

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT
BOARD MEETING MINUTES
APRIL 5, 2021**

Vice Chairman Engelhaupt called the meeting to order due to the absence of Chairman Pavlik at 7:00 P.M. at 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. Vice Chairman Engelhaupt 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.

APPROVAL OF MARCH 1, 2021 MEETING MINUTES

Motion by Liewer and second by Holtgrew to approve the March 1, 2021 Meeting Minutes as circulated to the Board. Roll Call Vote, Aye: (Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Morrow, Naprstek, Uhlir, Connell, Engelhaupt) Absent: (Baumeister, Hoffman, Mahlendorf, Marcellus, Pavlik, Randa). MOTION CARRIED.

APPOINTMENT TO FILL VACANCY IN SUB-DISTRICT #1

Two phone calls were received in the office, but the only written application was received from Shaun Higgins. Motion by Naprstek and second by Klawitter to appoint Shaun Higgins to fill the vacancy in Sub-District #1. Roll Call Vote, Aye: (Holtgrew, Kaczor, Klawitter, Liewer, Morrow, Naprstek, Uhlir, Connell, Engelhaupt) Nay: (Janzing) Absent: (Baumeister, Hoffman, Mahlendorf, Marcellus, Pavlik, Randa). MOTION CARRIED. The Oath of Office was administered to Shaun.

BAZILE GWMA – WHITNEY GAPPA

Whitney introduced herself and indicated she will be graduating in May but has already began working. Her reason for accepting this position is she is interested in reducing nitrates. She reported on the activities she has been involved with and future activities. (Randa entered at 7:08 P.M.)

REGION 24 BILLING – DOUG FOX

A request was received from Region 24 to pay \$1,027.67 for the Hazardous Mitigation Plan. Doug was present and explained he was unaware that JEO had not contacted the NRDs or other agencies. He mentioned the total cost of the Plan is \$74,000 with 75% being paid by FEMA and the remainder is up to Region 24 to pay. This Plan must be re-written every 5 years. Manager Julesgard informed the Board he was contacted for information, which he provided mostly regarding the WKRWS. He said there was never any mention of a request for funding when he was contacted by JEO. He also reported other NRDs very seldom or not at all contribute any funds. They spend enough time their work is considered as in-kind contributions. Manager Julesgard indicated maybe the NRD should not pay as we were never consulted from the beginning regarding this Plan. It was also questioned since two counties Cherry and Brown were pulling away from Region 24 how this would affect the Plan. Mr. Fox responded they will be responsible for a Plan on their own. Directors asked several questions which Mr. Fox answered. (Marcellus entered the meeting at 7:27 P.M. via Zoom).

Motion by Uhlir to not pay the bill from Region 24. Additional discussion was held. Uhlir withdrew his motion which died for a lack of a second.

Motion by Kaczor to table paying this bill and this be an agenda item at the May meeting, seconded by Randa. Roll Call Vote, Aye: (Holtgrew, Janzing, Kaczor, Klawitter, Morrow, Naprstek, Randa, Connell, Engelhaupt, Higgins) Nay: (Liewer, Uhlir) Abstain: (Marcellus) Absent: (Baumeister, Hoffman, Mahlendorf, Pavlik). MOTION CARRIED.

MANAGER'S REPORT

A copy of the Manager's Report was mailed to the Directors prior to the meeting for their review. Vice Chairman Engelhaupt questioned when it was voted on to have Blankenau serve as the LNNRD's attorney. Manger Julesgard responded he has been the Attorney since he has been here. Engelhaupt also questioned the Manager if Blankenau represents him personally, which would be a conflict of interest. Manager responded he is careful. An agenda item for the May meeting will be Legal Counsel for the NRD. Manager Julesgard reviewed the NRBA letter that was mailed in the packets. A meeting was held last week with the G&P and NPPD. A Draft copy of the Agreement was passed to the Directors and those wishing to have a copy were to indicate so. Pressure is being put to get things moving.

WATER RESOURCES COORDINATOR REPORT

Wade's report was mailed prior to the meeting for Directors to review. Wade reported 90 days have passed since the Phase II deadline. He has received 1615 of the 1675 forms. 34 were prevent plant acres which he has visited with the producers and has ok'd. 26 parcels are out of compliance for 2 landowners. He explained the situation

regarding Evergreen Acres-Reg Green and Thies Farms-Jack Thies. He informed the Directors he has been working with these individuals for the last 2 months trying to get them into compliance. It is now time to follow the Rules & Regulations and issue the cease-and-desist letter to these individuals. The Board was informed after they have received their letter they will have 3 days to request a hearing before the Board. There is the possibility a special meeting may need to be called if this occurs. Wade has been out taking statics and reported they vary from area to area. He is expecting to receive a phone call any day the well driller will want to start drilling the monitoring wells.

PROGRAMS ASSISTANT REPORT

Connie's report was also mailed to the Directors prior to the meeting. She indicated the Website views were down this month. The District's Facebook Page now has 201 followers. The excess office furniture has been sold.

ASSOCIATION REPORT

Liewer reported he attended the March 8th NRD meeting that was held in the new office virtually. Election of Officers was held. The rental payments are a nice income. The State Envirothon and National Envirothon were discussed. He reported on attending the insurance meeting where last year 8 individuals had claims totaling over 8 million dollars. The next meeting will be in Omaha June 6,7,8th in conjunction with the NARD Tour in the Papio Area.

AGENCY REPORTS

NRCS—Jim Mathine mailed his report to the Directors. He contacted the office that he would be unable to attend the meeting tonight.

Niobrara Council—A copy of the minutes was in the packets. Connell reported Les Hall was appointed to the Council. The By-Laws are to be amended.

NE RC&D—Uhlir reported he did not attend the meeting as it appeared the only item of importance was to pay the bills.

NC RC&D—There were 2 months minutes in the packets. Connell reviewed the minutes and mentioned there will be electronic collections on May 4th in Valentine and May 11th in O'Neill.

Friends of the Missouri—Manager Julesgard reported a meeting poll was taken but has not heard anything regarding a specific date.

Missouri Sedimentation Action Coalition—no information received.

NSWCP ACTIVITIES

A copy of the NSWCP Report was available on the reverse side of the agenda. Vivian called attention to the applications submitted for approval along with the cancellation. Also an additional allocation of \$1,887.51 was received. Motion by Uhlir and second by Holtgrew to approve the applications for Scott Angel and Mike Fritz for trees and mulch along with the Leonard Reiser cancellation. Roll Call Vote, Aye: (Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Marcellus, Morrow, Naprstek, Randa, Uhlir, Connell, Engelhaupt, Higgins) Absent: (Baumeister, Hoffman, Mahlendorf, Pavlik). MOTION CARRIED.

APPROVAL OF TREASURER'S REPORT

A copy of the Treasurer's Report was available in the packets. Kaczor questioned the two different payments for website hosts. It was explained one is for the NRD Website and the other is for the Phase II Crop Reporting Form Site. Motion by Holtgrew and second by Kaczor to approve the Treasurer's Report as presented except for the Directors Expense Vouchers. Roll Call Vote, Aye: (Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Marcellus, Morrow, Naprstek, Randa, Uhlir, Engelhaupt, Higgins) Nay: (Connell) Absent: (Baumeister, Hoffman, Mahlendorf, Pavlik). MOTION CARRIED.

Motion by Liewer and second by Randa to pay the expense vouchers for Baumeister, Engelhaupt, Hoffman, & Holtgrew. Roll Call Vote, Aye: (Janzing, Kaczor, Klawitter, Liewer, Marcellus, Morrow, Naprstek, Randa, Uhlir,

Higgins) Nay: (Connell) Abstain: (Engelhaupt, Holtgrew) Absent: (Baumeister, Hoffman, Mahlendorf, Pavlik).
MOTION CARRIED.

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

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

ARGANBRIGHT LAW OFFICE BILLING

Motion by Connell and second by Higgins to pay the Arganbright Law Office billing, which was in the packets. Connell indicated he felt the bill needs to be paid. Considerable discussion was held. It was explained by a Committee Member that 6 of the 7 Personnel Committee members were present at that first meeting. It was decided an attorney needed to be contacted. Engelhaupt and Tom Higgins volunteered to do that. Marcellus asked if it is legal for a committee to do something without Board consent. He did not feel it was. Connell questioned if there was consent of the Board to have Attorney Blankenau come up for the last meeting. He did not feel Blankenau should be paid then. Manager Julesgard said he had discussed this with the Chairman. Marcellus commented that you cannot have the Board Members going around doing things without Board consent. Liewer spoke that he felt consulting an attorney was needed and he was at that first meeting. He felt the bill should be paid and to move on. Higgins withdrew his second to the motion since it was a family member's name on the bill. Engelhaupt turned Chairing of the meeting over to Secretary Kaczor as his name was also on the bill being discussed. Kaczor assumed Chairing the meeting. Connell also withdrew his motion. A motion was then made by Connell and seconded by Liewer to pay the Arganbright Law Office bill in the amount of \$2,323.75. Roll Call Vote, Aye: (Holtgrew, Janzing, Kaczor, Liewer, Morrow, Naprstek, Connell) Nay: (Klawitter, Marcellus, Uhlir) Abstain: (Randa, Engelhaupt Higgins) Absent: (Baumeister, Hoffman, Mahlendorf, Pavlik). MOTION CARRIED. Kaczor turned Chairing the meeting back to Vice Chairman Engelhaupt.

APPROVAL OF WKRWS APRIL 18, 2021 ADVISORY COMMITTEE MEETING MINUTES

A copy of the minutes was mailed earlier for Directors to review. The possible solution to resolving the nitrate level in well #2 was explained. Also new meters will need to be purchased along with compatible software. Motion by Uhlir and second by Holtgrew to approve the WKRWS April 18, 2021 Advisory Committee Meeting Minutes as circulated. Roll Call Vote, Aye: (Holtgrew, Janzing, Kaczor, Klawitter, Liewer, Marcellus, Morrow, Naprstek, Randa, Uhlir, Connell, Engelhaupt, Higgins) Absent: (Baumeister, Hoffman, Mahlendorf, Pavlik). MOTION CARRIED.

COMMENT PERIOD

Uhlir questioned if the By-Laws need to be updated for committees to have jurisdiction to make decisions. It was mentioned it can be set up before-hand for a committee to act. Naprstek indicated he felt it would be beneficial to the NRD even if there would be an overlap of the Region 24.

EXCUSE ABSENT DIRECTORS

Mahlendorf contacted the office indicating he would be unable to attend as he had to drive to Sioux Falls tonight to fly out early tomorrow. Pavlik's wife contacted the office that he was not feeling well and would not be attending tonight.

Vice Chairman Engelhaupt declared the meeting adjourned at 8:58 P.M.

MEETING ATTENDEES

Directors: Karl Connell, Jack Engelhaupt, Shaun Higgins, Don Holtgrew, John Janzing, Brian Kaczor, Randy Klawitter, Marvin Liewer, Dwain Marcellus (**Virtual**), Curt Morrow, Ray Naprstek, Kevin Randa, Jeff Uhlir

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

Visitors: Whitney Gappa, Doug Fox

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 April 5, 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.

Brian Kaczor, Secretary