

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

8:00 p.m., Thursday, May 24, 2012
Lifelong Learning Center
601 East Benjamin, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Rod Zessin on Thursday, May 24, 2012 at the Lifelong Learning Center, 601 East Benjamin, Norfolk, Nebraska. Chairman Zessin informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on May 17, 2012 and the Nebraska Open Meetings Act information posted by the entrance door.

Roll call was taken by Administrative Secretary Vickie DeJong with 15 of 15 Directors present. Present: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Absent: None.

Motion was made by Tighe and seconded by Hansen *to adopt the agenda*. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

The reading and/or action on the minutes of the April 26, 2012 Board of Directors meeting was next on the agenda. Motion was made by Loftis and seconded by Kluthe *that the minutes of the April 26, 2012 Board of Directors meeting be approved as printed*. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Mike Krueger. Motion was made by Krueger and seconded by Shafer *to approve income in the amount of \$970,173.06 and expenses in the amount of \$296,978.02 as printed and distributed*. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Krueger and seconded by Wesely *to approve income in the amount of \$74,856.11 and expenses in the amount of \$38,554.14 for the Logan East Rural Water System as printed and distributed*. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Krueger and seconded by Anderson *to approve the income in the amount of \$2,193.27 and expenses in the amount of \$372,125.44 for the Wau-Col Regional Water System as printed and distributed*. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

The conservation cost share report was given by Assistant Manager Ken Berney.

The Nebraska Association of Resources Districts report was given by Ken Peitzmeier. He reported that the next meeting and basin tour will be held in Omaha in June.

The Nebraska Natural Resources Commission report was given by Garry Anderson. He reported

on the last meeting of the commission.

The Natural Resources Conservation Service report was given by Robin Sutherland, District Conservationist. She reported on personnel, activities, land treatment, programs and upcoming events. (A copy of the report attached to the official minutes.)

The PrairieLand RC&D report was given by Bob Huntley and Chris Carlson, the Northeast Nebraska RC&D report was given by Stan Baier and the Nebraska Loess Hills RC&D report was given by Elden Wesely.

The Administrative Report was given by staff employees. New employee hires were introduced Josh Schnitzler as Field Technician and Shawn Blahak as Logan East RWS Manager.

The Logan East Rural Water System Advisory Committee report was given by Gary Loftis. Motion was made by Loftis and seconded by Wesely to renew the one year contract with MicroComm in the amount of \$4125 for service and parts on the telemetry controls. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Loftis and seconded by Schultz to accept the Logan East Rural Water System Advisory Committee minutes of May 14, 2012. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by Stan Baier. Motion was made by Baier and seconded by Huntley to approve the revised job description, hours and wages for the part-time Wau-Col Regional Water System Manager. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Baier and seconded by Huntley to approve the hiring of Jim Cautrell as the Wau-Col Regional Water System part-time manager effective July 1, 2012. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Baier and seconded by Wesley to approve the USDA Rural Development/Rural Utility Service RUS Bulletin 1780-27, Loan Resolution (Public Bodies) in the amount of \$53,000 for the Wau-Col Regional Water System and authorize the Secretary to sign the certification at loan closing. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Baier and seconded by Huntley to approve the resolution to authorize issuance of Water Revenue Bonds for the Wau-Col Regional Water System. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Baier and seconded by Huntley to accept the Wau-Col Regional Water System Advisory Committee minutes of April 12, 2012. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

The Information, Planning & Programs Subcommittee report was given by Subcommittee Chairman Danny Kluthe. Motion was made by Kluthe and seconded by Baier to schedule and hold a public hearing on June 21, 2012 at 7:30 p.m. to receive testimony concerning proposed amendments to the district's Groundwater Management Area Rules and Regulations and for adopting or amending controls in the Groundwater Management Area. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Kluthe and seconded by Carlson to approve the request from Madison Public Schools to continue their Watershed Dynamics Program in the amount of \$1000. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

The Projects, Equipment & Legislation Subcommittee report was given by Subcommittee Chairman Garry Anderson. Motion was made by Anderson and seconded by Schultz to approve the agreement with Olsson Associates to complete five years of monitoring for 404 permit compliance at Maple Creek Recreation Area, at a cost of \$27,800. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Anderson and seconded by Wesely to approve the request from Loess Hills RC&D to fund the scrap tire collection cost overrun, not covered by the Nebraska Department of Environmental Quality grant, up to \$6300. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: Meyer. Absent: None. MOTION CARRIED.

The Ad-Hoc Variance Committee report was given by Committee Chairman Joel Hansen. Motion was made by Hansen and seconded by Kluthe to instruct staff to remove the proposed "existing well with proven yield" category from the scoring category list in the proposed amendments to the Groundwater Management Area Rules and Regulations. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: Loftis. Absent: None. MOTION CARRIED.

Motion was made by Hansen and seconded by Tighe to instruct staff to include the remaining categories proposed by staff into the proposed amendments to the Groundwater Management Area rules and regulations, including "impact to streamflow," "transmissivity," "high capacity well density," "soil conservation issues," "well yield", "applicant applied previously but was denied," "compliance with District rules and regulations" (establishing a five-year limit for assessing the penalty), "proximity to wellhead protection area," "proximity to District stay area, and "whether the Variance is needed to support an NPDES permit issued to a confined animal feeding operation." Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

The Executive Board report was given by Joel Hansen. Motion was made by Hansen and seconded by Tighe to approve the Wellness/Safety Committee budget for Fiscal Year 2013 in the amount of \$3510. Aye: Anderson, Baier, Carlson, Hansen, Huntley, Kluthe, Krueger, Loftis, Meyer, Peitzmeier, Schultz, Shafer, Tighe, Wesely, Zessin. Nay: None. Absent: None. MOTION CARRIED.

Motion was made by Hansen and seconded by Tighe *to adjourn*. Motion carried with all ayes. The meeting adjourned at 9:34 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 24, 2012 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.

Gary Loftis, Secretary

Other Present:

Ronald Dierking, Scribner

Tom Nathan, Meadow Grove

Lee Cautrell, Coleridge

Jim Caturell, Magnet

Edd Riley, Carroll