



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
September 10, 2015**

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 10, 2015. The meeting was called to order by Chairperson, David Klug at 7:00 p.m.

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

Patrick Bonnett	Scott Japp
Fred Conley	Dave Klug
John Conley	Rich Tesar
Tim Fowler	Jim Thompson
Curt Frost	Ron Woodle

ADOPTION OF AGENDA:

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

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 0-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Leahy
Absent	-	Leahy

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director J. Conley 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 absence of the following Director from the September 10, 2015, Board of Directors Meeting is excused: Patrick Leahy.

Agenda Item 7. A. & B.:

BE IT RESOLVED that the August 13, 2015, Papio-Missouri River NRD Board meeting minutes, and the August 12, 2015, 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 9-yea and 1-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Leahy
Absent	-	Leahy

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on September 3, 2015. The District's July 10-August 13, 2015, expenditures were published in the Dakota County Star on August 20, 2015. 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: Tony Lockhart, Resource Conservationist for Dakota County, briefed the Board on NRCS activities. Neil Jensen's report is posted to the website.

B. Nebraska Association of Resources Districts: Director Tesar noted that the NARD Annual Meeting will be held September 28-29, 2015 in Kearney, NE. Directors Tesar and Thompson; and staff members Egr, Petermann, Tait, Winkler and Woodward will be representing the District.

C. Lower Platte River Corridor Alliance Report: Meghan Sittler's written report is posted to the website.

D. Report on South Sioux City Activities: Mayor Rod Koch and Alyssa Silhacek, City Administrator, welcomed the Board to Dakota City. He updated the Board on the current events and activities going on in South Sioux City. He closed by thanking the Board and staff for all the great work that they do.

E. Nebraska Natural Resources Commission Report: Jim 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 – Adoption of Fiscal Year 2016 Budget:

Chairperson Klug appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:14 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 3, 2015 – Public Hearing Notice
 - ◆ Omaha World Herald – September 4, 2015 – Notice of Budget Hearing and Budget Summary
- Exhibit 3** Fact Sheet – FY 2016 Budget
- Exhibit 4** Pie Charts – FY 2016 Adopted Revenues and Expenditures
- Exhibit 5** FY 2016 Budget Worksheets
- Exhibit 6** Resolution to Set Property Tax Request for FY 2016 at \$21,975,704.13 with a tax levy of 0.038034/\$100

General Manager 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 \$21,975,704.13 with a tax levy of 0.038034/100. He also presented the FY 2016 Budget Fact Sheet. Winkler opened the floor to the public. There were no comments. Hearing Officer Winkler closed the Public Hearing at 7:16 p.m. and returned the floor to Chairperson Klug.

PUBLIC HEARING – To Set Property Tax Levy for Fiscal Year 2016:

Chairperson Klug appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:17 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 3, 2015 – Public Hearing Notice
 - ◆ Omaha World Herald – September 4, 2015 – Notice of Budget Hearing and Budget Summary
- Exhibit 3** Fact Sheet - FY 2016 Budget
- Exhibit 4** Pie Charts – FY 2016 Adopted Revenues and Expenditures
- Exhibit 5** FY 2016 Budget Worksheets

Exhibit 6 Resolution to Set Property Tax Request for FY 2016 at \$21,975,704.13 with a tax levy of 0.038034/\$100

General Manager Winkler stated that the purpose of the Public Hearing was to set the tax levy for Fiscal Year 2016. The tax levy requirement is \$21,975,704.13 which is an overall increase of \$3,944,482 from last year with a tax levy of 0.038034. Winkler opened the floor to the public. There was no public comment. Hearing Officer Winkler closed the Public Hearing at 7:19 p.m. and returned the floor to Chairperson Klug.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Consultant Selection Subcommittee for the Groundwater Management Plan Update: Director Jim Thompson reported that the Ad Hoc Selection Committee for the Groundwater Management Plan Update met on September 8, 2015, and gave a brief recap of the meeting.

- **MOTION NO. 3:** It was moved by Director Jim Thompson that the following resolution be adopted:

Ad Hoc Recommendation #1: Initial Screening of Proposals for Consultant Selection Interviews: Recommendation that EA Engineering, Science and Technology, Inc. and Olsson Associates be interviewed in alphabetical order by the Subcommittee on October 1, 2015 at 6:30 p.m.

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Leahy
Absent	-	Leahy

B. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on September 8, 2015, and gave a brief recap of the meeting.

- **MOTION NO. 4:** It was moved by Director Fred Conley that the following resolution be adopted:

PLPA Recommendation #1: Resolution 2015-1 Nebraska Public Meeting Amendment: Be it resolved that the Papio-Missouri River NRD Voting Delegate and/or Alternate should be and are hereby authorized to vote to support resolution 2015-1 Nebraska Public Meeting Amendment that is being considered at the NARD Annual Conference.

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Tesar, Thompson, Woodle, Klug
 Voting Nay - None
 Abstaining - None
 Excused Absence - Leahy
 Absent - Leahy

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on September 8, 2015, and gave a brief recap of the meeting.

Director John Conley stated that the Subcommittee discussed an IPA assessment increase for the operation and maintenance of Elk/Pigeon Creek. Staff member Zach Nelson gave a Power Point presentation on the project. No Board action was taken on this item.

•• **MOTION NO. 5:** It was moved by Director J. Conley that the following recommendation be adopted:

PPO Recommendation #1: Bid Opening for Thurston County Rural Water System Rosalie Water Main Extension Construction Contract: Recommendation that the General Manager be authorized to execute a contract with PENRO Construction Company, for the construction of the Thurston County Rural Water Rosalie water main extension project, in a bid amount of \$379,670.55, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Tesar, Thompson, Woodle, Klug
 Voting Nay - None
 Abstaining - None
 Excused Absence - Leahy
 Absent - Leahy

•• **MOTION NO. 6:** It was moved by Director J. Conley that the following recommendation be adopted:

PPO Recommendation #2: Addendum to City of Omaha Interlocal Agreement for Papio Watershed Dam Site 15A: Recommendation that the General Manager be authorized to execute the proposed first addendum to the Interlocal Agreement with the City of Omaha, for Papio Watershed Dam Site 15A, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was director discussion regarding the addendum to the Interlocal Agreement and the Dam Site 15A Project. Questions and concerns were addressed.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 2-nay.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Tesar, Thompson, Woodle, Klug
Voting Nay - Frost, Japp
Abstaining - None
Excused Absence - Leahy
Absent - Leahy

- **MOTION NO. 7:** It was moved by Director J. Conley that the following recommendation be adopted:

PPO Recommendation #3: Bid Opening for Test Hole Drilling and Monitoring Well Construction: Recommendation that the General Manager be authorized to execute a contract with Sargent Irrigation Company for test hole drilling and the monitoring of well construction, in the bid amount of \$195,918.20, subject to the acceptance of Change Order No. 1 by Sargent Irrigation Company, to remove the Hubbard monitoring well site, reducing the total contract cost to \$137,347.00, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Tesar, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Leahy
Absent - Leahy

D. Finance, Expenditures and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on September 8, 2015, and gave a brief recap of the meeting.

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

FEL Recommendation #1: Adoption of the FY 2016 Budget and Set Property Tax Levy at 0.038034 for the FY 2016 Budget: Recommendation that the following resolution 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 \$71,854,171 as follows:

Operating Budget	\$71,804,171
Uninsured Liability Sinking Fund	\$50,000

and Property Tax Requirement of \$21,975,704.13 be and is hereby adopted as the Fiscal Year 2016 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 was held on September 10, 2015, 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 2016 property tax request be set at \$21,975,704.13 with a tax levy of 0.038034/\$100.
2. And, that a copy of this resolution be certified and forwarded to the County Clerks for the Counties within the District prior to September 20, 2015

Roll call vote was held on the motion. The motion passed on a vote of 7-yea and 3-nay.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Tesar, Thompson, Woodle
Voting Nay - Frost, Japp, Klug
Abstaining - None
Excused Absence - Leahy
Absent - Leahy

TREASURER'S REPORT:

- **MOTION NO. 9:** It was moved by Director J. Conley and seconded by Director Thompson 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, 2015, 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 Dakota County, Thurston County and Washington County Rural Water System, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy Drainage District, the project bills listed on the August, 2015, 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 8-yea and 2-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Frost, Japp
Abstaining	-	None
Excused Absence	-	Leahy
Absent	-	Leahy

CENSURE OF BOARD MEMBER SCOTT JAPP:

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

BE IT RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hereby expresses its strong disapproval of Director Scott Japp's dishonest statements regarding the District's Board, Management, and staff posted to Director Japp's Facebook page on August 8, 2015. These statements falsely accuse the Board, Management and staff of improprieties. The Board expresses its full support to the Management and staff.

There was debate among the directors. Questions were addressed by David Newman, District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 7-yea, 1-nay, and 2-abstention.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Tesar, Thompson, Klug
Voting Nay	-	Frost
Abstaining	-	Japp, Woodle

Excused Absence - Leahy
Absent - Leahy

CHAIRPERSON'S REPORT: The Chairperson thanked the audience and Dakota City for their hospitality in hosting the Board meeting.

GENERAL MANAGER'S REPORT: General Manager Winkler offered his thanks to Vince and Dorothy Kramper for their hospitality for hosting the dinner at Kramper Farm. The GM reviewed his written report with the Board and noted that the report had been posted to the website. Director Thompson added that the groundbreaking ceremony for Dam Site 15A is scheduled for October 1, 2015.

INFORMATIONAL ITEMS:

A. Future Meetings:

September 24, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
September 28-29, 2015	NARD Annual Conference, Kearney, NE
October 1, 2015	Ad Hoc Consultant Selection Subcommittee for the Groundwater Management Plan Update – Consultant Interviews at 6:30 p.m.
October 6, 2015	P-MRNRD Subcommittee Meetings
October 8, 2015	P-MRNRD Board Meeting
October 22, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
October 27, 2015	LPRCA Meeting, 6:00 p.m., at NRC

B. Next Meeting – October 8, 2015, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:57 p.m.

NOTE: These minutes reflect the actions and votes taken at the September 10, 2015 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 10, 2015, 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