

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT  
BOARD MEETING MINUTES  
JUNE 3, 2019**

Chairman Baumeister called the meeting to order at 7:00 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 MAY 6, 2019 MEETING MINUTES**

Motion by Higgins and second by Hoffman to approve the minutes of the May 6, 2019 meeting as provided to the Directors. Roll Call Vote, Aye: (Randa, Uhlir, Wendt, Baumeister, Connell, Higgins, Hoffman, Kaczor, Liewer, Morrow) Abstain: (Holtgrew, Janzing, Pavlik) Absent During Vote: (Klawitter) Absent: (Engelhaupt, Marcellus, Naprstek). MOTION CARRIED.

**MANAGER'S REPORT**

Manager Julesgard's report was mailed for Directors to review. Tree planting should be completed in the next few days, if weather holds. Minutes of the Bazile GWMA were mailed. The Bazile GWMA Producer Meeting that was postponed from March 13<sup>th</sup> will be held on June 18<sup>th</sup> in Osmond. The slide presentation from the NRCS Technical Committee meeting was passed to directors, the next meeting is this Thursday in Lincoln. Their recommendation is to lower the priority of cedar, but each District will make their own decision regarding planting. In regard to the surface water permit situation Manager Julesgard explained the misinterpretation by the DNR employee of the cooperators statement. The Indoor/Outdoor Classroom will be getting a Zimmatic Pivot for demonstration. The Sine Die Legislative Report was passed to the directors.

**WATER RESOURCES COORDINATOR REPORT**

Wade's report was mailed prior to the meeting. Wade mentioned he has spent a considerable amount of time signing the chemigation forms. He reviewed the Static Water Level Report that was mailed to the directors. (Klawitter entered at 7:13 P.M.)

**PROGRAMS ASSISTANT**

Connie's report was also mailed prior to the meeting. Connie informed the Directors the tablecloth and display board have been purchased and received. In 2017-2018 she gave presentations to 118 students along with assisting at the Natural Resources Festival. In 2018-2019 presentations were given to 174 students but the Natural Resources Festival was cancelled. She passed a few pictures to the directors of the Spencer Dam that were taken prior to the flood compared to ones taken this afternoon.

**AGENCY REPORTS**

NRCS—Jim's report was mailed prior to the meeting. Jim reviewed the CSP and mentioned there is a great deal of interest in the Cover Crop Initiative Program (signup period ends June 21<sup>st</sup> with grazing allowed after November 1<sup>st</sup>). He also reviewed the ECP and EWP available.

Niobrara Council—A copy of the minutes was in the packets. Connell reported there will be a committee member training held. The Wild & Scenic River Stamps are available with one of the stamps depicting the Niobrara River. The Spencer Dam was discussed at their meeting.

**ASSOCIATION REPORT**

Wendt reported the Legislative Session has ended and she has copies of the last report. She explained the status of the Property Tax Bill and reviewed the Interim Study Resolutions. The Budget Bill was approved and is awaiting the Governor's signature. The Medicaid Bill will need to be addressed yet. (Engelhaupt entered at 7:32 P.M.)

**AGENCY REPORTS CONTINUED**

NE RC&D— A copy of the Minutes was in the packets. Pavlik reported the Office will be located in Ponca with the meeting locations being rotated. Different projects for funding are being explored.

North Central RC&D—Connell mentioned he did not know when the meeting was.

Friends of the Missouri—June 8<sup>th</sup> will be the Annual Meeting at Lake Yankton.

MSAC-No meeting has been held.

### **WEST KNOX RWS**

Attorney Blankenau was present to discuss legal aspects regarding Plumbing & Electric's request for payment. Motion by Holtgrew and second by Engelhaupt to go into executive session to discuss possible litigation for the RWS at 7:42 P.M. Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent: (Marcellus, Naprstek). MOTION CARRIED.

Motion by Pavlik and second by Klawitter to come out of executive session at 7:58 P.M. Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent: (Marcellus, Naprstek). MOTION CARRIED.

Both the NRD and WKRWS Boards conclude no further action is necessary by the WKRWS.

### **DISCUSSION ON SPENCER DAM**

Attorney Blankenau was present to provide an update regarding legal aspects of the purchase of the Spencer Dam. Motion by Liewer and second by Higgins to go into executive session at 8:00 P.M. to discuss possible actions regarding the purchase of the Spencer Dam. Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent: (Marcellus, Naprstek). MOTION CARRIED.

Motion by Pavlik and second by Klawitter to come out of executive session at 8:30 P.M. Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent During Vote: (Engelhaupt, Higgins) Absent: (Marcellus, Naprstek). MOTION CARRIED.

### **PERSONNEL – ANNUAL SALARY REVIEW**

A copy of the committee minutes was mailed to the board. Salary increases for the four office employees, NRCS clerical assistant and NACD employee for the Spencer NRCS were reported. Status of the insurance was questioned by Pavlik with the Manager's response of it being very stable at this time. Wendt asked the salary of the Chemigation Inspector. He is paid per inspection along with use of the District pickup and gas paid by the District. Motion by Higgins and second by Hoffman to approve the committee recommendations regarding salaries of the NRD employees (copy of the Personnel Committee Minutes attached to the official minutes). Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Klawitter, Liewer, Morrow) Nay: (Connell, Kaczor) Absent: (Marcellus, Naprstek). MOTION CARRIED.

The WKRWS Advisory Board recommendations for RWS employees was given. Motion by Higgins and second by Klawitter to approve the committee recommendations regarding the three WKRWS employees. (copy of recommendations attached to the official minutes). Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent: (Marcellus, Naprstek). MOTION CARRIED.

### **GROUNDWATER MANAGEMENT ANNUAL REVIEW TO ALLOW/NOT ALLOW ADDITIONAL IRRIGATED ACRES**

A copy of the committee minutes was mailed to directors. Holtgrew explained the committee recommendation of accepting applications for 500 new irrigated acres with a higher priority given to applications completing circles around an old farmstead with the stipulation only 25% of currently irrigated acres can be applied for. Also recommended in the minutes was not allowing any new wells to be drilled or any transfer of acres at this time. Motion by Holtgrew to accept the committee recommendations as stated, seconded by Hoffman. Kaczor requested the motion be amended to read the acres be filled outside the realm of Board Members first and if any acres remain than directors can apply for those acres, seconded by Klawitter. Roll Call on the Amendment: Aye: (Pavlik, Randa, Uhlir, Connell, Holtgrew, Janzing, Kaczor, Morrow) Nay: (Baumeister, Engelhaupt, Higgins, Hoffman, Liewer) Abstain: (Klawitter, Wendt) Absent: (Marcellus, Naprstek). MOTION CARRIED. Roll Call on Motion as Amended: Aye: (Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Liewer, Morrow) Nay: (Klawitter, Pavlik) Absent: (Marcellus, Naprstek). MOTION CARRIED. (copy of committee minutes attached to official minutes).

### **OFFICE BUILDING & EQUIPMENT**

The committee met prior to the meeting tonight. Klawitter reported the committee discussed painting of the office building and new signs for the office. Committee recommendation was to accept bids for the signs and to find someone to paint the office. Also discussed were the two NRD drills. Klawitter reported the committee recommendation was to sell both drills at the next Holtgrew consignment auction. Motion by Hoffman and second by Uhlir to approve the committee recommendations to paint the office, purchase new signs for the office and sell both drills. Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent: (Marcellus, Naprstek). MOTION CARRIED.

### **NSWCP ACTIVITIES**

A copy of the NSWCP Report was available. Vivian reviewed the applications, cancellation and extension. Motion by Pavlik and second by Wendt to approve **applications:** Leonard Reiser-cross fence-\$2,162.50; Carma James-tank-\$2,106.00; **cancellation:** Nelson Farms Inc. and the **extension:** Dewey Peterson. Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent: (Marcellus, Naprstek). MOTION CARRIED.

### **TREASURER'S REPORT**

Hoffman reported she reviewed the expenditures. Motion by Uhlir and second by Randa to approve the Treasurer's Report as presented. Roll Call Vote, Aye: (Pavlik, Randa, Uhlir, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow) Absent: (Marcellus, Naprstek). MOTION CARRIED.

### **OPEN COMMENTS**

Randa informed the directors the only time the public should be allowed to comment was during the open comment period rather than allowing them to speak during the meeting. Directors voiced their reasoning for having this agenda item and the comments from the public may be something they hadn't thought of if they were not allowed to speak on the agenda item. The individual present had signed the sign in sheet and indicated which agenda item he wished to speak on. Manager Julesgard stated we will need to bring the sign in sheet into the meeting room rather than leaving it in the office during the meeting.

### **EXCUSE ABSENT DIRECTORS**

Naprstek and Marcellus contacted the office and indicated they are planting today.

The meeting was declared adjourned at 9:07 P.M. by Chairman Baumeister.

### **ATTENDANCE**

**Directors:** Larry Baumeister, Karl Connell, Jack Engelhaupt, Tom Higgins, Linda Hoffman, Don Holtgrew, John Janzing, Brian Kaczor, Randy Klawitter, Marvin Liewer, Curt Morrow, Kent Pavlik, Kevin Randa, Jeff Uhlir, Diana Wendt

**Staff:** Terry Julesgard, Vivian Frasch, Wade Ellwanger, Connie McCarthy, Bernard Jorgensen, Dorothy Mastalir, Dan Ebel

**Visitors:** Jim Mathine, Don Blankenau, Roger Frickel, Bradley Mahon, Kent Barta, Bob Skokan, Keith Eckman

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 June 3, 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.

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Marvin Liewer, Secretary