

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT
BOARD MEETING MINUTES
OCTOBER 2, 2017**

Chairman Baumeister called the meeting to order at 7:10 P.M. 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 SEPTEMBER 1, 2017 MEETING MINUTES

Motion by Liewer and second by Engelhaupt to approve the minutes of the September 1, 2017 meeting as provided to the Directors. Roll Call Vote, Aye: (Klawitter, Liewer, Mahon, Naprstek, Schultz, Wendt, Baumeister, Bell, Connell, Engelhaupt, Higgins, Janzing, Kaczor) Abstain: (Holtgrew, Marcellus, Pavlik) Absent: (Morrow).
MOTION CARRIED.

MANAGER'S REPORT

Terry's report was mailed for Directors to review. He introduced Paul Goeden and Roger Wortmann representing Plumbing and Electric (P & E) who had the contract for installing the new WKRWS line. Paul explained the situation with bacteria readings and the chlorination procedures completed. He indicated the well does not have enough GPM for velocity needed to properly flush the line. Directors suggested possible solutions. P & E didn't seem to favor replacement of the line or laying a smaller diameter pipe, nor did they favor cutting the pipe and working from point to point to see where the contamination was. Goeden felt the Engineering Firm did not design the system properly. Terry will be in contact with the Engineer and DHHS. Directors informed P & E this situation needs to be resolved as it has carried on far too long and is stressing the current wells.

WATER RESOURCES COORDINATOR REPORT

Wade's report was mailed prior to the meeting. He discussed the Bazile GWMA Cover Crop Research information. He attended the Wonderful World of Water, the NARD Conference and the NRBA meeting, which were all very informative. He will be doing the static water levels and pumping the monitoring wells. This fall he also will be doing Breithaupt's Livestock Waste Facility pumping and report. In January the Board will review if the District will continue to do Livestock Waste Facility pumping and reports for cooperators.

PROGRAMS ASSISTANT

Connie's report was also mailed prior to the meeting. She reported 9 schools participated in the Range Judging Contest, which went very well. She assisted with the Wonderful World of Water. The LNNRD will be hosting the I&E Committee meeting in October. On October 11th she and Vivian will assist with the Land Judging Contest. Connie questioned when to send the Certified Letters to those who have not responded to all the other letters mailed. Directors indicated to prepare that final letter for sending.

ASSOCIATION REPORT

Diana invited those attending the Conference to report on sessions they attended at the Conference. Bell highlighted the Platte River Time-lapse session, the session dealing with interactions between different individuals and the Republican's NCORPE. Engelhaupt indicated a senator informed him the new senators aren't as agricultural oriented as senators have been in the past. Liewer mentioned the number of individuals participating in the conference and the important issues the NRD system deals with. He encouraged each Director to attend a Conference. Terry mentioned there were several Senators attending, which gave a chance for Manager's and Directors to inform them about NRDs. Bell also mentioned Lower Loup NRD has applied for an instream flow because they were afraid the city of Omaha will try to take water from their District.

AGENCY REPORTS

NRCS--Jim Mathine's report was mailed. Jim had to leave earlier, but wanted Wade to inform the Directors they are operating on a temporary budget. He wanted to thank all those who assisted with the Range Judging Contest and especially Engelhaupt for allowing the contest to be held on his land.

Niobrara Council—Higgins reported the development of Rocky Ford was again discussed. Consideration is being given to holding Public Hearings on Rocky Ford. G & P is also interested in purchasing Rocky Ford with the Council. A two-year old drown on the river this past month. The Buffalo roundup has been held. He provided information on a Wind & Solar Conference to be held in Lincoln, registration deadline is October 15th. Marcellus questioned why people in that area do not like the G&P and NPS. Higgins and Connell gave their opinions regarding this.

NE RC&D—Pavlik mentioned he was unable to attend the meeting as he had attended the NRBA meeting in Kearney and the RC&D meeting was that night.

Friends of the Missouri—the next meeting is October 24th.

RESOLUTION AUTHORIZING THE MANAGER TO HANDLE CERTIFICATES OF DEPOSITS

Terry explained he had been contacted by one of the Banks requesting a copy of this authorization. There has never been anything written on file. Managers have always just handled cashing, re-investing and adding to the CDs. Motion by Marcellus and second by Higgins to grant the General Manager and the Board Chairman joint authority and discretion to manage all Certificates of Deposits (CDs) held in the name of the Lower Niobrara Natural Resources District and West Knox Rural Water System. Roll Call Vote, Aye: (Liewer, Mahon, Marcellus, Naprstek, Pavlik, Schultz, Wendt, Baumeister, Engelhaupt, Higgins, Holtgrew, Janzing, Kaczor) Nay: (Bell, Connell) Abstain: (Klawitter) Absent: (Morrow). **MOTION CARRIED.**

MISSOURI SEDIMENTATION ACTION COALITION NET SUPPORT LETTER

The presentation was given last month. Sandy Stockholm, Executive Director of the Missouri Sedimentation Action Coalition was present to answer questions. She reported an Environmental Trust Application has been submitted for \$113,289.00 to help pay the cost for placement of the sediment collectors. Total project estimate is \$130,789.00. She is asking for letters of support showing monetary amounts or in-kind contributions to submit showing support for the project. Motion by Mahon and second by Liewer to contribute \$5,000.00 to the Missouri Sedimentation Action Coalition upon their receipt of the Environmental Trust Grant. Roll Call Vote, Aye: (Liewer, Mahon, Baumeister) Nay: (Klawitter, Marcellus, Naprstek, Pavlik, Schultz, Wendt, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing, Kaczor) Absent: (Morrow). **MOTION FAILED.**

Motion by Mahon and second by Wendt to write a letter of support for the Missouri Sedimentation Action Coalition Environmental Trust Application for placement of sediment collectors with no monetary contribution. Roll Call Vote, Aye: (Klawitter, Liewer, Mahon, Naprstek, Pavlik, Schultz, Wendt, Baumeister, Connell, Engelhaupt, Holtgrew, Janzing, Kaczor) Nay: (Bell, Higgins, Marcellus) Absent: (Morrow). **MOTION CARRIED.**

PASTURE/HAYLAND HISTORIC ACRES REQUEST FOR MARK KECK

Chairman of the Variance Committee Holtgrew reported the Committee met and recommends approval of this request. A monitoring charge was not set in the Rules & Reg's. The Committee recommendation to the Board is to charge \$500.00/year for monitoring of approved Pasture/Hayland Historic Acres applications with only a \$300/year charge if the District is allowed to add wells to our monitoring and static water level programs. Under Pasture/Hayland Historic Acres 40 inches of water is allowed for 5 years. There will be no allowance for carry over after the 5 years, a new 5 year period will begin. Motion by Holtgrew and second by Higgins to approve the Mark Keck Pasture/Hayland Historic Acres Request for 130 acres and charge Pasture/Hayland applicants \$500.00/year for monitoring those acres or \$300.00/year if the District is allowed to add wells to our monitoring and static water level programs. Roll Call Vote, Aye: (Liewer, Mahon, Marcellus, Naprstek, Pavlik, Schultz, Wendt, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing, Kaczor) Abstain: (Klawitter) Absent: (Morrow). **MOTION CARRIED.**

ADOPTION OF ACCOUNTABLE PLAN FOR REIMBURSEMENT OF EXPENSES

Vivian explained during the Administrative Sessions at the Conference a presentation was given by one of the Districts that had been through a preliminary audit by the State Auditor's Office. A draft copy of an Accountable Plan for Reimbursement of Expenses was available in the packets. These procedures are followed by the District, but it is best to have it in writing and approved by the Board after hearing that presentation. Motion by Higgins and second by Pavlik to approve the Accountable Plan for Reimbursement of Expenses. Roll Call Vote, Aye: (Klawitter, Liewer, Mahon, Marcellus, Naprstek, Pavlik, Schultz, Wendt, Baumeister, Bell, Engelhaupt, Higgins, Holtgrew, Janzing, Kaczor) Nay: (Connell) Absent: (Morrow). **MOTION CARRIED.**

DISCUSSION/ACTION IF NEEDED ON SPENCER DAM

Several Directors attended the NRBA meeting held during the Conference in Kearney. Directors from each of the NRDs involved could ask questions which were answered by the appropriate agency or Attorney Blankenau. The instream flow application filed jointly by the NRDs involved and the G&P was discussed at length. The NRBA is very upset over the G&P applying for the NET Grant on their own. Detailed explanation was given as to why

obtaining the senior water rights that NPPD holds for the Spencer Dam are so important and the main reason purchase of the Dam is so important. Also mentioned and discussed was the review of instream flows every 15 years. Higgins stressed the importance of moving forward with purchase of the Dam to obtain those senior water rights.

NSWCP ACTIVITIES

A copy of the NSWCP Report was available. Vivian called attention to the application requesting funding listed and the additional application received after the report was printed. An update on the expired applications was also listed on the report. Motion by Pavlik and second by Holtgrew to approve the **Applications**: Carl Weeder-repair pond-\$2,505.20 and Everett Thompson-well, tank & pumping plant-\$5,000.00. Roll Call Vote, Aye: (Klawitter, Liewer, Mahon, Marcellus, Naprstek, Pavlik, Schultz, Wendt, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing, Kaczor) Absent: (Morrow). MOTION CARRIED.

TREASURER'S REPORT

Mahon indicated he'd looked at the written Treasurer's Report and saw nothing unusual, but both he and Kaczor attended the committee meeting and had not looked at the receipts. The receipts were given to Kaczor to review. Motion by Higgins and second by Marcellus to approve the Treasurer's Report as presented. Roll Call Vote, Aye: (Klawitter, Liewer, Mahon, Marcellus, Naprstek, Pavlik, Schultz, Wendt, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing, Kaczor) Absent: (Morrow). MOTION CARRIED.

OPEN COMMENTS

Wade mentioned there are a couple of other potential variance requests and if any changes need to be made this winter may be the time for reviewing anything that needs to be changed.

Terry mentioned the sewer line was causing problems again. Swanson Tech was contacted who in turn contacted the Village of Stuart that had a jetting machine, which was used and seems to have solved the problem.

Directors were questioned if they wished to hold the November meeting at 1:00 P.M. The November meeting will be at 7:00 P.M.

EXCUSE ABSENT DIRECTORS

Morrow did not contact the office.

The meeting was declared adjourned at 9:56 P.M.

ATTENDANCE

Directors: Larry Baumeister, Lana Bell, Karl Connell, Jack Engelhaupt, Tom Higgins, Don Holtgrew, John Janzing, Brian Kaczor, Randy Klawitter, Marvin Liewer, Brad Mahon, Dwain Marcellus, Ray Naprstek, Kent Pavlik, Sterling Schultz, Diana Wendt

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

Visitors: Jim Mathine, Paul Allen, Sandy Stockholm, Greg Stockholm, Paul Goeden, Roger Wortmann

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 2, 2017. 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