CALL TO ORDER, STATEMENT OF ADVERTISEMENT AND OPEN MEETING LAW NOTIFICATION:
The regular meeting of the Board of Directors was called to order. The statement of advertisement; and, the open meetings law were all noted at 7:04 P.M. by Chairman Michael Moser.

DIRECTORS PRESENT:
Gary Bartak          Kevin Blair          Mark Carpenter        Chris Dierks          Marv Fritz
Curtis Gotschall   Keith Heithoff      Jim Keller             Gene Kelly           Michael Moser
Aaron Rice          Roy Stewart         John Vogel             Chip Whitaker

DIRECTORS ABSENT:
Ted Hughes

STAFF PRESENT:
Dennis Schueth, General Manager
Andrea Fisher, Administrative Secretary
Beth Walsh, Information & Education Coordinator
Wayne Frederick, Water Resources Technician
Kelly Kloppenborg, Water Resources Technician
Jake Morten, Wildlife, Forestry & Resources Conservationist

GUESTS PRESENT:
Brandon Peterson, NRCS – O’Neill
Garry Anderson, Elkhorn Basin Natural Resources Commission Representative – Dixon

AGENDA:
⇒ It was moved by Roy Stewart and seconded by Gene Kelly to adopt the agenda.  AYE: Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Kelly, Moser, Rice, Stewart, Vogel & Whitaker.  NAY: None.  ABSTAIN: None.  ABSENT: Hughes & Keller.  MOTION CARRIED.

AUGUST BOARD MEETING MINUTES:
⇒ It was moved by Chris Dierks and seconded by Keith Heithoff to approve the minutes of the August Board Meeting.  AYE: Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker.  NAY: None.  ABSTAIN: Stewart.  ABSENT: Hughes.  MOTION CARRIED.

TREASURERS REPORT:
⇒ It was moved by Curtis Gotschall and seconded by Roy Stewart to approve the August Treasurers Report.  AYE: Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker.  NAY: None.  ABSTAIN: None.  ABSENT: Hughes.  MOTION CARRIED.

PUBLIC FORUM-INPUT OR COMMENTS:
None
AGENCY & STAFF REPORTS:

NARD Report: The fall conference is scheduled for September 23-24 in Kearney. Dennis Schueth reviewed the two resolutions that will be considered at the fall conference. One is dealing with residency of Natural Resources Commission members; and, the other is dealing enhanced bonding authority.

NeDNR Report: Garry Anderson, Elkhorn Basin Natural Resources Commission Representative, reported that he was unable to attend the March meeting but noted that the Commission worked on policies during that meeting. The May 22, 2019 meeting was held and the Commission received an update on the flooding in Nebraska. Garry reported that there will be a carryover of 5 million dollars in the Water Sustainability Fund (WSF) and they are also expecting to receive their full allocation of 11 million dollars. They will be reviewing and ranking new applications for the WSF at the December meeting.

UENRD FY 19-20 BUDGET HEARING:

It was moved by Gene Kelly and seconded by Curtis Gotschall to suspend the regular board meeting and proceed to the FY 19-20 Budget Hearing. AYE: Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Hughes. MOTION CARRIED.

- Open FY 19-20 Budget Hearing & Public Comment: Michael Moser, Chairman of the Upper Elkhorn NRD, officially opened the 2019-2020 Fiscal Year Budget Hearing at 7:16 P.M. The hearing was to remain open for a minimum of 20 minutes. The purpose of the hearing is to receive support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed budget and to consider amendments relative to the Upper Elkhorn NRD 2019-2020 proposed budget. No comments were made at this time. In order to expedite the remainder of the agenda, the Budget Hearing was suspended until at least 7:36 PM and then allow any other persons wishing to testify to do so at that time.

Chairman Michael Moser reconvened the regular monthly board meeting at 7:18 PM.

AGENCY & STAFF REPORTS Continued:

NRCS Report: Brandon Peterson’s reported that they are still working on EQIP contracts to submit to the state office for obligation. NRCS is also finishing up writing and submitting CSP contracts. Paul Hoefer, Civil Engineering Technician in the O’Neill office will be retiring at the end of September and an open house will be held September 26 from 1-4 at the NRCS office in O’Neill. Brandon also reported that they are still waiting of the final MOA between the NRCS and NRD.

RC&D Reports:

North Central RC&D: Jim Keller reported that they are staying active and working on their recycling efforts.

Loup Basin RC&D: No Report.

Northeast RC&D: No Report.

Information & Education Report: Beth Walsh’s report was mailed out in the Director’s packets. Beth reviewed the annual conference reservations with the Directors. She also reported that the NRD participated in the Holt County Government Day activities earlier in the day. The NRD had 4 students attend from O’Neill Public High School, Ewing High School and West Holt High School.

Water Resources Report: Joslynn Vanderslice’s report was mailed out in the Director’s packets. Joslynn reported that the public hearing for the updated Transfer Rules is scheduled for September 26, 2019; and, a quorum is needed to adopt the new rules so they can go into effect by the sign-up period. The Bazile GWMA Highboy field day is scheduled for September 20 near Creighton; and, the Nebraska Water Conference is
being held in Norfolk October 9 & 10. Joslynn and Kelly Kloppenborg reported on the latest flooding in the area and stream gage readings during the event.

**UENRd FY 19-20 Budget Hearing:**

It was moved by Jim Keller and seconded by Curtis Gotschall to suspend the regular board meeting and to close the FY 18-19 Budget Hearing. **Aye:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **Nay:** None. **Abstain:** None. **Absent:** Hughes. **MOTION CARRIED.**

- Closing of FY 19-20 Budget Hearing and Action: There being no further testimony regarding the 2019-2020 fiscal budget for the Upper Elkhorn NRD, the Budget Hearing was closed at 7:42 P.M. by Michael Moser, Upper Elkhorn NRD Chairman; and, Michael reconvened the regular monthly board meeting at 7:43 P.M. It was moved by Jim Keller and seconded by Curtis Gotschall to adopt the published FY 19-20 UENRD Budget. **Aye:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **Nay:** None. **Abstain:** None. **Absent:** Hughes. **MOTION CARRIED.**

Chairman Michael Moser reconvened the regular monthly board meeting at 7:43 PM.

**Agency & Staff Reports Continued:**

- **Bazile Management Report:** Jeremy Milander’s report was included in the Director’s packets. Dennis Schueth reported that they had 7 applications for the Bazile Groundwater Management Project Coordinator; and, they are planning to interview 4 of the applicants on October 30, 2019.

- **Holt County Extension:** No Report.

**UENRD FY 19-20 Special Budget Hearing:**

It was moved by Jim Keller and seconded by Gene Kelly to suspend the Board meeting for the special budget hearing to set the tax asking and mill-levy for FY 19-20. **Aye:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **Nay:** None. **Abstain:** None. **Absent:** Hughes. **MOTION CARRIED.**

- Open Special Hearing and Public Comment – Setting of FY 19-20 Tax Asking & Mill-Levy: Michael Moser, Chairman of the Upper Elkhorn NRD, officially opened the 2019-2020 Fiscal Year Special Hearing at 7:45 P.M. The hearing was to remain open for a minimum of 20 minutes. The purpose of the hearing is to receive support, opposition, criticism, suggestions or observations of taxpayers relating to setting the Tax Asking & Mill-Levy different from FY 18-19. No comments were made at this time. In order to expedite the remainder of our agenda, the Budget Hearing was suspended until at least 8:07 PM and then allow any other persons wishing to testify to do so at that time.

Chairman Michael Moser reconvened the regular monthly board meeting at 7:48 PM.

**Excused Absences:**

It was moved by Jim Keller and seconded by Marv Fritz to excuse the absence of Ted Hughes. **Aye:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **Nay:** None. **Abstain:** None. **Absent:** Hughes. **MOTION CARRIED.**

**Committee Reports:**

- **Legislative, Finance and Planning:** The Legislative, Finance and Planning Committee met prior to the Board meeting and reviewed all the bills, fuel receipts, credit card receipts, accounts receivable and bank statements. It was moved by Roy Stewart and seconded by Jim Keller to approve...
the current bills for payment. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED:** There were no new cost share applications. One of the Directors was approached regarding the bidding process for the side-by-side recently purchased. It was noted that all bids were reviewed and the board elected to go with the lowest bid.

**Water Quality and Watershed:** The Committee met prior to the board meeting.

- **Acre Expansion-James Kahland SW 1-23-5 (106 acres) Extension from October 1st Deadline:** James Kahland is requesting an extension of the October 1 deadline to have his 2019 Expansion Acres watered. There was an issue getting the wetlands determination from the NRCS office which delayed removal of trees in the specified area. We have received letters explaining the reason for these delays from the NRCS office and Mr. Kahland’s Power of Attorney. ⇒ It was moved by Mark Carpenter and seconded by Curtis Gotschall to grant an extension until October 31, 2019 to water the 2019 Groundwater Expansion acres on SW 1-23-5. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED.**

- **Groundwater Transfer Rules and Regulations/Criteria Update-Public Hearing 5:00 PM September 26, 2019 UENRD Board Meeting Room O’Neill, NE:** The public hearing for the proposed changes to Rule 23 of the GWMP Rules and Regulations will be held September 26, 2019 at 5:00 PM. A quorum will be needed for this meeting.

- **NDEE and NET Grants Review and Submittal & Update:** The NET grant to has been submitted. We did not qualify for the NDEE grant.

- **UNL-Nebraska Water Conference-October 9-10, Norfolk, NE:** The Nebraska Water Conference will be held October 9-10 in Norfolk, NE. Joslynn Vanderslice will be speaking at this conference.

- **UNL/NRD Northeast Extension Educator MOU:** There has been some confusion regarding the breakdown of expenses regarding this position. The partners are reviewing the memorandum of understanding.

**COALITION/TASK FORCE UPDATE:**

- **Lower Platte River Basin Water Management Plan Coalition:** No Report.

- **Nebraska Habitat Conservation Coalition (Piping Plover):** No Report.

- **Nebraska Groundwater Management Coalition:** No Report.

**UENRD FY 19-20 SPECIAL BUDGET HEARING:**

- **Closing of Special Budget Hearing:** Michael Moser, Chairman of the UENRD, noted that the specified time for the Special Budget Hearing had expired. ⇒ It was moved by Marv Fritz and seconded by Gene Kelly to suspend the Board meeting for the closing of the special budget hearing. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED.** There being no further testimony regarding setting the 2019-2020 Tax Asking & Mill-levy different than FY 2018-2019 for the Upper Elkhorn NRD, the Special Hearing was closed at 8:14 P.M. by Michael Moser, Chairman of the Upper Elkhorn NRD.

Chairman Michael Moser reconvened the regular monthly board meeting at 8:15 PM.

**UENRD FY 19-20 SPECIAL BUDGET HEARING Continued:**

- **Setting of FY 19-20 Tax Asking & Mill Levy:** ⇒ It was moved by Chip Whitaker and seconded by Keith Heithoff to adopt the resolution motion to set the mill-levy at 0.0172 per $100 of valuation and tax asking of $836,785. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED.**
COALITION/TASK FORCE UPDATE Continued:
Niobrara River Basin Alliance: It was moved by Mark Carpenter and seconded by Keith Heithoff to go into executive session at 8:18 PM with UENRD Directors and staff to discuss the Niobrara River Basin Alliance to protect the public interest of all parties involved from any undue harm. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED.**

Chairman Michael Moser reconvened the meeting at 8:40 PM. 

**It was moved by Jim Keller and seconded by Gary Bartak to continue discussions with NPPD regarding the purchase of surface water rights at the former Spencer Hydro-Dam. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED.**

ADMINISTRATIVE REPORT:
Dennis Schueth’s report was mailed out to the directors prior to the board meeting in their packets. A copy is included with the official copy of the minutes in the office. Wayne Frederick gave an overview of the irrigation well inspections which have never been permitted for Chemigation. The data is still being gathered and entered into the database. Dennis Schueth reported that the District has received bids for the replacement pickup included in the FY19-20 budget. A copy of the bids was passed out at the board meeting along with the specifications requested. Wayne Frederick reviewed the bids. 

**It was moved by Marv Fritz and seconded by Aaron Rice to accept the bid from Krotters. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED.**

OCTOBER BOARD MEETING: The next regular meeting of the Upper Elkhorn NRD Board of Directors will be held October 28, 2019 at the NRD office in O’Neill.

**It was moved by Jim Keller and seconded by Gary Bartak to adjourn at 8:50 PM. **AYE:** Bartak, Blair, Carpenter, Dierks, Fritz, Gotschall, Keller, Kelly, Moser, Rice, Stewart, Vogel & Whitaker. **NAY:** Heithoff. **ABSTAIN:** None. **ABSENT:** Hughes. **MOTION CARRIED.**

I, the undersigned Secretary of the Upper Elkhorn Natural Resources District hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Board of Directors on September 16, 2019 that all of the subjects included in the foregoing proceedings were contained in the agenda for at least twenty-four hours prior to said meeting, the minutes of the Chairman and the Board were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body, that all news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting.

________________________________________
Gene Kelly, Secretary/Treasurer