

**Upper Republican Natural Resources District
Board of Directors Regular Meeting
October 7, 2008 at 7:30 p.m.
135 West 5th 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, Donn Gengenbach, Dean Large, Terry Martin, Mike Mosel, Greg Pelster, Tim Schilke, Mick Strand, Tom Terryberry and Jeff Wallin.

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

NRD Legal Counsel: Joel Burke.

Others present: Traci Witthuhn (RR Basin Coordinator), Mark Billinger, Stan Loeffler and Gerald Coates.

Information mailed to Directors:

Agenda	Pooling contract for special action
Minutes of September 2, 2008 Regular Board meeting	Report of District applications,
Transfer application	Contracts and agreements

Information distributed at Board meeting:

Agenda	Report of District applications,
Minutes of September 2, 2008 Regular Board meeting	contracts and agreements
Financial reports	Republican River Coalition report
NRCS Information	Personnel/Operating policies
Transfer application	Long Range Implementation Plan
Pooling contract for special action	USGS Recorder well contract

Chairman Pelster called the meeting to order at 7:36 p.m.

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

OPEN FORUMS:

Guests, NRCS staff, Board members and NRD staff were introduced. There were no comments during the open comment period.

MINUTES:

❖ Terryberry moved to approve the minutes of the September 2, 2008 Regular Board meeting as corrected. Seconded by Martin
Roll call vote: 10-yes, 1-absent. Motion carried.

The correction is on Page 2, under minutes, the roll call vote should read 10-yes, 1-absent.

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 Mosel.

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

NRCS REPORT:

NRCS staff was unable to attend the meeting tonight so there was no oral report given.

- ❖ Terryberry moved to approve the NRCS Report of Planning Activity dated October 1, 2008 and to include the Conservation Plans as signed for Chase, Dundy and Perkins County. Seconded by Martin.

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

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

- ❖ Martin moved to remove the transfer request of George Seward from the table and postpone indefinitely. Seconded by Gaschler.

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

Jasper reviewed the pooling request of Kent and Chad Yaw.

- ❖ Terryberry moved to approve the request of Kent and Chad Yaw for pooling contract C-58 (F-1). Seconded by Strand.

Discussion.

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

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- ❖ Terryberry moved to approve the Report of District applications, contracts and agreements dated October 7, 2008 and the contract of Jim & Mary Jane Bohlendor and Brain Prosser. Seconded by Martin.

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

REPUBLICAN RIVER BASIN COALITION REPORT:

Traci Witthuhn gave the Republican River Basin Coalition report. Traci reported on the Coalition budget and gave an Evapotranspiration Study update.

Jeff Wallin arrived at 8:02 p.m.

BUILDING REPORT:

Jasper updated the Board on the building progress. The Budget Committee and Jasper discussed more concrete but it was decided to stay with gravel and rock parking for now. There is approximately 1200 bricks left over and Jasper would like to do a planter type construction for a sign and also put a flag pole in the front of the new building. Jasper would like to purchase the left over bricks for this project.

- ❖ Gengenbach moved to purchase the left over bricks for \$560.00 and allow the staff to proceed with the sign construction and flag pole with total cost of projects not to exceed \$3500.00. Seconded by Martin.

Roll call vote: 10-yes, 1-no. Motion carried.

Voting yes: Bernhardt, Gaschler, Gengenbach, Large, Martin, Mosel, Pelster, Schilke, Strand and Terryberry. Voting no: Wallin.

LEGAL COUNSEL REPORT:

Joel has nothing to report this month. Dean Large asked about the status of the open meetings lawsuit. Joel reported it is back in District Court and eventually the court computer system would probably kick it out and something would need to be done or it will be dismissed.

DISTRICT POLICIES:

Jasper and the Information and Education Committee reviewed the draft changes to the personnel and operating policies.

- ❖ Martin moved to adopt the amendments to the employee policies and operating policies. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

- ❖ Mosel moved to amend the Operating Policies on Page 16, Line 4, and add NPAIT funds. Seconded by Terryberry.

Roll call vote: 11-yes. Motion carried.

LONG RANGE IMPLEMENTATION PLAN:

Jasper and the Board reviewed the Long Range Implementation Plan.

- ❖ Terryberry moved to approve the Long Range Implementation Plan with the changes made. Seconded by Gaschler.

Roll call vote: 11-yes. Motion carried.

USGS RECORDERS WELL CONTRACT:

Jasper and the Board reviewed the USGS contract for the recorder wells.

- ❖ Terryberry moved to approve the USGS recorder well contract for the amount of \$7880.00. Seconded by Schilke.

Roll call vote: 10-yes, 1-no. Motion carried.

Voting yes: Bernhardt, Gaschler, Gengenbach, Martin, Mosel, Pelster, Schilke, Strand, Terryberry and Wallin. Voting no: Large.

EQUIPMENT PURCHASE:

Jasper discussed the possibility of trading the John Deere 3020 tractor off for a loader, small 3 point box scraper, pallet forks and a mower.

- ❖ Martin moved to direct management to trade off the 3020 John Deere tractor for the items the Manager listed with the changes discussed. Seconded by Bernhardt.

Roll call vote: 11-yes. Motion carried.

SALE OF BUILDING:

Jasper discussed a price the sale of the old office building with the Board and the price.

- ❖ Terryberry moved to go into executive session for purposes of negotiation regarding the sale of the building with the Board, Manager and Legal Counsel present and not to exceed 20 minutes. Seconded by Gengenbach.

Roll call vote: 10-yes, 1-no. Motion carried.

Voting yes: Bernhardt, Gaschler, Gengenbach, Large, Martin, Mosel, Pelster, Schilke, Strand and Terryberry. Voting no: Wallin.

The Board went into executive session at 8:44 p.m.

- ❖ Terryberry moved to come out of executive session at 9:05 pm. Seconded by Gengenbach.

Roll call vote: 11-yes. Motion carried.

Chairman Pelster called a 5 minute recess at 9:06 pm.

Chairman Pelster called the meeting back in order at 9:14 pm.

- ❖ Terryberry moved to hold an auction to sell the NRD Building on October 31, 2008 at 1:30 pm at the current location. Seconded by Bernhardt.

Discussion.

Roll call vote: 11-yes. Motion carried.

- ❖ Terryberry moved to declare unneeded office items as surplus property and offer for sale by bid. Seconded by Mosel.

Roll call vote: 11-yes. Motion carried.

ASSISTANT MANAGER'S REPORT:

Dirk reported to the Board that Chase County Hazard Mitigation kick off meeting is scheduled for October 9, 2008. Dundy County has contacted JEO and will start working on their Hazard Mitigation plan.

- ❖ Martin moved to include Dundy County in the Hazard Mitigation projects at the same level as Perkins and Chase County. Seconded by Schilke.

Roll call vote: 11-yes. Motion carried.

INFORMATION AND EDUCATION REPORT:

Jasper reported that Tecker Ranch was presented the NARD Grassland Award and the Master Conservationist Award at NARD Conference in Kearney.

Heather is putting together a District newsletter that will come out at the end of the month.

Terry Martin gave a report on the NARD State Association meeting he attended after the NARD Conference in Kearney.

BOARD OF DIRECTORS:

Jasper reported to the Board that on November 4, 2008 Virgil Norton will be bringing a person from the State of Georgia to review how irrigation districts were setup. Also in the afternoon there will be a NARD Benefits Committee meeting at our office. There will also be a Manager's meeting held on November 5, 2008 at our office.

The Board members that attended NARD Conference wanted to discuss the Republican River Compact litigation with the board.

- ❖ Martin moved to go into executive session for 15 minutes for Republican River Compact potential litigation with the Board, Legal Counsel and Manager present. Seconded by Gaschler.

Roll call vote: 11-yes. Motion carried.

The Board went into executive session at 9:32 pm.

❖ Martin moved to come out of executive session at 9:46 pm. Seconded by Mosel.
Roll call vote: 11-yes. Motion carried.

Chairman Pelster adjourned the meeting at 9:47 pm. The next Regular Board meeting will be Tuesday, November 4, 2008 at the NRD Office in Imperial (new building) starting at 7:30 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer