

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

7:30 p.m., Thursday, December 18, 2014

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, December 18, 2014 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 December 12, 2014 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Assistant Vickie DeJong with 11 of 13 Directors present. Present: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Absent: Krueger, Zessin. Motion was made by Shelton and seconded by Loftis to excuse the absence of Mike Krueger and Rod Zessin. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

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

A Public Hearing was held regarding the adoption of Chemigation Rules and Regulations. Motion was made by Anderson and seconded by Huntley to open the Public Hearing on the adoption of the Chemigation Rules. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

The Public Notice for the hearing was in the Norfolk Daily News on November 29, 2014, December 3, 2014 and December 10, 2014. No comments were received from the public. Motion was made by Shelton and seconded by Kluthe to close the Public Hearing on the adoption of the Chemigation Rules. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Discussion followed. It was noted that the chemigation permit fees established by the proposed rule (\$50 for new and special permits, \$20 for renewal permits, and \$250 for emergency permits) are sufficient to cover the reasonable costs to the District to administer the permit program under the Chemigation Act.

Motion was made by Shelton and seconded by Loftis to approve the proposed Lower Elkhorn Natural Resources District Chemigation Rules and forward the approved rule and all other necessary documentation to the Director of the Nebraska Department of Environmental Quality for their consideration and approval. Aye: Anderson, Carlson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Hansen. Nay: Gustafson, Tighe. Absent: Krueger, Zessin. MOTION CARRIED.

The reading and/or action on the minutes of the November 25, 2014 Board of Directors meetings was next on the agenda. Motion was made by Schultz and seconded by Kluthe that the minutes of the November 25, 2014 Board of Directors meeting be approved as printed. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent:

Krueger, Zessin. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Chris Carlson. Motion was made by Carlson and seconded by Shelton to approve income in the amount of \$46,053.56 and expenses in the amount of \$232,695.53 as printed and distributed. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Carlson and seconded by Shelton to approve income in the amount of \$68,368.58 and expenses in the amount of \$37,102.88 for the Logan East Rural Water System as printed and distributed. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Carlson and seconded by Shelton to approve the income in the amount of \$4,303.19 and expenses in the amount of \$4,769.47 for the Wau-Col Regional Water System as printed and distributed. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Carlson and seconded by Kluthe to accept the Fiscal Year 2014 audit as prepared by Dana F Cole & Company. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

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

The Nebraska Association of Resources Districts report was given by Bob Huntley. He reported on the upcoming NARD Legislative Conference to be on January 27-28 in Lincoln. A Voting Delegate and Alternate were needed.

Nominated for Voting Delegate was Bob Huntley. Nominations Ceased. After ballots were counted it was announced that Director Bob Huntley was elected Voting Delegate. (Huntley - 11)

Nominated for Voting Alternate was Mike Krueger. Nominations Ceased. After ballots were counted it was announced that Director Mike Krueger was elected Voting Alternate. (Krueger – 11)

The Nebraska Natural Resources Commission report was given by Garry Anderson. He reported the next meeting of the Commission will be held on January 28<sup>th</sup>.

A Natural Resources Conservation Service report was given by Robin Sutherland. (A copy of the report attached to the official minutes.)

Bob Huntley gave the Northeast Nebraska RC&D report and Gary Loftis gave the Loess Hills RC&D report.

The Bazile Groundwater Management Area Project report was given by Brian Bruckner with a written report by Stephanie Butler included in the packets.

The Administrative Report was given by the staff.

Due to the vacancy of the Subdistrict III director the board advertised for candidates to fill the vacancy effective January 1, 2015. One candidate applied for the position, Jarvis Otten. Chairman

Hansen reviewed the procedure for the appointment to the Board of Directors, Subdistrict III. Voting will be by voice vote according to the Nebraska Open Meetings Act. The successful candidate must have the majority of those voting, 6 votes.

Jarvis Otten – 11 – Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen

Jarvin Otten was declared the winner and will take the Oath of Office in January.

Motion was made by Huntley and seconded by Kluthe to approve the 2015 Board of Directors meeting schedule:

January 22 (Thursday)

February 26 (Thursday)

March 26 (Thursday)

April 23 (Thursday)

May 28 (Thursday)

June 25 (Thursday)

July 23 (Thursday)

August 27 (Thursday)

September 24 (Thursday)

October 22 (Thursday)

November 24 (Tuesday)

December 17 (Thursday)

Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen.

Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

The Logan East Rural Water System Advisory Committee report was given by Gary Loftis. Motion was made by Loftis and seconded by Kluthe to accept the Logan East Rural Water System Advisory Committee minutes of December 8, 2014. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by Director Garry Anderson. Motion was made by Schultz and seconded by Anderson to approve the appointment of Angie Olhrich (Belden) and Gary Howey (Lewis & Clark NRD) to the Wau-Col Regional Water System Advisory Committee. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Anderson and seconded by Tighe to accept the Wau-Col Regional Water System Advisory Committee minutes of December 11, 2014. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

The Information, Planning & Programs Subcommittee report was given by Subcommittee Chairman Gary Loftis. Motion was made by Loftis and seconded by Kluthe to authorize \$400,000 conservation cost share and Lands for Conservation signup beginning January 1, 2015. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Loftis and seconded by Shelton to approve credit that may be applied towards the educational requirement for the District's Quantity Subareas for 2014 and 2015 for each of the following workshops: 1) two hours for attending any one of the Lower Elkhorn NRD staff's Subarea Educational Programs on December 18 in Norfolk; 2) two hours for attending any one of the Crop Production Clinics in January hosted by UNL Extension, as long as the participant attends the "Checkup for Pivot Efficiency" session; 3) two hours of credit each for the two-hour presentations by Lower Elkhorn NRD staff at the Farm Show in Norfolk on January 14 and January 15; and 4) two hours for attending any one of UNL Extension's Center

Pivot Management Short-Courses (locations and times to be announced). Discussion carried.

Moved to amend by Loftis and seconded by Meyer to read: to approve credit that may be applied towards the educational requirement for the District's Quantity Subareas for 2014 and/or 2015 for each of the following workshops: 1) two hours for attending any one of the Lower Elkhorn NRD staff's Subarea Educational Programs on December 18 in Norfolk; 2) two hours for attending any one of the Crop Production Clinics in January hosted by UNL Extension, as long as the participant attends the "Checkup for Pivot Efficiency" session; 3) two hours of credit each for any one of the two-hour presentations by Lower Elkhorn NRD staff at the Farm Show in Norfolk on January 14 and January 15; and 4) ~~two hours~~ up to six hours for attending any one of UNL Extension's Center Pivot Management Short-Courses (locations and times to be announced). Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. AMENDMENT CARRIED.

Vote on Amended Motion: Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. AMENDED MOTION CARRIED.

The Projects, Equipment & Legislation Subcommittee report was given by Subcommittee Chairman Tim Tighe. Motion was made by Tighe and seconded by Huntley to authorize JEO Consulting Group to: 1. Develop grant templates for use by all entities in our NRD - \$5000-\$7000; 2. Develop tabletop exercise protocol for dam emergency action plans - \$3000; 3. Determine necessary modifications and cost to bring Pokorny Dam (west of Howells) up to necessary "high hazard" standards - \$7500-\$10,000. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

The Ad-Hoc Building Committee report was given by Committee Chairman Tim Tighe. Motion was made by Tighe and seconded by Huntley to accept Tim's Plumbing bid for septic system and plumbing, not to exceed \$20,640, for the Maskenthine superintendent residence. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Tighe and seconded by Huntley to accept the Scrib's House Moving bid of \$15,000 for the house moving from Northeast Community College to Maskenthine Lake, contingent on legal counsel recommendation. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED

Motion was made by Tighe and seconded by Shelton to accept the Dave Lurz bid for the Maskenthine superintendent residence basement, concrete work and radon vent system, not to exceed \$46,750. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Tighe and seconded by Huntley to approve the Purchase Agreement with Northeast Community College for the purchase of the Maskenthine superintendent residence and authorize the Chairman to sign the agreement. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

The Executive Board report was given by Vice-Chairman Danny Kluthe. Motion was made by

Kluthe and seconded by Schultz to approve the Memorandum of Understanding with Northeast Community College to work toward a Lower Elkhorn NRD constructed and owned facility on land secured from NECC. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

Motion was made by Kluthe and seconded by Loftis to approve the settlement agreement of certified irrigated acres for Johnson/Choline ETVIR, Co-Trustees, for an additional 38.\_\_\_\_\_ acres. Aye: Anderson, Carlson, Gustafson, Huntley, Kluthe, Loftis, Meyer, Schultz, Shelton, Tighe, Hansen. Nay: None. Absent: Krueger, Zessin. MOTION CARRIED.

The meeting adjourned at 9:02 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 December 18, 2014 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.

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Dennis Schultz, Secretary

Others Present:

Tom Nathan, Meadow Grove

Greg Wees, Norfolk