

## MINUTES

The meeting of the South Platte Natural Resources District Board of Directors was held Wednesday, January 10, 2024, at the South Platte Natural Resources District, 551 Parkland Drive Sidney, NE at 3:00 p.m. The public notices were published in the area 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

Bill Halligan, Chair

Chris Meyer, Vice Chair

Jim Johnson, Secretary

Tim Maas

Larry Rutt

Marc Sprenger

### Board Members Absent

Kathy Narjes

### Others Present

Thad Kuntz, ARI

Julie Peetz, Rauner & Associates

Jared Derry

Kevin Derry

### NRD Staff Present

Galen Wittrock, General Manager

Donald Davis, Administrative Manager

Tyler Sanders, Water Resources Technician

Yolanda Hruska, I&E Coordinator

Ryan Reisdorff, Assistant Manager

Travis Glanz, Water Resources Coordinator

Chris Kaiser, Natural Resources Conservationist

### Information Material

The following information was provided electronically prior to or during the meeting:

1. Tentative Agenda - Board of Directors, January 10, 2024
2. Tentative Agenda - Natural Resources Projects and Programs Committee, January 10, 2024
3. December 12, 2023, Minutes of the South Platte NRD (SPNRD) Board of Directors meeting
4. December 12, 2023, Minutes of the District Operations Committee Meeting
5. December 11, 2023, Minutes of the Natural Resources Projects and Programs Committee Meeting
6. December Treasurer's Report and Accounts Payable
7. Kaiser Staff Report dated January 8, 2024
8. Davis Staff Report dated January 10, 2024
9. Keller Staff Report dated January 5, 2024
10. Reisdorff Staff Report dated January 5, 2024
11. Glanz Staff Report dated January 8, 2024
12. Sanders Staff Report dated January 10, 2024
13. Hruska Staff Report dated December 29, 2023
14. General Reports
  - o Landowner-Operator 2023 Annual Nitrogen Management Report
  - o Annual Director's Code of Conduct Review
  - o Fiscal Year 2022-2023 Audit Report
  - o SPNRD Audit General Fund Expenditures Comparison to Budget Fiscal Year 2022-2023
  - o SPNRD Audit General Fund Net Profit Fiscal Year 2022-2023
  - o Variance Group Members and Alternates List dated February 11, 2023
  - o 2023 Board of Directors and Committee Members List
  - o SPNRD Chemigation Program Report 2023

- Summary of Nebraska Case Law for Nebraska NRDS dated December 2023
- 15. Natural Resources Projects and Programs Committee
  - Proposed Amendments to the Timeline Regarding Possible Changes to the SPNRD GWMA Rules & Regulations
  - Ground Water Quality Rules and Regulations Redline Draft
- 16. Agency Reports
  - Edson Memo “January 5 NARD Update” dated January 5, 2024
  - NARD Bill Summary Tracking Sheet-108<sup>th</sup> 2<sup>nd</sup> Session dated January 5, 2024
- 17. Correspondence
  - Oliver Dam Inspection Report 2023 dated January 2, 2024
- 18. Per Diem Worksheet

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1. Call to Order

Chair Halligan called the meeting to order at 3:00 p.m. noting that Kathy Narjes was absent and excused.

A. Nebraska Open Meetings Act

Chair Halligan stated that this meeting is subject to the Nebraska Open Meetings Act. A copy of the Act is posted in the meeting room.

B. Legal Notices

Chair Halligan acknowledged that the notice of this meeting was published in the area newspapers and the Affidavits/Proofs of Publication are included with these minutes.

2. Pledge of Allegiance

Chair Halligan led those in attendance in the United States Pledge of Allegiance.

3. Annual Director’s Code of Conduct Review

Wittrock reviewed the Director's Code of Conduct which was added to the operating policies and was approved at the September 2023 board meeting pointing out a few items including being prepared for meetings and making a conscious effort to attend meetings. He encouraged the board members to review the Director’s Code of Conduct.

4. Minutes

A. \*Minutes of the December 12, 2023, South Platte Natural Resources District (SPNRD) Board of Directors Meeting

With no corrections or additions, motion by Meyer and second by Johnson to approve the December 12, 2023, minutes as distributed. A roll call vote was taken.

Aye: Sprenger, Meyer, Rutt, Halligan, Johnson, Maas

Nay:

Absent: Narjes

Motion carried.

B. Minutes of the December 11, 2023, Natural Resources Projects and Programs Committee Meeting

These minutes were approved as presented.

C. Minutes of the December 12, 2023, District Operations Committee Meeting

These minutes were approved as presented.

5. \*Treasurer’s Report for December 2023 and Accounts Payable

Wittrock reviewed the account balances listed on the Treasurer’s Report as follows:

<u>Account Description</u>	<u>December 1, 2023</u>	<u>December 31, 2023</u>
SPNRD Checking/Repurchase	\$432,387.84	\$307,076.42
SPNRD Building/Property	\$ 63,992.42	\$ 64,027.75
SPNRD Vehicle/Equipment	\$ 82,848.81	\$ 82,894.55
SPNRD ORRA Infrastructure	\$ 62,095.49	\$ 62,129.77
SPNRD Machinery & Equipment	\$ 10,060.90	\$ 10,066.46
SPNRD Computer/Server	\$ 25,235.04	\$ 25,248.97
SPNRD FA/OA Project	\$165,558.18	\$165,649.58
Citizens’ Monitoring PWCB	\$ 65,894.76	\$ 65,934.03
Citizens’ Monitoring CD FirsTier	\$ 85,591.99	\$ 85,591.99
SPRCC NPAIT Account	\$ 48,987.62	\$ 49,209.90

Wittrock reviewed various items listed in the accounts payable. He encouraged the board members to come to the SPNRD office at any time to review the receipts and/or disbursements or ask any questions about the report. The total amount of accounts payable is \$95,652.24. After discussion, Rutt moved to approve the Treasurer’s Report and authorize payment of the accounts payable in the amount of \$95,652.24. A second was made by Sprenger and with no further discussion, a roll call vote was taken.

Aye: Meyer, Rutt, Halligan, Johnson, Maas, Sprenger

Nay:

Absent: Narjes

Motion carried.

6. Public Questions, Comments and Concerns

None

7. Director and Staff Reports

Kaiser, Davis, Keller, Reisdorff, Glanz, Sanders, and Hruska all submitted written reports.

8. \*Ratify Fiscal Year 2023 Audit

Peetz reviewed the 2023 audit stating that the audit has been completed and has been sent to the state. The audit is a clean opinion. She then reviewed several items in the audit including total net position which was up 6.04% from last year and that revenues and expenses have both increased, but that expenditures were still under budget. The cash on hand is in a good position at over 7 months. The recommendation is for at least 3 months’ cash on hand. Peetz then described charts Rauner & Associates provided which showed breakouts of general fund expenditures and revenue and net position and available cash. Discussion followed. Following discussion Maas moved to ratify the approval of the Fiscal Year 2023 Audit. A second was made by Johnson and with no further discussion a roll call vote was taken.

Aye: Rutt, Halligan, Johnson, Maas, Sprenger, Meyer

Nay:

Absent: Narjes

Motion carried.

9. Preliminary Robust Review Update

Kuntz gave a preliminary Robust Review Update stating that NeDNR was not able to attend this meeting for the Robust Review and that their plan is to come for the February board meeting. Kuntz then

stated that there was an error found in the South Platte River Valley Subarea regarding original Municipal/Industrial robust review data in which the Big Springs Municipal modeling started at 2005 and should have started in 1997. He reviewed the updated results which showed a small accretion instead of a small depletion. Discussion followed.

10. Agency Reports

A. USDA Natural Resources Conservation Service (NRCS)

1. NRCS Report

Wittrock stated that Dickinson was not able to attend the meeting. Wittrock stated that Dickinson had reported that they were still working on CSP and EQIP. The Pheasants Forever Biologist position is vacant, and they will be interviewing for the position.

B. Nebraska Association of Resources Districts

1. NARD Report

Johnson stated that the next meeting is at the Legislative Conference January 22-24.

2. \*NARD Legislative Session (60-Day Session)

Sprenger moved to authorize the SPNRD NARD delegates during the 2024 Legislative Conference to act upon the proposed legislation as deemed appropriate for the SPNRD. A second was made by Meyer and with no further discussion a roll call vote was taken.

Aye: Halligan, Johnson, Maas, Sprenger, Meyer, Rutt

Nay:

Absent: Narjes

Motion carried.

C. Nebraska Department of Natural Resources (NeDNR)

1. NeDNR Natural Resources Commission Report

No report.

D. Board of Educational Lands and Funds (BELF)

1. BELF Report

The school land leases were signed by the directors.

11. General Reports

A. 2023 SPNRD Final Chemigation Program Report

Glanz reviewed the 2023 final Chemigation Program report stating that the District received 457 chemigation permit applications with 43 new permit applications and 413 renewal permit applications. There was also 1 emergency permit application. This is up from the 439 applications from 2022. In accordance with the District's rules and regulations, 50% of the renewal applications were inspected, totaling 177 systems. 21 failed and 7 of those have not come into compliance yet. They have until June 1, 2024, to do so. Glanz stated that overall, most systems were well maintained and managed. Several anti-pollution devices did need to be maintained. He then reviewed the chemical use stating that overall, 7,340,420 gallons of nitrogen fertilizer was applied over 47,386 acres resulting in 155 lbs. per acre. Glanz reviewed the financials which showed a net loss of \$2,456.71. This was mainly due to some unexpected maintenance.

B. Summary of the 2023 Landowner/Operator Annual Nitrogen Management Reports

Reisdorff reviewed the 2023 Landowner/Operator Annual Nitrogen Management Report stating that the Sidney Ground Water Quality Management Subarea is designated in Phase III and that there are

18,560 total acres and that approximately 3,179 irrigated acres were represented in the report. On average, the NRD nitrogen reporting form calculations recommended amount of fertilizer application was 22 lbs/acre of nitrogen. Producers with the subarea applied an average of 36 lbs/acre of nitrogen. The composite average for nitrate results was 11.35 ppm, which is down from 11.60 ppm last year. Reisdorff then reviewed the results based on each crop required to report in the subarea. He also reviewed historical results from 2011 to 2023. Discussion followed.

C. Summary of Nebraska Case Law for Nebraska NRDs

Wittrock reviewed the summary of Nebraska Case Law for Nebraska's NRDs focusing on several cases including cases on Board of Director Decision Review Ability regarding a variance request from a producer and the fact NRDs can require annual yield reports. Other cases that Wittrock reviewed were cases on Cease-and-Desist Orders and Erosion and Sediment Control. Discussion followed.

12. Committee Report

A. Natural Resources Projects and Programs Committee, Meyer, Chair

1. Discussion Regarding Possible Changes to the SPNRD GWMA Rules and Regulations and Integrated Management Plan

Meyer reviewed the possible changes to the SPNRD GWMA Rules and Regulations and Integrated Management Plan stating that the discussion regarding any changes to the allocations would be made after getting the robust review from the state.

2. Process and Timeline Regarding Possible Changes to the SPNRD GWMA Rules & Regulations

Wittrock reviewed the proposed timeline stating that the Projects and Programs committee will tentatively meet the next two months which will then be followed by the Countywide Ground Water Advisory Committee Meetings in late March to early April. Following them the hearing date is proposed to be Monday May 13 followed by the regular May board meeting on May 14. If the rules and regulations are set on May 14 they would go into effect on June 14, 2024.

13. Calendar Year 2023 Elections and Appointments

A. \*Board of Directors

1. Chair
2. Vice-Chair
3. Secretary
4. Treasurer

Maas nominated Kathy Narjes as Chair. Rutt moved to accept the nomination and that nominations cease, and a unanimous ballot be cast for Kathy Narjes for Chair, second by Johnson and with no discussion, a roll call vote was taken.

Aye: Maas, Sprenger, Meyer, Rutt, Halligan, Johnson

Nay:

Absent: Narjes

Motion carried.

Rutt nominated Chris Meyer as Vice-Chair. Rutt moved to accept the nomination and that nominations cease, and a unanimous ballot be cast for Chris Meyer for Vice-Chair, second by Sprenger and with no discussion, a roll call vote was taken.

Aye: Halligan, Johnson, Maas, Sprenger, Meyer, Rutt  
Nay:  
Absent: Narjes  
Motion carried.

Maas nominated Jim Johnson as Secretary and to cease nominations and a unanimous ballot be cast for Jim Johnson for Secretary, second by Sprenger and with no discussion, a roll call vote was taken.

Aye: Meyer, Rutt, Halligan, Maas, Sprenger  
Nay:  
Abstain: Johnson  
Absent: Narjes  
Motion carried.

Wittrock is the treasurer.

B. Committees

1. District Operations
2. Natural Resources/Projects and Programs

It was decided to let the new chairperson work on the final committee membership.

C. \*Nebraska Association of Resources Districts (NARD)

Meyer moved and Maas seconded the motion to nominate Jim Johnson as the District's representative and Larry Rutt as alternate to the NARD Board of Directors for calendar year 2024. With no discussion, a roll call vote was taken.

Aye: Sprenger, Meyer, Rutt, Halligan, Johnson, Maas  
Nay:  
Absent: Narjes  
Motion carried.

D. \*Variance Advisory Group (VAG) and Alternates

Glanz stated that there were no changes to the VAG and Alternates list

Rutt moved to leave the VAG and alternates the same. A second was made by Meyer and with no further discussion a roll call vote was taken.

Aye: Halligan, Johnson, Maas, Sprenger, Meyer, Rutt  
Nay:  
Absent: Narjes  
Motion carried.

14. Correspondence

Wittrock encouraged the board members to read the correspondence provided and reviewed the Oliver Reservoir Dam inspection.

15. Upcoming Dates

January 15, 2024, Offices Closed, Martin Luther King Day  
January 23-24, 2024, NARD Legislative Conference, Embassy Suites, Lincoln  
February 13, 2024, SPNRD Board of Directors Meeting  
February 19, 2024, SPNRD Offices Closed, Presidents Day  
March 18-20, 2024, NARD Washington, D.C., Conference

16. Adjourn

With no further business, the meeting adjourned at 4:20 p.m.

  
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Donald Davis, Recording Secretary

\* Denotes Action Item