

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT
BOARD MEETING MINUTES
FEBRUARY 11, 2019**

Chairman Baumeister called the meeting to order at 1:00 P.M. He called attention to the Open Meeting Law poster on the wall in the meeting room and stated notices of the meeting were published in newspapers of general circulation throughout the District.

APPROVAL OF JANUARY 7, 2019 MEETING MINUTES

Motion by Pavlik and second by Klawitter to approve the minutes of the January 7, 2019 meeting as provided to the Directors. Roll Call Vote, Aye: (Klawitter, Liewer, Marcellus, Morrow, Pavlik, Randa, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor) Abstain: (Naprstek) Absent: (Engelhaupt, Higgins, Uhlir, Wendt). MOTION CARRIED. (Uhlir entered 1:05 P.M.)

MANAGER'S REPORT

Manager Julesgard's report was mailed for Directors to review. He mentioned he and the Chairman have not met to set the Committee Assignments. The information regarding DNR's surface water appropriation mailed to the Directors was explained and discussed. A meeting was held between the Districts and DNR in the Alliance to be sure that the river is managed the same in all their IMP's. A meeting is scheduled again in March. A copy of the NARD Manager's Vegetation Management Sub-Committee meeting was included in the information mailed to Directors. The presentation on the Bazile GWMA at the NACD Meeting in San Antonio went well. Conservation Districts in other areas are struggling to obtain funds for conservation.

WATER RESOURCES COORDINATOR REPORT

Wade's report was mailed prior to the meeting. He mentioned the Phase II Informational Meeting in Springview went well with 13 cooperators in attendance. This also was recognized as a Nitrogen Re-Certification Class. He has mailed letters along with a schedule of the meetings being held to those needing Nitrogen Re-Certification. The grant for the monitoring wells was ranked 11th out of 143 applications and was the 2nd highest submitted by NRDs. The drilling is scheduled for August 18th-30th for the Naper south and Springview area. The other wells will be drilled next summer. Wade mentioned he will be attending the Central Plains Irrigation Conference in Kearney on February 26th – 27th. He also informed the Directors he may be calling on some of them to man a station at the Public Hearing next Thursday the 21st at 1:30 at the Community Center here in Butte.

PROGRAMS ASSISTANT

Connie's report was also mailed prior to the meeting. She pointed out the hits on the website and encouraged Directors to check it out. She gave highlights from the sessions she attended at the Conference. Kaczor questioned if the 8 remaining non-certifications would be allowed to irrigate this year. It was explained Certified Letters will be sent informing them they will not be allowed to irrigate. They will have 3 days to request a hearing before this Board. If they do not request a hearing within that time frame a Cease & Desist Order will be issued after 30 days.

ASSOCIATION REPORT

Wendt was unable to attend the meeting today but submitted a written report in the packets. Directors attending the Conference were encouraged to report. Uhlir mentioned he attended the Accountability and Disclosure, Director Responsibilities, Soil Health and Farm Bill Update sessions. Klawitter discussed the cover crop vs non-cover crop session and highlighted information on the Antelope Creek filtration system from that session.

AGENCY REPORTS

NRCS—Jim's report was mailed prior to the meeting. Jim indicated he hoped to obligate EQIP contracts later this month or early March. He reviewed the Cooperative Working Agreement Between the NRCS and LNNRD, which is done yearly. The last time this was updated was in 1996, but he and the Manager will meet to review it this year for updating. Tree plans submitted for Boyd County are comparative to recent years.

Niobrara Council—Connell reported the meeting was held on January 17th. Election of Officers was held, and meeting dates were set. There was discussion about the agreement with the Attorney and this was tabled. The next meeting is scheduled for March 21st.

NE RC&D—Pavlik mentioned the new employee is getting acquainted with her job. Projects to possibly generate funding were discussed. A copy of the December 17th minutes was in the packets.

North Central RC&D—Connell mentioned the next meeting date is the second week in March. He will need to find out for sure the day. A copy of the January 9th minutes was in the packets.

Friends of the Missouri—the next meeting is February 26th at 1:00 at the National Parks Service Office in Yankton. Naprstek expressed interest in attending along with the Manager.

MSAC-no meeting has been held.

WATER SCARCITY-HOW MUCH TIME DO WE HAVE

Larry Reynolds contacted the office and requested to be able to give the presentation in March due to road conditions in his area.

NRD SHARE OF UNL EMPLOYEE FOR BAZILE GWMA

Klawitter raised the question regarding \$200,000 cost he had heard if we do not participate in hiring this employee. Manager Julesgard explained these are two totally different items. The \$200,000 is a possible cost figure regarding UENRD's new Phase III Area designation, which has nothing to do with the UNL Employee for the Bazile area. We are still a part of the Bazile GWMA even though we voted to not contribute towards funds to hire this person. The LNNRD share of expenses in this area still remain 20%. The duties of the UNL Employee and the current coordinator were differentiated. NRCS is currently paying 75% of the current coordinator salary with the LNNRD paying 20% of that remaining 25%. We can contribute towards the UNL employee salary later if we wish.

DIRECTORS SIGN SCHOOL LAND COOPERATIVE AGREEMENTS

A listing of the School Land Cooperative Agreements to be signed was in the packets. Directors in the respective counties signed those agreements.

DISCUSS COMMITTEE ASSIGNMENTS

Kaczor requested this item be placed on the agenda and explained he had in the past requested to serve on a committee and never was put on that committee. He felt he was not put on that committee due to being a non-irrigator. He indicated he felt the entire Board should be responsible for setting the committees and no staff should make the decision. It was explained Vivian puts the information from their committee sheets in the computer (copy passed to the directors) and the Chairman and the Manager review as there cannot be more than 8 directors on a committee to avoid a quorum. Naprstek commented those directors serving on a committee for a period of time have knowledge of what that committee is responsible for. Liewer and Marcellus agreed and saw no reason to change the procedure for setting committees.

NSWCP ACTIVITIES

A copy of the NSWCP Report was available. Marcellus questioned why cross fence is cost shared. It was explained this was set up as an eligible practice for the program years ago. Motion by Pavlik and second by Marcellus to approve the following applications: Ryan Kaczor-trees, mulch-\$525.16, Wm. Tielke-cross fence-\$2,595.00, Eugene Holmberg-well-\$5,000.00, Douglas Nelson-trees-\$459.00. Roll Call Vote, Aye: (Klawitter, Liewer, Marcellus, Morrow, Naprstek, Pavlik, Randa, Uhlir, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor) Absent: (Engelhaupt, Higgins, Wendt). MOTION CARRIED.

TREASURER'S REPORT

Naprstek mentioned he and Hoffman reviewed the expenditures. Motion by Naprstek to approve the Treasurer's Report and the new Director Reimbursement for Mileage sheet along with approval of the mileage to Pavlik for attending the NE RC&D meeting, seconded by Uhlir. Roll Call Vote, Aye: (Klawitter, Liewer, Marcellus, Morrow, Naprstek, Pavlik, Randa, Uhlir, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor) Absent: (Engelhaupt, Higgins, Wendt). MOTION CARRIED. Pavlik questioned the older bill for an individual who also has a newer bill. It was explained interest is being charged each month on the old bill and he was informed the trees for his new windbreaks will not be ordered until payment is received also for the trees.

WEST KNOX RURAL WATER SYSTEM

A copy of the minutes was in the packets. The road has caused an issue of getting in and out of the new well field due to weather conditions resulting in a need for the RWS to purchase a side by side. The cheaper of the bids in the area has come from John Deere in Yankton including heat and air conditioning. Naprstek questioned if the Ponca Tribe had made contact for better water for Niobrara. Manager Julesgard indicated he was aware of a possible request, but nothing has come from the Tribe its self. A copy of the retainage request and arbitration association

information received from Plumbing & Electric was in the packets. With the questions being asked, Manager Julesgard informed the Directors they need to go into executive session.

Motion by Pavlik and second by Holtgrew to approve the January 22, 2019 WKRWS Advisory Committee Meeting Minutes as distributed. Roll Call Vote, Aye: (Klawitter, Liewer, Marcellus, Morrow, Naprstek, Pavlik, Randa, Uhler, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor) Absent: (Engelhaupt, Higgins, Wendt). MOTION CARRIED.

Motion by Holtgrew and second by Morrow to go into executive session at 2:35 to discuss potential litigation issues relative to the West Knox RWS . Roll Call Vote, Aye: (Klawitter, Liewer, Marcellus, Morrow, Naprstek, Pavlik, Randa, Uhler, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor) Absent: (Engelhaupt, Higgins, Wendt). MOTION CARRIED. (Naprstek departed meeting)

Motion by Pavlik and second by Klawitter to come out of executive session at 2:57 P.M. Roll Call Vote, Aye: (Klawitter, Liewer, Marcellus, Morrow, Pavlik, Randa, Uhler, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor) Absent During Vote: (Naprstek) Absent: (Engelhaupt, Higgins, Wendt). MOTION CARRIED.

Motion by Pavlik and second by Klawitter to authorize the WKRWS to pay the retainage requested with an accord and satisfaction statement prepared by Attorney Blankenau to Plumbing & Electric. Roll Call Vote, Aye: (Klawitter, Liewer, Marcellus, Morrow, Pavlik, Randa, Uhler, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor) Absent During Vote: (Naprstek) Absent: (Engelhaupt, Higgins, Wendt). MOTION CARRIED.

OPEN COMMENTS

Marcellus questioned if anyone knew the situation on the Colorado River (cities get water and farmers get cut). (Naprstek re-entered the meeting at 3:01 P.M.)

EXCUSE ABSENT DIRECTORS

Wendt is with her daughter for surgery. Engelhaupt is having the pins removed from his finger. Higgins is at his winter home.

The meeting was declared adjourned at 3:06 P.M. by Chairman Baumeister.

ATTENDANCE

Directors: Larry Baumeister, Karl Connell, Linda Hoffman, Don Holtgrew, John Janzing, Brian Kaczor, Randy Klawitter, Marvin Liewer, Dwain Marcellus, Curt Morrow, Ray Naprstek, Kent Pavlik, Kevin Randa, Jeff Uhler,

Staff: Terry Julesgard, Vivian Frasch, Wade Ellwanger, Connie McCarthy

Visitors: Jim Mathine

I, the undersigned Secretary of the Lower Niobrara Natural Resources District hereby certify the foregoing is a true and correct copy of the proceedings had and done by the Board of Directors on February 11, 2019. That all subjects included in the foregoing proceedings were contained in the agenda for at least twenty-four hours prior to the meeting. The minutes of the Chairman and Board of Directors were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body. All news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting were notified.

Marvin Liewer, Secretary