

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

May 13, 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, May 13, 2021, by Roger Eirich, at the North Platte NRD Offices. Notice of the meeting was given to the public by publishing a legal notice in the May 6, 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 Kent Andreas, Gary Darnall, Dave Deines, Roger Eirich, Chuck Henkel, Pete Lapaseotes, Ryan Reuter, and Mark Westphal. Board member absent: Dan Weinreis.

Chairman Eirich called for a motion to excuse Weinreis from the meeting. *Motion made by Andreas, seconded by Henkel, to excuse board member Weinreis from the meeting. Motion passed.*

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Lapaseotes, Reuter, Westphal

Nay: none

Abstain: none

Absent: Weinreis

Others present in person: John Berge, Danielle Schafer, Scott Schaneman, Travis Preston, Kyle Ann Hopkins, Craig Uhrig, of NPNRD staff; Megan Dockery and Steve Smith, Simmons Olson Law Firm; Thad Kuntz, Adaptive Resources, Inc.; Sarah Gray, NRCS District Conservationist.; Jacob Dean, Pumpkin Creek Landowner.

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

1. Agenda
2. Minutes, North Platte Natural Resources District, April 8, 2021
3. Treasurer's Report
4. Manager's Report
5. Legislative Update
6. Nard Summary
7. Bad Debt Write Off Policy
9. McCrometer McMag
10. 2021 Lease Rates
11. Staff Succession Plan
12. Consideration of Certain Authorities for Assistant Manager

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 April 8, 2021 regular Board meeting.

Motion made by Reuter, seconded by Westphal, to approve the minutes of the April 8,

2021 regular Board meeting. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Lapaseotes, Reuter, Westphal

Nay: none

Abstain: none

Absent: Weinreis

4. Treasurer's Report and Accounts Payable

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

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Reuter, Westphal

Nay: none

Abstain: Lapaseotes

Absent: Weinreis

5. Comments from the Public

Sarah Gray, NRCS District Conservationist asked to speak and informed the group that additional funds have been received and more contracts in the District will be funded through EQIP. She also provided some information regarding the EQIP CIC Program which will provide more dollars for soil quality and cover cropping. Sarah also mentioned that there are three staff positions that need to be filled in District offices.

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:

- Berge used this time to summarize the discussion from the Executive Committee Meeting that was held just prior to the Board of Directors Meeting. The Committee reviewed the staff recommendation provided to them, as well as discussed other options that were also presented. After much discussion, the Executive Committee agreed to not leave the NARD Association Risk Pool in

search of other health insurance options. The Committee also agreed that the Board should continue to provide the Association our recommendations to better the quality and cost of insurance for this District and its employees.

- Travis Preston graduating from Virginia Tech with a Masters in Natural Resources

Projects and Programs:

- Reminded the Board about our tour of the Schaneman Recharge Project in June
- Spring water nitrate sampling has concluded.
- Tree sales and plantings are now at 65,429 trees sold and 106 acres of grass planted this year.

Outreach:

- External Advisory Committee at UNL met and discussed the future of the Panhandle Center and the Director's position that will be listed later this year.

7. Legislative Update

Berge reported on upcoming hearings and current bills in the legislature. The board packet included a table that shows bills. Berge mentioned the consumption tax bill proposed by Senator Steve Erdman failed to advance to the floor, and that there may be the possibility this proposed change in taxing will be presented on the upcoming State ballot. Berge also mentioned that the proposed constitutional amendment to limit the total amount of property tax revenue that can be raised by political subdivisions was defeated by the body, and that Senator Stinner was instrumental in beating back the proposed amendment. Berge indicated that members could review the printed report.

8. Landowner Concerns on Pumpkin Creek

Jacob Dean a landowner in the Pumpkin Creek Basin provided Members of the Board a description of Pumpkin Creek water flows, through their property. Dean mentioned that the flows in the creek have not been at those levels in the past 25 years or more. Dean's largest concern for the now flowing creek would be if the former Tail Walker Trout aquaculture facility which is now for sale, would be allowed to continue to operate in the same fashion it has in the past. He believes the cone of depression created by the pumping wells on the facility was impacting neighboring irrigation wells by changing the return flow timing back to the creek. It would be the hope of the landowners neighboring the fish farm that the NPNRD examine the way aquaculture facilities are regulated in this District before the facility is sold to a new owner. Dean also provided the Members of the Board his thoughts to mitigate possible damages by the wells operated by the aquaculture facility by piping the discharge water upstream one and half miles discharging somewhere appropriate inside the Spear T Ranch Property. After much discussion regarding regulation changes, property land values, and costs of such an augmentation project, it was proposed to refer this matter to the Water Resources Committee and commissioned Steve Smith with Simmons Olsen Law Firm to research the regulations concerning aquaculture facilities in the District.

Motion made by Andreas, seconded by Westphal, to refer to the Water Resources Committee the landowner concerns regarding creek flows and the operation of the aquaculture facility formerly known as Tail Walker Trout Ranch. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Reuter, Lapaseotes, Westphal

Nay: none

Abstain:

Absent: Weinreis

9. Western Water Use Management Model Update

Thad Kuntz, Principal Hydrogeologist from Adaptive Resources Inc. provided a ground water model power point update to the Board of Directors, focusing on current model operations and future modeling possibilities. The Directors felt the update was completely positive and were anxious to hear Kuntz's thoughts regarding the upcoming robust review. Kuntz also shared some thoughts on how the model may react to District required irrigation management and on-farm water management decisions that have taken place since the last review. Steve Smith asked how this modeling data will be shared with NDNR and downstream appropriators. Berge ensured Smith and the Board of Directors that the data shared will be complete and accurate, in order to meet our requirements within the Integrated Management Plan (IMP) adopted in 2019. Kuntz will continue to provide modeling updates to the Board of Directors as opportunity allows.

10. Consider Debt Write-Off Policy

Berge provided the Board of Directors an update on Staff efforts in collecting past due balances held on account. Berge mentioned the collection efforts have gone extremely well and the amount of dollars on the books have been reduced significantly. However, Berge stated there are a few accounts that remain uncollected, though not for lack of trying. District Staff has exhausted all collection efforts with some of those customers and would like to have some guidance from the Board of Directors on how to proceed regarding those delinquent accounts. Discussion regarding the age of the delinquent accounts and the dollar

amounts, spurred questions on potential court filing costs in attempts to collect versus actual invoice amounts. Once discussion ceased, a policy was proposed regarding how Staff was to proceed when all debt collection efforts have been exhausted.

Motion made by Darnall, seconded by Reuter, to grant the General Manager or his/her designee the ability to write off debt less than \$500.00 that is over one (1) year old after every available option to collect has been exhausted. It will also be required that any debt written off by General Manager or his/her designee will provide a report regarding those cancelled delinquencies to the Board of Directors. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Reuter, Lapaseotes, Westphal

Nay: none

Abstain:

Absent: Weinreis

11. Consideration of McCrometer McMag Meter for a Two-Year Pilot Study

Berge informed the Board of Directors that the McCrometer Company was desiring to promote and encourage the use of their new McMag flow meter in this District. Owen Kruger from the McCrometer Company was notified by Water Department Staff that they would need to participate in a two-year pilot study before the meter could be placed on the approved meter list. The company agreed and will provide a meter to be placed at a location of this Districts choosing for this considered pilot project. Water Department Staff has located a cooperator willing to host this meter and will work with the McCrometer Company getting the meter installed. Flow meter information and specifications were provided in the Board packet.

Motion made by Reuter, seconded by Westphal, to allow the McCrometer Company the opportunity to participate in a pilot project demonstrating the capabilities and resilience of the McMag flow meter for a duration of two (2) years. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Reuter, Lapaseotes, Westphal

Nay: none

Abstain:

Absent: Weinreis

12. Consideration of Lease Rates for FY 2022

Berge discussed the need to set the temporary lease rates for the upcoming fiscal year. Berge provided the Board of Directors the Staff's recommendation for lease rates to remain level for the next year. The lease rates are annually considered and can be altered by the Board of Directors. The lease rate chart was provided in the Board materials packet.

Motion made by Andreas, seconded by Henkel, to allow temporary lease rates to remain the same as the last fiscal year. Contracts will be for a 5-year term on lands only falling into the 100% well depletion zones which are designated by our ground water model. Price levels are on a per acre per year basis. For lands with 10 plus years of irrigation history at a rate of \$150 per acre per year. For land with 5-9 years of irrigation history at a rate of \$140 per acre per year. For lands with 3-5 years irrigation history at a rate of \$125 per acre per year. For lands with 1-3 years irrigation history at a rate of \$105 per acre per year. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Lapaseotes, Reuter, Westphal

Nay: none

Abstain: none

Absent: Weinreis

13. Consideration of Staff Succession Plan

Berge informed the Board that due to Barb Cross's retirement along with department changes and current seniority of the department heads, there would be the need to alter the staff succession plan utilizing the current staff roster along with considerations of seniority as a department head. The suggested staff succession plan was presented as follows:

General Manager

Assistant Manager

Resources Conservation Coordinator

Database Coordinator

GIS Coordinator

Office Manager

Water Resources Coordinator

Motion made by Darnall, seconded by Deines, to adopt the staff succession plan and this plan will be in effect until such time as the Board reconsiders. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Lapaseotes, Reuter, Westphal

Nay: none

Abstain: none

Absent: Weinreis

14. Consideration of Certain Authorities for Assistant Manager Scott Schaneman

Berge also indicated the need to allow the new Assistant Manager Scott Schaneman the ability to perform certain tasks and exercise specific authorities in the absence or direction of the General Manager. The need to alter those authorities are due to the retirement of Barb Cross the previous Assistant Manager. Those authorities to be granted are as follows:

1. Authority to sign checks, make deposits, inquire as to balances and transactions, and make transfers on accounts held by the North Platte NRD or Greener Gardens Greenhouse, a Project of the North Platte NRD or the Harrisburg Water System at the following institutions:

First State Bank
Platte Valley Bank
Western States Bank
Banner Capital Bank

Included with this authorization, the Board grants the Assistant Manager the authority to establish new accounts for the NRD as directed.

2. Authorized User with the Nebraska Public Agency Investment Trust (NPAIT)
3. Authorize Schaneman to sign correspondence, memos and any other duties or responsibilities designated by the General Manager.
4. Alternate to the Nebraska Association of Resources Districts (NARD) Manager's Committee
5. Alternate to the Platte Basin Coalition (PBC) and the Platte Overappropriated Committee (POAC).
6. Alternate to the Western Water Use Management Model Interlocal Cooperative Agreement Board of Directors.
7. Alternate to the NRCS State Technical Committee.
8. Alternate to the Nebraska Conservation Roundtable.
9. Alternate to the Nebraska Water Center Advisory Board.
10. Alternate to the Ogallala Water Coordinated Agriculture Project.
11. Alternate to the Gering Valley Flood Control Project Permanent Maintenance Committee.
12. Alternate to the Scottsbluff-Gering United Chamber of Commerce Agribusiness Committee and Water Tour Committee.

Motion made by Westphal, seconded by Henkel, to grant the following authorities to Assistant Manager Scott Schaneman. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Lapaseotes, Reuter, Westphal

Nay: none

Abstain: none

Absent: Weinreis

15. Adjourn

There being no further business, the Chairman called for a motion to adjourn. Motion made by Reuter, seconded by Henkel, to adjourn at 4:01 p.m., MST. Motion passed.

Ayes: Andreas, Darnall, Deines, Eirich, Henkel, Lapaseotes, Reuter, Westphal

Nay: none

Abstain: none

Absent: Weinreis