

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

7:30 p.m., Thursday, August 23, 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, August 23, 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 August 17, 2012 and the Nebraska Open Meetings Act information posted by the entrance door.

The Public Hearing on the Fiscal Year 2013 Budget was held. Notice of the budget hearing was in Norfolk Daily News on August 16, 2012, Wayne Herald on August 16, 2012, West Point News on August 15, 2012.

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

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

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

The reading and/or action on the minutes of the July 26, 2012 Board of Directors meeting was next on the agenda. Motion was made by Loftis and seconded by Krueger that the minutes of the July 26, 2012 Board of Directors meeting be approved as printed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Mike Krueger. Motion was made by Krueger and seconded by Schultz to approve income in the amount of \$93,187.21 and expenses in the amount of \$428,568.29 as printed and distributed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Krueger and seconded by Carlson to approve income in the amount of \$104,044.45 and expenses in the amount of \$51,830.60 for the Logan East Rural Water System as printed and distributed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Krueger and seconded by Kluthe to approve the income in the amount of \$132,547.71 and expenses in the amount of \$115,826.89 for the Wau-Col Regional Water System as printed and distributed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. 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. A Voting Delegate and Alternate were needed.

Nominated for Voting Delegate was Ken Peitzmeier. Nominations Ceased. After ballots were counted it was announced that Director Ken Peitzmeier was elected Voting Delegate. (Peitzmeier – 13)

Nominated for Voting Alternate was Elden Wesely. Nominations Ceased. After ballots were counted it was announced that Director Elden Wesely was elected Voting Alternate. (Wesely – 13)

The Nebraska Natural Resources Commission report was given by Garry Anderson. The next meeting will be held in September in Kearney.

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 Elden Wesely 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 Wesely and seconded by Kluthe to accept the Sargent Irrigation bid of \$50,306.00 for the Variable Speed Drives and plumbing on wells 1 and 3 with RJK Electric doing the wiring. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Wesley and seconded by Anderson to accept the Logan East Rural Water System Advisory Committee minutes of August 13, 2012. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by RWS Manager Jim Cautrell. Motion was made by Baier and seconded by Anderson to approve the pay request from Maguire Steel for \$20,662.50 and retain \$29,350.00 until all work is completed. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Baier and seconded by Anderson to approve the adjusted pay request #7 from Carstensen Construction in the amount of \$38,519.58 and retain \$40,000. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Baier and seconded by Anderson to accept the Wau-Col Regional Water System Advisory Committee minutes of August 9, 2012. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: None. Absent: Huntley, Wesely. MOTION CARRIED.

Michael and Nancy Hochstein requested to address the board concerning the Cease and Desist order and Order to Decommission an Illegal Well issued by the Lower Elkhorn Natural Resources District for irrigating a field without a well permit or an approved variance.

Motion was made by Tighe and seconded by Krueger to ratify the Cease and Desist order issued by the district staff to Michael and Nancy Hochstein of Hartington, Nebraska on August 8, 2012 and table the Order of Decommission of the Well and grant an extension of 45 days on the decommissioning of the well. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Tony Kumm requested to address the board concerning the Cease and Desist order issued by the Lower Elkhorn Natural Resources District for irrigating land without an approved variance.

Motion was made by Tighe and seconded by Anderson to ratify the Cease and Desist order issued by the district staff to Tony Kumm of Wausa on August 19, 2012. Aye: Anderson, Baier, Carlson, Kluthe, Krueger, Loftis, Schultz, Tighe, Wesely, Zessin. Nay: Hansen, Peitzmeier, Shafer. Absent: Huntley Meyer. 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 approve an additional \$30,000 for the Domestic Well Assistance Program and change the date that work must be completed from December 31, 2012 to November 1, 2012. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Tighe and seconded by Wesely that assistance with hookups to public water systems would be included with the same funding levels in the Domestic Well Assistance Program. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Tighe, Wesely, Zessin. Nay: Shafer. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Kluthe and seconded by Carlson to be the sponsor of the grant application with the Environmental Trust Fund, and if this application is funded, to contribute \$3000 per year up to a total of \$9000 to the proposed Groundwater Recharge and Water Budget Study. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Zessin. Nay: Wesely. Absent: Huntley Meyer. MOTION CARRIED.

The Projects, Equipment & Legislation Subcommittee report was given by Subcommittee Chairman Garry Anderson. Motion was made by Anderson and seconded by Tighe to approve the interlocal agreement with the City of West Point for the flood levee accreditation. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Anderson and seconded by Tighe to approve additional funding in the amount of \$20,000 (\$80,000 total) for the Willow Creek shower house. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Anderson and seconded by Kluthe to accept the low bids for a pallet fork (\$1100), snow plow (\$3900) and post hole digger (\$2700) for the skid loader. Aye: Anderson, Baier,

Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

The Budget Subcommittee report was given by Treasurer Mike Krueger. Motion was made by Krueger and seconded by Tighe to approve an additional 1% increase in Restricted Funds Authority for Fiscal Year 2013. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Krueger and seconded by Carlson to approve the Fiscal Year 2013 Lower Elkhorn Natural Resources District budget and resolution setting the total property tax request at \$3,330,885.00. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Krueger and seconded by Carlson to approve the Fiscal year 2013 Lower Elkhorn Natural Resources District Long Range Plan as per the approved budget. Aye: Anderson, Baier, Carlson, Hansen, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: Huntley Meyer. MOTION CARRIED.

Motion was made by Hansen and seconded by Krueger to adjourn. Motion carried with all ayes. The meeting adjourned at 9:49 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 August 23, 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:

Tom Nathan, Meadow Grove
Kent Franzen, Wayne
Mick & Nancy Hochstein, Hartington
Tony Kumm, Wausa
Greg Wees, Norfolk
Ronald Dierking, Scribner