



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
September 12, 2013**

**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 12, 2013. The meeting was called to order by Chairperson, Fred Conley, at 7:05 p.m.

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

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

**ADOPTION OF AGENDA:**

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

Roll call vote was held on motion. The motion carried unanimously.

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Fowler and seconded by Director Klug 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 12, 2013, Board of Directors Meeting are excused: There were no absences.

Agenda Item 7. A. & B.

BE IT RESOLVED that the August 8, 2013 Papio-Missouri River NRD Board meeting minutes, and the August 14, 2013 Dakota County Rural Water Advisory Board meeting minutes, are approved as printed.

Prior to the roll call vote, Director Japp had a question in regards to the August 8, 2013 Board meeting minutes. The General Manager responded.

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-nay.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on September 5, 2013. The District's July 12-August 8, 2013, expenditures were published in the Dakota County Star on August 15, 2013. 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 22-24, 2013 in Kearney, NE. Directors Bonnett, Tesar and Thompson; and staff members Egr, Henkel, Laster, Novak, Schumacher, Petermann and Winkler 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: Lance Hedquist welcomed the Board to the Dakota County area. 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: Jeff Steffen gave an update on the events of the Nebraska Natural Resources Commission and the Commission's involvement with the Water Quality Task Force.

**PUBLIC HEARING – Adoption of Fiscal Year 2014 Budget:**

Chairperson F. Conley appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:23 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 5, 2013
  - ◆ Omaha World-Herald – September 7, 2013
- Exhibit 3**      Fact Sheet - FY 2014 Budget
- Exhibit 4**      Pie Charts – FY 2014 Adopted Revenues and Expenditures
- Exhibit 5**      FY 2014 Budget Worksheets
- Exhibit 6**      Resolution to Set Property Tax Request for FY 2013 at \$17,570,415.12 with a tax levy of 0.032753/\$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 \$17,570,415.12 with a tax levy of 0.032753/100. He also presented the FY 2014 Budget Fact Sheet. Winkler opened the floor to the public.

The following individual made comment:

Mitch Robinson, 902 Madison Street, Fort Calhoun, Nebraska

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

**PUBLIC HEARING – To Set Property Tax Levy for Fiscal Year 2014:**

Chairperson F. Conley appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:26 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 5, 2013
  - ◆ Omaha World-Herald – September 7, 2013
- Exhibit 3**      Fact Sheet - FY 2014 Budget
- Exhibit 4**      Pie Charts – FY 2014 Adopted Revenues and Expenditures

- Exhibit 5** FY 2014 Budget Worksheets
- Exhibit 6** Resolution to Set Property Tax Request for FY 2013 at \$17,570,415.12 with a tax levy of 0.032753/\$100

General Manager Winkler stated that the purpose of the Public Hearing was to set the tax levy for Fiscal Year 2014. The tax levy requirement is \$17,570,415.12 which is an overall increase of \$343,026 from last year. This maintains the previous year's tax levy of 0.032753. Winkler opened the floor to the public. There was no public comment, but discussion by Board members. Hearing Officer Winkler closed the Public Hearing at 7:27 p.m. and returned the floor to Chairperson F. Conley.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on September 10, 2013, and gave a brief recap of the meeting.

Zach Nelson gave informational updates on an Advisory Board for the Washington County Rural Water System and the Cost of Conducting a Commercial Appraisal of the Washington County Rural Water System for Potential Sale. No action was taken by the Subcommittee.

- **MOTION NO. 3:** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #1:* Goals and Objectives for the Lower Platte River Voluntary Integrated Management Plan: Recommendation that the proposed Goals and Objectives for the Lower Platte River Voluntary Integrated Management Plan as presented to the Subcommittee be adopted.

Director Japp asked why Washington County and the Elkhorn River Basin are included in this plan and further asked how the stakeholders for the committee were selected. Staff member Brian Henkel stated that the Elkhorn River Basin has always been considered a part of the Lower Platte River Basin and offered explanation on how the members of the stakeholder committee were selected.

Roll call vote was held on motion. The motion carried on a vote of 9-yea and 2-nay.

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

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

*PPO Recommendation #2:* West Papio Trail Project (90<sup>th</sup> Street to Giles Road) Interlocal Agreements with the City of Papillion and City of La Vista: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreements with the City Papillion and City of La Vista for the West Papio Trail Project (90<sup>th</sup> Street to Giles Road), for a maximum District share of \$675,000, 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 unanimously.

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

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

*PPO Recommendation #3:* Interlocal Agreement with Millard Park SID #162: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with Millard Park SID (Sarpy County #162) for Phase III of the Mission Creek Reestablishment Project, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked Paul Peters, District Legal Counsel, why we would enter into this agreement. Paul explained that the SID's attorney didn't feel they had the statutory authority to get the bonding without the District's help, and added the financial obligation of the bonds are with Millard Park SID #162 and not with the District.

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-nay.

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

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on September 10, 2013 and gave a brief recap of the meeting.

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

*FEL Recommendation #1.:* Purchase Agreement for Lot 8 Elk Ridge Replat 2: Recommendation that the General Manager be authorized to execute the proposed purchase agreement with David and Teresa Karas for the sale of Lot 8 Elk Ridge Replat 2, for the sum of \$80,000, 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 9-yea and 2-nay.

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

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

*FEL Recommendation #2.:* FY 2014 Budget – Set Property Tax Levy at 0.032753 and Adopt the FY 2014 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 budget document attached hereto and incorporated herein by reference, showing Total Requirements of \$92,948,464 as follows,

<b>Operating Budget</b>	<b>\$92,948,464</b>
<b>Uninsured Liability Sinking Fund</b>	<b>\$50,000</b>

And Property Tax Requirement of \$17,570,415.12, should be and is hereby adopted as the Fiscal Year 2014 budget of the Papio-Missouri River Natural Resources District.

**WHEREAS**, Section 77-1601.02, Neb. Rev. Stat. 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 by a majority vote adopts a resolution or ordinance setting the tax request at a different amount; and,

**WHEREAS**, a special public hearing was held on September 12, 2013, 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, that:**

- 1. The FY 2014 property tax request be set at \$17,570,415.12 with a tax levy of 0.032753/\$100; and,**
- 2. A copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 13, 2013.**

There was discussion among the Directors.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 3-nay.

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

C. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on September 10, 2013 and gave a brief recap of the meeting. He stated that each recommendation being presented to the Board will be voted on individually, as was conducted during the Subcommittee Meeting.

- **MOTION NO. 8:** It was moved by Director Dave Klug that the following resolution be adopted:

*PLPA Recommendation #1.:* Resolution 2013-1 NDOR Trail Policy along State Highway ROW's to be Considered at the NARD Annual Conference: 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 2013-1 NDOR Trail Policy along State Highway ROW that is being considered at the NARD Annual Conference.

Director Japp asked why the District's would want to get involved with NDOR's position on this issue. The General Manager explained.

Roll call vote was held on motion. The motion carried unanimously.

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

Absent - None

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

*PLPA Recommendation #2.:* Resolution 2013-2 Erosion and Sediment Control Act Amendments to be Considered at the NARD Annual Conference: 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 2013-2 Erosion and Sediment Control Act Amendments that are being considered at the NARD Annual Conference.

There was discussion as to who would be affected by this Resolution. GM Winkler explained.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 3-nay.

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

- **MOTION NO. 10:** It was moved by Director Dave Klug that the following recommendation be adopted:

*PLPA Recommendation #3.:* Resolution 2013-3 Requesting Legislation that Encourages the use of Renewable Energy Sources to be Considered at the NARD Annual Conference: Be it resolved that the Papio-Missouri River NRD Voting Delegate and/or Alternate should be and are hereby authorized to vote to oppose as currently written resolution 2013-3 Requesting Legislation that Encourages the use of Renewable Energy Sources that are being considered at the NARD Annual Conference.

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-nay.

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

- **MOTION NO. 11:** It was moved by Director Dave Klug that the following recommendation be adopted:

*PLPA Recommendation #4.:* Resolution 2013-4 Certified Irrigated Acre Requirements to be Considered at the NARD Annual Conference: Be it resolved that



the Papio-Missouri River NRD Voting Delegate and/or Alternate should be and are hereby authorized to vote to oppose as currently written resolution 2013-4 Certified Irrigated Acre Requirements that are being considered at the NARD Annual Conference.

Roll call vote was held on motion. The motion carried on a vote of 9-yea, 1-nay, and 1-abstention.

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

**TREASURER'S REPORT:**

- **MOTION NO. 12:** It was moved by Director John Conley 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, 2013, 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, 2013, 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 9-yea, 1-nay, and 1-abstention.

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

Abstaining - Frost  
Excused Absence - None  
Absent - None

**CHAIRPERSON'S REPORT:** The Chairperson did not provide a report for this month.

**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. He also updated the Board on a meeting he and staff member Terry Schumacher had with the Nebraska Game and Parks, Game Warden and local law enforcement in regards to Kramper Lake. He stated that although this will place additional burdens on their departments they are already extremely cooperative and excited about the facility opening. He concluded by reviewing his written report with the Board and noted that the report had been posted to the website.

**INFORMATIONAL ITEMS:**

A. **Future Meetings:** The Chairperson reviewed the following upcoming meetings with the Directors:

- September 22-24, 2013 NARD Annual Conference, Kearney, NE
- September 26, 2013 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
- October 8, 2013 P-MRNRD Subcommittee Meetings
- October 10, 2013 P-MRNRD Board Meeting
- October 24, 2013 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
- November 11, 2013 Veteran's Day – P-MRNRD Offices Closed
- November 12, 2013 P-MRNRD Subcommittee Meetings
- November 14, 2013 P-MRNRD Board Meeting
- November 28-29, 2013 Thanksgiving Holiday – P-MRNRD Offices Closed

B. Next Meeting – October 10, 2013, at the NRC

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 8:01 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the September 12, 2013 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](http://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 12, 2013, 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.

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Richard Tesar  
District Secretary