

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

7:30 p.m. Wednesday, September 29, 2021

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 Wednesday, September 29, 2021, at the Lower Elkhorn NRD, 1508 Square Turn Blvd, Norfolk, Nebraska. Chairman Hall informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on September 25, 2021.

Roll call was taken by Administrative Assistant Patty Martens with 12 of 15 Directors present. Present: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Absent: Loftis, Noonan, Zohner.

Motion was made by Schultz and seconded by Hansen to excuse the absence of Gary Loftis, Bob Noonan, and Rod Zohner. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

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

The reading and/or action on the minutes of the August 26, 2021 Board of Directors meeting was next on the agenda. Motion was made by Allemann and seconded by Clausen that the minutes of the August 26, 2021 Board of Directors meetings be approved. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

The Finance Subcommittee report was given by Dennis Schultz. Motion was made by Schultz and seconded by Wisnieski to approve income in the amount of \$1,227,281.50 and expenses in the amount of \$286,431.86 for the Lower Elkhorn Natural Resources District. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

Motion was made by Schultz and seconded by Wisnieski to approve income in the amount of \$93,744.10 and expenses in the amount of \$45,515.59 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

Motion was made by Schultz and seconded by Hansen to approve income in the amount of \$2,931.07 and expenses in the amount of \$5,852.85 for the Wau-Col Regional Water System. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz,

Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. 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, NE from September 26 to September 29.

The Nebraska Natural Resources Commission report was not given.

The Natural Resources Conservation Service report was not presented. A copy of the report is attached to the official minutes.

The RC&D reports were not given. A copy of the written report is attached to the official minutes.

Whitney Gappa reported on the Bazile Groundwater Management Area. A report is attached to the official minutes.

The Administrative Report was given by Assistant General Manager Brian Bruckner. A copy is attached to the official minutes.

Motion was made by Gustafson and seconded by Clausen *to accept the Logan East Rural Water System Advisory Committee minutes of September 13, 2021*. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

Motion was made by Hansen and seconded by Schultz *to accept the Wau-Col Rural Water System Advisory Committee minutes of September 2, 2021*. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

The Information, Planning, Programs, Projects, Equipment & Legislation Committee of the Whole report was given by Roger Gustafson.

Motion was made by Gustafson and seconded by Korth *To postpone the scheduling of a formal sign-up period to accept applications for Standard Variances for the Expansion of Groundwater Irrigated Acres in the Lower Elkhorn Natural Resources District to no later than September 1, 2022 to allow for the evaluation and incorporation of the Graphic User Interface (GUI) developed to utilize the LENRD Hydrogeologic Groundwater Model to evaluate Standard Variance requests*. Aye: Hansen, Janke, Korth. Nay: Allemann, Clausen, Gustafson, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Absent: Loftis, Noonan, Zohner. Motion Failed.

Motion was made by Gustafson and seconded by Hansen To allow up to 295.00 Acre Feet of new stream water depletions for new groundwater irrigation development in the Hydrologically Connected or 10/50 Area in the Lower Elkhorn NRD under the District's standard variance process for the upcoming sign-up period; and to allow up to 2,500 acres of new groundwater irrigation development in the Non Hydrologically Connected or Non 10/50 Area under the District's standard variance process for the upcoming sign-up period. As a condition for approval, a minimum soil score of 85 must be met in the Soil Conservation category for any standard variance application to be considered for approval, regardless of the total score. Geographic portions of the District that are eligible to be considered for standard variances will remain unchanged from the classification map entitled "Lower Elkhorn NRD – 2020 – Irrigation Development Areas". In addition, approval of this motion will re- authorize the "Conditions for Approval Policy" for new wells constructed under an approved variance, along with the score sheets utilized for the evaluation of requests. An approved motion will authorize staff to advertise and prepare application materials for a sign-up period which would extend from October 1st through October 31st, 2021 for the receipt of standard variance requests.

Discussion followed.

Moved to amend by Korth and seconded by Clausen to lower the minimum required soil score from 85 to 80. Aye: Allemann, Clausen, Korth, Reikofski, Wisnieski. Nay: Gustafson, Hansen, Janke, McHenry, Schultz, Steffen, Hall. Absent: Loftis, Noonan, Zohner. Motion Failed.

Vote on original motion To allow up to 295.00 Acre Feet of new stream water depletions for new groundwater irrigation development in the Hydrologically Connected or 10/50 Area in the Lower Elkhorn NRD under the District's standard variance process for the upcoming sign-up period; and to allow up to 2,500 acres of new groundwater irrigation development in the Non Hydrologically Connected or Non 10/50 Area under the District's standard variance process for the upcoming sign-up period. As a condition for approval, a minimum soil score of 85 must be met in the Soil Conservation category for any standard variance application to be considered for approval, regardless of the total score. Geographic portions of the District that are eligible to be considered for standard variances will remain unchanged from the classification map entitled "Lower Elkhorn NRD – 2020 – Irrigation Development Areas". In addition, approval of this motion will re- authorize the "Conditions for Approval Policy" for new wells constructed under an approved variance, along with the score sheets utilized for the evaluation of requests. An approved motion will authorize staff to advertise and prepare application materials for a sign-up period which would extend from October 1st through October 31st, 2021 for the receipt of standard variance requests. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

Motion was made by Gustafson and seconded by Steffen 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, Clausen, Gustafson, Hansen, Janke, Korth, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

Motion was made by McHenry and seconded by Korth to purchase a 2022 Ford F-150 Super Cab pickup from Courtesy Ford in Norfolk, NE, not exceeding the quoted price of \$32,997. Aye: Allemann, Clausen, Gustafson, Hansen, Janke, Korth, McHenry, Reikofski, Schultz, Steffen, Wisnieski, Hall. Nay: None. Absent: Loftis, Noonan, Zohner. Motion Carried.

Meeting adjourned at 9:01 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 29, 2021 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:
Nick Jindra