

**UPPER ELKHORN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
March 27, 2024 -- 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 2:31 P.M. by Chairman Chris Dierks. The public notice and Open Meetings Act were all noted by the Chairman.

**DIRECTORS PRESENT:**

Gary Bartak	Kevin Blair	Matt Beckman	Chris Dierks	Cody Frank
Curtis Gotschall	Gene Kelly	Aaron Rice	Tony Sanderson	Roy Stewart
Art Tanderup	John Vogel			

**DIRECTORS ABSENT:**

Marv Fritz                      Trevor Gotschall

**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

**GUESTS PRESENT:**

Dana Klabenes – City of Neligh

**ADOPTION OF AGENDA:**

⇒ It was moved by Roy Stewart and seconded by Gene Kelly to adopt the amended agenda. **AYE:** Bartak, Beckman, Blair, Frank, Kelly, Sanderson, Stewart & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz, C. Gotschall, T. Gotschall, Rice & Tanderup. **MOTION CARRIED.** Chairman Dierks not voting.

**MINUTES:**

The minutes of the February Board Meeting were reviewed by the Directors. ⇒ It was moved by John Vogel and seconded by Tony Sanderson to approve the minutes of the February Meeting. **AYE:** Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz, T. Gotschall & Rice. **MOTION CARRIED.** Chairman Dierks not voting.

**TREASURERS REPORT:**

The February treasurer's report was reviewed by the Directors. ⇒ It was moved by Gene Kelly and seconded by Matt Beckman to approve the February Treasurers Report. **AYE:** Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz & T. Gotschall. **MOTION CARRIED.** Chairman Dierks not voting.

## **PUBLIC FORUM – INPUT:**

Dana Klabenes, City of Neligh, attended the meeting to review their request for funding of the Riverside Park Inclusive Playground. She reviewed the project and noted that they have hired a consultant to help with a grant to help defray the costs. They are requesting a \$5,000 contribution for the park which can either be made this fiscal year or next fiscal year. The project needs to show matching funds for the grant prior to August 1, 2024, to remain eligible, so a letter of commitment would be needed if the NRD decides to allocate funding next year. ⇒ **It was moved by Gary Bartak and seconded by Curtis Gotschall to approve \$5,000 from the 2023-2024 fiscal budget for the Riverside Park Inclusive Playground in Neligh. AYE: Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Marv Fritz & T. Gotschall. MOTION CARRIED. Chairman Dierks not voting.**

## **AGENCY & STAFF REPORTS:**

**NARD Report:** Gene Kelly reported that the NARD board met on March 10 & 11.

**Update on March Meeting:** Gene reported that the General Operating account, Foundation account and Research account all had a net profit for the eight-month period. The Risk Pool account showed a loss over the past two months, which is normal for this time of year but is still showing a net profit for the year to date. The NARD Foundation has allocated fund requests for the State Envirothon, National Envirothon registration and ACE Camp. The Association has also approved advertising during the UNL and Creighton baseball games through Nebraska Public Media. New leadership was elected for the NARD Board with Martin Graff as President, Ryan Reuter as Vice-President and Mason Hoffman as Secretary/Treasurer. Terry Martin has been elected as the new Legislative Committee Chair and Bob Hilger is the new Information and Education Chair.

**EPIC Tax Study:** The No New Taxes Nebraska Coalition officially launched its opposition to the EPIC Tax initiative. The TaxFoundation.org study of the EPIC Tax found it would require a 21.6% tax on new purchases, not the 7.4% that is being promoted. Moving forward, we all need to be taking a hard look at our tax asking. Dean Edson has been talking individually with some senators and showing them how the NRDs budgets work so they are aware of how the EPIC tax would affect the NRDs and their future operations. Gene also shared some Nebraska tax facts. The Directors discussed their views of this issue regarding property tax relief and how that could affect the NRD and their budgets in the future.

**DNR Report:** Dennis Schueth informed the Board that Garry Anderson is not planning to continue as the Elkhorn Basin Representative on the Natural Resources Commission. We will be caucusing following the General Election for this position. If anyone from the UENRD board is interested, please contact Dennis.

**NRCS Report:** Brandon Peterson's report was mailed out to the Directors. Dennis Schueth reported that the local Workgroup meeting was held March 12 with Gene Kelly, Marv Fritz and Art Tanderup attending. It would appear that the federal government does not want to make any changes to the programs at this time. They did discuss making it easier for smaller operations to qualify for funding by decreasing the acres from 640 to 320. Nebraska has been efficient in that the State uses its allocation and does not return any of its funds.

## **RC&D Report:**

**North Central RC&D:** The Tire Amnesty event is scheduled for April 1, 2 & 3 in Newport.

**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 District will be hosting the Natural Resources Festival April 11 with approximately 100 5<sup>th</sup> graders planning to attend. She will also be working on cleaning up the remaining acre certifications.

**Water Resources Report:** Joslynn VanDerslice's report was mailed out in the Directors packets. Joslynn reported that the 2<sup>nd</sup> Phase II non-compliant certified letter will be going out. There are 281 Phase II tracks which have still not been reported on and a non-compliant letter will be sent to the most recent landowner and operator. Joslynn noted that the 2024 Nitrogen Certification classes were held toward the end of February and cards will be going out in April. UENRD staff attended the Water Conference in Kearney at the beginning of March. Joslynn distributed the UENRD's annual Lower Platte River Basin Coalition Basinwide Water Management Plan report and reviewed it with the Board. The annual meeting of the LPRBC is scheduled for April 23 at 1:30 PM at the Lake Wanahoo Education Building on the outskirts of Wahoo, NE.

**Bazile Management Area:** Lisa Lauver's report was mailed out in the Directors packets.

**UNL - Holt County Extension:** No Report.

**EXCUSED ABSENCES:**

⇒ It was moved by Gene Kelly and seconded by Art Tanderup to excuse the absence of Marv Fritz and Trevor Gotschall. **AYE:** Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz & T. Gotschall. **MOTION CARRIED.** Chairman Dierks not voting.

**NATURAL RESOURCES TECHNICIAN – LETTER OF RESIGNATION, KAYLA VONDRACEK:**

Dennis Schueth reported that Kayla Vondracek has resigned. We have been advertising this position for the past 3 weeks with a closing date of March 29. So far, we have received 2 applications.

**UENRD SUBDISTRICT 7: BOARD OF DIRECTOR VACANCY:**

Dennis Schueth reported that Bruce Anderson has filed for the Subdistrict 7 board position, which was vacated by the resignation of Keith Heithoff, for the General Election. Since Mr. Anderson is running unopposed, he will be taking over the position in January of 2025. If the UENRD board would want to, they could appoint Mr. Anderson to fulfill the remainder of the vacancy in Subdistrict 7. ⇒ It was moved by Gary Bartak and seconded by Tony Sanderson to appoint Bruce Anderson to full-fill the vacancy in Subdistrict 7. **AYE:** Bartak, Beckman, Blair, Dierks, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz & T. Gotschall. **MOTION CARRIED.** Following the appointment, Bruce Anderson was given the Oath of Office and sworn in as a member of the Upper Elkhorn NRD Board of Directors. The Secretary of State will be notified of this appointment.

**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, bank statements and accounts receivable. ⇒ It was moved by Matt Beckman and seconded by Gene Kelly to approve the current bills for payment. **AYE:** Anderson, Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz & T. Gotschall. **MOTION CARRIED.** Chairman Dierks not voting. Matt Beckman reviewed 2 cost share applications reviewed by the Committee. One did not qualify because it was not benefiting 80 acres; and the second one required further clarification. The Upper Elkhorn NRD signs on the Neligh Tree cooler are in bad shape and need to be replaced. Staff have requested bids for the new signs with a March 29, 2024, deadline. The bids that have been received so far require a 50% down payment to move forward with the production of the signs. Staff are requesting board approval of the 50% down payment to move forward with this project.

⇒It was moved by Roy Stewart and seconded by Matt Beckman to approve the 50% down payment for the new signs. **AYE:** Anderson, Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz & T. Gotschall. **MOTION CARRIED.** Chairman Dierks not voting.

2. **Neligh Riverside Park Inclusive Playground Request:** This item was covered under Public Forum.
3. **EPIC Tax Discussion:** This item was discussed under the NARD report.

**Water Resources & Watershed:** Aaron Rice reported that the committee met prior to the board meeting and reviewed a request for historically irrigated acres, the water survey results and discussed issues involved with the UENRD Groundwater Management Plan rules and regs.

1. **Groundwater Acre Expansion/Certification/Transfer Applications:** The Committee reviewed a request for historically irrigated acres based on witness statements and historical aerial photos. ⇒It was moved by Aaron Rice and seconded by Gene Kelly to approve 6.84 historically irrigated acres at 95%. **AYE:** Anderson, Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Marv Fritz & T. Gotschall. **MOTION CARRIED.** Chairman Dierks not voting. Aaron Rice also asked the Board what issues they would like to see the Water Resources and Watershed Committee address. Aaron asked if there was support to require flowmeters? The Board members expressed several opinions regarding the use of flowmeters, allocations, water quality and water quantity concerns. They also discussed what these issues would mean for the general public and how it might affect them and their operations. Unfortunately, areas of the state have a water quality concern and a water quantity concern that the NRDs are required to address by state statute.

#### **UENRD POLICY ISSUE TOPICS SUBMITTED BY BOARD OF DIRECTORS:**

The survey results from the Upper Elkhorn NRD Policy Issues meeting were sent out in the Directors packets. Four out of the 14 Directors responded.

#### **COALITION/TASK FORCE UPDATE:**

**Niobrara River Basin Alliance:** No Report

**Lower Platte River Basin Water Management Plan Coalition:** Joslynn VanDerslice reviewed the UENRD report during the Water Resources Manager report. The annual meeting is scheduled for April 23, 2024, in Wahoo which will involve the UENRD representatives to this coalition Tony Sanderson and Curtis Gotschall.

**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 information regarding the EPIC tax and climate issues. He also noted the Letter of Support submitted by the UENRD regarding a grant proposal to NACD for Market Innovations in Nutrient Tactics. Once the initial deadline for the Natural Resources Technician job posting has passed, Dennis will contact the Personnel, Equipment, Promotion and Education Committee regarding the applications. Also, following the joint meeting with the UENRD & LNNRD water committees, there has been some discussion about the possibility of partnering to conduct the infrared aerial photography for both districts. This may be further discussed prior to setting the budget.

**APRIL BOARD MEETING:**

The next meeting of the Upper Elkhorn NRD Board of Directors is April 22, 2024, at 7:00 PM.

⇒ It was moved by Curtis Gotschall and seconded by Gene Kelly to adjourn at 5:03 PM. AYE: Anderson, Bartak, Beckman, Blair, Frank, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Marv Fritz & T. Gotschall. MOTION CARRIED. Chairman Dierks not voting.

I, the undersigned Secretary/Treasurer 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 27, 2024 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.

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Gene Kelly, Secretary/Treasurer