

**UPPER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
March 22, 2021 -- 2:30 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 at 2:34 P.M. by Chairman Michael Moser. The public notice and Open Meetings Act were all noted by the Chairman.

DIRECTORS PRESENT:

Gary Bartak	Kevin Blair	Chris Dierks	Cody Frank	Marv Fritz
Curtis Gotschall	Keith Heithoff	Jim Keller	Gene Kelly	Michael Moser
Aaron Rice	Roy Stewart	Art Tanderup	John Vogel	Chip Whitaker

DIRECTORS ABSENT:

None

STAFF PRESENT:

Dennis Schueth - General Manager
Joslynn Vanderslice - Water Resources Manager
Beth Walsh - Information & Education Coordinator/Chemigation Coordinator
Kelly Kloppenborg - Water Resources Technician
Wayne Frederick - Water Resources Technician
Brett Shoes - Agronomy Resources Technician
Aron Lewis - Forestry, Wildlife, Resource Conservationist

GUESTS PRESENT:

Brandon Peterson – NRCS O'Neill Office
Shane Krebs – Clearwater, NE
Leroy Behnk – Elgin, NE

ADOPTION OF AGENDA:

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

MINUTES:

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

TREASURERS REPORT:

The February treasurers report was reviewed by the Directors. ⇒ It was moved by Roy Stewart and seconded by Jim Keller to approve the February Treasurers Report. **AYE:** Bartak, Blair, Dierks, Frank, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** None. **MOTION CARRIED.** Questions surrounding two of the bills submitted were clarified.

PUBLIC FORUM – INPUT:

Shane Krebs attended the meeting to discuss an issue he is having regarding his 2013 Expansion of Groundwater Irrigated Acres. During the October 2012 Expansion of Irrigated Acres sign-up, Mr. Krebs received points for opting to install drip irrigation which helped him qualify for the new irrigated acres. Following a chemical spraying by the public power district to kill volunteer trees, his farm ground has been affected and it is believed that the drip irrigation is holding the sprayed chemicals between the surface and the drip irrigation line not allowing him to sustain a crop throughout the growing season. Mr. Krebs would like to abandon the drip irrigation and install center pivots to be able to flush the root zone. This issue has been referred to the Water Resources and Watershed committee.

AGENCY & STAFF REPORTS:

NARD Report: Gene Kelly reported that he attended the NARD meeting March 7 & 8 in Lincoln. The Board elected officers and made committee assignments. Gene reviewed the financial report and discussed the draft budget. He reviewed some of the expenditures and revenues; and, noted that the income was down approximately \$60,000 do to the fact that the Association was unable to hold the annual conferences. The NARD Foundation owns the new NARD office building and will receive revenue from tenants. Following the board meeting the Risk Pool met and reviewed the financial reports. The NARD Washington DC conference has been cancelled for 2021. The Nebraska State Envirothon is being held April 28 at Lake Wanahoo. Anyone who would like to volunteer should contact Megan Grimes, NARD. Nebraska will still be hosting the NCF Envirothon in July; however, this event will be held virtually. Arrangements for the national competition are still being worked out between the Nebraska committee and the National Committee as well as the budget. The NRDs will be celebrating their 50th Anniversary in 2022 and NARD is beginning to make plans for the celebration. NARD is looking for old photos and are planning to develop some promotional items for the event. It was also reported that the NRDs have ordered approximately 264,000 trees from Halsey. ⇒ **It was moved by Curtis Gotschall and seconded by Art Tanderup to support the proposed NARD draft budget. AYE: Bartak, Blair, Dierks, Frank, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: None. MOTION CARRIED.**

DNR Report: Dennis Schueth reported that the Niobrara River Basin Alliance met with Tom Riley, DNR Director. Mr. Riley appreciates what the NRDs are doing and are looking forward to working with them. The DNR Director is an appointed position by the Governor so when the current governor term limits out of office a new DNR Director could be appointed.

NRCS Report: Brandon Peterson's report was mailed out to the Directors. Brandon reported that they are busy ranking EQIP applications and allocating funds. The CSP 2022 renewal sign up ends March 31; and, the CRP Grasslands sign up runs from March 15-April 23. NRCS offices are still closed to the public and they are only allowed to have 25% occupancy in the offices. They are waiting on a new mandate to be approved from the national headquarters to determine the next steps towards re-opening.

RC&D Report:

North Central RC&D: Jim Keller reported that the RC&D is currently working on a large scale electronics recycling area collection.

Loup Basin RC&D: No Report.

Northeast RC&D: No Report.

Information & Education Report: Beth Walsh's report was mailed out in the Directors packets. Beth reported that she has included an updated list of missing groundwater irrigated acre parcels/landowners in the Directors folders.

Water Resources Report: Joslynn VanDerslice's report was mailed out in the Directors packets. Joslynn reported that all four nitrogen certification classes were held and attended by 91 cooperators. Aaron Herd's, NRCS, presentation was very well received and had positive comments. Static water level readings have begun and will continue weather permitting. There are approximately 600 Phase II reports still outstanding. Another mailing has gone out reminding approximately 100 landowners of their Phase II reporting. Brett Sholes, Agronomy Resources Technician, reviewed his Phase III summary report regarding the sites that triggered for Phase III in 2020; and, the 2019 sites that triggered again in 2020. He also reviewed some of the actions being taken by cooperators. Joslynn reviewed the nitrate maps she developed at the request of a board member, which showed nitrate results dating back 30 years. It was also requested at the February Policy meeting for a review of Rule 27, the Static Water Level Triggers. Joslynn reviewed the triggering rule with the board that are currently in place under Rule 27 of the Groundwater Management Plan.

Bazile Management Area: Jeremy Milander's report was mailed out in the Directors packets. Joslynn VanDerslice reported that Whitney Gappa, new BGMA Project Coordinator, has begun her duties and will be working out of the Lower Elkhorn NRD office. The 3 winter meetings hosted by the BGMA were considered a success. Each meeting was 1 hour long and were attended by 54, 41 and 55 persons respectively. Work has also begun on the demonstration sites for the upcoming 2021 growing season.

Forestry, Wildlife and Resource Conservationist Report: Aron Lewis reported that we have 44,600 seedlings sold. There are 61 machine plant jobs and 26 miles of weed barrier to install.

UNL - Holt County Extension: No Report

EXCUSED ABSENCES:

None

GWORKS PROPOSAL – TYSON LARSON, REDISTRICTING POLITICAL SUBDISTRICTS:

Former Senator Tyson Larson is now working with gWorks, a company that develops software for government agencies. Mr. Larson met with the NRD Managers and has contacted Dennis Schueth proposing that the NRDs collectively or singularly contract with gWorks to develop their new voting sub-districts following the 2020 Census. Dennis Schueth reported that in the past DNR has help the districts with this issue; however, they are understaffed at this time and it is not believed that they will be able to offer any assistance. Dennis has spoken with other NRDs who have the staff available to assist other NRDs if needed in this project; and, they would be willing to help.

COMMITTEE REPORTS:

Legislative, Finance and Planning:

- 1. Action on Current bills and Cost Share Requests:** The Committee met prior to the board meeting and reviewed the current bills. ⇒ **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: Gotschall. ABSENT: None. MOTION CARRIED.** It was also noted that the bank statements and accounts receivable looked to be in good order.

Water Resources & Watershed:

- 1. Groundwater Acre Expansion/Certification/Transfer Applications:** The Committee met before the board meeting and reviewed two transfer requests; and, a request from a landowner to adjust his current certified irrigated acres.

⇒It was moved by Marv Fritz and seconded by Gene Kelly to deny the Groundwater Irrigated Acre Transfer requests because they did not meet the Web Soil Survey criteria. **AYE:** Blair, Frank, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice & Tanderup. **NAY:** None. **ABSTAIN:** Bartak, Dierks, Stewart & Vogel. **ABSENT:** Whitaker. **MOTION CARRIED.** The Committee requested that the staff contact the landowner requesting the adjustment to their irrigated acres and ask for further information on the area being irrigated.

2. **US President Biden-Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (30x30).** Aaron Rice read the proposed resolution opposing Executive Order 14008. ⇒It was moved by Gene Kelly and seconded by Gary Bartak to adopt the resolution opposing EO 14008 and send a copy to the NRDs County Boards. **AYE:** Bartak, Blair, Dierks, Frank, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. **NAY:** Tanderup. **ABSTAIN:** None. **ABSENT:** None. **MOTION CARRIED.** Discussion was held regarding how the order would be implemented; and, how it could effect landowners. The issue should be looked at from all sides before taking any action. Since there is not a lot of information about the order, should the board wait to take action?
3. **Soil Sampling Methods Auger vs. Probe Report:** The Committee did not get a chance to discuss this issue. Dennis Schueth reported that an article regarding this comparison was sent out in the Directors packets.
4. **Natural Resources Water Quality Fund Financial Update and Expenditures:** Dennis Schueth reported that the 4 Bazile Groundwater Management Area NRDs were featured in the Irrigation Leader magazine. A copy of the magazine has been included in the Directors NRD folders.

Personnel, Education, Promotion & Education Committee:

1. **Administrative Secretary Opening and Advertisement:** Dennis Schueth reported that we have received 1 application for the Administrative Secretary position. The closing date is April 1.
2. **Personnel Review/Customer Service and other Issues Discussion:** ⇒It was moved by Keith Heithoff and seconded by Gary Bartak to go into Executive Session at 4:20 PM to discuss Personnel Review/Customer Service and to protect the public interests and reputation of those from any undue harm and excuse all staff and guests from the Executive Session. **AYE:** Bartak, Blair, Frank, Fritz, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. **NAY:** Dierks & Gotschall. **ABSTAIN:** None. **ABSENT:** None. **MOTION CARRIED.** The board meeting was reconvened at 4:45 PM by Chairman Moser.

COALITION/TASK FORCE UPDATE:

Niobrara River Basin Alliance: Dennis Schueth reported that he has received information from Tim McCoy, NG&P, and will keep the Directors informed of any progress on this issue.

Lower Platte River Basin Water Management Plan Coalition: Joslynn VanDerslice reviewed the annual report for the Lower Platte River Basin Coalition which was mailed out in the Directors packets.

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

Nebraska Ground Water Management Coalition: No Report.

ADMINISTRATIVE REPORT:

Dennis Schueth's report was mailed out in the Director's packets and a copy is kept on file at the NRD office. Dennis handed out a Cease & Desist Issue Survey for the Directors to review. Dennis also noted that Marv Fritz and Gene Kelly attended the Director Responsibility meeting March 1 in Butte with him. It was asked if the meeting was recorded and available to those who did not attend. Dennis reported that it was recorded but the audio was very poor quality.

APRIL BOARD MEETING:

The next board meeting is scheduled for April 26, 2021 at 7:00 PM.

⇒ It was moved by Curtis Gotschall and seconded by Gene Kelly to adjourn at 4:57 PM. **AYE:** Bartak, Blair, Dierks, Frank, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** None. **MOTION CARRIED.**

I, the undersigned Chairman 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 March 22, 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