



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
August 9, 2007**

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. 154th Street, Omaha, NE on August 9, 2007. The meeting was called to order by Chairperson Jim Thompson at 8:00 p.m.

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

Fred Conley	Dorothy Lanphier
John Conley	Rick Patterson
Tim Fowler	John Schwope
David Klug	Rich Tesar
Rick Kolowski	Jim Thompson

ADOPTION OF AGENDA:

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

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director John 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 following Director(s) have an excused absence from the August 9, 2007, Board of Directors Meeting:

Dick Connealy

Agenda Item 7 A.:

BE IT RESOLVED that the July 12, 2007, Papio-Missouri River NRD Board meeting minutes and the July 11, 2007, Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on August 2, 2007. The District's June, 2007, expenditures were published in the Dakota County Star on August 9, 2007. 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: Verlon Barnes, District Conservationist at the Omaha NRCS office, reported on NRCS activities for the past month. He shared some information from Steve Chick's Friday Message to include a report on the No-till on the Plains Expo held on July 18th in Pender, NE, and a report on NRCS office closings throughout the State.

B. Nebraska Association of Resources Districts Report: Director Tesar reported that the NARD Annual Meeting will be held September 23-25, 2007 at the Holiday Inn at Kearney, NE. He urged Directors to attend.

C. Report on Vegetation Task Force Meeting: Director Tesar reported that he had attended the first meeting of the Riparian Vegetation Task Force on July 27th in Hastings, NE. The next meeting is scheduled on September 13, 2007 at Kearney, NE.

ANNUAL REVIEW OF PAPILLION CREEK WATERSHED PARTNERSHIP

AGREEMENT: Paul Woodward reviewed the stormwater management elements shared by the Partnership. He noted that the following entities were members of the Partnership: Bellevue, Bennington, Boys Town, Gretna, La Vista, Omaha, Papillion, Ralston, Douglas County, Sarpy County and the Papio-Missouri River NRD. To date, all but 2 (Douglas County and Bennington) of the Partnership members have adopted the policies proposed by the Partnership. He then reviewed the Partnership FY 2008 budget and the watershed fund summary.

PUBLIC HEARING - P-MRNRD FY 2008 BUDGET:

Chairperson Thompson appointed General Manager Winkler as Hearing Officer. Hearing Officer Winkler opened the Public Hearing at 8:42 p.m. and 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, 2007
- Exhibit 3 - Fact Sheet - FY 2008 Budget
- Exhibit 4 - P-MRNRD FY 2008 Expenditures/Revenues Pie Chart
- Exhibit 5 - 2007 Tax Levy Comparisons
- Exhibit 6 - FY 2008 Budget Worksheets
- Exhibit 7 - P-MRNRD FY 2007/2008 Operations Plan

Mr. Winkler then reviewed the proposed budget. The proposed budget calls for total requirements of \$45,613,893.67 (\$45,563,893.67 – general and \$50,000 – sinking funds). The total property tax requirement is \$16,444,611.41. The projected tax levy is 0.034737. It was noted that the District has not received final valuations from the County Assessors’ Offices. These would be available by August 20th. The Board will hold a public hearing at the September Board meeting to formally set the tax levy for FY 2008. Mr. Winkler then reviewed specific District programs and projects.

Mr. Winkler then opened the floor to the public. The following individual(s) addressed the Board:

- ➔ Shawn Melotz, 10404 N. 132nd St., Omaha, NE

Hearing Officer Winkler closed the Public Hearing at 8:54 p.m. and returned the floor to Chairperson Thompson.

SUBCOMMITTEE REPORTS:

A. Dakota County Floodplain Mapping Project Ad Hoc Consultant Selection Subcommittee: Director Fred Conley reported that the Ad Hoc Subcommittee met on August 7, 2007 and gave a brief recap of the meeting.

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

AdHoc Recommendation #1: Selection of Consulting Firms to be Interviewed for Dakota County Floodplain Mapping Project – Recommendation that the firms of HDR Engineering, Inc, Olsson Associates, PBS&J and URS Corporation be interviewed for the Dakota County Floodplain Mapping Project.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwoppe, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on August 7, 2007 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Bids for Papio Creek Watershed Structures S-27 and S-32 Rehabilitation Project – Recommendation that the General Manager be authorized to execute a contract with Thompson Construction, Inc., for a total base bid of \$865,843.30 for construction of the Papio Creek Watershed Structures S-27 and S-32 Rehabilitation Project.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwoppe, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

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

PPO Recommendation #2: Bids for Chalco Hills Rec Area - Loop Road Reconstruction – Recommendation that the contract for the Chalco Hills Recreation Area West Loop Road Reconstruction be awarded to Western Engineering Company in the amount of \$185,981.00.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
 Voting Nay - None
 Abstaining - None
 Excused Absence - Connealy
 Absent - Connealy

C. Personnel, Legislative and Public Affairs Subcommittee: Director Schwope reported that the PLPA Subcommittee met on August 7, 2007. He stated that the P-MRNRD Vehicle Use Policy was on the agenda, but that this item had been tabled at the July 12, 2007 Board meeting and felt that this item should be discussed by the entire Board. No action was taken at the Subcommittee meeting.

•• **MOTION NO. 6** It was moved by Director Schwope and seconded by Director Fred Conley that the P-MRNRD Vehicle Use Policy issue be taken from the table and that the following recommendation of Management, as presented at the July 10, 2007 PLPA meeting and the July 12, 2007 Board meeting, be adopted:

1. Employees who utilize a vehicle for commuting purposes have the option to utilize a personal vehicle for commuting purposes or can continue to utilize a District vehicle for commuting only after agreeing to reimburse the District a fair and equitable deduction from the employees pay. The employee would sign an agreement with the District to have funds withheld from their bi-weekly pay checks. In addition, for those employees who continue to utilize a District vehicle for commuting purposes, this expense will be reviewed annually during their performance appraisal process and adjusted appropriately to reflect actual costs to the District for this benefit. This option would be adopted to address the six (6) vehicles that are being utilized for commuting purposes which are not required to respond to an emergency event on a 24/7 basis.
2. All employees utilize a District vehicle, when available, for attending District related functions and or conducting work related duties. Personal vehicle use should be discouraged for conducting District business unless no other transportation is available to the employee.
3. Vehicles should be eliminated through attrition whenever feasible.
4. Assigned vehicle usage should no longer be utilized in lieu of pay or as a reward for performance.

5. If the Board of Directors so desires to modify the existing vehicle use policy that the General Manager is required to follow the adopted policy and the existing contract be amended as necessary.

- **SUBSTITUTE MOTION NO. 6** It was moved by Director Patterson and seconded by Director Tesar that the Chairperson appoint an Ad Hoc Subcommittee comprised of Directors and staff to further investigate the vehicle use policy to include items such as total expenses, insurance costs and liability, depreciation, etc., and report back to the Board.

There was extended discussion.

Roll call vote was held on the Substitute Motion. The Substitute Motion failed on a vote of 4-yea and 6-nay.

Voting Yea	-	Klug, Lanphier, Patterson, Tesar
Voting Nay	-	Conley (Fred), Conley (John), Fowler, Kolowski, Schwope, Thompson
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

Roll call vote was held on the original motion. The motion carried on a vote of 6-yea and 4-nay.

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Kolowski, Schwope, Thompson
Voting Nay	-	Klug, Lanphier, Patterson, Tesar
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

D. Finance, Expenditures and Legal Subcommittee: Director Fowler reported that the FEL Subcommittee met on August 7, 2007 and gave a brief recap of the meeting.

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

FEL Recommendation #1 FY 2008 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 \$45,613,893.67 (\$45,563,893.67 – general and \$50,000 – sinking fund) and Property Tax Requirement of \$16,444,611.14 be and is hereby adopted as the Fiscal Year 2008 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 2008 at the September 13, 2007 Board of Directors meeting, after final valuations have been received from Douglas, Sarpy, Dodge, Washington, Burt, Thurston and Dakota Counties.

•• **AMENDMENT
NO. 1 TO
MOTION NO. 7**

It was moved by Director Lanphier and seconded by Director Patterson to amend the resolution and the budget to change the total general requirement of the District's budget from \$45,563,893.67 to \$44,193,893.67 by:

- Deleting the Revenue line item 03 13 3130 – Papio Reservoirs – Misc. in the amount of \$1,370,000.00 consisting of:
 - Regional stormwater detention fee fund of \$1,250,000
 - Dam Site 13 – SID 521 contribution of \$120,000
- Changing the Expense line item 03 13 4902 – Papio Reservoir reserve amount of \$4,000,000 to \$2,630,000.

There was discussion. During discussion the GM noted that there might be other areas in the Papio Reservoir expense accounts to look at besides the Papio Reservoir Reserve account to achieve the \$1,370,000 reduction in expenditures.

Director Lanphier stated that she would like to change the amendment to state that the \$1,370,000 reduction in expenditures could be achieved by corresponding cuts in Expense Line Items 03 13 4400 through 4902 to be determined by management. Director Patterson agreed to the change.

The amendment would read as follows:

•• **AMENDMENT
NO. 1 TO
MOTION NO. 7**

It was moved by Director Lanphier and seconded by Director Patterson to amend the resolution and the budget to change the total requirement of the District's budget from \$45,563,893.67 to \$44,193,893.67 by:

Deleting the Revenue line item 03 13 3130 – Papio Reservoirs – Misc in the amount of \$1,370,000.00 consisting of:

Regional stormwater detention fee fund of \$1,250,000
Dam Site 13 – SID 521 contribution of \$120,000

~~Changing the Expense line item 03 13 4902 – Papio Reservoir reserve amount of \$4,000,000 to \$2,630,000.~~

Reducing corresponding Papio Reservoir Expense line items 03 13 4400 through 4902 in the amount of \$1,370,000 to be determined by management.

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

Voting Yea - Conley (Fred), Klug, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - Conley (John), Fowler, Kolowski
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

The amended resolution would read as follows:

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 ~~\$45,613,893.67~~ \$44,243,893.67 (~~\$45,563,893.67~~ \$44,193,893.67 – general and \$50,000 – sinking fund) and Property Tax Requirement of \$16,444,611.14 be and is hereby adopted as the Fiscal Year 2008 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 2008 at the September 13, 2007 Board of Directors meeting, after final valuations have been received from Douglas, Sarpy, Dodge, Washington, Burt, Thurston and Dakota Counties.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

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

FEL Recommendation #2 Missouri River Trail – Phase 2 Right of Way Acquisition – Surfside North – Recommendation that the General Manager be authorized to execute the proposed purchase agreement calling for

payment to Surfside North in the amount of \$1,200 for an easement required for the Missouri River Trail Project.

It was noted that the District had still not received the signed purchase agreement. It was requested that Directors be informed as to when the signed purchase agreement is received.

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwoppe, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

TREASURER'S REPORT:

- **MOTION NO. 9:** It was moved by Director John Conley and seconded by Director Kolowski that the following resolution be adopted:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the July, 2007, 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/Clear Creek Project, the project bills listed on the July, 2007, 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 unanimously.

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

CHAIRPERSON'S REPORT:

A. Environmental Study (White Paper) Discussion - Chairperson Thompson noted that Directors had received a copy of the "White Paper" and hoped that everyone had reviewed the information. He thanked the Ad Hoc Staff Committee, comprised of Jim Becic, Christine Jacobsen, Brad Mohrmann, Ralph Puls, Dick Sklenar and Jean Tait, for their efforts. The Chairperson stated that the District should be working towards implementing appropriate recommendations pointed out in the "White Paper" in the near future.

B. Omaha By Design Zoning Efforts – It was noted that on Sunday, August 5th, the Omaha World Herald featured an insert outlining a package of zoning code revisions and additions prepared by Omaha By Design. If adopted, the proposed package would make Omaha the first city of its size to develop and implement a comprehensive urban design plan. The Omaha City Council will hold a final hearing and vote on the issue August 14th. It was noted that Assistant GM Marlin Petermann served on the Omaha By Design Committee that put the plan together.

C. Florence Futures Update – Chairperson Thompson noted that the Board had approved a request from the Florence Futures Development Group for a contribution of \$25,000 for a feasibility study. He reported that the final report would be completed in the next few weeks. The plan will be released September 20th; and, hopefully once completed, it will be a part of the City of Omaha's master plan.

GENERAL MANAGER'S REPORT: GM Winkler noted that his report had been posted to the website and asked Directors to contact him if there were any questions. He indicated that he met with representatives from Papillion to discuss the transfer of Walnut Creek. He stated that a ceremony would be held on October 1st with more details to follow. News clips from Channel 6 regarding tax valuation protests and sidewalk repairs were shown.

INFORMATIONAL ITEMS:

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

August 21, 2007	Public Meeting on the Western Douglas County Trail Project, 7:00 p.m., Twin Rivers YMCA
August 23, 2007	Papillion Creek Watershed Partnership meeting, 10:00 a.m., NRC Lower Level Conference Room
September 3, 2007	Labor Day – P-MRNRD Offices Closed

- September 5, 2007 Water Quality Open Golf Tourney, 12:30 p.m. at Quarry Oaks Golf Course
- September 11, 2007 P-MRNRD Subcommittee Meetings
- September 13, 2007 P-MRNRD Board Meeting (Meeting will be held at the Natural Resources Center in Dakota City, NE. Public Hearing to Set Tax Levy fro FY 2008 pursuant to state statutes and the adopted budget at the August 9, 2007 Board meeting and receiving final property tax valuations in mid August.)
- September 16, 2007 World O! Water, 12:00 noon – 4:00 p.m., Chalco Hills Recreation Area
- September 22, 2007 Missouri River Relief – Clean Up the River, 8:30 a.m. – 2:30 p.m., Meet at the Marina at the north end of Lewis & Clark Landing
- September 23-25, 2007 Nebraska Natural Resources Districts Annual Meeting, Kearney, NE
- October 9, 2007 P-MRNRD Subcommittee Meetings
- October 11, 2007 P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on September 13, 2007 at the NRC in Dakota City.

ADJOURNMENT: Being no further business, at 10:05 p.m. the Chairperson declared that the meeting was adjourned.

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 9, 2007, 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