



# LOWER REPUBLICAN NRD – BOARD MEETING MINUTES

Lower Republican NRD Meeting Room,  
30 North John, Alma, NE  
January 13, 2022, at 2pm

A notice of the meeting was published in the Harlan County Journal and on the District Website at [www.lrnrd.org](http://www.lrnrd.org).

## **Board of Directors Meeting:**

Chairperson Marlin Murdoch called the meeting of the Lower Republican NRD Board of Directors to order with an invitation to prayer at 2:00 pm. The chairperson provided notice that the location of the current copy of the statutes dealing with public meetings laws is located on the south wall. Guests were asked to sign the attendance roster.

## **MATERIAL E-MAILED OUT PRIOR TO THE MEETING & AVAILABLE AT THE MEETING**

### Agenda

- LRNRD Board Meeting Minutes, 12/21
- LRNRD/RWP Treasurer’s Report, 12/21
- NRCS Staff Report, 1/22
- LRNRD Staff Report, 1/22
- LRNRD Personnel Policy, Holiday Leave Update
- Terms of Engagement Letter – Blankenau Wilmoth Jarecke LLP

Excused Absences: Nelson Trambly, Toby tenBensel.

Directors present at NRD Office: Clark Andrews, David Bartels, Bill Bose, Matt Harrison, Tim Kahrs, Marlin Murdoch, Brad Wulf.

Others present at the LRNRD office: Jerry Kovarik, NRCS, Shaina Vincent, NRCS, Don Duffy, Guide Rock, Troy Fletcher, Oxford. Doug Wentworth and Herb Shannon, Riverton.

Staff present at LRNRD office: Todd Siel, Nick Simonson, Shirlee Poyser and Kristi Heft.

Todd Siel presented the LRNRD Committees and Representatives and indicated where changes needed to be made.

**Motion #1 by Brad Wulf seconded by Clark Andrews to accept the Executive Committee/Officers, Human Resources Committee, Scholarship Committee, LRNRD Project Committee, Platte to Republican Basin High Flow Diversion Project representatives, Representatives and Alternates as presented. Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

## **Executive Committee/Officers:**

Marlin Murdoch	Chairperson
Bill Bose	Vice Chairperson
Dave Bartels	Secretary
Tim Kahrs	Treasurer

## **Representatives:**

Matthew Harrison	NARD Representative
Nelson Trambly	NARD Alternate
Brad Wulf	Trailblazer RC&D Representative
Todd Siel	Trailblazer RC&D Alternate
Brad Wulf	Rural Water District Advisory Committee Rep.
Nelson Trambly	NCORPE Representative
Tim Kahrs	NCORPE Alternate
Toby tenBensel	NRRMDA Representative
Matthew Harrison	NRRMDA Alternate
Toby tenBensel	SW NE RC&D Representative

**LRNRD Project Committee:**

Matt Harrison, Marlin Murdoch, Toby tenBensel

**Platte to Republican Basin High Flow Diversion Project**

Todd Siel, Voting Member, Nick Simonson, Alternate Voting Member

**Scholarship Committee:**

Mary Goebel, Nick Simonson, Matt Harrison, Toby tenBensel, Brad Wulf

**Human Resource Committee:**

Clark Andrews, Tim Kahrs, Marlin Murdoch

**Motion #2 by Bill Bose seconded by Matt Harrison to authorize the Lower Republican NRD Board Chairperson, Treasurer and the District's General Manager, Assistant Manager and Administrative Bookkeeper/Assistant to sign/open/close on all LRNRD accounts, LRNRD Rural Water Accounts and the Platte to Republican Basin High Flow Diversion Project (PRD). Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

**Comments from the Public:** There were no comments from the public.

**Motion #3 by Tim Kahrs seconded by David Bartels to approve the December Minutes as presented. Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

**Motion #4 by Bill Bose seconded by Clark Andrews to approve the LRNRD and Rural Water Treasurer's reports for December. Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

**NRCS Staff Report:** Jerry Kovarik emailed the NRCS report. The report provided updates on EQIP, CSP and RCPP renewal and deadline dates. Jerry introduced new Resource Conservationist Shaina Vincent. A copy of this report is in the minute book.

**LRNRD Staff Report:** On December 29, 2021, the Nebraska Department of Natural Resources (NeDNR) provided the LRNRD with the 2022 Forecast of Allowable Depletions in the Republican River Basin. The LRNRD will not be required to provide any management actions and this year (2022) will be a Non-Compact Call Year. Legislative Conference will be held in Lincoln on January 24-26, 2022. The annual South Central Water Conference will be held on Tuesday, February 1st at the Phelps County Ag Center in Holdrege. Nick and Shirlee are updating the personnel policy manual to bring it up to date with some changes in the Fair Labor Standards Act and the Family Medical Leave Act. The NRD has a Water Resource Technician position opening. The position had been advertised in the Valley Voice and Harlan County Journal.

The LRNRD Subdistrict 5 Director vacancy was advertised for three (3) weeks. Don Duffy, Guide Rock, responded, indicating interest in the position. General Manager Todd Siel introduced Don to the board. Don gave a brief history of his background.

**Motion #5 by David Bartels seconded by Brad Wulf to appoint Don Duffy as LRNRD Director for Subdistrict 5, with Oath of Office being administered at our next regular meeting on February 10th, 2022. Motion Carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

Variance Request and Contiguous Acre Trades. Staff did not have information available to present currently. Nebraska State Statute §2-3218 specifies that the maximum Per Diem rate is \$70 per day. The LRNRD needs to correct its motion from August 2021 to allow the maximum amount of \$70 Per Diem.

**Motion #6 by Tim Kahrs seconded by Bill Bose to set the Directors Per Diem at a maximum of \$70, as specified by current Nebraska Statute §2-2318. 5 Ayes, Nays 2 Clark Andrews, Matt Harrison. Absent 2. Nelson Trambly, Toby tenBensel.**

LRNRD staff have been updating the personnel policy manual to bring it up to date with some changes in the Fair Labor Standards Act and the Family Medical Leave Act as well as just making some necessary additions and deletions that have changed over the years. Nick and Shirlee have been looking at some of the other

districts that have updated their manuals over the past few years to make sure this is a comprehensive effort that should bring us up to date.

Nick presented the board with "Personnel Policy – Holidays". LRNRD main office employees will have Floating Holidays - Employees will be allowed four "floating holidays" each year to be determined by the employee and approved by their supervisor. The office will now be open to the public on the following days: Martin Luther King Jr Day, Presidents Day, Columbus Day, and Veterans Day.

**Motion #7 by Tim Kahrs seconded by Bill Bose to approve the LRNRD Personnel Holiday Leave Policy. Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

General Manager Todd Siel discussed the necessity of hiring legal counsel and presented a "Terms of Engagement" Letter to the directors from Blankenau, Wilmoth, & Jarecke LLP.

**Motion #8 by Tim Kahrs seconded by Matt Harrison to approve Blankenau Wilmoth Jarecke LLP as legal counsel for the Lower Republican NRD. Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

**WFPO Update:** LRNRD staff and Olsson will be reviewing comments from the November public meetings and are developing a schedule for the rest of 2022. The next public open house will be at some point this spring. Announcements for those meetings will published on our website and on the watershed specific websites.

**Platte to Republican High Flow Diversion Project (PRD) Update:** No updates.

**NCORPE Update:** The next NCORPE meeting will be January 19<sup>th</sup>.

**NARD Update:** Legislative conference will be January 24<sup>th</sup> – 26<sup>th</sup>, in Lincoln.

**Other Business:** None.

**Motion #9 by Clark Andrews seconded by Bill Bose to move that the Board go into Closed Session at 3:17pm to discuss Contractual Negotiation, Imminent Litigation, and personnel. Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

**Motion #10 by Clark Andrews seconded by Matt Harrison to move that the Board come out of Closed Session at 4:42pm and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried. 7 Ayes, Nays 0, Absent 2. Nelson Trambly, Toby tenBensel.**

**Motion #11 by David Bartels seconded by Clark Andrews to authorize the general manager to proceed with noticing and scheduling a public hearing regarding the acquisition of real property to be used for a public purpose. Motion carried. Nelson Trambly, Toby tenBensel.**

The next regularly scheduled board meeting will be February 10<sup>th</sup>, 2022, at 2pm.

Meeting adjourned at 4:44pm.

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Secretary

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Date