

LOWER BIG BLUE NATURAL RESOURCES DISTRICT
BOARD MEETING
August 29, 2024, 8:30 A.M.

Notice of the meeting was published in accordance with Section 84-1411, Nebraska Statutes, in the Beatrice Daily Sun and the Wilber Republican. Notice was also sent to Radio Station KWBE, Crete News, and Fairbury Journal-News. In accordance with the Nebraska Open Meetings Act, the Open Meetings Act is posted on the east wall of the meeting room for public viewing.

The meeting was called to order by Chairperson Larry Barta at 8:30 a.m.

Directors Present: Larry Barta, Ryan Birkett, Steve Kelley, Bob Lorenz, Duane Parde, Jason Pohlmann, Dean Roehr, Rodney Skleba, Jason Sand, Doug Stokebrand, Chad Weichel.

Staff Present: Scott Sobotka, Manager; Tyler Weishahn, Assistant Manager; Adam Kimmerling, Office Administrator; Nick Schroeder, GIS/IT/Technical Specialist, Brandy Scholl, NRD Secretary Ryan Thomas, Resources Specialist, Scott Thies, Operations Supervisor.

Directors Absent: Brent Katz, Darrell Rains

Others Present: Josh Malchow, Gage County NRCS

CONSIDERATION OF EXCUSED ABSENCES

Darrell Rains has submitted his letter of resignation as Director of Sub-District 2 effective August 29, 2024.

MOTION #1 was made by Doug Stokebrand, seconded by Jason Sand, to accept the resignation of Darrell Rains as Director of Sub-District 2 effective August 29, 2024. Motion carried.

YEA: Barta, Birkett, Kelley, Lorenz, Parde, Pohlmann, Roehr, Sand, Skleba, Stokebrand, Weichel, **NAY:** None. **ABSTAIN:** None.

Brent Katz, has requested to be excused from the August 29th board meeting.

MOTION #2 was made by Jason Sand, seconded by Jason Pohlmann, to excuse Brent Katz from the August 29th board meeting. Motion carried.

YEA: Barta, Lorenz, Pohlmann, Sand, Stokebrand, Weichel. **NAY:** Birkett, Parde, Roehr, Skleba. **ABSTAIN:** Kelley.

APPROVAL OF AUGUST 29, 2024, CONSENT AGENDA

MOTION #3 was made by Duane Parde, seconded by Steve Kelley, to adopt the Consent Agenda for the August 29, 2024, board meeting which includes: adoption of the agenda as submitted, approval of the July 11, 2024, meeting minutes, financial status report dated July

31, 2024, July 2024 bills payable, July 2024 revenues, monthly bank account summary and Beatrice West and Wymore Rural Water Financials. Motion carried.

YEA: Barta, Birkett, Kelley, Lorenz, Parde, Pohlmann, Roehr, Sand, Skleba, Stokebrand, Weichel. **NAY:** None. **ABSTAIN:** None.

OPEN PUBLIC COMMENTS

No public present.

WATER COMMITTEE REPORT

Chad reported on the water committee meeting held August 21, 2024.

An anonymous complaint was received alleging application of groundwater to uncertified acres and citing an application for variance that had been denied by the Board. Staff completed the required investigation and found noncertified acres being irrigated. A notice of intent to issue a cease-and-desist was sent to the producer, notifying him of the complaint, intent to issue a cease-and-desist and his right to request a hearing. No hearing was requested. Penalties for the violation of the moratorium were also discussed, including a time-frame for not allowing those acres to be certified after the moratorium is lifted. These penalties may also be discussed at the next monthly board meeting.

MOTION #4 was made by Dean Roehr, seconded by Rodney Skleba, to issue a cease-and-desist order against Justin Niederklein to cease irrigation of approximately 42 acres in the NWSE ¼ Section 2-4 North Range 1 East, Jefferson County Nebraska for violating the District moratorium on the expansion of irrigated acres. Motion carried.

YEA: Barta, Birkett, Kelley, Lorenz, Parde, Pohlmann, Roehr, Sand, Skleba, Weichel. **NAY:** Stokebrand **ABSTAIN:** None.

Tyler informed the Board of Replacement Well Permit LBB-1162 issued to Summit Pork V, LLP. The original permit, LBB-1149 allowed for two low capacity wells at the time of issuance. One well was a converted existing domestic well and the second well was unable to provide water and was replaced under LBB-1162. Tyler noted that the replacement well has also yielded no water.

MOTION #5 was made by Doug Stokebrand, and seconded by Steve Kelley, to confirm the original approval of the second well under Replacement Well Permit LBB-1162. Motion carried.

YEA: Barta, Birkett, Kelley, Lorenz, Parde, Pohlmann, Roehr, Sand, Skleba, Stokebrand, Weichel. **NAY:** None. **ABSTAIN:** None.

Tyler presented a Well Registration Permit for Niemeyer Land and Farming Partnership located in Section 10-T7N-R4E. It is believed the well was drilled in the 1950's. DNR is attempting to clean-up some well registration issues in the area. The DNR Well Registration form requires the signature of the appropriate NRD.

MOTION #6 was made by Chad Weichel, and seconded by Dean Roehr, to authorize signing of the DNR Well Registration form on behalf of the LBB NRD. Motion carried.

YEA: Barta, Kelley, Lorenz, Parde, Pohlmann, Roehr, Skleba, Stokebrand, Weichel.
NAY: None. **ABSTAIN:** Birkett.

Discussion was held on setting the date, time and place for the public hearing for the proposed Groundwater Rules and Regulations update.

MOTION #7 was made by Rodney Skleba, seconded by Steve Kelley, to set the public hearing for the Groundwater Rules and Regulations update at the Gage County 4-H Building on November 6, 2024, at 6:00 pm. Motion carried.

YEA: Barta, Kelley, Lorenz, Parde, Roehr, Skleba, Weichel. **NAY:** Birkett, Pohlmann, Stokebrand. **ABSTAIN:** None. **NOT PRESNET:** Sand

BUILDING COMMITTEE REPORT

Dean requested that the Building Committee meet for a brief meeting after the board meeting. He stated that October is likely when the proposal can go to contractors for formal bid letting with action on the bids in December or January.

NARD CONFERENCE VOTING DELEGATE AND ALTERNATE

Discussion was held regarding the appointment of our voting delegate and alternate for the 2024 NARD Annual Conference.

MOTION #8 was made by Ryan Birkett, and seconded by Duane Parde, to appoint Larry Barta as the voting delegate and Steve Kelley as the alternate voting delegate for the LBB NRD for the 2024 NARD Annual Conference. Motion carried.

YEA: Barta, Birkett, Kelley, Lorenz, Parde, Pohlmann, Roehr, Skleba, Stokebrand, Weichel. **NAY:** None. **ABSTAIN:** None.

NARD RESOLUTIONS

Scott reported on current NARD resolutions. Currently they are looking at electronic payments and changes that need to be made to allow for those.

LEGISLATIVE UPDATE

Scott reported on updates. Senator Brandt has reached out to Scott regarding possible future discussions to add recreational access to the Big Blue river.

FY 2025 BUDGET

Scott reviewed the FY 2025 budget.

MOTION #9 was made by Steve Kelley, seconded by Chad Weichel, to approve the FY 2025 Budget as presented and to hold the Budget Hearing on September 21st at 8:30 a.m. followed by the Levy Hearing. Motion carried.

YEA: Barta, Birkett, Kelley, Lorenz, Parde, Pohlmann, Roehr, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

NRD ACTIVITIES

Scott reported on the NRD Managers’ Meeting which was hosted by the LBB NRD this past Monday through Wednesday at the Homestead National Historical Park Education Center. Twenty one of twenty three districts were represented, with several attendees from other agencies. A tour was held of the Nebraska Public Power District’s power plant, and a representative from Koch Fertilizer presented to the group.

LETTER OF SUPPORT

Scott stated the Middle Niobrara NRD is seeking support for the Sandhills Interactive Natural Resources Educational Complex (SINREC) in Valentine, NE.

MOTION #10 was made by Rodney Skleba, seconded by Chad Weichel, to authorize submission of a letter of support for Middle Niobrara NRD’s SINREC project. Motion carried.

YEA: Barta, Birkett, Kelley, Lorenz, Parde, Pohlmann, Roehr, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

AGENCY REPORTS

NRCS

Josh Malchow reported.

EXTENSION OFFICE

No Report

NRC

Steve reported he was unable to attend the meeting in Kearney on August 14th Water Sustainability Fund Applications were awarded at that meeting. LBBNRD’s application for the AEM 3 project was approved.

NARD

Steve reported next meeting will be September 24, 2024, at the annual conference.

UPCOMING MEETINGS

- a. August 23rd – September 3rd Nebraska State Fair
- b. September 2nd Labor Day
- c. September 10th – 12th Husker Harvest Days
- d. September 19th Budget Hearing 8:30 a.m. followed by levy hearing
- e. September 19th NRD Board Meeting following hearings
- f. September 23rd – 24th NARD Annual Conference

Being no further business, Chairperson Larry Barta adjourned the meeting at 10:43 a.m.

Secretary, Jason Sand

I, the undersigned, Secretary of the Lower 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 11, 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 Lower Big Blue NRD Board of Directors Meeting August 29, 2024 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.