

**North Platte Natural Resources District  
Board of Directors Meeting**

**February 11, 2021**

The regular meeting of the North Platte Natural Resources District (NRD) Board of Directors was called to order in person at 3:00 p.m. MST, February 11, 2021, by Roger Eirich, at the North Platte NRD Offices (Agenda item #1). A zoom or phone conference call option was available to the public. Notice of the meeting was given to the public by publishing a legal notice in the February 4, 2021, Scottsbluff *Star-Herald*. Eirich informed meeting attendees that this meeting would be conducted in accordance with the Open Meetings Act, a copy of which is posted on the NPNRD website for public inspection (Agenda item #2).

Board members present in person: Gary Darnall, Roger Eirich, Chuck Henkel, Pete Lapaseotes, Ryan Reuter, and Dan Weinreis. Board members absent: Kent Andreas, David Deines, and Mark Westphal.

Chairman Eirich called for a motion to excuse Andreas, Deines, and Westphal from the meeting. Motion made by Reuter, seconded by Henkel, to excuse board members Andreas, Deines, and Westphal from the meeting. Motion passed.

Ayes: Darnall, Eirich, Henkel, Lapaseotes, Reuter, Weinreis

Nay: none

Abstain: none

Absent: Andreas, Deines, Westphal

Others present in person: John Berge, Barb Hoehn, Danielle Schafer, Scott Schaneman, Lydia Hendrickson, of NPNRD staff; Thad Kuntz, Adaptive Resources, Inc; Lex Larson, Lindsay Schroeder, Nick Lease, J.G. Elliot. Others present via zoom: Megan Dockery, Simmons Olson Law Firm; Sarah Gray, NRCS District Conservationist; Amanda Sheppard and Kyle Ann Hopkins, NPNRD staff.

The following items of informational material were made available to the Directors electronically prior the Board Meeting:

1. Zoom Meeting Instructions
2. Final Agenda
3. Minutes, North Platte Natural Resources District, January 14, 2021
4. Final Treasurers Report
5. Manager's Report
6. NARD Update
7. NARD Bill Summary
8. WRC Minutes, January 27, 2021
9. Spencer Variance Application Materials, Part 1, and Part 2
10. Current Flow Meter Maintenance Policy
11. Special Flow Meter Replacement Cost Share

The following items were provided to the Directors at the Board Meeting:

The same items as listed above were provided to board members in person.

### **3. Approval of Minutes of Previous Meeting**

The Board reviewed the minutes of the January 14, 2021 regular Board meeting.

*Motion made by Henkel, seconded by Weinreis, to approve the minutes of the January 14,*

*2021*

*regular Board meeting. Motion passed.*

Ayes: Darnall, Eirich, Henkel, Lapaseotes, Reuter, Weinreis

Nay: none

Abstain: none

Absent: Andreas, Deines, Westphal

#### **4. Treasurer's Report and Accounts Payable**

Ryan Reuter reviewed the Treasurer's report with the Board. Motion made by Darnall, seconded by Henkel, to accept the Treasurer's report and pay the bills as listed.  
Motion passed.

Ayes: Darnall, Eirich, Henkel, Lapaseotes, Reuter, Weinreis

Nay: none

Abstain: none

Absent: Andreas, Deines, Westphal

#### **5. Comments from the Public**

None

#### **6. Manager's Report**

General Manager John Berge indicated that the written report was sent to the board and was available on the NPNRD website. He highlighted the following items:

Administrative:

- Health Insurance Costs – Ryan Reuter and I both presented to the Manager's Committee and the NARD Board on health insurance costs at the end of January. We were both encouraged and discouraged by the conversation. We intend to get onto the Stop-Loss Committee Agenda for April to continue this conversation. Meanwhile, JG Elliot has offered to audit our coverages to ensure compliance with appropriate state and federal rules.
- Budget – Department Heads and I began our conversation about Budgeting for FY-2022 yesterday during our monthly Department Head meeting. We anticipate

following our budget timeline from years past and will be calling a Budget Committee meeting soon to discuss.

#### Projects and Programs:

- EPIC and PBC Funding Expansion - Sign-up for the 2021 EPIC program will go from February 16-26. This has been a wildly popular and successful program, and it will expand this year. PBC has agreed to our funding proposal and the breakdown follows: 2021 Total Project Cost: \$188,905.88; NPNRD Match: \$75,562.35; WRCF (PBC): \$113,343.53. This will allow for a purchase of 4,260.39 acre-inches or 355 acre-feet of water.
- Master Planning – In an effort to get this project back on track, we anticipate engaging with the Board in a meaningful way on this planning effort in March. The plan is due to be updated by next calendar year.

## **7. Legislative Update**

Berge reported on upcoming hearings and current bills in the legislature. The board packet included a table that shows bills. Some are related to Natural Resources and some to Political Subdivisions.

LR-5: Accept the findings and recommendations of the Healthy Soils Task Force submitted to the Governor and the Ag Committee. There is no request for money, just to have Nebraska recognize that we need healthy soils. This bill should be watched. If it is passed, there could become money available.

LR-11CA: A Constitutional amendment to require enactment of consumption tax and prohibit certain other forms of taxation. Erdman is the driving force for this bill. Could be a problem on big ticket items.

LR22CA: Constitutional amendment to limit the total amount of property tax revenue that may be raised by political subdivisions. This is the 3% rule.

LR23: Interim study to examine the progress of natural resources districts in fulfilling their originally intended purpose. NRD supports this bill from Erdman. It is a study to determine if NRD's are doing their job.

LB-83: Change the Open Meetings Act to provide for virtual conferencing. This would allow for zoom on all meetings.

LB-112: Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act. Allows for any comment by the public.

LB-133: Adopt the Nebraska EPIC Consumption Tax Act and eliminate certain other taxes. Sen. Erdman has proposed putting this on the ballot.

LB-176: Provide an income tax credit for certain agricultural producers. Everyone is eligible for this. It needs to be more fully flushed out.

LB-483: Require the University of Nebraska to develop a Climate Action Plan. The association opposed this as it would be a use of funds that were appropriated to something else.

LB-589 & LB-591: Proposed by Sen. Groene. 589 Changes requirement for integrated management plant by Natural Resources Districts. This should be done by stakeholders, not legislation. 591 Requires a permit for any natural resources district water augmentation project. This bill is in reference to the wells down south on NCORPE.

## **8. Report from the Water Resources Committee**

a. Discussion of Pending Request for Variance from the Certification Chapter of the District's Rules and Regulations for Walter Spencer Family, LLC.

The new chairman (Andreas) is absent so Berge gave the report. A meeting was called for the Water Resources Committee on January 27, 2021 to discuss two items. The first is a variance application. When ground water acres were being certified, landowners would bring in materials (FSA-578's) to prove that acres were irrigated and were eligible to be certified. This landowner had two properties for certification, one property was certified, and one was not. The well on the second property was not registered with the State of Nebraska. This NRD was assisting producers in completing those well registrations with The Department of Natural Resources (DNR). In this case, NPNRD did not get the well registration sent to DNR. The landowner did not follow up with us to make sure the well got registered. This well has since been registered with DNR but the certification of 75.6 acres with NPNRD did not happen. The current landowners, who are heirs to the estate of the previous landowner, have filed a variance to have these acres certified with NPNRD. The acres would then be commingled. This variance application has been referred to the Board for hearing. Motion made by Weinreis, seconded by Reuter, to move the variance application to hearing in March. Motion passed.

Ayes: Darnall, Eirich, Henkel, Lapaseotes, Reuter, Weinreis

Nay: none

Abstain: none

Absent: Andreas, Deines, Westphal

Berge indicated that the hearing will be noticed for the same day as the board meeting at 2:30 p.m.

b. Discussion of Flowmeter Maintenance Policy.

The second item for discussion is that a number of battery-operated flow meters (i.e., Seametrics and Senninger) are updated with new batteries each year and a lot of labor goes

into getting these changed. There are 314 meters total in this category and the two brands in question are listed above. Seametrics flow meters did not require a lot of extra pipe work to install. There are three other brands of flow meters that on the approved list that would require less maintenance. Those meters would have a five-year battery life. Flowmeter maintenance policy was last updated in July of 2019. NPNRD spends approximately \$25,000.00 on maintenance and it takes that much to collect the established fees. We have a better system in place now for collections and it is not such a problem to collect the fees. Receivables are down to \$46,000.00. This is down from a high of \$100,000.00 for several months. Staff have worked with Megan Dockery and Steve Smith (attorneys) on a letter to people who are late to pay. Language will be updated to describe how late payments will be handled.

c. Consideration of Special Cost-Share for Flowmeter Compliance.

Different flow meters have different piping requirements. Netafim metes are more expensive to install but the lower cost of piping offsets the difference between those and McCrometer. We have had multiple conversations with Seametrics and cannot come to an agreement on making the batteries work. The more of these meters we get off the network, the better. Funds for cost share to replace them could come from the OA/FA contingency fund.

*Motion made by Lapaseotes, seconded by Weinreis, to establish a specially designated cost-share to convert Seametrics and Senninger flow meters to those that are on the approved meter list. This cost-share shall be 75% of the cost up to \$1050.00.*

Ayes: Darnall, Eirich, Henkel, Lapaseotes, Reuter, Weinreis

Nay: none

Abstain: none

Absent: Andreas, Deines, Westphal

## 9. Adjourn

There being no further business, the Chairman called for a motion to adjourn.

*Motion made by Henkel, seconded by Reuter to adjourn at 3:40 p.m., MST. Motion passed.*

Ayes: Darnall, Eirich, Henkel, Lapaseotes, Reuter, Weinreis

Nay: none

Abstain: none

Absent: Andreas, Deines, Westphal