

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

7:30 p.m., Thursday, May 23, 2019

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 Gary Loftis on Thursday, May 23, 2019 at the Lower Elkhorn NRD, 1508 Square Turn Blvd, Norfolk, Nebraska. Chairman Loftis informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on May 17, 2019 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Supervisor Vickie DeJong with 14 of 15 Directors present. Present: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan. Schultz, Steffen, Zimmerman, Loftis. Absent: Gustafson,

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

Motion was made by Huntley and seconded by Hall to move item 9e City of Battle Creek Flood Protection Proposals to the beginning of the meeting and adopt the remaining agenda. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan. Schultz, Steffen, Zimmerman, Loftis. Nay: Korth. Absent: Gustafson. Motion Carried.

A presentation was made by JEO Consulting Engineers and members of the public expressed their comments to the board.

Motion was made by Janke and seconded by Hansen to direct staff to file a letter of intent with FEMA/NEMA on a mitigation project to provide flood protection for the City of Battle Creek. Aye: Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: Allemann, Clausen. Absent: Gustafson, Noonan. Motion Carried.

Motion was made by Janke and seconded by Hansen to direct the General Manager contract with consulting firms not to exceed \$40,000, to prepare all the necessary documentation and complete a grant application to the State of Nebraska Water Sustainability Fund in the amount of \$36 million for a lake project near Battle Creek. Said application will be completed by July 31st and to prepare all the necessary documentation to complete a grant application to the USDA Watershed and Flood Prevention Operations program. Said grant will be to secure monies to develop an approved plan with USDA for WFPO activities. Aye: Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan. Schultz, Steffen, Zimmerman, Loftis. Nay: Allemann. Absent: Gustafson. Motion Carried.

The reading and/or action on the minutes of the April 25, 2019 Board of Directors meeting was next on the agenda. Motion was made by Steffen and seconded by Schultz that the minutes of the April 25, 2019 Board of Directors meeting be approved. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

The Finance Subcommittee report was given by Treasurer Dave Kathol. Motion was made by Kathol and seconded by Hansen to approve income in the amount of \$1,253,703.73 and expenses in the amount of \$328,839.28 and to approve the transfer of \$250,000.00 to the Norfolk Project Sinking Fund, as printed and distributed.

Moved to amend by Hall and seconded by Clausen to strike “to approve the transfer of \$250,000.00 to the Norfolk Project Sinking Fund” until a report is received from the City of Norfolk. Aye: Allemann, Clausen, Hall, Janke, Kathol, Korth, Steffen, Zimmerman, Loftis. Nay: Hansen, Huntley, McHenry, Schultz. Absent: Gustafson, Noonan. Amendment Carried.

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

Motion was made by Kathol and seconded by Huntley to approve income in the amount of \$72,330.86 and expenses in the amount of \$36,218.59 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

Motion was made by Kathol and seconded by Hansen to approve income in the amount of \$7,151.60 and expenses in the amount of \$6,045.20 for the Wau-Col Regional Water System. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

Motion was made by Kathol and seconded by Huntley to approve the Fiscal Year 2019 auditing agreement with Dana F Cole and Company. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. 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 Scott McHenry. The next NARD meeting will be held in Ord in conjunction with the NARD Basin Tour, NARD Alternate Joel Hansen will be attending.

No report was given on the Nebraska Natural Resources Commission.

The Natural Resources Conservation Service report was given by Robin Sutherland, District Conservationist. Her written report is attached to the official minutes.

Bob Huntley reported on the Northeast Nebraska RC&D and Gary Loftis reported on the Loess Hills RC&D. (Copy attached to official minutes.)

The Bazile Groundwater Management Area written report is attached to the official minutes.

The Administrative Report was given by General Manager Mike Sousek. Water Resources Technician Dallas Dorey gave a report on the spring 2019 static water level measurements. (Copy attached to the official minutes.)

The Logan East Rural Water System Advisory Committee report was given by Bob Huntley. Motion was made by Huntley and seconded by Hansen to accept the Logan East Rural Water System Advisory Committee minutes of May 13, 2019. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

The Wau-Col Regional Water System Advisory Committee report was given by Joel Hansen. Motion was made by Hansen and seconded by Clausen to accept the Wau-Col Regional Water System Advisory Committee minutes of April 4, 2019. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, McHenry, Noonan. Motion Carried.

The Information, Planning, Programs, Projects, Equipment & Legislation Committee of the Whole report was given by Kurt Janke. Motion was made by Janke and seconded by Hansen to direct staff to schedule and advertise a notice of a Public Hearing to be held on June 27, 2019 at 7:30 p.m. at 1508 Square Turn Blvd, Norfolk Nebraska. The purpose of the hearing is to receive public testimony on proposed changes to the Lower Elkhorn NRD Groundwater Management Area Rules and Regulations. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

Motion was made by Janke and seconded by Zimmerman to approve \$5000 to fund the Nebraska Water Project.

Moved to amend by Korth and seconded by Clausen to approve \$2500 to fund the Nebraska Water Project. Aye: Clausen, Korth. Nay: Allemann, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Schultz, Steffen, Zimmerman. Abstain: Loftis. Absent: Gustafson, Noonan. Motion Failed.

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

Motion was made by Janke and seconded by Clausen to direct staff to work with the Village of Pender in developing an interlocal agreement to provide 50% of the study cost of a drainage study, not to exceed \$19,400 of district funds. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

Motion was made by Janke and seconded by Zimmerman to direct staff to work with the City of Norfolk to address the request for a drainage study by the Concerned Citizens of Norfolk East of the Flood Control. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

Motion was made by Janke and seconded by Huntley to accept the bid of Steffy Construction LLC in the amount of \$9423 for the construction of the handicap sidewalk to the jetties at Maskenthine Recreation Area. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Gustafson, Noonan. Motion Carried.

The Executive Board report was given. Motion was made by Kathol and seconded by Hansen to approve the Fiscal Year 2020 employee wellness program in the amount of \$3500. Aye: Allemann,

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

Meeting adjourned at 10:59 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 May 23, 2019, 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.

Matt Steffen, Secretary

Attendance list attached to the official minutes.