

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

7:30 p.m. Thursday, September 28, 2023
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 Roger Gustafson on Thursday, September 28, 2023, at the Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska. Chairman Gustafson informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on September 22, 2023 and the Nebraska Open Meetings Act information posted on the wall.

Roll call was taken by Administrative Assistant Patty Martens with 15 of 15 Directors present. Present: Jerry Allemann, James Aschoff, Mark Burenheide, Scott Clausen, Michael Fler, Mark Hall, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, Rod Zohner, Roger Gustafson. Absent: None.

Motion was made by Korth and seconded by Allemann *to adopt the agenda*. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

The Reading and/or Action on Minutes of August 10 Special Board Meeting, August 24, 2023 Board of Directors Meeting, and September 14 Board of Directors Budget Meeting was next on the agenda. Motion was made by Reikofski and seconded by Wisnieski that the minutes of the August 10 Special Board meeting, August 24 Board of Director's meeting, and September 14 Board of Directors Budget meeting be approved.

Discussion followed. Director Temple stated she had corrections to the August 10 Special Board meeting minutes. Temple expressed that there were additional emails sent in by the public to board members that were not mentioned during the August 10 meeting. Temple also pointed out the omission of words in the motion to enter into closed session. In addition, Temple raised a concern regarding a difference in the wording in the motion that was approved by the Board on August 10, compared to the wording contained in a letter previously sent to Temple that contained the draft sanctions. Interim General Manager Brian Bruckner explained that following the advice of District legal counsel, a last minute change was inserted for clarification purposes.

Motion was made by Reikofski and seconded by Wisnieski to approve amended minutes of the August 10 Special Board meeting, approve the minutes of the August 24 Board of Director's meeting, and the September 14 Board of Director's Budget meeting. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Temple. Absent: None. Motion carried.

The Finance Subcommittee report was given by Anthony Wisnieski. Motion was made by Wisnieski and seconded by Hall to approve income in the amount of \$1,066,768.41 and expenses in the amount of \$828,893.94 for the Lower Elkhorn Natural Resources District. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Loftis to approve income in the amount of \$97,144.19 and expenses in the amount of \$463,456.91 for the Logan East Rural Water System as printed and distributed. Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Loberg to approve income in the amount of \$15,177.54 and expenses in the amount of \$6,303.93 for the Wau-Col Regional Water System. Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. 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 next on the agenda. Mark Hall updated the Board of happenings at the NARD Conference.

The Nebraska Natural Resources Commission report was not given as Garry Anderson was not in attendance.

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

The Nebraska Loess Hills report was given by Gary Loftis. The Northeast Nebraska RC&D report was given by Mark Hall. A copy of both reports are attached to the official minutes.

The Bazile Groundwater Management Area report was referenced in Dropbox by Brian Bruckner as Lisa Lauver, Project Coordinator for the BGMA, was not in attendance. A report is attached to the official minutes.

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

The Logan East Rural Water System report was given by the Logan East Manager Shawn Blahak. A copy is attached to the official minutes.

Motion was made by Loftis and seconded by Clausen to approve the recommendation by the Logan East Rural Water System Advisory Committee to update item (2) of the Application for Water Service and Users Agreement, adding the wording: "If a line extension is needed to reach the new subscribers meter point, the cost of the extension will be paid by the subscriber. The line extension will then become the IPA's (Logan East) ownership and responsibility after installation." Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Loftis and seconded by Fler to approve the recommendation by the Logan East Rural Water System Advisory Committee to accept the proposal from Micro-Comm for the Logan East Rural Water System Antenna and CTU upgrade, not to exceed the amount of \$23,761.00. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Loftis and seconded by Gustafson to accept the Logan East Rural Water System Advisory Committee minutes of September 11, 2023. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Reikofski and seconded by Allemann to accept the Wau-Col Rural Water System Advisory Committee minutes of September 7, 2023. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

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

Jim Olson, Lower Elkhorn NRD Conservation Planner, gave an overview and presentation of his role as the Conservation Planner along with information on the Willow Creek Watershed Improvement Project.

Next on the agenda was the Lower Elkhorn Standard Variance Process for New Groundwater Irrigated Acres. Interim Manager Brian Bruckner gave an update and report on the Ad-Hoc Variance Committee meetings and discussions. Director Gustafson then invited the public to speak.

Motion was made by Steffen and seconded by Korth to direct staff to prepare amendments and to schedule a public hearing to receive public testimony on amendments to the Lower Elkhorn Natural Resources District Groundwater Management Area Rules and Regulation. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Temple. Absent: None. Motion carried.

Curt Becker, Projects Manager, presented information and answered Director questions on the Willow Creek Artesian Pressure Relief Well Discharge system costs.

Motion was made by Loftis and seconded by Korth to authorize the General Manager to negotiate and sign a contract with Rutjens Construction to complete the Willow Creek Artesian Pressure Relief Well Discharge System Project for an amount not to exceed \$120,000. Aye: Allemann, Clausen, Fler, Hall, Korth, Loberg, Loftis, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: Aschoff, Burenheide, Reikofski. Absent: None. Motion carried.

At 10:40 p.m., a motion was made by Zohner and seconded by Hall to enter into closed session for protection of reputation of an employee. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

At 11:04 p.m., motion was made by Korth and seconded by Fler to reenter regular session. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Steffen and seconded by Clausen to accept the contract and appointment of Brian Bruckner as the new General Manager of the Lower Elkhorn Natural Resources District. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Others Present and Speaking: Doug Hall, Lyle Lingenfelter, Boyd Ebberson, Aaron, Reichmuth, Brandon Christiansen, Doug Nelson and Gerry Krueger

Meeting adjourned at 11:06 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 28, 2023 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.

Jay Reikofski, Secretary