

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

7:30 p.m. Thursday, October 27, 2022

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, October 27, 2022, 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 October 20, 2022.

Roll call was taken by Administrative Assistant Patty Martens with 15 of 15 Directors present. Present: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Absent: None.

Motion was made by Hansen and seconded by Loftis to adopt the agenda. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

The reading and/or action on the minutes of the September 9 (Budget Hearing), and September 22, 2022 Board of Directors meeting was next on the agenda. Motion was made by Allemann and seconded by Clausen that the minutes of the September 9 (Budget Hearing) and the September 22, 2022 Board of Directors meeting be approved. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, 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 Schultz to approve income in the amount of \$420,438.23 and expenses in the amount of \$547,700.79 for the Lower Elkhorn Natural Resources District. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Loftis to approve income in the amount of \$87,921.44 and expenses in the amount of \$83,460.99 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Hansen to approve income in the amount of \$7,372.50 and expenses in the amount of \$9,212.73 for the Wau-Col Regional Water System. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, 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 Joel Hansen. He reported on the NARD conference held in Kearney.

There was nothing to report from the Nebraska Natural Resources Commission.

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

Gary Loftis reported on the Nebraska Loess Hills RC&D. Loftis reported on the Household Hazardous Waste collections recently held. 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 Gustafson to accept the Logan East Rural Water System Advisory Committee minutes of October 10, 2022. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, 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.

Motion was made by Korth and seconded by Loftis to protect the health and welfare of the public and to minimize negative impacts to groundwater supplies during periods of acute drought, an annual allocation or limit on the amount of groundwater to be withdrawn for any municipal/public water supply well and for any irrigation well shall be established for wells located within a D3 or D4 designated area within the Lower Elkhorn NRD as determined by the U.S. Drought Monitor. Municipal/public water supply wells shall be subject to a limit of 250 gallons per day/capita and irrigation wells shall be subject to a limit of 15 inches/acre for each certified irrigated acre serviced by the well. In addition, the Lower Elkhorn NRD will forego consideration of requests for new uses of groundwater for irrigation to allow for the completion of previously approved projects and to monitor and assess impacts to groundwater supplies for all users.

Discussion followed.

Moved to amend by Clausen and seconded by Loftis to strike the words “municipal/public water supply wells shall be subject to a limit of 250 gallons per day/capita” from the motion. Aye: Allemann, Clausen, McHenry. Nay: Gustafson, Hansen, Janke, Korth, Loftis, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Absent: None. Amendment Failed.

Vote on the original motion: Aye: Hansen, Janke, Korth, Loftis, McHenry, Noonan, Schultz, Steffen. Nay: Allemann, Clausen, Gustafson, Reikofski, Wisnieski, Zohner, Hall. Absent: None. Motion carried.

Motion was made by Gustafson and seconded by Korth to enact a measure that will remove any previously enacted drought response mechanisms when drought conditions in any portion of the Lower Elkhorn NRD is downgraded to a D2 designation on the U.S. Drought Monitor for a term of 14 consecutive days. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was by Gustafson and seconded by Hansen to direct staff to prepare and issue notice of violation documents to landowners whose irrigation wells have exceeded the annual allocation for groundwater withdrawal as outlined in the District Conditions for Approval Policy for New Irrigation Wells, and to schedule public hearings for each landowner before the District's Board of Directors. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner. Nay: None. Abstain: Hall. Absent: None. Motion carried.

Motion was made by Loftis and seconded by Hansen to authorize staff to contact all identified violators of the District's rules to determine whether they will voluntarily accept a penalty that reduces their allocations for the next two years in an amount equal to the amount of their irrigation overuse multiplied by one. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner. Nay: None. Abstain: Hall. Absent: None. Motion carried.

Motion was made by Gustafson and seconded by Clausen to direct staff to issue a notice of violation and notice of hearing, and further, to direct staff to outline options to remediate and prevent future use of an irrigation well as a source of irrigation water for land not approved for irrigation from the well associated with the violation. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Gustafson and seconded by Korth to accept the request for qualifications from Bartlett & West and to instruct staff to negotiate with Bartlett & West for a preliminary engineering report for the proposed Logan East well, water tower, and connection to the Village of Craig. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Nay: None. Absent: None. Motion carried.

Motion was made by Gustafson and seconded by Clausen to purchase a 2022 Polaris Sportsman 450 ATV in the amount of \$7,500 from Motoplex of Norfolk. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Loftis, McHenry, Noonan, Reikofski, Schultz, Steffen, Wisnieski, Zohner, Hall. Nay: Korth. Absent: None. Motion carried.

Meeting adjourned at 10:19 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 October 27, 2022 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.

Jerry Allemann, Secretary

Others Present:

Ron Dierking
Aaron Zimmerman
Doug Hall
Ryan Zimmerman
Lucas Miller
Roger Woslager
Doug Nelson