterson that for non-compliance with Rule 5 Chapter 13 Paragraph 01, Issuance of Orders to Cease and Desist, are to be filed on Michael P. Alberts; Christopher Hauder; Jason Preissler; Clint Ratkovec; and Colton Wehrs. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 19. DISTRICT RULE 5 REVIEW - MUNICIPAL ASSISTANCE PROGRAM & FUNDING.

The Committee discussed the Municipal Assistance Program, the available funding options for communities, and the ability of smaller communities to cover the cost of projects that fall under the assistance program. The committee recommends the maximum cost-share formula be removed from the guidance document and be replaced with 25% of the local share up to \$100,000.00.

It was moved by J. Bohaty and seconded by Bethune to remove the cost-share calculation formula and replace it with 25% of local share cost up to \$100,000.00 for all communities. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly

NAY: Yates

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 20. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on February 9, 2023 and presented the committee's recommendations.

ITEM 21. LAND TREATMENT PROGRAM PAYMENT.

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$7,500.00 for one completed NSWCP land treatment project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 22. PIONEER TRAILS EAST SHORELINE ACCESS IMPROVEMENT.

Staff sent specifications to 11 contractors and 3 other contractors requested specifications. Only three contractors submitted bids. Mid Nebraska Land Developers submitted a bid of \$100,079.42, Van Kirk Brothers submitted a bid of \$144,274.70 and Gana Trucking submitted a bid of \$117,526.86. The engineer's estimate was \$132,556.28.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD accept Mid Nebraska Land Developers bid of \$100,079.42 for the Pioneer Trails East Access Improvement Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 23. LANGWORTHY-REINMILLER DAM UPDATE.

Staff have been assembling information for legal to send a letter to the Langworthy Trust concerning the NRD's plan to remove material from Langworthy-Reinmiller Dam. Staff did not feel comfortable soliciting bids for material removal until the landowner had been notified. Using information from the soil samples, the estimated material to be removed is 80% from material placed in the conservation pool and 20% from natural sediment.

Total costs will include material removal and hauling costs, survey costs, soil sampling costs, and soil sampling analysis costs.

It was moved by R. Bohaty and seconded by Grotz that the Upper Big Blue NRD staff work with legal on a letter to Langworthy Trust to explain the NRD's plans to remove material from the conservation pool at Langworthy-Reinmiller dam, as recommended by staff and approved by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 24. SMITH CREEK EAGLE SCOUT PROJECT.

Jayden Butzke of Beaver Crossing gave a presentation to the Projects & Programs Committee on a proposed Eagle Scout project. He would like to install benches along the shoreline at Smith Creek Recreation Area. Jayden explained he is interested in Smith Creek because it's a quiet park where people traveling on the interstate can stop to take a break. Jayden presented his bench design, samples of materials, and a list of companies that have donated material for this project. Jayden requested permission to install four benches at Smith Creek Recreation Area.

It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD send a letter to Jayden Butzke of Beaver Crossing, granting Jayden's request to install benches at Smith Creek Recreation Area as his Eagle Scout Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 25. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on February 9, 2023 and presented the committee's recommendations.

ITEM 26. PAYMENT TO NORTH PRINTING & OFFICE SUPPLY FOR THE BLUEPRINT NEWSLETTER.

The Committee reviewed an invoice from North Printing & Office Supply in the amount of \$13,610.04 for printing the Spring 2023 issue of the Blueprint newsletter.

It was moved by Kuehner and seconded by Dickinson to approve payment to North Printing & Office Supply in the amount of \$13,610.04 for printing the Spring 2023 issue of the Blueprint newsletter. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 27. 2022 PRIMARY ELECTION COSTS.

The Clay County Clerk submitted an invoice in the amount of \$3,719.50 for 2022 primary election costs. Following the Executive Committee meeting she submitted a corrected invoice in the amount of \$1,649.36.

It was moved by Kuehner and seconded by Dickinson to approve payments of \$1,649.36 to the Clay County Clerk for 2022 primary election costs. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 28. 2022 GENERAL ELECTION COSTS.

Invoices were received for 2022 general election costs from Clerks of Butler County for \$1,710.04; Fillmore County for \$5,183.42; Hamilton County for \$2,824.86; and Saline County for \$5,023.63. Clay County submitted a corrected invoice for \$2,886.38.

It was moved by Kuehner and seconded by R. Bohaty to approve payments of \$1,710.04 to the Butler County Clerk; \$2,886.38 to the Clay County Clerk; \$5,183.42 to the Fillmore County Clerk; \$2,824.86 to the Hamilton County Clerk; and \$5,023.63 to the Saline County Clerk for 2022 general election costs. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 29. ACCEPT BID FOR STORAGE BUILDING.

The FY23 budget contains funds for the construction of a storage building. Bid packets were mailed out to 23 area building suppliers. An announcement was placed in the York News-Times newspaper for five days and the entire bid packet was posted on the Upper Big Blue NRD website for over 20 days. The deadline for bids was January 20, 2023. Only one completed bid was received from JLC Incorporated – Jensen Lumber Company. The estimated completion date for this project is September of 2023. JLC's bid was submitted with the three requested options. A) Enclosed Option - \$292,564, B) Open Bay Option - \$198,755 and C) Optional Concrete Floor \$39,950.

The engineer's estimate for the enclosed concept was \$331,511.50, which included a concrete floor and a gutter system. The engineer's estimate for an open concept building was \$282,231.50, which had a rock floor and a gutter system.

It was moved by Kuehner and seconded by Dickinson to approve purchase in the amount of \$332,514.00 for a 42' x 120' enclosed four bay storage building, including concrete floor and for it to be erected on NRD property at 319 East 25th Street, York, Nebraska, and to instruct staff to finalize contract and oversee the project. Motion carried.

AYE: Bethune, Richard Bohaty, Dickinson, Grotz, Otte, Peterson, Siebert, Stahly, Yates

NAY: A. Bohaty, J. Bohaty, Kuehner, Perry

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 30. COMMITTEE ASSIGNMENTS.

Yates provided a draft of the committee assignments for 2023 - 2024. The Executive Committee reviewed the assignments and forwarded them to the board for final approval. The board recessed at 2:41 p.m. to allow the Projects and Programs Committee and the Water and Regulations Committee to caucus and elect their committee chair and vice-chair. Following those elections, the Executive met to appoint the remaining two representatives on the Executive Committee. The board reconvened at 2:53 p.m.

*Upper Big Blue Natural Resources District
 2023 – 2024 Committee Appointments*

Committee Members Assignments		
Projects & Programs	Water & Regulations	Executive
Paul Bethune	Jeffrey Bohaty – Vice Chair	Lynn Yates*, Board Chair
Richard Bohaty - Chair	Rodney Grotz	Bill Kuehner*, Board Vice-Chair
Anthony Bohaty	Doug Dickinson	Doug Dickinson*, Treasurer
Bill Kuehner	John Miller	Bill Stahly*, Secretary
Roger Houdersheldt – Vice Chair.	Teresa Otte	Paul Bethune*, NARD Representative
Micheal Nuss	Kevin Peterson	Richard Bohaty, Projects Committee Chair
Matthew Perry	Kendall Siebert - Chair	Kendall Siebert, Water Committee Chair
Paul Weiss	Bill Stahly	Roger Houdersheldt, Projects Committee Representative
Lynn Yates, Board Chair	Lynn Yates, Board Chair	John Miller, Water Committee Representative

* Any one of these officers may be appointed to the committees but may not serve as Committee Chair or Vice-Chair

It was moved by Kuehner and seconded by Siebert to approve proposed committee assignments for 2023-2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 31. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JANUARY 2023.

Yates reviewed the financial report for the period January 1, 2023 to January 31, 2023, that was distributed.

It was moved by Stahly and seconded by Dickinson to approve the financial report for January 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

ITEM 32. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by J. Bohaty to adjourn the meeting at 3:15 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Miller, Nuss, Weiss

I, the undersigned, Secretary of the Upper Big 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 February 16, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
MARCH 16, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 16, 2023, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, John Miller, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, Terry Julesgard, Ronda Rich, Larry Moore, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates reported that we published the legal notice of the board of directors' meeting on March 9, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Mike Nuss requested an excused absence from the March 16, 2023 board of directors meeting.

It was moved by Miller and seconded by Dickinson to excuse the absence of Nuss from the March 16, 2023 board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Siebert and seconded by Bethune to approve the agenda for the March 16, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 6. APPROVAL OF MINUTES OF FEBRUARY 16, 2023 BOARD OF DIRECTORS MEETING.

It was moved by Siebert and seconded by Kuehner to approve the minutes of the February 16, 2023 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT VOTING: Miller, Weiss

NOT PRESENT: Houdersheldt, Nuss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met March 9, 2023 and presented the committee's recommendations.

ITEM 8. TEAL VIEW WETLAND EDUCATION AREA.

An invoice was received from Seim Ag Technology, LLC for the purchase and installation of a radar level sensor and rain gauge at Teal View wetland education area.

It was moved by Siebert and seconded by Miller to pay Seim Ag Technology, LLC for equipment and installation at Teal View wetland recreation area in the amount of \$6,968.69. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Eight Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were reviewed and recommended for final payments totaling \$3,454.88.

It was moved by Siebert and seconded by R. Bohaty to make cost-share payments for eight well abandonments, as reviewed by the Committee, at a cost of \$3,454.88. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 10. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

An invoice totaling \$23,540.75 was received from Brown & Caldwell for work performed on the regional scale groundwater flow model of the Blue River Basin from January 1, 2023 through January 26, 2023, and includes work performed by the Flat Water Group between August 1, 2022 and December 31, 2022.

It was moved by Siebert and seconded by Bethune to pay Brown and Caldwell for work performed January 1, 2023, through January 26, 2023, in the amount of \$23,540.75. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 11. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 251 parcels totaling 22,752.69 acres, yielding an increase in irrigated acres of 1,552.68. The total irrigated acres for the District is 1,246,685.49 acres. The committee also reviewed the acre changes to 2 wetland parcels, yielding a decrease of wetland acres of 1.22 acres.

It was moved by Siebert and seconded by Stahly to certify the acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 12. UNL CONSERVATION & SURVEY DIVISION AGREEMENT FOR SERVICES.

The UBBNRD working in conjunction with Conservation and Survey Division staff drafted a cooperative agreement for consideration. The agreement for siting and drilling of 1-2 test hole locations per year, and geophysical logging, would cover a four-year period ending June 30, 2027. The Upper Big Blue NRD share would not exceed \$37,950.00. Staff has investigated the question raised regarding the insurance and it is being addressed.

It was moved by Siebert and seconded by Miller to approve the Cooperative Agreement between the Upper Big Blue Natural Resources District and the Board of Regents of the University of Nebraska on behalf of the University of Nebraska-Lincoln through its Conservation and Survey Division, School of Natural Resources and Attachment #1 for the drilling of up to eight test holes for the amount, not to exceed \$37,950.00, pending review and edit of language in Section 11 to align with the District's current insurance coverage limits. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Grotz

NOT PRESENT: Houdersheldt, Nuss

ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on March 9, 2023 and presented the committee's recommendations.

ITEM 14. NEBRASKA BUFFER STRIP PROGRAM THIRD QUARTER PAYMENTS.

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$8,655.50 for seven Nebraska buffer strips contracts for the third quarter of FY2023, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 15. GENEVA – COMMUNITY TREE RESOURCES PROGRAM (CTR-I)

The City of Geneva has applied for cost-share assistance under the Community Tree Resources Program for a row of trees along the new trail. Program costs are 50% of project costs, not to exceed a total of \$1 per capita (\$2,146.00).

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve the City of Geneva's Community Tree Resources Program application and agree to provide 50% of \$1,711.72 (\$855.86) for a tree project to be planted by the NRD tree planting crew, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 16. CITY OF YORK – LETTER OF MAP REVISION.

JEO started working on the City of York's Letter of Map Revision (LOMR) in December 2022 which could lessen the effects of the 100-year flood plain in York. The NRD has an interlocal agreement with York in which the NRD agrees to pay 50% of the costs for the LOMR process, not to exceed \$21,000.

It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD approve payment to the City of York of \$8,541.88 (50% of \$17,083.75), for work completed on the LOMR from December

2022 through February 24, 2023, as recommended by staff and approved by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 17. OXBOW TRAIL WATER SUPPLY WELL.

Sargent Drilling submitted a bid totaling \$175,551.00. Butler Public Power District estimated the cost of bringing three-phase power to the well site at \$11,775.00.

Volzke Corporation and Grosch Irrigation were both contacted, but neither submitted a bid. All aspects of the well, including building a pad, digging an outlet channel, and installing a security fence were including in the bid documents. The bids for the well alone in 2021 were in the \$60,000 range. The committee discussed bidding the project separately to get more well drillers to submit a bid for putting the well in.

Staff did contact the adjacent landowner about the possibility of using their well to pump water into the lake if the water level drops to a level that will endanger the fishery. The landowner seemed receptive, but no contract discussions have taken place.

It was moved by R. Bohaty and seconded by Peterson that the Upper Big Blue NRD reject the bid from Sargent Drilling for the Oxbow Trail supply well and instruct staff to readvertise the well drilling as a separate project. Further, to advertise the other components, such as building the pad, construction of the outlet channel, and installing security fencing as separate bids items. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 18. LANGWORTHY-REINMILLER DAM UPDATE.

NRD legal counsel have sent a letter to the Langworthy Trust regarding the NRD's plan to remove sediment from the Langworthy-Reinmiller Dam. Our consultant's report revealed that approximately 80% of the silt to be removed is man-placed fill in the conservation pool, and 20% from natural sediment.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD solicit bids for removal of the material located in the conservation pool at Langworthy-Reinmiller Dam and the fill be hauled to Oxbow Trail Recreation Area for future use. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 19. HAZARD MITIGATION PLAN – APPROVED SIREN APPLICATION.

Staff was informed by Nebraska Emergency Management Agency that the NRD’s warning siren application has been approved by EPA. Cost-share is set at 90% federal (\$105,480.00) and 10% non-federal (\$11,720.00). This grant application has undergone several re-writes, and NRD staff appreciated the assistance from NEMA during the application process.

NEMA will contact the NRD to begin formalizing an agreement. Staff was advised that this siren installation will require the issuance of a Request for Proposals (RFP) and have requested the committee approve issuing an RFP for sirens at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trail.

It was moved by R. Bohaty and seconded by Miller that the Upper Big Blue NRD approve staff to draft and issue a Request for Proposals for the purchase and installation of warning sirens at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trail pending finalization of the Warning Siren Agreement with NEMA, as recommended by staff, and approved by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on March 9, 2023 and presented the committee’s recommendations.

ITEM 21. RECORDING OF COMMITTEE AND BOARD MEETINGS.

The improvements to the UBBNRD boardroom have made it possible to video record meetings for later viewing. During their December 2022 meeting, the board voted to have staff record committee and board meetings from December 2022 through March 2023 and post the recordings on the district’s website. And further, to re-evaluate the effectiveness of this approach prior to the monthly April 2023 meetings. Management requested direction regarding whether to continue to record the board and committee meeting proceedings.

It was moved by Kuehner and seconded by R. Bohaty to approve the recording of board meetings and posting of these recordings on the district’s website.

There was discussion among the board members and members of the public who expressed a desire to have the district continue to record committee meetings as well as the board meeting.

It was moved by Bethune and seconded by Perry to amend the motion to include the words “and committee meetings”. The amendment failed.

AYE: Bethune, Otte, Perry, Peterson, Siebert, Weiss

NAY: A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Stahly, Yates

NOT PRESENT: Houdersheldt, Nuss

The question was called on the original motion. The motion carried.

AYE: A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Bethune, Otte, Perry

NOT PRESENT: Houdersheldt, Nuss

ITEM 22. REPLACEMENT OF MINI-SPLIT AIR CONDITIONING/HEATING UNIT FOR SERVER ROOM.

The mini-split environment control system for the server room has failed. The system's freon was recharged in an attempt to repair the unit, however, the system has stopped cooling and is cost prohibitive to repair. Staff contacted two local dealers for replacement cost.

H&S Plumbing, Heating and Air, of Seward, Nebraska has submitted a quote of \$5,975 to furnish and install a Lennox single zone heat pump unit. The system is comprised of an outdoor and indoor wall mount unit and both units are in stock.

J&R Heating and Air Conditioning, York, Nebraska submitted two quotes. The first quote is to replace the existing unit with the same model mini-split air conditioning unit for \$4,575. Their second quote is for a Lennox single zone heat pump for \$6,250.

It was moved by Kuehner and seconded by R. Bohaty to approve the purchase of a Lennox single zone heat pump from H&S Plumbing, Heating and Air, Seward, Nebraska for \$5,975, and to have staff oversee the installation. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 23. ELECTRONIC VOTING SYSTEM.

It was requested that staff obtain a cost estimate for installing an electronic voting system. Anthony Bohaty provided the name of a vendor that Southern Public Power District used. Staff reached out to Meridia. Meridia provided pricing for their most popular system for electronic voting. The pricing for the EZ-VOTE 5 system is \$1,790. The EZ-VOTE 5 system is quite simple and easy to use as it features color coded Yes, No, and Abstain voting buttons. The package would include 20 voting clickers, a receiver, and software. The display is generated from a laptop that runs their voting software. The display from a laptop could be extended to a dedicated monitor showing the vote tally. A Sony FW75BZ30J.B 75" commercial flat panel that would match existing monitors, cost \$2,895 when purchased in March of 2022 (this purchase price did not include installation). Staff estimates that a total system could be installed for approximately \$6,290.

It was moved by Kuehner and seconded by Grotz to approve the purchase of a Meridia EZ-VOTE 5

system for \$1,790, and to have staff arrange purchase and installation of a commercial flat panel monitor and have it include the installation of a power source for the panel. The total purchase and installation of the monitor is not to exceed \$4,500. Motion failed.

AYE: Dickinson, Grotz, Miller, Otte

NAY: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Kuehner, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NOT PRESENT: Houdersheldt, Nuss

ITEM 24. REVIEW OF GENERAL AND PRIMARY ELECTION PROCESS.

Management provided a briefing on the election options for NRDs. There are three options that can be followed. Currently, the UBBNRD has 8 sub-districts and one at-large position. The current election method for the Upper Big Blue NRD is option 1.

Options are:

1. Nominated from sub-districts, and from the district at-large, but elected by voters of the entire district. (2 directors from each sub-district and one at-large position.)
2. Nominated and elected from the district at-large (no sub-districts.)
3. Nominated and elected from the individual sub-districts except any at-large candidates would be nominated and elected by all the voters of the district; (2 directors from each sub-district and an at-large position, or 1 director from each sub-district, but no at-large director which would require 17 sub-districts, unless the number of Directors is changed.)

It was moved by Kuehner and seconded by Miller to adopt option 3 which would entail nomination and election from each of the sub-districts separately, except one at-large candidate to be nominated and elected by all the voters of the district. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: A. Bohaty, Perry

NOT PRESENT: Houdersheldt, Nuss

ITEM 25. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR FEBRUARY 2023.

Eigenberg reviewed the financial report for the period February 1, 2023 to February 28, 2023, that was distributed.

It was moved by Grotz and seconded by Bethune to approve the financial report for February 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

ITEM 26. MOTION TO ADJOURN.

It was moved by Bethune and seconded by J. Bohaty to adjourn the meeting at 3:21 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Houdersheldt, Nuss

I, the undersigned, Secretary of the Upper Big 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 March 16, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
APRIL 20, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 20, 2023, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Rodney Grotz, Roger Houdersheldt, John Miller, Teresa Otte, Matthew Perry, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, Terry Julesgard, and Todd Vlieger of Aurora NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that we published the legal notice of the board of directors' meeting on April 13, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Thirteen directors were present during roll call. Anthony Bohaty arrived at 7:07 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Bill Kuehner and Paul Weiss requested an excused absence from the April 20, 2023 board of directors meeting.

It was moved by Houdersheldt and seconded by Dickinson to excuse the absence of Kuehner and Weiss from the April 20, 2023 board of directors meeting as requested. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Kuehner, Peterson, Weiss

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Bethune and seconded by Dickinson to approve the agenda for the April 20, 2023, board of directors meeting. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT VOTING: A. Bohaty

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 6. APPROVAL OF MINUTES OF MARCH 16, 2023 BOARD OF DIRECTORS MEETING.

It was moved by Miller and seconded by Bethune to approve the minutes of the March 16, 2023 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met April 11, 2023 and presented the committee's recommendations.

ITEM 8. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Ten Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were recommended for final payments totaling \$6,452.87.

It was moved by Siebert and seconded by Stahly to make cost-share payments for ten well abandonments, as reviewed by the Committee at a cost of \$6,452.87. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 9. WATER METER REPAIR COST-SHARE ASSISTANCE PROGRAM.

Three Water Meter Repair Cost-Share Assistance Program applications were recommended for final payments totaling \$900.00.

It was moved by Siebert and seconded by Bethune to make cost-share payments for three well abandonments, as reviewed by the Committee, at a cost of \$900.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 10. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 218 parcels totaling 18,214.76 acres, which is an increase in irrigated acres of 512.01. The total irrigated acres for the District are 1,247,197.50. The committee also reviewed the acre changes to one wetland parcel, yielding a decrease of wetland acres of 6.37 acres.

It was moved by Siebert and seconded by R. Bohaty to certify the acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 11. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

Two invoices were received for work completed on the vadose zone study from February 1, 2023 through March 31, 2023 totaling \$5,682.63.

It was moved by Siebert and seconded by Bethune to pay the University of Nebraska Lincoln for work completed on the vadose zone study totaling \$5,682.63. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: Dickinson

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 12. FOUR-WHEELER BID AUTHORIZATION.

Staff asked to replace two 4-wheeler ATVs, the Suzuki, and Artic Cat, with two Honda Rancher 4x4 ATVs before the end of the fiscal year. The Suzuki was purchased in 2006 and the Artic Cat was purchased in 2015.

It was moved by Siebert and seconded by Nuss to seek bids for two Honda Rancher 4x4 ATVs to replace the 2006 Suzuki and 2015 Artic Cat. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: Miller

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 13. MUNICIPAL WATER QUALITY ASSISTANCE – VILLAGE OF HAMPTON APPLICATION UPDATE.

The Village of Hampton applied for funding under the Municipal Water Quality Assistance Program to undertake a municipal well rehabilitation. The Water and Regulations Committee recommendation was to approve the application. Following the committee meeting Krausnick found out that while the Village of Hampton has signs posted for a Wellhead Protection Area, they do not have an approved Wellhead Protection Area Plan, which makes their application ineligible. Krausnick said she remembered working with the Village several years ago on a contamination source inventory and draft plan, but somehow the plan was never adopted by the Village board and submitted to the state. As a result, they are withdrawing their application. The NRD will work with the Village and the Department of Environment and Energy to explore their options.

It was moved by Miller and seconded by Houdersheldt to refer the municipal water quality assistance application from the Village of Hampton back to the Water and Regulations Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 14. RULES ENFORCEMENT UPDATE - LIFTING ORDERS OF CEASE AND DESIST.

Staff requested that the Orders of Cease and Desist filed against Michael P. Alberts, Christopher Hauder, Jason Preissler, Clint Ratkovec, and Colton Wehrs be lifted. All five have come into compliance for the annual reporting of irrigation water use.

It was moved by Siebert and seconded by Dickinson to lift the Orders of Cease and Desist filed against Michael P. Alberts, Christopher Hauder, Jason Preissler, Clint Ratkovec, and Colton Wehrs. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on April 13, 2023 and presented the committee's recommendations.

ITEM 16. REQUEST FOR IMPROVEMENTS AT SMITH CREEK RECREATION AREA.

A group of camping enthusiasts that use Smith Creek Recreation Area approached the Committee with an idea to add a sand beach area at the southwest corner of the dam to make it easier for people to load and unload kayaks and canoes. They are proposing to supply the materials, equipment, and labor for the project. The committee told representatives of the group that if they receive permission to proceed, they will need to coordinate their efforts with NRD staff.

It was moved by R. Bohaty and seconded by Nuss that the local group be permitted to install a small

beach-like area on the southwest corner of Smith Creek Dam in an effort to improve water access for kayaks and canoes. The group will coordinate all activities with NRD staff.

There was discussion regarding the District's liability for the individuals operating the equipment needed to complete this project.

It was moved by Perry and seconded by Bethune to amend the motion to say that no work be started until the group provides a certificate of liability insurance to the Upper Big Blue NRD. Amendment carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

It was moved by Miller and seconded by Houdersheldt to amend the motion to replace the words local group with local contractor. Amendment carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: J. Bohaty, Nuss

NOT PRESENT: Kuehner, Peterson, Weiss

The question was called on the original motion as amended. The motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: Nuss

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 17. LANGWORTHY-REINMILLER DAM UPDATE.

The NRD consultant's report on the Langworthy-Reinmiller Dam showed that approximated 80% of the silt to be removed from the conservation pool is man-placed fill, and 20% is from natural sediment. Information from the report was provided to the Langworthy Trust. Staff requested approval to solicit bids for removing the man-placed fill in the conservation pool.

It was moved by R. Bohaty and seconded by J. Bohaty that the Upper Big Blue NRD solicit bids for the removal of man-placed fill within the conservation pool at Langworthy-Reinmiller Dam, as recommended by staff and approved by the Committee.

It was moved by Houdersheldt and seconded by Miller to amend the motion to remove the words man placed. Amendment carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: Nuss

NOT PRESENT: Kuehner, Peterson, Weiss

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: Nuss

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 18. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on April 13, 2023 and presented the committee's recommendations.

ITEM 19. DIRECTORS' FIRST QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. The first quarter directors' per diem was \$7,840.00 and expenses were \$3,917.60 for a total expenditure of \$11,757.60. Individual expense vouchers were available for review.

It was moved by Miller and seconded by R. Bohaty to approve payment of first quarter 2023 directors' per diem of \$7,840.00 and expenses of \$3,917.60 for a total of \$11,757.60, and to publish these approved expenditures in the March Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 20. PAYMENT TO H&S PLUMBING, HEATING & AIR.

An invoice dated March 29, 2023, totaling \$5,975.00 was received from H&S Plumbing, Heating and Air, Seward, Nebraska for installation of a Lennox single zone heat pump unit. This system is comprised of an outdoor and indoor wall mount unit used to cool the server room.

It was moved by Miller and seconded by Dickinson to approve payment of \$5,975.00 to H&S Plumbing, Heating and Air, Seward, Nebraska for installation of a Lennox single zone heat pump unit. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 21. BURKE SCHOLARSHIP SELECTION.

An interim scholarship selection committee was appointed to review and rank all applications. Ten

qualified applications were received for the 2023 Burke Scholarship. The selection committee recommended that scholarships be awarded to two applicants and that one alternate be named.

\$2,000 Scholarship: Jack Allen, 2023 graduate of Aurora High School.
\$2,000 Scholarship: Morgan Ekhoﬀ, 2019 graduate of Aurora High School
First Alternate: Elizabeth Marsh, 2022 graduate of York High School
Second Alternate: Noah Fields, 2023 graduate of Seward High School

It was moved by Miller and seconded by Perry to suspend the current policy governing the selection and award process for the Burke Scholarship Program for FY 23, allowing for one additional \$2,000 scholarship to be offered. Total number of scholarships to be offered in FY23 would be three. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates
NAY: None
NOT PRESENT: Kuehner, Peterson, Weiss

It was moved by Miller and seconded by Nuss to award \$2,000.00 scholarships to Jack Allen, Aurora, Nebraska; Morgan Ekhoﬀ, Aurora, Nebraska; and Elizabeth Marsh, York, Nebraska; and to further name Noah Fields, Seward, Nebraska, the alternate. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates
NAY: None
NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 22. PROPOSED GRANT APPLICATION FOR SHARED AGRONOMIST POSITION.

Staff from three NRDs are currently discussing the possibility of a grant through Natural Resources Conservation Service to fund two shared agronomists positions. The agronomists would work one-on-one with selected district landowners to help producers gain a better understanding of programs available to assist them when farming in areas of high nitrates in the groundwater. Management asked the board for their support to continue to explore this partnership effort.

It was moved by Miller and seconded by Siebert to send the concept for a grant-funded position to the full board for consideration.

It was moved by Miller and seconded by Bethune to offer an amendment to substitute a motion to continue to pursue a federal grant for an NRD position. Amendment carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Miller, Otte, Perry, Siebert, Stahly, Yates
NAY: Grotz, Houdersheldt, Nuss
NOT PRESENT: Kuehner, Peterson, Weiss

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Otte, Perry, Siebert, Stahly, Yates

NAY: A. Bohaty, Grotz, Houdersheldt, Miller, Nuss
NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 23. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR MARCH 2023.

Eigenberg reviewed the financial report for the period March 1, 2023 to March 31, 2023, that was distributed.

It was moved by Houdersheldt and seconded by Nuss to approve the financial report for March 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates
NAY: None
NOT PRESENT: Kuehner, Peterson, Weiss

ITEM 24. MOTION TO ADJOURN.

It was moved by J. Bohaty and seconded by A. Bohaty to adjourn the meeting at 8:47 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates
NAY: None
NOT PRESENT: Kuehner, Peterson, Weiss

I, the undersigned, Secretary of the Upper Big 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 April 20, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
MAY 18, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 18, 2023, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Micheal Nuss, Teresa Otte, Matthew Perry, Kevin Peterson, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Terry Julesgard, and Patty Connors.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that we published the legal notice of the board of directors' meeting on May 11, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Kendall Siebert requested an excused absence from the May 18, 2023 board of directors meeting.

It was moved by Kuehner and seconded by Houdersheldt to excuse the absence of Siebert from the May 18, 2023 board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Peterson and seconded by Miller to approve the agenda for the May 18, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 6. APPROVAL OF MINUTES OF APRIL 20, 2023 BOARD OF DIRECTORS MEETING.

It was moved by R. Bohaty and seconded by Dickinson to approve the minutes of the April 20, 2023 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Kuehner

NOT PRESENT: Siebert

ITEM 7. EMPLOYEE REGONITION.

DeeDee Novotny, water department secretary, was recognized for 15 years of service to the district.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Jeff Bohaty reported that the Water and Regulations Committee met May 9, 2023 and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Twelve Aquifer Quality Well Abandonment Cost-share Assistance Program applications have been approved for final payment, totaling \$8,700.67.

It was moved by J. Bohaty and seconded by Miller to make cost-share payments for twelve well abandonments, as reviewed by the Committee, at a cost of \$8,700.67. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 10. WATER METER REPAIR COST-SHARE ASSISTANCE PROGRAM.

Three Water Meter Repair Cost-share Assistance Program applications have been approved for final payment totaling \$900.00.

It was moved by J. Bohaty and seconded by R. Bohaty to make cost-share payments for three water meter repairs, as reviewed by the Committee, at a cost of \$900.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 11. GROUNDWATER TRANSFER AUTHORIZATION.

Michael & Maurice Hoffschneider own 78.74 acres in the E ½ SE ¼ of Section 34-T10N-R01W. The property is watered by well G-062022. Michael Hoffschneider would like to transfer 70 acres to the E ½ NE ¼ of Section 3-T09N-R01W owned by Maurice Hoffschneider et al. Both tracts are in York County. This transfer fits within the groundwater transfer rules.

It was moved by J. Bohaty and seconded by Grotz to approve groundwater transfer T-121 once signed by the landowner of the destination tract.

The board was advised that after the committee met the application for groundwater transfer was signed by Maurice Hoffschneider, who is the owner of the destination tract.

It was moved by Miller and seconded by Peterson to strike the words “once signed by the landowner of the destination tract.” Amendment carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT TO BROWN & CALDWELL.

Brown and Caldwell submitted an invoice in the amount of \$9,830.00 for work performed on the regional scale groundwater flow model from January 27, 2023 through March 30, 2023.

It was moved by J. Bohaty and seconded by Houdersheldt to pay Brown and Caldwell for work performed January 27, 2023, through March 30, 2023, in the amount of \$9,830.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Siebert

ITEM 13. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 275 parcels totaling 23,446.11 acres, yielding an increase in irrigated acres of 647.97. The total irrigated acres for the district are 1,247,845.47 acres.

It was moved by J. Bohaty and seconded by Perry to certify the acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Siebert

ITEM 14. 4-WHEELER QUOTES.

Staff sent out a request for quotes for 2 Honda FourTrax Rancher 4-wheelers with expected delivery of June 30, 2023. Only one quote was received with a delivery date of eight months from the time of bid award.

It was moved by J. Bohaty and seconded by Stahly to reject the bid and resubmit requests for quotations after the 2023/2024 budget is approved. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Siebert

ITEM 15. UNITED STATES GEOLOGICAL SURVEY PAYMENT – GROUNDWATER QUALITY MONITORING PROGRAM.

An invoice was received from U.S. Geological Survey for evaluation of the Upper Big Blue NRD groundwater quality monitoring program, as agreed to in the Joint Funding Agreement.

It was moved by J. Bohaty and seconded by Peterson to pay United States Geological Survey for evaluation work completed in the amount of \$14,024.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Siebert

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on May 11, 2023 and presented the committee's recommendations.

ITEM 17. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD approve payment of \$1,356.04 for one completed NSWCP land treatment project, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 18. CITY OF YORK LETTER OF MAP REVISION.

JEO continues development of the City of York's letter of map revision (LOMR), which if approved, will lessen the effects of the 100-year flood plain in York. The NRD has an interlocal agreement with the City of York, in which the NRD agrees to pay 50% of the costs for the LOMR process, not to exceed \$21,000. The total provided by the NRD as of April 7, 2023 will be \$11,108.75.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment to the City of York of \$2,566.88 (50% of \$5,133.75), for work completed on the LOMR from February 25, 2023 through April 7, 2023, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 19. OXBOW TRAIL RECREATION AREA SUPPLY WELL.

Staff reviewed the latest bids for the Oxbow Trail supply well. Total estimated cost for installing the supply well is \$130,849.75 which includes: \$11,775.00 from Butler Public Power District to bring 3-phase power to the site, \$107,196.25 from Volzke Corporation for the well installation, \$7,078.50 from Broken Arrow Excavating for building the well pad, constructing the channel, and installing the membrane and crushed rock on the channel, and \$ 4,800.00 from Rio Fence Company for constructing the security fence.

It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD accept the submitted bids for the installation of a well to supplement flows into Oxbow Trail Lake during dry periods, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, R. Bohaty, Dickinson, Houdersheldt, Miller, Nuss, Otte, Perry, Stahly, Yates

NAY: A. Bohaty, J. Bohaty, Grotz, Kuehner, Peterson, Weiss
NOT PRESENT: Siebert

ITEM 20. OVERLAND TRAIL – WELL AND SECURITY LIGHT.

Staff sent out requests for bids for the installation of a domestic well at Overland Trail Recreation Area. Many of the local well drillers are busy and did not submit bids. Earnest Well Drilling submitted the only bid for the well at a cost of \$36,070.05. Staff received 3 bids for the electrical work which were \$4,030.89 from Dawson Electric; \$6,859.40 from Nissen Electric; and \$8,950.00 from Joseph Electric.

It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD accept the bid received from Dawson Electric (\$4,030.89) for the electrical work at Overland Trail Recreation Area, as reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD accept the bid from Earnest Well Drilling in the amount of \$36,070.05 for the well at Overland Trail Recreation Area, as reviewed by the committee. Motion carried.

AYE: Bethune, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Stahly, Yates

NAY: A. Bohaty, J. Bohaty, Kuehner, Perry, Peterson, Weiss

NOT PRESENT: Siebert

ITEM 21. HAZARD MITIGATION PLAN UPDATE.

The Upper Big Blue NRD has been awarded a Building Resilient Infrastructure and Communities Grant by the Nebraska Emergency Management Agency (NEMA) for updating the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan 2019. This plan covers the counties of Seward, York, and Hamilton, and requires an update every 5 years.

Through the agreement, the NRD is required to follow all NEMA procurement standards, which include the selection/hiring of a contractor to update this plan.

It was moved by R. Bohaty and seconded by Miller that the Upper Big Blue NRD staff issue a request for proposals from contractors to update the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan 2019, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Yates

NAY: None

NOT VOTING: Weiss

NOT PRESENT: Siebert

ITEM 22. LANGWORTHY-REINMILLER DAM.

Staff solicited bids to remove material from the conservation pool at Langworthy-Reinmiller Dam. An estimated 4,038 cubic yards will be removed from the conservation pool and will be hauled and stockpiled at the northeast area of Oxbow Trails Recreation Area, approximately 16 miles away. The engineer's estimate was \$40,000. Three contractors submitted bids, they were \$49,769 from Broken Arrow Excavating; \$91,274.62 from Gana Trucking & Excavating; and \$64,091.60 from Greckel Construction Company.

It was moved by Grotz and seconded by Peterson to accept the low bid of \$49,769 from Broken Arrow Excavating to remove material from the conservation pool at the Langworthy-Reinmiller dam. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: J. Bohaty

NOT PRESENT: Siebert

ITEM 23. PAYMENT TO PLAINS TREE FARM.

Staff budgeted \$7,500 in the current fiscal year to purchase larger replacement trees for the recreation areas. An invoice in the amount of \$7,450 for 28 trees from Plains Tree Farm Inc has been submitted and will need to be paid prior to delivery of the nursery stock.

It was moved by Miller and seconded by Houdersheldt to approve payment to Plains Tree Farm Inc., in the amount of \$7,450 for the purchase of 28 trees to be planted at district owned recreation areas. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on May 11, 2023 and presented the committee's recommendations.

ITEM 25. EDUCATIONAL CAPITAL PROJECTS FUND (ECAP) APPLICATION.

An ECAP application was received from St. Joseph Catholic School for an outdoor classroom to be constructed on the northeast corner of the playground at 428 N East Avenue, York, Nebraska.

It was moved by Kuehner and seconded by Nuss to approve an ECAP application in the amount of \$2,500 to St. Joseph Catholic School for an outdoor classroom to be constructed on the northeast corner playground at 428 N East Avenue, York, Nebraska. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates
NAY: None
NOT PRESENT: Siebert

ITEM 26. CREATION OF A GRANT-FUNDED PROGRAM COORDINATOR POSITION.

Management is requesting a Program Coordinator position be created and placed on the personnel roster. The salary for this position would be grant funded.

It was moved by Kuehner and seconded by Bethune to approve creation of a Program Coordinator position and place on the personnel roster. Motion carried.

AYE: Bethune, J. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Stahly, Weiss, Yates
NAY: A. Bohaty, R. Bohaty, Grotz, Nuss
NOT PRESENT: Siebert

ITEM 27. ADOPTION OF FY24 SALARY SCHEDULE.

The manager recommended changes to the FY24 Salary Schedule. Eigenberg explained the logic and starting point behind this recommendation and answered questions. This schedule has been developed to provide guidance on FY24 salary structure. Midpoints were calculated by taking the average of 5 NRDs with similar property valuations, annual payrolls, and staffing numbers. Midpoints were then used to develop minimum (80%) and maximum (120%) wage limits. The salary schedule will be used in accordance with the Operating Policy.

It was moved by Kuehner and seconded by Houdersheldt to approve FY24 Salary Schedule as presented. Motion carried.

AYE: A. Bohaty, Dickinson, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates
NAY: Bethune, J. Bohaty, R. Bohaty, Grotz, Kuehner
NOT PRESENT: Siebert

ITEM 28. FY24 STAFF WAGE INCREASE.

The Executive Committee discussed the wages for current staff positions. As part of this discussion, Eigenberg informed the committee that prior to preparing his proposal to increase wages he removed one of the engineering technician positions from the spreadsheet because he has no plans to fill this position soon. However, he does plan to fill the water conservationist position in FY24.

Eigenberg requested that the board authorize a 5.0% increase in the FY23 payroll (less the vacant engineering technician position) for a total of \$71,570 for FY24 salary increases for staff.

It was moved by Kuehner and seconded by Nuss to adjust the annual FY24 salaries of the district staff, except for the General Manager, by 5.0% of the FY23 payroll, not to exceed \$71,570, and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the

Operating Policy. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte,
Perry, Peterson, Stahly, Yates

NAY: Kuehner, Weiss

NOT PRESENT: Siebert

ITEM 29. EXPANSION OF INVESTMENT BANKS.

The Executive Committee discussed our current Operating Policy No. 19, which in part states:

The Treasurer of the District is authorized and directed to hold funds of the district in the following manner: 1) In Money Market Accounts at FDIC insured banks, as the Board shall determine, located in the City of York for funds anticipated to be needed in the near term. 2) In Time Certificates of Deposit issued by FDIC insured banks, as the Board shall determine, located in the City of York. Neb. Rev. Stat. §2-3227.

Staff contacted each FDIC insured bank in the city of York. Currently we invest in Cornerstone Bank and York State Bank. Two additional banks, Midwest Bank and Henderson State Bank would like an opportunity to submit a bid on time certificates of deposit. Staff will send out an e-mail to these banks prior to the maturity date of future CDs asking for bids on specific length of term and rates associated with each term. A Public Entity Authorization Resolution for investment would need to be enacted by the board and authorized signature card completed by the treasurer and staff before proceeding.

To send to the full board a resolution to invest with Midwest Bank and Henderson State Bank, both located in York, Nebraska and to authorize the board treasurer, office manager and general manager to sign the signature card of each bank. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte,
Perry, Peterson, Stahly, Weiss, Yates

NAY: J. Bohaty

NOT PRESENT: Siebert

ITEM 30. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR APRIL 2023.

Eigenberg reviewed the financial report for the period April 1, 2023 to April 30, 2023, that was distributed.

It was moved by Houdersheldt and seconded by Bethune to approve the financial report for April 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss,
Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

ITEM 31. MOTION TO ADJOURN.

It was moved by R. Bohaty and seconded by A. Bohaty to adjourn the meeting at 9:22 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Siebert

I, the undersigned, Secretary of the Upper Big 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 May 18, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
JUNE 15, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, June 15, 2023, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, John Miller, Micheal Nuss, Teresa Otte, Kevin Peterson, Bill Stahly, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Terry Julesgard, Jack Wergin, Sherri Slack with Village of Bee, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that we published the legal notice of the board of directors' meeting on June 8, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Twelve directors were present during roll call. Jeff Bohaty and Kevin Peterson arrived a few minutes late.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Roger Houdersheldt, Matthew Perry, and Paul Weiss requested an excused absence from the June 15, 2023 board of directors meeting.

It was moved by Miller and seconded by Dickinson to excuse the absence of Houdersheldt, Perry and Weiss from the June 15, 2023 board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry, Peterson, Weiss

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Bethune and seconded by Siebert to approve the agenda for the June 15, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry, Weiss

ITEM 6. APPROVAL OF MINUTES OF MAY 18, 2023 BOARD OF DIRECTORS MEETING.

It was moved by Kuehner and seconded by Miller to approve the minutes of the May 18, 2023 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry, Weiss

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met June 6, 2023 and presented the committee's recommendations.

ITEM 8. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Four aquifer quality well abandonment cost-share assistance program applications were recommended for final payments totaling \$2,791.44.

It was moved by Siebert and seconded by Grotz to make cost-share payments for four well abandonments, as reviewed by the committee, at a cost of \$2,791.44. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry, Weiss

ITEM 9. WATER METER REPAIR COST-SHARE ASSISTANCE PROGRAM.

Four water meter repair cost-share assistance program applications were recommended for final payments totaling \$1,130.00.

It was moved by Siebert and seconded by Stahly to make cost-share payments for four water meter repairs, as reviewed by the committee at a cost of \$1,130.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 10. FLOW METER MAINTENANCE PAYMENT – TRI-CITY METERS, INC.

Tri-City Meters has completed mechanical meter maintenance on 1,722 flow meters and submitted invoices totaling \$81,035.00.

It was moved by Siebert and seconded by R. Bohaty to pay Tri-City Meters, Inc. for the routine maintenance of mechanical flow meters totaling \$81,035.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 11. REGIONAL GROUNDWATER MODELING EXTENSION REQUEST – NEBRASKA DEPARTMENT OF NATURAL RESOURCES.

The Nebraska Department of Natural Resources requested an extension for the completion of the Regional Groundwater Model and submitted an amendment to NeDNR Contract #1340. This amendment extends the agreement until March 31, 2024, and updates the project management to new project manager Andy Pedley.

It was moved by Siebert and seconded by Bethune to accept amendment to NeDNR Contract #1340 to extend the terms of the agreement to March 31, 2024, and update the project manager. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 12. REGIONAL GROUNDWATER MODELING EXTENSION – BROWN & CALDWELL.

In response to the Department of Natural Resources request for an extension Brown and Caldwell submitted Amendment No. 7 to Agreement of Consulting Services between the Upper Big Blue Natural Resources District, the Little Blue Natural Resources District, the Lower Big Blue Natural Resources District, the Tri-Basin Natural Resources District, and Brown and Caldwell, Inc for the collaborative effort to develop a Regional Groundwater Model (Phase II) for the Blue River Basin. The amendment extends the terms of the agreement to March 31, 2024.

It was moved by Siebert and seconded by R. Bohaty to accept Amendment No. 7 to extend the term of the Agreement to March 31, 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: Grotz

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 13. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

An invoice was received for work completed on the Vadose Zone Study from April 1, 2023, through April 30, 2023 totaling \$4,600.85.

It was moved by Siebert and seconded by Stahly to pay the University of Nebraska Lincoln for work completed on the Vadose Zone Study totaling \$4,600.85. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Kuehner, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: Dickinson, Miller

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 14. WATER USE SUMMARY REPORT PAYMENT – OLSSON.

An invoice for \$9,042.55 was received for work completed by Environmental Science Associates on Phase 104 Nitrogen Dashboard.

It was moved by Siebert and seconded by Peterson to pay Olsson for work completed by Environmental Sciences Associates in the amount of \$9,042.55. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 15. CHEMIGATION INCENTIVE ASSISTANCE PROGRAM PAYMENTS.

Five chemigation incentive cost-share assistance program applications were recommended for final payments totaling \$4,186.01.

It was moved by Siebert and seconded by Grotz to make cost-share payments for five chemigation incentive assistance program applications as reviewed by the committee in the amount of \$4,186.01. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 16. RULES ENFORCEMENT UPDATE.

Julesgard provided a list of producers who are in violation of district rules and regulations for failing to obtain a Phase II/III Management Area Certification. Staff followed the steps outlined in the District Rules and Regulations and issued a complaint, violation, and intent to issue an order of cease and desist/schedule of compliance. Those producers out of compliance are Amy D. Leonard Et Al & Daniel J. Leonard IV & Levi T. Gorusch, Jordan Overturf, Security Grain Co. Inc. c/o Teresa A. Freeman, Andrew L.

Slepicka, and Jason J. Vosta.

It was moved by Siebert and seconded by Miller to issue orders of cease and desist for all producers out of compliance with Phase II/III Management Area Certification. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

Julesgard provided a list of producers who are in violation of district rules and regulations for Phase II/III Management Area/Hastings Management Area reporting. Staff followed the steps outlined in the District's Rules and Regulations and issued a complaint, violation, and intent to issue an order of cease and desist/schedule of compliance. Those producers out of compliance are: AF Farms Inc., Joel M. Anderson, Todd S. Andreasen, Christopher S. Beckler, Adam Clausen, Michael George, Curtis Hackbart, Scott C. Harmon, Fredrick D. Heuermann, Duane L. Keller, Allen J. Luebbe, Randall L. Nunnenkamp, Jordan Overturf, Marc Peters, Taylor A. Peterson, Jason Preissler, Clint Ratkovec, Kelvin Schulze, Andrew L. Slepicka, Matthew C. Snoberger, Robert Lyle Sterns, Scott R. Sundberg, Loris V. Valda, Jason J. Vosta, and Colton Wehrs.

It was moved by Siebert and seconded by Dickinson to issue orders of cease and desist for all producers out of compliance with Phase II/III & Hastings Management Area. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on June 8, 2023 and presented the committee's recommendations.

ITEM 18. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by R. Bohaty and seconded by J. Bohaty that the Upper Big Blue NRD approve payment of \$59,840.19 for twenty-eight completed NSWCP land treatment projects and \$16,208.81 for seven complete NRD land treatment projects, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 19. NEBRASKA BUFFER STRIP PROGRAM 4TH QUARTER PAYMENTS.

It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$16,059,20 for nine 4th quarter Nebraska buffer strip contracts, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 20. PRIVATE DAMS PROGRAM COST-SHARE PAYMENTS.

Two private dams were completed during June. C & A Complex Management, LLC's private dam was completed at a total cost of \$96,075.29 with NRD cost share of \$50,000; and James McGowan's private dam was completed at a total cost of \$44,228.56 with NRD cost share of \$33,178.92.

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$50,000.00 to C & A Complex Management, LLC for completion of their private dam; and that the Upper Big Blue NRD approve payment of \$33,178.92 to James McGowan for completion of his private dam, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 21. PAYMENT TO NARD FOR TREES.

The Upper Big Blue NRD received an invoice from the Nebraska Association of Resources Districts for the trees purchased in 2023. The total cost for trees and materials was \$21,306.83. We received a grant of \$2,036.08 from Executive Travel which was applied to our account, leaving a balance due of \$19,270.75.

It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$19,270.75 to the Nebraska Association of Resource Districts for the 2023 NRD tree seeding program, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 22. VILLAGE OF BEE FLOOD PROECTION PROJECT – REQUEST FOR ASSISTANCE.

Sherri Slack, Village of Bee board member, addressed the committee concerning a 2021 drainage study completed for the Village of Bee. The study identified several implementation projects, and the first project Bee selected is the Pine Street Extension Project, which has been cut back to an estimated cost of \$98,400 from an original project cost estimate of \$198,000. The cost estimate for all projects is \$1.887 million. A discussion was held about providing 25% of local costs, not to exceed \$25,000. The intent is that \$13,000 will be funded from the interest earnings on the Seward West Trail sinking fund

CD's and \$12,000 from tax dollars in the FY24 budget.

It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD provide 25% of the local costs, not to exceed \$25,000, to the Village of Bee for the completion of the Pine Street Extension Project through a cooperative agreement, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly

NAY: None

NOT VOTING: Yates

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 23. SEWARD WEST TRAIL EXTENSION OF INTERLOCAL AGREEMENT.

The Interlocal Agreement with the City of Seward for the west trail expires on June 30, 2023. The City of Seward has asked to extend the interlocal agreement until June 30, 2027.

It was moved by R. Bohaty and seconded by Miller that the Upper Big Blue NRD extend the interlocal agreement with the City of Seward for the Seward west trail until June 30, 2027, through Amendment #2, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly

NAY: Yates

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 24. CITY OF YORK LETTER OF MAP REVISION.

JEO is continuing to work on development of the City of York's Letter of Map Revision (LOMR), which, if approved, will lessen the effects of the 100-year flood plain in York. The NRD has an interlocal agreement with the City of York, in which the NRD agreed to pay 50% of the costs for the LOMR process, not to exceed \$21,000. The total provided by the NRD as of April 28, 2023 is \$12,544.38.

It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment to the City of York of \$1,435.63 (50% of \$2,871.25), for work completed on the LOMR from April 7, 2023, through April 28, 2023, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 25. CITY OF GENEVA COMMUNITY TREE RESOURCE PROGRAM.

Through an agreement with the City of Geneva, the Upper Big Blue NRD agreed to provide 50% cost-share, not to exceed \$2,146.00 through the Community Tree Resources Program

It was moved by R. Bohaty and seconded by Miller that the Upper Big Blue NRD approve payment to the City of Geneva of \$921.14 (50% of \$1,842.27), for work completed on Community Tree Resources project for the city of Geneva, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 26. PIONEER TRAILS EAST SHORELINE ACCESS IMPROVEMENT PROJECT.

Mid Nebraska Land Developers has completed the shoreline improvement project at Pioneer Trails.

It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment to Mid Nebraska Land Developers of \$97,880.77 for the completion of the Pioneer Trails East Shoreline Improvement Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 27. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on June 8, 2023 and presented the committee’s recommendations.

ITEM 28. FY 24 INSURANCE RENEWAL QUOTE – FNIC INSURANCE GROUP.

Staff worked with our local agent at Cornerstone Insurance to obtain a quote for the FY24 insurance renewal package. Because of the liability for the district owned dams it is difficult to find commercial insurers to provide quotes on the complete package.

The renewal quote for the district’s insurance package through FNIC has been received from Cornerstone Insurance. Two renewal options were provided. The first is to remain with BITCO as our workers compensation insurance carrier. The second is to have Glatfelter provide workers compensation insurance coverage. Last year’s premium was \$84,553. The total workers compensation premium is based on actual payroll, so a payroll audit is conducted at the end of each fiscal year to determine if any additional premium, or a refund of premium, is due.

	FY23 Premiums	FY24 FNIC Renewal Package (BITCO for workers comp)	FY24 FNIC Renewal Package (Glatfelter for workers comp)
Liability, Auto, Fire & Casualty	\$65,293	\$72,017	\$72,017

Workers Compensation	\$20,815	\$14,924	\$12,573
Estimated Total	\$86,108	\$86,941	\$84,590

It was moved by Kuehner and seconded by R. Bohaty to make payment of \$84,590 to FNIC Insurance for liability, auto, workers’ compensation, fire, and casualty insurance for FY 24. Motion carried.

- AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates
 NAY: None
 NOT PRESENT: Houdersheldt, Perry, Weiss

Eigenberg also requested the authority to purchase cyber insurance through FNIC which covers a variety of expenses, such as identifying and resolving the data breach, recovering data, customer notification, PR costs, credit monitoring expense, legal expenses, extortion costs from ransomware and general business interruptions. Nine options for cyber coverage were received with estimated premiums. The actual premiums for cyber insurance can’t be determined until the District submits their application. While some estimates exceed \$2,500 annually, management would identify the best value at a cost not to exceed \$2,500 per year.

It was moved by Kuehner and seconded by Siebert to provide management with the authority to purchase cyber insurance. The total cost of the annual insurance expense will not exceed \$2,500. Motion carried.

- AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates
 NAY: None
 NOT VOTING: Kuehner
 NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 29. PAYMENT TO CONNER ROOFING COMPANY INC.

An invoice from Conner Roofing Company Inc., in the amount of \$89,917.26 was received for the re-roofing and guttering of the headquarters office at 319 East 25th Street, York, Nebraska.

It was moved by Kuehner and seconded by Dickinson to approve payment to Conner Roofing Company Inc. in the amount of \$89,917.26 for the re-roofing and guttering of the head office at 319 East 25th Street, York Nebraska. Motion carried.

- AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates
 NAY: None
 NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 30. PAYMENT TO NORTH PRINTING & OFFICE SUPPLY FOR THE BLUEPRINT NEWSLETTER.

An invoice in the amount of \$13,640.14 was received from North Printing & Office Supply for the Spring 2023 edition of the Blueprint newsletter.

It was moved by Kuehner and seconded by Siebert to approve payment of \$13,640.14 to North Printing & Office Supply for the Spring 2023 edition of the Blueprint newsletter. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 31. EVALUATION OF GENERAL MANGER'S JOB PERFORMANCE AND FY 24 COMPENSATION.

The Executive Committee consensus was to have the full board consider the General Manager's job performance and any salary adjustment at the June 15 Board Meeting. Chairman Yates instructed that this item be placed on the board's agenda.

It was moved by Miller and seconded by Peterson that the board go into closed session at 7:50 p.m. for the purpose of protecting and preventing needless harm or injury to the reputation of the general manager while evaluating his performance. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

It was moved by Peterson and seconded by Siebert to return to open session at 8:22 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

It was moved by Miller and seconded by Dickinson to set the general manager's salary for FY24 at \$130,000. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: A. Bohaty

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 32. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR MAY 2023.

Eigenberg reviewed the financial report for the period May 1, 2023 to May 31, 2023, that was distributed.

It was moved by Kuehner and seconded by R. Bohaty to approve the financial report for May 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

ITEM 33. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by A. Bohaty to adjourn the meeting at 8:50 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Houdersheldt, Perry, Weiss

I, the undersigned, Secretary of the Upper Big 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 June 15, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
JULY 27, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, July 27, 2023, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Micheal Nuss, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Chrystal Houston, Terry Julesgard, Jack Wergin, Larry Moore, Ronda Rich, and Grant Jackson of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that we published the legal notice of the board of directors' meeting on July 20, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

There were no requests for excused absences.

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Miller and seconded by Houdersheldt to approve the agenda for the July 27, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 6. APPROVAL OF MINUTES OF JUNE 15, 2023 BOARD OF DIRECTORS MEETING.

It was moved by R. Bohaty and seconded by Siebert to approve the minutes of the June 15, 2023 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 7. STAFF RECOGNITION.

Jeff Ball, lead engineering technician, will retire on August 1, 2023 after 45 years with the District. He was recognized for his service to the district and presented with an engraved bronze surveyor's benchmark.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met July 13, 2023 and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

It was moved by Siebert and seconded by R. Bohaty to make cost-share payments for four well abandonments, as reviewed by the Committee, at a cost of \$3,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 10. WATER METER REPAIR COST-SHARE ASSISTANCE PROGRAM.

It was moved by Siebert and seconded by Dickinson to make cost-share payments for six water meter repairs, as reviewed by the committee, at a cost of \$1,650.60. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 11. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

An invoice was received for work completed on the vadose zone study from May 1, 2023, through May 31, 2023, totaling \$2,826.09. It was moved by Siebert and seconded by R. Bohaty to pay the University of Nebraska Lincoln for work completed on the vadose zone study totaling \$2,826.09. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 12. CHEMIGATION INCENTIVE PROGRAM PAYMENTS.

It was moved by Siebert and seconded by Grotz to make cost-share payments for fifteen chemigation incentive assistance program applications as reviewed by the committee in the amount of \$12,458.63. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: J. Bohaty, Weiss

NOT VOTING: Kuehner

ITEM 13. OLSSON NITROGEN USE REPORT PAYMENT.

ESA and Olsson are continuing to work with staff to draft a Phase II/III Management Area summary report. Olsson has submitted an invoice totaling \$14,303.03 for work completed through June 10, 2023. It was moved by Siebert and seconded by Miller to pay Olsson for work completed on the Phase II/III Management Area summary report totaling \$14,303.03. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 14. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 50 parcels totaling 3,683.64 acres, which is an increase in irrigated acres of 225.62. The total irrigated acres for the district are 1,248,071.09 acres. The committee also reviewed the acre changes to 1 wetland parcel which yielded a decrease of 36.00 wetland acres. It was moved by Siebert and seconded by Stahly to certify the acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 15. RULES ENFORCEMENT UPDATE.

Staff reviewed the list of producers who have never attended nitrogen certification training and currently have an Order of Cease and Desist filed against them. Originally, there were five Orders of Cease and Desist issued by the Board. Staff identified one producer who no longer farms in a Phase II/III Management Area. Security Grain Company, Inc. c/o Teresa A. Freeman is no longer an operator and will need to have the Order of Cease and Desist lifted. It was moved by Siebert and seconded by Miller to lift the Order of Cease and Desist filed against Security Grain Company, Inc, c/o Teresa A. Freeman. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

Staff reviewed a list of Phase II/III producers who have failed to renew their nitrogen certification. Staff have followed the steps outlined in the District Rules and Regulations and issued a complaint, violation, and intent to issue an order of cease and desist/schedule of compliance. Staff recommended the issuance of Orders of Cease and Desist. It was moved by Siebert and seconded by R. Bohaty to issue Orders of Cease and Desist for failure to renew nitrogen certification to Gregory W. Bolte, Greg Gerkenmeyer, Kevin P. Heine, Robert O. Nunnenkamp, and Ryan L. Ruether. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

Staff requested that the Orders of Cease and Desist filed against those producers who have come into compliance, or who are no longer farming, within Phase II/III and Hastings Management Areas be lifted. It was moved by Siebert and seconded by Nuss to lift the Orders of Cease and Desist filed against Joel M. Anderson, Todd S. Andreasen, Michael George, Curtis Hackbart, Duane L. Keller, Randall L. Nunnenkamp, Marc Peters, Jason Preissler, Clint Ratkovec, Kevin Schulze, Security Grain Company, Inc., c/o Teresa Freeman, Andrew L. Slepicka, Matthew C. Snoberger, Scott R. Sundberg, Loris V. Valda, and Colton Wehrs for coming into compliance with their Phase II/III and Hastings Management Area reports. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on July 13, 2023 and presented the committee's recommendations.

ITEM 17. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by R. Bohaty and seconded by J. Bohaty that the Upper Big Blue NRD approve payment of \$9,543.65 for three completed NRD land treatment projects, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 18. STORM DAMAGED TREE PROGRAM PAYMENTS.

That the Upper Big Blue NRD approve payments totaling \$449.99 for two completed storm damaged tree projects for Carmen Fowler and Todd Krausnick, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 19. CITY OF YORK LETTER OF MAP REVISION.

JEO continues development on the City of York's Letter of Map Revision (LOMR), which if approved, will lessen the effects of the 100-year flood plain in York. The NRD has an interlocal agreement with the City of York, in which the NRD agreed to pay 50% of the costs for the LOMR process, not to exceed \$21,000. The total provided by the NRD as of June 2, 2023 is \$16,213.75. It was moved by R. Bohaty and seconded by J. Bohaty that the Upper Big Blue NRD approve payment to the City of York of \$3,669.38 (50% of \$7,338.75), for work completed on the LOMR from April 29, 2023, through June 2, 2023, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 20. HAZARD MITIGATION PLAN UPDATE.

Staff issued a request for proposals to local engineering consultants for updating the Upper Big Blue NRD multi-jurisdictional hazard mitigation plan. The only firm submitting a proposal was JEO Consulting Group. Staff highlighted the qualifications of JEO, including the number of hazard mitigation plans they have completed for other NRDs and the qualifications of JEO's staff, and local projects that have received funding through previous plans. The NRD will be reimbursed for 75% of costs through a grant agreement with Nebraska Emergency Management Agency. It was moved by R. Bohaty and seconded by Grotz that the Upper Big Blue NRD accept the proposal from JEO Consulting Group for updating the Upper Big Blue NRD multi-jurisdictional hazard mitigation plan for \$99,460.00, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 21. WARNING SIREN AGREEMENT.

The Upper Big Blue NRD received a grant from the Nebraska Emergency Management Agency to install warning sirens at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trail. NEMA will provide 90% of

the costs through the grant agreement. Staff worked with local county emergency managers and found that most sirens in the area are Federal Signal sirens. The emergency managers recommended installing Federal Signal sirens at the recreation areas. Staff received bids from Federal Signal for the installation of poles and siren equipment at the four sites for \$101,972.00. Additional cost options listed include traffic control, costs associated with electrical inspections/permits, if required, and custom removal services, but staff believes these additional options will not be necessary. The installation does not include the electrical hook ups from the power to the sirens. Staff will get electrical bids from local contractors once the siren sites have been finalized. It was moved by R. Bohaty and seconded by Miller that the Upper Big Blue NRD accept the bid for the installation of 4 sirens located at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trail for \$101,972.00, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 22. VILLAGE OF BEE DRAINAGE PROJECT – INTERLOCAL AGREEMENT.

Staff drafted an Interlocal Agreement with the Village of Bee to provide 25% of local costs, not to exceed \$25,000, for the Pine Street Extension Project, one of the drainage improvement projects identified in Bee's 2021 Drainage Study. The Village of Bee's legal counsel reviewed and approved the Interlocal Agreement for their signature. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD enter an Interlocal Agreement with the Village of Bee to provide 25% of the local costs, not to exceed \$25,000, for the completion of the Pine Street Extension Drainage Improvement Project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on July 20, 2023 and presented the committee's recommendations.

ITEM 24. DIRECTORS' SECOND QUARTER PER DIEM & EXPENSES.

It was moved by Kuehner and seconded by Siebert to approve payment of second quarter 2023 directors' per diem of \$7,840.00 and expenses of \$3,678.09 for a total of \$11,518.09, and to publish these approved expenditures in the June 2023 financial report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 25. NRD SHARED SERVICES SALARIES REIMBURSEMENTS.

Little Blue NRD

An invoice dated June 23, 2023, totaling \$22,494.43 was submitted by the Little Blue NRD for the salary of the Clay County NRCS secretary for work performed in FY23 (July 1, 2022 - June 30, 2023). An invoice

dated June 23, 2023, totaling \$6,136.94 was also submitted by the Little Blue NRD for the salary of the Adams County NRCS secretary for work performed in FY23 (July 1, 2022 - June 30, 2023). The total payment request for both positions is \$28,631.37. It was moved by Kuehner and seconded by Dickinson to approve payment of \$28,631.37 to the Little Blue NRD for the FY23 salaries of the NRCS secretaries in Adams and Clay County. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

Lower Big Blue NRD

An invoice dated June 9, 2023, totaling \$7,432.17 was received from the Lower Big Blue NRD for the salary of the Saline County NRCS secretary for work performed in FY23 (July 1, 2022 - June 30, 2023). It was moved by Kuehner and seconded by Stahly to approve payment of \$7,432.17 to the Lower Big Blue NRD for the Saline County NRCS secretary's FY23 salary. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

Lower Platte North NRD

An invoice dated July 13, 2023, totaling \$16,789.95 was received from the Lower Platte North NRD for the salary of the Butler County NRCS secretary for work performed in FY23 (July 1, 2022 - June 30, 2023). It was moved by Kuehner and seconded by Houdersheldt to approve payment of \$16,789.95 to the Lower Platte North NRD for the Butler County NRCS secretary's FY23 salary. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 26. FY 2024 DRAFT CONSOLIDATED BUDGET.

Eigenberg recommended that the Board approve the additional 1% restricted funds authority. An affirmative vote of three-fourths majority of those present and voting is required to pass.

It was moved by Kuehner and seconded by Nuss to approve an increase in the total budgeted restricted funds authority by an additional 1%. Motion failed.

AYE: Bethune, J. Bohaty, Dickinson, Houdersheldt, Miller, Nuss, Otte, Perry, Stahly, Yates

NAY: A. Bohaty, R. Bohaty, Grotz, Kuehner, Peterson, Siebert, Weiss

A draft of the FY24 Consolidated Budget was presented to the Committee. Total tax asking for FY24 is up 1.85% as compared to the FY23 budget. Eigenberg provided a brief explanation of the budgeting process and rationale behind the proposed budget. It was moved by Kuehner and seconded by Nuss to adopt the draft FY24 consolidated budget for the purpose of a public hearing. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Nuss

It was moved by Kuehner and seconded by Miller to schedule the FY24 Budget Hearing for 7:00 p.m., Thursday, August 17, 2023, and the FY24 Tax Request Hearing for 7:00 p.m., Thursday, September 21, 2023. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 27. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JUNE 2023.

Eigenberg reviewed the financial report for the period June 1, 2023 to June 30, 2023, that was distributed. It was moved by Houdersheldt and seconded by Kuehner to approve the financial report for June 2023 as presented, approve payments of the accounts payable and publish the expenditures.

Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 28. MOTION TO ADJOURN.

It was moved by Miller and seconded by Kuehner to adjourn the meeting at 8:27 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

I, the undersigned, Secretary of the Upper Big 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 July 27, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
AUGUST 17, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, August 17, 2023, at 7:05 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Micheal Nuss, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Chrystal Houston, Terry Julesgard, Jack Wergin, Kaleb Fritz, Larry Moore, Ronda Rich, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that we published the legal notice of the board of directors' meeting on August 10, 2023 in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Seventeen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

There were no requests for excused absences.

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Dickinson and seconded by Houdersheldt to approve the agenda for the August 17, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 6. APPROVAL OF MINUTES OF JULY 27, 2023 BOARD OF DIRECTORS MEETING.

It was moved by Miller and seconded by Grotz to approve the minutes of the June 27, 2023 board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 7. ADOPTION OF FY24 BUDGET.

It was moved by Bethune and seconded by R. Bohaty to adopt the FY 2024 budget as presented. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met August 8, 2023 and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

It was moved by Siebert and seconded by Bethune to make cost-share payments for three well abandonments, as reviewed by the committee, at a cost of \$2,250.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 10. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification on 13 parcels totaling 1,050.85 acres, which was an increase of 15.83 acres, bringing the total irrigated acres for the District to 1,248,086.92. It was moved by Siebert and seconded by Peterson to certify the acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 11. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell submitted an invoice in the amount of \$4,234.00 for work performed on the Blue River Basin regional groundwater flow model from March 31 to June 29, 2023. It was moved by Siebert and seconded by Houdersheldt to pay Brown and Caldwell for work performed March 31, 2023, through June 29, 2023, in the amount of \$4,234.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 12. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

An invoice in the amount of \$2,930.53 was submitted for work completed on the Vadose Zone Study during the month of June 2023. It was moved by Siebert and seconded by Bethune to pay the University of Nebraska Lincoln for work completed on the Vadose Zone Study totaling \$2,930.53. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, Grotz, Houdersheldt, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: R. Bohaty, Dickinson, Kuehner, Miller

ITEM 13. CHEMIGATION INCENTIVE PROGRAM PAYMENTS.

Four chemigation incentive cost-share assistance program applications were recommended for final

payments totaling \$4,000.00. It was moved by Siebert and seconded by Dickinson to make cost-share payments for four chemigation incentive program applications as reviewed by the committee in the amount of \$4,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: Peterson, Weiss

ITEM 14. PAYMENT TO OLSSON FOR NITROGEN USE REPORT.

Olsson are continuing to work with staff to develop a Phase II/III Management Area summary report. Olsson has submitted an invoice totaling \$6,996.83 for work completed through July 12, 2023. It was moved by Siebert and seconded by Bethune to pay Olsson for work completed on the Phase II/III Management Area summary report totaling \$6,996.83. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 15. U.S. GEOLOGICAL SURVEY PAYMENT – GROUNDWATER QUALITY MONITORING PROGRAM.

An invoice in the amount of \$14,023.00 was received from U.S. Geological Survey for evaluation of the Upper Big Blue Natural Resources District groundwater quality monitoring program, as outlined in the Joint Funding Agreement. It was moved by Siebert and seconded by Stahly to pay United States Geological Survey for evaluation work completed in the amount of \$14,023.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 16. BEEHIVE INDUSTRIES LICENSE RENEWAL.

An invoice in the amount of \$28,514.00 was received from Beehive Industries for the renewal of the NRD Suite License. The renewal period is September 2023 to August 2024. This license covers maintenance, hosting, and unlimited seats to the platform. It was moved by Siebert and seconded by Nuss to pay Beehive Industries \$28,514.00 for the NRD Suite License Renewal period from September 2023 through August 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Kuehner

ITEM 17. ATV BID AUTHORIZATION.

Funds were placed in the FY2024 budget to replace the Suzuki and Artic Cat ATVs. The Suzuki was purchased in 2006 and the Artic Cat was purchased in 2015. Both machines are aging, and loss of compression and availability of replacement parts have become an issue. It was moved by Siebert and seconded by Peterson to seek bids for two Honda Rancher 4x4 ATVs to replace the 2006 Suzuki and 2015 Artic Cat. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Miller

ITEM 18. RULES ENFORCEMENT UPDATE.

Staff reviewed the list of four producers who have never attended nitrogen certification training and currently have Orders of Cease and Desist filed against them.

Staff also reviewed the list of Phase II/III producers who have failed to renew their nitrogen certification training. Originally there were five Orders of Cease and Desist issued by the Board. One individual has taken the test and is now in compliance. Staff requested the Order of Cease and Desist on Kevin P. Heine be lifted. It was moved by Siebert and seconded by Miller to lift the Order of Cease and Desist on Kevin P. Heine. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

Staff reviewed the list of producers who have failed to submit reports for their parcels in Phase II/III management areas. Staff requested the Orders of Cease and Desist filed against four producers who have come into compliance, or who are no longer farming, within Phase II/III and Hastings Management Area be lifted. There are five remaining Orders of Cease and Desist which have been issued by the Board. It was moved by Siebert and seconded by Nuss to lift the Orders of Cease and Desist filed against Adam Clausen, Fredrick Heuermann, Jordan Overturf and Taylor Peterson for coming into compliance with their Phase II/III and Hastings Management Area reports. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

Staff are continuing to conduct routine inspections on tracts with active Orders of Cease and Desist. Allen J. Luebbe was found to be in violation of the Order and a complaint was filed against him in Seward District Court. On August 8, 2023, Mr. Luebbe did submit his Phase II/III reports to the office. It was moved by Siebert and seconded by Peterson to lift Allen J. Luebbe's Order of Cease and Desist and direct the staff to proceed with prosecution on summons issued. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 19. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on August 10, 2023 and presented the committee's recommendations.

ITEM 20. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$7,500.00 for one completed NRD Land Treatment project, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 21. PRIVATE DAMS PROGRAM PAYMENT.

Work on Richard Bohaty's private dam has been completed at a total cost was \$42,239.00. The 75% NRD cost-share amount is \$31,679.25. In addition, the NRD needs to refund the deposit fee of \$860.00. On behalf of the committee, it was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$31,679.25 (75% of \$42,239.00) for the construction of Richard Bohaty's private dam, and refund Richard Bohaty's deposit fee of \$860.00 for a total payment of \$32,539.25, as

recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: A. Bohaty, J. Bohaty, R. Bohaty

ITEM 22. CITY OF YORK LETTER OF MAP REVISION.

JEO continues development on the City of York's letter of map revision (LOMR), which if approved, will lessen the effects of the 100-year flood plain in York. The NRD has an interlocal agreement with the City of York, in which the NRD agreed to pay 50% of the costs for the LOMR process, not to exceed \$21,000. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment to the City of York of \$631.25 (50% of \$1,262.50), for work completed on the LOMR from June 3, 2023, through June 30, 2023, as recommended by staff reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 23. OXBOW TRAIL RECREATION AREA—DOMESTIC WELL—UPDATE—PAYMENT REQUEST.

Pieper's Inc completed the installation of the domestic well, water line, hydrant, and drain line at Oxbow Trail Recreation Area. It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$22,613.00 to Pieper's Inc. for work completed on the domestic well, waterline, hydrant, and drain line at Oxbow Trail Recreation Area, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 24. WARNING SIRENS – REQUEST TO SOLICIT QUOTES FOR ELECTRICAL HOOKUPS.

Blue Valley Public Safety (BVPS) will be installing the poles and sirens at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trail recreation areas. On August 8th, Jeff Edgington of BVPS and staff visited the sites and finalized the pole/siren locations. The NRD will hire a local electrician to run power to the poles. Staff are working on the required permitting that is needed for the siren installations. It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD solicit quotes from local electrical contractors for the electrical hookup of the sirens, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 25. SMITH CREEK PLAYGROUND REQUEST FOR QUOTES.

Staff requested approval to get a quote from Creative Sites to purchase the same playground equipment that was purchased and installed at Recharge Lake. There is currently a 10-week wait from the time of order to delivery. Depending upon the weather, installation would take place in late fall or early spring. There was discussion about getting bids from other playground equipment manufacturers. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD solicit quotes from Creative Sites and others for playground equipment at Smith Creek Recreation Area, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 26. RECHARGE LAKE SILTING BASIN STUDY REQUEST FOR PROPOSALS.

To lessen the amount of silt entering Recharge Lake, staff requested authorization to issue a request for proposals for a silting basin study at Recharge Lake. Funding for this study was included in the FY2024 budget. It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD issue a Request for Proposals for a study to reduce the silt load above Recharge Lake, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 27. SMITH CREEK CHANNEL CLEARING REQUEST FOR QUOTES.

The downstream channel at Smith Creek has a buildup of material that has altered the channel flow downstream of the dam. Staff proposes to have the channel surveyed to determine how much material needs to be removed and then develop specifications for removal. It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD solicit quotes for clearing out the downstream channel at Smith Creek, from the spillway to the A Street Road culvert, as recommended by staff and reviewed by the Committee.

Wergin told the board that last week on his way to Smith Creek he noticed that Road 448, which runs north and south past Smith Creek, was closed and the county was doing some culvert work. Jack contacted the Seward County roads superintendent to find out what they were doing. He was told a culvert was completely plugged and had caused the road to overtop. Wergin talked to him about the channel clearing that we need to have done and the roads superintendent said he would look at it and then contact him. There is a possibility that Seward County will do the channel clearing work since they already have equipment on site to address the culvert.

It was moved by Kuehner and seconded by Miller to refer the matter back to the Projects & Programs Committee. Motion carried.

AYE: A. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss

NAY: Bethune, J. Bohaty, R. Bohaty, Nuss, Yates

ITEM 28. OXBOW TRAILS NORTHEAST ENTRANCE IMPROVEMENT – REQUEST FOR QUOTES.

The northeast entrance to Oxbow Trails includes a county road culvert, a drainage culvert, and an overflow channel that catches higher runoff flows. Staff would like to install a rock crossing on the overflow channel like the crossing at the Archery Range at Recharge Lake. This will improve access to the northeast parking area and the maintenance road at Oxbow Trail. It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD solicit quotes for improving the drainage channel crossing at the northeast access at Oxbow Trail, as recommended by staff and reviewed by the Committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 29. UPPER BIG BLUE NRD REVERSE OSMOSIS PILOT PROGRAM.

Staff revised the reverse osmosis pilot program draft to incorporate some suggested changes. It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD adopt the Upper Big Blue NRD Pilot Program for Point of Use Reverse Osmosis Water Filtration Systems, as revised to include changing the maximum cost-share rate available from \$250.00 to \$500.00, as recommended by staff and reviewed by the Committee.

There was discussion about whether the applicant had to be the homeowner as opposed to a tenant. The board also discussed the requirement that installation must be performed by a licensed plumber. It was moved by Stahly and seconded by Grotz to amend the motion to include under Practice Requirements item 4 the words "or dealer's technician" and under item 6 the words "or dealer." The amendment carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Nuss, Weiss

The question was called on the original motion as amended. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Miller, Nuss, Weiss

ITEM 30. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on August 10, 2023 and presented the committee's recommendations.

ITEM 31. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS FY24 DUES.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$39,919.07 to the NARD for FY24 dues. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Nuss

ITEM 32. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JULY 2023.

Eigenberg reviewed the financial report for the period July 1, 2023 to July 31, 2023, that was distributed. It was moved by Miller and seconded by Houdersheldt to approve the financial report for July 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 33. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by J. Bohaty to adjourn the meeting at 8:40 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller

I, the undersigned, Secretary of the Upper Big 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 August 17, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

MINUTES
FISCAL YEAR 2024 TAX REQUEST HEARING
September 21, 2023

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 21, 2023, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to setting the final tax request.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, John Miller, Mike Nuss, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Jack Wergin, Chrystal Houston, Terry Julesgard, Kaleb Fritz, Josh Bowers of York County NRCS, Darren Cudaback of Precision Conservation Management, Kyle Overturf of AMGL, Ronda Rich, and Nick Bethune.

ITEM 1. OPEN MEETINGS ACT.

Yates advised those in attendance that the Open Meetings Act was posted in the back of the room by the entry doors.

ITEM 2. PUBLIC NOTICE OF TAX REQUEST HEARING.

Yates stated for the record that the Notice of Special Hearing to Set Final Tax Request was published in the York News-Times on September 12, 2023.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during the roll call.

ITEM 4. REQUESTS FOR EXCUSED ABSENCE.

Anthony Bohaty and Rodney Grotz requested excused absences from the September 21, 2023 tax request hearing.

It was moved by Peterson and seconded by J. Bohaty to excuse the absence of A. Bohaty and Grotz from the September 21, 2023, tax request hearing. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 5. FISCAL YEAR 2024 TAX REQUEST.

Yates asked general manager David Eigenberg to review the property tax request and proposed tax rate for fiscal year 2024. Eigenberg reviewed the valuations for the portions of nine counties within the Upper Big Blue NRD. The total valuation was \$16,524,839,091 which was an increase of \$976,999,183 from the prior fiscal year, or 6.28 percent. The property tax needed to fund the FY 24 budgeted expenditures is \$3,486,326 which will require a property tax rate of 0.021097 to fund the budget. Eigenberg advised the board that they would need to adopt a resolution following this hearing to set the levy.

ITEM 6. PUBLIC COMMENTS.

Yates asked those who were present if they had any questions or comments regarding the proposed tax request for fiscal year 2024. No comments were received.

ITEM 7. CLOSE OF HEARING.

Yates closed the hearing at 7:04 p.m.

I, the undersigned, Secretary of the Upper Big 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 September 21, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
SEPTEMBER 21, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, September 21, 2023, at 7:05 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, John Miller, Micheal Nuss, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Chrystal Houston, Terry Julesgard, Jack Wergin, Kaleb Fritz, Josh Bowers of York NRCS, Darren Cudaback of Precision Conservation Management, Kyle Overturf with AMGL, Ronda Rich, and Nick Bethune.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that we published the legal notice of the board of directors' meeting on September 14, 2023, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Anthony Bohaty and Rodney Grotz requested an excused absence from the September 21, 2023, board meeting.

It was moved by Peterson and seconded by Perry to excuse the absence of Anthony Bohaty and Grotz from the September 21, 2023, board of directors meeting as requested. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Houdersheldt and seconded by Dickinson to approve the agenda for the September 21, 2023, board of directors meeting. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 6. APPROVAL OF MINUTES OF THE FY 2024 BUDGET HEARING.

It was moved by Miller and seconded by Houdersheldt to approve the minutes of FY 2024 budget hearing. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 7. APPROVAL OF MINUTES OF THE AUGUST 17, 2023, BOARD OF DIRECTORS MEETING.

It was moved by Siebert and seconded by Peterson to approve the minutes of the August 17, 2023 board of directors meeting. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 8. ADOPT FY2024 TAX REQUEST RESOLUTION.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the governing body of the Upper Big Blue Natural Resources District passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held on September 21, 2023 as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the governing body of the Upper Big Blue Natural Resource District resolves that:

1. The Fiscal Year 2024 property tax request be set at \$3,486,326.
2. The total assessed value of property differs from last year's total assessed value by 6.28 percent.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.020714 per \$100 of assessed value.
4. The Upper Big Blue Natural Resources District proposes to adopt a property tax request that will cause its tax rate to be \$0.021097 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the Upper Big Blue Natural Resources District will increase from last year's proposed operating budget by 3.61 percent.
6. A copy of this resolution shall be certified and forwarded to the County Clerk on or before October 15, 2023.

It was moved by Miller and seconded by Houdersheldt to adopt the FY 2024 Tax Request Resolution as presented. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 9. PRESENTATION OF FY23 AUDIT – KYLE OVERTURF.

Kyle Overturf of AMGL CPA & Advisors presented the fiscal year 2023 audit to the board. There were no negative findings in his report.

It was moved by Houdersheldt and seconded by Miller to accept the FY23 audit as presented. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 10. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met September 12, 2023 and presented the committee's recommendations.

ITEM 11. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Three Aquifer Quality Well Abandonment Cost-Share Assistance Program applications were recommended for final payments totaling \$2,216.40.

It was moved by Siebert and seconded by Miller to make cost-share payments for three well abandonments, as reviewed by the committee, at a cost of \$2,216.40. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

Brown and Caldwell submitted an invoice for \$2,344.75 for work performed on the regional scale groundwater flow model of the Blue River Basin from June 30, 2023, through July 27, 2023.

It was moved by Siebert and seconded by Houdersheldt to pay Brown and Caldwell for work performed June 30, 2023, through July 27, 2023, in the amount of \$2,344.75. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 13. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

An invoice was received for work completed on the vadose zone study from July 1, 2023, through July 31, 2023, totaling \$2,946.10.

It was moved by Siebert and seconded by Bethune to pay the University of Nebraska Lincoln for work completed on the Vadose Zone Study totaling \$2,946.10. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Dickinson

NOT PRESENT: A. Bohaty, Grotz

ITEM 14. WATER METER REPAIR COST-SHARE PAYMENTS.

Four water meter repair cost-share assistance applications were recommended for final payments totaling \$1,200.00.

It was moved by Siebert and seconded by R. Bohaty to make cost-share payments for four water meter repair cost-share assistance applications, as presented by staff and reviewed by the committee in the amount of \$1,200.00. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 15. FOUR-WHEELER BIDS.

Staff mailed out requests for quotations to replace two 4-wheeler ATVs (the Suzuki and Artic Cat), with two Honda Rancher 4x4. Two quotes were received: Rod's Power Sports quoted \$8,719.00 each and Garber Honda-Kawasaki quoted \$8,495.00 each. Neither provided a trade-in option.

It was moved by Siebert and seconded by Bethune to accept the Garber Honda-Kawasaki quote of \$8,495.00 each for two Honda Rancher 4x4 ATVs. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Miller

NOT PRESENT: A. Bohaty, Grotz

ITEM 16. GROUND WATER MANAGEMENT AREA #2 SUMMER SAMPLING.

Staff provided the committee with two maps showing the nitrate sampling results taken by staff this season. The first was a dot map showing the locations, type and concentration of the samples taken. The second showed the current nitrate average per zone. Compared to last year Zone 1 decreased 0.5 ppm, Zone 2 decreased 0.6 ppm, Zone 3 increased 0.4 ppm, Zone 4 increased 0.2 ppm, Zone 10 decreased 1.0 ppm. The remaining Zones did not change or were not sampled this year. Zone 4 is now at 7.1 ppm, which is above 7 ppm which requires the Zone to be moved into a Phase II Management Area.

It was moved by Siebert and seconded by Bethune to move Zone 4 to a Phase II Management Area. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 17. RULES ENFORCEMENT UPDATE.

Staff reviewed a list of Phase II/III producers who have failed to take or renew their nitrogen certification. One has taken the test and is now in compliance and staff requested the Order of Cease and Desist against Ryan Ruether be lifted. There are seven remaining Orders of Cease and Desist for training violations.

It was moved by Siebert and seconded by Stahly to lift the Order of Cease and Desist on Ryan Ruether. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 18. ZONE 8 MONITORING WELL.

Staff identified Zone 8 as the next zone for an additional dedicated monitoring well. Letters were mailed to producers in that area to identify a site. To keep the process moving forward, the staff requested permission to send out requests for proposals as soon as a site is identified.

It was moved by Siebert and seconded by Peterson to allow staff to send out requests for proposals once a site is identified. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 19. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Houdersheldt reported that the Projects and Programs Committee met on September 14, 2023 and presented the committee's recommendations.

ITEM 20. NSWCP LAND TREATMENT PROGRAM PAYMENT.

It was moved by Houdersheldt and seconded by Miller that the Upper Big Blue NRD approve payment of \$7,500.00 for one completed NSWCP land treatment project, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 21. NEBRASKA BUFFER STRIP PROGRAM PAYMENTS.

It was moved by Houdersheldt and seconded by R. Bohaty that the Upper Big Blue NRD approve payment of \$7,537,50 for four first quarter Nebraska Buffer Strip Contracts, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 22. PRIVATE DAMS PROGRAM NEW APPLICATION.

We receive one new private dam application from TM & DH Farms for a dam located west of Sutton in Clay County with an estimated cost of \$75,040. TM & DH Farms have submitted the required 2% deposit fee (\$1,500.80).

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue NRD approve the private dam application from TM & DH Farms for a dam located west of Sutton in Clay County with an estimated cost of \$75,040.00, and with an NRD cost-share estimate of \$50,000.00, as recommended by staff and

reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 23. STORM DAMAGED TREE PROGRAM PAYMENTS.

It was moved by Houdersheldt and seconded by Bethune that the Upper Big Blue NRD approve payment of \$724.99 for three storm damaged trees (Michelle Winkelmann - \$300.00, Brent Uffelman - \$300.00, and GFG Acres, Inc. - \$124.99), as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 24. SMITH CREEK RECREATION AREA TREE REPLACEMENT.

Several older, damaged trees were removed at Smith Creek Recreation Area when the park was updated with the ADA parking stalls, restroom, water hydrant, and expanded parking lot. Kyle Yrkoski has developed a plan to plant several larger trees in the park area.

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue NRD approve the order of 25 - 1.75"-2.5" diameter trees from Plains Tree Farm Inc. for \$6,400.00 to be planted by NRD staff at Smith Creek Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 25. ESTABLISH 2024 TREE PRICES.

Bareroot tree prices for 2024 increased \$0.08 from 2023 (from \$0.87 to \$0.95 per tree). The price for small acre packages (50 trees) went from \$60.00 to \$65.00. The mulch/fabric contractor kept the price for weed barrier with installation the same as 2023 rate of \$0.88 per linear foot but is adding a \$25.00 pull fee for each installation. NRD Forester Kyle Yrkoski recommended keeping tree prices the same as 2023 and raising the small acre packages to \$65.00.

It was moved by Houdersheldt and seconded by Stahly that the Upper Big Blue NRD set the 2024 tree prices at \$1.18 per tree, \$1.18 per tree for machine planting services, \$65.00 for small acre packages, \$0.88 per linear foot for the cost and installation of weed barrier and adding a \$25.00 pull fee for each weed barrier installation, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 26. OVERLAND TRAIL IMPROVEMENTS – PAYMENT REQUESTS.

The installation of the domestic well and security light at Overland Trail Recreation Area have been completed. The well location was moved approximately 380 feet to the north to meet the required

potable water well spacing requirements from the county road and the lake water surface.

It was moved by Houdersheldt and seconded by Bethune that the Upper Big Blue NRD approve payment of \$36,616.45 to Earnest Well Drilling for the installation of a domestic well, pipeline, ADA hydrant, and drainage line at Overland Trail Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue NRD approve payment of \$6,698.75 to Dawson Electric Inc for the installation of electrical service to the domestic well and security light at Overland Trail Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 27. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE & PAYMENT REQUEST.

A technical meeting was held in Hastings on August 22, 2023, to discuss the modeling work and the makeup of a stakeholder group. The technical meeting was led by JEO Consulting Group and was attended by Nebraska Department of Environment and Energy, the City of Hastings, the Upper Big Blue NRD, and the Little Blue NRD. The Upper Big Blue NRD has an agreement with JEO Consulting for this work. The JEO costs will be split between NDEE (60% - \$4,375.23), and the UBBNRD, the LBNRD, and the City of Hastings (13.33% - \$972.27 each). The UBBNRD will invoice NDEE, LBNRD and the City of Hastings quarterly for these costs. The quarter ends September 30, 2023.

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue NRD approve payment of \$7,292.05 to JEO Consulting Group for work completed on the Lake Hastings Watershed Plan through August 11, 2023, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 28. WARNING SIRENS – QUOTES FOR ELECTRICAL HOOKUP.

Staff sent the specifications for hooking up the electrical lines from the electrical panel to the warning siren poles to five local electrical contractors that expressed an interest in submitting a quote. Klement Electric submitted the only quote.

It was moved by Houdersheldt and seconded by Nuss that the Upper Big Blue NRD approve the quote from Klement Electric of \$17,727.00 for hooking up power from the electrical panel to the disconnect on the siren poles, (to be installed by Blue Valley Public Safety), at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trails, and for installing a NRD supplied security light at Pioneer Trails, and for returning to each site for the siren testing with BVPS, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss

NAY: Yates

NOT PRESENT: A. Bohaty, Grotz

ITEM 29. PARKS PICKUP – REQUEST TO SOLICIT BIDS.

Staff put together minimum specifications for a 2023-2024 ½ ton pickup to replace the 2017 Parks Department Ford F150 pickup.

It was moved by Houdersheldt and seconded by Bethune that the Upper Big Blue NRD advertise for a new pickup to replace the Parks Department 2017 Ford F150 pickup, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: J. Bohaty

NOT PRESENT: A. Bohaty, Grotz

ITEM 30. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on September 14, 2023, and presented the committee's recommendations.

ITEM 31. PAYMENT TO YANDA'S MUSIC AND PRO AUDIO.

An invoice was received from Yanda's Music & Pro Audio for the installation of 14 microphones and supporting hardware. This invoice represents the final payment for boardroom A/V upgrades.

It was moved by Kuehner and seconded by Dickinson to approve payment to Yanda's Music & Pro Audio of \$19,569.00 for the installation of 14 microphones and supporting hardware. Motion carried.

AYE: Bethune, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, J. Bohaty, Grotz

ITEM 32. 2023 MASTER AND LONG-RANGE IMPLEMENTATION PLANS.

Board members were provided digital copies of the plans and were asked to review the draft document and provide feedback. The staff's recommendation is for the committee to approve these plans and submit to partnering agencies.

Background information

Per Nebraska Revised Statute, Section 2-3276, each Natural Resources District (NRD) is required to maintain a Master Plan, which is an account of goals, objectives, and desired outcomes for the ten years following its adoption. This plan is required to address the 12 purposes in Nebraska Revised Statute, Section 2-3229 including: (1) erosion prevention and control, (2) prevention of damages from flood water and sediment, (3) flood prevention and control, (4) soil conservation, (5) water supply for any beneficial use, (6) development, management, utilization, and conservation of ground water and surface water, (7) pollution control, (8) solid waste disposal and sanitary drainage, (9) drainage improvement and channel rectification, (10) development and management of fish and wildlife habitat, (11) development and management of recreational and park facilities, and (12) forestry and range management.

Nebraska Revised Statute, Section 2-3276 reads as follows: “By August 1, 1979, each NRD shall prepare and adopt a master plan to include but not be limited to a statement of goals and objectives for each of the purposes stated in section 2-3229. The master plan shall be reviewed and updated as often as deemed necessary by the district, but in no event less often than once each ten years. A copy of the master plan is adopted, and all revisions and updates thereto shall be filed with the department [Nebraska Department of Natural Resources].”

In addition to the Master Plan, Nebraska Revised Statute, Section 2-3277 requires all NRDs to prepare and adopt a Long-Range Implementation Plan (LRIP), which is a five-year plan developed to help carry out the goals of the Master Plan. The LRIP is reviewed and updated annually by the Board of Directors, and addresses the following, “...planned district activities and includes projections of financial, personnel, and land right needs of the district for at least the next five years and the specific needs assessment upon which the current budget is based.” Each year, a copy of the LRIP including updates is filed with the Nebraska Department of Natural Resources, the Governor’s Policy Research Office, and the Nebraska Game and Parks Commission.

It was moved by Kuehner and seconded by Peterson to approve the 2023 Master and Long-Range Implementation Plans and instruct staff to submit the approved plans to partnering agencies. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 33. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JULY 2023.

Eigenberg reviewed the financial report for the period August 1, 2023, to August 31, 2023, that was distributed. It was moved by Stahly and seconded by Bethune to approve the financial report for August 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

ITEM 34. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by J. Bohaty to adjourn the meeting at 8:52 p.m. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz

I, the undersigned, Secretary of the Upper Big 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 September 21, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
OCTOBER 19, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, October 19, 2023, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Roger Houdersheldt, Bill Kuehner, John Miller, Teresa Otte, Matthew Perry, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Terry Julesgard, Jack Wergin, Kaleb Fritz, Ronda Rich, and Nicole Strand of Osceola NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that we published the legal notice of the board of directors' meeting on October 12, 2023, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Ten directors were present during roll call. Jeff Bohaty and Richard Bohaty arrived a few minutes later.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Anthony Bohaty, Mike Nuss, Kevin Peterson, and Paul Weiss requested an excused absence from the October 19, 2023, board meeting. It was moved by Houdersheldt and seconded by Kuehner to excuse the absence of A. Bohaty, Nuss, Peterson and Weiss from the October 19, 2023, board of directors meeting as requested. Motion carried.

AYE: Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: Bethune

NOT PRESENT: A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Dickinson and seconded by Kuehner to approve the agenda for the October 19, 2023, board of directors meeting. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 6. APPROVAL OF MINUTES OF THE FY 2024 TAX REQUEST HEARING.

It was moved by Houdersheldt and seconded by Dickinson to approve the minutes of FY 2024 tax request hearing. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 7. APPROVAL OF MINUTES OF SEPTEMBER 21, 2023, BOARD OF DIRECTORS MEETING.

It was moved by Miller and seconded by Houdersheldt to approve the minutes of the September 21, 2023, board of directors meeting. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met October 10, 2023, and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Two aquifer quality well abandonment cost-share assistance program applications were recommended for final payments totaling \$1,500.00. It was moved by Siebert and seconded by Stahly to make cost-share payments for two well abandonments, as reviewed by the committee, at a cost of \$1,500.00.

Motion carried.

AYE: Bethune, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT VOTING: J. Bohaty

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 10. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA-LINCOLN.

An invoice in the amount of \$3,228.09 was submitted for work completed during the month of August on the vadose zone study. It was moved by Siebert and seconded by Bethune to pay the University of Nebraska-Lincoln for work completed on the vadose zone study totaling \$3,228.09. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Otte, Perry, Siebert, Stahly, Yates

NAY: Miller

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 11. WATER METER REPAIR COST-SHARE PAYMENTS.

One water meter repair cost-share assistance application was recommended for final payment, totaling \$142.53. It was moved by Siebert and seconded by Perry to make cost-share payment for one water meter repair cost-share assistance application, as presented by staff and reviewed by the committee in the amount of \$142.53. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 12. OLSSON INVOICE – NITROGEN USE REPORT PAYMENT.

Environmental Science Associates, working with Olsson, continue to collaborate with staff to draft a Phase II/III Management Area summary report. Olsson has submitted an invoice totaling \$4,546.85 for

work completed through September 9, 2023. It was moved by Siebert and seconded by R. Bohaty to pay Olsson for work completed on the Phase II/III Management Area summary report totaling \$4,546.85.

Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 13. ENVIRONMENTAL SCIENCE ASSOCIATES – MANAGED SERVICES AGREEMENT.

Staff received a managed services agreement from Environmental Science Associates (ESA) for the continued application management, hosting and technical support of the water accounting platform currently managed by them. The one-year service and fees are \$10,920.00. This agreement is directly with ESA, whereas past agreements have been with Olsson, who sub-contracted the work on the Nitrogen Use Efficiency Dashboard and Water Accounting Platform to ESA. It was moved by Siebert and seconded by Bethune to move the managed services agreement to the full board for approval and pay the one-year services and fee of \$10,920.00. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 14. U.S. GEOLOGICAL SURVEY PAYMENT – GROUNDWATER QUALITY MONITORING PROGRAM.

An invoice in the amount of \$14,023.00 was received from U.S. Geological Survey for evaluation of the Upper Big Blue NRD groundwater quality monitoring program, as outlined in the joint funding agreement. USGS will provide a project update at the December 21, board meeting. It was moved by Siebert and seconded by Miller to pay United States Geological Survey for evaluation work completed in the amount of \$14,023.00. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 15. CHEMIGATION INCENTIVE PROGRAM PAYMENTS.

Five chemigation incentive cost-share assistance program applications were recommended for final payments totaling \$4,256.45. It was moved by Siebert and seconded by Stahly to make cost-share payments for five chemigation incentive cost-share assistance applications, as reviewed by the committee, in the amount of \$4,256.45. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 16. RULES ENFORCEMENT UPDATE.

Julesgard provided a list of seven landowners who are in violation of district rules and regulations for failing to submit their Phase III irrigation water samples. The producers out of compliance are Collin

Demuth, Adam Fritz, Lyle Hamling, Carl & Mark Neville, Logan M. Otto II, Andrew Tomes, and Two R Farms Inc.

Staff followed the steps outlined in the District Rules and Regulations and issued a complaint, violation, and intent to issue an order of cease and desist/schedule of compliance. However, it was discovered that an old compliance form was used so staff must resend the notice of intent before the cease and desist orders are mailed to violators. It was moved by Siebert and seconded by R. Bohaty to issue orders of cease and desist for all producers out of compliance with Phase III Management Area irrigation water sampling requirements, after the ten business days have expired on the notice of intent to issue a cease and desist order. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 17. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on October 12, 2023, and presented the committee's recommendations.

ITEM 18. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$6,362.74 for one completed NSWCP land treatment project and \$6,631.00 for one completed NRD land treatment project, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 19. CITY OF YORK LETTER OF MAP REVISION.

JEO Consulting has replied to FEMA's comments on the Letter of Map Revision application. The NRD has an interlocal agreement with York in which the NRD agreed to pay 50% of the costs for the LOMR process, not to exceed \$21,000. With the current request of \$3,718.75 the total NRD funding provided through this agreement will be \$20,563.75. It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD approve payment to the City of York of \$3,718.75 (50% of \$7,437.50), for work completed on the LOMR from July 1 through September 15, as recommended by staff and approved by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 20. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE AND PAYMENT REQUEST.

JEO Consulting continues to gather and evaluate data provided by the City of Hastings. JEO is working on getting people to serve on the stakeholder committee. An internal coordination meeting will be held November 1, and the first stakeholder meeting will be held at 4:00 p.m. on November 29 at the Hastings

Public Library. The Upper Big Blue NRD has an agreement with JEO Consulting for this work. The JEO costs for August 12th through September 18th are \$10,557.45 and will be split between NDEE (60% - \$6,334.47), the UBBNRD, the LBNRD, and the City of Hastings (13.33% - \$1,407.66 each). The UBBNRD will invoice NDEE, LBNRD and the City of Hastings quarterly for these costs. It was moved by R. Bohaty and seconded by Stahly that the Upper Big Blue NRD approve payment of \$10,557.45 to JEO Consulting Group for work completed on the Lake Hastings Watershed Plan from August 12th through September 18th, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 21. PURCHASE PARKS DEPARTMENT PICKUP.

Staff sent requests for bids for a new parks department pickup to twenty-five dealers, however, only one dealer submitted a bid. It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD accept the bid from Gene Steffy Ford of Columbus for a 2024 Ford F-150 Pickup that meets the minimum specifications, for a purchase price of \$49,582.00, with a trade in value of \$15,000 for the 2017 Ford F-150, for a net difference of \$34,582.00, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 22. ADVERTISEMENT FOR BIDS - SMITH CREEK RECREATION AREA PICNIC SHELTER.

The existing picnic shelter at Smith Creek has experienced damage due to its age, and staff would like to replace this shelter with one like those at Recharge Lake and Pioneer Trails. The existing shelter will be removed prior to beginning construction of the new shelter. It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD staff solicit bids for the replacement of the existing picnic shelter at Smith Creek Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 23. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on October 12, 2023, and presented the committee's recommendations.

ITEM 24. THIRD QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem & expenses for this past quarter. It was moved by Kuehner and seconded by Miller to approve payment of third quarter 2023 directors' per diem. Totals for the third quarter directors' per diem are \$8,470.00.00 and expenses are \$3,950.14, for a total of \$12,420.14, and to publish these approved expenditures in the September 2023 financial report, 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 or her own per diem and/or expense

reimbursement. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 25. PAYMENT TO AMGL CPAS & ADVISORS FOR FY2023 AUDIT.

An invoice for \$8,850.00 was received from AMGL CPAs & Advisors for conducting the FY 2023 Audit. It was moved by Kuehner and seconded by Siebert to approve payment of \$8,850.00 to AMGL CPAs & Advisors for conducting the FY 2023 Audit. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 26. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JULY 2023.

Eigenberg reviewed the financial report for the period September 1 to September 30, 2023. It was moved by Houdersheldt and seconded by Miller to approve the financial report for September 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

ITEM 27. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by J. Bohaty to adjourn the meeting at 7:52 p.m. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Otte, Perry, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: A. Bohaty, Grotz, Nuss, Peterson, Weiss

I, the undersigned, Secretary of the Upper Big 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 October 19, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
November 16, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, November 16, 2023, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, Micheal Nuss, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Terry Julesgard, Jack Wergin, Kaleb Fritz, Ronda Rich, Larry Moore, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that the legal notice of the board of directors' meeting was published on November 9, 2023, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

John Miller and Paul Weiss requested an excused absence from the November 16, 2023, board meeting. It was moved by Dickinson and seconded by J. Bohaty to excuse the absence of Miller and Weiss from the November 16, 2023, board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Siebert and seconded by Dickinson to approve the agenda for the November 16, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 6. APPROVAL OF MINUTES OF OCTOBER 19, 2023, BOARD OF DIRECTORS MEETING.

It was moved by Houdersheldt and seconded by Bethune to approve the minutes of the October 19, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 7. STAFF RECOGNITION.

Water Resources Technician Erinn Wilkins was recognized for 10 years of service to the district. NRD Maintenance Worker Andy Larkin was recognized for 5 years of service.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met November 9, 2023, and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Two aquifer quality well abandonment cost-share assistance program applications were recommended for final payments totaling \$1,410.25. It was moved by Siebert and seconded by Peterson to make cost-share payments for two well abandonments, as reviewed by the committee, at a cost of \$1,410.25.

Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 10. WATER METER REPAIR COST-SHARE PAYMENTS.

Two water meter repair cost-share assistance applications were recommended for final payments totaling \$600.00. It was moved by Siebert and seconded by Dickinson to make cost-share payments for two water meter repair cost-share assistance applications, as presented by staff and reviewed by the committee in the amount of \$600.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 11. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

An invoice totaling \$15,880.50 was submitted for work performed on the Regional Scale Groundwater Flow Model of the Blue River Basin from July 28, 2023, through September 28, 2023. It was moved by Siebert and seconded by Houdersheldt to pay Brown and Caldwell for work performed July 28, 2023, through September 28, 2023, in the amount of \$15,880.50. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 12. VADOSE ZONE STUDY PAYMENTS TO UNIVERSITY OF NEBRASKA-LINCOLN.

Two invoices totaling \$7,294.41 were received for work completed on the vadose zone study from September 1, 2023, through October 31, 2023. Shallow vadose sampling started up again on November

13, 2023. There have been five deep samples and 47 shallow samples taken to date. It was moved by Siebert and seconded by Bethune to pay the University of Nebraska-Lincoln for work completed on the vadose zone study totaling \$7,294.41. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Dickinson

NOT PRESENT: Miller, Weiss

ITEM 13. BEEHIVE LICENSE RENEWAL.

An invoice in the amount of \$8,419.00 was received from Beehive Industries for the renewal of the producer input license. This is the license for the housing, maintenance, and security of the online reporting portal for Phase II/III and water use reporting. The renewal period is December 2023 to November 2024. It was moved by Siebert and seconded by R. Bohaty to pay Beehive Industries \$8,419.00 for the producer input license renewal period from December 2023 through November 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 14. CHEMIGATION INCENTIVE PROGRAM PAYMENTS.

Four chemigation incentive cost-share assistance program applications were recommended for final payments totaling \$4,000.00. It was moved by Siebert and seconded by Peterson to make cost-share payments for four chemigation incentive cost-share assistance applications as reviewed by the committee in the amount of \$4,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 15. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on November 9, 2023, and presented the committee's recommendations.

ITEM 16. OXBOW TRAIL RECREATION AREA SUPPLY WELL UPDATE & PAYMENT REQUEST.

Staff received an invoice from Volzke Corporation for \$63,600.00 for partial payment for the drilling of the supply well at Oxbow Trail. The total bid was \$107,196.25. Staff anticipates the final cost will be higher due to the rock/clay layer that Volzke encountered during drilling. Volzke broke a drill bit trying to get through this layer and had another drill rig brought down to the site. There was discussion about relocating the well site to the west, but NRD staff decided the additional electrical costs for moving the well site would be higher than the increased costs to continue drilling through the layer of rock/clay. It was moved by R. Bohaty and seconded by Stahly that the Upper Big Blue NRD approve payment of \$63,600.00 to Volzke Corporation for the initial costs for drilling the Oxbow supply well, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 17. OVERLAND TRAIL VAULT RESTROOM PURCHASE.

After receiving a quote of \$89,151 for the CXT double Rocky Mountain vault with chase, staff solicited quotes from other companies that supply concrete vault restrooms. We received a quote of \$34,465.50 from Boom Concrete of Newell, South Dakota for a Clovermist double vault and a separate quote of \$38,589.50 for a Clovermist double vault with chase. Both quotes included delivery and installation. The vaults quoted have solar lights instead of electric lights. Staff may want to go with electric lighting which will change the final purchase price. The Little Blue NRD has three concrete vault restrooms installed at Lonestar Recreation Area that they purchased from Boom Concrete, and they are satisfied with the quality. Our maintenance staff requested that the NRD purchase a double vault with a chase for storing supplies. Staff also checked with ROMTEC out of Oregon, but their cost for a double vault was in the range of \$70,000 - \$100,000 with installation. It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD purchase a Clovermist double vault restroom with chase to be installed at Overland Trail Recreation Area from Boom Concrete with the original quote of \$38,589.50 (which includes delivery and installation), knowing the final cost may change pending selection of final lighting and accessories, and staff will solicit quotes for electrical work and concrete work for the restroom, as recommended by staff and approved by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 18. LANGWORTHY-REINMILLER DAM – STATUS UPDATE & PAYMENT REQUEST.

Broken Arrow Excavating has completed removing the material from the conservation pool and has submitted an invoice of \$29,039.00. Additional costs include \$1,100.00 for the initial survey from JEO, \$2,300.00 for the soil samples and report from Olsson, \$165.00 for setting control points from JEO, and \$2,226.70 of NRD staff time, including support of soil sample survey and slope staking of the area. Using data from the survey and from the soil sample report, NRD staff calculated that 71.94% of the material to be removed was placed in the reservoir from fill material and 28.06% of the material is from silt or natural material in the conservation pool. Staff recommended that the NRD invoice the Jessie T. Langworthy Trust for 71.94% of the costs for removing the material ($\$29,039.00 \times 71.94\% = \$20,890.66$) and 100% of the other costs (total of \$5,791.70) for a total cost of \$26,682.36. NRD share of the Invoice for removing the material would be \$8,148.34 ($\$29,039.00 \times 28.06\% = \$8,148.34$). Broken Arrow Excavating will bill the renter separately for time spent on spreading the material across the field south and southeast of the dam. It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD send an invoice to the Jessie T. Langworthy Trust totaling \$26,682.36 for the costs of removing material from the conservation pool of Langworthy-Reinmiller Dam, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

It was moved by Houdersheldt and seconded by J. Bohaty to approve payment of \$29,039.00 to Broken Arrow Excavating. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 19. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE & PAYMENT REQUEST.

JEO Consulting continues to gather and evaluate data provided by the City of Hastings. JEO is working on getting people to serve on the stakeholder committee. An internal coordination meeting was held November 1st, and the first stakeholder meeting will be held from 5:00 pm – 7:00 pm on November 29th at the Hastings Public Library. The Upper Big Blue NRD has an agreement with JEO Consulting for this work. The JEO costs for September 19th through October 20th are \$2,358.75 and will be split between NDEE (60% - \$1,415.25), and the UBBNRD, the LBNRD, and the City of Hastings (13.33% each - \$314.50 each). The UBBNRD will invoice NDEE, LBNRD and the City of Hastings quarterly for these costs. It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD approve payment of \$2,358.75 to JEO Consulting Group for work completed on the Lake Hastings Watershed Plan from September 19th through October 20th, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 20. HAZARD MITIGATION PLAN UPDATE – PAYMENT REQUEST.

A kickoff meeting was held October 18, 2023, at the UBBNRD Office. The meeting was hosted by JEO Consulting and included staff from the UBBNRD, Seward – York County Emergency Management, Hamilton County Emergency Management, and the Nebraska Emergency Management Agency. The first round of public involvement meetings, for agencies participating in the plan update, will begin in January 2024. The UBBNRD received a JEO invoice for costs through October 13, 2023, which totaled \$1,639.00. This cost will be shared by Nebraska Emergency Management Agency (75% = \$1,229.25), and the UBBNRD, Seward County, York County, and Hamilton County (6.25% each = \$102.44 each). The UBBNRD will invoice these costs to the other agencies quarterly. It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$1,639.00 to JEO Consulting Group for work completed on the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan Update through October 13, 2023, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 21. SMITH CREEK – BID FOR REPLACEMENT OF PICNIC SHELTER.

The existing picnic shelter at Smith Creek has experienced damage due to its age. Staff chose to replace the picnic shelter with the same type of picnic shelter installed at Pioneer Trails and at Recharge Lake. ABCreative provided a quote of \$54,933.00 for a 24' X 28' Cedar Forest Product OTT-STNRD shelter. ABCreative provided prices from two companies that have installed these Cedar Forest Product shelters for them in the past. Dostal Construction submitted a bid of \$33,250.00 for installing the shelter and CMS Outdoors submitted a bid of \$36,552.22. Staff have a quote of \$3,250 from Broken Arrow

Excavating for removal of the old shelter, which can be handled through a purchase order. The old shelter will be removed prior to the new shelter installation. It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD purchase the 24' X 28' Cedar Forest Products OTT-STNRD shelter from ABCreative for \$54,933.00 to replace the existing picnic shelter at Smith Creek Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve Dostal Construction's quote of \$33,250.00 for the installation of the Cedar Forest Products 24' X 28' OTT-STNRD shelter at Smith Creek Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: J. Bohaty, Kuehner

NOT PRESENT: Miller, Weiss

ITEM 22. SMITH CREEK – BID FOR PLAYGROUND.

For the new playground at Smith Creek Recreation Area, staff recommended installing the same playground that was installed at Recharge Lake. Creative Sites submitted a quote of \$41,000 for the Burke NU-2975 playground and recommended Dostal Construction for the installation of the playground. Dostal Construction submitted a quote of \$31,780.00 for the installation of the playground. The new playground will be located south of the picnic shelter. It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD approve the purchase of a Burke NU-2975 playground from Creative Sites for \$41,000.00, and the installation of the playground by Dostal Construction for \$31,780.00, for a total cost of \$72,780.00, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, Dickinson, Grotz, Houdersheldt, Nuss, Otte, Perry, Siebert, Stahly

NAY: J. Bohaty, R. Bohaty, Kuehner, Peterson, Yates

NOT PRESENT: Miller, Weiss

ITEM 23. SKID STEER LEASE AGREEMENT RENEWAL.

Staff received an invoice for \$6,000 from York Equipment to lease a new skid steer from November 6, 2023, through November 6, 2024. It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD accept the 1-year lease agreement from York Equipment for a Bobcat T770 Track Loader, for up to 300 hours from November 6, 2023, through November 6, 2024, for \$6,000.00, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on November 9, 2023, and presented the committee's recommendations.

ITEM 25. PRECISION CONSERVATION MANAGEMENT – (PCM) - PARTICIPATION REQUEST.

Precision Conservation Management (PCM), a farmer service program led by the Illinois Corn Growers Association and Illinois Soybean Association, in partnership with other state commodity organizations, and over 30 other corporations, NGOs, government agencies, and foundations, has approached the Upper Big Blue NRD about the possibility of employing a position through the district. They are seeking approval from the UBBNRD Board of Directors to allow hiring of this position utilizing our district to be the payroll and benefits provider. All expenses for this position would be reimbursable from PCM. The objective is to work one-on-one with farmers to help them understand the costs and benefits of adopting new conservation practices. It was moved by Kuehner and seconded by Bethune to approve partnering with Precision Conservation Management (PCM). Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: A. Bohaty, Nuss

NOT PRESENT: Miller, Weiss

ITEM 26. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR OCTOBER 2023.

Eigenberg reviewed the financial report for the period October 1 to October 31, 2023. It was moved by Stahly and seconded by Bethune to approve the financial report for October 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

ITEM 27. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by J. Bohaty to adjourn the meeting at 2:50 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: None

NOT PRESENT: Miller, Weiss

I, the undersigned, Secretary of the Upper Big 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 November 16, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
December 21, 2023**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, December 21, 2023, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Micheal Nuss, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Terry Julesgard, Jack Wergin, Kaleb Fritz, Ronda Rich, Larry Moore, and Josh Bowers of York NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that the legal notice of the board of directors' meeting was published on December 14, 2023, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call. Anthony Bohaty arrived at 1:38 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

There were no requests for excused absences.

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Siebert and seconded by Dickinson to approve the agenda for the December 21, 2023, board of directors meeting. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: A. Bohaty

ITEM 6. APPROVAL OF MINUTES OF NOVEMBER 16, 2023, BOARD OF DIRECTORS MEETING.

It was moved by Houdersheldt and seconded by Peterson to approve the minutes of the November 16, 2023, board of directors meeting. Motion carried.

AYE: Bethune, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Miller

NOT PRESENT: A. Bohaty

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met December 14, 2023, and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER AUTHORIZATION.

Marjorie Johnson owns 73.6 acres in the SW ¼ of Section 21-T13N-R4W. The property is watered by well G-026917. Marjorie Johnson would like to transfer groundwater to an additional 73.6 acres in the E ½ NE ¼ of Section 20-T13N-R4W under the same ownership. Both tracts are in Polk County. This transfer fits within the groundwater transfer rules.

It was moved by Siebert and seconded by Grotz to approve groundwater transfer T- 123. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 9. LARGE WATER USER APPLICATION.

Olsson presented the Synergen Well Permit Hydrologic Evaluation for a large water user for the construction of a 2,300 g.p.m. well for a proposed ammonia production plant. The estimated drawdown at the site would be 10 to 14.5 feet, and an estimated drawdown of one to three feet at the three-mile radius of the site. Brown and Caldwell completed a peer review of Olsson's evaluation. At the request of Siebert, a copy of the hydrologic evaluation is being made a part of the minutes and is available upon request.

It was moved by Siebert and seconded by Miller to accept the study prepared by Olsson on behalf of Synergen and approve the permit to construct a water well for the project. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Grotz

ITEM 10. WATER METER REPAIR COST-SHARE PAYMENTS.

Two water meter repair cost-share assistance applications were recommended for final payments totaling \$517.50.

It was moved by Siebert and seconded by Stahly to make cost-share payments for two water meter repair cost-share assistance, as presented by staff and reviewed by the committee, in the amount of \$517.50. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 11. WATER METER REPAIR COST-SHARE PROGRAM.

It came to the attention of staff that there are still supply chain issues for electronic meter owners, and that even after repair a sizable number of meters are still not functioning properly. Staff recommends the action taken in September of 2022 to allow cost-share for replacement of these electronic meters

with refurbished mechanical meters, be added to the Water Meter Repair Cost-Share Assistance Program.

It was moved by Siebert and seconded by Miller that the Board approve the following amendment to the flow meter repair cost-share assistance program: 1. A producer/owner has a repairable electronic flow meter that reliable repair parts are not readily available because of supply chain or production issues, 2. The producer/owner replaces the electronic flow meter with a refurbished mechanical flow meter rather than wait for repair parts, and, 3. The producer/owner submits a repair estimate from a recognized repair facility. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 12. REGIONAL GROUNDWATER MODELING PAYMENT – BROWN & CALDWELL.

We received an invoice in the amount of \$8,007.75 from Brown & Caldwell for work performed from September 29, 2023, through October 26, 2023, on the Blue Basin Regional Groundwater Model.

It was moved by Siebert and seconded by Houdersheldt to pay Brown and Caldwell for work performed September 29, 2023, through October 26, 2023, in the amount of \$8,007.75. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 13. PAYMENT TO UNIVERSITY OF NEBRASKA-LINCOLN.

An invoice in the amount of \$3,000 was received from Nebraska Mesonet for the York 2W weather station annual maintenance agreement for the period January 1, 2024, to December 31, 2024.

It was moved by Siebert and seconded by R. Bohaty to pay the University of Nebraska-Lincoln for the York 2W weather station maintenance agreement in the amount of \$3,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 14. CHEMIGATION INCENTIVE PROGRAM PAYMENT.

One chemigation incentive cost-share assistance program application was recommended for final payment totaling \$1,000.

It was moved by Siebert and seconded by Stahly to make cost-share payment for one chemigation incentive assistance, as reviewed by the committee, in the amount of \$1,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Weiss

ITEM 15. PAYMENT TO KLEIN SALES & SERVICE - MATERIALS FOR RESALE.

We received two invoices from Klein Sales and Service for Watermark moisture sensors and data loggers for resale, totaling \$48,875.00. These were purchased in preparation for the new Zone 4 Phase II area.

It was moved by Siebert and seconded by Miller to pay Klein Sales and Service for resale material in the amount of \$48,875.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 16. OLSSON INVOICE – NITROGEN USE REPORT PAYMENT.

We received an invoice in the amount of \$9,110.74 from Olsson for work completed by ESA through October 7, 2023.

It was moved by Siebert and seconded by Dickinson to pay Olsson for work completed through October 7, 2023, in the amount of \$9,110.74 on project number 019-16170. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 17. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 17 parcels totaling 13,662.00 acres, yielding an increase in irrigated acres of 258.10. The total irrigated acres in the district are 1,248,183.05 acres. The committee also reviewed the acre changes to 5 wetland parcels, yielding a decrease of wetland acres of 172.07 acres.

It was moved by Siebert and seconded by Bethune to certify the acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 18. RULES ENFORCEMENT UPDATE.

Three landowners who were in violation of district rules and regulations for failing to submit their Phase III irrigation water samples have come into compliance.

It was moved by Siebert and seconded by Nuss to lift the order of cease and desist on Two R Farms, Andrew Tomes, and Lyle Hamling. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 19. GROUNDWATER QUALITY MANAGEMENT AREA.

A pie chart of the nitrate results for Zone 5 Phase III was provided to the committee along with a spreadsheet of the last three years of domestic nitrate sampling results. Staff are in the process of updating the District's Groundwater Quality Management Area Action Plan. According to the Action Plan, every five years the district will hold an Advisory Committee meeting to provide input on the Action Plan. Staff are in the process of identifying the Advisory Committee. To get the most from an advisory committee staff are requesting a facilitator be hired. JEO was contacted to provide a Scope of Services to facilitate an advisory committee meeting. JEO's quote would include preparation for the

meeting, facilitating the meeting and providing a report after the meeting at a cost not to exceed \$13,450.00.

It was moved by Siebert and seconded by Miller to accept JEO's Scope of Services Project number 231954.00 for professional facilitation services in the amount not to exceed \$13,450.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 20. SOUTH CENTRAL AG LAB DEMONSTRATION PLOT.

South Central Ag Lab provided an irrigation demonstration project scope of work to demonstrate different technologies for managing irrigation applications. This project will be in partnership with the Little Blue NRD. The site rental rate is \$750.00 per acre for a five-acre plot, plus \$25.00 per hour if a technician assists with the project.

It was moved by Siebert and seconded by Nuss to proceed with the Irrigation Demonstration project at South Central Ag Lab as outlined. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 21. ZONE 8 MONITORING WELLS.

We received two bids for the construction of three monitoring wells in Zone 8. Charles Sargent Irrigation in the amount of \$66,469.00, and Downey Drilling Inc in the amount of \$79,510.00 (w/ ½ hp pumps) or \$82,435.00 (w/ ¾ hp pumps). It was noted that Charles Sargent bid included six pumps--three ½ hp pumps and three ¾ hp pumps where only a total of three pumps are needed.

It was moved by Siebert and seconded by Perry to accept Charles Sargent bid with a cost not-to-exceed \$60,000. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 22. RULE 5 PROPOSED HEARING.

There was discussion about existing certified irrigated acres being converted to renewable energy/industrial sites. The committee proposes adding language to Rule 5 Chapter 15 – Allocation to Agriculture Users under section 01 which would read "01.01 Certified acres that have been converted to renewable energy sites or to industrial sites, shall be ineligible for and prohibited from pooling".

It was moved by Siebert and seconded by Stahly to add language to Rule 5 Chapter 15 to address when certified irrigated acres are converted to renewable energy sites or industrial sites for the purpose of a public hearing. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: Grotz, Siebert

ITEM 23. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on December 14, 2023, and presented the committee's recommendations.

ITEM 24. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve cost-share payments totaling \$741.25 for two completed reverse osmosis systems, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Peterson

ITEM 25. NEBRASKA BUFFER STRIP PROGRAM.

It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD approve payment of \$2,978.24 for four second quarter Nebraska buffer strip program contracts, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Peterson

ITEM 26. VILLAGE OF BEE – PINE STREET IMPROVEMENT PROJECT.

The Village of Bee submitted a payment request for the Pine Street Improvement Project. The NRD has a cost-share agreement with the Village to pay 25%, not to exceed \$25,000, for the cost of the Pine Street Improvement Project.

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$22,571.25 (25% of \$90,285.00) for work completed on the Pine Street Improvement Project, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Peterson

ITEM 27. OXBOW TRAIL RECREATION AREA SUPPLY WELL UPDATE & PAYMENT REQUEST.

Broken Arrow Excavating has completed the well pad construction and will return when the well/pipe installation is complete to install the membrane and crushed rock. Rio Fencing will then install the chain link fence. Butler Public Power District has completed the power line to the fence line near the well. Staff plans to start up the well as soon as it is operational, prior to completion of the fencing, due to the low lake level.

It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$11,871.04 to Butler Public Power District for installing the 3-phase power line to the supply well at Oxbow Trail, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Peterson

ITEM 28. PARTIAL PAYMENT TO ABCREATIVE FOR SMITH CREEK PICNIC SHELTER.

The NRD has ordered a new Cedar Forest Products 24' x 28' picnic shelter to replace the old existing picnic shelter at Smith Creek Recreation Area. Dostal Construction will install the new shelter. ABcreative submitted a request for 50% of the materials for the shelter upon ordering.

It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD approve a partial payment of \$27,466.50 to ABcreative for half of the cost of materials for the Cedar Forest Products picnic shelter at Smith Creek Recreation Area, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly, Yates

NAY: A. Bohaty, R. Bohaty, Grotz, Kuehner, Weiss

NOT PRESENT: J. Bohaty, Peterson

ITEM 29. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE & PAYMENT REQUEST.

JEO Consulting held a stakeholder meeting to discuss recreation ideas and priorities for Lake Hastings on November 29, 2023. The Upper Big Blue NRD has an agreement with JEO Consulting for this work. The JEO costs for October 21 through November 24, 2023, are \$15,626.33 and will be divided between NDEE (60% = \$9,375.80), the UBBNRD, the LBNRD, and the City of Hastings (13.33% = \$2,083.51 each). The UBBNRD will invoice NDEE, LBNRD and the City of Hastings quarterly for these costs.

It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$15,626.33 to JEO Consulting Group for work completed on the Lake Hastings Watershed Plan from October 21 through November 24, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Peterson

ITEM 30. HAZARD MITIGATION PLAN UPDATE - JEO PAYMENT REQUEST.

The UBBNRD received an invoice from JEO in the amount of \$4,107.60 for work performed on the Hazard Mitigation Plan update from October 21 to November 17, 2023. The cost will be divided between the Nebraska Emergency Management Agency (75% = \$3,080.70), the UBBNRD, Seward County, York County, and Hamilton County (6.25% each = \$256.73 each). The UBBNRD will invoice these costs to the other agencies quarterly.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$4,107.60 to JEO Consulting Group for work completed on the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan Update from October 21st through November 17th, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Peterson

ITEM 31. RECHARGE LAKE WATER QUALITY IMPROVEMENT STUDY.

Staff received three proposals for the Recharge Lake Water Quality Study on December 12, 2023, just days prior to the committee meetings. The staff requested that the board review proposals on the Recharge Lake Water Quality Improvement Study from Houston Engineering, JEO Consulting, and HDR-Flatwater Group for discussion and selection at the December 21, 2023, Board Meeting.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD review proposals on the Recharge Lake Water Quality Improvement Study from Houston Engineering, JEO Consulting, and HDR-Flatwater Group for discussion and selection at the December 21, 2023, Board Meeting, as recommended by staff and reviewed by the committee.

It was moved by R. Bohaty and seconded by Kuehner to offer a substitute motion to accept the Flatwater Group proposal at a cost not to exceed \$35,000. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

The question was called on the acceptance of the substitute motion. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Weiss

ITEM 32. CONSIDERATION OF STREAM GAGING LOCATIONS.

NRD staff have been working with the Nebraska Department of Natural Resources to add a stream gaging site in our district. We currently have funds budgeted for one new gaging station in FY2024. NeDNR has proposed adding two new stream gaging sites with the NRD sharing 50% of each site and the DNR paying the other 50%. The equipment for each site is \$15,000; or a total of \$30,000. The annual operation and maintenance cost for each site is \$11,900; or a total of \$23,800.

It was moved by R. Bohaty and seconded by Dickinson that the Upper Big Blue NRD enter into an agreement with the Nebraska Department of Natural Resources for two new stream gaging sites, one on the North Fork of the Big Blue River near Staplehurst, and one on the West Fork of the Blue River near Grafton, for a total cost of \$53,800 to be split 50/50 with NeDNR for a total NRD obligation of \$26,900. (\$15,000 for stream gaging equipment costs, and an annual operation and maintenance fee of \$11,900.) Motion carried.

AYE: R. Bohaty, Dickinson, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly

NAY: Bethune, A. Bohaty, J. Bohaty, Grotz, Kuehner, Weiss, Yates

ITEM 33. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on December 14, 2023, and presented the committee's recommendations.

ITEM 34. PAYMENT TO NORTH PRINTING COMPANY FOR THE BLUEPRINT NEWSLETTER.

The Committee reviewed an invoice from North Printing Company in the amount of \$10,922.59 for printing the Fall 2023 issue of the Blueprint newsletter.

It was moved by Kuehner and seconded by Dickinson to approve payment of \$10,922.59 to North Printing Company for printing the Fall 2023 edition of the Blueprint newsletter. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 35. JLC INCORPORATED – JENSEN LUMBER COMPANY INVOICE – STORAGE BUILDING.

The committee reviewed an invoice from JLC Incorporated – Jensen Lumber Company in the amount of \$332,514 for the completed construction of the new storage building.

It was moved by Kuehner and seconded by Miller to approve payment to JLC Incorporated – Jensen Lumber Company in the amount of \$332,514 for the construction of the new storage building. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ITEM 36. CONCRETE REPLACEMENT – NRD HEADQUARTERS MAIN DRIVEWAY.

Staff contacted Tom Manning, owner of Tom’s Concrete Construction, informing him of the December 15, 2023, deadline imposed by the board at the November board meeting for repair to be completed on the main driveway at the office. Tom informed staff that he could not complete the work by that date. Staff locally advertised the request for repair. Closing date for the bids was December 12, 2023. Three bids were received.

Contractor	Price	Estimated Completion Date
B & B Construction	\$ 4,631.00	Spring 2024
TLS Construction LLC	\$10,131.89	April 15, 2024
Bierman Contracting Inc	\$11,900.00	Spring 2024

It was moved by Kuehner and seconded by Dickinson to approve the bid of TLS Construction LLC in the amount of \$10,131.89 for the repair of concrete in the main driveway, with a completion date of April 15, 2024. Motion carried.

AYE: A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT VOTING: Bethune

ITEM 37. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR NOVEMBER 2023.

Eigenberg reviewed the financial report for the period November 1, 2023, to November 30, 2023, that was distributed. It was moved by Peterson and seconded by Houdersheldt to approve the financial report for November 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller

ITEM 38. MOTION TO ADJOURN.

It was moved by Kuehner and seconded by J. Bohaty to adjourn the meeting at 4:25 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Miller

I, the undersigned, Secretary of the Upper Big 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 December 21, 2023, 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 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 for 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.

Bill Stahly, Secretary

ndb

**MINUTES
BOARD OF DIRECTORS MEETING
January 18, 2024**

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, January 18, 2024, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Teresa Otte, Matthew Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Terry Julesgard, Chrystal Houston, Jack Wergin, Kaleb Fritz, Ronda Rich, Larry Moore, Josh Bowers of York NRCS, Aaron Shropshire of Seward NRCS, and Kurt Johnson with Aurora News-Register.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that the legal notice of the board of directors' meeting was published on January 11, 2024, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Sixteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Michael Nuss requested an excused absence from the January 18, 2024, board meeting due to weather related issues. It was moved by Houdersheldt and seconded by Dickinson to excuse the absence of Nuss from the January 18, 2024, board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Dickinson and seconded by Bethune to approve the agenda for the January 18, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 6. APPROVAL OF MINUTES OF DECEMBER 21, 2023, BOARD OF DIRECTORS MEETING.

It was moved by Siebert and seconded by R. Bohaty to approve the minutes of the December 21, 2023, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 7. DIRECTOR RECOGNITION.

John Miller and Lynn Yates were recognized for serving 15 years on the Upper Big Blue NRD board of directors.

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met January 11, 2024, and presented the committee's recommendations.

ITEM 9. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Four aquifer quality well abandonment cost-share assistance program applications were recommended for final payment, totaling \$1,796.65. It was moved by Siebert and seconded by J. Bohaty to make cost-share payments for four well abandonments, as reviewed by the committee, at a cost of \$1,796.65.

Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 10. VADOSE ZONE STUDY PAYMENT – UNIVERSITY OF NEBRASKA LINCOLN.

Two invoices were received for work completed on the vadose zone study from November 1, 2023, through December 31, 2023, totaling \$6,100.46. It was moved by Siebert and seconded by Peterson to pay the University of Nebraska Lincoln for work completed on the Vadose Zone Study totaling \$6,100.46. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Houdersheldt, Kuehner, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Dickinson, Miller

NOT PRESENT: Nuss

ITEM 11. PAYMENT TO BROWN & CALDWELL.

An invoice totaling \$4,703.75 was received for work performed on the review of the large water user report prepared by Olsson for the Synergen application. It was moved by Siebert and seconded by Bethune to pay Brown and Caldwell for work performed reviewing the large water user report prepared by Olsson in the amount of \$4,703.75. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 12. NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY - CHEMIGATION PERMIT FEES.

A total of 171 new and 1,514 renewal chemigation permits were processed by the District. The

Department receives \$5.00 for each new permit and \$2.00 for each renewal permit issued by the District. It was moved by Siebert and seconded by Grotz to pay Nebraska Department of Environment and Energy \$3,883.00 for chemigation permits issued. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Weiss

NOT PRESENT: Nuss

ITEM 13. RULES ENFORCEMENT UPDATE.

Robert Nunnenkamp, a cooperator with an order to cease-and-desist for not completing the District's requirement for training has come into compliance. It was moved by Siebert and seconded by Miller to lift the order of cease and desist on Robert Nunnenkamp. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 14. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on January 11, 2024, and presented the committee's recommendations.

ITEM 15. LAND TREATMENT PROGRAM.

It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$934.19 for two completed NRD land treatment projects, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Weiss

NOT PRESENT: Nuss

ITEM 16. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE AND PAYMENT REQUEST.

JEO Consulting has scheduled an Open House meeting on Tuesday, February 13, 2024, from 4:00 – 6:00 p.m. at Hastings Airport. The Upper Big Blue NRD has an agreement with JEO Consulting for this work. The JEO costs for November 25 through December 22, 2023 are \$10,538.10 which will be split between NDEE (60% = \$6,322.86), and the UBBNRD, the LBNRD, and the City of Hastings (13.33% = \$1,405.08 each). The UBBNRD will invoice NDEE, LBNRD and the City of Hastings quarterly for these costs. It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$10,538.10 to JEO Consulting Group for work completed on the Lake Hastings Watershed Plan from November 25th through December 22nd, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 17. HAZARD MITIGATION PLAN UPDATE AND PAYMENT REQUEST.

The UBBNRD received an invoice in the amount of \$6,200.90 from JEO for work completed November 18 to December 15, 2023. The cost will be shared by Nebraska Emergency Management Agency (75% = \$4,650.68), and the UBBNRD, Seward County, York County, and Hamilton County (6.25% each = \$387.56 each). The UBBNRD will invoice these costs to the other agencies quarterly. Meetings are scheduled for 7:00 p.m. on January 22nd at the Civic Center in Seward, at 2:00 p.m. January 31st at the UBBNRD Office in York, and 7:00 p.m. on January 31st at the Fire Department in Aurora. It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$6,200.90 to JEO Consulting Group for work completed on the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan Update from November 18 through December 15, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 18. WARNING SIRENS UPDATE AND PAYMENT REQUEST.

Federal Signal Corporation has delivered the siren equipment to Blue Valley Public Safety (BVPS), who will be installing the equipment. BVPS planned to begin installing the equipment the week of January 22nd, but this is dependent upon the weather. It was moved by R. Bohaty and seconded by Bethune that the Upper Big Blue NRD approve payment of \$67,792.00 to Federal Signal Corporation for the siren equipment to be installed at Pioneer Trails, Recharge Lake, Smith Creek, and Oxbow Trail, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 19. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on January 11, 2024, and presented the committee's recommendations.

ITEM 20. DIRECTORS' FOURTH QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. Totals for the 4th quarter 2023 directors' per diem are \$6,160.00 and expenses are \$2,777.73 for a total expenditure of \$8,937.73. Individual expense vouchers were available for review. It was moved by Kuehner and seconded by Dickinson to approve payment of 4th quarter 2023 directors' per diem of \$6,160.00 and expenses of \$2,777.73, for a total of \$8,937.73, and to publish these approved expenditures in the December 2023 Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 21. COOPERATIVE AGREEMENTS FOR EDUCATIONAL LAND LEASES.

The Upper Big Blue NRD has received a State of Nebraska Cooperative Agreement between the

Nebraska Board of Educational Lands and Funds and Lessee for two parcels with legal descriptions of all that part of SE4NE4 and NE4SE4 16-8-07W in Clay County; and all that part of W2NW4 14-8-10W in Adams County, that has been sold at public auction or acquired by assignment. State statute requires NRD concurrence to this agreement. It was moved by Kuehner and seconded by Miller to sign the State of Nebraska Cooperative Agreement between the Nebraska Board of Educational Lands and Funds and Lessee(s) and Upper Big Blue Natural Resources District. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 22. CREATION OF A WRITTEN CODE OF CONDUCT FOR BOARD MEMBERS.

A copy of a code of conduct was requested by a Board member during the April 2023 meetings. Staff asked NARD and other general managers if a code of conduct was available for guidance of their boards. Papio Missouri NRD has provided a document that was created several years ago. This document was not written by our legal counsel, but permission was received from Papio Missouri NRD to use their document for review. NARD had their legal counsel create a code of conduct this past spring. It was moved by Kuehner and seconded by Miller to instruct staff to develop a draft UBBNRD written code of conduct for board members using the June 2023 NARD template as a starting point. Motion failed.

AYE: Bethune, Dickinson, Houdersheldt, Peterson, Siebert, Stahly, Yates

NAY: A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Kuehner, Miller, Otte, Perry, Weiss

NOT PRESENT: Nuss

ITEM 23. 414 (H) RETIREMENT PLAN CONTRIBUTION LEVELS.

The NARD board requested each district to have discussions with board members and employees about the possibility of raising the contribution levels for the NARD 414(h) Retirement Plan. Currently, the plan requires a 5.5% salary contribution from the employee and a 6.0% salary contribution by the employer, which is 11.5% of salary. The NARD recommendation is to consider a 1% increase for each the employee and employer. For this increase to be adopted, all 23 NRDs would need to give their approval. It was moved by Kuehner and seconded by R. Bohaty to support the NARD position of changing the 414(h) Retirement Plan to increase by no more than 1% for each the employee and employer. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 24. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR DECEMBER 2023.

Eigenberg reviewed the financial report for the period December 1, 2023, to December 31, 2023, that was distributed. It was moved by Houdersheldt and seconded by R. Bohaty to approve the financial report for December 2023 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

ITEM 25. MOTION TO ADJOURN.

It was moved by Miller and seconded by J. Bohaty to adjourn the meeting at 2:55 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Kuehner, Miller, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Nuss

I, the undersigned, Secretary of the Upper Big 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 January 18, 2024, 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 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 for 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.

Bill Stahly, Secretary

ndb

MINUTES
BOARD OF DIRECTORS MEETING
February 15, 2024

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, February 15, 2024, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Bill Kuehner, John Miller, Mike Nuss, Teresa Otte, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were Dave Eigenberg, Marie Krausnick, Nancy Brisk, Terry Julesgard, Crystal Houston, Jack Wergin, Kaleb Fritz, Ronda Rich, Justin Elge, and Aaron Shropshire of NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that the legal notice of the board of directors' meeting was published on February 8, 2024, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Jeff Bohaty, Roger Houdersheldt, and Matt Perry requested an excused absence from the February 15, 2024, board meeting. It was moved by Miller and seconded by Peterson to excuse the absence of J. Bohaty, Houdersheldt, and Perry from the February 15, 2024, board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Dickinson and seconded by Miller to approve the agenda for the February 15, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 6. APPROVAL OF MINUTES OF JANUARY 18, 2024 BOARD OF DIRECTORS MEETING.

It was moved by Peterson and seconded by Siebert to approve the minutes of the January 18, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 7. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met February 8, 2024, and presented the committee's recommendations.

ITEM 8. GROUNDWATER TRANSFER AUTHORIZATION.

Calvin Hiebner owns 40.84 acres in the SE ¼ of the SE ¼ of Section 36-T9N-R4W which is the source tract. Calvin & Melissa Hiebner own 7 acres in the SW ¼ of Section 31-T9N-R3W which is the destination tract. Both tracts are in York County. The transfer application fits within the groundwater transfer rules. It was moved by Siebert and seconded by Peterson to approve groundwater transfer T- 124. Miller expressed his concern that both Calvin and Melissa Hiebner did not sign the application. After a brief discussion, a vote was taken, and the motion carried.

AYE: A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Otte, Peterson, Siebert, Stahly, Weiss

NAY: Bethune, Miller, Nuss, Yates

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 9. GROUNDWATER AVAILABILITY STUDY – CITY OF AURORA & HAMILTON COUNTY.

The City of Aurora and Hamilton County are interested in the development of a groundwater flow model to determine the availability of groundwater in the county and desire to enter an interlocal agreement with the district to develop a groundwater sustainability model.

It was moved by Siebert and seconded by R. Bohaty for the Upper Big Blue Natural Resources District to enter into an interlocal agreement with the City of Aurora and Hamilton County for the purpose of developing a water sustainability model. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

To accomplish the goal of developing a groundwater sustainability model, a consultant is needed to prepare a grant application for submission to the Nebraska Department of Natural Resources for a Nebraska Water Sustainability Fund Grant. The City of Aurora and Hamilton County, along with the Upper Big Blue Natural Resources District, will each pay one-third of the cost to develop the grant application. It was moved by Siebert and seconded by Miller for the Upper Big Blue Natural Resources District to work with the City of Aurora and Hamilton County to select a professional to complete an application for a water sustainability fund grant for the purpose of developing a water sustainability model for the Hamilton County area. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 10. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Four aquifer quality well abandonment cost-share assistance program applications were recommended for final payments, totaling \$2,885.40. It was moved by Siebert and seconded by Stahly to make cost-share payments for four well abandonments, as reviewed by the committee, at a cost of \$2,885.40.

Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 11. PAYMENTS TO BROWN & CALDWELL.

Brown and Caldwell submitted an invoice in the amount of \$4,924.75 for work performed on the regional scale groundwater flow model of the Blue River Basin, for the period October 27, 2023, through December 31, 2023. It was moved by Siebert and seconded by Peterson to pay Brown and Caldwell for work performed October 27, 2023, through December 31, 2023, in the amount of \$4,924.75. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

Brown and Caldwell also submitted an invoice in the amount of \$6,450.00 for work performed on the review of the large water user report prepared by Olsson for the Synergen large water user application. It was moved by Siebert and seconded by Grotz to pay Brown and Caldwell for work performed reviewing the large water user report prepared by Olsson in the amount of \$6,450.00. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 12. REPLACEMENT BATTERIES FOR RESALE – PAYMENT TO WISH NEBRASKA.

An invoice for 150 battery replacement kits in the amount of \$17,400.00 was received from WISH Nebraska Inc. These batteries will be installed this spring as part of the battery replacement program. It was moved by Siebert and seconded by Dickinson to pay WISH Nebraska Inc for battery replacement kits in the amount of \$17,400.00. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Nuss

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 13. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on February 8, 2024, and presented the committee's recommendations.

ITEM 14. LAND TREATMENT PROGRAM PAYMENTS.

The NRD staff discovered that three previously approved reverse osmosis pilot project applications were paid at 50% instead of the programs 75%. Additional payments will be made to these three cooperators. It was moved by R. Bohaty and seconded by A. Bohaty that the Upper Big Blue NRD approve payment of

\$7,500.00 for one completed NSWCP land treatment project and \$6,999.50 for four completed NRD land treatment projects, and approve payment of \$311.06 for three previously completed NRD land treatment projects that were funded at an incorrect rate, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 15. PRIVATE DAMS PROGRAM PAYMENT.

The final cost-share paperwork for the Terry Chrisman dam was submitted with the required signatures. Total cost for the dam was \$151,892.18, with an NRD cost-share of \$50,000.00 and a landowner share of \$101,892.18. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$50,000.00 for the Terry Chrisman private dam project, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 16. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE AND PAYMENT REQUEST.

The open house for the Lake Hastings Watershed Management Plan was held on Tuesday, February 13, 2024, from 4:00 – 6:00 p.m. at Hastings Airport. JEO has identified potential lake improvements that include sediment removal, bank stabilization, fishing piers, boat ramp improvements, community spaces, and other facility improvements. The Upper Big Blue NRD has an agreement with JEO Consulting for this work. The JEO costs for December 23, 2023 through January 19, 2024 were \$8,062.75 and will be split between NDEE (60% = \$4,837.65), and the UBBNRD, the LBNRD, and the City of Hastings (13.33% = \$1,075.03 each). The Upper Big Blue NRD will invoice NDEE, LBNRD and the City of Hastings quarterly for these costs. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$8,062.75 to JEO Consulting Group for work completed on the Lake Hastings Watershed Plan from December 23rd through January 19th, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 17. HAZARD MITIGATION PLAN UPDATE AND PAYMENT REQUEST.

The Upper Big Blue NRD received an invoice in the amount of \$6,929.60 from JEO for services from December 16, 2023, through January 12, 2024. The cost will be shared by Nebraska Emergency Management Agency (75% = \$5,197.20), and the UBBNRD, Seward County, York County, and Hamilton County (6.25% each = \$433.10 each). The UBBNRD will invoice these costs to the other agencies quarterly. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$6,929.60 to JEO Consulting Group for work completed on the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan Update from December 16th through January 12th, as recommended by staff, and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 18. LANGWORTHY-REINMILLER DAM UPDATE.

The recent rains and snowmelt raised the water level in the reservoir. NRD staff closed the alfalfa valve in the riser on February 7, 2024. It was moved by R. Bohaty and seconded by Peterson that the Upper Big Blue NRD authorize BWJ Law Group, on behalf of the Upper Big Blue Natural Resources District, to proceed to litigation with the Jessie T. Langworthy Trust if payment is not received by 5:00 p.m. on February 19, 2024 for costs to restore the conservation pool at Langworthy-Reinmiller Dam and Reservoir, as outlined in the January 19, 2024 letter from BWF Law Group to the Jessie T. Langworthy Trust. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 19. CITY OF YORK LETTER OF MAP REVISION UPDATE AND PAYMENT REQUEST.

York has submitted the last invoice from JEO Consulting for the Letter of Map Revision (LOMR). JEO is confident that the LOMR will be approved by FEMA. Once approved, the revised maps will remove an estimated 23 acres from the flood plain. The invoice totaled \$562.50, which when paid will complete York's commitment to JEO (total cost \$20,845.00). The NRD has an agreement with York to fund 50% of this effort. It was moved by R. Bohaty and seconded by Stahly that the Upper Big Blue NRD approve payment of \$281.25 (50% of \$562.50) to the City of York for the Letter of Map Revision project, as recommended by staff and reviewed by the committee. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 20. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on February 8, 2024, and presented the committee's recommendations.

ITEM 21. PAYMENT TO NORTH PRINTING & OFFICE SUPPLY FOR THE BLUEPRINT NEWSLETTER.

North Printing & Office Supply submitted an invoice in the amount of \$10,988.18 for printing the Spring 2024 issue of the Blueprint newsletter. It was moved by Kuehner and seconded by Bethune to approve payment to North Printing & Office Supply in the amount of \$10,988.16 for printing the Spring 2024 issue of the Blueprint newsletter. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 22. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR JANUARY 2024.

Eigenberg reviewed the financial report for the period January 1, 2024, to January 31, 2024, that was distributed. It was moved by Grotz and seconded by Bethune to approve the financial report for January 2024 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

ITEM 23. MOTION TO ADJOURN.

It was moved by Siebert and seconded by A. Bohaty to adjourn the meeting at 2:30 p.m. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Kuehner, Miller, Nuss, Otte, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Houdersheldt, Perry

I, the undersigned, Secretary of the Upper Big 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 February 15, 2024, 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 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 for 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.

Bill Stahly, Secretary

ndb

MINUTES
BOARD OF DIRECTORS MEETING
March 21, 2024

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, March 21, 2024, at 1:30 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Bill Kuehner, John Miller, Mike Nuss, Matt Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Terry Julesgard, Jack Wergin, Ronda Rich, and Nichole Strand of NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that the legal notice of the board of directors' meeting was published on March 14, 2024, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during roll call.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Grotz, Houdersheldt and Otte requested an excused absence from the March 21, 2024, board meeting. It was moved by Peterson and seconded by Kuehner to excuse the absence of Grotz, Houdersheldt and Otte from the March 21, 2024, board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by R. Bohaty and seconded by Miller to adopt the agenda for the March 21, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 6. DIRECTOR RECOGNITION.

Bill Stahly received a belated recognition for 15 years of service on the NRD board of directors.

ITEM 7. APPROVAL OF MINUTES OF FEBRUARY 15, 2024, BOARD OF DIRECTORS MEETING.

It was moved by Nuss and seconded by Dickinson to approve the minutes of the February 15, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met March 14, 2024, and presented the committee's recommendations.

ITEM 9. ADOPTION OF ADDITIONAL LANGUAGE TO RULE 5, CHAPTER 15, PARAGRAPH 01.

The Upper Big Blue NRD held a public hearing February 15, 2024, at 10:00 a.m. at the Upper Big Blue NRD office at 319 East 25th Street, York, Nebraska. Two citizens testified concerning the proposed change to the District's Rule 5 – Ground Water Management Area Rules and Regulations, Chapter 15 – Allocation to Agriculture Users, under paragraph 01, to add the following language which will read; *"01.01 Certified acres that have been converted to a renewable energy site/s or to an industrial site/s, shall be ineligible for and prohibited from pooling"*. No additional written testimony was received by the district. It was moved by Siebert and seconded by Peterson to adopt the following to Rule 5 – Ground Water Management Area Rules and Regulations, Chapter 15 – Allocation to Agriculture Users under paragraph 01, "01.01 Certified acres that have been converted to a renewable energy site/s or to an industrial site/s, shall be ineligible for and prohibited from pooling" and to be effective April 22, 2024, upon approval by the Upper Big Blue Natural Resources District Board of Directors on March 21, 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Stahly, Weiss, Yates

NAY: Siebert

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 10. VADOSE ZONE STUDY PAYMENTS TO UNIVERSITY OF NEBRASKA-LINCOLN.

Two invoices were received for work completed on the Vadose Zone Study from January 1, 2024, through February 29, 2024, totaling \$24,323.28. It was moved by Siebert and seconded by Stahly to pay the University of Nebraska-Lincoln for work completed on the Vadose Zone Study totaling \$24,323.28. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 11. PAYMENT TO JEO CONSULTING GROUP.

An invoice in the amount of \$1,832.50 was received from JEO Consulting Group for professional services provided through February 16, 2024, related to the facilitation of the Advisory Committee workshop. It was moved by Siebert and seconded by Perry to pay JEO Consulting Group for professional services provided in the amount of \$1,832.50. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 12. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Four aquifer quality well abandonment cost-share assistance program applications were recommended for final payments totaling \$3,000.00. It was moved by Siebert and seconded by Nuss to make cost-share payments for four well abandonments, as reviewed by the committee, at a cost of \$3,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 13. WATER METER REPAIR COST-SHARE PAYMENTS.

Two water meter repair cost-share assistance applications were recommended for final payments totaling \$600.00. It was moved by Siebert and seconded by Dickinson to make cost-share payments for two water meter repair cost-share assistance applications as presented by staff and reviewed by the committee in the amount of \$600.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 14. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres' certification for 26 parcels totaling 13,681 acres. This change yielded an increase in irrigated acres of 1,049.16. The total irrigated acres for the District is 1,249,232.23. It was moved by Siebert and seconded by Miller to approve the certified acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 15. PAYMENT TO BROWN & CALDWELL.

An invoice was received from Brown and Caldwell in the amount of \$5,581.75 for work performed on the regional scale groundwater flow model of the Blue River Basin for the period January 1, 2024, through January 25, 2024. It was moved by Siebert and seconded by Peterson to pay Brown and Caldwell for work performed January 1, 2024, through January 25, 2024, in the amount of \$5,581.75. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 16. PAYMENT TO TRI CITY METERS FOR METER MAINTENANCE.

An invoice was received from Tri City Meters for 550 meters that were serviced and materials in the amount of \$25,330.00. It was moved by Siebert and seconded by Stahly to pay Tri City Meter for work

completed in the amount of \$25,330.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 17. REQUEST FOR PROPOSALS FOR METER MAINTENANCE.

Once every five years the district sends out a request for proposals to do routine maintenance on the mechanical meters in the district. The staff is requesting permission to send out this request for proposals to do the routine maintenance on mechanical meter for the next five-year period (2025-2030) within the district. It was moved by Siebert and seconded by Peterson to send out requests for proposals and post on the district's bid page requests for bids to service the mechanical meters within the district. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 18. RULES ENFORCEMENT UPDATE – NITROGEN TRAINING VIOLATIONS.

Greg Gerkenmeyer has completed the nitrogen training course so his order to cease and desist can now be lifted. It was moved by Siebert and seconded by Kuehner to lift the order to cease and desist on Greg Gerkenmeyer. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 19. RULES ENFORCEMENT UPDATE – WATER USE REPORTING VIOLATIONS.

Six water users have failed to submit their annual water use reports. Staff followed all procedures including a letter of intent to issue an order of cease and desist. It was moved by Siebert and seconded by Dickinson to issue orders of cease and desist to Derek Eastman, Cody Engle, Greg Gerkenmeyer, Vavra Family Farms Inc. in care of Dean Vavra, Jim Votipka, and Cheyenne & Roxanne Wohlford for failure to submit their annual water use report. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 20. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on March 14, 2024, and presented the committee's recommendations.

ITEM 21. LAND TREATMENT PROGRAM.

One cost-share application for a reverse osmosis system was submitted and recommended for final payment. It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$500.00 for one completed NRD land treatment project. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Siebert, Stahly, Yates

NAY: Weiss

NOT PRESENT: Grotz, Houdersheldt, Otte, Peterson

ITEM 22. NEBRASKA BUFFER STRIP PROGRAM.

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$8,655.50 for seven Nebraska buffer strip program contracts as reviewed. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte, Peterson

ITEM 23. PRIVATE DAM PROGRAM.

The committee discussed the current funding rate for the private dam program and issues with getting the obligated funds spent. A number of landowners have decided not to move forward with dam repairs once the bids were received, because the cost of the project was significantly higher than the original estimate. The Natural Resources Conservation Service has suggested we consider raising the maximum cost share amount due to increased construction costs. The Nebraska Department of Natural Resources concurs that the costs of construction are skyrocketing. Currently the NRD cost shares private dam projects at 75% up to a maximum of \$50,000.

The committee discussed the increased costs of the private dam projects since 2017. From 2017-2020 the average cost share was \$17,933.50. From 2021-2024 the average cost share was \$43,703.72. Due to increased construction costs, staff recommended that the committee consider raising the maximum cost share for the private dam program. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD increase the maximum cost share amount for the private dam program to \$75,000 from the current maximum of \$50,000. Motion carried.

AYE: J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly

NAY: Bethune, A. Bohaty, Weiss, Yates

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 24. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE & PAYMENT REQUEST.

The Open House for the Lake Hastings Watershed Management Plan was held on Tuesday, February 13, 2024, from 4:00 – 6:00 p.m. at Hastings Airport. JEO is working on the notes and preparing the final report. The original plan was to have Tara Ogren with City of Hastings complete a water quality model for Lake Hastings. Tara has left her position with the City of Hastings, and this modeling work was not included in JEO's contract. JEO estimated the cost for the modeling at \$7,500. Staff will contact the other agencies (Nebraska Department of Environment and Energy, Little Blue NRD, and the City of Hastings) to discuss funding the additional \$7,500 modeling cost.

JEO Consulting Group submitted an invoice in the amount of \$10,379.57 for work performed from January 20 through February 23, 2024. The cost to NDEE will be 60% which is \$6,227.74, and the UBBNRD, LBNRD, and the City of Hastings will each pay 13.33% or \$1,383.94. The UBBNRD will invoice NDEE, LBNRD and the City of Hastings quarterly for these costs. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$10,379.57 to JEO Consulting Group for work completed on the Lake Hastings Watershed Plan from January 20 through February 23, 2024.

Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 25. RECHARGE LAKE WATER QUALITY IMPROVEMENT STUDY PAYMENT REQUEST.

The UBBNRD received two invoices from The Flatwater Group totaling \$11,375.00 for work performed through February 13, 2024, which included a kickoff meeting, beginning data collection and site assessments. The committee discussed the Recharge Lake Water Quality Improvement Study and payment to The Flatwater Group, but due to an oversight did not pass a motion to recommend payment. It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$11,375.00 to The Flatwater Group for work completed on the Recharge Lake Water Quality Improvement Study through February 13, 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 26. HAZARD MITIGATION PLAN UPDATE & PAYMENT REQUEST.

JEO Consulting Group submitted an invoice in the amount of \$10,621.30 for work performed from January 13 through February 16, 2024. The Nebraska Emergency Management Agency share is 75% or \$7,965.98. The UBBNRD, Hamilton County, Seward County, and York County will each pay 6.25% or \$663.83. The UBBNRD will invoice the other agencies quarterly. It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$10,621.30 to JEO Consulting Group for work completed on the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan Update from January 13 through February 16, 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 27. PURCHASE PICNIC TABLES FOR SMITH CREEK AND OXBOW TRAIL.

The UBBNRD staff requested quotes for picnic tables to be placed at Smith Creek and Oxbow Trail Recreation Areas. Specifications stated that the tables must be manufactured by WebCoat, like those installed at Pioneer Trails and Recharge Lake Recreation Areas. WebCoat has gone out of business, but their tables are available through other vendors. Three qualified quotes were received and one quote that did not meet the specifications. The tables are to be delivered to the NRD office and will be assembled by NRD staff. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD accept the low quote from Picnic Furniture of \$19,337.61 for 11 picnic tables to be placed at Smith Creek and Oxbow Trails Recreation Areas. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 28. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on March 14, 2024, and presented the committee's recommendations.

ITEM 29. BUILDING MAINTENANCE.

The headquarters office facility sustained water damage around the middle of January 2024. It was determined that damage occurred when a frost layer developed between the rafter insulation and roof sheeting. Warming of the attic area caused the frost to melt. Staff have asked two local contractors to provide written proposals on potential solutions. If an arctic blast occurs again this winter, more damage may occur. Staff recommended hiring Eileen Korth, of Jackson, Jackson & Associates, Inc. to provide a potential solution to our moisture issues. It was moved by Kuehner and seconded by Dickinson to authorize the general manager to enter into an agreement with Jackson, Jackson & Associates, 6912 N. 97th Circle, Suite 1, Omaha, NE 68122, with principal investigator Eileen Korth for services of uploading the building drawings into their Fieldwire App, making a site visit to do some field investigation to verify existing conditions, and generating a basic finding report. Expenses would not exceed \$3,000. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 30. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR FEBRUARY 2024.

Eigenberg reviewed the financial report for the period February 1, 2024, to February 29, 2024, that was distributed. It was moved by Miller and seconded by Dickinson to approve the financial report for February 2024 as presented, approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

ITEM 31. MOTION TO ADJOURN.

It was moved by Dickinson and seconded by A. Bohaty to adjourn the meeting at 2:55 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Kuehner, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Houdersheldt, Otte

I, the undersigned, Secretary of the Upper Big 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 March 21, 2024, 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 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 for 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.

Bill Stahly, Secretary

ndb

MINUTES
BOARD OF DIRECTORS MEETING
April 18, 2024

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, April 18, 2024, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Jeff Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, John Miller, Mike Nuss, Teresa Otte, Matt Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Chrystal Houston, Terry Julesgard, Jack Wergin, Ronda Rich, Tina Oswald, Angie Joyce, and Nichole Strand of NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that the legal notice of the board of directors' meeting was published on April 11, 2024, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fifteen directors were present during roll call. Grotz arrived at 7:04 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Bill Kuehner requested an excused absence from the April 18, 2024, board meeting. It was moved by Miller and seconded by Dickinson to excuse the absence of Kuehner from the April 18, 2024, board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Grotz, Kuehner

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Houdersheldt and seconded by Peterson to adopt the agenda for the April 18, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 6. PUBLIC COMMENTS.

Tina Oswald addressed the board and requested that they consider placing a moratorium on large water use permits where hydrologic water studies are required, to allow the Upper Big Blue NRD time to evaluate Rule 5 as it pertains to allocation, monitoring of unregistered domestic wells, and other factors in Rule 5 for considered changes. She provided a handout for all board members present.

Angie Joyce asked to address the board regarding the Synergen large water use permit. She provided a markup of Brown & Caldwell's peer review of the hydrologic evaluation conducted by Olsson. On the markup of the peer review document, she had noted her questions and areas of concern, or what she felt were inconsistencies in the review. She expressed her concern that the UBBNRD board didn't have sufficient time to research and ask questions about the peer review before being asked to approve the Synergen well permits.

ITEM 7. APPROVAL OF MINUTES OF MARCH 21, 2024, BOARD OF DIRECTORS MEETING.

It was moved by Dickinson and seconded by Nuss to approve the minutes of the March 21, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

ABSTAIN: Houdersheldt

NOT PRESENT: Kuehner

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met April 8, 2024, and presented the committee's recommendations.

ITEM 9. PAYMENT TO JEO FOR FACILITATION OF ADVISORY COMMITTEE MEETING.

An invoice was received from JEO Consulting Group for professional services provided through March 15, 2024, related to the facilitation of the Advisory Committee workshop. A copy of the final report was emailed to all the directors. It was moved by Siebert and seconded by Peterson to pay JEO Consulting Group for professional services provided in the amount of \$6,017.50. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 10. PAYMENT TO CONCORDIA UNIVERSITY - REGENERATIVE AG CONFERENCE VENUE.

An invoice was received from Concordia University for the use of the facility and food and beverage services for the Regenerative Ag Conference held there on February 28, 2024. Around 300 attended the event. There were 16 industry sponsors and 4 NRD sponsors. It was moved by Siebert and seconded by Bethune to pay Concordia University for venue and food service in the amount of \$8,648.14. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 11. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Four aquifer quality well abandonment cost-share assistance program applications were recommended for final payments totaling \$3,000.00. It was moved by Siebert and seconded by Houdersheldt to make cost-share payments for four well abandonments as reviewed by the committee at a cost of \$3,000.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 12. WATER METER REPAIR COST-SHARE PAYMENTS.

One water meter repair cost-share assistance application was presented for final payment totaling \$300.00. It was moved by Siebert and seconded by Dickinson to make cost-share payment for one water meter repair cost-share assistance, as presented by staff and reviewed by the committee, in the amount of \$300.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 13. PAYMENT TO KLEIN SALES AND SERVICE - IRROMETER LOGGERS FOR RESALE.

An invoice was received from Klein Sales and Service in the amount of \$5,076 for five IRROcloud sensor monitors purchased for resale. It was moved by Siebert and seconded by Grotz to pay Klein Sales and Service for IRROcloud sensor monitors in the amount of \$5,076.00. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 14. CERTIFICATION OF IRRIGATED ACRES.

The committee reviewed the irrigated acres certification for 8 parcels totaling 557.63 acres, which yielded an increase in irrigated acres of 19.94. The total irrigated acres for the district are 1,249,252.17. It was moved by Siebert and seconded by Stahly to accept the certified acre changes as presented to the committee. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 15. RULES ENFORCEMENT UPDATE - LIFT ORDER TO CEASE AND DESIST.

Robert Sterns has completed his Phase II/III reporting form for the 2022 Season and Derek Eastman, Vavra Farms – Dean Vavra, and Jim Votipka have submitted their water use reports for the 2023 season, so their cease-and-desist orders can be lifted. It was moved by Siebert and seconded by Nuss to lift the order to cease and desist on Robert Sterns, Derek Eastman, Vavra Farms – Dean Vavra, and Jim Votipka. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on April 11, 2024, and presented the committee's recommendations.

ITEM 17. LAND TREATMENT PROGRAM PAYMENTS.

It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$1,370.24 for three completed NRD land treatment projects. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: Weiss

NOT PRESENT: Kuehner

ITEM 18. PRIVATE DAMS PROGRAM – REVISED APPLICATION TM & DH FARMS.

TM & DH Farms private dam application had an initial cost estimate of \$75,040.00 with a maximum NRD cost share of \$50,000. The updated design estimate for the dam is \$109,503.85. Due to rising construction costs, the UBBNRD recently increased the maximum cost-share for private dams to \$75,000. With the increased maximum cost-share, TM & DH Farms has decided to proceed with this project. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve the revised private dam application from TM & DH Farms for a dam located west of Sutton in Clay County with a revised cost estimate of \$109,503.85, and with an NRD cost-share estimate of \$75,000. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Siebert, Stahly

NAY: Peterson, Weiss, Yates

NOT PRESENT: Kuehner

ITEM 19. OXBOW TRAIL RECREATION AREA SUPPLY WELL.

Volzke Corporation submitted their final invoice in the amount of \$49,653.25 for installing the well. The first invoice of \$63,600.00 has been paid. The total costs were higher due to the clay/rock layer they had to drill through. Normally they drill approximately 60 feet per day, but when they hit the clay/rock layer they could only drill about 10 feet per day. A broken drill bit caused further delays. Volzke Corporation's quote was \$107,196.25 and the total project cost was \$113,253.25. It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$49,653.25 to Volzke Corporation for the installation of the supply well at Oxbow Trail Recreation Area. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss

NAY: Grotz, Yates

NOT PRESENT: Kuehner

ITEM 20. LAKE HASTINGS WATER QUALITY MANAGEMENT PLAN UPDATE & PAYMENT REQUEST.

JEO Consulting has submitted the Lake Hastings Watershed Plan to EPA for review. EPA's comments will be incorporated into the plan. Tera Ogren with City of Hastings had planned to complete a water quality model for Lake Hastings. Tera no longer works for the city, and they don't have anyone on staff to

complete this model. JEO has submitted a proposal to complete the water quality model at a cost of \$7,505.00. The Nebraska Department of Environment and Energy does not have additional funding for this model. The Little Blue NRD and the City of Hastings are both in favor of completing this model. There was discussion about asking the City of Hastings pay these costs since the modeling was previously going to be done inhouse. The water quality model development was part of the watershed plan, but Hastings was not trying to credit the in-kind costs for the model development as part of the city's contribution. Now that Hastings does not have the staff to complete the model, staff recommended the modeling cost be shared by the three participating agencies, the Upper Big Blue NRD, the Little Blue NRD, and the City of Hastings. It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve Amendment #1 to the Interlocal Agreement with the Upper Big Blue NRD, the Little Blue NRD, and the City of Hasting for the Lake Hastings Priority Area of the Upper Big Blue NRD Water Quality Management Plan Update. Amendment #1 extends the agreement to December 31, 2024, and adds \$2,500 funding from each agency (original funding commitment was \$9,000 per agency) to cover the costs for the development of a water quality model by JEO Consulting. Motion failed.

AYE: Bethune, R. Bohaty, Miller, Perry, Peterson, Siebert

NAY: A. Bohaty, J. Bohaty, Dickinson, Houdersheldt, Nuss, Otte, Stahly, Weiss, Yates

NOT VOTING: Grotz

NOT PRESENT: Kuehner

ITEM 21. RECHARGE LAKE WATER QUALITY IMPROVEMENT STUDY PAYMENT REQUEST.

The UBBNRD received an invoice from The Flatwater Group totaling \$14,000.00 for work performed from February 14, 2024, through April 2, 2024, which included completion of a bathymetric survey, completion of a shoreline and facility inventory, and continued development of GIS datasets. Current work includes a nutrient loading assessment and a fisheries evaluation. It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$14,000.00 to The Flatwater Group for work completed on the Recharge Lake Water Quality Improvement Study from February 14, 2024, through April 2, 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 22. HAZARD MITIGATION PLAN UPDATE & PAYMENT REQUEST.

JEO Consulting Group submitted an invoice in the amount of \$2,803.60 for work performed from February 17 through March 15, 2024. The Nebraska Emergency Management Agency share is 75% or \$2,102.70. The UBBNRD, Hamilton County, Seward County, and York County will each pay 6.25% or \$175.23. The UBBNRD will invoice the other agencies quarterly. It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$2,803.60 to JEO Consulting Group for work completed on the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan Update from February 17 through March 15, 2024. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 23. WARNING SIRENS UPDATE & PAYMENT REQUESTS.

Blue Valley Public Safety completed the installation of the poles and the siren equipment and submitted

their invoice of \$34,180 as quoted for the installation. Klement Electric's quote was \$17,724 for the electrical installation. Both Blue Valley Public Safety and Klement Electric were planning to be present when the sirens were tested, which was included in their quotes. Due to short notice Klement was unable to be present when the sirens were tested. He allowed a credit of \$2,300 and submitted a revised invoice in the amount of \$15,427. It was moved by R. Bohaty and seconded by Miller that the Upper Big Blue NRD approve payment of \$34,180.00 to Federal Signal (BVPS) for costs of installing the four sirens at Oxbow Trail, Smith Creek, Recharge Lake, and Pioneer Trails. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Stahly, Weiss, Yates

NAY: Siebert

NOT PRESENT: Kuehner

It was moved by R. Bohaty and seconded by Houdersheldt that the Upper Big Blue NRD approve payment of \$15,427.00 to Klement Electric for costs of installing the electrical service to the four sirens at Oxbow Trail, Smith Creek, Recharge Lake, Pioneer Trails. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Miller reported that the Executive Committee met on April 11, 2024, and presented the committee's recommendations.

ITEM 25. DIRECTORS' FIRST QUARTER PER DIEM & EXPENSES.

The Executive Committee reviewed the directors' per diem and expenses for this past quarter. The first quarter directors' per diem is \$8,190.00 and expenses are \$3,808.98 for a total expenditure of \$11,998.98. Individual expense vouchers were available for review. It was moved by Miller and seconded by Dickinson to approve payment of first quarter 2024 directors' per diem of \$8,190.00 and expenses of \$3,808.98 for a total of \$11,998.98, and to publish these approved expenditures in the March Financial Report, 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 or her own per diem and/or expense reimbursement. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 26. PURCHASE KEYLESS ENTRY SYSTEM.

The Upper Big Blue NRD received quotes from Applied Connective, Kidwell, and Mattice Lock & Safe for a keyless entry system for the headquarters office, heated storage, unheated storage, and maintenance building at Recharge Recreation Area. There are funds available in the FY24 budget under the capital expenditure line item that will not be spent this year and can be used to make the purchase.

Item	Applied Con.	Kidwell	Mattice Lock
One-Time Products and Services	*\$30,663.00	*\$47,376.00	\$26,123.00
Monthly Recurring Cost	\$250.00	\$81.00	

* Does not include locksmith fee to install dummy cylinders.

It was moved by Miller and seconded by Bethune to approve purchase and installation of a keyless entry system for the headquarters office, heated storage, unheated storage, and maintenance building at Recharge Recreation Area from Applied Connective for a cost not to exceed \$31,000 and a monthly recurring fee of \$250. A lengthy discussion ensued about the proposed purchase, whether staff would gain entry with fobs or keycards, the ability to monitor which employees have entered the buildings, the ability to limit individual employees access to certain buildings, a keypad option, fail-safe and fail-secure locks, panic bars, and the cost to rekey all the existing door locks at the four buildings. It was moved by Houdersheldt and seconded by Nuss to call the question and proceed with voting. Motion carried.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: A. Bohaty, J. Bohaty, R. Bohaty

NOT PRESENT: Kuehner

The question was called, and the motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Miller, Otte, Perry, Peterson, Siebert, Weiss, Yates

NAY: A. Bohaty, J. Bohaty, R. Bohaty, Grotz, Nuss, Stahly

NOT PRESENT: Kuehner

It was moved by Miller and seconded by Peterson to approve a down payment of 35%, not to exceed \$11,000, to Applied Connective for a keyless entry system. Motion carried.

AYE: Bethune, Dickinson, Grotz, Houdersheldt, Miller, Otte, Perry, Peterson, Siebert, Stahly, Yates

NAY: A. Bohaty, J. Bohaty, R. Bohaty, Nuss, Weiss

NOT PRESENT: Kuehner

ITEM 27. BURKE SCHOLARSHIPS.

The scholarship selection committee met on Tuesday, April 9, 2024. The committee consisted of Kevin Peterson, Teresa Otte, and Matthew Perry. David Eigenberg was also present. There were seven completed applications submitted for the 2024 Burke Scholars program, however, two of the applicants failed to meet the requirements of the award and so were not considered. Of the remaining five applicants, the committee selected Remi Christensen, a 2022 graduate of Seward High School, who is studying plant biology at UNL. Mason Lindburg, a 2024 graduate of Cross County Community Schools, who will be studying biological systems engineering at UNL and as alternate Sarah Springer, a 2023 graduate of Aurora High School, who is studying fisheries and wildlife management at UNL. It was moved by Peterson and seconded by R. Bohaty to award two \$2,000.00 scholarships, one to Remi Christensen, one to Mason Lindburg, and name Sarah Springer as alternate. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

There was discussion about awarding a third scholarship this year and whether we had money in the budget to do that. Houston told the board that she has funds in the FY24 budget for a Water Leaders Academy scholarship that will go unused. It was moved by J. Bohaty and seconded by Nuss to suspend the policy limiting the Burke Scholarship to two scholarships and award an additional \$2,000 scholarship to Sarah Springer. This motion required a two-thirds vote to carry. Motion carried.

AYE: A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Miller, Nuss, Otte, Perry, Siebert, Stahly, Weiss

NAY: Bethune, Grotz, Houdersheldt, Peterson, Yates

NOT PRESENT: Kuehner

ITEM 28. CLOSED SESSION.

It was moved by Miller and seconded by Houdersheldt to go into closed session at 8:58 p.m. for the purpose of discussing potential litigation. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

It was moved by Houdersheldt and seconded by Miller to return to open session at 9:29 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 29. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR MARCH 2024.

Eigenberg reviewed the financial report for the period March 1, 2024, to March 31, 2024, that was distributed. It was moved by Stahly and seconded by Peterson to approve the financial report for March 2024 as corrected and approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

ITEM 30. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by A. Bohaty to adjourn the meeting at 9:42 p.m. Motion carried.

AYE: Bethune, A. Bohaty, J. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Nuss, Otte, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: Kuehner

I, the undersigned, Secretary of the Upper Big 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 April 18, 2024, 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 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 for 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.

Bill Stahly, Secretary

ndb

MINUTES
BOARD OF DIRECTORS MEETING
May 16, 2024

The Board of Directors of the Upper Big Blue Natural Resources District met Thursday, May 16, 2024, at 7:00 p.m. in the NRD office, 319 East 25th Street, York, Nebraska.

Directors present were Paul Bethune, Anthony Bohaty, Richard Bohaty, Doug Dickinson, Rodney Grotz, Roger Houdersheldt, Bill Kuehner, John Miller, Mike Nuss, Matt Perry, Kevin Peterson, Kendall Siebert, Bill Stahly, Paul Weiss, and Lynn Yates.

Staff and others in attendance were David Eigenberg, Marie Krausnick, Nancy Brisk, Chrystal Houston, Terry Julesgard, Jack Wergin, Ronda Rich, Tina Oswald, Dennis Elge, Terry Elge, Iris Bergen, and Nichole Strand of NRCS.

ITEM 1. PUBLICATION OF LEGAL NOTICE OF MEETING.

Yates stated that the legal notice of the board of directors' meeting was published on May 9, 2024, in the York News-Times.

ITEM 2. OPEN MEETINGS ACT.

Yates informed those in attendance that the Open Meetings Act is posted in the back of the room by the entry doors.

ITEM 3. ROLL CALL OF DIRECTORS.

Fourteen directors were present during roll call. Nuss arrived at 7:09 p.m.

ITEM 4. REQUEST FOR EXCUSED ABSENCE.

Jeff Bohaty and Teresa Otte requested an excused absence from the May 16, 2024, board meeting. It was moved by Perry and seconded by Grotz to excuse the absence of Jeff Bohaty and Teresa Otte from the May 16, 2024, board of directors meeting as requested. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss

NAY: Yates

NOT PRESENT: J. Bohaty, Otte

ITEM 5. ADOPTION OF THE AGENDA.

It was moved by Houdersheldt and seconded by Peterson to adopt the agenda for the May 16, 2024, board of directors meeting. Motion carried.

AYE: Bethune, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: A. Bohaty

NOT PRESENT: J. Bohaty, Otte

ITEM 6. PUBLIC COMMENTS.

Dennis Elge of rural Aurora asked to address the board on the Synergen large water use permit and the hydrologic evaluation report. He expressed concern about the impact this large water user would have on his farming operation and that the large amount of water they propose to pump could impact groundwater levels and trigger groundwater allocation. He provided a written copy of his comments to be made part of the public record, which are available upon request.

Terry Elge told the board that his farm is within three miles of the Synergen site and that the heavy pumping will impact him. He mentioned the presentation at the May 7, 2024, Water Committee meeting by Steve Young of Brown & Caldwell on the peer review they conducted of the Synergen hydrologic evaluation. He referenced a comment that Mr. Young made about an “orange flag” and the need to proceed with caution when approving large water use permits. He asked what recourse he had if the Synergen plant effects his well. He expressed his opinion that the NRD board voted to approve the permit before they had all the needed information.

Iris Bergen addressed the board. She told the board that she lives on the Hamilton/Clay County line in Hamilton County. She commented that at least some of the board members expressed the sentiment that they would have voted differently if they had had more time to study the hydrologic report. She requested that either as a board or individually they contact the Hamilton County Commissioners, who are scheduled to meet on May 20 to set the date on the Synergen hearing, to discuss their thoughts on the matter. She provided a written copy of her comments, which are available upon request.

ITEM 7. APPROVAL OF MINUTES OF APRIL 18, 2024, BOARD OF DIRECTORS MEETING.

It was moved by Miller and seconded by R. Bohaty to approve the minutes of the April 18, 2024, board of directors meeting. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 8. REPORT OF WATER AND REGULATIONS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Siebert reported that the Water and Regulations Committee met May 7, 2024, and presented the committee’s recommendations.

ITEM 9. BROWN AND CALDWELL INVOICE –WATER SUSTAINABILITY GRANT APPLICATION.

Brown and Caldwell submitted an invoice in the amount of \$9,853.75 for the preparation of a Water Sustainability Fund grant application for a study in Hamilton County in partnership with Hamilton County and the City of Aurora. This cost will be shared between all the partners for a total of \$3,284.58 each. It was moved by Siebert and seconded by Stahly to pay Brown and Caldwell for the preparation of the Water Sustainability Grant application in the amount of \$9,853.75. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 10. JEO INVOICE FOR FACILITATION OF ADVISORY COMMITTEE MEETING.

An invoice for \$830.00 was received from JEO Consulting Group for professional services through April 12, 2024, related to the facilitation of the advisory committee workshop. The final report was emailed to all the directors last month. It was moved by Siebert and seconded by Peterson to pay JEO Consulting Group for professional services provided in the amount of \$830.00. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 11. AQUIFER QUALITY WELL ABANDONMENT COST-SHARE ASSISTANCE PROGRAM PAYMENTS.

Twelve aquifer quality well abandonment cost-share assistance program applications were recommended for final payments totaling \$8,706.16. It was moved by Siebert and seconded by Houdersheldt to make cost-share payments for twelve well abandonments, as reviewed by the committee, at a cost of \$8,706.16. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 12. WATER METER REPAIR COST-SHARE PAYMENTS.

One water meter repair cost-share assistance application was recommended for final payment totaling \$300.00. It was moved by Siebert and seconded by Grotz to make cost-share payment for one water meter repair cost-share assistance, as presented by staff and reviewed by the committee, in the amount of \$300.00. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 13. WISH NEBRASKA BATTERIES FOR RESALE.

An invoice in the amount of \$3,576.00 was received from WISH Nebraska for battery replacement kits for resale. It was moved by Siebert and seconded by Miller to pay WISH Nebraska for replacement battery kits in the amount of \$3,576.00. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 14. TRI CITY METER PAYMENT FOR METER MAINTENANCE.

Three invoices were received from Tri City Meter for the servicing of 1,436 mechanical flow meters. The invoices totaled \$67,315.00. It was moved by Siebert and seconded by Grotz to pay Tri City Meter for the servicing of 1,436 flow meter in the amount of \$67,315.00. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 15. AQWACAP AND WATER METER REPAIR COST-SHARE PROGRAM CHANGES.

The cost of well abandonment continues to increase while the district cost-share amount has remained the same. A graph showing the average cost to seal a well was provided. The district wants to ensure that wells are properly sealed. It was moved by Siebert and seconded by R. Bohaty to increase the cost-share amount from the current 60% of total cost up to \$750.00, to 60% of total cost up to \$1,000.00 per well effective July 1, 2024. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

The cost to repair a flow meter has also continued to increase while the district cost-shared amount has remained unchanged. Flow meters are required and need to be properly repaired and/or replaced when not functioning. It was noted that refurbished mechanical flow meters are getting harder to obtain. A graph of the average cost to repair a flow meter was reviewed. It was moved by Siebert and seconded by Peterson to increase the cost-share amount from the current 50% of total cost up to \$300.00, to 50% of total cost up to \$500.00 per flow meter effective July 1, 2024, and allow new flow meters to be included in the cost-share program. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 16. REPORT OF PROJECTS & PROGRAMS COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Richard Bohaty reported that the Projects and Programs Committee met on May 9, 2024, and presented the committee's recommendations.

ITEM 17. RECHARGE LAKE WATER QUALITY IMPROVEMENT STUDY PAYMENT REQUEST.

Gordon Coke and Justin Cermack of The Flatwater Group gave a presentation to the Projects and Programs Committee on the draft Recharge Lake Water Quality Improvement Study. Gordon and Justin discussed a number of possible in-lake improvements as part of the draft study. The Upper Big Blue NRD received an invoice from The Flatwater Group totaling \$6,125.00 for work performed from April 1 through April 30, 2024, which included initiation of a Nutrient Loading Assessment and Fisheries Evaluation, BMP Alternatives Evaluation, and Report Documentation and Concept Map Preparation. It was moved by R. Bohaty and seconded by Perry that the Upper Big Blue NRD approve payment of \$6,125.00 to The Flatwater Group for work completed on the Recharge Lake Water Quality Improvement Study from April 1 through April 30, 2024. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 18. PRIVATE DAMS PROGRAM.

There are two new private dam applications in which the landowners would like to move on to the design phase. Dave Hansen's dam is located approximately two miles north of Friend and has an initial cost estimate of \$50,000. Dale Rocker Trust dam is located approximately 2 miles west of Seward and

has an initial cost estimate of \$57,000. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve the private dam applications of Dave Hansen and Dale Rocker Trust, which allows both projects to move on to the design phase. NRCS staff will be completing the design work on both of these dams. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 19. STORM DAMAGED TREE PROGRAM PAYMENT.

Gene Staehr of York has completed the planting of a new tree as part of the storm damaged tree program. The total cost was \$299.99 with a 50% NRD cost share of \$150.00. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$150.00 to Gene Staehr of York for one tree replaced through the NRD's storm damaged tree program. Motion carried.

AYE: R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: Bethune, A. Bohaty

NOT PRESENT: J. Bohaty, Otte

ITEM 20. HAZARD MITIGATION PLAN UPDATE & PAYMENT REQUEST.

JEO Consulting Group submitted an invoice in the amount of \$5,444.40 for work performed from March 16 through April 12, 2024. The Nebraska Emergency Management Agency share is 75% or \$4,083.30. The UBBNRD, Hamilton County, Seward County, and York County will each pay 6.25% or \$340.28. The UBBNRD will invoice the other agencies quarterly. The second round of public meetings will be held June 3rd at 2:00 p.m. in York and at 7:00 p.m. in Seward and June 5th at 7:00 p.m. in Aurora. It was moved by R. Bohaty and seconded by Siebert that the Upper Big Blue NRD approve payment of \$5,444.40 to JEO Consulting Group for work completed on the Upper Big Blue NRD Multi-Jurisdictional Hazard Mitigation Plan Update from March 16 through April 12, 2024. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 21. NEBRASKA DEPARTMENT OF NATURAL RESOURCES – ADDITIONAL STREAM GAGES.

The NRD has an agreement with the Nebraska Department of Natural Resources to cost-share on the installation and annual operation and maintenance for two new stream gaging sites: one on the Blue River near Staplehurst and one on the West Fork Big Blue River near Grafton. In addition, NeDNR has installed gage only sites at Lincoln Creek at Aurora, School Creek at Sutton, West Fork Big Blue River near McCool Junction, Beaver Creek at York, and the West Fork Big Blue River near Beaver Crossing. NeDNR has submitted an invoice of \$14,995.00 for the cost of the equipment and installation of the two gaging stations (50% of total cost of \$29,990.00). It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD approve payment of \$14,995.00 to the Nebraska Department of Natural Resources for the equipment and installation costs of two new gaging stations (Blue River near Staplehurst and West Fork Big Blue River near Grafton). Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 22. SMITH CREEK PICNIC SHELTER UPDATE AND PAYMENT REQUEST.

Broken Arrow Excavating is scheduled to remove the old picnic shelter in May and Dostal Construction will begin working on the new shelter. ABCreative has submitted an invoice for the remaining 50% of the picnic shelter materials. The first half was paid in December 2023. It was moved by R. Bohaty and seconded by Dickison that the Upper Big Blue NRD approve payment of \$27,466.50 to ABCreative for the remaining 50% of the material costs for the picnic shelter to be installed at Smith Creek Recreation Area. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 23. OVERLAND TRAIL UPDATE AND REQUEST FOR CONCRETE PROPOSALS.

Boom Concrete is scheduled to deliver and install the new double vault restroom at Overland Trail Recreation Area in mid to late May. Staff would like to get concrete quotes for installing two ADA parking stalls and the sidewalk to the vault restroom and the hydrant. Funds were included in the FY2024 budget, but the work might extend into FY2025. It was moved by R. Bohaty and seconded by Nuss that the Upper Big Blue NRD staff solicit quotes for the concrete work at Overland Trail Recreation Area which will include two ADA parking stalls and sidewalk. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 24. REPORT OF EXECUTIVE COMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Kuehner reported that the Executive Committee met on May 9, 2024, and presented the committee's recommendations.

ITEM 25. BURKE SCHOLARSHIPS.

The policy that the scholarship selection committee used this year was discussed. The scholarship was established in memory of Raymond Burke for the benefit of youth interested in pursuing careers in natural resources related fields. From time to time, donations memorializing other individuals have been added to this Fund. Currently, the Upper Big Blue NRD administers two scholarships awarded annually in the amount of \$2,000 each.

Qualifications include:

- The legal home permanent address of the applicant is in the Upper Big Blue NRD.
- Attend or plan to attend in the upcoming semester, a two-year or four-year Nebraska college or university.
- Are enrolled or will be enrolled in the upcoming semester in a course of study leading to an associate or undergraduate degree in a natural resources-related field.
- Intend to enter the workforce upon graduation in a "hands-on" position, such as soil/water conservation, resources manager, or engineering technician.
- Are not family members of staff/director of the Upper Big Blue NRD.

In recent years, the general policy has been suspended and three scholarships have been awarded. The suggestion was made that the guidance policy be rewritten stating that up to two scholarships per year

may be awarded, however that if the budgeted funding is not used for the one annual public-awarded Water Leaders Academy Scholarship, then a third Burke Scholarship may be considered.

It was moved by Kuehner and seconded by Miller to amend the selection policy for the Burke Scholarship to read: In the event that multiple quality applicants are received in a year, and after two scholarships have been awarded using Burke Scholarship funding, and if the budgeted funding was not used for the one annual public-awarded Water Leaders Academy Scholarship, that a third Burke Scholarship would be considered. Motion carried.

AYE: A. Bohaty, R. Bohaty, Dickinson, Houdersheldt, Miller, Kuehner, Nuss, Perry, Siebert, Weiss

NAY: Bethune, Grotz, Peterson, Stahly, Yates

NOT PRESENT: J. Bohaty, Otte

ITEM 26. APPROVAL OF FY25 SALARY SCHEDULE.

The General Manager recommended changes to the FY25 Salary Schedule. Eigenberg explained the logic and starting point behind this recommendation and answered questions. This schedule has been developed to provide guidance on FY25 salary structure. Midpoints were calculated by taking the average of 5 NRDs with similar property valuations, annual payrolls, and staffing numbers. Midpoints were then used to develop minimum (80%) and maximum (120%) wage limits. The salary schedule will be used in accordance with the Operating Policy. It was moved by Kuehner and seconded by Peterson to approve the FY25 Salary Schedule as presented. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 27. FY25 WAGE INCREASE REQUEST.

The Executive Committee discussed the wages of current staff positions. As part of this discussion, Eigenberg stated that the district has not kept pace with the increase in wages for new hires or current employees. Eigenberg requested that the board authorize a 6.5% increase in the FY25 payroll for a total of \$104,148 for salary realignment and FY25 wage increases for staff. It was moved by Kuehner and seconded by Houdersheldt to adjust the annual FY25 salaries of the district staff, except for the General Manager, by 6.5% of the FY24 payroll, not to exceed \$104,148, and to authorize the General Manager to determine and make the salary and wage adjustments, in accordance with the Operating Policy. Motion carried.

AYE: Bethune, Dickinson, Houdersheldt, Miller, Nuss, Perry, Peterson, Siebert, Stahly, Yates

NAY: A. Bohaty, R. Bohaty, Grotz, Kuehner, Weiss

NOT PRESENT: J. Bohaty, Otte

ITEM 28. CLOSED SESSION TO DISCUSS POTENTIAL LITIGATION.

It was moved by Kuehner and seconded by R. Bohaty to go into closed session at 8:15 p.m. for the purpose of discussing pending litigation. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

It was moved by Miller and seconded by Dickinson to return to open session at 8:45 p.m. Motion

carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

It was moved by Kuehner and seconded by Houdersheldt to accept the counteroffer to the UBBNRD original settlement offer from Langworthy Trust with the stipulation that all requirements of both current easement and crossing agreement will remain in force. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 29. FINANCIAL REPORT AND PUBLICATION OF EXPENDITURES FOR APRIL 2024.

Eigenberg reviewed the financial report for the period April 1, 2024, to April 30, 2024, that was distributed. It was moved by Stahly and seconded by Houdersheldt to approve the financial report for April 2024 and approve payments of the accounts payable and publish the expenditures. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

ITEM 30. MOTION TO ADJOURN.

It was moved by Houdersheldt and seconded by Peterson to adjourn the meeting at 9:00 p.m. Motion carried.

AYE: Bethune, A. Bohaty, R. Bohaty, Dickinson, Grotz, Houdersheldt, Miller, Kuehner, Nuss, Perry, Peterson, Siebert, Stahly, Weiss, Yates

NAY: None

NOT PRESENT: J. Bohaty, Otte

I, the undersigned, Secretary of the Upper Big 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 May 16, 2024, 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 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 for 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.

Bill Stahly, Secretary

ndb

