

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

7:30 p.m. Thursday, April 25, 2024

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, April 25, 2024, at the Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska. Chairman Roger Gustafson informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on April 19, 2024 and the Nebraska Open Meetings Act information posted on the wall.

Roll call was taken by Administrative Assistant Patty Martens with 14 of 15 Directors present. Members present were Jerry Allemann, Jim Aschoff, Mark Burenheide, Scott Clausen, Roger Gustafson, Mark Hall, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, and Rod Zohner. Michael Fler was absent from the meeting.

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

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

The reading and/or action on the minutes of the March 28, 2024 Board of Directors meeting was next on the agenda. Motion was made by Korth and seconded by Wisnieski that the minutes of the March 28, 2024 Board of Directors meeting be approved. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Fler. Motion carried.

The Finance Subcommittee report was given by Mark Hall. Motion was made by Clausen and seconded by Burenheide to approve income in the amount of \$523,417.87 and expenses in the amount of \$306,124.15 for the Lower Elkhorn Natural Resources District. Aye: Allemann, Aschoff, Burenheide, Clausen, Loberg, Loftis, Reikofski, Steffen, Temple, Gustafson. Nay: Korth. Abstain: Hall, Wisnieski, Zohner. Absent: Fler. Motion carried.

Motion was made by Hall and seconded by Loftis to approve income in the amount of \$81,323.09 and expenses in the amount of \$48,290.59 for the Logan East Rural Water System. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Fler. Motion carried.

Motion was made by Hall and seconded by Wisnieski to approve income in the amount of \$6,985.18 and expenses in the amount of \$5,923.77 for the Wau-Col Regional Water System. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Fler. 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 will meet in June during the 2024 NRD Basin Tour and at that time they will propose a budget to be sent out to the Districts.

There was nothing to report for The Nebraska Natural Resources Commission as Garry Anderson was not in attendance.

The Natural Resources Conservation Service report was referenced in Dropbox by General Manager Brian Bruckner as District Conservationist Robin Sutherland was not in attendance. A copy of the report is attached to the official minutes.

Gary Loftis reported that the Nebraska Loess Hills RC&D will hold electronics waste collections on May 21, 2024 in both Tekamah and Blair and in Walthill and Dakota City on May 23, 2024. The Northeast Nebraska RC&D did not receive a Household Waste Grant but if all dollars are not used by grant recipients, they are hoping they could possibly still be eligible to receive funding.

The Bazile Groundwater Management Area report was referenced in Dropbox by General Manager Brian Bruckner as Lisa Lauver was not in attendance. A copy of the report is attached to the official minutes.

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

Motion was made by Loftis and seconded by Hall to approve the minutes of the April 8, 2024 Logan East RWS Advisory Meeting. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Fler. Motion carried.

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

Motion was made by Clausen and seconded by Loftis to recommend that the LENRD support the City of Wayne Prairie Park Project at the requested amount of \$250,000. Funding will be provided in one yearly payment per year for three years as follows: \$85,000 in fiscal year 2025, \$85,000 in fiscal year 2026, and \$80,000 in fiscal year 2027.

Discussion followed.

Moved to amend by Steffen and seconded by Korth to recommend that the LENRD support the City of Wayne Prairie Park Project for the amount of \$100,000. Funding will be provided in one yearly payment per year for the next three fiscal years. Aye: Aschoff, Burenheide, Korth, Steffen, Wisnieski, Zoher, Gustafson. Nay: Allemann, Clausen, Hall, Loberg, Loftis, Reikofski, Temple. Absent: Fler. Amendment failed.

Vote on the original motion: Aye: Allemann, Clausen, Hall, Loberg, Loftis, Temple. Nay: Aschoff, Burenheide, Korth, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Absent: Fleer. Motion failed.

Motion was made by Steffen and seconded by Zohner to approve the Recreation Area Development Program applications as recommended by staff.

Discussion followed.

Moved to amend by Temple and seconded by Hall to approve the Recreation Area Development Program applications as recommended by staff and approve the City of Madison Pool and Revitalization and ADA Accessibility Enhancement application for an additional amount of \$3,384.00. Aye: Hall, Loftis, Temple. Nay: Allemann, Aschoff, Burenheide, Clausen, Korth, Loberg, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Absent: Fleer. Amendment failed. (Details and amounts on attached on page 5).

Vote on original motion: Aye: Allemann, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Zohner, Gustafson. Nay: Aschoff. Absent: Fleer. Abstain: Wisnieski. Motion carried.

Motion was made by Steffen and seconded by Clausen to approve the proposed amendments to the Lower Elkhorn Natural Resources District Rules and Regulations for the Management of Groundwater, as presented by District staff, and to instruct staff to issue and publicize an Order of Designation. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Fleer. Motion carried.

The Spring 2024 Static Water Level Update was given by Water Resources Technician Dallas Dorey. Dorey presented a PowerPoint presentation of results.

Next on the agenda was a status update discussion and/or action on the submittal of annual reports for the Phase 2 and 3 Groundwater Management Area. There are currently seven producers that have not turned in their management area reports. Various efforts have been made to contact those individuals.

Motion was made by Steffen and seconded by Korth to instruct staff to prepare and send Cease and Desist Orders, as necessary, to landowners and farm operators who have failed to submit annual reports as required by Sections 12.2.2.5 and 12.2.3.1 of the LENRD Groundwater Management Area Rules and Regulations. Aye: Allemann, Burenheide, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: Clausen. Pass: Aschoff. Absent: Fleer. Motion carried.

Status update discussion and/or action on producer compliance with the nitrogen certification requirement was next on the agenda. All reports were received at the time of the board meeting. No action was needed.

At 9:17 p.m. motion was made by Korth and seconded by Steffen to recommend to the board to enter into closed session to discuss current litigation and settlement options. Aye: Allemann, Aschoff, Burenheide, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: None. Abstain: Temple. Absent: Fler, Clausen.

At 10:07 p.m. motion was made by Hall and seconded by Loftis to reenter into regular session. Aye: Allemann, Aschoff, Burenheide, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: None. Abstain: Temple. Absent: Fler, Clausen.

Motion was made by Steffen and seconded by Korth to instruct staff to prepare to consent to the Insurance Carrier Resolution of Litigation as discussed in closed session. Aye: Allemann, Burenheide, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Aschoff. Abstain: Temple. Absent: Fler, Clausen.

Meeting adjourned at 10:25 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 April 25, 2024 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,

REC AREA DEVELOPMENT Year End 2025 Recommended				
RECOMMENDED TO COMPLETE PREVIOUS PARTIAL FUNDING				
APPLICANT	DESCRIPTION	PROJECTED COST	FUNDING REQUESTED	PROJECTS FUNDED IN LAST 3 FISCAL YEARS
Village of Emerson	Swimming Pool Splash Pad	\$188,719.00	\$12,810.50	Community Forestry FY 2022 \$2,915.10 Rec Area Development FY 2022 \$12,750.00 Rec Area Development FY 2023 \$21,965.13 Community Forestry FY 2024 \$2,000.00 Rec Area Development FY 2024 \$12,189.50 Community Forestry FY 2025 \$2,000.00 \$53,819.73
RECOMMENDED FOR FULL FUNDING				
Scribner-Snyder Community School	Scribner-Snyder Pre-School Playground	\$111,285.00	\$25,000.00	None
City of Wakefield	New Playground & Camper Pads	\$99,927.00	\$30,000.00	Community Forestry FY 2022 \$4,105.53
City of Lyons	Island Playground	\$52,920.00	\$25,000.00	Community Forestry FY 2025 \$4,950.00
City of Wisner	Wisner River Park Upgrade Project	\$145,200.00	\$30,000.00	Community Forestry FY 2023 \$5,000.00
City of Pierce	Chilvers Park Splash Pad	\$205,785.36	\$25,000.00	Rec Area Development FY 2022 \$7,135.00
Total Recommended Amount for Funding			\$147,810.50	
URBAN CONSERVATION NOT RECOMMENDED DUE TO APPLICANT PREFERENCE FOR REC AREA PROGRAM				
City of Lyons	Lagoon Reinforcement	\$50,000.00	\$25,000.00	Community Forestry FY 2025 \$4,950.00
NOT RECOMMENDED DUE TO \$150,000 PROGRAM LIMIT				
City of Norfolk	Liberty Bell Park Restroom & Shelter	\$230,000.00	\$30,000.00	Community Forestry FY 2023 \$3,163.69 Community Forestry FY 2024 \$4,998.75 \$8,162.44
Village of Pender	Pender Park Update	\$16,793.00	\$8,396.50	Rec Area Development FY 2023 \$5,419.50 Community Forestry FY 2025 \$3,787.45 \$9,206.95
Logan View Public Schools	Logan View Elementary & Field	\$204,810.00	\$25,000.00	Community Forestry FY 2024 \$4,650.00 Community Forestry FY 2025 \$4,600.00 \$9,250.00
City of Madison Park Board	Madison City Pool Revitalization and ADA Accessibility Enhancement	\$6,768.00	\$3,384.00	Rec Area Development FY 2022 \$14,329.00
Village of Carroll	Village of Carroll Park Renovation	\$34,950.00	\$10,000.00	Rec Area Development FY 2022 \$15,469.50
City of Wayne	Prairie Park	\$1,140,000.00	\$30,000.00	Rec Area Development Paid FY 2022 \$26,000.00
NOT RECOMMENDED FOR FUNDING				
Village of Hadar	Park Restroom/Shower Upgrade/Renovation	\$26,100.00	\$13,050.00	Rec Area Development FY 2022 \$8,620.00
Village of Beemer	Beemer Ballfield Dugouts	\$8,100.00	\$4,050.00	Community Forestry FY 2023 \$5,000.00 Rec Area Development FY 2023 \$21,450.00 \$26,450.00
Wayne County Ag Society	Camper Spots	\$20,919.86	\$10,459.93	None