

**Upper Republican Natural Resources District  
Board of Directors Regular Meeting  
August 18, 2009 at 7:30 p.m.  
511 East 5<sup>th</sup> Street, Imperial, NE**

Agendas were sent to all Board Members and all others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

**Board Members Present:** Kerry Bernhardt, Tom Gaschler, Dean Large, Terry Martin, Mike Mosel, Greg Pelster, Tim Schilke, Tom Schroder, Mick Strand, Tom Terryberry and Jeff Wallin.

**NRD Staff:** Jasper Fanning, Dirk Dinnel and Deb Hayes.

**NRD Legal Counsel:** Joel Burke.

**Others present:** Gary Lee (NRCS), Traci Witthuhn(RR Basin Coordinator), Jim Schneider (DNR), James Williams (DNR), Jason Kepler (DNR), Paul Koester (DNR), Stan Loeffler, Robert Milner, Brad Edgerton, Russ Pankonin.

**Information mailed to Directors:**

Agenda	Report of District applications,
Minutes of the July 7, 2009	contracts and agreements
Transfer request	Board Retreat information
Report of District applications, contracts and agreements	Annual Conference agenda

**Information distributed at Board meeting:**

Agenda	Transfer request
Minutes of July 7, 2009	Report of District applications, contracts
Financial reports	Republican River Coalition report
Draft budget	Hazard Mitigation information
NRCS information	NARD resolutions

Chairman Pelster called the meeting to order at 7:39 pm.

Chairman Pelster announced that the Open Meetings Act is posted if anyone would like to review it.

**OPEN FORUMS:**

Guests, Board members and NRD staff were introduced.

**MINUTES:**

- Terryberry moved to approve the minutes of the July 7, 2009 Regular Board meeting as mailed. Seconded by Strand.

Roll call vote: 9-yes, 2-abstain. Motion carried.

### **FINANCIAL REPORT:**

The Manager presented the Financial Reports to the Board.

- Martin moved to pay the Accounts Payable and to accept the Treasurer's report. Seconded by Terryberry.

Roll call vote: 10-yes, 1-absent. Motion carried

### **BUDGET COMMITTEE REPORT:**

Jasper and the Budget Committee reviewed the draft proposed budget with the Board.

Wallin arrived at 7:52 p.m.

The Board discussed setting the FY 09-10 budget hearing.

- Gaschler moved to set the budget hearing for September 1, 2009 at the Regular Board meeting. Seconded by Bernhardt.

Roll call vote: 11-yes. Motion carried.

### **NRCS REPORT:**

Gary Lee gave the NRCS report this month. Gary reviewed the Conservation Stewardship Program (CSP) and the producer meeting scheduled for this program. Gary reviewed information on other programs also.

- Terryberry moved to approve the NRCS report dated August 12, 2009 and to include the Conservation Plans as signed for Chase, Dundy and Perkins County. Seconded by Bernhardt.

Roll call vote: 11-yes. Motion carried.

### **GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:**

Jasper reviewed with the Board information on the Benkelman Golf Course. They have been trying to register their sand pits as wells as required by statute. Jasper would like to meet with Brian Dunnigan (DNR) on Friday to work on this issue. Jasper would like to have Don Blankenau assist him with the surface/groundwater laws during this meeting.

Ernest Martin is requesting to remove the tract SE 13-5-41 from pooling contract C-115 with the remaining allocations of 39" per acre at the end of the 2009 irrigation season.

- Martin moved to approve the Ernest Martin request to remove the SE 13-5-41 from pool C-115 at the allocation of 39" per acre at the end of the 2009 irrigation season.

Discussion.

Roll call vote: 11-yes. Motion carried.

Jasper asked that the Board clarify the motion for the budget hearing.

- Gaschler moved to take the proposed budget to hearing. Seconded by Martin.

Roll call vote: 11-yes. Motion carried.

### **REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:**

- Martin moved to approve the Report of District applications, contracts and agreements dated August 18, 2009 to include the NSWCP applications, expedited transfer applications and the Buffer strip application. Seconded by Gaschler.

Roll call vote: 11-yes. Motion carried.

**REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:**

James Williams (DNR) was present and gave a report to the Board on the Compact meeting that was held.

**LEGAL COUNSEL REPORT:**

Joel reported that each of the 3 districts have filed lawsuit requesting a declaratory judgment for the LB 701 refunds.

Joel and Jasper have been working on the forms for LB477 which goes into effect August 31, 2009. This requires prior to the District approving any transfers that there be a report of title done by a licensed attorney or an abstractor. If that report of title indicates any lien holders then consent must be obtained from the lien holders. The final step would be a notice of the transfer is recorded in the real estate records.

**REPUBLICAN RIVER BASIN COALITION REPORT:**

Traci gave the Republican River Basin Coalition report to the Board. Traci's report included minutes from the NRRMDA meeting and grant reports.

**FORM/FEE FOR LB 477:**

The Board and Jasper reviewed the fees for title searches. Joel and Jasper will have a recommendation of fees for the September 1, 2009 Regular Board meeting.

**BUILDING PROJECT:**

Jasper reviewed the progress of the building projects. The technicians have started working on the sign and the grass is coming up on the east side of the building. The insurance adjuster totaled out the roof and the stucco on the south wall of the building will need redone.

**NARD ANNUAL CONFERENCE AUCTION:**

NARD has a silent and live auction at the annual conference every year to help offset cost for scholarships which helps pay for a student to go to Washington DC and work at NACD. Jasper asked if the Board was interested in having an item at either auction.

- Mosel moved to direct the manager to get item for the live and silent auction and not to exceed \$200 total. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

**MANAGER'S RETREAT:**

URNRD is hosting the Managers retreat next week. Jasper had planned a bus tour to take the Manager's through the District. The cost of a bus is \$1000 for the route that will be taken.

- Martin moved to direct management to make arrangements for the tour bus for the amount of \$1000. Seconded by Schilke.

Roll call vote: 11-yes. Motion carried.

**WASHINGTON DC TRIP:**

Kris Polly and Jasper had a conference call with Dan Smith and Mike Clements. Kris would like to see all three NRD Managers come out to Washington DC the second week of September. Travel for this trip was approved by the Board at the May 5, 2009 Regular Board meeting.

**ASSISTANT MANAGER’S REPORT:**

Dirk reported on the Dundy County hazard mitigation report for Dundy County. Also Dirk reported that URNRD did not receive AWEF funding.

**LEGISLATION:**

The Board reviewed the resolutions that have been submitted to NARD for conference.

**BOARD OF DIRECTORS:**

Jasper discussed the Board Retreat that is scheduled for August 20<sup>th</sup> in Gothenburg.

Jasper reported that NRD’s do not have anything specific in their IMP’s concerning water short year administration and regulations. James Williams with DNR would like to review the details of water short year administration and regulations with the Board.

- Gaschler moved to go into executive session to discuss pending litigation for up to 2 hours with the Board, legal counsel, management and DNR staff. Seconded by Terryberry.

Roll call vote: 11-yes. Motion carried.

The Board went into executive session at 9:15 p.m.

- Martin moved to come out of executive session at 10:56 pm. Seconded by Gaschler.

Roll call vote: 11-yes. Motion carried.

- Terryberry moved to go into executive session for 15 minutes to discuss strategy for threatened litigation with the Board, Legal Counsel and management present. Seconded by Schilke.

Roll call vote: 11-yes. Motion carried.

The Board went into executive session at 11:05 pm.

- Martin moved to come out of executive session at 11:28 p.m. Seconded by Bernhardt.

Roll call vote: 11-yes. Motion carried.

Chairman Pelster adjourned the meeting at 11:29 pm. The next Regular Board meeting will be Tuesday, September 1, 2009 at the NRD Office in Imperial starting at 7:30 p.m.

Respectfully submitted

Tom Terryberry  
Secretary/Treasurer