

Upper Republican
NATURAL RESOURCES DISTRICT

P.O. Box 1140
511 East 5th St.
Imperial, NE 69033
Phone 888-883-9066

Board of Directors Regular Meeting
January 9, 2024 at 9:00 am
511 East 5th Street, Imperial, NE

Agendas were sent to all Board Members and 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, and posted on the District website. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers. This meeting was a virtual meeting with the electronic link for the meeting and for the agenda and all other documents associated with the meeting were provided on the agenda and on the NRD website.

Board Members Present: Harry Merrihew, Terry Martin, Dave Brown, Tom Schroder, Janice Stroup, CJ Swanson, Brock Stromberger, Jay Lee, Jason Kunkel and Tyler Turner.

Board Member Absent: Dean Large.

NRD Staff: Jasper Fanning, Nate Jenkins, Julia Strand and Deb Hayes.

Others Present: Joel Burke (Attorney) and Andy Keep (NRCS), Kort Kemp, Wayne Haarberg, Stan Jones, Scott Olson, Doug Sexson, Steve Hanson, Nic Hanson, Chris Flaming.

Information emailed to Directors:

Agenda

Regular Board meeting minutes December 5, 2023

Report of District applications, contracts,
and agreements

BELF Variance request

Letters from Landowners, Village of Elsie,
City of Imperial, City of Grant, Perkins County
Commissioners, City of Benkelman, Village of
Madrid, Board of Educational Lands & Funds

Information distributed at Board meeting:

Agenda

Regular Board meeting minutes December 5, 2023

Financial reports

NRCS Report

Report of District applications, contracts, agreements

BELF Variance request

Letters from Landowners, Village of Elsie,
City of Imperial, City of Grant, Perkins County
Commissioners, City of Benkelman, Village of
Madrid, Board of Educational Lands & Funds

Chairman Martin called the regular meeting to order at 9:09 a.m.

Chairman Martin announced that the Open Meetings Act was posted in the NRD Office.

Introductions of Board Members, NRD Staff and guests.

DIRECTORS ABSENCES:

Dean Large is unable to attend today's meeting in person or due to medical reasons.

Terry Martin reviewed a concern that has come up to the Board concerning Jason Kunkel's place of residence and if he was still eligible to be a board member. Mr. Kunkel stated that they had purchased

a home outside of Julesburg for his children to attend school there. They still maintain their home at Lamar and Jason stays there several times a week and they plan to stay there during summers, and they still own their farm ground in Nebraska. Mr. Burke discussed residency with Mr. Kunkel and that the board determines residency. Chairman Martin asked if there was anyone that wanted to make a motion to question residency. There was no motion made.

MINUTES:

- Brown moved to approve the December 5, 2023, Regular Board meeting minutes as presented. Seconded by Stromberger.

Roll call vote: 9-yes, 2-absent, 1-abstain. Motion carried.

- Kunkel moved for full descriptions of variance requests be attached to board agendas in the future. Seconded by Lee.

Discussion.

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

FINANCIAL REPORT:

The Financial report was presented to the Board.

- Stromberger moved to accept the Treasurer's report and pay the accounts payable. Seconded by Brown.

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

NRCS REPORT:

Andy Keep with NRCS reported that Pheasants Forever will be holding a series of Prescribed Fire workshops around the state providing guidance and instruction for these controlled burns. There will be one at Imperial Fire Department on January 31st at 5:30 pm.

Jasper discussed NSWCP applications with the Board and raising the total maximum cost received and the percentage of cost share they are able to receive. This will be an agenda item for the February board meeting.

PUBLIC COMMENTS: None.

Stan Hanson asked the board for clarification on variance requests and if they are presented appropriately. Variance requests are presented to the board at one monthly board meeting and then voted on at the next meeting.

Chris Flaming, representing the Village of Elsie, discussed their concerns with the Board of Educational Lands and Funds variance and the impact the new well may have on Elsie's wells. Mr. Flaming also discussed his concerns with the way notifications are received for variances.

Scott Olson recommended that the NRD publishes their minutes in the local papers.

Stan Jones discussed the minutes and the sale of the bin site in Dundy County and advertising surplus property. Mr. Jones also stated that the transparency of the board is important.

GROUNDWATER MANGEMENT/RULES AND REGULATIONS: None

VARIANCE COMMITTEE:

George Seward has asked that his variance not be on the agenda this month.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

Jasper asked Kort Kemp with Schools Lands why the NRD has to approve their contracts. Mr. Kemp reported that it is in state statutes that the NRD's need to approve and sign the contracts.

- Brown moved to approve the URNRD Report of District applications, contracts and agreements dated January 9, 2024, to include the pooling contract, well decommissioning and Board of Educational Lands and Funds contracts. Seconded by Lee.

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

LEGAL COUNSEL REPORT: None.

NOTICE POLICIES REGARDING VARIANCE APPLICATIONS AND SALE OF PROPERTY:

Jasper presented to the board that now that we are charging a variance fee there has been discussion on what type of notice there should be for variances. Jasper wondered about putting notice of variance requests in the newspapers. He also suggested there be consideration of publicly noticing the availability of NRD real estate when it is being sold. Jasper recommended that the Executive Committee have a recommendation at the February Board meeting.

MANAGER'S REPORT:

Jasper reviewed Spuds and Suds replacement well with the board. The location of the replacement well and the location of the original well are both owned by Spuds and Suds.

ASSISTANT MANAGER'S REPORT:

Nate reported that there has been no decision or any new information from the landowner for the acre retirement.

INFORMATION & EDUCATION: None

LEGISLATION: None

STATE ASSOCIATION:

- Stromberger moved to have Terry Martin as the voting delegate and Tyler Turned as the alternate for the NARD Legislative Conference. Seconded by Brown.

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

BOARD OF DIRECTORS:

Jasper discussed the motion that was presented last month and postponed to this meeting to rescind the board's previous approval of the transfer of Board of Educational Lands and Funds certified acres from eastern Perkins County to near Elsie. Kelly Sudbeck with the Board of Educational Lands and Funds reviewed the variance and the board's decision.

Steve Hanson commented on wells that are older and he feels that the school lands well is functional and capable of pumping when questioning whether its transfer should be allowed. He also stated that he feels that the board is setting a precedent by granting the variance.

Chairman presented model information to the Board and to the public.

The motion that is being voted on is as follows -

- Kunkel moved to rescind the Board's November approval of the Board of Educational Lands and Funds Variance request to transfer 124.8 certified acres from the SW ¼ 36-4-41 to the NE 1/4 16-10-36 and drill a new irrigation well on this quarter. The request had been approved with no carryforward which is a reduction of 169 inches of carryforward. The current irrigation well on the SW ¼ 36-9-41 would be decommissioned or converted to a livestock well.

Seconded by Lee.

Chairman Martin reminded the board that a yes vote is to rescind the previous approval and a no vote will leave the motion as it was approved in November.

Roll call vote: 3-yes, 7-no, 1-absent. Motion failed. Voting yes: Jason Kunkel, Jay Lee, Harry Merrihew. Voting no: Dave Brown, Terry Martin, Tom Schroder, Brock Stromberger, Janice Stroup, CJ Swanson, Tyler Turner. Absent: Dean Large.

Chairman Martin stated that the variance remains approved.

ELECTION OF OFFICERS:

Chairman Martin turned the meeting over to Vice Chairman Brown.

Vice Chairman Brown asked for nominations for Board Chairman. Stromberger nominated Terry Martin for Chairman. Vice Chairman Brown asked for any other nominations and there were none.

- Merrihew moved that nominations cease and by unanimously elect Terry Martin as Chairman.

Seconded by Lee.

Roll call vote: 9-yes, 1-abstain, 2-absent. Motion carried.

Vice Chairman Brown turned meeting over to Chairman Martin.

Chairman Martin asked for nominations for Vice Chairman.

Swanson nominated Dave Brown for Vice Chairman. Chairman Martin asked for any other nominations and there were none.

- Stroup moved that nominations cease and by unanimously elect Dave Brown as Vice Chairman. Seconded by Swanson.

Roll call vote: 9-yes, 1-abstain, 1-absent. Motion carried.

Chairman Martin asked for nominations for Secretary/Treasurer. Stromberger nominated CJ Swanson for Secretary/Treasurer. Chairman Martin asked for any other nominations and there were none.

- Merrihew moved that nominations cease and by unanimously elect CJ Swanson for Secretary/Treasurer. Seconded by Turner.

Roll call vote: 9-yes, 1-abstain, 1-absent. Motion carried.

Chairman Martin asked for nominations for Brown nominated Terry Martin for NCORPE representative. Chairman Martin asked for any other nominations and there were none.

- Stromberger moved that nominations cease and by unanimous vote elect Terry Martin as NCORPE representative. Seconded by Merrihew.

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

Chairman Martin asked for nominations for NARD Representative. Swanson nominated Terry Martin as NARD representative. Chairman Martin asked for any other nominations and there were none.

- Stroup moved that nominations cease and by unanimously elect Terry Martin as NARD representative. Seconded by Stromberger

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

Chairman Martin presented the URNRD Committees and will leave the Committees the same for now in case anyone is interested in being another committee. The EQIP committee will remain the same.

Chairman Martin adjourned the meeting at 11:52 am.

Respectfully submitted.

CJ Swanson
Secretary/Treasurer