

**UPPER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
July 24, 2023 -- 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 noted at 7:10 P.M. by Chairman Keith Heithoff.

DIRECTORS PRESENT:

Kevin Blair	Chris Dierks	Marv Fritz	Curtis Gotschall	Keith Heithoff
Gene Kelly	Aaron Rice	Roy Stewart	Art Tanderup	John Vogel

DIRECTORS ABSENT:

Gary Bartak	Matt Beckman	Cody Frank	Trevor Gotschall	Tony Sanderson
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STAFF PRESENT:

Dennis Schueth - General Manager
Beth Walsh - Information & Education/Chemigation Coordinator
Joslynn VanDerslice - Water Resources Manager
Kelly Kloppenborg - Water Resources Technician
Wayne Frederick - Water Resources Technician
Jeff Langan – Administrative Secretary

GUESTS PRESENT:

Aaron Romessor – NRCS, O'Neill Office
Kim Burge – North Central Nebraska RC&D

ADOPTION OF AGENDA:

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

MINUTES:

The minutes of the June Meeting were reviewed by the Directors. ⇒It was moved by Roy Stewart and seconded by Dierks to approve the minutes of the June Meeting. **AYE:** Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman, Frank, T. Gotschall & Sanderson. **MOTION CARRIED.**

TREASURERS REPORT:

The June treasurers report was reviewed by the Directors. ⇒It was moved by Gene Kelly and seconded by Marv Fritz to approve the June Treasurers Report. **AYE:** Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman, Frank, T. Gotschall & Sanderson. **MOTION CARRIED.**

PUBLIC FORUM-INPUT OR COMMENTS:

None

AGENCY & STAFF REPORTS:

NARD Report: Gene Kelly reported that their next meeting would be in conjunction with the NARD Annual Conference in Kearney. Gene also noted some upcoming events and passed out two letters to the editor of the Norfolk Daily News submitted by former LENRD board member Joel Hansen referencing board member conduct. Conduct issues have become more prevalent recently and all public entities should be mindful of comments made and conduct during public meetings.

DNR Report: No Report.

NRCS Report: Brandon Peterson's report was mailed out to the Directors. Aaron Romesser, Resource Conservationist from the O'Neill office attended the meeting. Aaron reported that they are wrapping up EQIP contracts; CRP is currently on hold; and, they are waiting on the state office to obligate funds for the CSP applications. They have also completed approximately 95% of their compliance reviews.

RC&D Report:

North Central RC&D: Marv Fritz gave an brief overview of the items which the RC&D has been working on and introduced Kim Burge to give further details on the Tire Amnesty event they would like the UENRD to sponsor a grant for. Kim explained how the tire amnesty event would be held and what organizations would be involved. The North Central RC&D needs a public entity to sponsor the grant for the tire amnesty event. The UENRD would have to pay the initial costs and then be reimbursed through the grant process. The whole process should take 30-60 days and would be an in/out for the budget. **⇒It was moved by Keith Heithoff and seconded by Marv Fritz to apply for the NDEE grant for the Tire Amnesty Event to be held in Ewing, NE in the amount of \$126,000 for the FY 23-24 budget. AYE: Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Bartak, Beckman, Frank, T. Gotschall & Sanderson. MOTION CARRIED.**

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 the NARD Annual Conference in Kearney is scheduled for September 25-26. There was a tentative agenda and golf registration in the directors folders. Beth passed around a sign-up sheet for the event.

Water Resources Report: Joslynn VanDerslice's report was mailed out in the Directors packets. Joslynn reported that water sampling has picked up across the district. It has been difficult to get samples because of the recent moisture and the fact that cooperators have been chemigating. Reminder letters for water sampling have gone out to those cooperators who need samples for this year and those who will need them next year for Nitrogen Management certification. Joslynn also reported that the Bazile Groundwater Management Area is planning a farmer appreciation night August 24.

Bazile Management Report: Lisa Lauver-BGMA Coordinator's and Jeremy Milander-BGMA Assistant Extension Educator reports were mailed out in the Directors packets. Dennis Schueth reported that Jeremy Milander will be resigning from his position at the end of July for a new opportunity with NECC. Since the grant which funded Jeremy's position will be expiring, UNL is re-evaluating the position.

UNL Extension: Dennis Schueth reported that UNL conducted interviews for the Forester position which has been housed in O'Neill. There were a couple of candidates selected; however, they both ended up declining the position. UNL is currently in a hiring freeze but since this position was advertised before the hiring freeze they will hopefully be able to fill it.

EXCUSED ABSENCES:

⇒It was moved by Gene Kelly and seconded by Chris Dierks to excuse the absence of Gary Bartak, Matt Beckman, Cody Frank, Trevor Gotschall and Tony Sanderson. **AYE:** Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman, Frank, T. Gotschall & Sanderson. **MOTION CARRIED.**

COMMITTEE REPORTS & RECOMMENDATIONS:

Legislative, Finance and Planning Committee:

- 1. Action on Current Bills and Cost share Requests:** The committee met prior to the board meeting and reviewed the current bills, accounts receivable, bank statements and cost share applications. ⇒It was moved by Marv Fritz and seconded by Roy Stewart to approve the cost share applications for Marty Hollenbeck and Michelle Park at 50% up to \$7,000. **AYE:** Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman, Frank, T. Gotschall & Sanderson. **MOTION CARRIED.** ⇒It was moved by Marv Fritz and seconded by Chris Dierks to approve the current bills for payment. **AYE:** Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman, Frank, T. Gotschall & Sanderson. **MOTION CARRIED.**
- 2. Code of Conduct-Don Blankenau:** A draft of the Natural Resources District Director Code of Conduct was available for the Directors review.
- 3. Audit Update-July 13, 2023:** Marv Fritz reported that he was questioned during the audit. It did not seem like there were any issues. Dennis Schueth reported that the transition from Krissy McClintic to Jeff Langan appears to have been seamless.
- 4. Setting of Budget Workshop:** A date for the budget workshop will be scheduled during the week of August 14 or August 21 once we receive ending and starting financial numbers from the auditor.

Water Resources & Watershed Committee: The Committee met prior to the board meeting.

- 1. Groundwater Management Rules & Regulations:** Aaron Rice reported that the committee is having discussions regarding flowmeters, triggering mechanisms and acre expansion/transfers. Since the Nebraska Department of Environmental Quality no longer exists and has become the Nebraska Department of Environment and Energy, the UENRD needs to update its Chemigation Rules and Regulations to be in compliance with the states changes. The vote to go to public hearing will need to be done in September or October. The Committee is also discussing the Chemigation application fees and whether or not they should be changed.
- 2. Acre Certification and GW Acre Transfers-Applications:** None.
- 3. Phase II Reports Update-Late Reports:** There are still approximately 100 reports to be returned.

Personnel, Equipment, Promotion & Education Committee: The Committee met prior to the board meeting to review salary information; and, budgeting considerations for expenditures associated with the FY 23-24 fiscal budget regarding equipment.

- 1. Equipment and Salary Discussion – Recommendations for FY 23-24:** ⇒It was moved by Keith Heithoff and seconded by Gene Kelly to go into executive session at 8:30 PM to discuss job performances of the Upper Elkhorn NRD Staff and to protect the public interests and reputation of those from any undue harm and the impact it may have on the FY 23-24 salaries and excuse all staff except for the General Manager from the executive session. **AYE:** Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman, Frank, T. Gotschall & Sanderson. **MOTION CARRIED.** ⇒It was moved by Keith Heithoff and seconded by Roy Stewart to come out of executive session at 9:00 PM. **AYE:** Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman, Frank, T. Gotschall & Sanderson. **MOTION CARRIED.**

⇒It was moved by Chris Dierks and seconded by Curtis Gotschall to approve the salary recommendations of the Committee for the FY 23-24. AYE: Blair, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. NAY: Dierks & Fritz. ABSTAIN: None. ABSENT: Bartak, Beckman, Frank, T. Gotschall & Sanderson. MOTION CARRIED. ⇒It was moved by John Vogel and seconded by Chris Dierks to approve up to \$10,000 for a 4-wheeler for FY 23-24. AYE: Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Bartak, Beckman, Frank, T. Gotschall & Sanderson. MOTION CARRIED.

COALITION/TASK FORCE UPDATE:

Niobrara River Basin Coalition: Dennis Schueth reported that the Alliance met with NeDNR July 17. The discussed subordination, calls on the river, the gaging station and annual reports. They are also discussing having a signing date for the transfer.

Lower Platte River Basin Water Management Plan Coalition: No Report.

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

Nebraska Groundwater 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 reported that Art Tanderup had contacted him regarding the Waters of the United State. What are now considered waters of the state and their governance.

AUGUST BOARD MEETING:

The next regular meeting date for the UENRD would be August 28, 2023 at 7:00 PM.

⇒It was moved by Gene Kelly and seconded by Curtis Gotschall to adjourn at 9:02 PM. AYE: Blair, Dierks, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Bartak, Beckman, Frank, T. Gotschall & Sanderson. MOTION CARRIED.

I, the undersigned Secretary 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 July 24, 2023 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