

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, December 8, 2020, 1:30 p.m.
Tri-Basin Natural Resources District

The regular monthly board meeting of the Tri-Basin Natural Resources District (NRD) was called to order by Chairman, Bradley Lundeen, at 1:30 p.m. Lundeen noted Public Meeting Law is posted in the boardroom. Philips took his Oath of Office prior to the meeting opening.

ROLL CALL

Roll call was taken with eleven directors present: Bilka, Cavanaugh (Zoom), Grimes (Zoom), Harris, Hinrichs, Larson, Philips, Raffety, Reynolds, Ryan and Lundeen. Bergstrom and Garrelts were absent. Notice of the meeting was published in the Holdrege Citizen, Bertrand Herald, Elwood Bulletin and Minden Courier and announced on radio stations KRVN, Lexington and KUVR, Holdrege.

EXCUSE ABSENCES

Moved by Reynolds, seconded by Bilka to excuse Cavanaugh from the August, September, October, and November 2020 Board Meetings. Motion carried

AYE: Bilka, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: Cavanaugh

ABSENT: Bergstrom and Garrelts

MINUTES

Thorburn presented the minutes of the November 10, 2020 Board of Directors Meeting. Moved by Reynolds, seconded by Raffety, to approve the minutes for the November 10, 2020 Board of Directors meeting. Motion carried.

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

FINANCIAL REPORT

Hinrichs presented the financial report for the month of November 2020 as follows:

Accrual Expenditures for Month -----	\$143,872.01
Cash Expenditures for Month-----	\$143,665.09
Accrual Revenues for Month-----	\$18,166.40
Cash Revenues for Month-----	\$31,853.13
Bank Balance–November 30, 2020-----	\$145,793.00
Accounts Receivable – November 30, 2020-----	\$3,342.97
Investments – Pinnacle Bank – November 30, 2020-----	\$164,555.69
Building Sinking Fund – November 30, 2020-----	\$185,210.19
Vehicle Sinking Fund – November 30, 2020-----	\$93,526.77
Water Resources Fund – November 30, 2020-----	\$613,814.34
Whiskey Slough IPA Balance – November 30, 2020-----	\$722.60
Fort Kearny-West IPA Balance – November 30, 2020-----	\$4,346.93
South Dry Creek IPA Balance – November 30, 2020-----	\$13,455.23
Fort Kearny IPA Balance – November 30, 2020-----	\$8,448.72
Sacramento Creek IPA Balance – November 30, 2020-----	\$4,948.44
North Dry Creek IPA Balance – November 30, 2020-----	\$8,538.10
Water Jamboree – November 30, 2020-----	\$7,914.70
NR MDMA – November 30, 2020-----	\$7,635.90
Odessa IPA – November 30, 2020-----	\$18,846.43

Moved by Raffety, seconded by Larson, to approve the November 2020 Financial Report, and submit for audit. Motion carried.

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

SPECIAL BILLS

Thorburn presented the VISA, attorney and PRD bills for approval. Moved by Hinrichs, seconded by Ryan, to approve the VISA, attorney and PRD bills. Motion carried.

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

NRCS REPORT

FSA Farm Plans: There were no farm plans to approve.

Activity and Progress Report: Scheele reported staff is working on CSP/EQIP and gave an update on Covid-19 requirements for the office.

COST SHARE REPORT

Well Abandonment – Thorburn presented three well decommissioning cost-share applications to approve. Moved by Raffety, seconded by Bilka, to approve three well decommissioning cost-share applications. Motion carried.

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

NSWCP & NRD Applications – Thorburn presented an NSWCP cost-share applications for approval. Moved by Reynolds, seconded by Ryan, to approve a NSWCP cost-share application for Judy Turner. Motion carried.

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

WCIP – There were no WCIP applications to approve.

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers - There were not transfers to approve.

Educational Land Leases – There were no educational land leases to approve.

OTHER BUSINESS

The public was given the opportunity to bring other specific business or non-agenda items before the board for comment and/or discussion.

UNFINISHED BUSINESS

Irrigation Specialist Report - Scheele: Curtis Scheele reported on 2020 water management activities which included EQIP, Conservation Stewardship Program, TAPS, soil moisture sensors and other activities.

Auditor's Report FY 2019-2020: Randy Tonniges reported on the 2019-2020 Audit. Tonniges commented that the audit was uneventful. Moved by Bilka, seconded by Raffety to approve the FY 2019-2020 Audit, and submit to the state. Motion carried

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

NARD REPORT

NARD Report: Reynolds asked the board to approve an Attestation confirming that he is the representative of TBNRD concerning authorization of usage of dividends by the NARD Risk Pool and a Resolution approving the funding for the NARD building. Moved by Bilka, seconded by Raffety to allow Reynolds to sign the NARD Dividend Attestation and approve the following resolution:

Resolution of the Board of Directors of the Tri-Basin Natural Resources District

WHEREAS, the current NARD and NARD Risk Pool office was destroyed by a fire on May 30, 2020.

WHEREAS, the NARD Board does not want to ask districts to contribute tax proceeds toward purchasing a building but use reserve funds from three sources instead.

WHEREAS, at the September 29, 2020 NARD and NARD Risk Pool Board meetings, the boards approved the following combination of funds: NARD General Operations (\$200,000), NARD Foundation (\$100,000) and NARD Risk Pool (\$900,000). The funds would be combined in the NARD Foundation to purchase the building. A \$900,000 loan will be obtained for the balance of the building.

WHEREAS, there is a current tenant in part of the building with a lease through 2028, which will be transferred to the NARD Foundation upon closing. That lease income will assist in making the payments on the building.

WHEREAS, the NARD staff has been working with the Nebraska Department of Insurance (department) to make sure we are accounting for the proceeds under the Nebraska Intergovernmental Risk Act. Further, the NARD Board wants to properly account for the combination of funds to eventually pay back all three entities for the contribution made toward the purchase. Communication began with the department in July 2020 and was asked if the transfer should be treated as a dividend, loan, or donation.

WHEREAS, on December 1, 2020, the department determined the best action to account for the funds would be to treat the transfer of funds from the Risk Pool as a dividend with each district assigning the dividend on the same day to the NARD Foundation for the purposes of buying a building.

WHEREAS, on December 11, 2020 the Board of Directors of the Nebraska Association of Resources Districts Intergovernmental Risk Management Pool Association ("NARD Risk Pool") declared a dividend to be issued December 28, 2020 totaling \$900,000 to be evenly distributed to the 23 Natural Resources Districts ("Districts") with the intention that the Districts will ratify and assign their full portion of the dividend to the Nebraska Association of Resources Districts Foundation ("NARD Foundation") for the purpose of purchasing an office building.

WHEREAS, the NARD Risk Pool Representative of the district, as a Participating Employer in the NARD Risk Pool, has attested and consented to the assignment of its pro rata share of the dividend to the NARD Foundation.

THEREFORE, LET IT BE RESOLVED, that the District Office, as a Participating Employer in the NARD Risk Pool, hereby ratifies and consents to the assignment of its pro rata share of the dividend to the NARD Foundation for the purposes of purchasing an office building.

Motion carried

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

COMMITTEE REPORTS

Projects and Construction Committee: A meeting is needed to discuss the Dawson NSWCP cost-share application, Hwy 10 culvert and work on North Dry Creek. A meeting is scheduled for December 28, 2020, 1 pm at Dave Raffety's shop. *This meeting was later rescheduled to Wednesday, January 6, 2021 at 1 p.m. at TBNRD.*

Augmentation Committee: Thorburn reported that he will be sending bid specs to the committee by email and will be applying for well permits in January. Lundeen asked that Thorburn present the well permit variances at the January meeting. *This meeting was scheduled for Wednesday, January 6, 2021 at 2 p.m. at TBNRD.*

Building Committee: Thorburn reported that he received the original blueprints for the armory building and will make them available through drop box. The committee will meet sometime in January to discuss how to proceed with the armory.

STAFF REPORTS & NECESSARY ACTION

Board Directives to Staff: There was discussion about the January 14, 2021 Recognition Banquet at the Nautical Rose at Johnson Lake which will proceed as planned. Thorburn asked for nominations for conservation awards.

Out-of-State Travel: There was no out-of-state travel to approve.

MONTHLY REPORTS

Republican Basin: Annual Republican Basin Report is available on NDNR's website.

Platte Basin: Nothing to report.

Sand Creek/Little Blue Basin: Thorburn will set up a meeting in January with TBNRD constituents at the Minden Exchange Bank. Raffety suggested exploring more Sand Creek Recharge structure sites. Thorburn said the engineer is working on additional sites.

North Dry Creek: Nothing to report.

Odessa IPA: Nothing to report.

Sacramento Creek: Nothing to report.

Fort Kearny: Nothing to report.

Fort Kearny West: Nothing to report.

South Dry Creek: Nothing to report.

Whiskey Slough: Nothing to report.

Middle Lost Creek: Nothing to report.

Lake Seldom: Nothing to report.

CoHyst/Platte Basin Coalition: NDNR is making technical changes to the CoHyst model..

Rainwater Basin Joint Venture: RBJV is applying for another wetland restoration grant with TBNRD holding the conservation easements.

Platte-Republican Diversion & Republican Basin Augmentation Well: The objectors have until the end of December to file their objections.

CNPPID: Dave Ford reported that Lake McConaughy is at 3243.6 elevation and 67% of capacity. Ford mentioned CNPPID is exploring a merger with Dawson Public Power District, increased the irrigation rate one percent and that WCIP information was included in newsletter.

NEW BUSINESS

Cost-Share on Surface Water Turnouts: Thorburn explained he has been communicating with the Platte Basin Coalition about the idea of cost-share on surface water turnouts. Thorburn outlined what counts as match towards state funding: CNPPID expense on providing turnouts cannot be used, but some landowners expenses can be utilized. The funding rate is sixty percent from the state and forty percent local which should be covered by landowner expenses. A cost-share contract would need to be maintained for ten years and the contract would allow the NRD to determine which water source can be used each year. Any match would need to pass through TBNRD accounting. The Projects and Construction Committee could discuss the issue. Moved by Bilka, seconded by Raffety to authorize Thorburn to develop a proposal for cost-share on turnouts in conjunction with Platte Basin Coalition.

Motion carried

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

COMMENTS AND CONCERNS

There were no comments or concerns.

PERSONNEL AND LEGAL MATTERS

Moved by Bilka, seconded by Raffety to move to executive session at 2:50 p.m. for the protection of the public to discuss legal matters. Motion carried.

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AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

Moved by Raffety, seconded by Larson to move out of executive session at 3:05 p.m. for the protection of the public to discuss legal matters. Motion carried.

AYE: Bilka, Cavanaugh, Grimes, Harris, Hinrichs, Larson, Lundeen, Philips, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Bergstrom and Garrelts

NEXT BOARD MEETING

TBNRD Regular Board Meeting will be held on Tuesday, January 12, 2021, at 1:30 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:10 p.m.

DIRECTORS PRESENT

Joe Bilka, Mike Cavanaugh (Zoom), David Grimes (Zoom), Ed Harris, Rob Hinrichs, Joe Larson, G. Reed Philips, Dave Raffety, Larry Reynolds, Jeff Ryan, and Brad Lundeen

OTHERS PRESENT

John Thorburn, Sasha Hahn, Dave Ford, Nolan Little, Curtis Scheele, Amy Dutton, Randy Tonniges, Tammy Fahrenbruch, and Carie Lynch were present via Zoom.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
 TRI-BASIN NATURAL RESOURCES DISTRICT
 BOARD OF DIRECTORS MEETING
 December 8, 2020

ID	Motion #	Category	Subject	Aye	Nay	Abstain	
	2020-12-10-01	Meeting Administration		10		1	Moved by Reynolds, seconded by Bilka to excuse Cavanaugh from the August, September, October, and November 2020 Board Meetings. Motion carried
	2020-12-10-02	Meeting Administration		11			Moved by Reynolds, seconded by Raffety, to approve the minutes for the November 10, 2020 Board of Directors meeting. Motion carried.
	2020-12-10-03	Meeting Administration		11			Moved by Raffety, seconded by Larson, to approve the November 2020 Financial Report, and submit for audit. Motion carried.
	2020-12-10-04	Budget		11			Moved by Hinrichs, seconded by Ryan, to approve the VISA, attorney and PRD bills. Motion carried.
	2020-12-10-05	Meeting Administration		11			Moved by Raffety, seconded by Bilka, to approve three well decommissioning cost-share applications. Motion carried.
	2020-12-10-06	Meeting Administration		11			Moved by Reynolds, seconded by Ryan, to approve a NSWCP cost-share application for Judy Turner. Motion carried.
	2020-12-10-07	Budget	2019-2020 Audit Approval	11			Moved by Bilka, seconded by Raffety to approve the FY 2019-2020 Audit, and submit to the state. Motion carried
	2020-12-10-08	Resolutions & Legislation	NARD Dividend	11			Moved by Bilka, seconded by Raffety to allow Reynolds to sign the NARD Dividend Attestation and approve the following resolution: <p style="text-align: center;">Resolution of the Board of Directors of the Tri-Basin Natural Resources District</p> WHEREAS, the current NARD and NARD Risk Pool office was destroyed by a fire on May 30, 2020. WHEREAS, the NARD Board does not want to ask districts to contribute tax proceeds toward purchasing a building but use reserve funds from three sources instead. WHEREAS, at the September 29, 2020 NARD and NARD Risk Pool Board

						<p>meetings, the boards approved the following combination of funds: NARD General Operations (\$200,000), NARD Foundation (\$100,000) and NARD Risk Pool (\$900,000). The funds would be combined in the NARD Foundation to purchase the building. A \$900,000 loan will be obtained for the balance of the building.</p> <p>WHEREAS, there is a current tenant in part of the building with a lease through 2028, which will be transferred to the NARD Foundation upon closing. That lease income will assist in making the payments on the building.</p> <p>WHEREAS, the NARD staff has been working with the Nebraska Department of Insurance (department) to make sure we are accounting for the proceeds under the Nebraska Intergovernmental Risk Act. Further, the NARD Board wants to properly account for the combination of funds to eventually pay back all three entities for the contribution made toward the purchase. Communication began with the department in July 2020 and was asked if the transfer should be treated as a dividend, loan, or donation.</p> <p>WHEREAS, on December 1, 2020, the department determined the best action to account for the funds would be to treat the transfer of funds from the Risk Pool as a dividend with each district assigning the dividend on the same day to the NARD Foundation for the purposes of buying a building.</p> <p>WHEREAS, on December 11, 2020 the Board of Directors of the Nebraska Association of Resources Districts Intergovernmental Risk Management Pool Association (“NARD Risk Pool”) declared a dividend to be issued December 28, 2020 totaling \$900,000 to be evenly distributed to the 23 Natural Resources Districts (“Districts”) with the intention that the Districts will ratify and assign their full portion of the dividend to the Nebraska Association of Resources Districts Foundation (“NARD Foundation”) for the purpose of purchasing an office building.</p>
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						<p>WHEREAS, the NARD Risk Pool Representative of the district, as a Participating Employer in the NARD Risk Pool, has attested and consented to the assignment of its pro rata share of the dividend to the NARD Foundation.</p> <p>THEREFORE, LET IT BE RESOLVED, that the District Office, as a Participating Employer in the NARD Risk Pool, hereby ratifies and consents to the assignment of its pro rata share of the dividend to the NARD Foundation for the purposes of purchasing an office building.</p> <p>Motion carried</p>
	2020-12-10-09	District Plans & Programs	Turnout Cost-Share	11		<p>Moved by Bilka, seconded by Raffety to authorize Thorburn to develop a proposal for cost-share on turnouts in conjunction with Platte Basin Coalition.</p> <p>Motion carried</p>
	2020-12-10-10	Meeting Administration		11		<p>Moved by Bilka, seconded by Raffety to move to executive session at 2:50 p.m. for the protection of the public to discuss legal matters. Motion carried.</p>
	2020-12-10-11	Certification & Transfers		11		<p>Moved by Raffety, seconded by Larson to move out of executive session at 3:05 p.m. for the protection of the public to discuss legal matters. Motion carried.</p>