

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

7:30 p.m., Thursday, October 22, 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, October 22, 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 October 15, 2020.

Roll call was taken by Project Coordinator Patty Martens with 13 of 15 Directors present. Present: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Absent: Clausen, Noonan.

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

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

The reading and/or action on the minutes of the September 24, 2020 Board of Directors meeting was next on the agenda. Motion was made by Steffen and seconded by Schultz that the minutes of the September 24, 2020 Board of Directors meetings be approved. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. 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 \$396,587.75 and expenses in the amount of \$280,363.92. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

Motion was made by Schultz and seconded by Kathol to approve income in the amount of \$86,016.57 and expenses in the amount of \$92,750.66 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

Motion was made by Schultz and seconded by Hansen to approve income in the amount of \$6,285.35 and expenses in the amount of \$4,481.31 for the Wau-Col Regional Water System. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, 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. He reported that the Nebraska Association of Resources Districts (NARD) cancelled their annual

conference scheduled for Sept. 28-29 in Kearney. The business session as well as NARD committee and board meetings were held as scheduled.

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.)

There were no RC&D reports. A written report for the Nebraska Loess Hills RC&D is attached to the official minutes.

The Bazile Groundwater Management Area report was given by Brian Bruckner. A 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 Wau-Col Regional Water System report was given by Joel Hansen and RWS Manager Kenny Bloomquist. Motion was made by Hansen and seconded by Schultz to approve the purchase of a hand-held data collector in the amount of \$5,600 for Wau-Col Regional Water System. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

Motion was made by Hansen and seconded by Kathol to accept the Wau-Col Regional Water System minutes of October 1, 2020. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

The Logan East Rural Water System report was given by Roger Gustafson and RWS Manager Shawn Blahak. Motion was made by Gustafson and seconded by Hansen to approve the purchase of water tower lighting for the Logan East Rural Water System. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

Motion was made by Gustafson and seconded by McHenry to accept the Logan East Rural Water System minutes of October 12, 2020. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

The Information, Planning, Programs, Projects, Equipment & Legislation Committee of the Whole report was given by Kurt Janke. A report on the Willow Creek Reservoir Internal Phosphorus Loading Assessment was given by Charles Ikenberry of FYRA Engineering.

Motion was made by Janke and seconded by Kathol to authorize the General Manager to sign the professional service agreement with FYRA Engineering, not to exceed \$80,346.00 to perform services to complete the necessary repairs to the Elkhorn River Streambank Stabilization Project near Scribner, pending approval from both the City of Scribner and Dodge County. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

Motion was made by Janke and seconded by Huntley to direct staff to delineate proposed Phase 2 Management areas in Colfax, Cuming, and Dodge Counties, to draft amendments to the Groundwater Management Area Rules and Regulations, to plan and schedule public information materials and events regarding the proposed management areas, and to prepare and advertise for an Open House Public Hearing to be conducted in January of 2021 to receive public input on the proposed amendments. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

Motion was made by Janke and seconded by Zimmerman to accept the terms of the letter of commitment and scope of work from the University of Nebraska-Lincoln for the "Deep Vadose Zone Nitrate Lower Elkhorn Natural Resources District" proposal not to exceed \$34,291. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Schultz, Steffen, Zimmerman, Loftis. Nay: Korth. Absent: Clausen, Noonan. Motion Carried.

The Ad-Hoc Drought Response Committee report was given by Kurt Janke. Motion was made by Janke and seconded by Zimmerman to un-table the motion: that a 12 acre-inch annual allocation be set for all areas that fall within a D3 or greater drought area that fall within a Wellhead Protection Area within the LENRD on November 1, 2020, and that the annual allocation be lifted if the area is removed from the D3 or greater designation. Aye: Allemann, McHenry, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: Clausen, Noonan. Motion Carried.

Vote on the un-tabled motion: that a 12 acre-inch annual allocation be set for all areas that fall within a D3 or greater drought area that fall within a Wellhead Protection Area within the LENRD on November 1, 2020, and that the annual allocation be lifted if the area is removed from the D3 or greater designation. Aye: McHenry, Hansen, Huntley, Janke, Kathol, Schultz, Zimmerman, Loftis. Nay: Allemann, Gustafson, Hall, Korth, Steffen. Absent: Clausen, Noonan. Motion Carried.

Motion was made by Kathol and seconded by Zimmerman to recommend that for any Standard Variance request that is granted approval by the Board of Directors and falls within a portion of the District that is designated as a D3 or greater drought severity classification on November 1, 2020 that a condition for approval be attached which would prohibit irrigation of the land associated with the variance request until the drought severity classification subsides to a D2 or lesser classification for a period of 30 successive days for the respective location. The timeline for project completion for any Standard Variance request impacted by this condition would be extended to synchronize with the date associated with the change in the drought severity classification.

Moved to amend by Zimmerman and seconded by Huntley to strike the words "irrigation of the land" from the original motion and replace with "construction of a well". Aye: McHenry, Hall, Hansen, Huntley, Janke, Kathol, Schultz, Steffen, Zimmerman, Loftis. Nay: Allemann, Gustafson, Korth. Absent: Clausen, Noonan. Amended Motion Carried. Amendment carried.

Vote on amended motion: to recommend that for any Standard Variance request that is granted approval by the Board of Directors and falls within a portion of the District that is designated as a D3 or greater drought severity classification on November 1, 2020 that a condition for approval be attached which would prohibit construction of a well associated with the variance request until the drought severity classification subsides to a D2 or lesser classification for a period of 30 successive days for the respective location. The timeline for project completion for any Standard Variance request impacted by this condition would be extended to synchronize with the date associated with the change in the drought severity classification. Aye: McHenry, Hansen, Huntley, Janke, Kathol, Schultz, Steffen, Zimmerman, Loftis. Nay: Allemann, Gustafson, Hall, Korth. Absent: Clausen, Noonan. Amended Motion Carried.

Meeting adjourned at 9:49 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 October 22, 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.

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Matt Steffen, Secretary

Others Present:

Tom Nathan

Greg Schmidt