

# N-CORPE

*Nebraska Cooperative Republican Plate Enhancement Project*

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## **Board of Directors Meeting Minutes February 27, 2019 Curtis Community Center, 201 Garlick, Curtis, NE**

Agendas were sent to board members and others requesting agendas, Agendas were posted at [www.ncorpe.org](http://www.ncorpe.org) and in the following offices: Twin Platte NRD; Lower Republican NRD, Middle Republican NRD; and Upper Republican NRD.

**Board Members Present:** Terry Martin (Upper Republican NRD); Jerry Weaver (Twin Platte NRD) Benjie Loomis (Middle Republican NRD); Nelson F. Trambly (Lower Republican NRD)

**Others Present:** Kyle Shepherd (NCORPE); Jasper Fanning (Upper Republican NRD); Dean Large (Upper Republican NRD); Jack Russell (Middle Republican NRD); Scott Dicke (Lower Republican NRD); Jim Meismser (Twin Platte NRD); Nate Jenkins (Upper Republican NRD); Silvia Johnson (Middle Republican NRD); Todd Siel (Lower Republican NRD); Jay Schilling (Middle Republican NRD); Pierre Dean (NCORPE); Ken Anderson (North Platte); Marvin Knoll (North Platte); Dan Estermann (Wellfleet); R. Merritt (MRD)

**Information Sent to Board Members:** Agenda; Minutes from December 12, 2018 meeting; Bills paid December 12, 2018 through February 21, 2019; Accounts Payable Totals; NCORPE Public Record Request; NCORPE Public Record Request Policy; Monthly Managers Report; News Letter; Cash Contribution Policy; In Kind Contribution Policy; Procurement and Disbursement Policy; Property and Equipment disposal Policy; Pivot Electric Bid; NCORPE Annual Report.

**Information available at meeting:** Agenda; Minutes from December 12, 2018 meeting; Bills paid December 12, 2018 through February 21, 2019; Accounts Payable Totals; NCORPE Public Record Request; NCORPE Public Record Request Policy; Monthly Managers Report; News Letter; Cash Contribution Policy; In Kind Contribution Policy; Procurement and Disbursement Policy; Property and Equipment disposal Policy; Pivot Electric Bid; NCORPE Annual Report.

Terry Martin called the meeting to order at 10:02 a.m. and designated NCORPE General Manager Kyle Shepherd to chair the meeting. Shepherd pointed out that there were copies of the Open Meeting Act posted in the back of the room.

Roll call was taken. Voting representatives from the Upper Republican NRD (Terry Martin); Middle Republican NRD (Benjie Loomis); Twin Platte NRD (Jerry Weaver); Lower Republican NRD (Nelson F. Trambly) were represent.

### **Open Forum**

There were no comments or questions during the allocated open forum time.

### **Minutes of December 12, 2018 Meeting:**

Terry Martin moved to approve the minutes of December 12, 2018 meeting with the inclusion of the Collection Policy in the minutes and was seconded by Benjie Loomis. Roll Call, Upper Republican- Yes; Middle Republican- Yes; Lower Republican- Yes; Twin Platte- Abstained. Vote: 3-Yes, 0-No 1- Abstained. Motion Approved.

### **Financial Report**

**Payables** – Shepherd presented the payables to the board and opened the floor to questions. Jerry Weaver asked about the submersible on the payables and Shepherd explained that it was an approved expense for West Fredericks and half of the expense was reimbursed to NCORPE. Jerry Weaver also asked about the payroll split as Twin Platte had a bigger percentage on the payroll. Shepherd responded that it was due to work on the North Pipeline that was done by Mike Keller for removal of silt fencing. Benjie Loomis asked about the bond issue expenses and Shepherd explained that the Union Bank bills yearly and there were also administration fees involved with the sale of the land. Jerry Weaver asked about the professional fees to Kutac Rock as he felt that they were really high. Shepherd said that local consul was considered with the sale of the land but the board decided to use Kutac Rock as the board had concerns with the bonds knowing that they would have been more expensive. Shepherd said that Kutac spent a considerable amount of time ensuring that there was nothing done wrong with regards to the bonds. Shepherd noted that there were also fees associated with the other land trade that did not go through. Jerry Weaver asked if this is all of the legal fees involved and Shepherd said that he thinks it is but is not 100% certain. Jay Schilling asked about the taxes and Shepherd responded that the taxes are annual and paid in one installation. Jasper Fanning asked if taxes are still paid on rented property and Shepherd responded that personal property and real estate taxes are being paid on required properties. Mr. Merrit asked about the due date on the taxes Jasper Fanning explained that there is not due date on the taxes he was referring to as it is in-Leu. Ken Anderson asked where deposit amounts over \$400,000 came from and Shepherd responded that they probably came from NRD contributions. Ken Anderson asked about the check from Piepers and Shepherd responded that it would be on the Financial Report not the payables. Todd Siel asked what was the balance on the checking account. Shepherd responded that the balance was about half a million dollars.

Terry Martin moved the motion to accept the payables as presented and was seconded by Nelson F. Trambly.

Roll Call, Lower Republican – Yes; Middle Republican – Yes; Upper Republican – Yes; Twin Platte – Yes. Vote 4- Yes, 0 – No – Motion Approved.

## **Financial Statements**

Shepherd advised that there were no financial statements available at the time.

## **Project Update**

### **Managers' Report**

Shepherd said a detailed managers' report was sent to the board members but will note some key points.

Bill Sellers (Range Manager) consulted with NRCS on seeding and reseeding; awarded spring and summer grazing bids (averaging around \$2 per day per pair); completed 2019 newsletter; continued cutting cedars and worked on the haying plan; Assisted Mike Keller with some issues with trees on the creek.

Mike Keller (Operations Manager) was busy with snow removal; cleaned up trees on Kason with assistance of Kyle Shepherd and Bob Goodwin; Cleaned up some trees for the Middle Republican by Maywood; Cleaned up trees at head quarters and did maintenance on some trucks and equipment.

Kyle Shepherd (General Manager) prepared for the December and February board meetings and worked on the land trade; Cleaned up dead trees on Kason; worked on the annual report; worked on public information request; researched and prepared new policies.

Nate Jenkins asked about the percentage of property that was leased out this year. Shepherd responded about 95% and Jerry Weaver said the newsletter says that 86% would be grazed and 6% would be hayed.

## **Property Management / Operations**

### **Annual Report Update**

Kyle Shepherd said that the board had decided to have the annual report hearing every April. Thus, in February the board would review the report and make any necessary changes before the hearing in April. Jack Russel requested that the actual debt be rechecked before the hearing in April. Jerry Weaver requested that in addition to the payables a balance sheet be included. Shepherd assured the board that it would be included for the next meeting.

### **Legislative update – Jenkins, Blankenau**

A conference call was made to Don Blankenau to update the board on legislative matters. Nate Jenkins noted that Senator Groene's LB606 hearing is scheduled for March 13<sup>th</sup>, 2019. Nate Jenkins said that Senator Groene said that the make up of the committee is a lot more favorable for getting this type of bill passed.

Blankenau said that the bill was written by Steve Mossman by the request of Senator Groene. Blankenau continued that the bill was rather short with three paragraphs. The first states what the NRDs are currently able to do in regards to developing an augmentation project for stream flow enhancement. The second paragraph makes

allocations mandatory to the projects. Presently allocation is a discretionary function. The third paragraph says that the real property for the project could be sold which could already be done once authorized by loan documents. It then says that the project can still continue to pump for beneficial use as it did before. Scott Dicke asked if an NRD found some land to develop an augmentation project that is not within their NRD and according to this legislation then the other NRD would be able to set an allocation and what if the allocation doesn't support what the developing NRD needed? Blankenau answered that the proposed legislation does not answer that question. Blankenau said that the developing NRD would be bound by the other NRD (where the augmentation project is located) allocations and if that was not sufficient then they would have to take legal actions. Shepherd asked if there were any other updates that the board should be aware of. Blankenau said that there are two bills that the board should be aware of LB53 that says a land owner on a water way could send a notice to any other owner on that water way instructing them to restore the drainage to its natural condition. It does not define what the natural condition is however. Failure of the land owner to restore that natural state would be subject to criminal provisions. The other bill of interest is LB302 which is a lengthy bill and a point of interest is it hands off most of the clean water administration to the state that was previously the responsibility of the army core of engineers. Jasper Fanning asked if LB606 was enacted what were some of the potential litigation risks that would be on the table from current land owners to injunct the pumping that doesn't exist currently. Blankenau responded that it opens an avenue for litigation that does not currently exist.

### **Information Requests**

Shepherd informed the board that there was another information request from Senator Groene and that has been completed.

### **Land Trade – Update**

Shepherd stated that two sections or eight pivots were sold to the Piepers group and one section was purchased from them. The property is now being leased to them for the next growing season and it can be discussed how long with the lease continue after. The Margritz backed out of the sale of their one section the night before documents were to be signed. That left NCORPE with about 2.4 million earmarked for purchasing additional property. Jasper Fanning asking how long does NCORPE have to make the investment to which Shepherd responded that it has to be done in two years from December 27, 2018.

### **Load Control**

Kyle Shepherd said that he got a bid from Pivot Electric to make load control to work within the Scada system. Shepherd advised that there were a couple options. Option 1 was less expensive ant it would take place inside the office and option 2 was more expensive and controllers would have to be placed on each panel. Jasper Fanning stated the there would be less maintenance issues if there are fewer controllers.

Nelson F. Trambly made the motion to accept option 1 of Pivot Electric's proposal and was seconded by Benjie Loomis.

Roll call Lower Republican NRD – Yes, Upper Republican NRD – Yes, Middle Republican NRD – Yes, Twin Platte NRD – Yes. Vote 4- Yes, 0 – No. Motion Approved.

### **Policy Approvals**

#### **NCORPE PUBLIC POLICY REGARDING PUBLIC DOCUMENTS REQUESTS**

IT SHALL be the policy of NCORPE to respond to all public documents and records requests in full compliance with NEB. REV. STAT. § 84-712.

In accordance with the authorities granted in NEB. REV. STAT. § 84-712, NCORPE shall charge a fee for providing copies of all requested public documents that shall not exceed the actual added cost of making the copies available. The actual added cost shall NOT include any charge for the existing salary or pay obligation of NCORPE officers or employees with respect to the first four (4) cumulative hours of searching, identifying, physically redacting, or copying such requested public documents. NCORPE shall charge for actual salary or pay obligations of NCORPE officers or employees after the first four (4) cumulative hours spent to comply with the request. NCORPE presently estimates the hourly cost to comply with any such public records request to be \$25.00 per hour.

Also in accordance with the authorities granted in NEB. REV. STAT. § 84-712, NCORPE staff shall, within four (4) business days after an actual request for public documents is received, either: (1) Grant access to the requested documents or provide copies of the requested documents; or (2) Notify the requester that access is denied because such documents are protected pursuant to NEB. REV. STAT. §§ 84-712.04 - 84-712.05; or (3) If the entire request cannot, with reasonable good faith efforts, be fulfilled within four (4) business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, shall in writing notify the requester of the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity to modify or prioritize the items within the request. The requester shall have ten (10) business days to review that notification and may request to narrow, simplify, or withdraw the request. NCORPE staff shall not fulfill the request if the requester fails to respond to such notification with ten (10) business days.

Terry Martin made the motion to accept the policy with the addition of \$25 per hour and was seconded by Jerry Weaver.

Roll call Lower Republican NRD – Yes, Upper Republican NRD – Yes, Middle Republican NRD – Yes, Twin Platte NRD – Yes. Vote 4- Yes, 0 – No. Motion Approved.

The board decided to table all other policies until the next board meeting.

### **Social Media**

Shepherd advised the board that the Facebook page that was approved by the board for advertisement and public relations no longer exists as it was flagged by someone as fraudulent and had been removed.

### **AWRA Conference**

Shepherd asked the board if he should attend the conference and do a presentation, Jack Russel said that there no need as he will be attending.

### **Seeding update**

Shepherd advised the board that Bill Sellers should start seeding as soon as the weather warms up, snow melts and the ground thaws. Shepherd said that NCORPE received a NET grant to cover a portion of the seeding. Jerry Weaver asked how many acres would be seeded and Shepherd replied approximately one thousand acres.

### **New Fencing**

Shepherd stated the new land that had been acquired would need about one mile of fencing. Shepherd say that NCOPRE plans to complete that mile of fencing with staff members.

### **Creek Update**

Shepherd advised that there were some trees removed from the creek several years ago and the land owner no longer wants them there. Shepherd noted that some of the trees were cut up and removed that the others were burned.

### **NCORPE College Intern**

Shepherd stated that in the past NCOPRE had college interns to assist in the office and with other projects. Shepherd wanted to know if the board wanted to continue getting interns as they have in the past. The Board agreed to continue having interns as previously done.

Terry Martin moved to go into executive session to discuss personnel and land trade discussions. To be included were NCORPE, NRD staff and board members. The motion was seconded by Nelson Trambly.

Roll call; Twin Platte – Yes; Upper Republican – Yes; Middle Republican – Yes; Lower Republican – Yes. Vote 4 – Yes, 0 – No motion Approved. The board entered executive session at 11:49 a.m.

Terry Martin moved to go into open session. The motion was seconded by Nelson Trambly.

Roll call; Twin Platte – Yes; Upper Republican – Yes; Middle Republican – Yes; Lower Republican – Yes. Vote 4 – Yes, 0 – No. Motion Approved. The board exited executive session at 2:15 p.m.

The meeting was adjourned at 2:15 pm as there were no further matters to discuss.