

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT
BOARD MEETING MINUTES
OCTOBER 4, 2021**

Chairman Pavlik called the meeting to order at 7:02 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. Chairman Pavlik 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 SEPTEMBER 7, 2021 MEETING MINUTES

Motion by Liewer and second by Uhlir to approve the September 7, 2021 Meeting Minutes as circulated to the Board. Roll Call Vote, Aye: (Morrow, Naprstek, Pavlik, Randa, Uhlir, Baumeister, Connell, Higgins, Hoffman, Kaczor, Klawitter, Liewer) Abstain: (Engelhaupt) Absent: (Holtgrew, Janzing, Mahlendorf, Marcellus). MOTION CARRIED.

WHITNEY GAPPA-BGWMA

Whitney was not present.

MANAGER'S REPORT

A copy of the Manager's Report was mailed to the Directors prior to the meeting for their review. All of the WKRWS repair projects have funds obligated at 90% payment. The NRD system will be celebrating 50 years next year and a Commemorative Buck Knife can be ordered. A knife will be ordered for all staff and Directors. The upcoming meeting with DEE on November 1st was discussed.

WATER RESOURCES COORDINATOR REPORT

Wade's report was mailed prior to the meeting for Directors to review. No Phase II Report has been received from Reg Green at this time so the Cease & Desist will be carried over into next year. Training on the new computer software will be tomorrow. Wade reported 20 applications for 1446.9 acres were submitted for the new irrigated acres. A copy of the rankings were available for the Directors. He explained the color code he used for those to be approved and those that did not rank for approval. Question was raised if those not meeting the criteria were eligible to apply next year if acres were accepted. They would be, but the ranking system would not change. Motion by Uhlir and second by Morrow to approve application # 01,04,06,07,09,10,11,13,14,15 & 20 (the first lighter green on the ranking sheet). Roll Call Vote, Aye: (Morrow, Naprstek, Pavlik, Randa, Uhlir, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Kaczor, Klawitter, Liewer) Absent: (Holtgrew, Janzing, Mahlendorf, Marcellus). MOTION CARRIED.

Motion by Morrow and second by Engelhaupt to approve application #03,16,18 under the variance rules. Roll Call Vote, Aye: (Morrow, Naprstek, Pavlik, Randa, Uhlir, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Kaczor, Klawitter, Liewer) Absent: (Holtgrew, Janzing, Mahlendorf, Marcellus). MOTION CARRIED.

A copy of the ranking sheet is attached to the official copy of the minutes.

Discussion was held on the individual that submitted two separate applications with his total acres being under 60 and he paid the \$500.00 fee for each application. Motion by Baumeister and second by Connell to refund \$500.00 to Brett Fuchtman since both of his applications were under the 60 acre limit. Roll Call Vote, Aye: (Morrow, Naprstek, Pavlik, Randa, Uhlir, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Kaczor, Klawitter, Liewer) Absent: (Holtgrew, Janzing, Mahlendorf, Marcellus). MOTION CARRIED.

PROGRAMS ASSISTANT REPORT

Connie's report was also mailed to the Directors prior to the meeting. She mentioned the BGWMA Field Day was well attended and went well. Sharla Hanzlik was awarded the Educator Award and was very thankful to the District. She will be applying for a grant to purchase additional beetles. Recently deceased Directors Higgins, Brauer and Filips were honored at the Conference as were current Directors Larry Baumeister for serving 30 years and Don Holtgrew for serving 20 years.

ASSOCIATION REPORT

Liewer reported on the three sessions he attended at the Conference and attended the NARD Board Meeting. The resolution discussed last month was approved. Engelhaupt mentioned more interest was expressed and questions asked by those attending that he had ever seen at a Conference.

AGENCY REPORTS

NRCS—Jim Mathine's report was mailed as he was unable to be at the meeting this evening.

Niobrara Council—Connell reported the minutes were mailed in the Directors packets. The NPS reported on retirees, mussel and grants received. The NGPC is considering candidates as a replacement for the Director. The fish ladder project was explained.

NE RC&D—Uhlir reported the meeting was cancelled.

NC RC&D—Connell reported the meeting was held September 15th. Household Hazardous Waste Grant was discussed. The paper shredding took place in this area. A recycling grant is being applied for. Transfer of CDs was discussed.

Friends of the Missouri—Terry reported an on-line meeting was held, which he was unable to attend. The Meridian Bridge partnership was discussed and a photo contest is being planned.

Missouri Sedimentation Action Coalition—no information available.

NSWCP ACTIVITIES

No applications, extensions, cancellations were received.

APPROVAL OF TREASURER'S REPORT

A copy of the Treasurer's Report was available in the packets. Motion by Liewer and second by Uhlir to approve the Treasurer's Report as presented with the exemptions of Directors Expense Vouchers. Roll Call Vote, Aye: (Morrow, Naprstek, Pavlik, Randa, Uhlir, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Kaczor, Klawitter, Liewer) Absent: (Holtgrew, Janzing, Mahlendorf, Marcellus). MOTION CARRIED.

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

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

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

COMMENT PERIOD

Chairman Pavlik informed the Directors the Personnel Policy was discussed considerably on September 16th and he encouraged the Directors to read the copy given them tonight as it will be reviewed at the November Board Meeting.

Engelhaupt stated his September Board Meeting packet was not received until September 9th, which was 2 days after the Board Meeting. He also stated this was not the first time this has happened. Vivian indicated that all 17 packets were taken to the post office on August 27th. She was questioned where they were mailed. At the Butte Post Office. Klawitter had his packet with him and pointed out his was post marked August 28th. Higgins suggested Engelhaupt file a complaint with the Post Office. Hoffman stated a complaint should be filed at the Post Office in Spencer as that individual is over the Boyd County Post Offices. *(SEE TERRY'S ATTACHMENT AT THE END)*

EXCUSE ABSENT DIRECTORS

Mahlendorf had contacted the office indicating he had a windrower breakdown. Nothing was heard from Holtgrew, Janzing or Marcellus. It was mentioned by the Manager that texts to Marcellus have not been answered.

Chairman Pavlik declared the meeting adjourned at 8:57 P.M.

MEETING ATTENDEES

Directors: Larry Baumeister, Karl Connell, Jack Engelhaupt, Shaun Higgins, Linda Hoffman, Brian Kaczor, Randy Klawitter, Marvin Liewer, Curt Morrow, Ray Naprstek, Kent Pavlik, Kevin Randa, Jeff Uhler

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

Visitors: Bradley Mahon, Jeremy Mahon

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 October 4, 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

To be added to Comment Period

The following is information the Manager has gathered since the Board meeting regarding Jack Engelhaupt's comment of receiving his packet after the September Board meeting. These issues are taken seriously and fully investigated when they are brought to the attention of the Manager. The envelop has not been brought to the NRD office as of October 6, 2021. A call was made on Oct 5th to Jack, and he stated he had a funeral today and he would get the envelop to the office someday. As more information is uncovered it will be presented to the Board. With the issue regarding Director packets not being receive until after the Board meeting, which has been brought up in the past, the Clerk at the Butte Post Office takes extra care to make sure ALL NRD mail—as she does with all mail which passes through the Butte Post Office—has proper postage and is dispatched promptly from the Butte Post Office—dispatch time is 12:15 PM or the next day if mail is brought in after 12 noon. Director packets have been tracked multiple times in the past to insure they are being delivered in a reasonable time—usually 3 days sometimes up to 5 depending on the season. In regard to the Director packets which were taken to the Post Office on August 27th. These packets were put into the lobby drop box after the window closed and after the Clerk had left for the day. If the packets would have been given to the Clerk on 8-27-2021, they would have been postmarked 8-27-2021. The Clerk checks the lobby drop box for "flats" upon arrival to work every day—"flats" are anything larger than a business envelop and flats have to be placed in a separate tub for dispatch. Upon arrival on August 28th the Clerk found the Director packets which had been dropped into the lobby drop box and noticed 3 packets were damaged. These packets were photographed with a date and time stamp, August 28, 2021, 9:59 AM listed on the picture log to document the damage in case further damage occurred during the mailing process. All packets were checked for proper postage, postmarked (8-28-2021) and placed in the proper tub for dispatch. All packets were dispatched at approximately 12:15PM that day (8-28-2021).

Respectfully

Terry Julesgard, LNNRD General Manager.