

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT
BOARD MEETING MINUTES
NOVEMBER 7, 2016**

The meeting was called to order at 7:00 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 OCTOBER 3, 2016 MEETING MINUTES

Motion by Engelhaupt and second by Higgins to approve the minutes of the October 3, 2016 meeting as provided to the Directors. Roll Call Vote, Aye: (Naprstek, Schultz, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Holtgrew, Kaczor, Liewer, Mahon, Morrow) Abstain: (Janzing) Absent: (Hoffman, Marcellus, Pavlik). MOTION CARRIED.

2015-2016 AUDIT

Copies of the Audit were available in the Director's packets. Donita Pokorny representing Dana F Cole & Co LLP reviewed the audit and answered questions from the Directors. Motion by Higgins and second by Naprstek to approve the 2015-2016 Audit as presented. Roll Call Vote, Aye: (Naprstek, Schultz, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Holtgrew, Janzing, Kaczor, Liewer, Mahon, Morrow) Absent: (Hoffman, Marcellus, Pavlik). MOTION CARRIED.

MANAGER'S REPORT

Terry's report was mailed prior to the meeting. (Hoffman entered at 7:31 P.M.) Connell questioned items on the report including when the final Spencer Dam purchase agreement will be available. Terry responded the Attorney General's Office is finalizing the agreement. We were informed tall fescue in our critical area mixture is known to develop bacteria on the head at a certain time, which can be toxic to cattle. Arrow Seed Company indicated it is still used since Nebraska has never had a problem. Another species of grass or the variety of tall fescue that is not susceptible is being investigated for the mixture. Terry questioned if it were alright to write a letter of support on behalf of Verdigre wanting to lower the speed limit due to the number of accidents that occurred at the intersection. He called attention to a copy of the Lower Elkhorn NRD news article in the packets regarding the election and directors in their district. He reported on the Platte River Time Lapse Project and NRDs involvement with educational development. The NARD hopes to keep at least 65 participants in the Washington DC trip to maintain the same registration cost. Terry explained there is an individual causing issues as he feels NRDs should not have engineers on staff since this takes away from private enterprise. It was determined NRD's spend over 3 million a year on engineering fees.

WATER RESOURCES COORDINATOR REPORT

Beau's report was mailed prior to the meeting. He explained all the dedicated monitoring wells have dropped from the spring levels except for one. A comparison chart is included in his written report depicting spring & fall dedicated monitoring well levels.

PROGRAMS ASSISTANT REPORT

Ashley's report was also mailed prior to the meeting. She explained she has completed entering those certifications that were ready to be entered into the computer. She is now working on contacting individuals with certifications having questions or that have not been returned. A map depicting certifications that were completed as of 9/19 prior to her employment and another map dated 10/19 showing the certifications she has accomplished was included in her report. She reported on attending the I & E meeting at Wahoo and called attention to the short bio of herself included in her report.

ASSOCIATION REPORT

Wendt also mentioned the news article relating to Lower Elkhorn NRD board members. The next NARD meeting is the 14th in Chadron and she will provide a report next month.

AGENCY REPORTS

NRCS—Jim Matine was absent due to becoming acquainted with a new granddaughter.

Niobrara Council-Higgins reported the attorney is checking to see whether the motion passed or failed regarding whether the Council wanted to have a vested interest in Rocky Ford. 8 members were present and the vote was: 4 ayes, 3 nays and 1 abstain. Higgins was appointed to the ad-hoc committee set up to explore the Council acquiring a vested interest in Rocky Ford. He also mentioned the building permit that was not originally obtained, but the building is being constructed.

NE RC&D-Pavlik was absent from the meeting.

BAZILE GWMA REPORT

Tanner Jenkins the new coordinator was present and updated the board on Bazile GWMA activities. The 319 Plan has been approved by the EPA. A bus has been chartered for those wishing to attend the Gabe Brown presentation on December 5th in Ord. The bus will leave the Creighton library at 6:30 A.M. and the UENRD Office at 7:30 A.M. There is no registration fee and the bus ride is free. There will be a Joint Board Meeting of the NRDs involved with the GWMA on November 14th at 3:00 P.M. in the Creighton Senior Citizen's Center.

GMDA CONFERENCE

Terry reported the conference will be held January 9-11th in Ft. Worth, Texas. He reviewed the topics of discussion. 11 of the 23 NRDs are members of the GMDA. He mentioned Marcellus may be interested in attending and asked if any other directors were interested. Wendt indicated she was interested. Cost of the registration is \$435.00. Terry stated he would like to attend. Motion by Higgins and second by Schultz to authorize the Manager and any directors who wish to attend the GMDA Conference in Ft. Worth, Texas on January 9-11th. Roll Call Vote, Aye: (Naprstek, Schultz, Baumeister, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Liewer, Mahon, Morrow) Nay: (Connell, Engelhaupt) Abstain: (Wendt) Absent: (Marcellus, Pavlik). MOTION CARRIED.

EXECUTIVE/PERSONNEL COMMITTEES REPORT-FLSA CHANGE & SAFETY PLAN

A copy of the joint committee meeting minutes was in the packets. Terry explained the FLSA has increased the salary to be considered as an exempt employee to \$47,476.00. If an employee is paid under this amount over-time or comp-time at time and a half must be paid. Employees affected by this were mentioned. Board consensus was not to offer comp-time due to past experiences. Recommendation was to increase the RWS Manager salary by \$4,000.00. The two part-time employees at the RWS probably will not be affected due to their number of hours worked weekly. It was recommended at the Conference Personnel Policies be updated every five years. Terry indicated he has contacted Blankenau's Office and Cathy Allen's Office. Discussion was held regarding comp-time while attending conferences. Directors expressed concern over abuse of comp-time. Guidelines will need to be established for over-time and incorporated into the new Personnel Policy. After much discussion a motion was made by Liewer to increase the RWS Manager salary by \$4,000.00 and to pay overtime to employees who are not exempt for hours they work over 40 hours per week, seconded by Schultz. Roll Call Vote, Aye: (Naprstek, Schultz, Wendt, Baumeister, Hoffman, Holtgrew, Janzing, Kaczor, Liewer, Mahon, Morrow) Nay: (Connell, Engelhaupt, Higgins) Absent: (Marcellus, Pavlik). MOTION CARRIED.

A copy of the draft Safety Plan, which we are required to have, was in the packets. The directors were asked to review the plan and this will be an agenda item next month.

GIS MAINTENANCE AGREEMENT

Terry explained Ashley was having issues with the acre certification program. After contacting GIS Workshop and their finding our original agreement, it was determined a maintenance agreement is needed for any assistance at this point in time. Updates for ownership changes are to be available quarterly, which will be very beneficial. The annual fee for a maintenance agreement is \$2,500.00. Motion by Higgins and second by Hoffman to authorize signing the maintenance agreement with GIS Workshop for a year at \$2,500.00. Roll Call Vote, Aye: (Naprstek, Schultz, Wendt, Baumeister, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Liewer, Morrow) Nay: (Connell, Mahon) Absent: (Marcellus, Pavlik). MOTION CARRIED.

NIORARA RIVER BASIN ALLIANCE

Terry explained a proposal was asked for and received from the Zulkoski-Weber Lobbying Firm for \$2,200/month. A motion was made at the Alliance meeting to hire this firm for one year to protect the basin. The LNNRD share will be \$5,280.00. Total dues for us this year will be \$9,180.00, which includes the lobbyist fee. Question raised was why the Association lobbyists couldn't be used rather than hiring our own. Terry explained the Association can and will lobby for us, but it is a good idea to have a firm looking out for the Niobrara Basin its self. Even though it doesn't affect us the 3 cent levy sunsets this year for those Districts who rely on it. The language in the State Revolving Fund will be changed and these funds are used by the RWS. There is a potential of 16 new senators who will need to be educated on the NRD system. Zulkoski & Weber are at the Capitol every day and will watch issues affecting NRDs. Motion by Holtgrew and second by Higgins to join the other Basin Districts and hire the lobbyist firm of Katie Zulkoski and Michelle Weber. Roll Call Vote, Aye: (Naprstek, Schultz, Baumeister,

Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Morrow) Nay: (Connell, Liewer, Mahon, Wendt)
Absent: (Marcellus, Pavlik). MOTION CARRIED.

Terry reported on October 24th a meeting was held in Lincoln with the G&P, Blankenau and representatives of the Corp of Engineers to discuss the Spencer Hydro Facility sediment. The Corps is excited to have someone else other than NPPD to work with on possible studies of the sediment load and changes when the gates are open at certain times and number of days. Any study the Corps could do at the Dam will assist with the L&C Lake sedimentation problem. The purchase agreement was discussed and was supposed to have been available by the end of the week, but nothing has been received. There will be a meeting on the 5th of December with DNR, G&P and NPPD to discuss where we are at and where we want to go. Liewer questioned who will be in charge of controlling the gates. The Alliance feels G&P is the logical choice since they already have employees experienced in this area.

TOM HIGGINS

Higgins stated he wanted to inform the Board after serious investigation into time and travel time the Basin Representative position would incur, he will not seek nomination or accept the nomination for this position. He encouraged any director who would be interested in this position to pursue the nomination.

NSWCP ACTIVITIES

A listing of the applications for approval was on the NSWCP Report. Motion by Holtgrew and second by Morrow to approve the applications for Kenneth Katzer-pipeline & tank-\$1,960.40, Morris Hagberg-pipeline,tank-\$3,910.00 & Kenneth Katzer-cross fence-\$4,165.00 along with the cancellation for the Barnes Family Farm LLC. Roll Call Vote, Aye: (Naprstek, Schultz, Wendt, Baumeister, Connell, Engelhaupt, Higgins, Hoffman, Holtgrew, Janzing, Kaczor, Liewer, Mahon, Morrow) Absent: (Marcellus, Pavlik). MOTION CARRIED.

TREASURER'S REPORT

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

OPEN COMMENTS

Wendt mentioned she won't be able to attend the December 6th meeting, but will provide a written report. She also mentioned a lot of time is put in when attending the conferences.

Higgins mentioned the removal and appointment of an individual on the Council due to a conflict of interest.

Schultz asked how the two vacancies in sub-districts will be filled. It was explained either by write-in (sub-district #4 as was explained at a prior board meeting) or by appointment for both sub-district #3 and #4.

EXCUSE ABSENT DIRECTORS

Pavlik is absent due to a death in the family. Marcellus indicated he has a hospital board meeting and if there were not an issue on previous actions taken by that board he would only be a few minutes late (apparently there was an issue).

Chairman Baumeister declared the meeting adjourned at 10:12 P.M.

ATTENDANCE

Directors: Larry Baumeister, Karl Connell, Jack Engelhaupt, Linda Hoffman, Tom Higgins, Don Holtgrew, John Janzing, Brian Kaczor, Marvin Liewer, Bradley Mahon, Curt Morrow, Ray Naprstek, Sterling Schultz, Diana Wendt

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

Visitors: Tanner, Jenkins, Donita Pokorny

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 November 7, 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.

Marvin Liewer, Secretary