

**LOWER NIOBRARA NATURAL RESOURCES DISTRICT
BOARD MEETING MINUTES
SEPTEMBER 1, 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 AUGUST 7, 2017 MEETING MINUTES

Motion by Engelhaupt and second by Higgins to approve the minutes of the August 7, 2017 meeting as provided to the Directors. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Janzing) Abstain: (Holtgrew) Absent: (Mahon, Marcellus, Morrow, Pavlik, Wendt).

MOTION CARRIED.

WATER RESOURCES COORDINATOR REPORT

Wade's report was mailed prior to the meeting. Wade reported he had discussed the chemigation inspection failures with Jennifer Swanson the NRD/DEQ Liaison. She in turn discussed the issue with DEQ who now have sent letters to those individuals. Five chemigation valve inspections have been scheduled as a result of those letters. (Morrow entered at 7:15 P.M.) While attending other meetings Wade has discussed with other NRDs how they handle these situations. (Mahon entered 7:18 P.M.) The nitrate tests have ranged from 1.3 to 56.2 PPM. The average was 17.74 PPM, which is up .35 from the last testing period. He will work on getting public water supply samples, which is a goal in the IMP. Wade asked to be excused from the meeting at this time.

MISSOURI SEDIMENTATION ACTION COALITION NET SUPPORT LETTER

Sandy Stockholm, Executive Directors of the Missouri Sedimentation Action Coalition was present along with Mark Simpson to discuss placement of sediment collectors to reduce sediment in the Lewis & Clark Lake from the Niobrara River. A \$135,000.00 Environmental Trust Grant is being applied for and they are requesting support from the LNNRD either in the form of verbal, in-kind or monetary. This will be an agenda item in October.

P & E BOND DISCUSSION AND ACTION

Rural Water System personnel and the entire Advisory Committee were present to discuss this issue with the Board. Bernard distributed copies of the chlorine detection test recently taken. Directors were brought up to date on what has occurred regarding the line. A copy of the Project Timeline was in the packets showing when P & E worked and the extended periods they did not. The only recourse is to send the letter to Plumbing and Electric Services Inc. (copy in the Director Packets). The letter to be sent informs P & E they are in default of the contract and a request is made for a meeting with them, the North American Specialty Insurance Company and the NRD no later than 15 days after their receipt of the letter. If they fail to respond within 20 days, they will be declared in default and provisions under the Bond will be carried out. Options to correct the problem were discussed along with DHHS suggestions to correct the problem. The project should have been completed December 2015/January 2016. This project could have been completed in a timely manner if P & E would have worked on it rather than stopping to do their tiling jobs. Terry questioned the Advisory Committee if they were in support of sending this letter. All Advisory members were in agreement to send the letter. Motion by Higgins and second by Holtgrew to send the letter to Plumbing & Electric informing them they are being declared in default under the Performance Bond No 2202800 entered into on July 22, 2015. P & E is to be instructed in the letter any questions or discussion should be directed to Attorney Blankenau. A copy of this letter is to be sent to the Bonding Company (North America Specialty Insurance Company) also. The letter is to be sent to P & E and the Bonding Company by certified mail, with a return receipt request. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Mahon, Morrow, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing) Absent: (Marcellus, Pavlik, Wendt). MOTION CARRIED.

Bernard Jorgensen, RWS Manager introduced the RWS staff and Advisory Committee members.

MANAGER'S REPORT

Terry's report was mailed for Directors to review. He reported on the Manager's Meeting he attended on Tuesday and Wednesday. NRCS is getting staff back out in the field to work with producers. Regional Climate Centers are being phased out and directors are encouraged to send letters to Federal Representatives to encourage them to leave the Climate Centers as they are. It is hard for Dean Edson to develop the relationship with the Senators as he had in the past due to term limits. Managers and Directors were encouraged to meet with their Senators to explain the NRD system. A meeting was held yesterday with DNR, USGS, NPS and NRD Managers to review the model they are building. The NPS requested USGS do this, but they are unsure of what they will learn. It is to be a tool to evaluate the groundwater and surface water interaction in the Niobrara Basin. The paper work for the GWMA

employee has been approved at the Federal level. The agreement on the Bazile/Howell Extension has finally been signed by Santee. September 25th in Kearney a meeting on the Niobrara is being scheduled with DNR, Attorney General's Office, Blankenau and directors who wish to attend. Information will be sent to Directors when the meeting is finalized.

Motion by Higgins and second by Naprstek to temporarily adjourn the regular meeting at 8:50 P.M. in order to hold the budget hearing. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Mahon, Morrow, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing) Absent: (Marcellus, Pavlik, Wendt). MOTION CARRIED.

Chairman Baumeister declared the Budget Hearing open for comments or questions. A copy of the Budget was available and copies were mailed to the Directors prior to the meeting. Question was raised if funding for purchase of the Spencer Dam was included. It has been. The purchase agreement should be final and will be discussed on the 25th. There being no further comments or questions a motion was made by Higgins and second by Naprstek to adjourn the Budget Hearing at 9:00 P.M. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Mahon, Morrow, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing) Absent: (Marcellus, Pavlik, Wendt). MOTION CARRIED.

Chairman Baumeister called the regular meeting back to order.

Motion by Higgins and second by Liewer to adopt the 2017-2018 Budget as presented. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Mahon, Morrow, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing) Absent: (Marcellus, Pavlik, Wendt). MOTION CARRIED.

Motion by Higgins and second by Mahon to adopt the Resolution Setting Tax Requests for 2017-2018 at \$535,812.07. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Mahon, Morrow, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing) Absent: (Marcellus, Pavlik, Wendt). MOTION CARRIED.

PROGRAMS ASSISTANT

Connie's report was also mailed. She explained only 35 certification forms were processed this last month. Acre certification is slowing down to those that are difficult to reach. Those individuals have been mailed forms twice now and are ignoring her letter and phone call. The next step will probably be a certified letter. While working at the NRD Booth at the State Fair she was interviewed so she gave some publicity to the LNNRD.

ASSOCIATION REPORT

A copy of the two resolutions to be discussed at the Conference were in the packets. LBNRD introduced a resolution to allow NRDs to apply for NEMA Funding. The WKRWS had applied for this in the past, but taxing authorities can no longer apply. TBNRD introduced a resolution to make statutes easier for surface water rights to be leased for groundwater recharge if adequately compensated.

AGENCY REPORTS

NRCS--Jim Mathine's report was mailed. Jim reported 2017 CSP contracts have been written. CSP contracts that are expiring can be renewed for an additional five years. The Area Range Judging Contest will be held in the Butte area this year. He has spent a considerable amount of time setting this up and gathering workers. He estimated it takes approximately 40 people to run the contest. Assistants are still needed. The number of students participating is unknown. November 17th is the deadline for signing up for EQIP for 2018.

Niobrara Council—A copy of the minutes was in the packets. Higgins reported they are applying for a NET Grant for development of Rocky Ford. He is upset as information at the Court House shows \$522,000 was paid, but the Council said 2.5 million was paid for Rocky Ford. The Council has moved to the new office in the Court House. He cannot guarantee he will support development of Rocky Ford for the dollars being spent.

NE RC&D—Pavlik contacted the office and wanted the Directors to be aware there will be a Household & Electronic Waste collection in Niobrara on September 8th from 1:00 - 3:00 by the Ponca Tribe building. The collection in Neligh will be September 9th from 11:00 - 1:00. The RC&D is looking for an office since their current building has been listed for sale at \$75,000. A copy of their last meeting minutes was in the packets.

Friends of the Missouri—no meeting was held since the last report.

NSWCP ACTIVITIES

A copy of the NSWCP Report was available. Vivian called attention to the applications requesting funding and the extension. An update on the expired applications was also listed on the report. Motion by Mahon and second by Morrow to approve the following **Applications**: Robert Crosley-\$760.00-permanent electric fence; Leonard Reiser-\$1,345.14- rubber tire tank; Jay Ludwig-\$1,462.00-standard fence; **Amendment**: Phyllis Camin additional \$700.00 (application total \$5,000.00); **Cancellations**: Ken Katzer-2, Paul Allen. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Mahon, Morrow, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Holtgrew, Janzing) Absent: (Marcellus, Pavlik, Wendt). MOTION CARRIED

TREASURER'S REPORT

Janzing indicated he reviewed the expenditure receipts. Mahon indicated there were just normal checks written. Motion by Morrow and second by Holtgrew to approve the Treasurer's Reports as presented with the addition of two bills that came in after the report was written: \$182.00 to Pinnacle Bank for Terry's room and Rock County Leader \$2.75 for a meeting notice. Roll Call Vote, Aye: (Kaczor, Klawitter, Liewer, Mahon, Morrow, Naprstek, Schultz, Baumeister, Bell, Connell, Engelhaupt, Higgins, Janzing) Absent: (Marcellus, Pavlik, Wendt). MOTION CARRIED

OPEN COMMENTS

Holtgrew indicated he would be willing to visit with those in his area who had not completed their acre certifications. A listing of not completed certifications with legal descriptions can be made. A certified letter would be the next step then.

EXCUSE ABSENT DIRECTORS

Wendt was unable to be present as the Veterans were being recognized at the football game tonight and she did not have a way to get to the meeting. Pavlik contacted the office and indicated he would not be attending. Marcellus had not contacted the office.

The meeting was declared adjourned at 9:45 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, Curt Morrow, Ray Naprstek, Sterling Schultz

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

Visitors: Jim Mathine, Paul Allen, Bernard Jorgensen, Dan Ebel, Dorothy Mastalir, Bob Skokan, Francis Wagner, Dave Wickett, Keith Eckmann, Kent Barta, Mark Simpson, Sandy Stockholm

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 September 1, 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