



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
September 13, 2012**

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, 2012. The meeting was called to order by Chairperson, Rick Kolowski, at 7:03 p.m.

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

Larry Bradley	Dave Klug
John Conley	Rick Kolowski
Gus Erickson	Jim Thompson
Scott Japp	

ADOPTION OF AGENDA:

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

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

Voting Yea	-	Bradley, J. Conley, Erickson, Japp, Klug, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, Fowler, Lanphier, Tesar
Absent	-	F. Conley, Fowler, Lanphier, Tesar

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Thompson 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 13, 2012, Board of Directors Meeting are excused:

Fred Conley
Tim Fowler
Dorothy Lanphier
Rich Tesar

Agenda Item 7. A. & B.

BE IT RESOLVED that the August 9, 2012 Papio-Missouri River NRD Board meeting minutes, and the August 8, 2012 Dakota County Rural Water Advisory Board meeting minutes, are approved as printed.

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

Voting Yea - Bradley, J. Conley, Erickson, Japp, Klug, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - F. Conley, Fowler, Lanphier, Tesar
Absent - F. Conley, Fowler, Lanphier, Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on September 6, 2012. The District's July 13-August 3, 2012, expenditures were published in the Dakota County Star on August 23, 2012. 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: General Manager Winkler noted that the NARD Annual Meeting will be held September 23-25, 2012 in Kearney, NE. Directors Erickson, Tesar and Thompson; and staff members Emmett Egr, Trent Heiser, Brian Henkel, Lori Laster, Justin Novak, Terry Schumacher, Dick Sklenar, Marlin Petermann and John Winkler will be representing the District full session, and Heather Borkowski, Carey Fry and Jean Tait will be attending the Monday afternoon Administrative Session.

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.

E. Nebraska Natural Resources Commission Report: Beverly Donaldson gave an update on the events of the Nebraska Natural Resources Commission.

F. Environmental Trust Fund Report: Vince Kramper reported on the Nebraska Environment Trust Fund.

PUBLIC HEARING – Notice of Budge Hearing and Budget Summary and Notice of Special Hearing to Set Final Tax Request for FY 2013 Budget:

Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:20 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, 2012
 - ◆ Dakota County Star – September 6, 2012
- Exhibit 3** Fact Sheet - FY 2013 Budget
- Exhibit 4** Pie Charts – FY 2013 Adopted Revenues and Expenditures
- Exhibit 5** FY 2012 Budget Worksheets
- Exhibit 6** Resolution to Set Property Tax Request for FY 2013 at \$17,227,389.11 with a tax levy of 0.032753/\$100

General Manger Winkler briefed the audience on the Final Valuations the District received from the county offices. The tax levy requirement is \$17,227,389 which is an overall increase of \$216,139 from last year. This maintains the previous year's tax levy of 0.032753. Winkler opened the floor to the public. There were no comments. Hearing Officer Winkler closed the Public Hearing at 7:23 p.m. and returned the floor to Chairperson Kolowski.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on September 11, 2012, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Award of Dakota County Rural Water Elevated Reservoir Painting Project: Recommendation that the firm of Utility Service Co., Inc. be awarded the contract in the amount of \$99,900 for the exterior painting of the Dakota County Rural Water elevated reservoir.

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

Voting Yea - Bradley, J. Conley, Erickson, Japp, Klug, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - F. Conley, Fowler, Lanphier, Tesar
Absent - F. Conley, Fowler, Lanphier, Tesar

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

PPO Recommendation #2: Bids Received for the West Papillion Regional Detention Basin 5 Project (WP-5): Recommendation that the General Manager be authorized to execute a contract with Hawkins Construction Company for the construction of the WP-5 project for the bid amount of \$14,488,571.57, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was some discussion on Disadvantaged Business Enterprise. Staff stated that the contract included the EEO requirements with Hawkins Construction Company.

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

Voting Yea - Bradley, J. Conley, Erickson, Japp, Klug, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - F. Conley, Fowler, Lanphier, Tesar
Absent - F. Conley, Fowler, Lanphier, Tesar

- **MOTION NO. 5:** It was moved by Director John Conley and seconded by Director Bradley that the following recommendation be adopted:

PPO Recommendation #3: Purchase of R-613 Levee Pump Station Generator Set: Recommendation that the General Manager be authorized to accept the lowest and best bid of \$57,766 by NMC Power Systems and execute the proposed agreement with Nebraska Department of Roads, providing for the purchase and installation of a Standby Generator Set, concrete pad and trailer for the District's Missouri River R-613 Levee Pumping Station, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was some discussion on use of the remaining power poles and concerns on the generator set.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 1-nay.

Voting Yea - Bradley, J. Conley, Erickson, Klug, Thompson, Kolowski
Voting Nay - Japp
Abstaining - None
Excused Absence - F. Conley, Fowler, Lanphier, Tesar
Absent - F. Conley, Fowler, Lanphier, Tesar

B. Finance, Expenditures and Legal Subcommittee: Director Thompson reported that the FEL Subcommittee met on September 11, 2012 and gave a brief recap of the meeting.

•• **MOTION NO. 6:** It was moved by Director Thompson and seconded by Director Erickson that the following recommendation be adopted:

FEL Recommendation #1.: Proposed Right of Way Transfer for West Papio Regional Detention Basin 5 (WP-5) Project: Recommendation that the General Manager be authorized to execute an exchange agreement with the Eurich family trusts providing for the transfer to the District of 1.67 acres of land and easements south of proposed Lincoln Road for the WP-5 Project and the District's transfer to the Eurich family trusts of 2.0 acres of land surplus to the needs of the WP-5 Project, containing such other provisions as 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 - Bradley, J. Conley, Erickson, Japp, Klug, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - F. Conley, Fowler, Lanphier, Tesar
Absent - F. Conley, Fowler, Lanphier, Tesar

•• **MOTION NO. 7:** It was moved by Director Thompson and seconded by Director J. Conley that the following recommendation be adopted:

FEL Recommendation #2.: FY 2013 Budget – Set Property Tax Levy at 0.032753 and Adopt the FY 2013 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 \$87,464,637.00 as follows,

Operating Budget	\$87,414,637.00
Uninsured Liability Sinking Fund	\$50,000.00

and Property Tax Requirement of \$17,227,389.11 be and is hereby adopted as the Fiscal Year 2013 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, 2012, 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 2013 property tax request be set at \$17,227,389.11 with a tax levy of 0.032753/\$100.
2. And, that a copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 12, 2012.

There was some discussion on the FY 2012 valuation for Washington County.

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

Voting Yea	-	Bradley, J. Conley, Erickson, Thompson, Kolowski
Voting Nay	-	Japp, Klug
Abstaining	-	None
Excused Absence	-	F. Conley, Fowler, Lanphier, Tesar
Absent	-	F. Conley, Fowler, Lanphier, Tesar

C. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on September 11, 2012 and gave a brief recap of the meeting.

- **MOTION NO. 8:** It was moved by Director Dave Klug and seconded by Director J. Conley that the following recommendation be adopted:

PLPA Recommendation #1.: Resolutions to be Considered at the NARD Annual Conference: Recommend that the Papio-Missouri River NRD Voting Delegate and/or Alternate be authorized to vote on the 2012-1, 2012-2, 2012-3

and 2012-4 resolutions being considered at the NARD Annual Conference as recommended in the table below:

Resolution #	Description
2012-1	Erosion and Sediment Control Act Amendments. Sponsored by Little Blue NRD Recommendation: Oppose
2012-2	NRD Conservation Compliance Authority. Sponsored by Little Blue NRD Recommendation: Oppose
2012-3	NRD Oversight of Weed Management Areas. Sponsored by Tri-Basin NRD Recommendation: Oppose as written
2012-4	NRD Increase in Fees Collected for Chemigation Permits. Sponsored by Upper Niobrara White NRD Recommendation: Support

Director Japp asked if the Resolutions were going to be voted on individually or as a group. Chairperson Kolowski stated the vote would be taken on the group. There was additional discussion by Directors on Resolution 2012-4. Director Bradley asked for clarification on Resolution 2012-1. General Manager Winkler stated the reasoning for opposition.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 1-nay.

Voting Yea - Bradley, J. Conley, Erickson, Klug, Thompson, Kolowski
 Voting Nay - Japp
 Abstaining - None
 Excused Absence - F. Conley, Fowler, Lanphier, Tesar
 Absent - F. Conley, Fowler, Lanphier, Tesar

D. Ad-Hoc Consultant Selection Subcommittee – Lower Platte River Voluntary Integrated Management Plan Subcommittee: Director Jim Thompson reported that the Ad-Hoc Subcommittee met on September 11, 2012 and gave a brief recap of the meeting.

•• **MOTION NO. 9:** It was moved by Director Jim Thompson and seconded by Director Klug that the following recommendation be adopted:

AdHoc Recommendation #1: Professional Services Contract with Olsson Associates: Recommendation that the General Manager be authorized to execute the proposed professional services contract with Olsson Associates for a Voluntary Integrated Management Plan for the Lower Platte River Basin, for an amount not-to-exceed of \$249,430.00, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked if any Federal money was being received for this contract. Assistant Manager Marlin Petermann stated there was not.

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

Voting Yea - Bradley, J. Conley, Erickson, Japp, Klug, Thompson, Kolowski
 Voting Nay - None
 Abstaining - None

Excused Absence - F. Conley, Fowler, Lanphier, Tesar
Absent - F. Conley, Fowler, Lanphier, Tesar

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Bradley 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, 2012, 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 #1 and Washington County #2 rural water supply projects, 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, 2012, 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.

There was some discussion on one of the expense report line items. The General Manager addressed the question.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 1-nay.

Voting Yea - Bradley, J. Conley, Erickson, Klug, Thompson, Kolowski
Voting Nay - Japp
Abstaining - None
Excused Absence - F. Conley, Fowler, Lanphier, Tesar
Absent - F. Conley, Fowler, Lanphier, Tesar

CHAIRPERSON'S REPORT: Chairperson Kolowski updated the Board on a meeting he and the General Manager had with the University of Nebraska Medical Center on the District's assistance with projects, outdoor area grant funds, and our continued commitment to on-going discussion.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board

and noted that the report had been posted to the website. He thanked Vince and Dorothy Kramper for hosting the picnic dinner at their farm. He also expressed thanks to Ms. Donaldson and Mr. Kramper for their ongoing support to the District. He also thanked staff for their continued hard work.

- **MOTION NO. 11:** It was moved by Director Jim Thompson and seconded by Director J. Conley that the following recommendation be adopted:

GM Recommendation #1.: Pigeon Jones Dam Site 15 Recreation Area – Danish Alps Recreation Area and Kramper Lake: Be it resolved by the Board of Directors of the Papio-Missouri River Natural Resources District as follows with respect to the Pigeon Jones Dam Site 15 Recreation Area:

Whereas, the Pigeon-Jones Dam Site 15 Project is being constructed by the Papio-Missouri River Natural Resources District on lands in Dakota County, Nebraska, that resemble the terrain of Denmark and which evoke the proud heritage and homeland of the Danish immigrants who settled such lands; and,

Whereas, Vince Kramper has been a long-standing advocate for and protector of the natural environment, having served as a Natural Resources District Director, as a Member of the Nebraska Natural Resources Commission, and as a Member of the Nebraska Environmental Trust Board, always working tirelessly and effectively for the betterment of the natural resources of Nebraska,

Now, therefore, be it resolved by the Board of Directors of the Papio-Missouri River Natural Resources District that the recreation area being constructed by the District as a principal feature of its Pigeon-Jones Dam Site 15 Project, should be named and henceforth shall be referred to as the "Danish Alps Recreation Area."

Be it further resolved that, in recognition of and sincere appreciation for Vince Kramper's support and advocacy for environmentally valuable programs and projects such as the Pigeon-Jones Dam Site 15 Project, the flood control reservoir located in the Danish Alps Recreation Area should be named and henceforth shall be referred to as "Kramper Lake."

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

Voting Yea	-	Bradley, J. Conley, Erickson, Japp, Klug, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	F. Conley, Fowler, Lanphier, Tesar
Absent	-	F. Conley, Fowler, Lanphier, Tesar

INFORMATIONAL ITEMS:

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

the Directors:

Sept. 23-25, 2012	NARD Annual Conference, Kearney, NE
September 27, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
October 9, 2012	P-MRNRD Subcommittee Meetings
October 11, 2012	P-MRNRD Board Meeting
October 18, 2012	Lower Platte River Summit, 9:00 a.m.-5:30 p.m. Fremont Opera House, Fremont, NE
October 25, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 6, 2012	P-MRNRD Subcommittee Meetings
November 8, 2012	P-MRNRD Board Meeting
November 12, 2012	Veteran's Day – P-MRNRD Offices Closed
November 22-23, 2012	Thanksgiving Holiday – P-MRNRD Offices Closed

B. Next Meeting – October 11, 2012, at the NRC

15. Adjournment

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:54 p.m.

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, 2012, 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