



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
August 13, 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 Natural Resources Center, 8901 S. 154<sup>th</sup> St., Omaha, NE on August 13, 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	Dave Klug
Fred Conley	Patrick Leahy
John Conley	Rich Tesar
Tim Fowler	Jim Thompson
Curt Frost	Ron Woodle
Scott Japp	

**ADOPTION OF AGENDA:**

- **MOTION NO. 1** It was moved by Director Tesar seconded by Director Fowler that the agenda be adopted.

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2** It was moved by Director Thompson and seconded by Director F. 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 following Director(s) has an excused absence from the August 13, 2015, Board of Directors Meeting:

None to date.

Agenda Items 7.A. and 7.B.:

BE IT RESOLVED that the July 9, 2015, Papio-Missouri River NRD Board meeting minutes and the July 8, 2015, Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
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 August 6, 2015. The District's June 12 - July 9, 2015, expenditures were published in the Burt County Plaindealer on July 22, 2015. The Chairperson ordered the Proofs of Publication be 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 Omaha NRCS office, gave his report on NRCS activities. Neil's report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts Report: Director Tesar stated that Husker Harvest Days will be held in Wood River, Nebraska on September 15-17, 2015, and that the NARD Annual Conference will be held in Kearney, Nebraska on September 28-29, 2015. He encouraged Directors to attend.

C. Legislative Report – Husch Blackwell: Steve Grasz gave the Legislative Report. His report can be heard on the District's Board Meeting August 2015 podcast.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler's written report is posted to the website and attached to these meeting minutes.

**PUBLIC COMMENT AND INPUT ON P-MRNRD FY 2016 BUDGET**: General Manager Winkler opened the floor to the public to give comment and input on the FY 2016 Budget. The following individuals addressed the Board:

- Doug Kagan, Nebraska Taxpayers for Freedom, 416 S. 130<sup>th</sup> Street, Omaha, NE
- Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE (a copy of her testimony is attached to the file copy of these minutes)
- Jim Buser, 10250 Regency Circle, Omaha, NE
- Bill Pospichal, 20915 West Center Road, Elkhorn, NE
- Paul Brown, 1925 N. 120<sup>th</sup> Street, Omaha, NE
- Rita Sanders, Mayor of Bellevue, 507 Martin Drive, Bellevue, NE
- Larry Burks, Assistant City Administrator, City of Bellevue, 13008 S. 29<sup>th</sup> Street, Bellevue, NE

**SUBCOMMITTEE REPORTS**:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on August 11, 2015, and gave a brief recap of the meeting.

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

*PPO Recommendation #1*: Approval of the Issuance of Additional Flood Protection and Water Quality Enhancement Bonds by the Voters - Recommendation that the following Resolution be adopted:

**RESOLUTION**

**A RESOLUTION CALLING AN ELECTION IN THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT IN THE STATE OF NEBRASKA REGARDING AUTHORIZATION OF FLOOD PROTECTION AND WATER QUALITY ENHANCEMENT BONDS OF THE DISTRICT PAYABLE FROM A TAX LEVY IN EXCESS OF ONE CENT ON EACH ONE HUNDRED DOLLARS OF TAXABLE VALUATION ANNUALLY ON ALL OF THE TAXABLE PROPERTY WITHIN THE DISTRICT**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, IN THE STATE OF NEBRASKA, as follows:

Section 1. The Board of Directors (the "Board") of the Papio-Missouri River Natural Resources District ("District") hereby finds and determines:

- (a) that the District is duly organized as a natural resources district under Chapter 2, Reissue Revised Statutes of Nebraska, as amended;

- (b) that the District encompasses a city of the metropolitan class in the State of Nebraska;
- (c) that the District has issued and there are now outstanding under Sections 2-3226.10, R.R.S. Neb. 2012 and related sections (the “Act”) certain bonds (the “Outstanding Bonds”) payable from the special bond levy of one cent on each one hundred dollars of taxable valuation annually on all of the taxable property with the District (the one cent levy provided for in the Act is referred to as the “Existing Levy”);
- (d) that it is necessary and appropriate for the District to issue bonds in one or more series (collectively the “Bonds”), subject to the requirements and limitations of the Act, including the requirements set forth in Section 2-3226.10 of the Act requiring a two-thirds vote of the Board to authorize such bonds, Section 2-3226.11 of the Act regarding use and application of proceeds of such Bonds, and Section 2-3226.14 of the Act requiring that all such Bonds be issued before December 31, 2019, for the design, rights-of-way acquisition, and construction of multipurpose projects and practices for storm water management within the District, including flood control and water quality;
- (e) that it is in the best interests of the District to seek authorization for the issuance of the Bonds and for an additional special bond levy in excess of the Existing Levy in an amount not to exceed an additional one cent on each one hundred dollars of taxable valuation within the District pursuant to Neb. Rev. Stat. section 2-3226.10 (the “Additional Levy”) to pay principal and interest on the Bonds; and
- (f) that the Additional Levy shall be within the overall statutory tax levy limit applicable to the District under Neb. Rev. Stat. Section 77-3442, as amended;

Section 2.

(a) An election pursuant to Neb. Rev. Stat. section 2-3226.10 (“Election”) is hereby called and shall be held in the District on May 10, 2016, at which Election there shall be submitted to the qualified electors of the District the following proposition (“Proposition”):

Shall the Papio-Missouri River Natural Resources District, upon approval by a 2/3 vote of its Board of Directors as provided by law, be authorized to issue Flood Protection and Water Quality Enhancement Bonds for the purpose of paying costs of design, right of way acquisition and construction of multipurpose projects and practices for storm water management, including flood control and water quality, such bonds to be issued and sold in one or more series from time to time, to bear interest at such rate or rates, and to become due at such time or times as may be determined by the Board of Directors; and

Shall the Papio-Missouri River Natural Resources District cause to be levied and collected annually a special levy of taxes against all the taxable property in the District for the purposes of paying principal and interest on such bonds, which tax levy may exceed the statutory bond levy limit of one cent on each one hundred dollars of taxable valuation within the District by an amount up to an additional one cent, but which shall be included within the overall statutory tax levy limit for the District?

(b) The ballots to be voted on and cast at the Election shall have printed thereon the foregoing Proposition, with words “FOR such bonds and tax” and “AGAINST such bonds and tax” following the Proposition.

(c) The ballots to be voted on and cast at the Election shall be in such form as required by law, and the notice of the Election, including a sample ballot, shall be published by the Election Commissioners or County Clerks, as applicable, of each county in which voters of the District reside as provided by law.

Section 3. The Secretary of the Board of Directors is hereby authorized and directed to certify a copy of this Resolution not later than March 1, 2016 to the Election Commissioners or County Clerks, as applicable, of each county in which voters of the District reside, who shall publish all required notices and conduct the Election as provided by law. The District hereby agrees to reimburse the Election Commissioners and County Clerks for the expense of conducting the Election.

Section 4. The form of ballot and form of notice for such bond election shall be in substantially the form attached to this Resolution as Attachment I, with such additions or changes determined appropriate by the respective Election Commissioners and County Clerks. The General Manager is hereby authorized and directed in conjunction with the Election Commissioners and County Clerks conducting the Election to take all appropriate or necessary action in order to cause the Proposition to be submitted to the qualified electors of the District as provided above.

Section 5. Anything to the contrary herein notwithstanding, the General Manager is hereby authorized and directed to (a) cause the form of ballot and form of notice approved herein and attached hereto as Attachment I to be published in accordance with such laws, and with such changes therein as the General Manager, in consultation with the President of the Board, legal counsel to the District and bond counsel deem necessary to conform to such laws, and (b) take all further actions necessary to comply with all publication and filing deadlines and other election procedures and requirements as may be necessary or proper to submit the Proposition described in Section 2 hereof to the qualified electors of the District at the May 2016 Primary Election.

Section 6. This Resolution shall take effect and be in force from and after its passage as provide by law.

ADOPTED this 13<sup>th</sup> day of August, 2015.

PAPIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT, IN THE STATE OF  
NEBRASKA

ATTEST:

By: \_\_\_\_\_

Chairperson

\_\_\_\_\_  
Secretary

**Attachment I**  
**(SAMPLE BALLOT)**  
**(OFFICIAL BALLOT)**  
**(OFFICIAL BALLOT FOR EARLY VOTING)**  
**TAX LEVY ELECTION**  
**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**  
**IN THE STATE OF NEBRASKA**  
**TUESDAY MAY 10, 2016**

Shall the Papio-Missouri River Natural Resources District, upon approval by a 2/3 vote of its Board of Directors as provided by law, be authorized to issue Flood Protection and Water Quality Enhancement Bonds for the purpose of paying costs of design, right of way acquisition and construction of multipurpose projects and practices for storm water management, including flood control and water quality, such bonds to be issued and sold in one or more series from time to time, to bear interest at such rate or rates, and to become due at such time or times as may be determined by the Board of Directors; and

Shall the Papio-Missouri River Natural Resources District cause to be levied and collected annually a special levy of taxes against all the taxable property in the District for the purposes of paying principal and interest on such bonds, which tax levy may exceed the statutory bond levy limit of one cent on each one hundred dollars of taxable valuation within the District by an amount up to an additional one cent, but which shall be included within the overall statutory tax levy limit for the District?

/\_\_\_/ FOR such bonds and tax

/\_\_\_/ AGAINST such bonds and tax

Electors voting in favor of said proposition shall blacken the oval opposite the words "FOR such bonds and tax" following said proposition, and electors voting against said proposition shall blacken the oval opposite the words "AGAINST such bonds and tax" following said proposition.

**NOTICE TO PUBLISHER: PUBLISH – *one time not more than fifteen days nor less than two days prior to the election***

**NOTICE OF NATURAL RESOURCES DISTRICT TAX LEVY ELECTION  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
IN THE STATE OF NEBRASKA**

**Tuesday, May 10, 2016**

PUBLIC NOTICE is hereby given to the qualified electors of the Papio-Missouri River Natural Resources District in the State of Nebraska (the “District”) that an election has been called and will be held in the District on Tuesday, May 10, 2016, at which time there shall be submitted to the qualified electors of the District the following proposition:

Shall the Papio-Missouri River Natural Resources District, upon approval by a 2/3 vote of its Board of Directors as provided by law, be authorized to issue Flood Protection and Water Quality Enhancement Bonds for the purpose of paying costs of design, right of way acquisition and construction of multipurpose projects and practices for storm water management, including flood control and water quality, such bonds to be issued and sold in one or more series from time to time, to bear interest at such rate or rates, and to become due at such time or times as may be determined by the Board of Directors; and

Shall the Papio-Missouri River Natural Resources District cause to be levied and collected annually a special levy of taxes against all the taxable property in the District for the purposes of paying principal and interest on such bonds, which tax levy may exceed the statutory bond levy limit of one cent on each one hundred dollars of taxable valuation within the District by an amount up to an additional one cent, but which shall be included within the overall statutory tax levy limit for the District?

/\_\_\_/ FOR such bonds and tax

/\_\_\_/ AGAINST such bonds and tax

Electors voting in favor of said proposition shall blacken the oval opposite the words “FOR such tax” following said proposition, and electors voting against said proposition shall blacken the oval opposite the words “AGAINST such tax” following said proposition.

The polling places will be open continuously from [8:00 a.m. to 8:00 p.m.] on said date. The voting places for qualified electors of the District will be as follows:

Precinct	Polling Place
----------	---------------


The polling places are accessible to individuals with physical mobility limitations.

Qualified electors wishing to vote early, as permitted by law, may do so in person or by requesting a ballot for early voting from the \_\_\_\_\_.

BY ORDER OF THE BOARD OF DIRECTORS OF SUCH DISTRICT.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

The following individuals addressed the Board:

- Nancy Pridal, 14710 W. Dodge Road, Omaha, NE (representing Lamp, Rynearson, & Associates)
- Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE (a copy of her testimony is attached to the file copy of these minutes)
- Mark Westergard, E&A Consulting, 10909 Mill Valley Road #100, Omaha, NE

There was extensive discussion by the Directors on the impact of placing the Issuance of Additional Flood Protection and Water Quality Enhancement Bonds by the Voter on the May 10, 2016 Primary Ballot. The statutory authority for Natural Resources Districts to issue bonds will expire in 2019, unless extended by the Legislature.

Roll call was held on the motion. The motion carried on a vote of 7-yea and 4-nay.

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

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

*PPO Recommendation #2:* Nebraska Environmental Trust Grant Application for Playground at Elkhorn Crossing - Recommendation that the General Manager be authorized to submit a \$150,000 project request to the Nebraska Environmental Trust at a 50% NET (\$150,000), 50% District (\$150,000) cost share for the construction of a playground and educational kiosk at Elkhorn Crossing.

There was discussion regarding the cost of the playground equipment and educational kiosk. The General Manager explained the equipment costs. It was noted that this is a unique opportunity to

incorporate the historical background of the Mormon community as they settled west into this playground.

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

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

B. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on August 11, 2015, and gave a brief recap of the meeting.

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

*FEL Recommendation #1:* Review of the FY 2016 Budget – Recommendation that the FY 2016 proposed budget option 2, be forwarded for review at the September 10, 2015, Budget Hearing, with the provision that the General Manager be authorized to make necessary adjustments once final valuation figures are available to achieve compliance of state statutes regarding the lid.

There was discussion by the Board of Directors and staff regarding the FY 2016 Budget. The following individual addressed the Board:

➤ Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE

•• **MOTION NO. 5.a.** It was moved by Director Japp and seconded by Director Frost  
**Amended Motion** to amend the original motion to increase the CAP account by \$300,000.

Roll call was held on the motion. The motion failed on a vote of 4-yea and 7-nay.

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

Roll call was held on the original motion. The motion carried on a vote of 6-yea and 5-nay.

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

**TREASURER'S REPORT:**

- **MOTION NO. 6** It was moved by Director John 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 July, 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 Supply Project, 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, 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 the motion. The motion carried on a vote of 9-yea, 1-nay and 1-abstention.

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

**CHAIRPERSON'S REPORT:**

- **MOTION NO. 7** It was moved by Director Thompson and seconded by Director Fowler that the following resolution be adopted:

BE IT RESOLVED that Standing Subcommittee appointments, presented by the Chairperson and shown in the District's files relating to this meeting, are hereby approved.

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

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

•• **MOTION NO. 8:** Ad Hoc Consultant Selection Subcommittee for the Groundwater Management Plan Update - It was moved by Director Klug and seconded by Director J. Conley that the following resolution be adopted:

BE IT RESOLVED that Ad Hoc Subcommittee appointments, as presented by the Chairperson, are hereby approved.

The Ad Hoc Consultant Selection Subcommittee for the Groundwater Management Plan Update Committee Members are as listed:

Jim Thompson, Chairperson  
 Patrick Bonnett  
 John Conley  
 Patrick Leahy  
 Rich Tesar  
 Fred Conley, Alternate

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

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

Chairperson Klug commented that he and Director Thompson attended the grand opening of Danish Alps/Kramper Lake Recreation Area. He thanked Terry Schumacher for the work he has put into the project.

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website.

**LITIGATION UPDATE:** David Newman, District's Legal Counsel, provided an update on the on-going legal issues.

**INFORMATIONAL ITEMS:**

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

- August 27, 2015 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
- August 27, 2015 LPRCA 2015 Water Quality Open at Quarry Oaks Golf Course, 11:00 a.m. check-in
- September 12, 2015 World O! Water at Chalco Hills noon – 4:00 p.m.
- September 15-17, 2015 Husker Harvest Days, 9000 W. Husker Highway, Wood River, Nebraska
- September 8, 2015 P-MRNRD Subcommittee Meetings
- September 10, 2015 P-MRNRD Board Meeting in Dakota City
- September 28-29, 2015 NARD Annual Conference, Kearney, Nebraska

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on September 10, 2015, at the Dakota City Field Office.

**ADJOURNMENT**: Being no further business, at 8:57 p.m. the Chairperson declared that the meeting was adjourned.

**NOTE**: These minutes reflect the actions and votes taken at the August 13, 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](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 the meeting of the Board of Directors of the District held on August 13, 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