

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

7:30 p.m. Thursday, January 26, 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 Mark Hall on Thursday, January 26, 2023, at the Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska. Chairman Mark Hall informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on January 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, Roger Gustafson, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, Rod Zohner, Mark Hall. Absent: None.

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

The reading and/or Action on Minutes of the December 7 and 8, 2022 Public Hearing for Violations of the Lower Elkhorn Natural Resources District Conditions for Approval Policy of New Irrigation Wells, the December 29, 2022 Board of Directors Meeting and the December 29, 2022 Certification of Acres Hearing were next on the agenda. Motion was made by Allemann and seconded by Melissa *to approve those minutes*. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

The Finance Subcommittee report was given by Anthony Wisnieski. Motion was made by Wisnieski and seconded by Loberg *to approve income in the amount of \$851,723.51 and expenses in the amount of \$313,659.49 for the Lower Elkhorn Natural Resources District*. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Clausen *to approve income in the amount of \$79,396.80 and expenses in the amount of \$47,310.88 for the Logan East Rural Water System as printed and distributed*. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Clausen *to approve income in the amount of \$6,451.37 and expenses in the amount of \$5,964.93 for the Wau-Col Regional Water System*. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. 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 Melissa Temple. Melissa represented the District at the NARD Board of Director's meeting. NARD officer elections will be held in March. The NARD board moved to approve all proposed Legislative recommendations with the exception of one.

The Nebraska Natural Resources Commission report was referenced in Dropbox. A report is attached to the official minutes.

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

Gary Loftis reported on the Nebraska Loess Hills RC&D. 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 General Manager Mike Sousek. A copy is attached to the official minutes.

Motion was made by Loftis and seconded by Clausen to reappoint Roger Fehrer, Don Johnson, and Larry Wulf to an additional three year term on the Logan East Rural Water System Advisory Committee. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Loftis and seconded by Korth to retain current Logan East Rural Water System Advisory Committee officers Ron Dierking – Chairman, Larry Wulf – Vice Chairman, and Laurie Schold – Secretary, for 2023. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. 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 January 9, 2023. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

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

Next on the agenda was the Battle Creek Hydraulic Analysis Update and discussion.

Motion was made by Reikofski and seconded by Alleman to remove any dam structure as an option to keep flood waters out of the community of Battle Creek, Nebraska, and instruct

the General Manager to prepare a report that will detail funding options for a levy system.

Discussion followed.

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

Vote on original motion. Aye: Allemann, Aschoff, Burenheide, Clausen, Gustafson, Hall, Loberg, Reikofski, Steffen, Wisnieski, Zohner. Nay: Fler, Korth, Loftis, Temple. Absent: None. Motion passed.

Motion was made by Gustafson and seconded by Fler to authorize the General Manager to sign the interlocal agreement for the Streambank Stabilization Repair Project for rip rap with Dodge County and the City of Scribner as presented. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Gustafson and seconded by Hall to approve District funding for grading work adjacent to the Scribner Streambank Stabilization Section 14 Repair Project to improve drainage in an amount not to exceed \$6,400.00. Aye: Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Present not voting: Allemann. Motion carried.

Motion was made by Gustafson and seconded by Korth to direct District staff to send non-compliance notification letters to well owners who have not submitted groundwater use reports (flow meter readings) for all active high-capacity wells as required by Section 11.11 of the Lower Elkhorn Natural Resources District Groundwater Management Area Rules and Regulations for the Enforcement of the Nebraska Groundwater Management and Protection Act. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Gustafson, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

According to the By-Laws, any officer is limited to one term of two years but is immediately eligible for a different office; however, a Director is eligible for the same office after a two-year absence from that office. The current officers that have now served a term of two years are Chairman Mark Hall, Vice-Chairman Roger Gustafson and Secretary Jerry Allemann. Voting was held by ballot. Ballots will be held in the headquarters office for 30 days for public review.

Nominated for Chairman was Roger Gustafson. After ballots were gathered and counted, it was announced that Director Roger Gustafson was elected Chairman for 2023-2024. (Gustafson – 14)

Nominated for Vice-Chairman were Jerry Allemann and Matt Steffen. After ballots were gathered and counted, it was announced that Director Matt Steffen was elected Vice-Chairman for 2023-2024. (Steffen – 9, Allemann – 4)

Nominated for Secretary were Michael Fleer, Gary Loftis and Jay Reikofski. After ballots were gathered and counted, it was announced that Director Jay Reikofski was elected Secretary. (Reikofski – 12, Loftis – 2)

Nominated for NARD Delegate were Mark Hall and Gary Loftis. After ballots were gathered and counted, it was announced that Mark Hall was elected NARD Delegate. (Hall – 12, Loftis – 2)

Nominated for NARD Alternate were Jerry Allemann and Melissa Temple. After ballots were gathered and counted, it was announced that Jerry Allemann was elected NARD Alternate. (Allemann – 8, Temple 5)

Meeting adjourned at 12:08 a.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 January 23, 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:
Jim Kaufman
John Dittrich
Keith Dittrich
Heath Mettler