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Niobrara Council MINUTES from the December 16, 2010 meeting

- 1. Call to Order / Excused Absences.** Chair Tuerk called the Niobrara Council meeting to order at 1:01 p.m. The meeting was held at Cedar Canyon Restaurant, 112 North Main Street, Valentine, Nebraska.
Present: Mark Adamson, Dave Beck, Dallas Dodson, Twyla Graham, Steve Hicks, Betty Hall, Lance Kuck, Mike Murphy, Buddy Small, Clayton Stalling, Mike Tuerk.
Not Present (Excused Absent): Jason Appelt, Dennis Jilg, Kerry Krueger, Pete Sawle, Dan Foster.
Not Present (Un-Excused Absent): NONE.
- 2. Public Meeting Business.**
 - A. Statement regarding Open Meetings Act.** Chair Tuerk pointed out the posted Nebraska Open Meetings Act.
 - B. Adoption of December 16, 2010 Agenda.** Hall motioned to adopt the December 16, 2010 agenda. **Small second.**
Roll Call Vote: 9 Ayes – Beck, Dodson, Graham, Hall, Murphy, Small, Stalling, Tuerk, Adamson.
1 Abstain – Kuck.
4 Not Present – Appelt, Jilg, Krueger, Sawle.
Motion carried: 9 ayes to 0 nays with 1 abstain and 4 not present.
 - C. Statement of Publication for December 16, 2010 meeting.** Kieborz stated public meeting notices were published in four area newspapers. Copies of the affidavit/proof of publications were available for verification.
 - D. Incorporation of Affidavit/Proof of Publication into October 21, 2010 Minutes.** Chair Tuerk directed incorporation of the original affidavit/proof of publications into minutes from the October 21, 2010 meeting.
 - E. Approval of October 21, 2010 Minutes.** There was brief discussion regarding the minutes. **Small motion to approve the October 21, 2010 minutes. Dodson second.**
Roll Call Vote: 6 Ayes – Beck, Dodson, Graham, Small, Stalling, Adamson.
4 Abstain – Hall, Kuck, Murphy, Tuerk.
4 Not Present – Jilg, Krueger, Sawle, Appelt.
Motion carried: 6 ayes to 0 nays with 4 abstain and 4 not present.
 - F. Discussion/action regarding Niobrara Council Audit Contract.** Kieborz stated that the Council has received correspondence from the Budget and Fiscal division of NG&PC giving them permission to contract for a lesser audit, such as a compilation engagement. Kieborz will advertise for this service, and update the board at a later meeting.
 - G. Discussion/action regarding open board position – Timber Industry Representative.** Kieborz reported that the commissioners met regarding the position. Their recommendations will be forwarded to the Governor.
- 3. Treasurer's Report and Claims.**
 - A. Discussion/action regarding monthly claims for November 2010.** The Revenue and Budget Committee reviewed the claims ahead of the meeting today. There was brief discussion regarding the claims. **Adamson made a motion to approve the claims for November 2010 as submitted. Hall second.**
Roll Call Vote: 10 Ayes – Dodson, Graham, Hall, Kuck, Murphy, Small, Stalling, Tuerk, Adamson, Beck.
4 Not Present – Jilg, Krueger, Sawle, Appelt.
Motion carried: 10 ayes to 0 nays and 4 not present.
 - B. Discussion/action regarding monthly claims for December 16, 2010.** The Revenue and Budget Committee reviewed the claims ahead of the meeting today. There was brief discussion regarding the claims. **Adamson made a motion to approve the claims for November 2010 as submitted. Hall second.**
Roll Call Vote: 10 Ayes – Graham, Hall, Kuck, Murphy, Small, Stalling, Tuerk, Adamson, Beck, Dodson.
4 Not Present – Jilg, Krueger, Sawle, Appelt.
Motion carried: 10 ayes to 0 nays and 4 not present.

4. Agency/Organization Reports.

- A. **NPS - Visitor Management & Project Updates.** Foster was absent for the meeting. Pam Sprenkle, Resource Specialist for the Niobrara National Scenic River gave the NPS report. Some of the items discussed include the River Management Plan, and the Interpretive program.
- B. **USF & WS - Visitor Management & Project Updates.** Hicks was present to give the USF&WS report. Some items discussed included the elk meat donated to the local food pantry, Todd Frerichs moving, and there is now a full-time law enforcement individual on staff.
- C. **NG&PC – Update (Niobrara River - Instream flow process).** Stalling discussed the internal re-structuring going on at the Nebraska Game and Parks Commission.
- D. **NRD – Middle Niobrara and Lower Niobrara Updates.** Mike Murphy, MNNRD, discussed the farmer/rancher seminar they recently held, chemigation and irrigation. Dave Beck, LNNRD, discussed their static water studies and their new manager.
- E. **Niobrara Council Monthly Staff Report.** Kieborz stated that the staff report was available in the meeting folders.

5. Resources Management.

- A. **Discussion/action on Niobrara Council resolution regarding airboat use on the Niobrara River and related letter to the Department of Interior Solicitor General.** There was no action taken on this item.
- B. **Discussion/action regarding Niobrara Council participation in the Adopt-A-Highway Litter Pickup.** There was brief discussion regarding the cleanup project. **Murphy made a motion the council continue participation in the Adopt-A-Highway Litter Pickup project. Kuck second.**
Roll Call Vote: 10 Ayes – Hall, Kuck, Murphy, Small, Stalling, Tuerk, Adamson, Beck, Dodson, Graham.
4 Not Present – Jilg, Krueger, Sawle, Appelt.
Motion carried: 10 ayes to 0 nays and 4 not present.
- C. **Determination of Consistency for Krueger pine thinning and cedar removal project.** There was brief discussion about the project. The time frame for completion was discussed. **Kuck motioned that the Krueger pine thinning and cedar removal project is consistent with the desired future conditions for the Niobrara National Scenic River. Adamson second.**
Roll Call Vote: 10 Ayes – Kuck, Murphy, Small, Stalling, Tuerk, Adamson, Beck, Dodson, Graham, Hall.
4 Not Present – Jilg, Krueger, Sawle, Appelt.
Motion carried: 10 ayes to 0 nays and 4 not present.
- D. **Discussion/action regarding adoption of the Region 24 Emergency Management Multijurisdictional Hazard Mitigation Plan.** There was brief discussion regarding the plan. **Adamson made a motion the council accept resolution 2010-1 regarding adoption of the Region 24 Emergency Management Multijurisdictional Hazard Mitigation Plan. Small second.**
Roll Call Vote: 10 Ayes – Kuck, Murphy, Small, Stalling, Tuerk, Adamson, Beck, Dodson, Graham, Hall.
4 Not Present – Krueger, Sawle, Appelt, Jilg.
Motion carried: 10 ayes to 0 nays and 4 not present.
- E. **Discussion/action regarding determination of consistency for Mike Watts burn permit application number 10-NCBURN-KP002.** There was brief discussion about the permit. **Kuck motioned that the Mike Watts burn permit application number 10-NCBURN-KP002 is consistent with the desired future conditions for the Niobrara National Scenic River. Murphy second.**
Roll Call Vote: 10 Ayes – Kuck, Murphy, Small, Stalling, Tuerk, Adamson, Beck, Dodson, Graham, Hall.
4 Not Present – Sawle, Appelt, Jilg, Krueger.
Motion carried: 10 ayes to 0 nays and 4 not present.

6. **Legislative Issues.** There was discussion about scheduling a Legislative Committee meeting in January. There was no action taken on this item.

7. **Infrastructure Issues.** There was no action taken on this item.

- 8. Development Issues. Discussion/action on Niobrara Council complaint to Cherry County Zoning Administrator regarding two additional landings on banks of the Niobrara River within the boundary of the Niobrara National Scenic River.** Kieborz stated she recently attended a Cherry County Planning Commission meeting and public hearing regarding the above mentioned issue. Mr. Simmons was present and was asked by the planning commission for more information regarding the projects.
- 9. Conservation Easements. Discussion/action/report on current conservation easement project.** Kieborz stated the Brown County Planning Commission met regarding this project. She stated in taking a closer look at the map of the property provided by the NPS to the Council, and then to the Planning Commission, it was the 2007 boundary. The Niobrara Council's jurisdiction (referenced in their creating statute) is in regards to the 1996 boundary and the two boundary lines (1996 vs. 2007 boundary) are considerably different in that location. It was stated that Kieborz will get the information about the 1996 boundary to the Brown County Commission.
- 10. Education.** Kieborz stated that a written report by Garwood was provided in the meeting folders.
- 11. Personnel Issues.**
- A. Discussion/action regarding Program Assistant position (Garwood).** There was brief discussion regarding this item. There was no action taken.
- B. Discussion/action regarding Executive Director position (Kieborz).** There was brief discussion regarding this item. There was no action taken.
- 12. Public Comment.** There was no action taken on this item.
- 13. Suggestions for January 20, 2011 Niobrara Council meeting (Cedar Canyon Restaurant, 112 N Main Street, Valentine, Nebraska).** There was no action taken on this item.
- 14. Adjourn.** Board members joined Adamson for a brief tour of the progress at the Cherry County Justice Center and then the meeting was adjourned when a quorum was lost at 3:00 p.m.

I, the undersigned Secretary of the Niobrara Council hereby certify the foregoing is a true and correct copy of the proceedings conducted by the Niobrara Council on December 16, 2010. 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 were in written form and available for public inspection within ten working days or prior to the next convened meeting of said body, whichever occurs earlier. All news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting were notified.

Jason Appelt (Secretary)