

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

7:30 p.m., Tuesday, November 24, 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 Tuesday, November 24, 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 November 16, 2020.

Roll call was taken by Programs Coordinator Patty Martens 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 Hansen 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.

Based on Executive Order 20-34, released by Governor Ricketts for virtual meetings, Director Dennis Schultz participated via zoom. Executive Order 20-34 allowed Director Schultz to participate because quarantine or isolation was ordered.

Motion was made by Kathol and seconded by Huntley 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 October 22, 2020 Board of Directors meeting was next on the agenda. Motion was made by Steffen and seconded by Clausen that the minutes of the October 22, 2020 Board of Directors meetings 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 Bob Huntley. Motion was made by Huntley and seconded by Clausen to approve income in the amount of \$169,396.19 and expenses in the amount of \$242,131.59. 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 Huntley and seconded by Clausen to approve income in the amount of \$95,660.49 and expenses in the amount of \$45,367.42 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 Huntley and seconded by Kathol to approve income in the amount of \$10,914.25 and expenses in the amount of \$11,913.70 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.

Motion was made by Huntley and seconded by Hansen to accept the Fiscal Year 2020 Audit as prepared by Dana F Cole & Company. 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 Scott McHenry. He reported that the loan for the new NARD building was approved.

The Nebraska Natural Resources Commission written report from Gary Anderson is attached to official minutes.

The Natural Resources Conservation Service report was not given. A copy of the report is attached to the official minutes.

There were no RC&D reports due to cancelled meetings, however 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 Connor Baldwin. A written report is attached to the official minutes.

The Administrative Report was given by General Manager Mike Sousek. A copy is attached to the official minutes.

Motion was made by Janke and seconded by Hansen *to instruct staff to work with NEMA to submit an amendment to FEMA for the High Hazard Potential Dam (HHPD) Grant for phase one of the Willow Creek Dam Artesian Pressure Mitigation with a total estimated project cost of \$307,970.00.* 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 Janke and seconded by Hansen *to approve Community Forestry Incentive and Incentive for Public Facilities applications for a total LENRD cost of \$25,037.22.* Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Absent: Zimmerman. Motion Carried.

COMMUNITY FORESTRY INCENTIVE			
Fiscal Year 2022			
Applicant	Description	Projected Cost	Funding Requested
City of West Point	Remove Dead and Declining Trees and Plant Trees in Right of Ways	\$5,557.00	\$2,096.75
Village of Emerson	Plant Trees in Park	\$3,956.00	\$2,915.10
Village of Uehling	Remove Park's Ash Trees and Shrubs and Plant Trees	\$5,100.00	\$3,825.00
West Point Public Schools	Remove Ash and Declining Trees, Plant Wind Block and Trees in Complex	\$7,750.00	\$4,553.57
Village of Pilger	Remove and Plant Trees Around Pilger	\$5,045.00	\$3,783.75
Norfolk Public Schools	Plant Trees at Norfolk Public Schools Main Office	\$1,000.00	\$562.50
City of Wakefield	Remove and Plant Trees in Residential Areas, Park, and Industrial Tract	\$6,400.74	\$4,800.55
FORESTRY INCENTIVE FOR PUBLIC FACILITIES			
Fiscal Year 2022			
Rolling Hills Country Club	Remove and Plant Trees on Golf Course	\$7,078.45	\$2,500.00
TOTAL:		\$41,887.19	\$25,037.22

Motion was made by Janke and seconded by Clausen to accept the bid of Cech Excavating to replace rip rap along the shore at Maple Creek Recreation area in the amount of \$18,593.75 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 Janke and seconded by Huntley to set the 2021 allocation amounts for the Lower Elkhorn NRD Quantity Management Subareas at: 18 acre-inches per irrigated acre for gravity/flood irrigation systems, 13 acre-inches per irrigated acre for subsurface drip irrigation systems, and 14 acre-inches per irrigated acre for all other irrigation systems in the Eastern Madison County Quantity Subarea; and 17 acre-inches per irrigated acre for gravity/flood irrigation systems, 12 acre-inches per irrigated acre for subsurface drip irrigation systems, and 13 acre-inches per irrigated acre for all other irrigation systems in the Wayne County Quantity Subarea. 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 Hansen to adopt the final ranking of applications for a standard variance as proposed by district staff in the Excel Spreadsheet titled "Exhibit A 10/20 Area. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Abstain: Gustafson. Absent: Zimmerman. Motion Carried

Motion was made by Janke and seconded by Huntley to allow up to 287.41 acre feet new peak season streamflow depletions for the October 2020 application period in the District's hydrologically connected area in accordance with the District's Rule 13 and Nebraska Revised Statute Section 46-175(4). Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Abstain: Gustafson. Absent: Zimmerman. Motion Carried

Motion was made by Janke and seconded by Steffen To approve and authorize staff to issue variances for the highest ranking applications up to 287.41 acre feet new peak season streamflow depletions as authorized for the October 2020 application period in the District's hydrologically connected area, subject to the conditions set for the in Rule 13.12 and the Lower Elkhorn Natural Resources District – Conditional Approval Policy, reauthorized on August 27, 2020. Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Abstain: Gustafson. Absent: Zimmerman. Motion Carried

Motion was made by Janke and seconded by Huntley to authorize staff to contact those applicants for a variance in the hydrologically connected area for the 2020 sing-up period whose applications were not approved to notify them of the Board's decision and their opportunity to reapply in the future Aye: Allemann, Clausen, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: None. Abstain: Gustafson. Absent: Zimmerman. Motion Carried

Motion was made by Janke and seconded by Hansen to adopt the final ranking of applications for a standard variance as proposed by district staff in the Excel Spreadsheet titled "Exhibit B Non 10/50 Area". Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, McHenry, Noonan, Schultz, Loftis. Nay: None. Abstain: Steffen. Absent: Zimmerman. Motion Carried

Motion was made by Janke and seconded by Hansen to allow up to 2540 new groundwater irrigated acres for the October 2020 application period in the District's non hydrologically connected area in accordance with the District's Rule 15 and Nebraska Revised Statute Section 46-739. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Loftis. Nay: Korth. Abstain: Steffen. Absent: Zimmerman. Motion Carried.

Motion was made by Janke and seconded by Clausen to approve and authorize staff to issue variances for the highest ranking applications up to 2540 new groundwater irrigated acres authorized for the October 2020 application period in the District's non hydrologically connected area, subject to the conditions set forth in Rule 15.12 and Lower Elkhorn Natural Resources District – Conditional Approval Policy, reauthorized on August 27, 2020. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Loftis. Nay: Korth. Abstain: Steffen. Absent: Zimmerman. Motion Carried

Motion was made by Janke and seconded by Kathol to authorize staff to contact those applicants for a variance in the non hydrologically connected area for the 2020 sign-up period whose applications were not approved to notify them of the Board's decision and their opportunity to reapply in the future. 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 contribute \$1,500 to NARD Foundation and \$1,500 to the NARD General Operating Fund. Discussion followed.

Moved to amend by Hansen and seconded by Hall to contribute \$3,000 to NARD Risk Pool Association rather than contributing to the NARD Foundation and NARD General Operating Fund Aye: Clausen, Hall, Hansen, Huntley, Janke, Kathol, McHenry, Noonan, Schultz, Steffen, Loftis. Nay: Allemann, Gustafson, Korth. Absent: Zimmerman. Amendment carried.

Meeting adjourned at 9:45 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 November 24, 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: