

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

7:30 p.m. Thursday, September 26, 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, September 26, 2024, 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 September 18, 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, Mark Hall, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, Rod Zohner, and Roger Gustafson. Michael Fler was absent.

Motion was made by Korth and seconded by Temple 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 Hall and seconded by Korth 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.

At this time, Chairman Gustafson opened the floor to public comment. Layne Roth addressed the Board.

Motion was made by Hall and seconded by Clausen to approve the minutes of the August 22, 2024 Board of Directors Meeting and September 12, 2024 Board of Directors Budget Meeting. 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 Hall and seconded by Wisnieski to approve income in the amount of \$1,209,779.03 and expenses in the amount of \$664,911.31 for the Lower Elkhorn Natural Resources District. Aye: Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Abstain: Allemann. Absent: Fler. Motion carried.

Motion was made by Hall and seconded by Loftis to approve income in the amount of \$112,701.04 and expenses in the amount of \$91,168.47 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 Steffen to approve income in the amount of \$12,870.26 and expenses in the amount of \$10,099.51 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 District report was given by Mark Hall. Hall reported on the NARD conference held on September 23rd and 24th in Kearney, Nebraska.

The Nebraska Natural Resources Commission report was given by Commissioner Garry Anderson. A copy of the report is attached to the official minutes.

There was nothing to report from the Natural Resources Conservation Service.

The Nebraska Loess Hills and Northeast Nebraska RC&D reports were next on the agenda. Gary Loftis spoke of the upcoming household hazardous waste collections in Blair on October 11th and North Bend and Pender on October 12th. A copy of the Loess Hills RC&D report is attached to the official minutes. Mark Hall noted that the Northeast Nebraska RC&D met recently and that they received a 2 year grant for household hazardous waste collections with the first one being held on October 26 at the Wayne, Nebraska auditorium.

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.

The Logan East Rural Water System report was given by Logan East Rural Water System Manager Shawn Blahak. A copy is attached to the official minutes.

Motion was made by Loftis and seconded by Gustafson to approve the minutes of the September 9, 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 Vice-Chairman 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 Cuming, Colfax, and Dodge Counties, and in Wellhead Protection Areas within the Bazile Groundwater Management Area. Dan provided an explanation for each set of results, which include information for every 2-5 feet for nitrate, ammonium, moisture content, and ph. Also included is the mass of pore water nitrate equivalent and the mass of stored nitrate amount within the vadose zone. The results for 40 locations in Cuming, Colfax,

and Dodge Counties, which range in depth from 20-100 feet show that around 50% contain greater than 200 pounds per acre in residual nitrate. For the coring locations within the Bazile Groundwater Management Area, core depths ranged from 10-100 feet and on average the residual amounts of nitrate range from a low of 14 pounds per acre to a high of 637 pounds per acre, with the average being 184 pounds for the 34 locations. Additional cores are proposed for locations within Cuming, Colfax, and Dodge Counties during the Fall of 2024 and/or Spring of 2025 with a final report expected for sometime in 2025.

Motion was made by Steffen and seconded by Korth to authorize staff to advertise and schedule a sign-up period to run from October 1 through October 31, 2024 to receive applications for standard variances from geographically eligible locations in the LENRD. Approval of this motion will also direct staff to prepare application materials and to increase the application fee to \$100 for each standard variance for the upcoming sign-up period. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Fleer. Motion carried.

Motion was made by Steffen and seconded by Korth for the upcoming Standard Variance sign-up period, to allow up to 400 acre feet of new depletions in the Hydrologically Connected Area, and up to 3,500 new irrigated acres in the Non-hydrologically Connected Area in the Lower Elkhorn NRD. Approval of this motion will also authorize approval and use of Conditions for Approval Policy, dated September 26, 2024, and the weighting of scores on the scoresheets utilized to process Standard Variances. Geographic eligibility will be determined from the map titled "Lower Elkhorn NRD – 2024 Irrigation Development Areas".

Discussion followed.

Motion was made by Loftis and seconded by Temple to amend the original motion adding "any application in a Phase 3 area would be penalized 100 points on the score sheet if applying for more than 15 new acres and if not previously in production in the last two years". Aye: Korth, Loftis, Temple. Nay: Allemann, Aschoff, Burenheide, Clausen, Hall, Loberg, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Absent: Fleer. Motion failed.

Motion was made by Loftis and seconded by Temple to change the Phase 3 soil score on the Standard Variance scoresheets from 80 to 85. Aye: Burenheide, Loberg, Loftis, Temple. Nay: Allemann, Aschoff, Clausen, Hall, Korth, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Absent: Fleer. Motion failed.

Motion was made by Burenheide and seconded by Wisnieski to amend the original motion lowering the allowable amount from 400 acre feet to 300 acre feet of new depletions in the Hydrologically Connected Area and lowering the allowable amount from 3,500 to 2,500 new irrigated acres in the Non-hydrologically Connected Area. Aye: Burenheide, Loftis, Temple, Wisnieski. Nay: Allemann, Aschoff, Clausen, Hall, Korth, Loberg, Reikofski, Steffen, Zohner, Gustafson. Absent: Fleer. Motion failed.

Vote on original motion: For the upcoming Standard Variance sign-up period, to allow up to 400 acre feet of new depletions in the Hydrologically Connected Area, and up to 3,500 new irrigated acres in the Non-hydrologically Connected Area in the Lower Elkhorn NRD. Approval

of this motion will also authorize approval and use of Conditions for Approval Policy, dated September 26, 2024, and the weighting of scores on the scoresheets utilized to process Standard Variances. Geographic eligibility will be determined from the map titled “Lower Elkhorn NRD – 2024 Irrigation Development Areas”. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Loftis, Temple. Absent: Fler. Motion carried.

Motion was made by Steffen and seconded by Clausen to accept the Scope of Work and Flow Meter Maintenance Agreement from Derek and Austin Becker which outlines the requirements for the completion of Flow Meter Preventative Maintenance Services within the Lower Elkhorn NRD, and to authorize the General Manager to sign the agreement on behalf of the District. 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 Clausen and seconded by Aschoff to accept the bid from Mullenhoff Sales for the purchase of a skid steer brush mower in the amount of \$6,250. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: Korth. Absent: Fler. Motion carried.

Motion was made by Clausen and seconded by Wisnieski to accept the bid from Cornhusker Auto for the purchase of a 2024 Ram 2500 Tradesman Truck in the amount of \$57,692. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: Korth. Absent: Fler.

Motion was made by Steffen and seconded by Clausen to approve and adopt the LENRD Director Expense Reimbursement and Per Diem Policy as presented by District staff.

Discussion followed.

Motion was made by Loftis and seconded by Temple to amend the original motion to include “or other activities requested or approved by the General Manager and Chairman of the Board” to the Director Expense Reimbursement and Per Diem Policy. Aye: Allemann, Aschoff, Burenheide, Clausen, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Fler. Motion carried.

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

Meeting adjourned at 10:54 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 September 26, 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, Secretary