

**LOWER BIG BLUE NATURAL RESOURCES DISTRICT
BOARD MEETING
February 9, 2023**

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, Fairbury Journal-News and Wymore Arbor State. In accordance with the Nebraska Open Meetings Act, the Open Meetings Act is posted on the north wall of the meeting room for public viewing.

The meeting was called to order by Chairperson Ryan Birkett at 8:30 a.m.

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

Staff Present: Scott Sobotka, Manager; Tyler Weishahn, Assistant Manager, Adam Kimmerling, Office Administrator; Scott Theis, Operations Supervisor; Nick Schroeder, GIS/IT/Data Specialist; Ryan Thomas, Resources Specialist; Jerry Bucy, Special Projects Coordinator.

Others Present: Mallory Morton, Olsson, Tim Alfs, Shawn Schwaninger.

APPROVAL OF FEBRUARY 9, 2023 CONSENT AGENDA

MOTION #1 was made by Steve Kelley, seconded by Duane Parde, to adopt the Consent Agenda for the February 9, 2023, board meeting which includes: adoption of the agenda as submitted, approval of the January 5, 2023 meeting minutes, financial status report dated January 31, 2023, January 2023 bills payable, January 2023 revenues, monthly bank account summary and Beatrice West and Wymore Rural Water Financials. Motion carried.

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

OPEN PUBLIC COMMENTS

None

CONSIDERATION OF EXCUSED ABSENCES

None

Director Weichel arrived at 8:37 A.M.

WATER COMMITTEE REPORT AND TEMPORARY STAY DISCUSSION

Nick reviewed the water committee minutes from Tuesday February 7th. The minutes are attached as official record to these minutes. Nick stated that he is working with the attorney on rules and regulations update. Nick also stated that the committee has recommended entering into an agreement with Olsson for sub-area delineation and with Aqua Geo Frameworks for the AEM study.

Mallory Morton reviewed the scope of services and answered the Board's questions regarding the agreement. Discussion on the contract and sub-area management was held.

MOTION #2 was made by Doug Stokebrand, seconded by Dean Roehr, to enter into

contractual agreement with Olsson for Hydrological and sub-area delineation support not to exceed \$27,000. Motion carried.

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

Mallory Morton reviewed an addition to the contract which provides for assistance in the preparation and submittal of a Water Sustainability Fund application for a subsequent AEM flight. The cost for the assistance for the WSF application is not to exceed \$4,000.

MOTION #3 was made by Doug Stokebrand, seconded by Jason Sand, to enter into contractual agreement with Olsson for assistance in the preparation and submittal of a WSF grant application not to exceed \$4,000. Motion carried.

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

Tyler reviewed a proposed contract with Aqua Geo Frameworks for the current AEM project. Tyler reminded the board that this project is 60% funded with a WSF grant. Discussion of the contract was held.

MOTION #4 was made by Doug Stokebrand, seconded by Jason Sand, to enter into a contractual agreement with Aqua Geo Frameworks for an AEM study in the amount of \$360,000. Motion carried.

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

WATER PERMITS, IRRIGATION AGREEMENTS

Tyler summarized Shawn Schwaninger's project in the SE ¼ Section 1-T6N-R5E. Shawn was granted a well permit to drill a well prior to the moratorium. After drilling the initial test hole, Shawn was able to obtain AEM data which suggested better material further to the Southeast. Shawn drilled another test hole which was E-logged by UNL Hydrologist Kathleen Cameron. Shawn is seeking a variance to Rule 5.14.2 a test-hole must be drilled within 300 feet of the proposed well location. Approval of the variance would allow him to drill more than 300 Ft. from the approved well permit location.

MOTION #5 was made by Larry Barta, seconded by Brent Katz, to approve the variance and allow management to sign it after verification that all requirements have been met.

Discussion on variance request was held.

MOTION #6 was made by Jason Sand, seconded by Doug Stokebrand, to call for the question on motion #5 Motion carried.

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

Vote on Motion #5

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

Nick presented a commingled well permit for Summit Pork. Dean Otto has plans to build a confined hog facility in the northwest corner of section 11-T5N-R7E. The facility plans to use

two wells pumping less than 50 gallons per minute. Because these wells will be commingled, a permit from the NRD is required. A public hearing is scheduled for March 2nd.

Tyler presented an irrigation agreement for Dean Otto. Dean is looking to enter into a new irrigation agreement with the NRD from BPC 5-B. the previous permit expired December 31, 2022. The agreement would irrigate 68.5 acres with 28.4 acre feet of water. It was noted that the State requires flow meters on the two wells that conduct water into the reservoir. Annual use reports may be required at the request of the District.

MOTION #7 was made by Doug Stokebrand, seconded by Rodney Skleba, to enter into a 10-year agreement with Dean Otto to irrigate 68.5 acres with 28.4 acre feet from BPC 5-B Motion carried.

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

WFPO UPDATE

Scott updated the board on the Little Indian WFPO project. Scott and Tyler attended the 90% completion meeting on January 27th. Staff also met with NRCS to discuss the submittal of new applications.

P.L. 566 OPERATION AND MAINTENANCE UPDATE AND NRCS DAM ASSESSMENTS

Scott Theis gave the board an update on the cast-in-place liner in Big Indian 6-E. Scott also stated that Big Indian 9-B is a good candidate for a Snap-Tite liner. Staff is currently working to order material for the project.

Scott stated that Cub Creek 12-A should open this Spring, following a few finishing touches to the restrooms, final grading etc.

BUILDING COMMITTEE REPORT

Scott reviewed the current building layout. Directors were given comment sheets and asked to submit their comments by February 16th.

LEGISLATIVE CONFERENCE UPDATE

Scott reported that nine directors and 6 staff attended the conference in Lincoln.

NARD WASHINGTON D.C. ANNUAL MEETING

Scott stated that he has asked Nick to attend this year. Dean Roehr and Chad Weichel have also expressed interest in attending. Those attending from the Lower Big Blue plan to meet with NRCS to discuss the WFPO program.

NRD ACTIVITIES

Scott mentioned that Jefferson County Planning and Zoning will meet to discuss wind regulations tonight at 7:00 PM.

Jerry Bucy updated the board on the Turkey Creek NWQI project.

Ryan spoke about upcoming Groundwater Quality Management Phase II Area certification meetings and required reporting.

Scott stated that NSWCP signup period will close March 10th. Producers must apply at their

local NRCS office.

PERSONNEL AND EQUIPMENT COMMITTEE REPORT

Jason Sand summarized the minutes from the January 30th meeting. The minutes are attached as official record to these minutes. Jason stated that the trucks bid for this year will not be made at the current price. The committee recommends rebidding the two ¾ ton trucks as 2024 models. Jason also mentioned that the committee discussed increasing summer help wages in order to remain competitive.

Scott stated that January performance reviews have been completed.. He reviewed the distribution of \$5,000 in merit raises.

MOTION #8 was made by Jason Pohlmann, seconded by Larry Barta, to reject all bids received for 2023 vehicles and rebid as 2024 models. Motion carried.

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

AGENCY REPORTS

NRCS

No Report

FIVE RIVERS R C & D

Bob reported that they have a meeting on February 21st to discuss the future of the RC&D.

EXTENSION OFFICE

No Report

NRC

Steve reported that the first NRC meeting will be held February 15th in Kearney

NARD

Steve reported on the financial position of the NARD and Risk Pool. He will not be able to attend the NARD meeting on March 5th and 6th and has asked alternate Jason Sand to attend

Announcements, Upcoming Meetings & Activities

- February 11th - 14th - NACD Annual Meeting – New Orleans
- February 20th - Presidents Day
- February 28th - Southeast Region Envirothon - Beatrice
- March 1st - Managers Meeting- Lincoln
- March 5th-6th - NARD Meeting – Lincoln
- March 6th-7th - Water Conference - Kearney
- March 9th - NRD Board Meeting, 8:30 a.m.

Being no further business, Chairperson Ryan Birkett adjourned the meeting at 10:46 a.m.

Secretary, Jason Sand

Water Committee Meeting Minutes
2/07/2023 9:30AM
Lower Big Blue Office

Committee Members Present: Ryan Birkett, Rodney Skleba, Steve Kelley, Doug Stokebrand (Chair), Chad Weichel (Vice-Chair)

Others Present: Larry Barta, Nick Schroeder, Scott Sobotka, Tyler Weishahn

- 1) Doug Stokebrand was elected as Chairman. Chad Weichel was elected as Vice-Chairman.
- 2) The committee reviewed the minutes from the last meeting on December 14, 2022.
- 3) Temporary Moratorium Discussion/Updates
 - a. Attorneys are working on the quantity rules and regulations revisions. The revisions will include language for designating subareas within the District. There will also be revisions to the Phase 2 and Phase 3 criteria in rules and regulations to be applied to each subarea.
 - b. The committee unanimously moved to recommend to the full Board to enter into an agreement with Olsson Engineering to develop and designate the subareas.
 - c. The committee unanimously moved to recommend to the full Board to enter into an agreement with Aqua Geo Frameworks (AGF). AGF will perform the Aerial Electromagnetic (AEM) survey in the District.
 - d. The committee also recommended to the staff to apply for another WSF grant to continue AEM surveys.
- 4) Shawn Schwaninger Variance
 - a. Shawn is seeking a variance to Rule 5.14.2 a test-hole must be drilled within 300 feet of the proposed well location. He has an approved permit to drill in the center of the quarter, but he had another test hole drilled in the southeast corner of the quarter that would produce better. He cannot apply for a new well permit because of the temporary 180-day moratorium. An approved variance would allow him to drill the well in the corner under the old permit approved before the moratorium took effect. Shawn started filling out the variance, but he wasn't willing to speak to his neighbors as required by the variance. The committee agrees that Shawn needs to comply with the rules for variances first, then they will act on the variance.
- 5) Dean Otto Irrigation Agreement B.P.C. 5-B
 - a. Dean is looking to enter into a new irrigation agreement with the NRD to pump water out of Bear-Pierce-Cedar 5-B. His current agreement expired December 31, 2022. He also wants to add about 30 irrigated acres to the agreement. He also currently uses two irrigation wells to pump into the pond for irrigating. He is not allowed to expand acres because of the 180-day moratorium. The committee agreed to enter into a new agreement but will not allow the expansion of about 30 irrigated acres.
- 6) Dean Otto Hog Building Commingled Well Permit
 - a. Dean has plans to build a confined hog facility in the northwest corner of section 11 - 5N-7E. The facility plans to use two wells pumping less than 50 gallons per minute. Because these wells will be commingled, a permit from the NRD is required. A permit application was submitted with a site plan, however, the application was neither signed nor paid for. The site plan estimated a total annual volume pumped to be 2 million gallons over 365 days for 6,250 finishing hogs. Since the NRD doesn't have a complete application, no action will be taken. NRD staff will check with the attorneys

on the 30-day statutory requirement to act on well permits. The Board can wait until its meeting on March 9th to act and still follow the 30-day requirement.

7) No other business was discussed.

The meeting was adjourned at 11:20AM

**PERSONNEL AND EQUIPMENT COMMITTEE MEETING
January 30, 2023 8:30 A.M.
Lower Big Blue NRD Office**

Committee members present: Dean Roehr, Rodney Skleba, and Jason Sand

Committee members absent: Steve Kelley (excused)

Others Present: Ryan Birkett, Larry Barta, Scott Sobotka and Tyler Weishahn

NRD Activities: Truck Bids

Chairperson Sand called the meeting to order at 8:40 a.m. The committee began discussing NRD personnel items, but after receiving return correspondence from Premier Chevrolet, opted to discuss truck bids in the interest of time. Premier Chevrolet had won the bid for two NRD pickups, but upon the realization they would be unable to deliver on that agreement, could offer a 2024 pickup with the understanding there would be a cost increase. The committee discussed the options and recommended readvertising for bid as soon as possible. There was some discussion that a specific delivery date may be difficult to obtain, but that the committee could address any issues with that at a later date.

Motion by Rodney Skleba to recommend that staff reopen and readvertise for bids on two ¾-ton diesel pickups as soon as possible, second by Dean Roehr. Motion passed by unanimous vote.

NRD Personnel

Agenda items discussed under NRD Personnel included employee performance reviews and salaries as of January 2023, NRD staff and job duties, vacant positions, job announcements, and summer help. Scott explained the employee performance review process and discussed how successful and effective those reviews were. He also went over the current statewide NRD salary survey with the committee and how LBBNRD staff compare with other districts. Finally, Scott explained how the \$5,000.00 budgeted for merit increases would be distributed to various employees, as well as how changes in job descriptions and duties would translate to wage increases beginning in January. The committee offered positive input from personal experience they have had with employee evaluations and encouraged management to continue this process, as well as reiterating that disbursement of the amount budgeted for merit increases is up to the discretion of management. This portion of the agenda closed with discussion about summer help wages. The committee felt that current wages were likely not competitive enough, and that increases should be considered and handled by management.

Personnel Policy Update

Scott briefed the committee on discussions with the NRD's legal representation, and the expected delay in finalizing any personnel policy changes due to their counseling on updates to groundwater rules and regulations at this time. The committee discussed the need to officially certify irrigated acres, public comment in favor of allocation in areas, upcoming Phase II Groundwater Quality Area Certification and the potential of current applicants seeking variances from groundwater quantity rules and regulations.

There being no further business, the committee adjourned at 11:10 A.M.