Agenda Item 3. Minutes of the August 5 and 6, 2019 Board Meeting

Meeting minutes from the August 5 and 6, 2019 Board Meeting held in Beatrice, Nebraska.
MINUTES
Nebraska Environmental Trust
3rd Quarter Policy Discussion Session
Monday, August 5, 2019
1:30 p.m.

Holiday Inn Express
Beatrice, Nebraska

The Nebraska Environmental Trust Board met at the Holiday Inn Express, Beatrice, Nebraska for the transaction of business. Advance public notice was given through release to news media and official public notice in the "Lincoln Journal Star" on July 13, 2019.

Chairman Christen called the meeting to order at 1:32 p.m.

Roll call was conducted and a quorum was established.

Members present were: Mr. McIntosh, Syracuse; Mr. Hellbusch, Columbus; Mr. Dunn, Omaha; Ms. Lauritzen, Omaha; Ms. Vinton, Whitman; Mr. Bowen, Humboldt; Mr. Douglas, Nebraska Game and Parks Commission; Mr. Fassett, Nebraska Department of Natural Resources; Mr. Wellman, Nebraska Department of Agriculture and Mr. Christen, Steinauer.

Members Absent: Mr. Orr, Blair; Mr. Krohn, Omaha, Mr. Macy, Nebraska Department of Environment and Energy and HHS representative.

Staff present were: Mr. Mark Brahman, Executive Director; Ms. Marilyn Tabor, Grants Administrator; Ms. Allison LaDuke, Grants Assistant; Ms. Sheila Johnson, Public Information Officer; and Ms. Pam Deines, Administrative Secretary.

Agenda #3: Guest Speaker, Doug Peterson, Iowa/Missouri Regional Soil Health Specialist, NRCS, Des Moines Iowa, gave an overview on soil health, including livestock grazing and use of cover crops. Mr. Christen introduced Doug Peterson. Presentation by Mr. Peterson was an informative talk and slide presentation going into details of soil health, aggregates and management. He reviewed some misconception about the soil health as it has changed over the years and the ways in maintaining the soil. Discussion and questions followed.

Agenda #4: Guest Speaker, Kent Pfeiffer, Program Manager, Northern Prairies Land Trust, Beatrice, NE. Discussion on coordinating burns in southeast Nebraska. Mr. Brohman introduced Mr. Pfeiffer. Presentation by Mr. Pfeiffer was an informative talk and slide presentation going into details of coordinating prescribed burns. The presentation showed how prescribed burns benefit the land and techniques to orchestrate the burns for the optimum success. Discussion and questions followed.

Agenda #5: Policy Manual Update. Mr. Brohman began the discussion on the policy manual and pointed out the changes in two locations of the manual that were updated. The two changes were in Section VI – 3, “Proceeds From Sale or Transfer of Real Estate,” and Section VI – 4, changes in G. Discussion followed.
Agenda Item #6: Performance Review Committee discussion initiated by Mr. Brohman and Mr. Christen. Plan to set up a Performance Review Committee. It was noted if we have a quorum we need a Public Notice. Initially planning on review of upcoming grants. The question arose should the Performance Review Committee look at past grants to review how they are servicing the purpose as intended in the grant. Base the review on the performance of the grant and if it is fulfilled. Ms. Vinton reviewed the By-Laws Section VI, set up to conduct a review of previous real property grants. Mr. Dunn remarked that the Performance Committee never really got off the ground because of the uncertainty of how to utilize it. Discussion followed how specific situations could apply to a Performance Committee Review. Ms. Vinton suggested a transfer or sale could trigger a review. Ms. Lauritzen voiced she felt it was a huge undertaking so would guard against duplication of work completed by the Grants Committee. Get more specific on what the committee is striving to accomplish. Triggering Events: sales, transfers, gifting, property funded with trust funds, complaints from neighbors or project partners. Mr. Dunn suggests not making the decision immediately but take the time to think it through so it doesn't have to be changed shortly thereafter because of not thinking it through. Discussion. Ms. Lauritzen suggested that since this is a major decision to make on the Performance Committee it would be good to think it through. Mr. Douglas also mentioned that maybe it should be put down on paper so that all the board members would have some guidelines for the Performance Review Committee to follow. Mr. Hellbusch asked what would be the leverage to help enforce a change or compliance. Discussion. It was decided that the Performance Review Committee should get together to comprise guidelines to address possible variables that would be evaluated by the Performance Review Committee.

Agenda Item #7: Public Information Update. Ms. Sheila Johnson, Public Information Officer, presented the budget for the FY 19-20. Explanation of changes and plans for media program. New theme for the upcoming annual report “Enriching Nebraska”. Many projects have a huge impact on tourism/travel in Nebraska along with the benefits of nature to enjoy. We also want to keep the public well-informed through our media and press releases. Publicity in various forms is being implemented through different media outlets and press releases. The Lottery has also incorporated the Environmental Trust in their ads and we have diverse outlets to get our message visible. We look to continue seeking ways to effectively communicate our message.

Agenda #8: Public Comment/Good of the Order. Ms. Lauritzen mentioned an article that was written by Ducks Unlimited, Mr. John Denton, about the Environmental Trust. A very complimentary article. Mr. Douglas appreciated the speakers, individuals who joined the tours and Mr. Christen’s grassland management tours. Mr. Fassett reported they just closed their application period and are seeing emphasis toward damage from floods. Discussion.

Agenda #9: Adjourn: 5:07 p.m.

Respectfully Submitted,

Mark Brohman, Executive Director
The Nebraska Environmental Trust Board met at the Holiday Inn Express, Beatrice, Nebraska, for the transaction of business. Advance public notice was given through release to news media and official public notice in the “Lincoln Journal Star” on Saturday, July 13, 2019.

Chairman Christen called the meeting to order at 8:33 a.m.

Roll call was conducted and a quorum was established.

**Members present were:** Mr. Ryan McIntosh, Syracuse; Mr. Jim Hellbusch, Columbus; Mr. Paul Dunn, Omaha; Ms. Gerry Lauritzen, Omaha; Ms. Sherry Vinton, Whitman; Mr. Jim Douglas, Nebraska Game and Parks Commission; Mr. Jeff Fassatt, Nebraska Department of Natural Resources; Mr. Steve Wellman, Nebraska Department of Agriculture; Mr. Jim Macy, Nebraska Department of Environment and Energy and Mr. Rod Christen, Steinauer.

**Member via Telephone:** Mr. John Orr, Blair

**Members absent:** Mr. Bob Krohn, Omaha; Mr. Quentin Bowen, Humboldt and HHS representative.

**Staff present were:** Mr. Mark Brohman, Executive Director; Ms. Marilyn Tabor, Grants Administrator; Ms. Allison La Duke, Grants Assistant; Ms. Sheila Johnson, Public Information Officer and Ms. Pam Deines, Administrative Secretary.

**Agenda Item #3: Minutes of the April 4, 2019 Board Meeting.** Minutes of the April 4, 2019 board meeting were received.

Motion by Mr. McIntosh, seconded by Mr. Dunn to accept the minutes as received.

**Voting Aye:** Mr. Hellbusch; Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Douglas; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. McIntosh and Mr. Christen. **Motion carried.**

**Agenda Item #4: Financial Reports.** Mr. Brohman presented the report. Mr. Brohman discussed general spending for March, April, and May, Game and Parks finance sheet. Budget report, Ferguson House review, fiscal year overview of the grant disbursement report and reported on the lottery proceeds. The Finance Committee met July 19th and approved the budget. Mr. Brohman reviewed the budget, Ferguson House overview and the cost of staying in the Ferguson House and noted it remains a good location. Also, it was noted that in the grant program we had $20,000,000. Discussion on going all electronic as a possibility for upcoming meetings.

Mr. Quentin Bowen joined the meeting at 8:41 a.m.

Mr. Hellbusch requested an update on the Carriage House. Mr. Brohman gave an update and discussed the use of funds from Jim Stuart Jr. Memorial for painting projects. Mr. Douglas
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discussed the Finance Committee looking at some future capital needs of the Ferguson House and some painting and longer range projects.

Motion by Mr. Hellbusch, seconded by Mr. Macy to approve the Financial Report and Finance Committee report.

Voting Aye: Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. McIntosh; Mr. Hellbusch and Mr. Christen. Motion carried.

Agenda Item #5: Update from the Nature Conservancy, North Platte River/Kelly Ranch, Project 00-129

Mr. Brohman was asked to give the update from the Nature Conservancy on Project 00-129, North Platte River/Kelly Ranch. Mr. Mace Hack sent information to Mr. Brohman pointing out four bullet points on the project. Number 1) the conservation easement has been written, revised and reviewed by both parties, 2) higher water has effected the project, 3) other issues have added to the delay as in the property boundary because of river path changes and 4) they hope to close by the 2019 calendar year depending negotiation with the Kelly family. No appraisal numbers at this time. Mr. Brohman suggested that this be a project that the Performance Review Committee address before the November board meeting so it can discussed before year end.

A Motion by Mr. Wellman moved that the Performance Review Committee review this project by the November 7, 2019 board meeting and report the status; seconded by Ms. Lauritzen.

Voting Aye: Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. McIntosh; Mr. Hellbusch and Mr. Christen. Motion carried.

Consensus of the Board is for Mr. Brohman to write a letter to the Nature Conservancy stating a date information needs to be available to the Performance Committee, so the information can be provided to the board at the Thursday, November 7, 2019. The board will not be able to address this issue before the end of 2019, without that information.

Agenda Item #6: Follow-up Discussion from Previous Day if Necessary.

Ms. Vinton has two items on the Policy Review from Monday August 5, 2019. Performance Review Guiding Statements: 1.) The committee will meet and review requests for the sale, transfer or gifting of property or easements acquired in full or part with Trust funds. The committee will prepare a recommendation to the full board prior to any action being taken. 2.) The committee may consider site visits or request an update on any property on which an issue has been called into question by more than one individual. She suggests the committee be set up in a similar manner as the Legislative Committee. Discussion. Mr. McIntosh suggested changing the wording so not to imply the committee cannot investigate on one complaint. Ms. Vinton reworded the statement “The Committee may consider site visits or request an update on any property on which an issue has been called and requested.”

A Motion by Mr. Dunn made a motion to refer to the committee to be brought back at the November meeting and was seconded by Ms. Lauritzen.
Mr. Wellman asked “why wait.” Mr. Dunn suggested it should be thought through before action is taken so that it doesn’t have to revised again.

Voting Aye: Ms. Lauritzen; Ms. Vinton; Mr. Douglas; Mr. Fassett; Mr. Macy; Mr. McIntosh; Mr. Hellbusch and Mr. Dunn. Voting Nay: Mr. Bowen and Mr. Wellman. Abstaining: Mr. Christen. Motion Carried.

Ms. Vinton discussed the lapse of time and how the language was to be written. Asked that it be reviewed again. Discussion. It was brought up in the discussion to strike the sentence in Page VI-3 in the Policy Manual in Section E, 1., “Grants can allow use of proceeds for specific uses such as establish revolving funds, carrying out specific conservations measures, etc. by Trust approval when the grant is awarded.” Ms. Vinton continued to discuss the lapse of time and the details. Ms. Lauritzen asked what needs to be done today, options voting on it today or next meeting. Mr. Wellman suggest to just strike the last sentence, Ms. Lauritzen and Mr. Douglas asked for clarification. Mr. Douglas noted changing policy in the same meeting was not proper business. It should be addressed at the next business meeting. Mr. Dunn commented that this is what happens when you don’t take time, it is not thought out and completely reviewed at the time and a change is requested later. Mr. Douglas stated it still isn’t clear on what is trying to be accomplished by taking out the sentence.

A Motion by Mr. Wellman to strike the sentence in the Policy Manual on Page VI-3, Section E., 1.), “Grants can allow use of proceeds for specific uses such as establish revolving funds, carrying out specific conservations measures, etc. by Trust approval when the grant is awarded.” and seconded by Ms. Vinton.

Voting Aye: Ms. Vinton; Mr. Bowen; Mr. Wellman; Mr. Macy; Mr. McIntosh; Mr. Hellbusch and Mr. Christen. Voting Nay: Ms. Lauritzen, Mr. Douglas, Mr. Fassett and Mr. Dunn. Motion Carried.

Ms Lauritzen asked to follow up on this, she asks to have backup documents to make changes and not changed on the day which leads to the concerns faced today. Mr. Christen pointed out it was a motion, and a vote. Mr. Bowen mentioned it happened from previous years of being overlooked so it won’t change it into the type of vote it turned into today.

Agenda Item #7: Staff Report.

Mr. Brohman asked Ms. Tabor to report on the Grants Administration Report and she had no late reports. Modifications were reviewed in summary to the board by Ms. Tabor. No questions by the board.

Ferguson house report review of events. Director’s report, Mr. Brohman mentioned we had not heard back on Ms. Lauritzen or Ms. Vinton’s reappointment but have had word that Mr. McIntosh will not be reappointed because he currently is assigned as a lobbyist with his new law firm. An invitation from the Rowe Santuary for September 21 to see if any board member could attend as Ms. Tabor and Mr. Brohman have previous commitments. Mr. Brohman will follow-up with building division to inquire about a painter for projects at the Ferguson House and Carriage House. The first floor bathroom was painted by a volunteer, Mr. John La Duke, Allison’s dad. Board recommended thanking him on their behalf as well. Mr. Brohman brought up the idea of going electronic for future meetings. Discussion.
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Douglas, Mr. Fassett, Mr. Wellman and Mr. Macy gave input on how the electronic version of meetings can run, the bumps in the road etc.

Agenda Item #8: Report and Recommendations of the Executive Committee with Salary Recommendation for the Executive Director.

Mr. Christen passed out a memorandum to be reference to the Executive Session.

Motion by Ms. Vinton, seconded by Mr. Macy to go into Executive Session to discuss the performance of the Executive Director and salary recommendations.

Voting Aye: Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Wellman; Mr. Macy; Mr. McIntosh; Mr. Hellbusch; Mr. Dunn; Ms. Lauritzen and Mr. Christen. Motion carried

Mr. Dunn announced that the Executive Session began at 10:00 a.m.

The board entered into Executive Session for the purpose of discussion of personnel matters specifically the review of the Executive Director, Mark Brahman. The board entered into executive session. Staff and public were asked to leave the meeting room.

Mr. Brahman was asked to return to the closed executive session for further discussion at 10:50 a.m.

Motion by Mr. Wellman, seconded by Mr. Fassett to come out of Executive Session at 11:05 a.m.

Voting Aye: Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Wellman; Mr. Hellbusch; Mr. Dunn Ms. Lauritzen; Ms. Vinton and Mr. Christen. Motion carried

Absent: Mr. McIntosh and Mr. Macy. (Both had to leave meeting)

Motion by Mr. Dunn recommended we receive the minutes by the Executive Committee and approve their recommendations, seconded by Mr. Douglas to receive the Executive Committee’s recommendations and approve the salary adjustment for Executive Director, Mark Brahman, of 2.5%.

Voting Aye: Mr. Douglas; Mr. Fassett; Mr. Hellbusch; Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen and Mr. Christen. Voting Nay: Mr. Wellman. Motion carried

Agenda Item #9: Grant Modification Requests. Ms. Tabor presented the report. Opened to questions. Ms. Tabor gave an overview and explained that all were six month and one year extensions. Ms. Tabor confirmed that all grant modifications are wrapping up shortly and there are no problems.

Motion by: Mr. Dunn, seconded by Mr. Wellman to approve grant extensions.

Voting Aye: Mr. Fassett; Mr. Wellman; Mr. Hellbusch; Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas and Mr. Christen. Motion carried.

Agenda Item #10: 2020 Application Cycle. Ms. Tabor presented the request for the board to give staff authority to seek technical reviews as appropriate for the 2020 grant applications from
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those persons who have participated in the technical review process in past years and from persons showing interest to participate this year.

Motion by: Ms. Vinton, seconded by Ms. Lauritzen to approve authority for technical reviews.

Voting Aye: Mr. Fassett; Mr. Wellman; Mr. Hellbusch; Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas and Mr. Christen. Motion carried.

Ms. Tabor presented the staff recommendation for the Point Allocations for Geographical Location in which staff recommended the approval of awarding 20 points to District VI in the 2020 application cycle.

Ms. Vinton commented that if the board wanted to give the Point Allocations for Geographical Location to a different area, that District VI received the points the past several years, it would be acceptable. Mr. Fassett and Mr. Wellman discussed how it is distributed. Discussion. Mr. Dunn suggested that it be awarded another year to bring the level in that area up some more to even out. Discussion occurred.

Motion by: Mr. Dunn, seconded by Mr. Douglas to approve the awarding of 20 points to District VI for Geographical Location in the 2020 application cycle.

Voting Aye: Mr. Wellman; Mr. Dunn; Ms. Lauritzen; Mr. Douglas; Mr. Fassett; and Mr. Hellbusch. Abstaining: Ms. Vinton. Voting Nay: Mr. Bowen and Mr. Christen. Motion carried.

Agenda Item #11: Report of Grant-Funded Equipment. Ms. Tabor was asked to begin the discussion on the equipment. All grants awarded for the purchase of personal property (equipment or buildings) require the grantee to hold and maintain the equipment for its useful life, based on State of Nebraska Department of Revenue depreciation schedules. Insurance must be maintained for all equipment valued at $1,000.00 or more for the useful life of the equipment.

The attachments showed status of equipment as of July 22, 2019, and all equipment still on the inventory. Any equipment that has passed its “useful life” (or End Date) has dropped off of the report already. Government entities are typically self-insured so we do not require proof of insurance on these items. A verification of the status of equipment/buildings that the Trust contributed $25,000 or more at the time of purchase is conducted on an annual basis.

Motion by Ms. Vinton, seconded by Mr. Hellbusch to approve the report on equipment.

Mr. Dunn and Mr. Douglas stepped out from the meeting.

Voting Aye: Mr. Hellbusch; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Fassett; Mr. Wellman and Mr. Christen. Motion carried.

Mr. Dunn and Mr. Douglas returned to meeting.

Agenda Item #12: Report on Grant-Funded Real Estate. A discussion of taxes and easements on properties was conducted. Reviewing policy on the different properties were discussed and clarified.

Motion by Mr. Hellbusch, seconded by Mr. Dunn to approve the report on Grant Funded Real Estate.
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Voting Aye: Mr. Hellbusch; Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Wellman and Mr. Christen. Motion Carried.

Ms. Tabor continued discussion on the report on defense funds status, reviewed and discussed.

Agenda Item #13: Election of Officers. Chairman Christen requested nominations for election of Chair and Vice Chair of the board.

Motion by Ms. Lauritzen, seconded by Ms. Vinton to nominate Mr. Dunn as Chairman.

Voting Aye: Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Wellman and Mr. Christen. Motion carried.

Chairman Christen called for nominations for Vice-Chair.

Motion by Mr. Dunn, seconded by Mr. Douglas to nominate Mr. Fassett as Vice Chair.

Voting Aye: Mr. Dunn; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Wellman and Mr. Christen. Motion carried.

Agenda Item #14: Public Comment and Good of the Order. Mr. Christen asked board members for comments. Discussion on complementing Mr. Christen on his time as Chairman. Mr. John Denton, Ducks Unlimited, Manager, commented his appreciation for the funding he receives which contributes to the success of his projects. He discussed the importance of wetlands. Kristal Stoner introduced herself and said she wanted to attend to sit and listen. Discussion on where the public comment should be placed in the agenda.

Agenda Item #15: Date and Location of the Next Meeting: November 7, 2019, 1:30 p.m., Ferguson House, Lincoln, Nebraska.

Agenda Item #16: Adjourn. Motion by Mr. Wellman to adjourn the meeting. The meeting was adjourned at 12:02 p.m.

Respectfully Submitted,

Mark Brohman, Executive Director