

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

7:30 p.m., Thursday, June 27, 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, June 27, 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 June 21, 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, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Absent: Zimmerman.

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

Motion was made by Hansen and seconded by Schultz to move item 11a Battle Creek Project to the beginning of the meeting and adopt the remaining agenda. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

A presentation was made by Lalit Jha, JEO Consulting Engineers and Mike Sotak, Fyra Engineering on the Battle Creek project funding.

Motion was made by Hansen and seconded by McHenry to delay one year the application for the Battle Creek Project to the Water Sustainability Fund. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

Motion was made by Hansen and seconded by Kathol to instruct the staff to advertise for the procurement of a consultant to develop a proposal for a FEMA/NEMA hazard mitigation funding opportunity for the Battle Creek Project. Should the district be selected as one of the finalists from the Hazard Mitigation Task Force on or near July 26th, the selected consultant would submit the funding proposal to FEMA/NEMA no later than August 30, 2019. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

A Public Hearing relating to proposed amendments to the Lower Elkhorn Natural Resources District Groundwater Management Area Rules and Regulations was held.

The reading and/or action on the minutes of the May 23, 2019 Board of Directors meeting was next on the agenda. Motion was made by Steffen and seconded by McHenry that the minutes of the May 23, 2019 Board of Directors meeting be approved. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent:

Zimmerman. 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 \$620,829.23 and expenses in the amount of \$367,572.42. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

Moved to amend by Kathol and seconded by McHenry to authorize the staff and treasurer to invest funds as they become available for the Norfolk Project Sinking Fund, not to exceed the amount of \$1,032,000.00. Aye: Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: Allemann, Clausen, Gustafson, Hall, Korth. Absent: Zimmerman. Motion Carried.

Motion was made by Kathol and seconded by Schultz to approve income in the amount of \$78,020.90 and expenses in the amount of \$33,154.58 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

Motion was made by Kathol and seconded by Clausen to approve income in the amount of \$7,264.51 and expenses in the amount of \$4,709.09 for the Wau-Col Regional Water System Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. 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 Joel Hansen. The NARD meeting was held in Ord in conjunction with the NARD Basin Tour.

The Nebraska Natural Resources Commission report was given by Garry Anderson.

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. (Copy 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 Clausen to accept the Logan East Rural Water System Advisory Committee minutes of June 10, 2019. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. 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 June 6, 2019. Aye: Allemann, Clausen, Gustafson, Hall, Hansen,

Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. 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 Kathol to ratify 50% of the cost share for West Point Levee Preliminary Design. The amount of these contracts equates to \$60,720 which requires an expenditure from the NRD of \$30,360. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

Motion was made by Janke and seconded by Schultz to approve 50% of the costs of the West Point Levee Improvement Project Design and Permitting up to \$494,760 (\$247,380 NRD share). Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

Motion was made Janke and seconded by Hansen to direct staff to authorize District legal counsel to send non-compliance notification letters containing a July 22, 2019 deadline, to farm operators in the Phase 2 and Phase 3 Management Area who have not submitted annual reports as required by Section 12.2.2.5 and 12.2.3.1 of the Lower Elkhorn Natural Resources District Groundwater Management Area Rules and Regulations. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

Motion was made by Janke and seconded by Huntley to direct staff to issue notices of violation under Nebraska Revised Statutes §46-707(1)(h) to irrigation well owners who have not submitted end-of-season flow meter readings from the 2018 pumping season for active irrigation wells as required by Section 11.2.12 of the Lower Elkhorn Natural Resources District Groundwater Management Area Rules and Regulations. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

Motion was made by Janke and seconded by Kathol to accept the letter of request from the Village of Snyder for \$5,000 under the Lower Elkhorn Natural Resources District Public Water Supply Test Well Program and to direct the staff to make payment upon receipt of the documentation of completion of the test-well. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

The Executive Board report was given by Vice-Chairman Kurt Janke. Motion was made by Janke and seconded by Schultz to approve Salary Allowance Adjustments of 1.54% and to approve the step and grade changes proposed by management for Fiscal Year 2020. Aye: Gustafson, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: Allemann, Clausen, Korth. Absent: Zimmerman. Motion Carried.

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

Chairman Loftis announced that the board will move into Executive Session for the protection of reputation.

Moved into Executive Session at 9:38 p.m.

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

Returned to regular session at 10:13 p.m.

Meeting adjourned at 10:13 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 June 27, 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