

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

Certification of Acres Hearing

7:00 p.m., Thursday, September 24, 2020
1508 Square Turn Blvd, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Gary Loftis on Thursday, September 24, 2020 at the Lower Elkhorn Natural Resources District, 1508 Square Turn Blvd, Norfolk, Nebraska. Chairman Loftis informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on September 18, 2020 and the Nebraska Open Meetings Act information posted at the entrance to the room.

Roll call was taken by Administrative Supervisor Vickie DeJong with 14 of 15 Directors present. Present: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Absent: McHenry.

Chairman Gary Loftis gave a brief description of the District's hearing rules for the public, staff and Board: the complete hearing rules were posted on the district website and copies of a summary of those rules was made available to anyone present at the meeting; any member of the public would be given the opportunity to appear in person or through their agent and could present any supporting witnesses, evidence, or statements in support of their position; the Chairman would allow the property owner 10 minutes to testify, followed by 5 minutes for each member of the public, followed by testimony from the District staff, concluded with 5 minutes for rebuttal testimony; once an individual hearing had been closed, neither the public nor the staff could present additional information unless requested by the board; discourteous conduct, disorderly conduct, as well as highly repetitious testimony would not be allowed in the hearings; and anyone wishing to contest the staff's preliminary determination of the number of certified irrigated acres for a parcel must indicate their desire to do so by writing the unique parcel ID number for the land they wish to contest on the sign-up sheet.

Motion was made by Schultz seconded by Hansen *to open all public hearings on the agenda*. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: McHenry. Motion Carried.

Chairman Loftis accepted into the record Exhibit number 1, the District's Hearing Rules of Procedure; Exhibit number 2, the District's Groundwater Management Area Rules and Regulations; Exhibit number 3, the Public Hearing Notice; and Exhibit number 4, the list of parcels (the "Unique Parcel ID Spreadsheet" prepared by District staff) subject to public hearing.

Chairman Loftis asked the staff if any requests for continuance were received. GIS Specialist Mike Murphy answered that there were none.

Chairman Loftis asked the staff if there were any contested hearings received. Mr. Murphy indicated there were none.

Chairman Loftis opened a public hearing for properties for which board members Roger Gustafson, Mark Hall, and Kurt Janke may have a conflict of interest.

Chairman Loftis asked Gustafson if he wished to offer testimony for any of the properties listed. Gustafson did not.

Chairman Loftis asked if anyone from the public wished to testify regarding the properties for this public hearing. There were none.

Chairman Loftis asked staff if they wished to testify regarding the properties for this public hearing. They did not.

Chairman Loftis asked for discussion. There was none.

A motion was made by Clausen and seconded by Noonan to make a final determination and approve the preliminary determinations for Roger Gustafson.

OWNER NAME	UNIQUE ID	PID (PARCEL)	CERTIFICATION ID	SOURCE		
				GROUNDWATER	SURFACEWATER	WASTEWATER
GUSTAFSON/DAVID W GUSTAFSON, ROGER L	613776	001010006	2605E02-007	1.48	0.00	0.00
GUSTAFSON/ROGER GUSTAFSON, DAVID	603526	001010008	2605E02-001	122.05	0.00	0.00
GUSTAFSON/ROGER GUSTAFSON, DAVID	613779	001010009	2605E02-006	18.87	0.00	0.00

Aye: Allemann, Clausen, Hansen, Huntley, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Abstain: Gustafson, Hall, Janke. Absent: McHenry. Motion Carried.

Chairman Loftis asked Hall if he wished to offer testimony for any of the properties listed. Hall did not.

Chairman Loftis asked if anyone from the public wished to testify regarding the properties for this public hearing. There were none.

Chairman Loftis asked staff if they wished to testify regarding the properties for this public hearing. They did not.

Chairman Loftis asked for discussion. There was none.

A motion was made by Hall and seconded by Clausen to make a final determination and approve the preliminary determinations for Mark Hall.

OWNER NAME	UNIQUE ID	PID (PARCEL)	CERTIFICATION ID	SOURCE		
				GROUNDWATER	SURFACEWATER	WASTEWATER
HALL/KATHLEEN M & MARK D (TRUSTEES CO-TRUSTEES HALL TRUST)	610753	700034916	2503W08-001	138.67	0.00	0.00

Aye: Allemann, Clausen, Hansen, Huntley, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Abstain: Gustafson, Hall, Janke. Absent: McHenry. Motion Carried.

Chairman Loftis asked Janke if he wished to offer testimony for any of the properties listed. Janke did not.

Chairman Loftis asked if anyone from the public wished to testify regarding the properties for this public hearing. There were none.

Chairman Loftis asked staff if they wished to testify regarding the properties for this public hearing. They did not.

Chairman Loftis asked for discussion. There was none.

A motion was made by Hansen and seconded by Schultz to make a final determination and approve the preliminary determinations for Kurt Janke.

OWNER NAME	UNIQUE ID	PID (PARCEL)	CERTIFICATION ID	SOURCE		
				GROUNDWATER	SURFACEWATER	WASTEWATER
JANKE/KURT & COLLEEN	613757	0000473.00	2701E15-002	135.20	0.00	0.00
JANKE/PATRICIA R & BYRON L, TRUSTEES OF PATRICIA JANKE LIVING TRUST	613763	0000473.01	2701E15-001	0.50	0.00	0.00

Aye: Allemann, Clausen, Hansen, Huntley, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Abstain: Gustafson, Hall, Janke. Absent: McHenry. Motion Carried.

Chairman Loftis opened a public hearing for the remaining 123 properties that were non-continued, non-contested, and non-conflict of interest (a list of the properties is attached to these minutes) and asked if anyone from the public, staff or Board wished to testify regarding any of these properties.

A motion was made by Clausen and seconded by Noonan to make a final determination and approve the preliminary determinations for the properties that remained on the District's list of properties to consider at public hearing on September 24, 2020 that were not continued, contested or did not have a conflict of interest (the list of properties is attached to these minutes). Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: McHenry. Motion Carried.

Motion was made by Noonan and seconded by Schultz to close the Public Hearing. Aye: Allemann, Clausen, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Noonan, Schultz, Steffen, Zimmerman, Loftis. Nay: None. Absent: McHenry. Motion Carried.

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 24, 2020 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.

Matt Steffen, Secretary