

LOWER BIG BLUE NATURAL RESOURCES DISTRICT  
BOARD MEETING  
June 5, 2023, 6:00 P.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 Ryan Birkett at 6:00 p.m.

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

Others Present: Kelli Evans, District Conservationist, Gage County.

CONSIDERATION OF EXCUSED ABSENCES

None

APPROVAL OF JUNE 5, 2023, CONSENT AGENDA

MOTION #1 was made by Duane Parde, seconded by Doug Stokebrand, to adopt the Consent Agenda for the June 5, 2023, board meeting which includes: adoption of the agenda as submitted, approval of the May 11, 2023, meeting minutes, financial status report dated May 31, 2023, May 2023 bills payable, May 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, Roehr, Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

OPEN PUBLIC COMMENTS

None

WATER COMMITTEE REPORT

Doug reviewed the minutes of the water committee held May 24, 2023.

Scott reviewed information regarding the current stay, the public hearing held May 18, 2023, in DeWitt and the committee's recommendation to continue the stay indefinitely.

MOTION #2 was made by Doug Stokebrand, seconded by Darrell Rains, to pass the following resolution expressing the official action of the Board of Directors on extending the current 180-day moratorium on the drilling of new irrigation wells and the increases of irrigated acres set to expire June 6, 2023, to an indefinite stay as allowed by Neb. Rev. Stat. §46-707(2) and a permanent moratorium shall be imposed. Motion carried.

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

## **RESOLUTION**

*WHEREAS*, the Board of Directors of the Lower Big Blue Natural Resources District per Neb. Rev. Stat. §46-707(2) voted to impose an immediate temporary moratorium on the construction of new water wells and increases in the number of irrigated acres for a period of 180 days on December 8, 2022; and

*WHEREAS*, the Lower Big Blue Natural Resources District per Neb. Rev. Stat. §46-707(2) held a public hearing within the 180 days on a proposal to extend the moratorium indefinitely and impose a permanent moratorium on May 18, 2023, at the DeWitt Community Building.

*NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LOWER BIG BLUE NATURAL RESOURCES DISTRICT:*

That the current 180-day moratorium on the drilling of new irrigation wells and the increases of irrigated acres set to expire June 6, 2023, shall hereby be extended indefinitely as allowed by Neb. Rev. Stat. §46-707(2) and a permanent moratorium shall be imposed.

### WELL PERMITS, IRRIGATION AGREEMENTS

Tyler presented a replacement well permit, LBB-1150. The permit meets all the rules and has been granted since replacement may be needed during the growing season.

### INFORMATION & EDUCATION COMMITTEE REPORT – BRENT KATZ

Brent reported that the Information and Education Committee members met on May 11, 2023, at 6:15 P.M. at the Lower Big Blue Office.

Discussion of the budget was held. Scott mentioned that the staff has been looking into a speaker system to be purchased under the I&E Equipment line item. That item was increased from \$400 to \$2,000. The proposed I&E budget for FY 2024 is \$20,950, which is \$1,600 more than last year.

MOTION #3 was made by Dean Roehr, seconded by Duane Parde, to approve the proposed Information and Education budget of \$20,950 for FY 2024. Motion carried.

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

Adam shared information with the board about an exhibition at the Gage County Historical Society and a program he is going to do on July 25, 2023, about the Little Indian Watershed.

**PROGRAMS & PROJECTS COMMITTEE REPORT – LARRY BARTA**

Larry reported that the Programs & Projects Committee met on May 25, 2023, at 8:00 A.M. at the Lower Big Blue NRD Office.

The committee reviewed NSWCP and NRD Cost share applications, Water Quality Fund Program, practices and cost share and Urban Conservation Assistance Program applications.

**REVIEW OF NSWCP POLICY**

Scott reviewed the current NSWCP policy. The NRD places first priority for funding to those applications that have the highest amount of soil loss/ac/yr and are above planned or constructed flood control dams. Summer work is a priority over fall or spring work. The NRCS also prioritizes applications. The NRD budgets \$100,000 for the program and receives around \$76,000 in state funds.

**2023-2024 APPLICATIONS**

Scott reviewed the 2023-2024 NSWCP applications. A total of 34 applications were received this year, requesting a total of \$259,906.00, for conservation work. The district will receive approximately \$76,000.00 from the Nebraska Soil and Water Conservation Program. Scott recommended \$100,000.00 as the NRD 2023-24 budgeted amount, which would make approximately \$176,000.00 available for cost share after slippage.

Scott recommended the committee approve the following amounts of funding to the four counties in the NRD.

**2023-2024 NSWCP Recommendations**

<u>County</u>	<u>Applications</u>	<u>Approved</u>	<u>Amount</u>
Gage	11	11	\$79,493
Saline	20	14	\$111,358
Jefferson	1	1	\$8,000
Pawnee	<u>2</u>	<u>2</u>	<u>\$13,015</u>
	34	28	\$211,866

**WATER QUALITY FUNDS**

The committee reviewed current water quality cost-share programs. Discussion was held on the current programs. The committee discussed continuing flow meter cost- share in the amount of \$30,000 this fiscal year and possibly changing next fiscal year to a flow meter maintenance cost-share program if flow meters become mandatory.

A summary of the district’s water quality programs was presented listing the number of flow meters cost-shared and the number of wells that were decommissioned. Moisture sensor cost share information was also reported. Discussion on ways to increase participation and benefits was held.

## **URBAN CONSERVATION ASSISTANCE PROGRAM**

Scott reviewed the Urban Conservation Assistance applications for FY 24 from seven area communities. Projects totaled \$221,859.56. This program will assist with 50% of the cost of these projects up to a maximum of \$25,000.00.

Applicants are requesting cost-share for culvert repairs and drainage improvements. Total NRD funds requested came to \$96,569.

The proposed FY 2024 budget for urban conservation is \$75,000. The committee discussed eligible projects, and the possibility of ranking projects to fairly distribute dollars among eligible projects. Staff will further review the proposed projects to assess criteria such as need, previous awards and eligibility.

## **CAPITAL EXPENDITURES FOR FY 2024**

Scott reviewed with the committee the FY 2023-2024 Capital Expenditures budget. The Monitoring Well line item was decreased to \$15,000 from \$30,000 as no new monitoring wells are planned to be drilled next fiscal year. The line item includes telemetry subscription, maintenance and upgrading of existing wells. The Blue Basin Model line item was also reduced to the remaining contracted amount of \$14,697.68.

The WFPO project which includes PFIR application was reduced to \$50,000 and the plan EA will be submitted for review and approval by the NRCS next fiscal year. Project approval is not anticipated until fiscal year 2025.

The line items for the Turkey Creek National Water Quality Initiative include a proposed partnership with The Nature Conservancy to promote land treatment in the District and NWQI area. The line items were reduced as the Environmental Trust grant was not extended by the Trust board.

Discussion of the need for a small dams program was held.

The Urban Conservation Assistant Program was budgeted at \$75,000. Staff will review the seven applications received for a total cost share assistance request in the amount of \$96,569.00.

The Land and Building line item was increased \$500,000. This line item can be adjusted before final approval of the FY 2024 budget.

Project legal cost was increased to \$20,000.

The proposed Capital Expenditures budget for FY 2024 is \$2,219,030.68 which is \$276,260.68 more than last year.

MOTION #4 was made by Larry Barta, seconded by Dean Roehr, to approve the Capital Expenditures budget of \$2,219,030.68. Motion carried.

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

Scott mentioned that he expects to sign a time extension for the Blue Basin Model soon. The extension adds no cost to the project.

## PERSONNEL & EQUIPMENT COMMITTEE REPORT – Jason Sand

Jason reported that the Personnel and Equipment Committee met on May 16, 2023, at 8:00 A.M. at the Beatrice Board of Public Works.

### Per Diem Policy FY 2024

The board voted to raise the per diem to \$70.00 per day in June 2021 to become effective January 2023. The committee reviewed the meeting list that directors are allowed to attend and for which per diem is paid and recommended including board tours, allowing the NARD representative to attend the Washington D.C. Conference, and removing the RC&D board meetings from the meeting list.

**MOTION #5** was made by Jason Sand, seconded by Dean Roehr, to approve the per diem policy as presented for FY 2024. Motion carried.

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

### Operations Budget FY 2023 and FY 2024

Scott reviewed the operations budget for FY 2023 and the projected budget for FY 2024.

NARD dues are increasing 4 percent.

The NRD Audit line item was increased by \$1,500.00 to allow for completion of the state budget forms and a potential federal audit due to Watershed Flood Prevention Operations (WFPO) funds received.

Insurance expense was increased by 5% per agent's recommendation. Scott also reviewed the addition of all NRD facilities and updating the NRD cyber/ransomware policies.

Petty cash has been removed from the Office Supplies line item as it is unnecessary.

Election Expenses will remain at \$10,000.00 to cover any May 2024 primary election costs.

NRD Equipment is expected to be over FY 2023 budget by the end of the fiscal year with the purchase of two 3/4-ton pickups and the trade-in of a truck with hail damage.

Scott reviewed the truck expense and the efforts by staff to be flexible with time and maximize trips to keep fuel costs down.

The truck hail damage line item appears under budget, however the NRD received a claim payment for one of the damaged pickups.

The Building Maintenance line item was decreased by \$3,500.00 with *rent* removed as a separate line item,

Building Maintenance – Insurance Building/Garage remains under budget with outstanding insurance claim items of siding replacement, façade repair, window, door and other associated miscellaneous items.

State and Local Sales Tax will remain at \$2,000.00.

Equipment O&M will remain at \$15,000.00, and should reach the FY 2023 budgeted amount with expected purchases of a power washer, tractor tires and a tractor hood among other repair costs.

Finally, Office Equipment O&M – copy machine will remain the same with the lease due to be renewed next Spring.

Overall, the FY 2024 proposed Operations Budget has decreased \$81,254.00 from FY 2023.

MOTION #6 was made by Jason Sand, seconded by Rodney Skleba, to approve the Operations budget of \$364,827.00 as presented. Motion carried.

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

#### Personnel Services Budget FY 2023 and FY 2024

Scott reviewed the proposed personnel services budget. Scott stated that the NARD does not anticipate an increase in the cost of benefits in FY 2024.

Scott intends to conduct January performance reviews again this year. The committee recommended that the Manager be allowed to distribute up to \$7,000 in merit pay after those reviews.

The proposed FY 2024 Personnel Services Budget is 1,027,062.00 and is a 2.73% increase over FY 2023.

MOTION #7 was made by Rodney Skleba, seconded Chad Weichel, to approve the FY 2024 Personnel Services Budget of \$1,027,062.00 to become effective July 1st, 2023. Motion carried.

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

#### MOTION TO INCREASE RESTRICTED TAX AUTHORITY 1%

Scott explained to the directors that the District has the authority to levy up to an additional 1% restricted tax authority to fund groundwater management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act.

MOTION #8 was made by Jason Sand, seconded by Larry Barta, that the board increase the districts restricted fund taxing authority by 1% in FY 2024. Motion carried.

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

#### NRD ACTIVITIES

Tyler gave an update on the Aerial Electromagnetic Hydrogeologic study (AEM). The flights are scheduled for mid-June.

Scott stated that Fakler Architects should have a 50% design set for review next week.

MARS has been contracted to begin dumping trash at Willard Meyer and Cub Creek.

Adam summarized the hay bid process. Areas available for bid will be sent out at the end of June. Bids will be acted upon at the July board meeting.

Scott reviewed the legislative session. He also mentioned that the EPA's Waters Of The United States (WOTUS) policy has been ruled unconstitutional.

Staff are working on the fencing at Cub creek.

Tyler reported that letters were sent to all approved new and replacement well permit applicants since 2014, requesting flow meter readings and verification of installation.

Scott told the board that directors who may be interested in attending the GMDA conference in Santa Fe July 10-13<sup>th</sup> should let Adam know as soon as possible.

## AGENCY REPORTS

### NRCS

Kelli Evans reviewed the activities of her office.

### EXTENSION OFFICE

No Report.

### NARD

Steve reported that the NARD representatives have not met.

### NRC

The next meeting will be held July 19<sup>th</sup>. Steve also stated that he forwarded information from the last meeting to the Upper Big Blue NRD.

## UPCOMING MEETINGS

- July 4th - Independence Day Holiday
- June 12-13th - Basin Tour- Central Platte NRD
- July 10-13<sup>th</sup> - GMDA Conference Santa Fe, New Mexico
- July 13<sup>th</sup> - NRD Board Meeting

Being no further business, Chairperson Ryan Birkett adjourned the meeting at 7:18 p.m.

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*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 June 5, 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 Lower Big Blue NRD Board of Directors Meeting June 5, 2023 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.

:amk