

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT  
BOARD MEETING MINUTES  
JANUARY 7, 2021**

Chairman Baumeister called the meeting to order at 2:04 P.M. in the Community Center located in Butte, Nebraska. An agenda of the minutes to be considered at such time, date, and place is kept continually current and is available for public inspection during normal business hours at the District Office in Butte. Chairman Baumeister called attention to the Open Meeting Law poster on the table. He stated notices of the meeting were published in newspapers of general circulation throughout the District.

**OATH OF OFFICE WAS ADMINISTERED TO DIRECTORS ELECTED IN NOVEMBER**

**ELECTION OF OFFICERS**

Chairman Baumeister called for nominations for the office of Chairman.

Connell nominated Engelhaupt                      Liewer nominated Pavlik

Motion by Connell and second by Uhlir that nominations cease and election by ballot be held. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED. Pavlik-9 Engelhaupt-6. Pavlik will serve as Chairman for 2021. Pavlik assumed Chairmanship.

Chairman Pavlik called for nominations for the office of Vice Chairman.

Liewer nominated Holtgrew                      Klawitter nominated Engelhaupt

Motion by Higgins and second by Hoffman that nominations cease and election by ballot be held. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED. Engelhaupt-9 Holtgrew-6. Engelhaupt will serve as the Vice Chairman for 2021.

Chairman Pavlik called for nominations for the office of Secretary. Klawitter nominated Kaczor

Motion by Higgins and second by Mahlendorf that nominations cease and Kaczor be declared Secretary for 2021 by unanimous ballot. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Chairman Pavlik called for nominations for the office of Treasurer. Higgins nominated Hoffman

Motion by Uhlir and second by Mahlendorf that nominations cease and Hoffman be declared Treasurer by unanimous ballot for 2021. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Chairman Pavlik called for nominations for the NARD Representative & alternate.

Randa nominated Liewer      Klawitter nominated Uhlir      Uhlir nominated Klawitter

Liewer stated he would not be attending the meetings due to COVID but would attend via zoom. Motion by Engelhaupt and second by Hoffman that nominations cease and election by ballot be held. After discussion there was confusion on how this motion was meant to be. All nominations and the motion and second were withdrawn.

Klawitter nominated Liewer for the NARD Representative. Motion by Engelhaupt and second by Uhlir that nominations cease and Liewer be declared NARD Representative by unanimous ballot for 2021. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Chairman Pavlik called for nominations for the NARD Alternate.

Hoffman nominated Uhlir                      Uhlir nominated Klawitter

Motion by Baumeister and second by Kaczor that nominations cease and election by ballot be held. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED. Klawitter-11 Uhlir-4. Klawitter will service as the NARD Alternate for 2021.

Chairman Pavlik called for nominations for the Niobrara Council Representative.

Higgins nominated Connell. Motion by Kaczor and second by Uhlir that nominations cease and Connell be declared the Niobrara Council Representative for 2021 by unanimous ballot. Roll Call Vote, Aye: (Baumeister, Engelhaupt,

Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Nay: (Connell) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Chairman Pavlik called for nominations for the Niobrara River Basin Alliance Representative. Liewer nominated Morrow. Motion by Engelhaupt and second by Uhlir & Higgins that nominations cease and Morrow be declared the Niobrara River Basin Alliance Representative for 2021 by unanimous ballot. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Chairman Pavlik called for nominations for the NE RC&D Representative. Klawitter nominated Uhlir. Motion by Higgins and second by Hoffman that nominations cease and Uhlir be declared the NE RC&D Representative for 2021 by unanimous Ballot. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa) Abstain: (Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Chairman Pavlik called for nominations for the NC RC&D Representative. Naprstek nominated Connell. Motion by Kaczor and second by Mahlendorf that nominations cease and Connell be declared the NC RC&D Representative by Unanimous Ballot for 2021. Roll Call Vote, Aye: (Baumeister, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Abstain: (Connell) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Chairman Pavlik called for nominations for the Friends of the Missouri Representative. Comments were made and Kaczor nominated Naprstek to serve as both the Friends of the Missouri Representative & Missouri Sedimentation Action Coalition Representative. Motion by Mahlendorf and second by Kaczor that nominations cease and a unanimous ballot be cast for Naprstek to serve as both the Friends of the Missouri Representative and the Missouri Sedimentation Action Coalition Representative for 2021. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Pavlik, Randa, Uhlir) Abstain: (Naprstek) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Hoffman requested agenda item number 3 be moved to after agenda item number 13.

#### **INSURANCE RENEWAL – HOWARD TIEFENTHALER**

A copy of the insurance renewal premiums for both the WKRWS and the NRD along with rate comparisons for 2019-2020 and 2020-2021 were in the Directors packets. Howard indicated the overall increase was \$3,099. A check covering the LNNRD share of the insurance is on the Treasurer's Report so payment can be approved at that time.

#### **APPROVAL OF DECEMBER 7, 2020 MEETING MINUTES**

Motion by Engelhaupt and second by Higgins to approve the December 7, 2020 Meeting Minutes as circulated to the Board. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Naprstek, Pavlik, Randa, Uhlir) Abstain: (Morrow) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

#### **MANAGER'S REPORT**

A copy of the Manager's Report was mailed to the Directors prior to the meeting for their review. Connell questioned the Mediation Fee. Liewer explained he was instrumental in requesting this. The Niobrara River Basin Caucus to be held on January 15<sup>th</sup> at 11:00 A.M. in the Middle Niobrara NRD Office. Staff will be leaving the office at 9:00 A.M. Any Director wishing to attend should contact the office to pool rides. Greg Wilke indicated he would be willing to continue to serve on the Natural Resources Commission Board representing the Niobrara Basin. Discussion was held on the new NRCS Service Boundaries. Jim Mathine explained in the past the O'Neil DC supervised the Ainsworth Office. Changes have been made on service boundaries and now the Ainsworth Office will be supervised by the Valentine DC. A copy of the map and additional information was in the report Jim mailed to the Directors. Copies of the Bazile GWMA reports and minutes were in the packets. A copy of the Forester, Pam Bergstrom's report was also in the Director packets.

### **WATER RESOURCES COORDINATOR REPORT**

Wade's report was mailed prior to the meeting for Directors to review. He informed the Board the monitoring well bids are due tomorrow. If no bids are received will have to try to negotiate with the well drillers. He reported there were an additional 211 Phase II reports received today in addition to the 561 that were submitted by December 22<sup>nd</sup>. There are over half of the 180 Flowmeter Reports received so far. He drew attention to the reverse side of his report which showed the applicants of high-capacity wells for 2020. 5 of the wells have already been drilled for the newly approved irrigated acres.

Wade explained the Variance Committee met prior to the meeting to review the Ernest Hallock request. Ernest applied for 35 acres on newly rented ground and 25 acres of his own. Motion by Klawitter and second by Kaczor to deny the Ernest Hallock Variance Request as the deadline for new irrigated acres has passed and the water source is not on these acres. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus).  
MOTION CARRIED.

### **PROGRAMS ASSISTANT REPORT**

Connie's report was also mailed to the Directors prior to the meeting. She mentioned the new website is online now. The Water Warriors Meeting will be virtual on February 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup>. These meetings will qualify for Nitrate Certification with certain criteria at the log in. Nitrogen Certification Dates are: Upper Elkhorn on February 16<sup>th</sup> & 17<sup>th</sup>, Lewis & Clark-February 23<sup>rd</sup> & 24<sup>th</sup>, LNNRD-February 22<sup>nd</sup>. The Bazile GWMA now has a website online.

### **ASSOCIATION REPORT**

**Resolution**--A copy of the Resolution to be signed by the NRD was mailed. Liewer explained the NARD's search for an office building. There were two options for payment of the building: (1) bill the NRD's and (2) borrow excess funds from the NARD Risk Pool Insurance Fund. A transfer of these funds to the NARD Foundation was approved by the NE Dept of Insurance. In October the sales agreement for the new building was signed. In December it was decided at the suggestion of the Department of Insurance to issue dividends to the NARD Foundation as a better way of tracking the transferred funds. The \$900,000 will be divided equally among the 23 NRDS who in turn will return it to the NARD thus the need for the Resolution. The long-term goal is to repay the NARD Risk Pool Fund. Motion by Liewer and second by Randa to approve signing the Resolution of the Board of Directors of the Lower Niobrara Natural Resources District regarding the purchase of the NARD Office Building utilizing Risk Pool Funds. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus).  
MOTION CARRIED.

**Legislative Conference – Voting Delegate & Alternate**—The Legislative Conference is still up in the air as to how it will be held/if it will be held. It is scheduled for January 26 & 27<sup>th</sup>. On the 25<sup>th</sup> there is the Benefits Meeting and the Manager's Meeting. Probably there will be no Senator's Reception, but nothing definite is set yet. It was asked who would be attending as the NARD is requesting a tentative number. No directors indicated they planned to attend. Liewer volunteered to serve as the Voting Delegate if there would be a zoom meeting. He indicated he would not attend in person due to COVID.

### **AGENCY REPORTS**

**NRCS**—Jim Mathine mailed his report to the Directors. Jim mentioned the service area and change of supervision for the Ainsworth Office was discussed earlier. Craig Derickson retired in December after serving as the State Conservationist for Nebraska for 10 years. He was a native of O'Neill. Hopefully in March/April EQIP funds can be allocated as they are currently working on ranking the applications. The CRP signup period runs thru February 12<sup>th</sup>.

**Niobrara Council**—Connell reported the meeting was held on December 12<sup>th</sup> and a copy of the minutes was in the packets. He mentioned the Governor will be making the appointment regarding the open positions on the Council. The NPS gave an update. The NGPC discussed the presence of Mountain Lions in the area and Wolves were also discussed. The Forest Fuels Reduction Project was discussed.

**NE RC&D**—Pavlik reported the next meeting will be at the end of January.

NC RC&D—Connell stated no meeting has been held and thinks there is one next week.

Friends of the Missouri—Manager Julesgard passed around information he had received. The Corps of Engineers is working on a new plan for Gavins Point and he has requested to be involved.

Missouri Sedimentation Action Coalition—Manager Julesgard mentioned nothing has been received.

#### **SCHOOL LAND COOPERATIVE AGREEMENTS**

A listing of the agreements was in the Director Packets. Directors in the respective Counties signed the forms.

#### **NSWCP ACTIVITIES**

A copy of the NSWCP Report was available on the reverse side of the agenda. Vivian indicated an application was received after the Agendas were printed for Rick Nolze for a pipeline & tanks in the amount of \$6,998.00. Motion by Higgins and second by Klawitter to approve the applications for: Terry Havranek-pipeline & tank-\$5,633.96, Diane Allen Rev. Trust-trees, mulch-\$4,337.82 and Rick Nolze-pipeline & tanks-\$6,998.00. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

#### **TREASURER'S REPORT**

A copy of the Treasurer's Report was available in the packets. Hoffman and Baumeister reviewed the expenditures. Connell questioned the Sonic Well Router from Simple Solutions. Manager Julesgard explained this is needed for the program being developed by Professional Computer Service in Missouri in order to transfer data between our office and theirs. He said it has not been installed yet. Motion by Kaczor and second by Uhlir to approve the Treasurer's Report as presented excluding payment of Directors Expense Vouchers. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Nay: (Higgins) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Motion by Klawitter and second by Uhlir to approve the payment of expense vouchers for Baumeister, Engelhaupt, Higgins Hoffman & Holtgrew. Roll Call Vote, Aye: (Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Nay: (Connell) Abstain: (Baumeister, Engelhaupt, Higgins, Hoffman) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Motion by Uhlir and second by Randa to approve payment of expense vouchers for Janzing, Kaczor, Klawitter & Liewer. Roll Call Vote, Aye: (Baumeister, Engelhaupt, Hoffman, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Nay: (Connell, Higgins) Abstain: (Janzing, Kaczor, Klawitter, Liewer) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Motion by Kaczor and second by Klawitter to approve payment of expense vouchers for Naprstek, Pavlik, Randa, Uhlir & Wendt. Roll Call Vote, Aye: (Baumeister, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow) Nay: (Connell) Abstain: (Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

#### **PERSONNEL – MANAGER**

Motion by Kaczor and second by Hoffman to go into executive session at 3:55 P.M. to discuss Personnel. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Mahlendorf, Naprstek, Uhlir) Nay: (Liewer, Morrow, Pavlik, Randa) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Motion by Uhlir and second by Randa to come out of executive session at 4:50 P.M. Roll Call Vote, Aye: (Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Janzing, Kaczor, Klawitter, Liewer, Mahlendorf, Morrow, Naprstek, Pavlik, Randa, Uhlir) Absent: (Holtgrew, Marcellus). MOTION CARRIED.

Pavlik reported the Laptop Computer is to be purchased and the mediation group is to meet with the office staff by the end of January. At the March Board meeting if problems in the office have not been resolved then the Board will re-assess at the March meeting and actions will be taken.

**OPEN COMMENTS** – Morrow commented if anyone noticed all the dirt in the ditches after this last storm. (Naprstek left the meeting at 4:55 P.M.) (Higgins left the meeting at 4:56 P.M.)

**EXCUSE ABSENT DIRECTORS**

Marcellus is still staying away from crowds due to his health. Holtgrew had an individual coming.

Manager Julesgard reported he had contacted NNTC and for \$19.00/month we could have internet to hold zoom meetings at the Community Center. NNTC would provide the router and we would pay the usage.

Chairman Pavlik declared the meeting adjourned at 4:58 P.M.

**MEETING ATTENDEES**

**Directors:** Larry Baumeister, Karl Connell, Jack Engelhaupt, Tom Higgins, Linda Hoffman, John Janzing, Brian Kaczor, Randy Klawitter, Marvin Liewer, Steve Mahlendorf, Curt Morrow, Ray Naprstek, Kent Pavlik, Kevin Randa, Jeff Uhlir

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

**Visitors:** Jim Mathine, Howard Tiefenthaler, Shaun Higgins

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 January 7, 2021. 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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Brian Kaczor, Secretary

