

Upper Republican
NATURAL RESOURCE DISTRICT

**Board of Directors Regular Meeting
September 13, 2016 at 7:30 p.m.
511 East 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, Brett Bullock, Tom Gaschler, Loren Jessen, Jason Kunkel, Terry Martin, Tom Schroder, and Jeff Wallin.

Board Members Absent: Dean Large and Tom Terryberry

NRD Staff: Jasper Fanning, Nate Jenkins, Bruce Curtis, Julia Franck and Deb Hayes.

NRD Legal Counsel: Joel Burke.

Others present: Kort Kemp, John Fries and Richard Fries.

Information mailed to Directors:

Agenda	Variance request information
Minutes of August 9 th Board meeting	Report of District applications, contracts, agreement

Information distributed at Board meeting:

Agenda	Variance request information
Minutes of August 9th Regular Board Meeting	Report of District applications, contracts and agreements
Financial reports	NARD Annual Conference information
Draft budget	
NRCS report	

Chairman Martin called the meeting to order at 7:50 p.m.

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

Chairman Martin opened the FY 16-17 Budget hearing and the FY 16-17 Levy hearing at 7:51 p.m. and appointed Joel Burke as the hearing officer.

Dean Large and Tom Terryberry are excused from tonight's meeting.

OPEN FORUMS:

Guests, Board members and NRD staff were introduced.

Joel reviewed the Exhibits #1-5 which are the Publisher affidavits and draft budget. Joel asked for testimony and asked that you identify yourself and if who you are representing. There are no Federal or State people attending meeting so Joel asked for any other testimony. There was no testimony at this time and Chairman Martin will leave the Budget Hearing open until the end of the meeting.

MINUTES:

Jasper reviewed the minutes with the Board and went over the changes in the minutes for the variance requests.

- Wallin moved to approve the minutes of the August 9, 2016 Regular Board meeting as presented. Seconded by Gaschler.

Roll call vote: 7-yes, 1-abstain, 2-absent. Motion carried.

FINANCIAL REPORT:

The Manager presented the Financial Reports to the Board.

- Gaschler moved to pay the Accounts Payable and to accept the Treasurers report. Seconded by Wallin.

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

Tom Gaschler and Jasper gave a Budget Committee report to the Board. Jasper explained to the Board that the published Budget for adoption that was approved at the August Board meeting which increased the levy to 6 cents. After getting the valuations in and analyzing the draft budget the Budget Committee recommended that the levy be set at the same rate as last year. We would be asking for tax requirement of 2,108,812 and 0.055216 2016 tax rate.

PUBLIC COMMENT: No comments.

NRCS REPORT:

The Board reviewed the written report that Andy Keep had sent for the meeting tonight.

- Gaschler moved to approve the NRCS written report dated September 9, 2016 to include the Conservation Plans as signed for Chase, Dundy and Perkins County. Seconded by Bernhardt.

Roll call vote: 7-yes, 1-abstain, 2-absent. Motion carried.

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Jasper reviewed the Board of Educational Lands and Funds request for re-certification of 23.1 acres. Kort Kemp, representing Board of Educational Lands and Funds, explained to the Board what had happened.

- Bernhardt moved to allow Board of Educational Lands and Funds to recertify 23.1 acres on Section 36-8-41 and this will start in 2017 with no carryforward. Seconded by Wallin.

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

Jasper recommended to move Item #2, Wilder Farms, to the end of the meeting for possible executive session. Chairman Martin moved the Wilder Farms item to the last item on the agenda.

VARIANCE COMMITTEE:

Jeff Wallin presented the Variance Committee report.

Jeff Wallin presented the Variance request of Richard and John Fries to transfer 148.9 certified acres from the NE ¼ of Section 20-2-37 with 122.7 certified acres going to the NE, SE and SW of Section 19-4-41 and 26.2 certified acres going to the SW ¼ of Section 31-4-41 and to decertify 4.1 acres. The existing well will be decommissioned and this is for the 2017 season.

- Jeff and the Variance Committees recommendation is to approve the Rich and John Fries Variance request to transfer 148.9 certified allocated acres from the NE ¼ of Section 20-2-37 with 122.7 certified acres going to the NE, SE and SW of Section 19-4-41 and 26.2 certified allocated acres going to the SW ¼ of Section 31-4-41 and to decertify 4.1 acres, effective for the 2017 season and the existing well will be decommissioned and contingent upon lien search that will need to be done.

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

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- ✚ Gaschler moved to approve the Report of District applications, contracts and agreements dated September 13, 2016 and to include the NSWCP applications, pooling contracts and transfer application. Seconded by Wallin.

Roll call vote: 7-yes, 1-abstain, 2-absent. Motion carried.

LEGAL COUNSEL REPORT:

Joel reported that he is working on the stipulation for TERC for the 2016 tax dispute. Hopefully there will be an answer soon.

ASSISTANT MANAGER'S REPORT:

Nate reviewed the 4 grants that are before the Water Sustainability group totaling about 14.5 million dollars and we should hear back by the end of the year about these grants. One of the grants is for retirement or water banking. The Nebraska Environmental Trust had a grant deadline earlier this month with no matching requirement. Nate put in a 2.5-million-dollar grant with NET for retirement acres in high decline areas and high sdf.

Nate also reviewed the CREP re-enrollment for our District.

Julia Franck and Bruce Curtis introduced themselves to the Board. Julia started working at the NRD in July and Bruce started working at the NRD in August.

INFORMATION AND EDUCATION REPORT:

Tom Gaschler reviewed the thank you letter from Sara Winslow for sponsoring students that went to Range Camp.

AUGMENTATION PROJECTS:

Chairman Martin reported that NCORPE will be meeting with Ameritas on refinancing bonds and possibly lower the interest rates.

LEGISLATION: No report.

STATE ASSOCIATION:

NARD annual conference will be September 26th and 27th and Terry Martin and Tom Gaschler will be going from the Board.

BOARD OF DIRECTORS: No report.

Chairman Martin called a recess at 8:37 p.m.

Chairman Martin called the meeting back in session at 8:45 p.m.

Jasper reviewed the amended Budget forms with the Board and Public. Joel asked for any testimony on the amended budget. Joel added Exhibit #6 into the record which is the amended budget. Joel asked for testimony on the Budget or Levy and there was none.

Chairman Martin closed the FY 16-17 Budget hearing and the FY 16-17 Levy hearing at 8:50 p.m.

- Gaschler moved to adopt the FY 2016-2017 Budget as presented. Seconded by Bernhardt.

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

- Gaschler moved to adopt the FY 2016-2017 Property Tax request and Levy Resolution and to set the property tax request at \$2,108,812.33 and the corresponding Levy be set at \$0.055216 per one-hundred dollars of valuation. Seconded by Wallin.

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

- Gaschler moved to adopt the FY 2016-2017 Occupation Tax Resolution to set the occupation tax at \$10.00 per irrigated acre. Seconded by Bernhardt.

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

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

Jasper reported that at the RRCA meeting that the three States adopted resolutions and have come to agreements. Jasper reviewed the agreements with the Board.

Last item on the agenda is Wilder Farms. Jasper recommended this be in Executive session for possible litigation and to protect the reputation of individual.

- Wallin moved to go into Executive Session to protect the reputation of individual and potential litigation with the Board, Legal Counsel and Staff present. Seconded by Gaschler.

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

The Board went into Executive Session at 9:00 p.m.

- Gaschler moved to come out of Executive Session at 9:24 p.m. Seconded by Wallin.

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

- Gaschler moved to make sure Wilder properties comply with the URNRD Rules and Regulations and allow Management to provide for compliance and to issue whatever orders might be necessary. Seconded by Kunkel.

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

Chairman Martin adjourned the meeting at 9:25 p.m. The next Regular Board meeting will be held on Tuesday, October 4, 2016.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer