

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

7:30 p.m., Thursday, February 28, 2013

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 Joel Hansen on Thursday, February 28, 2013 at the Lifelong Learning Center, 601 East Benjamin, Norfolk, Nebraska. Chairman Hansen informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on February 22, 2013 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, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin Hansen. Absent: Meyer, Shafer.

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

The reading and/or action on the minutes of the January 24, 2013 Board of Directors meeting was next on the agenda. Motion was made by Schultz and seconded by Anderson that the minutes of the January 24, 2013 Board of Directors meeting be approved as printed. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Mike Krueger. Motion was made by Krueger and seconded by Kluthe to approve income in the amount of \$159,197.75 and expenses in the amount of \$236,970.58 as printed and distributed. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Krueger and seconded by Loftis to approve income in the amount of \$69,768.88 and expenses in the amount of \$34,602.13 for the Logan East Rural Water System as printed and distributed. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Krueger and seconded by Kluthe to approve the income in the amount of \$4,680.64 and expenses in the amount of \$3,412.99 for the Wau-Col Regional Water System as printed and distributed. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. 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 on the NARD Legislative Conference held January 29 and 30 in Lincoln.

The Nebraska Natural Resources Commission report was given by Garry Anderson. He reported on the Commission meeting held on January 30 in Lincoln. (Copy of his report attached to the official minutes.)

The Natural Resources Conservation Service report was given by Scott Bohaty, Resource Conservationist. He 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 and the Loess Hills RC&D report was given by Gary Loftis.

The Administrative Report was given by staff employees.

The Logan East Rural Water System Advisory Committee report was given by Director Gary Loftis and Ron Dierking. Motion was made by Loftis and seconded by Wesely to appoint Gary Kruger to the Logan East RWS Advisory Committee for a three year term. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Loftis and seconded by Wesely to reduce the bill of Herbs Hideaway to \$600, to recover pumping costs and the bill must be paid by April 1, 2013. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Loftis and seconded by Wesely to accept the Logan East Rural Water System Advisory Committee minutes of February 11, 2013. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by Garry Anderson. Motion was made by Anderson and seconded by Zessin to accept the Wau-Col Regional Water System Advisory Committee minutes of February 7, 2013. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

The Projects, Equipment & Legislation Subcommittee report was given by Subcommittee Chairman Tim Tighe. Motion was made by Peitzmeier and seconded by Zessin to accept the low bid of \$99,354.00 from BC Builders of Battle Creek for option one of the maintenance building at Maple Creek Recreation Area. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Tighe and seconded by Huntley to accept the bid for trees and installation at Maskenthine and Maple Creek Recreation Areas from Faller Landscape in the amount of \$11,093.52. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Tighe and seconded by Huntley to approve a resolution to establish a Rural Water System Improvement Project Area (IPA) and set the legal boundaries of such IPA (copy attached to the official minutes). Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Tighe and seconded by Huntley to approve the feasibility study agreement for the Rural Water System IPA with JEO Consulting Group, not to exceed \$67,900. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen.

Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

John Ortmeier, Scribner; Brian and Mark Moes, Osmond; Dale Wiles and Ron Schmidt requested the board to allow them to construct a supplemental well. No action was taken.

The Information, Planning & Programs Subcommittee report was given by Subcommittee Chairman Gary Loftis. Motion was made by Loftis and seconded by Zessin to cost share flow meters required in 2013 in Wayne County and Eastern Madison County Quantity with LENRD/NSWCP funds, only if the producer applied for and was denied EOIP funding. Aye: Anderson, Carlson, Kluthe, Krueger, Loftis, Schultz, Tighe, Wesely, Zessin. Nay: Huntley, Peitzmeier, Riley, Hansen. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Loftis and seconded by Zessin to approve the Interlocal Cooperation Act Agreement for Public Data Sharing with the counties within the Lower Elkhorn NRD for sharing land use data and certified irrigated acre data and authorize the General Manager to sign the agreements. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

The Ad-Hoc Variance Committee report was given by Danny Kluthe. Motion was made by Kluthe and seconded by Loftis to allow up to 100 acres in the hydrologically connected area and up to 100 acres in the non-10/50 area to be approved through the expedited variance process, provided that: 1) no more than 10 new irrigated acres will be approved per application in accordance with sections 13.5.3(c) and 13.5.3(c); 2) the applicant demonstrates that their existing center pivot system cannot travel a full 360 degrees without the additional acres and 3) the affected area is not within the Battle Creek Quantity subarea, the Northern Half of Chapin Quantity subarea, the Eastern Madison County Quantity subarea, the Pierce County Quantity subarea, or the Wayne County Quantity subarea. Aye: Anderson, Carlson, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Riley, Schultz, Tighe, Wesely, Zessin. Hansen. Nay: None. Absent: Meyer, Shafer. MOTION CARRIED.

Motion was made by Meyer and seconded by Hansen to adjourn. Motion carried with all ayes. The meeting adjourned at 9:42 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 February 28, 2013 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.

Dennis Schultz, Secretary

Others Present:

Ron Schmidt, Humphrey
John Ortmeier, Scribner
Brian Masters, Norfolk
Scott Miller, Battle Creek
Tom Nathan, Meadow Grove
Greg Owens, Wayne
Dale Wiles, O'Neill
Dana Podliska, Norfolk
Ronald Dierking, Scribner
Scott Bohaty, Stanton

Greg Wees, Norfolk