

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

7:30 p.m., Thursday, February 27, 2020
Wayne State College Student Center, Niobrara Room
Wayne, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Gary Loftis on Thursday, February 27, 2020 at Wayne State College Student Center, Niobrara Room, Wayne, Nebraska. Chairman Loftis informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on February 21, 2020 and the Wayne Herald on February 20, 2020 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Supervisor Vickie DeJong with 13 of 15 Directors present. Present: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Steffen, Loftis. Absent: Zimmerman. Absent, Present Later: Korth.

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

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

The reading and/or action on the minutes of the January 23, 2020 Board of Directors meeting was next on the agenda. Motion was made by Steffen and seconded by Hansen that the minutes of the January 23, 2020 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 Dennis Schultz. Motion was made by Schultz and seconded by Huntley to approve income in the amount of \$390,657.15 and expenses in the amount of \$377,720.75. 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 Schultz and seconded by Janke to approve income in the amount of \$80,031.61 and expenses in the amount of \$36,929.05 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 Schultz and seconded by Hansen to approve income in the amount of \$6,855.09 and expenses in the amount of \$4,456.46 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.

A copy of the conservation cost share report is attached to the official minutes.

The Nebraska Association of Resources Districts report was given by Scott McHenry. He reported on the NARD Legislative Conference held on January 28 and 29 in Lincoln and legislative bills.

The Nebraska Natural Resources Commission report was not given.

The Natural Resources Conservation Service report was given by Robin Sutherland, District Conservationist. (Copy attached to official minutes.)

Kurt Janke 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 report was given by Jeremy Milander, Bazile Extension Educator. (Attached to the official minutes is a report from Connor Baldwin, Bazile Groundwater Management Area Project Coordinator).

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 contract with Keith M. Anderson to supply a tractor for backup PTO power for Logan East RWS well #3 in the event of an electrical power outage. A 100 horse- power tractor equipped with Murphy switch will be supplied to the site if needed. A yearly retainer of \$300.00 will be paid. 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 Gustafson and seconded by Clausen to purchase a new/replacement computer and software upgrades for the Micro-Comm Scada system for controlling the wells, towers and booster pumps at a cost of \$7,013.00. 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 Gustafson and seconded by Clausen to accept the Logan East Rural Water System Advisory Committee minutes of February 10, 2020. 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 Kathol to raise the rates by 10 cents per 1000 gallons for the Wau-Col Regional Water System because of the increase in cost from our suppliers. 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 Janke to accept the Wau-Col Regional Water System Advisory Committee minutes of February 6, 2020. 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 Hansen to approve funding for the repair of the City of Wakefield's Levee, which was damaged by the March 2019 flood, at 50% of the local costs up to a maximum amount of \$389,776.50, and instruct staff to develop an interlocal agreement with the City of Wakefield for the project. Discussion followed.

Moved to amend by Hall and seconded by Clausen to budget the expenditure in the Fiscal Year 2020-2021 budget. Aye: Allemann, Clausen, Gustafson, Hall, Korth. Nay: Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Steffen, Loftis. Absent: Zimmerman. Amendment Failed.

Vote on original motion: 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 McHenry to adopt as a District policy the following statement: To clarify that once an irrigated acre has been certified as either a "historically irrigated acre" or has been issued a variance by the District, those acres are no longer subject to the "one of the last ten years" rule as described within the District's groundwater rules and regulations. As a result, certified irrigated acres will not be retired by virtue of the fact they have not been put to beneficial use by the landowner for an extended period of time, or length of contract. Once the certified irrigated acres are put back into beneficial use by the landowner, they shall be subject to the then existing rules and regulations of the District. The District retains the right to amend its groundwater rules and regulations should it later determine it as necessary or appropriate (ergo landowners should govern themselves accordingly as the District is not precluded from later adopting a rule for retirement of certified irrigated acres). In addition, approval of this motion shall direct staff to integrate the intent of this policy into the District's Rules and Regulations for the Management of Groundwater at the next available opportunity. 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 Agreement for Professional Services between the Lower Elkhorn Natural Resources District and JEO Consulting Group Inc., for the Lower Elkhorn NRD Groundwater Model – Phase 2B Groundwater Model, JEO Project Number 171533.02, and to authorize the General Manager to sign the agreement on behalf of the District. Compensation for services provided not to exceed \$336,000. 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 authorize staff to issue cease and desist orders to farm operators who were issued notices of violation of the Lower Elkhorn NRD Rules and Regulations on February 14, 2020, for failure to submit flow meter reports by the December 1, 2019 deadline as necessary. Aye: Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: Allemann, Clausen, Gustafson, Hall, Korth. Absent: Zimmerman. Motion Carried.

Meeting adjourned at 8:44 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 27, 2020, 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

Others Present:
Jim Litchfield, Wakefield