

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

7:30 p.m., Thursday, March 22, 2018

Lower Elkhorn NRD

601 East Benjamin, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Dennis Schultz on Thursday, March 22, 2018 at the Lower Elkhorn NRD, 601 East Benjamin, Norfolk, Nebraska. Chairman Schultz informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on March 16, 2018 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Supervisor Vickie DeJong with 13 of 15 Directors present. Present: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Steffen, Schultz. Absent: Krueger. Absent, Present Later: McHenry.

Motion was made by Janke and seconded by Korth *to excuse the absence of Mike Krueger*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger, McHenry. Motion Carried.

Motion was made by Hansen and seconded by Loftis *to adopt the agenda*. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Steffen, Schultz. Nay: Allemann. Absent: Krueger, McHenry. Motion Carried.

The reading and/or action on the minutes of the February 22, 2018 Board of Directors meeting was next on the agenda. Motion was made by Hall and seconded by Barr *that the minutes of the February 22, 2018 Board of Directors meeting be approved*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger, McHenry. Motion Carried.

The Finance Subcommittee report was given by Treasurer Dave Kathol. Motion was made by Kathol and seconded by Huntley *to approve income in the amount of \$272,120.51 and expenses in the amount of \$313,915.60*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger, McHenry. Motion Carried.

Motion was made by Kathol and seconded by Loftis *to approve income in the amount of \$76,392.43 and expenses in the amount of \$28,064.73 for the Logan East Rural Water System as printed and distributed*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger, McHenry. Motion Carried.

Motion was made by Kathol and seconded by Janke *to approve income in the amount of \$5,118.23 and expenses in the amount of \$3,027.20 for the Wau-Col Regional Water System*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger, McHenry. 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 Gary Loftis.

No Nebraska Natural Resources Commission report was given.

A Natural Resources Conservation Service report was given by Robin Sutherland, District Conservationist. (A copy of the report attached to the official minutes.)

Gary Loftis reported on the Loess Hills RC&D and Bob Huntly reported on the Northeast Nebraska RC&D.

The Bazile Groundwater Management Area report was given by Coordinator Phil Steinkamp. A copy of his report is attached to the official minutes.

The Administrative Report was given by General Manager Mike Sousek. (A copy of the report attached to the official minutes.)

Motion was made by Hall and seconded by Korth to approve the professional services agreement with JEO Consulting Group, Inc. to perform a study of the Logan Creek Dredge Watershed Evaluation, not to exceed \$17,000. Aye: Allemann, Barr, Hall, Janke, Kathol, Korth, Loftis, McHenry, Noonan. Nay: Hansen, Huntley, Steffen, Schultz. Abstain: Gustafson. Absent: Krueger. Motion Carried.

The Logan East Rural Water System Advisory Committee report was given by Gary Loftis. Motion was made by Loftis and seconded by Korth to accept the Logan East Rural Water System Advisory Committee minutes of March 12, 2018. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger. Motion Carried.

The Committee of the Whole report was given by Secretary Mark Hall. Motion was made by Hall and seconded by Hansen that an exemption be granted to Rule 12.2.2. (prohibition of fall applied, commercial nitrogen), of the Lower Elkhorn Natural Resources District (District) Groundwater Management Area Rules and Regulations for the Enforcement of the Nebraska Groundwater Management and Protection Act, to Dan and John Schmit (Cooperators), who reside and operate farms near Osmond, NE, and to agree to participate in a Pilot Research Project to examine and monitor the environmental impacts and agronomic outcomes of the use of the Exactrix© TAPPS system for the application of crop nutrients in bands below the soil surface within the Lower Elkhorn NRD Groundwater Management Area for a period of five (5) years, at which time the outcomes of the project will be re-evaluated and the participation agreement extended for an additional five (5) years, as long as favorable monitoring data exists to justify continuation of the project. The Cooperators, District and independent research professionals will work cooperatively to develop a written project scope, along with soil and water monitoring protocol, to evaluate the project. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Loftis, McHenry, Noonan, Steffen, Schultz. Nay: Korth. Absent: Krueger. Motion Carried.

Motion was made by McHenry and seconded by Barr to enter into Executive Session for the protection of public interest. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger. Motion Carried.

Chairman Schultz stated that the Board would move into Executive Session for the protection of public interest and that the General Manager be asked to stay.

Moved into Executive Session at 8:52 p.m.

Motion was made by Huntley and seconded by Barr to return to regular session. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger. Motion Carried.

Reentered regular session at 9:42 p.m.

Motion was made by Hansen and seconded by Barr to approve the JEO Consulting Group Inc. Phase I – Pilot Scale Model of the Lower Elkhorn NRD Regional Groundwater Model, not to exceed \$84,000.

Motion by Gustafson and seconded by Korth to table the motion. Aye: Allemann, Gustafson, Hall, Janke, Kathol, Korth, Noonan, Steffen. Nay: Barr, Hansen, Huntley, Loftis, McHenry, Schultz. Absent: Krueger. Motion Carried.

Motion was made by Hall and seconded by Hansen to enter into Executive Session for the protection of public interest due to possible litigation. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger. Motion Carried.

Chairman Schultz stated that the Board would move into Executive Session for the protection of public interest due to possible litigation and that the General Manager and Administrative Supervisor be asked to stay.

Moved into Executive Session at 10:00 p.m.

Motion was made by Korth and seconded by McHenry to return to regular session. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, McHenry, Noonan, Steffen, Schultz. Nay: None. Absent: Krueger. Motion Carried.

Reentered regular session at 10:02 p.m.

Meeting adjourned at 10:02 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 March 22, 2018, 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.

Mark Hall, Secretary