



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
September 13, 2018**

PLEDGE OF ALLEGIANCE

NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE

MEETING CALLED TO ORDER: A regular meeting of the Papio-Missouri River Natural Resources District Board of Directors was held at the Dakota County Service Center, 1505 Broadway, Dakota City, NE on September 13, 2018. The meeting was called to order by Chairperson Thompson at 7:00 p.m.

QUORUM CALL: The following Directors were present for the Quorum Call:

Larry Bradley
Tim Fowler
Ted Japp

David Klug
Patrick Leahy
Jim Thompson
John Wiese

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Fowler and seconded by Director Klug that the meeting agenda be adopted.

Roll call vote was held on motion. The motion carried on a vote of 7-yea.

Voting Yea	-	Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, J. Conley, Gruenewald, Tesar
Absent	-	F. Conley, J. Conley, Gruenewald, Tesar

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Fowler that the following resolution be adopted:

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 3.A.:

BE IT RESOLVED that the absences of the following Directors from the September 13, 2018 Board of Directors Meeting are excused: Fred Conley, John Conley, Mark Gruenewald, and Rich Tesar.

Agenda Item 7.A. & 7.B.:

BE IT RESOLVED that the August 9, 2018 Papio-Missouri River NRD Board meeting minutes, and the August 8, 2018 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

Roll call vote was held on motion. The motion carried on a vote of 7-yea.

Voting Yea	-	Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, J. Conley, Gruenewald, Tesar
Absent	-	F. Conley, J. Conley, Gruenewald, Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on September 6, 2018. The District's July 13-August 9, 2018 expenditures were published in the Dakota County Star on August 16, 2018. The Chairperson ordered the Proofs of Publication recorded in the minutes of this meeting. They are contained as part of the file copy of these minutes.

AGENCY AND ASSOCIATION REPORTS:

A. Natural Resources Conservation Service Report: Neil Jensen, NRCS District Conservationist at the Blair NRCS office, gave his report on NRCS activities. Neil's written report is posted to the website and attached to these minutes.

B. Nebraska Association of Resources Districts: Director Fowler noted that the NARD Annual Meeting will be held September 24-25, 2018 in Kearney, NE.

C. Report on Dakota City Activities: Alyssa Silhacek, Dakota City Administrator updated the Board on the current events and activities going on in Dakota City. She closed by thanking the Board and staff for all the great work that they do.

D. Report on South Sioux City Activities: Lance Hedquist, South Sioux City Administrator gave a presentation on the 50th anniversary year of South Sioux City's Scenic Park. He thanked the Board for their efforts in making this a great 50 years!

E. Nebraska Natural Resources Commission Report: Chairperson Thompson, Nebraska Natural Resources Commission member for the Missouri River Basin Tributary, gave an update on the events of the Nebraska Natural Resources Commission.

PUBLIC HEARING – Land Acquisition at Pigeon Jones Site 12A:

Chairperson Thompson appointed General Manager Winkler as the Hearing Officer and he called the hearing to order at 7:22 p.m. Hearing Officer Winkler submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - ◆ Dakota County Star – August 30, 2018
 - ◆ Omaha World Herald – September 6, 2018
- Exhibit 3** Pigeon Jones Site 12A Proposed Site Map and Maps of Tract 1,2, 3, 4, & 5

Brent Meyer, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504. The District explained the purpose of the hearing and explained the nature and necessity of the Pigeon Jones Site 12A Project, for which the District seeks to acquire property interest. Project Manager Terry Schumacher stated the reasons for selecting the particular location of the project. Each landowner within the project area has the right to be represented by an attorney and to negotiate and accept or reject the offer of damages which they will sustain by the proposed acquisition. They also have the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain. The District shall hear and consider any objections from any persons. Hearing Officer Winkler opened the floor to the public. There were no comments.

Hearing Officer Winkler closed the Public Hearing at 7:25 p.m. and returned the floor to Chairperson Thompson.

PUBLIC HEARING – Adoption of Fiscal Year 2019 Budget:

Chairperson Thompson appointed General Manager Winkler as the Hearing Officer and he called the hearing to order at 7:25 p.m. Hearing Officer Winkler submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - ◆ Omaha World Herald – September 6, 2018 – Public Hearing Notice
 - ◆ Omaha World Herald – September 6, 2018 – Notice of Budget Hearing and Budget Summary
- Exhibit 3** Fact Sheet – FY 2019 Budget
- Exhibit 4** Pie Charts – FY 2019 Adopted Revenues and Expenditures
- Exhibit 5** FY 2019 Budget Worksheets
- Exhibit 6** Resolution to Set Property Tax Request for FY 2019 at \$24,823,949.68 with a tax levy of 0.037594/\$100

Hearing Officer Winkler briefed the audience on the purpose of the Public Hearing. The District has received Final Valuations from the county offices. The tax requirement is \$24,823,949.68 with a tax levy of 0.037594/\$100. He also presented the FY 2019 Budget Fact Sheet. Hearing Officer Winkler

opened the floor to the public. There were no comments. Hearing Officer Winkler closed the Public Hearing at 7:27 p.m. and returned the floor to Chairperson Thompson.

PUBLIC HEARING – To Set Property Tax Levy for Fiscal Year 2019:

Chairperson Thompson appointed General Manager Winkler as the Hearing Officer and he called the hearing to order at 7:27 p.m. Hearing Officer Winkler submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - ◆ Omaha World Herald – September 6, 2018 – Public Hearing Notice
 - ◆ Omaha World Herald – September 6, 2018 – Notice of Budget Hearing and Budget Summary
- Exhibit 3** Fact Sheet - FY 2019 Budget
- Exhibit 4** Pie Charts – FY 2019 Adopted Revenues and Expenditures
- Exhibit 5** FY 2019 Budget Worksheets
- Exhibit 6** Resolution to Set Property Tax Request for FY 2019 at \$24,823,949.68 with a tax levy of 0.037594/\$100

Hearing Officer Winkler stated that the purpose of the Public Hearing was to set the tax levy for Fiscal Year 2019. The tax levy requirement is \$24,823,949.68 which is an overall increase of \$1,097,509.03 from last year, with a tax levy of 0.037594. Hearing Officer Winkler opened the floor to the public. There was no public comment. Hearing Officer Winkler closed the Public Hearing at 7:29 p.m. and returned the floor to Chairperson Thompson.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director Klug reported that the PPO Subcommittee met on September 11, 2018 and gave a brief recap of the meeting.

•• **MOTION NO. 3:** It was moved by Director Klug that the following recommendation be adopted:

PPO Recommendation #1: Little Papillion Creek Channel Stabilization Mercy 10R Project:
Recommendation that the General Manager be authorized to execute a contract with Valley Corporation in an amount of \$289,383.02 for the construction of the Little Papillion Creek Channel Stabilization Mercy 10R Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 7-yea.

Voting Yea	-	Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, J. Conley, Gruenewald, Tesar
Absent	-	F. Conley, J. Conley, Gruenewald, Tesar

- **MOTION NO. 4:** It was moved by Director Klug that the following recommendation be adopted:

PPO Recommendation #2: Interlocal Cooperation Agreement with Sarpy County for 168th Street/Bridge #147 Project at Chalco Hills Recreation Area – Recommendation that the General Manager be authorized to execute the proposed Interlocal Cooperation Agreement with Sarpy County for the construction, operation and maintenance of 168th Street/Bridge #147 Project located partially on the Chalco Hills Recreation Area property, subject to approval by the US Army Corps of Engineers and also subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 7-yea.

Voting Yea - Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - F. Conley, J. Conley, Gruenewald, Tesar
Absent - F. Conley, J. Conley, Gruenewald, Tesar

- **MOTION NO. 5:** It was moved by Director Klug that the following recommendation be adopted:

PPO Recommendation #3: Purchase of Principal Spillway and Drawdown Pipe for WP6 and WP7 – Recommendation that the competitive bidding policy, 15.6. be waived and the General Manager be authorized to purchase the principal spillway pipe and temporary drawdown pipe for the WP6 and WP7 projects in an amount not to exceed \$366,000, subject to changes deemed necessary by the General Manager.

Roll call vote was held on motion. The motion carried on a vote of 7-yea.

Voting Yea - Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - F. Conley, J. Conley, Gruenewald, Tesar
Absent - F. Conley, J. Conley, Gruenewald, Tesar

B. Finance, Expenditures and Legal Subcommittee: Director Klug reported that the FEL Subcommittee met on September 11, 2018 and gave a brief recap of the meeting.

- **MOTION NO. 6:** It was moved by Director Klug that the following recommendation be adopted:

FEL Recommendation #1: Adoption of the FY 2019 Budget and Set Property Tax Levy at 0.037594 for the FY 2019 Budget: Recommendation that the following resolutions be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the attached budget document incorporated herein by reference, showing Total Requirements of \$72,235,027 as follows,

Operating Budget	\$72,185,027
Uninsured Liability Sinking Fund	\$50,000

and Property Tax Requirement of \$24,823,949.68 be and is hereby adopted as the Fiscal Year 2019 budget of the Papio-Missouri River Natural Resources District.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing held on September 13, 2018, as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

1. The FY 2019 property tax request be set at \$24,823,949.68 with a tax levy of 0.037594/\$100.
2. And, that a copy of this resolution be certified and forwarded to the County Clerks within the District prior to September 20, 2018.

•• Amended Motion It was moved by Director Japp and seconded by Director Wiese to amend the original motion by reducing \$400,000 from the Glacier Creek account, reducing \$70,000 from the Missouri River Levee - Attorney Fees account, reducing \$15,000 from the Maintenance, Channels and Levees - Contract Work account, and reducing \$10,000 from the Maintenance, Channels and Levees - Professional Services account.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 3-yea and 4-nay.

Voting Yea - Japp, Klug, Wiese
Voting Nay - Bradley, Fowler, Leahy, Thompson
Abstaining - None
Excused Absence - F. Conley, J. Conley, Gruenewald, Tesar
Absent - F. Conley, J. Conley, Gruenewald, Tesar

Roll call vote was held on the original motion. The original motion passed on a vote of 5-yea and 2-nay.

Voting Yea	-	Bradley, Fowler, Klug, Leahy, Thompson
Voting Nay	-	Japp, Wiese
Abstaining	-	None
Excused Absence	-	F. Conley, J. Conley, Gruenewald, Tesar
Absent	-	F. Conley, J. Conley, Gruenewald, Tesar

•• **MOTION NO. 7:** It was moved by Director Klug that the following recommendation be adopted:

FEL Recommendation #2: Land Acquisition for West Papillion Regional Basin 6 (WP6): Recommendation that the General Manager be authorized to execute a purchase agreement with B.H.I. Properties, Inc., in the amount of \$44,000 per acre for 38.92 acres of land, to be verified by final survey, for the West Papillion Regional Basin Number 6 project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Roll call vote was held on the motion. The motion passed on a vote of 7-yea.

Voting Yea	-	Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, J. Conley, Gruenewald, Tesar
Absent	-	F. Conley, J. Conley, Gruenewald, Tesar

•• **MOTION NO. 8:** It was moved by Director Klug that the following recommendation be adopted:

FEL Recommendation #3.a.: Land Acquisition for Missouri River R613/R616 Levee Improvement Project – Taylor and McAuley: Recommendation that the General Manager be authorized to execute a purchase agreement with Taylor and McAuley, a Nebraska general partnership, in the amount of \$71,100 for an area containing 18.916 acres of land for the Missouri River R613/R616 Levee Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Roll call vote was held on the motion. The motion passed on a vote of 7-yea.

Voting Yea	-	Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, J. Conley, Gruenewald, Tesar
Absent	-	F. Conley, J. Conley, Gruenewald, Tesar

- **MOTION NO. 9:** It was moved by Director Klug that the following recommendation be adopted:

FEL Recommendation #3.b.: Land Acquisition for Missouri River R613/R616 Levee Improvement Project – Fox Creek Properties, LLC: Recommendation that the General Manager be authorized to execute a purchase agreement with Fox Creek Properties, a Nebraska limited liability company, in the amount of \$79,900 for an area containing 26.604 acres of land for the Missouri River R613/R616 Levee Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Roll call vote was held on the motion. The motion passed on a vote of 7-yea.

Voting Yea	-	Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, J. Conley, Gruenewald, Tesar
Absent	-	F. Conley, J. Conley, Gruenewald, Tesar

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director Fowler and seconded by Director Klug that the following resolution be adopted:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the August, 2018 financial report; and, (2) any claims made prior to the next Board meeting for (a) earned salaries of District employees, (b) withholding taxes, (c) social security payments, (d) retirement program contributions, (e) utilities, (f) registration fees and expenses for upcoming meetings and conferences, (g) certified completed CAP and Special Project Area applications, (h) invoices which offer a credit or discount for payment made prior to the next Board meeting, (i) postage, and, (j) building and grounds contract expenses.

BE IT FURTHER RESOLVED that the Treasurer is authorized to pay, from the respective operating accounts of the Washington County, Dakota County, and Thurston County Water Supply System, the Elkhorn Breakout Project, the Elkhorn River Stabilization Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage Project, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watershed Partnership project bills listed on the August, 2018 financial report, and future claims for project utilities.

BE IT FURTHER RESOLVED that the financial reports be affixed to and made a part of the minutes.

Roll call vote was held on motion. The motion carried on a vote of 7-yea.

Voting Yea - Bradley, Fowler, Japp, Klug, Leahy, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - F. Conley, J. Conley, Gruenewald, Tesar
Absent - F. Conley, J. Conley, Gruenewald, Tesar

CHAIRPERSON'S REPORT: The Chairperson appointed Directors to the Papio PL-566 Work Plan Ad Hoc Consultant Selection Subcommittee. He also provided an update to the World O! Water event that was held at Chalco Hills on September 8th.

GENERAL MANAGER'S REPORT: The General Manager reviewed his written report with the Board and noted that the report had been posted to the website. He thanked Vince and Dorothy Kramper for their hospitality for hosting the dinner at their farm. He also thanked Alyssa Silhacek, City Administrator for Dakota City and Lance Hedquist, City Administrator for the City of South Sioux for their continued partnership with the District.

INFORMATIONAL ITEMS:

A. Future Meetings:

September 24-25, 2018 NARD Annual Conference, Kearney, NE

September 27, 2018 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

October 9, 2018 P-MRNRD Subcommittee Meetings

October 11, 2018 P-MRNRD Board Meeting

October 25, 2018 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

B. Next Meeting – October 11, 2018 at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:59 p.m.

NOTE: These minutes reflect the actions and votes taken at the September 13, 2018 Board of Directors Meeting of the Papio-Missouri River Natural Resources District and are not an official transcript of the meeting. The audio cast of this meeting can be found on our website at www.papionrd.org.

I, the undersigned, Secretary of the Papio-Missouri River Natural Resources District, hereby certify that the foregoing are true and correct minutes of a meeting of the Board of Directors of the District held on September 13, 2018 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the District; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting.

Richard Tesar
District Secretary