

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

7:30 p.m., Thursday, July 26, 2018

Lower Elkhorn NRD

1508 Square Turn Blvd, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Dennis Schultz on Thursday, July 26, 2018 at the Lower Elkhorn NRD, 1508 Square Turn Blvd, Norfolk, Nebraska. Chairman Schultz informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on July 20, 2018 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Supervisor Vickie DeJong with 13 of 14 Directors present. Present: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Absent: Loftis. Subdistrict 1 has a vacancy.

Motion was made by McHenry and seconded by Noonan to excuse the absence of Gary Loftis. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

Motion was made by Hansen and seconded by Kathol to adopt the agenda. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

Due to the director vacancy in Subdistrict 1, the board advertised for candidates to fill the vacancy. Applications have been received from eight interested in the position. The directors interviewed Rick Christiansen, Donovan Ellis, Tom Nathan, Wayne Rasmussen (unable to attend), Jay Reikofski, Aaron Sauser, Roger Tacey, and Aaron Zimmerman. At the conclusion of tonight's meeting the board will make the appointment to fill the Subdistrict 1 vacancy.

The reading and/or action on the minutes of the June 28, 2018 Board of Directors meeting was next on the agenda. Motion was made by Hall and seconded by Barr that the minutes of the June 28, 2018 Board of Directors meeting be approved. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

The Finance Subcommittee report was given by Treasurer Dave Kathol. Motion was made by Kathol and seconded by Huntley to approve income in the amount of \$79,700.74 and expenses in the amount of \$956,088.31 as printed and distributed. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

Motion was made by Kathol and seconded by Noonan to approve income in the amount of \$87,291.87 and expenses in the amount of \$32,474.90 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

Motion was made by Kathol and seconded by Barr to approve income in the amount of \$3,196.69 and expenses in the amount of \$5,515.80 for the Wau-Col Regional Water System. Aye: Allemann, Barr,

Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

The conservation cost share report was given by Project Manager Curt Becker. A copy of the report is attached to the official minutes.

The Nebraska Association of Resources Districts report was given by General Manager Mike Sousek and reminded the directors of the NARD Fall Conference in Kearney in September.

The Nebraska Natural Resources Commission written report was received from Garry Anderson. (Copy attached to official minutes.)

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

Bob Huntley reported on the Northeast Nebraska RC&D and a written report on the Loess Hills RC&D was distributed. (Copy attached to official minutes.)

The Bazile Groundwater Management Area report was given by Assistant Manager Brian Bruckner and is attached to the official minutes.

The Administrative Report was given by General Manager Mike Sousek. (A copy of the report attached to the official minutes.)

The Logan East Rural Water System Advisory Committee report was given by Roger Gustafson. Motion was made by Gustafson and seconded by Huntley to accept the Logan East Rural Water System Advisory Committee minutes of July 9, 2018. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

The Committee of the Whole report was given by Roger Gustafson. Motion was made by Gustafson and seconded by McHenry to support the City of Norfolk North Fork River Rehabilitation Project with a financial commitment of \$1.032 million, divided out over four years (FY 2019 – FY 2022) which will be 1/3 of the project cost; to direct staff to establish a sinking fund for this purpose and to direct staff to work with the City of Norfolk to apply for and secure any and all grants available for this project. Any grants secured will be split evenly between the City and LENRD to keep the financial contribution to this project in sync with the City of Norfolk.

Discussion followed.

Korth moved to amend the motion and seconded by Steffen to contribute \$30,000 toward the City of Norfolk North Fork River Rehabilitation Project. Aye: Allemann, Gustafson, Hall, Korth, Steffen. Nay: Barr, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz. Absent: Loftis. Motion Failed.

Steffen moved to amend the motion and seconded by Korth to contribute \$250,000 toward the City of Norfolk North Fork River Rehabilitation Project. Aye: Allemann, Gustafson, Hall, Korth, Steffen. Nay: Barr, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz. Absent: Loftis. Motion Failed.

Vote on original motion: Aye: Barr, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz. Nay: Allemann, Gustafson, Hall, Korth, Steffen. Absent: Loftis. Motion Carried.

Motion was made by Gustafson and seconded by Hansen to approve cost sharing 50% of the actual cost of repairs to conservation practices for damages caused by 2018 storms, not to exceed a total of \$30,000 for all applications combined. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Loftis. Motion Carried.

Motion was made by Gustafson and seconded by Korth to approve the “Lower Elkhorn Natural Resources District – Tree Mitigation Policy” when considering landowner requests for cost share assistance or for a variance to expand irrigated acres within the District. Effective date shall be concurrent with the date of approval, and the policy to remain in effect until otherwise modified or rescinded by the Lower Elkhorn Natural Resources District Board of Directors. Aye: Hall, Janke, Korth, McHenry, Noonan. Nay: Allemann, Barr, Gustafson, Hansen, Huntley, Kathol, Steffen, Schultz. Absent: Loftis. Motion Failed.

Motion was made by Gustafson and seconded by Hansen to approve the Board of Director’s Anti-Harassment Policy and insert into the Lower Elkhorn Natural Resources District By Laws and Code of Decorum. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Steffen, Schultz. Nay: Korth. Absent: Loftis. Motion Carried.

Motion was made by Gustafson and seconded by Hansen to approve Personnel Policy 31 – Anti-Harassment Policy and insert into the Lower Elkhorn Natural Resources District Employee Handbook. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Steffen, Schultz. Nay: Korth. Absent: Loftis. Motion Carried.

The Budget Subcommittee report was given by Treasurer Dave Kathol. Motion was made by Kathol and seconded by McHenry to advertise and present the proposed Fiscal Year 2019 Budget and Long Range Plan at a Public Hearing, 7:30 p.m., Thursday, August 23, 2018, at the Lower Elkhorn Natural Resources District board room, 1508 Square Turn Blvd., Norfolk, Nebraska. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Steffen, Schultz. Nay: Korth. Absent: Loftis. Motion Carried.

Motion was made by Kathol and seconded by Hansen to approve an additional 1% increase in Restricted Funds Authority for Fiscal Year 2019. Aye: Barr, Gustafson, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz. Nay: Allemann, Hall, Korth, Steffen. Absent: Loftis. Motion Failed as the motion needed 75% approval or 11 aye votes.

Chairman Schultz reviewed the procedure for the appointment to the Board of Directors, Subdistrict 1. Voting will be by voice vote according to the Nebraska Open Meetings Act. The successful candidate must have the majority of those voting, 7 votes.

Rick Christiansen – 1: Korth
Donavon Ellis – 5: Barr, Huntley, Kathol, McHenry, Schultz
Tom Nathan – 0
Wayne Rasmussen – 0
Jay Reikofski – 1: Hall
Aaron Sauser – 0
Roger Tacey – 0
Aaron Zimmerman – 6: Allemann, Gustafson, Hansen, Janke, Noonan, Steffen

No candidate received the 7 votes needed. A second ballot was taken:

Rick Christiansen – 0
Donavon Ellis – 4: Barr, Huntley, Kathol, Schultz
Tom Nathan – 0
Wayne Rasmussen – 0
Jay Reikofski – 0
Aaron Sauser – 0
Roger Tacey – 0
Aaron Zimmerman – 9: Allemann, Gustafson, Hall, Hansen, Janke, Korth, McHenry, Noonan, Steffen

Aaron Zimmerman was declared the winner and the Oath of Office was administered by Office Assistant Patty Martens.

Motion was made by Hansen and seconded by Huntley *to enter into Executive Session for the protection of reputation*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Zimmerman, Schultz. Nay: None. Absent: Loftis. Motion Carried.

Chairman Schultz stated that the board would move into Executive Session for the protection of reputation.

Moved into Executive Session at 9:45 p.m.

Motion was made by Janke and seconded by Barr *to return to regular session*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Zimmerman, Schultz. Nay: None. Absent: Loftis. Motion Carried.

Returned to regular session at 9:50 p.m.

Meeting adjourned at 9:50 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, 2018, 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.

Mark Hall, Secretary

Others Present:

Marge Fuhrmann, Norfolk
Josh Moenning, Norfolk
Steven Rames, Norfolk
Rod Zohner, Battle Creek
Rick Christiansen, Plainview
Tim Tighe, Norfolk