

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

7:30 p.m., Thursday, February 26, 2015

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 Danny Kluthe on Thursday, February 26, 2015 at the Lifelong Learning Center, 601 East Benjamin, Norfolk, Nebraska. Chairman Kluthe informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on February 20, 2015 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Assistant Vickie DeJong with 13 of 15 Directors present. Present: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Absent: Hansen, Shelton. Motion was made by Schultz and seconded by Krueger to excuse the absence of Joel Hansen and Dave Shelton. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

Motion was made by Krueger and seconded by Korth to adopt the agenda. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

The reading and/or action on the minutes of the January 22, 2015 and February 5, 2015 Board of Directors meetings was next on the agenda. Motion was made by Loftis and seconded by Schultz that the minutes of the January 22, 2015 and February 5, 2015 Board of Directors meeting be approved as printed. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Chris Carlson. Motion was made by Carlson and seconded by Schultz to approve income in the amount of \$528,201.25 and expenses in the amount of \$479,215.95 as printed and distributed. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

Motion was made by Carlson and seconded by Korth to approve income in the amount of \$75,366.11 and expenses in the amount of \$33,469.19 for the Logan East Rural Water System as printed and distributed. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

Motion was made by Carlson and seconded by Korth to approve the income in the amount of \$4,427.45 and expenses in the amount of \$3,964.60 for the Wau-Col Regional Water System as printed and distributed. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

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

An update of the Lower Platte River Basin Water Management Plan Coalition was given by

Simone Rock a Water Resources Engineer with HDR.

The Information, Planning & Programs Subcommittee report was given by Subcommittee Vice Chairman Mike Krueger. Motion was made by Krueger and seconded by Korth to approve 75% cost share (estimated cost \$9794.82/LENRD cost share \$7346.12) for the grade stabilization drop structure in Dodge County. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

The board discussed developing a good cause variance and possible other rule changes. Several members of public spoke to the board. No action was taken.

Motion was made by Krueger and seconded by Korth to allow no new groundwater irrigation acres district-wide under the District's standard variance process for 2015; and under the District's expedited variance process, allow no new or supplemental irrigation wells and no transfer of irrigated acres district-wide, but allow approval of applications of 10 acres or less if the addition of the requested acres will allow the applicant's center pivot irrigation system to finish its circle and, to approve a total of no more than 200 new irrigated acres in the hydrologically connected area and no more than 200 irrigated acres in the non-hydrologically connected area for applications located outside of the District's quantity subareas for 2015.

Moved to amend by Krueger and seconded by Korth to strike "and under the District's expedited variance process, allow no new or supplemental irrigation wells and no transfer of irrigated acres district-wide, but allow approval of applications of 10 acres or less if the addition of the requested acres will allow the applicant's center pivot irrigation system to finish its circle and, to approve a total of no more than 200 new irrigated acres in the hydrologically connected area and no more than 200 irrigated acres in the non-hydrologically connected area for applications located outside of the District's quantity subareas for 2015". Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. AMENDMENT CARRIED.

Vote on amended motion: to allow no new groundwater irrigation acres district-wide under the District's standard variance process for 2015. Aye: Beller, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: Carlson. Absent: Hansen, Shelton. AMENDED MOTION CARRIED.

Motion was made by Krueger and seconded by Beller to instruct the staff to develop an amended rule which allows users to transfer certified acres across parcel boundaries provided that the transfer does not result in an increase in the number of irrigated acres and the same well is used to water the transferred acres. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

The Nebraska Association of Resources Districts report was given by Bob Huntley. He reported on the NARD Legislative Conference what was held January 27-28 in Lincoln.

No Nebraska Natural Resources Commission report was given, but a list of the commission members was provided to the board.

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 Stephanie Butler. (A copy of the report attached to the official minutes.)

The Administrative Report was given by the staff. General Manager Mike Sousek gave a manager's report. (A copy of the report attached to the official minutes.)

The Logan East Rural Water System Advisory Committee report was given by Gary Loftis. Motion was made by Loftis and seconded by Schultz to accept the Logan East Rural Water System Advisory Committee minutes of February 9, 2015. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by Dennis Schultz. Motion was made by Schultz and seconded by Huntley to approve the annual payment of \$300 for the three year agreement with Nebraska Health & Human Services. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

Motion was made by Schultz and seconded by Janke to accept the Wau-Col Regional Water System Advisory Committee minutes of February 12, 2015. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

The Projects, Equipment & Legislation Subcommittee report was given by Subcommittee Chairman Bob Huntley. Motion was made by Huntley and seconded by Schultz to authorize the staff to obtain additional bids for purchase of a security system for the Maskenthine shop area, not to exceed \$6500. Discussion followed:

Moved to amend by Gustafson and seconded by Tighe to insert a contract. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. AMENDMENT CARRIED.

Vote on amended motion: to authorize the staff to obtain additional bids and a contract for the purchase of a security system for the Maskenthine shop area, not to exceed \$6500. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. AMENDED MOTION CARRIED.

Motion was made by Huntley and seconded by Gustafson to accept the bid of Platte Valley Equipment in the amount of \$49,949.00 for a John Deere 5075M tractor and loader. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: Korth. Absent: Hansen, Shelton. MOTION CARRIED.

Motion was made by Huntley and seconded by Janke to accept the bid of Greenline Equipment in the amount of \$13,000.00 for a John Deere 1570 mower, with the trade-in of the John Deere 1445 mower. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: Korth. Absent: Hansen, Shelton. MOTION CARRIED.

The Executive Board report was given by Vice-Chairman Dennis Schultz. Motion was made by Schultz and seconded by Beller to approve the change to Article 3 of the Lower Elkhorn Natural Resources District By-Laws, which will create a committee of the whole consisting of the full Lower Elkhorn NRD board of directors. This change is intended to better educate the board on issues and increase efficiency throughout the process of decision making. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: Loftis. Absent: Hansen, Shelton. MOTION CARRIED.

Motion was made by Schultz and seconded by Tighe to approve the change to Personnel Policy 38. This change is to adjust the closing time from 5:00 p.m. to 4:30 p.m. The intent of this change is to keep the office open over the noon hour. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

Motion was made by Schultz and seconded by Tighe to ratify the decision of the board chairperson to appoint Dennis Schultz as the Lower Elkhorn Natural Resources District representative on the Lower Platte Basin Wide Plan Coalition. Aye: Beller, Carlson, Gustafson, Huntley, Janke, Korth, Krueger, Loftis, Otten, Schultz, Tighe, Winkelbauer, Kluthe. Nay: None. Absent: Hansen, Shelton. MOTION CARRIED.

The meeting adjourned at 9:33 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 26, 2015 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

Others Present:

Larry Zobel, Bancroft
Doug Oertwich, Pilger
Tom Nathan, Meadow Grove
Ryan Preister, Humphrey
John Gall, Clarkson
Wayne Beck, Dodge
Lyle Lingenfelter, Plainview
Nick Lingenfelter, Plainview
Greg Weidner, Madison
Gregg Lambrecht, Pierce