

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

7:30 p.m. Thursday, May 25, 2023

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 Roger Gustafson on Thursday, May 25, 2023, at the Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska. Chairman Gustafson informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on May 19, 2023.

Roll call was taken by Administrative Assistant Patty Martens with 15 of 15 Directors present. Present: Jerry Allemann, James Aschoff, Mark Burenheide, Scott Clausen, Michael Fler, Mark Hall, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, Rod Zohner, Roger Gustafson. Absent: None.

Motion was made by Hall and seconded by Korth to adopt the agenda. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

The reading and/or action on the minutes of the April 27, 2023 Board of Directors meeting was next on the agenda. Motion was made by Reikofski and seconded by Wisnieski that the minutes of the April 27, 2023 Board of Directors meeting be approved. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

The Finance Subcommittee report was given by Anthony Wisnieski. Motion was made by Wisnieski and seconded by Hall to approve income in the amount of \$1,481,298.31 and expenses in the amount of \$667,045.31 for the Lower Elkhorn Natural Resources District. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Loftis to approve income in the amount of \$81,250.54 and expenses in the amount of \$224,593.91 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Clausen to approve income in the amount of \$6,556.81 and expenses in the amount of \$5,464.48 for the Wau-Col Regional Water System. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Clausen to approve the fiscal year 2023 auditing agreement with Dana F. Cole & Company. Aye: Allemann, Aschoff, Burenheide,

Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. 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 Mark Hall. Mark noted that it is probable the NRD insurance rates for the new fiscal year starting July 1 will remain the same as the previous fiscal year.

The Nebraska Natural Resources Commission report was not given.

The Natural Resources Conservation Service report was given by Soil Conservationist Evan Laible. A copy of the report is attached to the official minutes.

The Northeast Nebraska RC&D report is attached to the official minutes. Mark Hall was unable to attend.

Gary Loftis spoke on the Nebraska Loess Hills RC&D. The Nebraska Loess Hills RC&D has been notified by the NDEE that their Electronic Waste grant has been approved in addition to a grant to hold (3) Household Hazardous Waste Collections in the future. A copy of the Loess Hills RC&D report is attached to the official minutes.

Lisa Lauver reported on the Bazile Groundwater Management Area. A report is attached to the official minutes.

The Administrative Report was given by Interim General Manager Brian Bruckner. A copy is attached to the official minutes.

LENRD Natural Resources Technician Todd Stewart gave his yearly report on tree sales, tree planting, and his outlook for next year's tree program.

Motion was made by Loftis and seconded by Korth to approve the recommendation from the Logan East Rural Water System Advisory Committee to begin the process of drilling a 6 inch test well at the location identified by John Ruckman with Bartlett and West Engineers and Sue Lackey with UNL Conservation and Survey Division. Approval of this motion will supersede the motion made on March 23, 2023 for a 4 inch test well. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Loftis and seconded by Gustafson to accept the Logan East Rural Water System Advisory Committee minutes of April 10, 2023. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

The Information, Planning, Programs, Projects, Equipment & Legislation Committee of the Whole report was given by Matt Steffen.

Dan Snow, Research Associate Professor and Director of Services for the UNL Water Sciences Laboratory was present and provided an update on the analysis of vadose cores which were collected in portions of Pierce, Cuming, Colfax, and Dodge counties. The results show varying amounts of residual nitrate in the soil profile, with some additional sampling scheduled to occur in the Fall of 2023. Also presented were results from irrigation well and domestic well sampling from privately owned wells in the District. The irrigation well samples were analyzed for isotope characterization, and the domestic wells have been analyzed for analytes associated with commonly used herbicides in Nebraska along with an analysis to determine the presence of compounds associated with glyphosate and its degradate compounds.

Motion was made by Steffen and seconded by Korth to direct staff to issue cease and desist orders to individuals who have failed to comply with the submittal of management area reports which were due March 15 for the LENRD Phase 2 and 3 Area. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Steffen and seconded by Temple to untable the April 2023 motion “to authorize the General Manager to sign the contract with Houston Engineering for an amount not to exceed \$351,182.00, to incorporate the Battle Creek Hydraulic Analysis Alternative into the Battle Creek WFPO Plan, and to submit said plan to the NRCS for approval”. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Discussion followed.

Motion was made by Loftis and seconded by Korth to delay consideration of entering into contract with Houston Engineering for 60 to 90 days, after which staff will bring the contract back to the board for consideration.

Discussion followed with Missy Baier, NRCS Watershed Planner, advising the Board and answering questions on policy and regulations of the Battle Creek WFPO.

Loftis then moved to amend his motion with a second by Korth replacing the words “for 60 to 90 days” with “until the July 27, 2023 or August 24, 2023” so that the motion reads: to delay consideration of entering into contract with Houston Engineering until the July 27, 2023 or August 24, 2023 board meeting, after which time staff will bring the contract back to the board for consideration. Aye: Korth, Loberg, Loftis, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Reikofski. Absent: None. Motion carried.

Motion was made by Reikofski and seconded by Clausen to rescind the motion made at the January 2023 board meeting stating: “we will remove any dam structure as an option to keep flood waters out of the community of Battle Creek, Nebraska”. In addition, staff will be instructed to direct JEO to complete the WFPO in its current status. The motion will allow for the integration of dams or reservoirs into the WFPO evaluation. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Korth, Temple. Absent: None. Motion carried.

Motion was made by Steffen and seconded by Loftis to approve the temporary construction easement as presented for the Willow Creek Streambank Stabilization Project. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Steffen and seconded by Clausen to approve payment of \$2,779.41 to Gary Krueger for legal fees attributable to drafting of a purchase agreement and development of a construction easement for the Willow Creek Streambank Stabilization Project. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Next on the agenda was election of a delegate and alternate delegate for the Lower Platte Basin Coalition.

Nominated for the Lower Platte Basin Coalition delegate were Jerry Allemann and Melissa Temple. After ballots were gathered and counted, it was announced that Director Allemann was elected as delegate. (Allemann – 11, Temple – 4)

Nominated for the Lower Platte Basin Coalition alternate delegate were Kris Loberg and Melissa Temple. After ballots were gathered and counted, it was announced that Director Loberg was elected as alternate delegate. (Loberg – 11, Temple – 4)

Motion was made by Steffen and seconded by Hall to approve the salary allowance adjustment of 3.5% and step and grade changes proposed by management for Fiscal Year 2024. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: Korth. Absent: None. Motion carried.

Meeting adjourned at 10:20 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 25, 2023 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.

Jay Reikofski, Secretary

Others Present: Mark Westerman, Gary Krueger, Gerald Kratochvil, Andy Hrabanek, and Marisa Brauer.