

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

7:30 p.m., Thursday, May 28, 2020

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 28, 2020 at the Lower Elkhorn Natural Resources District, 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 22, 2020. As per the Governor's Executive Order 20-03 the Lower Elkhorn Natural Resources District Board of Directors meeting was held as an audio/video meeting only. A copy of the Open Meetings Act (Neb. Rev. State Statute 84-1407 through 84-1414) is posted at the Lower Elkhorn Natural Resources District office and a copy is available upon request.

Roll call was taken by Administrative Supervisor Vickie DeJong with 15 of 15 Directors present. Present: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Zimmerman, Loftis. Absent: None.

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

The reading and/or action on the minutes of the April 23, 2020 Board of Directors meeting was next on the agenda. Motion was made by Steffen and seconded by Janke *that the minutes of the April 23, 2020 Board of Directors meeting be approved*. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: None. Motion Carried.

The Finance Subcommittee report was given by Treasurer Dennis Schultz. Motion was made by Schultz and seconded by Noonan *to approve income in the amount of \$1,335,110.37 and expenses in the amount of \$324,184.88*. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Abstain: McHenry. Absent: None. Motion Carried.

Motion was made by Schultz and seconded by Hansen *to approve income in the amount of \$92,796.95 and expenses in the amount of \$44,528.33 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, Zimmerman, Loftis. Nay: None. Absent: None. Motion Carried.

Motion was made by Schultz and seconded by Hansen *to approve income in the amount of \$7,363.54 and expenses in the amount of \$7,597.67 for the Wau-Col Regional Water System*. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: None. Motion Carried.

Motion was made by Schultz and seconded by Noonan *to authorize staff and the Treasurer to establish a Willow Creek Sinking Fund and begin with an initial investment of \$200,000*. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: None. Motion Carried.

Motion was made by Schultz and seconded by Huntley to approve the Fiscal Year 2020 auditing agreement with Dana F. Cole & Company. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: None. 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. NARD meetings and tours have been cancelled.

No Nebraska Natural Resources Commission report was presented.

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

There were no RC&D reports due to cancelled meetings.

A written Bazile Groundwater Management Area report was given by Connor Baldwin, Bazile Groundwater Management Area Project Coordinator. (Copy attached to the official minutes)

The Administrative Report was given by General Manager Mike Sousek. (Copy attached to the official minutes.)

The Pierce County Nitrogen Application Pilot Project update was provided by Craig Marsh of Nutrien Ag Solutions who provides agronomic guidance and recommendations to Dan and John Schmit who farm in the Osmond area. The 2019 growing season presented many challenges, beginning with the March 2019 flooding event which created a challenging situation for growers in preparation for the growing season. The Schmit brothers were delayed in their ability to apply crop nutrients using the TAPP's concept, due to the wet field conditions. However, preliminary data demonstrated favorable results when considering the amounts of nitrogen applied in ratio to the bushels of corn harvested per acre. Soil testing, water testing, and soil moisture and salinity were also monitored at four (4) field locations, with the preliminary results generally indicating favorable conditions. The pilot project was approved for a five-year term in March 2018, and could be extended depending upon the monitoring data.

The Logan East Rural Water System report was given by RWS Manager Shawn Blahak and RWS Advisory Committee Chairman Ron Dierking. They reported the status of well number one. Motion was made by Korth and seconded by Gustafson to rehab Well #1, as stated in Sargent Drilling bid, along with engineering fees, permits and other expenses for \$85,000, and not to exceed \$95,000. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Present, Not Voting: Zimmerman. Absent: None. 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 have the general manager sign the attached contract with HDR to create a Board of Consultants that will 1) perform an interpretation of observed piezometric data and dam safety threat posed, 2) review the suitability of the proposed relief well system as mitigation for the elevated piezometric pressures at Willow Creek Dam and 3) review the suitability of a seepage berm as a potential mitigation measure and if suitable, design criteria for determining berm width and mitigation measures for the spillway outlet channel. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Present, Not Voting: Zimmerman. Absent: None. Motion Carried.

Motion was made by Janke and seconded by Kathol to have the General Manager sign a contract with the State of Nebraska Department of Natural Resources for the purpose of providing state aid to LENRD to benefit interests of the Nebraska DNR. The Nebraska DNR agrees to reimburse up to 50% of Lower Elkhorn NRD's costs paid to HDR for the Board of Consultants study. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Present, Not Voting: Zimmerman. Absent: None. Motion Carried.

Motion was made by Janke and seconded by Korth to have the General Manager sign a letter of support in which the Lower Elkhorn NRD will provide \$300,000 over the next five years as match to the Nebraska Forest Service RCPP Grant, intended to restore and establish windbreaks within the Lower Elkhorn NRD. (Copy of letter attached to the official minutes.) Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Present, Not Voting: Zimmerman. Absent: None. Motion Carried.

Motion was made by Janke and seconded by Kathol to have the General Manager sign a contract with FYRA Engineering to complete Internal Phosphorus Loading Assessment Subtask 1.1 and Subtask 1.2, not to exceed an amount of \$7,745. The purpose of this contract is to study the internal phosphorus loading within Willow Creek Reservoir. (Scope of Services attached to the official minutes.) Aye: Allemann, Gustafson, Hansen, Janke, Kathol, McHenry, Schultz, Steffen, Loftis. Nay: Clausen, Hoff, Huntley, Korth, Noonan. Present, Not Voting: Zimmerman. Absent: None. Motion Carried.

Motion was made by Janke and seconded by Hansen to approve the Interlocal Agreement with the City of West Point for their levee project. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Present, Not Voting: Zimmerman. Absent: None. Motion Carried.

Motion was made by Janke and seconded by Zimmerman to instruct the General Manager to file for a NACD technical assistance grant in which the district will be committed to providing \$15,580 for one year to support hiring a full-time employee stationed in the Pierce NRCS office, working on nutrient management plans and irrigation water management. Aye: Allemann, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: Clausen. Absent: None. Motion Carried.

Meeting adjourned at 9:40 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 28, 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