



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
August 11, 2011**

**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 Natural Resources Center, 8901 S. 154<sup>th</sup> St., Omaha, NE on August 11, 2011. The meeting was called to order by Chairperson Rick Kolowski at 8:01 p.m.

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

Larry Bradley	Dave Klug
Fred Conley	Rick Kolowski
John Conley	Dorothy Lanphier
Tim Fowler	Jim Thompson
Scott Japp	

**ADOPTION OF AGENDA:**

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

Roll call vote was held on motion. The motion carried on a vote of 8 yea and 1 nay.

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Thompson
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Erickson, Tesar
Absent	-	Erickson, Tesar

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Fred Conley 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 Directors from the August 11, 2011, Board of Directors Meeting are excused:

Gus Erickson  
Rich Tesar

Agenda Item 7. A.

BE IT RESOLVED that the July 14, 2011 Papiio-Missouri River NRD Board meeting minutes, and the July 13, 2011 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 8 yea and 1 nay.

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Thompson  
Voting Nay - Japp  
Abstaining - None  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on August 4, 2011. The District's June 10-July 14, 2011, expenditures were published in the Burt County Plaindealer on August 3, 2011. 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, briefed the Board on NRCS activities. A full report is posted to the website.

B. Nebraska Association of Resources Districts: Director Fowler reported that the NARD Annual Meeting will be held September 25-27, 2011 in Kearney, NE. and urges Directors to attend.

C. Legislative Report: John Winkler briefed that per conversation with Senator Mello, the hearing on LR 257 will be delayed until fall or until after the flooding subsides. They are working with the Natural Resources Committee so that this issue may be combined in some way with consideration by the committee of other water issues. Winkler indicated the hearing may be held in September or November. More information is to come.

D. Lower Platter River Corridor Alliance Report: Megan Sittler, LPCA Coordinator, submitted a written report. It is posted to the District's website.

**PUBLIC HEARING ON P-MRNRD FY 2012 BUDGET:**

Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 8:11 p.m.

Hearing Officer Winkler submitted the following exhibits for the record.

Exhibit 1 - Agenda

Exhibit 2 - Proof of Publication of Hearing Notice and Budget Summary --  
Omaha World-Herald – August 4, 2011 and August 6, 2011

Exhibit 3 - Fact Sheet - FY 2012 Budget

Exhibit 4 - Pie Charts – FY 2012 Proposed Revenues and Expenditures

Exhibit 5 - FY 2012 Budget Worksheets

Mr. Winkler then reviewed the proposed budget. The proposed budget calls for total requirements of \$ 82.3 million. The total property tax requirement is \$ 16,811,522.71. The projected tax levy is 0.032737. It was noted that the District has not received final valuations from the County Assessors' Offices. These would be available by August 31. The Board will hold a public hearing at the September Board meeting to formally set the tax levy for FY 2012.

Mr. Winkler opened the floor to the public. The following individuals addressed the Board:

- Doug Kagan, 12320 William St., Omaha, NE
- Jerry Nielson, 6310 Lafayette Ave. Omaha, NE
- Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE. A copy of her testimony and FY 2012 Budget – August 11, 2011 is attached to the file copy of the minutes.
- Scott Japp 4752 County Road 15, Arlington, NE

Hearing Officer Winkler closed the Public Hearing at 8:56 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 August 9, 2011, 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:* Glacier Creek Wetland/Stream Mitigation Bank Design Contract Amendment #1: Recommendation that the General Manager be authorized to execute the proposed Professional Services Agreement Amendment #1 between the District and Alfred Benesch & Company for the Glacier Creek stream and wetland mitigation bank project, bringing the total not to exceed contract amount to \$133,264, 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 unanimously.

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

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

*PPO Recommendation #2:* Western Douglas County Trails and Nebraska Department of Roads Agreements: Recommend that the General Manager be authorized to execute the Agreements with NDOR on the Western Douglas County Trails Project, Phases 1 and 2.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

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

*PPO Recommendation #3:* Change order to Thompson Construction Contract to Include Removal of Storm Damaged Trees at the Elkhorn Crossing Recreation Area: Recommend that the General Manager be authorized to add the cost of \$67,800.00 to the current contract of Thompson Construction Inc. for the removal of downed and hazardous trees at the Elkhorn Crossing Recreation Area.

There was brief discussion on why the decision was made to submit a change order instead of going out for bids for a new contract. Jerry Herbster stated it would save the District money since the contractor was already on site and the cost savings Thompson was offering to remove

approximately 115 trees from the site.

Roll call vote was held on motion. The motion carried on a vote of 7 yea, 0 nay and 2 abstentions.

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Thompson  
Voting Nay - None  
Abstaining - Japp, Lanphier  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

It was further briefed by Director John Conley being that the PPO Subcommittee failed to make any motions for consideration on items 10.A.4, 10.A.5, 10.A.6 and 10.A.7; that concluded his report.

B. Finance, Expenditures and Legal Subcommittee: Director Thompson reported that the FEL Subcommittee met on August 9, 2011. He noted that the Subcommittee had reviewed the proposed FY 2012 budget.

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

*FEL Recommendation #1: Adoption of FY 2012 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 and incorporated herein by reference, showing Total Requirements of \$82,394,216.08 as follows,

Operating Budget	\$82,344,216.08
Uninsured Liability Sinking Fund	\$50,000.00

and Property Tax Requirement of \$16,811,522.71 should be and is hereby adopted as the Fiscal Year 2012 budget of the Papio-Missouri River Natural Resources District.

BE IT FURTHER RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hold a Public Hearing to set the Final Property Tax Request and Tax Levy for Fiscal Year 2012 at the September 8, 2011 Board of Directors meeting, after final valuations have been received from Douglas, Sarpy, Dodge, Washington, Burt, Thurston and Dakota Counties.

The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE.

•• **AMENDMENT  
NO. 1 TO  
MOTION NO. 6**

It was moved by Director Japp and seconded by Director Lanphier to remove \$400,000 from page 19 line item 539 of the budget.

There was discussion from board members.

Roll call vote was held on the motion. The motion failed on a vote of 2 yea and 7 nay.

Voting Yea - Japp, Lanphier  
Voting Nay - Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Thompson  
Abstaining - None  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

There was discussion on the budget. Director Japp requested to make another motion. Chairperson Kolowski addressed Director Japp, asking him how many additional motions he had. Director Japp indicated he had several. Director Fred Conley requested to address all items to be voted on in a single motion. There was discussion. The Chairperson ruled to put all additional motions into one motion for a vote.

•• **AMENDMENT  
NO. 2 TO  
MOTION NO. 6**

It was moved by Director Japp and seconded by Director Lanphier to increase line item 507 of page 21 of the budget to \$1.2 million and to remove bonds from line item 555 from page 36 of the budget.

There was further discussion from board members on this issue.

Roll call vote was held on the motion. The motion failed on a vote of 1 yea, 6 nay and 2 abstentions.

Voting Yea - Japp  
Voting Nay - Bradley, Conley (Fred), Conley (John), Fowler, Kolowski, Thompson  
Abstaining - Klug, Lanphier  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

Roll call vote was held on the original motion. The motion carried on a vote of 6 yea and 3 nay.

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Kolowski, Thompson  
Voting Nay - Japp, Klug, Lanphier  
Abstaining - None  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

**TREASURER'S REPORT:**

- **MOTION NO. 7:** It was moved by Director John Conley and seconded by Director Fowler 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 July, 2011, 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 July, 2011, 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 a question on an invoice submitted by Olsson Associates on the Silver Creek Construction Administrative Budget. John Winkler read an email submitted by Paul Woodward, Project Engineer for Olsson Associates which explained the charges. Director John Conley instructed staff to withhold payment to Olsson's until the issue was resolved.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Thompson
Voting Nay	-	Japp
Abstaining	-	Lanphier
Excused Absence	-	Erickson, Tesar
Absent	-	Erickson, Tesar

**CHAIRPERSON'S REPORT:**

A. Appointment of P-MRNRD Standing Subcommittees – Chairperson Kolowski reported that the standing subcommittee appointments, presented as shown in the District's files

relating to this meeting are hereby recommended. There was discussion.

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

BE IT RESOLVED that Standing Subcommittee appointments, as presented by the Chairperson, are hereby approved

Roll call vote was held on motion. The motion carried on a vote of 8 yea and 1 nay.

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Thompson  
Voting Nay - Japp  
Abstaining - None  
Excused Absence - Erickson, Tesar  
Absent - Erickson, Tesar

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM 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:

August 26, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
September 2, 2010	LPRCA Water Quality Open, Quarry Oaks
September 7, 2010	P-MRNRD Subcommittee Meetings
September 9, 2010	P-MRNRD Board Meeting in Dakota City, NE
September 23, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
Sep. 26-28, 2010	NARD Annual Conference, Kearney, NE
October 12, 2010	P-MRNRD Subcommittee Meetings
October 14, 2010	P-MRNRD Board Meeting
October 22, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on September 8, 2011 at 7:00 p.m. at the Dakota County Natural



Resources Center.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 10:00 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 August 11, 2011, 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