

PUBLIC NOTICE

The South Platte Natural Resources District will hold a regular public meeting on October 13, 2009 at the South Platte Natural Resources District, 551 Parkland Drive, Sidney, Nebraska, at 7:00 p.m. An agenda of the matters to be considered at such date, time and place is kept continually current and is available for public inspection during normal business hours at the South Platte NRD Office, 551 Parkland Drive, Sidney. Any person with disabilities who needs help in participating in the meeting should contact the District office (308) 254-2377, before the meeting.

FINAL AGENDA

1. Call to Order - Keith Rexroth, Chair
 - A. Nebraska Open Meetings Act
 - B. Legal Notices
2. Minutes
 - A. Minutes of the September 8, 2009 meeting of the Board of Directors
 - B. Minutes of the September 8, 2009 meeting of the Natural Resources/Projects and Programs Committee
 - C. Minutes of the September 8, 2009 meeting of the District Operations Committee
 - D. Minutes of the September 8, 2009 Budget Hearing
 - E. Minutes of the September 8, 2009 Special Public Hearing to Set Final Tax Request
3. *Treasurer's Report for September 2009 and Accounts Payable
4. Public Questions, Comments and/or Concerns
5. Senator Ken Schilz (Legislative District #47)
6. Presentation by Neil Danberg, General Counsel, Nebraska Accountability and Disclosure Commission
7. Director and Staff Reports
8. Agency Reports
 - A. USDA-Natural Resources Conservation Service (NRCS)
 1. NRCS Report - Kristin Miller, DC-NRCS
 - B. Nebraska Association of Resources Districts (NARD)
 1. NARD Report - Johnson
 2. NARD Annual Conference - Johnson/Rutt
 - a. NARD Resolutions - Johnson/Rutt
 3. Report on Legislative Natural Resources Committee 2009 Interim Hearing Schedule - Horn
 - C. Panhandle Resource Conservation and Development (PRC&D)
 1. PRC&D Report - Burkhart-Kriesel
 - D. Nebraska Department of Natural Resources (NDNR)
 1. NDNR Report - Rexroth
9. Information Regarding Master Naturalist Program - Cheryl Burkhart-Kriesel

10. Review Conservation Program Inspection Report – Kaiser

11. Committee Reports

A. Natural Resources/Projects and Programs Committee - Hutchison, Chair

1. *Request to Approve Cost-Share Application(s)
2. *Action on *WILD* Nebraska Applications
3. *Discussion and Action as Desired Concerning Mr. Perry Van Newkirk/Castronics' Certified Irrigated Acres Options
4. Discussion on Industrial Baseline Calculations

B. District Operations Committee - Johnson, Chair

1. *Consideration to Adopt Uniform Policy Concerning Expenditures for Meals
2. *Discussion and Action Regarding Contract Between the South Platte NRD and High Plains Hydrology, LLC
3. *Discussion and Action as Desired to Purchase Adjacent Lot(s) to the District's Property in Sidney
4. *Action Regarding Petition and Request for Contested Case Hearing from the Central Nebraska Public Power and Irrigation District (CNPP&ID)
 - a. Authorize Steve Seglin to prepare a letter to send to CNPP&ID regarding the petition
 - b. Action to authorize Rod Horn and Steve Seglin to intervene if the NDNR uses their authority under this jurisdiction to address the CNPP&ID Petition
5. *Ratify Action by the SPNRD/CHESI Citizens' Monitoring Committee to Redeem the Three-Month CD and Invest in a New Six-Month CD at the First National Bank-Sidney/Kimball
6. *Discussion and Action Regarding SPNRD/CHESI Monitoring Committee's recommendation for the Committee Vacancy
7. *Request for Reimbursements Concerning 2008 W-2 Corrections
8. *Action to Approve and Ratify the Amendment and Restatement of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan and Amendment Number One of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan
9. *Discussion and Action on Matured LPCSI 3-Month Certificate of Deposit with the Security First Bank-Sidney

12. Correspondence

13. Upcoming Dates

- A. October 12, 2009 - Closed, Columbus Day
- B. October 20, 2009 - Variance Advisory Group meeting @7:00 p.m.
- C. October 30, 2009 - Conservation Awards Banquet
- D. November 10, 2009 - Board of Directors Meeting
- E. November 11, 2009 - Closed, Veterans Day
- F. November 26-27, 2009 - Closed, Thanksgiving Day Holiday
- G. December 11, 2009 - Annual SPNRD/NRCS Christmas Luncheon
- H. January 25-27, 2010 - NARD Legislative Conference, Embassy Suites, Lincoln, Nebraska

14. Adjourn

*Denotes Action Items

MINUTES

The meeting of the South Platte Natural Resources District Board of Directors was held Tuesday, October 13, 2009, at the South Platte NRD Conference Room, 551 Parkland Drive, Sidney, NE, at 7:00 p.m. The public notices were published in the Sidney, Chappell and Kimball newspapers. The agenda was compiled and each member of the Board of Directors and other interested and affected persons were notified of the meeting date within the deadline.

Board Members Present

Keith Rexroth, Chair

Bill Halligan

Cheryl Burkhart-Kriesel, Vice Chair (left at 10:24 p.m.)

Larry Rutt

Tom Biggs, Secretary

Paul Hutchison

Jim Johnson

Board Members Absent

None

Others Present

Kristin Miller, District Conservationist, NRCS/USDA; Britt Weiser, ASC/FO West; NRCS State Office in Lincoln; Neil Danberg, General Counsel, Nebraska Accountability and Disclosure Commission

NRD Staff Present

Rod L. Horn, General Manager
Manager

Linda L. Suhr, Administrative

Kyle Liebig, Water Resources Coordinator

Don Ogle, I & E Coordinator

Ryan Reisdorff, Water Resources Program Specialist

Chris Kaiser, Natural Resources
Coordinator

Information Material

The following information was provided prior to the meeting or provided at the meeting:

1. October 13, 2009 Tentative and Final Agenda, meeting of the SPNRD Board of Directors
2. October 13, 2009 Tentative and Final Agenda, meeting of the District Operations Committee
3. October 12, 2009 Tentative Agenda, meeting of the Natural Resources/Projects and Programs Committee
4. September 8, 2009 Minutes, SPNRD Board of Directors meeting
5. September 8, 2009 Minutes, Natural Resources/Projects and Programs Committee meeting
6. September 8, 2009 Minutes, District Operations Committee meeting
7. September 8, 2009 Minutes, Budget Hearing
8. September 8, 2009 Minutes, Special Public Hearing to Set Final Tax Request
9. September 2009 Treasurer's Report
10. October 1, 2009 Manager's Report, October 13, 2009 Manager's Report and September 30, 2009 staff reports: Travis Glanz, Water Resources Technician; Linda L. Suhr, Administrative

Manager; and Jodi Livingstone, District Secretary; and Field Office Secretary Reports: Jane Joyce, Sidney and Hilary Cook, Kimball

11. NE Accountability and Disclosure Commission Information and Examples of Conflicts of Interest Rules Applicable to NRDs prepared by Neil B. Danberg, General Counsel
12. October 2009 NRCS Monthly Report, October 22, 2009 NE Section Society for Range Management brochure, NRCS/USDA pamphlet, "Conservation, Our Purpose, Our Passion"
13. Kimball-Banner Counties Farm Bureau Annual Meeting Resolution supporting NRDs
14. NARD Voting Delegate Action and Business Session Minutes and accompanying Resolutions as Adopted
15. 2009-2010 *WILD* Nebraska Allocation and Payment Summary
16. SPNRD Cost Share Program-Perimeter Fence application from St. George Ranch
17. NSWCP Cost Share Program application from Marla Knigge
18. October 12, 2009 Memo from Kyle Liebig re: NR/P&P agenda item 5, Discuss Industrial Baseline Calculations
19. October 12, 2009 Memo from Kyle Liebig re: Castronics, Inc. Certified Irrigated Acre Options
20. 2009 SPNRD Cost-Share Inspection Program Report
21. Nebraska Master Naturalist information
22. Draft Policy on Payment or Reimbursement of Expenses for the SPNRD
23. Copy of Petition and Request for Contested Case Hearing from Central Nebraska Public Power & Irrigation District
24. Contract Between SPNRD and High Plains Hydrology, LLC
25. Copy of Gregory J. Robinson's application to fill the Citizens' Monitoring Committee Membership Position
26. NARD 457 Plan Restatement and Amendment and memo from Dean Edson
27. High Plains Hydrology LLC Status Report, September 30, 2009
28. Letter to Senator Beau McCoy from Rod Horn Re: upcoming hearings
29. Omaha World Herald article, October 4, 2009, "Can NRDs get the job done?"
30. Per Diem/Expense form

Meeting

1. Call to Order

Chair Rexroth called the meeting to order at 7:00 p.m.

 - A. Nebraska Open Meetings Act

Rexroth stated for the record that a copy of the Nebraska Open Meetings Law is posted in the meeting room.
 - B. Legal Notices

Rexroth stated for the record that the meeting affidavits of publication are included with these minutes.
2. Minutes
 - A. Minutes of the September 8, 2009 meeting of the Board of Directors

These minutes were approved as presented.

- B. Minutes of the September 8, 2009 meeting of the Natural Resources/Projects and Programs Committee
These minutes were approved as presented.
- C. Minutes of the September 8, 2009 meeting of the District Operations Committee
These minutes were approved as presented.
- D. Minutes of the September 8, 2009 Budget Hearing
These minutes were approved as presented.
- E. Minutes of the September 8, 2009 Special Public Hearing to Set Final Tax Request
These minutes were approved as presented.

3. *Treasurer’s Report for September 2009 and Accounts Payable

Horn reviewed account balances as follows:

<u>Account</u>	<u>September 1, 2009</u>	<u>September 31, 2009</u>
SPNRD Checking/Repurchase	\$ 221,471.71	\$ 401,597.28
Citizens’ Monitoring Committee (combined)	\$ 21,643.29	\$ 21,647.90
LPCSI-EQIP NPAIT	\$ 79,528.89	\$ 29,682.95
LPCSI-EQIP Security First Bank CDs	\$ 300,267.51	\$ 300,786.51
SPRCC NPAIT	\$ 49,831.53	\$ 49,842.42

Discussion was held about accounts payable. Horn urged the board to ask questions or come at any time to the office and review receipts/invoices. With no further discussion Burkhart-Kriesel moved and Halligan seconded the motion to approve the Treasurer’s Report and pay the accounts payable in the amount of \$38,298.12. A roll call vote was taken.

Aye: Halligan, Johnson, Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt
 Nay: None
 Absent: None
 Motion Carried.

4. Public Questions, Comments and/or Concerns

None.

5. Senator Ken Schilz (Legislative District #47)

Senator Ken Schilz was unable to attend the meeting due to health reasons.

6. Presentation by Neil Danberg, General Counsel, Nebraska Accountability and Disclosure Commission

Neil Danberg, General Counsel, Nebraska Accountability and Disclosure Commission, gave an informative presentation with illustrations/examples concerning when public officials should and should not abstain from voting due to possible conflict of interest. Discussion followed.

At 7:51 p.m. a recess was called. At 8:00 p.m. the meeting resumed.

7. Director and Staff Reports

Horn, Glanz, Suhr, Livingstone, Joyce and Cook submitted written reports. Liebig, Ogle, Kaiser and Reisdorff gave oral reports. Horn also added that he attended various meetings with Senators. On September 23, 2009, he attended a meeting in North Platte with a number of the Natural Resources Committee Senators which gave NRDs an opportunity to elaborate on what the NRDs are doing. He also submitted a letter to Senator Beau McCoy, a copy of which the board received. He attended three hearings last week on LR 128, LR 181, and LR 235.

- Liebig worked on the LPCSI-EQIP applications that are being considered for ratification by Kimball County. He ordered new PDAs with cameras so when flow meter readings are collected pictures will also be included in the data. He installed GIS software and trained employees in its use. He attended several PBHEP meetings, assisted with the Deuel County range judging, received quotes for installation of a projector in the ceiling of the conference room, met with Pat Speers, Board of Educational Lands and Funds, finalized pivot conversions done earlier in the summer, wrote some articles for the Pipeline, prepared some ownership changes, updated the technical manual and GPSd some municipal wells. He also worked with Reisdorff on the SPNRD 319 NPS project. GIS Workshop will meet with Liebig and other staff on October 15, 2009 to finalize the scope of work in preparation for contract signing. Liebig acknowledged assistance compiling data from Livingstone and Glanz for the GIS project. He sent an out of compliance letter to Sheila Newell. Postcards were mailed informing cooperators their flow meters would be read (in accordance with SPNRD rules).
- Ogle worked on the PBHEP brochures and logos, the Conservation Awards Banquet, Range Judging, the Pipeline, website updates, took photos of the pine beetle and worked with the Ground Water Guardian program. This is the 10th year Sidney has been recognized as a Ground Water Guardian Community. He is assisting with the Panhandle No-till Winter Conference, December 1-2, 2009 in Gering.
- Kaiser finished the District inspections and sent out letters to landowners to notify them of their project inspections and compiled the annual report. He attended a High Plains Weed Management Association meeting, surface water sampled, assisted with the Range Judging, went with Wittrock to the Colorado State Nursery tour, handled well abandonment applications, took bacteria and toxic algae samples from Oliver Reservoir, assisted with the Outdoor Classroom in Kimball, signed up a new NeRAIN volunteer northwest of Potter, started taking fall water levels, did dam inspections and got the surface water contract amended with NDEQ which expired in June 2009. This will allow the SPNRD to be compensated for sampling through December 2009. He discussed dam inspection results with Mark Nobel (NDNR).
- Reisdorff worked extensively during the past month to review SPNRD rules and regulations. He assisted with the SPNRD lot cleanup, Range Judging and the Outdoor Classroom. He met with staff concerning the SPNRD 319 NPS grant. He began gathering data for the Wellhead Protection Area Plans and contaminate sources. He acquired databases from NDEQ, downloaded information from the Nebraska Oil and Gas Commission. He and Bill Taylor, City of Sidney, are working on moving forward with Sidney's WHPA Plan. Contacted Greg Brooks from the City of Kimball regarding the City of Kimball WHPA Plan. He submitted the semi-annual report for the 319 grant. He worked with Gurley on questions concerning their

replacement municipal well. He did some research on some funding sources for Leyton Public Schools for underground sprinklers on their football fields. He and Liebig met with Gene Bichlmeier and toured the Smith and Schneider gravel pits where asphalt was being made in order to learn about the amount of water used in that type industry. They also worked with Bichlmeier to establish industrial baselines on the Johnson gravel pit north of Kimball. Glanz received a complaint of an oil overflow pit whose walls had breached. He and Glanz looked at it for possible groundwater contamination; it was reported to NDEQ and Nebraska Oil and Gas Commission. He, Glanz and Liebig reviewed the GIS Workshop proposal.

- Rexroth thanked the SPNRD staff for the cards sent to him and his family.

8. Agency Reports

A. USDA-Natural Resources Conservation Service (NRCS)

1. NRCS Report

Kristin Miller, District Conservationist, distributed the monthly NRCS report. She introduced Britt Weiser, ASC/FO West; NRCS State Office in Lincoln. He gave a brief description of his background and talked about an email his office received from a landowner in Kimball County that appreciated the assistance of Hilary Cook, Susan Lockwood and Jerry Spiker.

Miller spoke briefly about the Conservation Stewardship Program (CSP). Hilary Cook and Jerry Spiker have been working on the Continuous CRP tree applications. Three of the four winners at the Deuel County Range Judging contest were prior SPNRD scholarship range campers.

B. Nebraska Association of Resources Districts (NARD)

1. NARD Report

Johnson gave a brief NARD report. Rutt commented on the sessions that he attended.

2. NARD Annual Conference

a. NARD Resolutions

The NARD Resolutions that were passed at the Annual Conference are included in the handout information. Johnson and Horn commented on the resolutions.

3. Report on Legislative Natural Resources Committee 2009 Interim Hearing Schedule

Horn commented on the hearings in his oral report.

C. Panhandle Resources Conservation and Development (PRC&D)

1. PRC&D Report

Cheryl Burkhart-Kriesel passed around a brochure from the 2009 Annual State Resource Conservation and Development Association meeting held in Gering on October 5 and 6, 2009. She spoke briefly about the state meeting.

D. Nebraska Department of Natural Resources (NDNR)

1. NDNR Report

Keith Rexroth was unable to attend the meeting in September. Because Myron Lemke is no longer in the North Platte Basin, a basin caucus will be held this fall.

9. Information Regarding Master Naturalist Program

Cheryl Burkhart-Kriesel distributed a brochure outlining the Master Naturalist Program, which is similar to the Master Gardner Program, except it deals with natural resources issues. She reviewed the myriad of partners that are participating in the program. It was discussed that this could be an opportunity for NRDs to do something positive for the community and be a partner in the program. She will keep the board informed.

10. Review Conservation Program Inspection Report

Kaiser reviewed the summary of the SPNRD 2009 Cost-Share Inspection Program report. Every project passed inspection. He discussed the dam inspections. He contacted and worked with Nebraska Department of Natural Resources on any problems with dams under their jurisdiction.

11. Committee Reports

A. Natural Resources/Project and Programs Committee

1. *Request to Approve Cost-Share Application(s)

A SPNRD cost-share application from St. George Ranch in the amount of \$6,300 and a NSWCP cost-share application from Marla Knigge in the amount of \$9,000 were reviewed and discussed in the committee. Both applications are for perimeter fence. After discussion and on behalf of committee, Hutchison moved and Burkhart-Kriesel seconded the motion to approve both applications. A roll call vote was taken.

Aye: Johnson, Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt, Halligan

Nay: None

Absent: None

Motion Carried.

2. *Action on WILD Nebraska Applications

Hutchison said Wittrock reviewed the WILD Nebraska allocation and payment summary. \$9,600 is available for this fiscal year. New applications totaling \$6,806 were submitted from Leroy Yung, Scott Lockwood, William Schneider, Jamee Guggemos, Kurt Gaertner and Jerry Spiker. Wittrock and Emily Munter reviewed and scored the sites. Hutchison moved on behalf of committee and Biggs seconded the motion to approve the new WILD Nebraska applications. Discussion followed. A roll call vote was taken.

Aye: Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt, Halligan, Johnson

Nay: None

Absent: None

Motion Carried.

3. *Discussion and Action as Desired Concerning Mr. Perry Van Newkirk/Castronics' Certified Irrigated Acres Options

Part of the issue is that the land gifting for a rail spur from Castronics, Inc. to the City of Kimball has not been completed. Hutchison said discussion was held in two committee meetings and also with the Variance Advisory Group (VAG). Harold Farrar, City Administrator for the City of Kimball, attended last night's committee meeting. The committee discussed the value of the water to the City of Kimball as an offset. The VAG considered Perry Van Newkirk's transfer request but the VAG did not act on Van Newkirk's request because Van Newkirk had no specific location to transfer his certified irrigated acres (CIA). Hutchison said the committee recommended that Horn work with the City of Kimball to offer Castronics, Inc. \$250/acre for all 114.4 CIA, from each entity (total of \$500/CIA). It was discussed that the CIA are within the city limits which is a unique situation; and the well(s) will need to be decommissioned or become SPNRD monitoring well(s). It was discussed that taking the wells out of production will be a benefit to the area. It was also suggested to test water levels and quality if the SPNRD was able to retain at least one of the wells. The reduced consumptive use will accrue equally to each entity and handled appropriately in the District's water bank for future needs. It was discussed that if the SPNRD was the sole purchaser, at \$300/acre, the consumptive use will accrue to the SPNRD. An offer deadline of December 19, 2009 was discussed to keep the process moving forward. Hutchison moved on behalf of committee and Biggs seconded the motion to offer Castronics, Inc. \$250/CIA for 114.4 CIA contingent on the City of Kimball matching that offer with the understanding that the City of Kimball and the SPNRD accrue the consumptive use equally; and if the City of Kimball is not interested the SPNRD offer \$300/CIA and the consumptive use accrue solely to the SPNRD. A roll call vote was taken.

Aye: Hutchison, Rexroth, Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel

Nay: None

Absent: None

Motion Carried.

4. Discussion on Industrial Baseline Calculations

Liebig and Reisdorff met with Gene Bichlmeier to learn about gravel washing in order to begin to establish baselines for that industry. He and Reisdorff are beginning to develop a protocol to follow. Liebig thought there could be at least 75 registered industrial, commercial, injection (greater than 50 gpm) uses throughout the District. Staff will collect hard evidence (invoices, receipts, etc) as the basis for the baseline. It is planned to begin establish baselines after flow meter readings are complete. Information will be brought before the board for approval, similar to approval of certified irrigated acres.

B. District Operations Committee

1. *Consideration to Adopt Uniform Policy Concerning Expenditures

Johnson reported that the committee reviewed the draft policy on payment or reimbursement of expenses, which is tied to appropriate Nebraska Statutes. Horn gave a brief review. Discussion followed about activities being included on the board agenda each month for consideration. Johnson moved on behalf of the committee and Halligan seconded the motion to adopt the uniform policy concerning expenditures as listed in the draft document. A roll call vote was taken.

Aye: Rexroth, Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel, Hutchison

Nay: None

Absent: None

Motion Carried.

2. *Discussion and Action Regarding Contract Between the South Platte NRD and High Plains Hydrology, LLC

The contract with High Plains Hydrology, LLC has expired. The committee reviewed the new contract. The rate of compensation proposed is \$95/hour beginning January 1, 2010. Johnson moved on behalf of committee and Biggs seconded the motion to renew the contract between the SPNRD and High Plains Hydrology, LLC. A roll call vote was taken.

Aye: Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel, Hutchison, Rexroth

Nay: None

Absent: None

Motion Carried.

3. *Discussion and Action as Desired to Purchase Adjacent Lot(s) to the District's Property in Sidney

Johnson moved to go into closed session at 9:37 p.m. to discuss possible purchase of real estate with Horn to remain during the closed session. A second was made by Halligan. Chair Rexroth repeated the motion and the reason for closed session. A roll call vote was taken.

Aye: Rutt, Halligan, Johnson, Burkhart-Kriesel, Hutchison, Rexroth, Biggs

Nay: None

Absent: None

Motion Carried.

Johnson moved to come out of closed session at 10:10 p.m. A second was made by Burkhart-Kriesel. A roll call vote was taken.

Aye: Halligan, Johnson, Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt
Nay: None
Absent: None
Motion Carried.

Johnson moved to authorize the Executive Committee and Horn to negotiate to purchase six lots (1, 2, 3, 5A, 7 and 8). A second was made by Burkhart-Kriesel. A roll call vote was taken.

Aye: Johnson, Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt, Halligan
Nay: None
Absent: None
Motion Carried.

Johnson moved, if negotiations are successful, to authorize the Executive Committee and Horn to proceed with action as required to execute loan to purchase six lots and authorize Rexroth, Biggs and Horn as signatories. A second was made by Halligan. A roll call vote was taken.

Aye: Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt, Halligan, Johnson
Nay: None
Absent: None
Motion Carried.

4. *Action Regarding Petition and Request for Contested Case Hearing from the Central Nebraska Public Power and Irrigation District (CNPP&ID)

a. Authorize Steve Seglin to prepare a letter to send to CNPP&ID regarding the petition

Johnson and the committee discussed the petition filed by CNPP&ID. Discussion was held that the SPNRD doesn't have jurisdiction under the Administrative Procedure Act. Johnson moved on behalf of committee and Halligan seconded the motion to authorize Steve Seglin, SPNRD legal counsel, to prepare a letter to send to CNPP&ID regarding the petition. A roll call vote was taken.

Aye: Hutchison, Rexroth, Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel
Nay: None
Absent: None
Motion Carried.

b. Action to authorize Rod Horn and Steve Seglin to intervene if the Nebraska Department of Natural Resources (NDNR) uses their authority under this jurisdiction to address the CNPP&ID Petition

It was discussed that under the Administrative Procedure Act, NDNR has jurisdiction. It would be important if NDNR moves forward with the petition, that the SPNRD be involved to protect its rights. Johnson moved on behalf of committee

and Halligan seconded the motion to authorize Rod Horn and Steve Seglin to intervene if the NDNR uses its authority to address the CNPP&ID Petition. A roll call vote was taken.

Aye: Rexroth, Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel, Hutchison

Nay: None

Absent: None

Motion Carried.

5. *Ratify Action by the SPNRD/CHESI Citizens' Monitoring Committee (CMC) to Redeem the Three-Month CD and Invest in a New Six-Month CD at the First National Bank-Sidney/Kimball

Johnson and the committee discussed the CMC request to redeem the 3-month CD and invest in a new 6-month CD. On behalf of committee, Johnson moved and Halligan seconded the motion to ratify the action of the CMC to redeem the 3-month CD and invest in a new 6-month CD at the First National Bank of Sidney/Kimball. A roll call vote was taken.

Aye: Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel, Hutchison, Rexroth

Nay: None

Absent: None

Motion Carried.

6. *Discussion and Action Regarding SPNRD/CHESI Citizens' Monitoring Committee's recommendation for the Committee Vacancy

Johnson and the committee discussed the recommendation of the CMC for Gregory Robinson to fill the unexpired term of the committee vacancy left by the resignation of Will Brown. On behalf of committee, Johnson moved and Halligan seconded the motion to approve the recommendation of Gregory Robinson to fill the unexpired term of the vacant position on the Citizens' Monitoring Committee. A roll call vote was taken.

Aye: Rutt, Halligan, Johnson, Hutchison, Rexroth, Biggs

Nay: None

Absent: Burkhart-Kriesel

Motion Carried.

7. *Request for Reimbursements Concerning 2008 W-2 Corrections

Horn discussed that Rauner & Associates, during their audit, found an error in the 2008 federal taxable wages. The flexible benefits were deducted twice. Horn discussed that this error was unintended. W-2c forms were filed with the proper agencies. It was discussed to reimburse expenses (tax return filing fees and interest) to the affected staff members, Rod Horn, Linda Suhr, Deb Carpenter-Nolting and Don Ogle. The committee requested a total of the reimbursement be reported to the board. Johnson moved on behalf of committee and Halligan seconded the motion for the board to acknowledge

the error and authorize reimbursement cost to file the W-2c, and any interest and/or penalty costs to the affected employees.

Aye: Halligan, Johnson, Hutchison, Rexroth, Biggs, Rutt

Nay: None

Absent: Burkhart-Kriesel

Motion Carried.

8. *Action to Approve and Ratify the Amendment and Restatement of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan and Amendment Number One of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan

Johnson and the committee reviewed the amendment and restatement to the NARD 457 Deferred Compensation Plan. Each NRD must ratify the process. This agenda item addresses approving and ratifying the action of the NARD concerning the 457 Plan. Johnson moved on behalf of committee and Halligan seconded the motion to approve and ratify the Amendment and Restatement of the NARD 457 Deferred Compensation Plan and Amendment Number One of the NARD 457 Plan. A roll call vote was taken.

Aye: Johnson, Hutchison, Rexroth, Biggs, Rutt, Halligan

Nay: None

Absent: Burkhart-Kriesel

Motion Carried.

9. *Discussion and Action on Matured LPCSI 3-Month Certificate of Deposit with the Security First Bank-Sidney

Johnson and the committee discussed the request to redeem the 3-month CD and invest in a new 6-month CD. The interest rate is 2.25%. Discussion followed. Johnson moved on behalf of committee and Halligan seconded the motion to redeem the 3-month CD and invest in a 6-month CD at the 2.25% interest rate. A roll call vote was taken.

Aye: Johnson, Hutchison, Rexroth, Biggs, Rutt, Halligan

Nay: None

Absent: Burkhart-Kriesel

Motion Carried.

12. Correspondence

Various items were provided to the board either by email or in the handout material.

13. Upcoming Dates

- A. October 12, 2009 - Closed, Columbus Day
- B. October 20, 2009 - Variance Advisory Group meeting @7:00 p.m.
- C. October 30, 2009 - Conservation Awards Banquet
- D. November 10, 2009 - Board of Directors Meeting
- E. November 11, 2009 - Closed, Veterans Day
- F. November 26-27, 2009 - Closed, Thanksgiving Day Holiday
- G. December 1-2, 2009 - Panhandle No-till Conference, Gering, Nebraska
- H. December 11, 2009 - Annual SPNRD/NRCS Christmas Luncheon
- I. January 25-27, 2010 - NARD Legislative Conference, Embassy Suites, Lincoln, Nebraska

14. Adjourn

With no further business the meeting adjourned at 10:35 p.m.

Linda L. Suhr, Recording Secretary

*Denotes Action Items