

**UPPER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
August 23, 2021 -- 7:00 P.M.
O'Neill, Nebraska**

CALL TO ORDER, STATEMENT OF ADVERTISEMENT AND OPEN MEETING LAW NOTIFICATION:

The regular meeting of the Board of Directors was called to order. The statement of advertisement and the open meetings law posting were all noted at 7:00 P.M. by Chairman Michael Moser.

DIRECTORS PRESENT:

Gary Bartak	Kevin Blair	Chris Dierks	Cody Frank	Marv Fritz
Keith Heithoff	Jim Keller	Gene Kelly	Michael Moser	Aaron Rice
Roy Stewart	Art Tanderup	John Vogel	Chip Whitaker (Arr. 7:07 pm)	

DIRECTORS ABSENT:

Curtis Gotschall

STAFF PRESENT:

Dennis Schueth, General Manager
Beth Walsh, Information & Education Coordinator
Joslynn VanDerslice, Water Resources Manager
Kelly Kloppenborg, Water Resources Technician
Wayne Frederick, Water Resources Technician
Brett Sholes, Agronomy Resources Technician
Krissey McClintic, Administrative Secretary
Aron Lewis, Forestry, Wildlife & Resource Technician

GUESTS PRESENT:

Brandon Peterson – NRCS, O'Neill, NE
Whitney Gappa – BGMA Coordinator, Norfolk, NE
LeRoy Behnk – Elgin, NE

AGENDA:

The Agenda was reviewed by the Directors. ⇨ **It was moved by Jim Keller and seconded by Keith Heithoff to adopt the Agenda. AYE: Bartak, Blair, Dierks, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Frank, Gotschall & Whitaker. MOTION CARRIED.**

JULY BOARD MEETING MINUTES:

The minutes of the July Meeting were reviewed by the Directors. ⇨ **It was moved by John Vogel and seconded by Gene Kelly to approve the minutes of the July meeting. AYE: Blair, Dierks, Frank, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: Bartak. ABSENT: Gotschall & Whitaker. MOTION CARRIED.**

TREASURERS REPORT:

⇨ **It was moved by Roy Stewart and seconded by John Vogel to approve the July Treasurers Report. AYE: Blair, Dierks, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: Bartak & Frank. ABSENT: Gotschall & Whitaker. MOTION CARRIED.**

PUBLIC FORUM-INPUT:

None

AGENCY & STAFF REPORTS:

NARD Report: Gene Kelly reported that he will have a Zoom meeting next week and the NARD board will be meeting following the NARD Annual Conference.

DNR Report: No Report.

NRCS Report: Brandon Peterson's report was mailed out to the Directors. Brandon reported that 99% of EQIP contracts have been obligated for a total of over \$2 million dollars. Sixteen of those contracts are in the Bazile Groundwater Management Area. CSP has been highly competitive with only 3 contracts being fund year. NRCS staff are currently in the field looking for CRP enrollments. John Wilson is the new acting State Conservationist and they are planning to start advertising for a new state conservationist in October. NRCS offices are currently at 50% staffing with producers being allowed in on a limited basis. Employees will soon have to certify that they have received the Covid vaccination or be subject to weekly testing.

RC&D Report:

North Central RC&D: Jim Keller reported that the RC&D is keeping busy discussing recycling projects such as household waste, shredding and tires.

Loup Basin RC&D: No report.

Northeast RC&D: No report.

Information & Education Report: Beth Walsh's report was mailed out in the Director's packets. Beth reviewed the list of Directors that have signed up to attend the NARD Annual Conference and handed out the Ron Bishop Memorial Golf tournament and Shoot Out information.

Water Resources Report: Joslynn Vanderslice's report was mailed out in the Director's packets. Joslynn reviewed the GWMP public hearing held earlier in the day. She also reported that they are still collecting water samples; and, will be selecting Phase III fields. Joslynn also reviewed a handout in the Directors packet regarding the age dating of nitrates from a study conducted by Troy Gilmore in 2003. Brett Sholes, Agronomy Resources Technician, handed out a report regarding the fertilizer spill which occurred at the CVA facility at the junction of Hwy 20 & 281. The soil was excavated and eventually spread out for use. Burlington Northern was responsible for the incident and have met all the NDEE guidelines for cleanup.

Bazile Groundwater Management Report: Whitney Gappa-BGMA Coordinator and Jeremy Milander - Assistant Extension Educator reports were mailed out in the Directors packets. Whitney reported that she has been working on her online NRCS training. September 9 from 9:00 am to 3:30 pm is the BGMA Field Day. They are hoping for 150 attendees. Whitney has also been attending County Fairs with Julie Wragge, LENRD; and, she also attended the Basin Tour. The tour of the BMGA area with Adrian Smith went well and he spoke of possible FEMA funding for the area. Whitney has also been visiting with area landowners and has 6 new applications with the Bazile area. The PIP (Project Implementation Plan) has been sent to EPA and they have contacted Whitney was some minor revisions.

UNL Extension: No Report.

EXCUSED ABSENCES:

⇒ It was moved by Jim Keller and seconded by Chris Dierks to excuse the absence of Curtis Gotschall. **AYE:** Bartak, Blair, Dierks, Frank, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Gotschall. **MOTION CARRIED.**

REVIEW/ACTION ON GROUNDWATER MANAGEMENT PLAN-RULES AND REGULATIONS MODIFICATIONS AS PRESENTED AT PUBLIC HEARING AUGUST 23, 2021. (FLOWMETERS, CERTIFICATION OF GROUNDWATER IRRIGATED ACRES, FEES, TRANSFERS): Aaron Rice, Water Resources and Watershed Committee Chair, reported on the Public Hearing held earlier in the day. There were seven directors present and one member of the public. The hearing was opened, Joslynn Vanderslice reviewed the exhibits, there was no testimony so the hearing was closed. ⇒ **It was moved by Aaron Rice and seconded by Marv Fritz that the UENRD adopt the proposed changes to the UENRD Groundwater Rules and Regulations to implement the UENRD Groundwater Management Plan and issue an Order adopting the same. AYE: Bartak, Blair, Dierks, Frank, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Gotschall. MOTION CARRIED.**

COMMITTEE REPORTS AND RECOMMENDATIONS:

Legislative, Budget and Finance:

- **Action on Current Bills and Cost Share Requests:** The Legislative, Finance and Planning Committee met prior to the Board meeting and reviewed the bills, receipts and bank statement. ⇒ **It was moved by Roy Stewart and seconded by Jim Keller to approve the current bills for payment. AYE: Bartak, Blair, Dierks, Frank, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Gotschall. MOTION CARRIED.**
- **August 19, 2021 FY 21-22 Budget Workshop Update and Recommendations:** Dennis Schueth passed out the updated county valuations for the proposed FY 21-22 budget and summary of the UENRD valuations and tax asking. There was no change in the tax asking. The budget would now need to move forward for publication and public hearing. ⇒ **It was moved by Roy Stewart and seconded by Jim Keller to proceed with the publication of the Upper Elkhorn NRD FY 21-22 fiscal budget. AYE: Bartak, Blair, Dierks, Frank, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Gotschall. MOTION CARRIED.**
- **Additional 1% Taxing Authority:** The additional 1% taxing authority was on the agenda for the boards consideration. ⇒ **It was moved by Roy Stewart and seconded by Art Tanderup to approve the additional 1% taxing authority. AYE: Frank, Keller, Kelly & Tanderup. NAY: Bartak, Blair, Dierks, Fritz, Heithoff, Moser, Rice, Stewart, Vogel & Whitaker. ABSTAIN: None. ABSENT: Gotschall. MOTION FAILED.**
- **Setting Hearing Dates for FY 2021-2022 Budget, September 13, 2021:** Dennis Schueth explained that due to new legislation, the UENRD will need to schedule separate public hearings for the budget and setting of the mill-levy. These will be held on September 13, 2021 at a time to be determined.

COALITION/TASK FORCE UPDATE:

Niobrara River Basin Alliance: Dennis Schueth reported that August 31, 2021 is the deadline to submit the Spencer Hydro Dam water transfer proposal to NDNR. NPPD and NRBA are finishing their review and will be submitting the proposal. Once NDNR receives the proposal, they will conduct their review, a public hearing will be set and then the NDNR Director will make their determination.

Lower Platte River Basin Water Management Plan Coalition: Joslynn VanDerslice reported that the Technical committee met August 18. They will be working through the changes with DNR and the Flatwater group and have a draft ready for the Managers committee at their November meeting.

Nebraska Habitat Conservation Coalition (Piping Plover): No Report.

Nebraska Ground Water Management Coalition: No Report.

ADMINISTRATIVE REPORT:

Dennis Schueth's report was mailed out to the directors prior to the board meeting in their packets. A copy is included with the official copy of the minutes in the office. Dennis Schueth handed out a news article regarding a resolution that is being submitted by Senator Gragert regarding water quality and the NRDs role.

⇒ It was moved by Gene Kelly and seconded by Keith Heithoff to adjourn at 7:37 PM. AYE: Bartak, Blair, Dierks, Frank, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Gotschall. MOTION CARRIED.

The next board meeting will be held September 13, 2021 at 7:00 pm at the UENRD office.

I, the undersigned Director of the Upper Elkhorn Natural Resources District hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Board of Directors on August 23, 2021 that all of the subjects included in the foregoing proceedings were contained in the agenda for at least twenty-four hours prior to said meeting, the minutes of the Chairman and the Board were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body, that all news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Gene Kelly, Secretary/Treasurer