

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT  
BOARD MEETING MINUTES  
DECEMBER 6, 2016**

The meeting was called to order at 1:08 P.M. by Chairman Baumeister. 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 NOVEMBER 7, 2016 MEETING MINUTES**

Motion by Liewer and second by Holtgrew to approve the minutes of the November 7, 2016 meeting as provided to the Directors. Roll Call Vote, Aye: (Wendt, Baumeister, Connell, Hoffman, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Abstain: (Pavlik) Absent: (Engelhaupt, Higgins, Janzing, Marcellus, Naprstek, Schultz). MOTION CARRIED.

**MANAGER'S REPORT**

Terry's report was mailed prior to the meeting. The Niobrara Basin Caucus will be held on January 9<sup>th</sup> at 2:00 P.M. in the MNNRD Office in Valentine. Greg Wilke from the MNNRD is interested in serving as the Niobrara Representative on the Natural Resources Commission Board. Terry gave an update on the RWS situation regarding the water samples. Water taken directly from the well tests 0 for bacteria, but the water taken through the line is high in bacteria. The next step will be to take a water sample and send it to a lab to determine what the bacteria is to determine where it is coming from. Quotes for reviewing the personnel policy were received: Blanenkau's firm \$125.00 hour, usually takes less than 3 hours to review & Cathy Allen's firm \$150.00, usually less than \$1,000.00. Blankenkau's firm will be contacted as the quote is more economical. Copies of information in the packets include: the letter from the American Council of Engineering Companies of Nebraska indicating they are not interested in pursuing legislation to prohibit NRDs from having an Engineer on staff; the 2016-2017 Budget Summary prepared by the NARD; the GW Management and Protection Act Coalition Minutes (each member is asked to contribute \$1,500.00); Upper Big Blue NRD CROP TIP Field Day on December 14<sup>th</sup> in York; information from the Niobrara River Basin Association meeting in Lincoln. Discussion was held on the Purchase Agreement for the Spencer Dam that was mailed.

**WATER RESOURCES COORDINATOR REPORT**

Beau's report was mailed prior to the meeting. He reported the crop reporting form letters were mailed and so far 121 have been submitted on line. The flow meter letters were mailed and 51 of the 151 mailed have been returned. He explained the static water level maps he'd prepared comparing the change in levels from 2013 to 2016 and the change from 2015 to 2016. He and Liewer attended the Gabe Brown presentation which showed that cover crops are very beneficial. Liewer also mentioned the more species in the cover crop the better. He felt this was a very good session and was glad the NRD assisted in promoting it. Additional comments were made and questions answered.

**PROGRAMS ASSISTANT REPORT**

Ashley's report was also mailed prior to the meeting. She explained after the November map showing certifications completed was prepared the hard drive on her computer crashed. The procedures to be taken for getting acre certification completed were discussed and explained.

**ASSOCIATION REPORT**

A copy of Wendt's summary of the NARD Meeting was in the packets. She discussed the items included in her report and a copy is attached to the official minutes. Terry mentioned registrations to the conference need to be submitted prior to the January meeting. Directors present nominated Wendt to serve as the voting delegate. This also needs to be submitted prior to the next meeting. Board members absent will be informed of the Conference and one of them may be willing to serve as the alternate.

**AGENCY REPORTS**

NRCS—Jim Matine's report was mailed prior to the meeting. He mentioned he enjoyed the discussion on the Gabe Brown presentation as he planned to attend, but withdrew his application in order to allow others to attend. CSP applications will be accepted thru February 3<sup>rd</sup>. EQIP contracts will be ranked by the end of January and probably allocations will be made in February or March. Jim was asked to explain the CSP program. He stated it is being totally revamped and explained a few of the changes.

Niobrara Council-Higgins was absent. Terry mentioned there was no meeting this month.

NE RC&D-Pavlik drew attention to the RC&D minutes in the packets and indicated they are trying to wrap things up for this year.

#### **NORTHEAST NEBRASKA WEED MANAGEMENT AREA**

Terri Krysl and Bill Babutzke, weed superintendents from Boyd and Holt Counties were present and explained they were applying for a grant for weed management along the river. They requested a pledge of \$5,000.00 and/or a letter of support from the NRD. They intend to use an air boat and for larger areas of infestation they would use aerial spraying. Plans are to spray an area 30' in from the river. Motion by Mahon and second by Liewer to pledge \$5,000.00 along with a letter of support to the the NE Nebraska Weed Management Area towards their grant application for weed management along the Niobrara River. Roll Call Vote, Aye: (Baumeister, Hoffman, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Nay: (Pavlik, Wendt, Connell) Absent: (Engelhaupt, Higgins, Janzing, Marcellus, Naprstek, Schultz). MOTION CARRIED.

#### **REVIEW AND APPROVE SAFETY PLAN**

Terry explained we are required to have a Safety Plan on file. A copy of the plan was given at the last meeting for the Directors to review and make any comments. Motion by Wendt and second by Morrow to approve the Safety Plan as drafted. Roll Call Vote, Aye: (Wendt, Baumeister, Connell, Hoffman, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Abstain: (Pavlik) Absent: (Engelhaupt, Higgins, Janzing, Marcellus, Naprstek, Schultz). MOTION CARRIED.

#### **EMPLOYEE OVERTIME PENDING COURT RULING**

A copy of the email received from Dean Edson regarding the Texas Federal Court Blocking of the Department of Labor's Overtime Rule that was to take effect December 1<sup>st</sup> was in the packets. Terry explained changes may be made in the future by the new administration, but at this time they are unknown. As a result of this ruling things can remain as they were and the motion made last month can be rescinded. Motion by Holtgrew and second by Morrow to rescind the motion regarding overtime made at the November 7, 2016 meeting. Roll Call Vote, Aye: (Wendt, Baumeister, Connell, Hoffman, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Abstain: (Pavlik) Absent: (Engelhaupt, Higgins, Janzing, Marcellus, Naprstek, Schultz). MOTION CARRIED.

#### **DRAFT PURCHASE AGREEMENT – SPENCER DAM**

The copy mailed to Directors was discussed under the Manager's Report so no discussion is needed on this item.

#### **NATURAL RESOURCES COMMISSION CAUCUS IN JANUARY**

This was mentioned earlier in the meeting and Terry stated some Directors will need to attend.

#### **COMPUTERS FOR WATER COORDINATOR AND PROGRAMS ASSISTANT**

Terry explained the Program's Assistant computer's hard drive crashed. This is the second time it has happened. The other time the Water Coordinator's hard drive followed a couple weeks later. The reason is the programs both are using are more powerful than the laptops were designed for. Phil Brown was to have quotes for two tower computers by the meeting, but he will probably bring them when he brings the computer back. We are unsure what the cost will be. Motion by Pavlik and second by Holtgrew to purchase two tower computers for under \$3,000.00. Roll Call Vote, Aye: (Pavlik, Wendt, Baumeister, Connell, Hoffman, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Absent: (Engelhaupt, Higgins, Janzing, Marcellus, Naprstek, Schultz). MOTION CARRIED.

#### **NSWCP ACTIVITIES**

One application was presented for Mike Miller in the amount of \$2,232.50 for a pipeline. A motion was made by Pavlik and seconded by Hoffman to approve the Mike Miller NSWCP application in the amount of \$2,232.50. Roll Call Vote, Aye: (Pavlik, Wendt, Baumeister, Connell, Hoffman, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Absent: (Engelhaupt, Higgins, Janzing, Marcellus, Naprstek, Schultz). MOTION CARRIED.

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

Mahon reviewed the receipts and indicated everything was pretty normal except for purchase of the pickup. He entertained a motion to approve the Treasurer's Report as presented with a second by Hoffman. Roll Call Vote, Aye: (Pavlik, Wendt, Baumeister, Connell, Hoffman, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Absent: (Engelhaupt, Higgins, Janzing, Marcellus, Naprstek, Schultz). MOTION CARRIED.

**OPEN COMMENTS**

Mahon questioned other Directors regarding the lowering of the PH level in his soil being caused by nitrogen according to his agronomist. Directors concurred the agronomist was correct. He also reported the Friends of the Missouri River have possession of the 640 acre Goat Island located between Vermillion and St. Helena or what is known also as Brooky Bottom. It was explained that neither the State of Nebraska or the State of South Dakota wanted to claim it. This group intends to set up a management program since it is covered with cedar. They intend to cater a party and take everyone to the island by boat as a fund raiser for the Group. Terry and Mahon explained it seems the goal of this Group is to get people out on the river and into nature. The Friends of the Niobrara are allowed to use the National Park Service equipment since they have an agreement with them now. Comments were made that landowners along the Missouri and Niobrara Rivers need to join this group in order to dictate what they would like done along the river.

**EXCUSE ABSENT DIRECTORS**

Naprstek contacted the office and indicated he was having an issue with his back. Higgins is at his winter home. Nothing was heard from Engelhaupt, Janzing, Marcellus or Schultz.

Chairman Baumeister declared the meeting adjourned at 3:44 P.M.

**ATTENDANCE**

**Directors:** Larry Baumeister, Karl Connell, Linda Hoffman, Don Holtgrew, Brian Kaczor, Marvin Liewer, Bradley Mahon, Curt Morrow, Kent Pavlik, Diana Wendt

**Staff:** Terry Julesgard, Vivian Frasch, Beau Purviance, Ashley Jensen

**Visitors:** Jim Mathine, Terri Krysl, Bill Babutzke, Paul Allen, Lana Bell

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 December 6, 2016. 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