



Perkins, Chase and
Dundy Counties
Headquarters in Imperial
www.urnrd.org

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
December 5, 2023 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.

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

Board Member Absent: Dean Large and Janice Stroup.

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

Others Present: Joel Burke (Attorney) and Andy Keep (NRCS), Blake Moreland, Steve Hanson, Doug Curtis, Chris Flaming and Ben Pelster.

Information emailed to Directors:

Agenda	Report of District applications, contracts, and agreements
Regular Board meeting minutes November 7, 2023	Letter from Landowners by Elsie
Variance Information	Board of Educational Lands & Funds

Information distributed at Board meeting:

Agenda	Variance information
Regular Board meeting minutes November 7, 2023	Report of District applications, contracts, and agreements
Financial reports	Letter from Landowners by Elsie
NRCS Report	Board of Educational Lands & Funds

Chairman Martin called the regular meeting to order at 9:10 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:

Jason Kunkel discussed Dean Large being absent today and asked if we could set up the meeting virtually or by phone for Dean Large. Chairman Martin asked Attorney Burke the legalities of virtual meetings. Attorney Burke reported that due to the Public Meetings Act, the virtual meeting would have need to be included in our public meeting notice. In that notice a link to the virtual meeting and/or a dial in number would need to be included in the notice. Joel stated that he did not think there was anything in the open meetings act that covers a Board member just calling in to the meeting. During Covid the regulations were different but now there are statutes to cover holding virtual meetings with

the requirements that need to be met to hold the meeting. The NRD would only be allowed to hold half of the meetings virtually.

- Jason moved to direct management to advertise that the NRD will be holding a virtual meeting in January. Seconded by Lee.

Roll call vote: 5, yes, 4, no, 2-absent. Motion carried.

Voting yes, Kunkel, Lee, Merrihew, Schroder, Turner. Voting no: Dave Brown, Terry Martin, Brock Stromberger and CJ Swanson. Absent: Dean Large and Janice Stroup.

Joel discussed with the Board that Directors' absences should be excused and approved by the Board.

- Brown moved to excuse Dean Large and Janice Stroup from today's meeting. Seconded by Stromberger.

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

- Lee moved to excuse all previous absences of Dean Large, Janice Stroup and Jason Kunkel. Seconded by Turner.

Roll call vote: 8-yes, 2-absent, 1-abstain. Motion carried.

MINUTES:

- Merrihew moved to approve the November 7, 2023, Regular Board meeting minutes as presented. Seconded by Brown.

Roll call vote: 8-yes, 2-absent, 1-abstain. 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: 9-yes, 2-absent. Motion carried.

NRCS REPORT:

Andy Keep with NRCS reported that the Nebraska State Range Judging Committee has selected Chase County to host the 2024 State Range Judging Contest.

- Stromberger moved to approve the NRCS Report of Planning Activity dated December 5 2023, to include the Conservations Plans as signed for Chase County. Seconded by Swanson

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

PUBLIC COMMENTS: None.

GROUNDWATER MANGEMENT/RULES AND REGULATIONS: None

VARIANCE COMMITTEE:

Brock Stromberger presented the Variance Committee report and reported that George Seward has asked that his Variance request be held in the January Regular Board meeting.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

➤ Brown moved to approve the URNRD Report of District applications, contracts and agreements dated December 5, 2023, to include the NSWCP applications, pooling contract, dissolve pooling contract, transfer application and well decommissioning. Seconded by Lee.
Roll call vote: 9-yes, 2-absent. Motion carried.

LEGAL COUNSEL REPORT: None.

MANAGER'S REPORT: None.

ASSISTANT MANAGER'S REPORT:

Nate reported that the irrigation retirement contract in Dundy County has been finalized and the contract has been signed. The agreement was for \$1,358,100.00 and the NRD will be reimbursed \$814,000.00 from the State.

➤ Kunkel moved to approve the acre retirement contract for 453 acres for the amount of \$1,358,100.00. Seconded by Swanson
Roll call vote: 9-yes, 2-absent. Motion carried.

Nate was contacted by landowner in Dundy County for retirement of 125 acres, these acres were previously in CREP. The Board moved this item to the end of the agenda for executive session.

INFORMATION & EDUCATION: None

LEGISLATION: None

STATE ASSOCIATION:

BOARD OF DIRECTORS:

- A. Village of Elsie requesting to rescind motion to approve Board of Educational Lands and Funds Variance.

Jasper and Nate and Julia had met with members from the Village of Elsie concerning the BELF Variance request.

Chris Flaming read the letter on behalf of the Village of Elsie and their concerns about the BELF transfer. The Board discussed these concerns with Mr. Flaming.

Steve Hanson and Ben Pelster discussed their concerns with the transfer with the Board.

A letter was received from landowners in Elsie and this letter is in the Board members packets.

An email was received from Kelly Sudbeck with the Board of Educational Lands and Funds asking that the request to rescind be removed from the agenda or tabled until the January Board meeting to allow them to attend the Board meeting.

Harry Merrihew left the meeting at 11:02 am.

Chairman Martin called a 10-minute recess at 11:07 am.

Chairman Martin called the meeting back to order at 11:17 am.

- 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.

Discussion.

- Brown made a motion to postpone voting on Kunkel's motion until the January 9, 2024, Regular Board Meeting. Seconded by Swanson.

Discussion.

Roll call vote: 8-yes, 3-absent. Motion carried.

Jay Lee asked about occupation tax and surface water. Julia explained that the Dundy County assessor went through items this year and had made some changes to assessments. Some items that were overlooked in the past and were not taxed are being taxed this year.

- Brown moved to go into Executive Session for discussion on acre retirement purchase with the Board, Legal Counsel and Staff present. Seconded by Swanson

Roll call vote: 8-yes, 3-absent.

The Board went into Executive Session at 11:37 am.

- Brown moved to come out of Executive Session at 11: 41 am. Seconded by Stromberger.

Roll call vote: 8-yes, 3-absent. Motion carried.

Chairman Martin adjourned the meeting at 11:42 am.

Respectfully submitted.

CJ Swanson
Secretary/Treasurer