

**MINUTES OF
LOWER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING**

8:00 p.m., Thursday, July 26, 2012
Lifelong Learning Center
601 East Benjamin, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Rod Zessin on Thursday, July 26, 2012 at the Lifelong Learning Center, 601 East Benjamin, Norfolk, Nebraska. Chairman Zessin informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on July 20, 2012 and the Nebraska Open Meetings Act information posted by the entrance door.

Roll call was taken by Administrative Secretary Vickie DeJong with 13 of 15 Directors present. Present: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Absent: Huntley, Wesely.

Motion was made by Tighe and seconded by Hansen to adopt the agenda. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The reading and/or action on the minutes of the June 28, 2012 Board of Directors meeting was next on the agenda. Motion was made by Loftis and seconded by Kluthe that the minutes of the June 28, 2012 Board of Directors meeting be approved as printed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Mike Krueger. Motion was made by Krueger and seconded by Shafer to approve income in the amount of \$86,937.66 and expenses in the amount of \$406,696.09 as printed and distributed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

Motion was made by Krueger and seconded by Anderson to approve income in the amount of \$85,022.26 and expenses in the amount of \$66,833.17 for the Logan East Rural Water System as printed and distributed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

Motion was made by Krueger and seconded by Baier to approve the income in the amount of \$42,517.98 and expenses in the amount of \$8,391.62 for the Wau-Col Regional Water System as printed and distributed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The conservation cost share report was given by Assistant Manager Ken Berney.

The Nebraska Association of Resources Districts report was given by Ken Peitzmeier. He reported that the NARD annual conference will be held in September.

The Nebraska Natural Resources Commission report was given by Garry Anderson. He prepared

a handout outlining action taken at the last meeting of the commission.

The Natural Resources Conservation Service report was given by Robin Sutherland, District Conservationist. She reported on personnel, activities, land treatment, programs and upcoming events. (A copy of the report attached to the official minutes.)

The PrairieLand RC&D report was given by Chris Carlson, the Northeast Nebraska RC&D report was given by Stan Baier and Gary Loftis gave the Loess Hills RC&D report.

The Administrative Report was given by staff employees.

The Logan East Rural Water System Advisory Committee report was given by RWS Manager Shawn Blahak. Motion was made by Loftis and seconded by Anderson to accept the Logan East Rural Water System Advisory Committee minutes of July 9, 2012. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by Stan Baier and Department of Health representative Rich Koenig. Motion was made by Baier and seconded by Shafer to accept the Wau-Col Regional Water System Advisory Committee minutes of July 12, 2012. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The Information, Planning & Programs Subcommittee report was given by Subcommittee Chairman Danny Kluthe. Motion was made by Kluthe and seconded by Baier to rescind the following motion that was approved at the regular monthly board meeting on March 22, 2012: "to continue the variance process used for the past three years and allow up to 2500 new irrigated acres on the hydrologically connected area and up to 5000 acres in the non-hydrologically connected area of the district, with an application period from August 1st through August 22nd, 2012.

Extensive discussion was held on the motion by the board and members of the audience.

Aye: Anderson, Baier, Hansen, Kluthe, Loftis, Meyer, Schultz, Shafer, Tighe, Zessin. Nay: Carlson, Krueger, Peitzmeier. Absent: Huntley, Wesely. MOTION CARRIED.

Motion was made by Kluthe and seconded by Tighe to approve the program "Assistance for Domestic Wells Modification or Replacement" with a maximum cost share limit of \$2500 per well. (Copy attached to the official minutes.)

Discussion followed.

Motion was made by Loftis and seconded by Schultz to amend the motion to limit the maximum cost share to \$1500 per well. Aye: Baier, Carlson, Hansen, Krueger, Loftis, Meyer, Peitzmeier, Schultz. Nay: Anderson, Kluthe, Shafer, Tighe, Zessin. Absent: Huntley, Wesely. AMENDMENT CARRIED.

Vote on amended motion: Aye: Anderson, Baier, Carlson, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Tighe. Nay: Hansen, Shafer, Zessin. Absent: Huntley, Wesely. AMENDED MOTION CARRIED.

Water Resources Manager Rick Wozniak presented information on NRD regulator authorities for addressing groundwater decline issues. No action was taken.

The Projects, Equipment & Legislation Subcommittee report was given by Subcommittee Chairman Garry Anderson. Motion was made by Anderson and seconded by Hansen to cost share 50% for Phase 1a of the West Point Levee Feasibility Evaluation, not to exceed \$19,625. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The Ad-Hoc Variance Committee report was given by Committee Chairman Joel Hansen. Motion was made by Hansen and seconded by Meyer to accept the category scores for Standard Variances for the 2013 Standard Variance evaluation period as presented by staff.

Motion was made by Anderson and seconded by Kruger to table the motion based on previous action by the board to rescind the motion of March 22, 2013. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The Budget Subcommittee report was given by Treasurer Mike Krueger. Motion was made by Krueger and seconded by Kluthe to establish the Battle Creek Flood Control project Sinking Fund and transfer the general fund \$227,100.39 Elkhorn Valley Bank Money Market to the new sinking fund. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

Motion was made by Krueger and seconded by Anderson to advertise and present the proposed Fiscal Year 2013 budget and Long Range Plan at a Public Hearing; 7:30 p.m., Thursday, August 23, 2012 at the Lower Elkhorn NRD Board Room, 601 East Benjamin, Suite 101, Norfolk, Nebraska. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

The Executive Board report was given by Joel Hansen. Motion was made by Hansen and seconded by Tighe not to renew the Technical Service Provider (TSP) agreement for the NRCS/NRD Forester position and that the NRD Forester position be funded 100% by the NRD. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

Motion was made by Hansen and seconded by Tighe to approve the resolutions to update the NARD 414(h) and 457 retirement plans and authorize the Chairman to sign the resolutions. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

Motion was made by Meyer and seconded by Krueger to adjourn. Motion carried with all ayes. The meeting adjourned at 10:31 p.m.

I, the undersigned Secretary of the Lower Elkhorn Natural Resources District hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Board of Directors on July 26, 2012 that all of the subjects included in the foregoing proceedings were contained in the agenda for at least twenty-four hours prior to said meeting, the minutes of the Chairman and the Board were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body, that all news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Gary Loftis, Secretary

Other Present:

Michael Wagner, Pierce
MH Hogendorn, Leigh
Marcleta Lutt, Wayne
Keith Wiehn, Battle Creek
Joel Koch, Platte Center
Al Brandl, Madison
David Ewing, Wayne
Karen & Jim Mackel, Norfolk
David & Diane Jensen, Stanton
Paul Rosberg, Wausa
Richard Koenig, Madison
Ron Schmidt, Humphrey
Aaron Zimmerman, Pierce

Brandon Wagner, Pierce
Rita Hogendorn, Leigh
David Eisenmann, Leigh
Mike & Peggy Prather, Madison
Floyd Melcher, Madison
Gina Battershaw, Battle Creek
Dana Podliska, Norfolk
Randall Bargstadt, Winside
Greg Weidner, Madison
Dan Weidner, Humphrey
Diane Koenig, Madison
Robert Murphy Norfolk
And Others

Ken Eisenmann, Leigh
Gene Lutt, Wayne
John Mangels, Winside
Todd Zohner, Stanton
Steve Abler, Norfolk
Julie Reeker, Pierce
Kevin Bonner, Madison
Kent Franzen, Wayne
Jim Curry, Norfolk
Glen Weidner, Humphrey
Dave Bloomfield, Hoskins
Ryan Zimmerman, Pierce