



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
August 12, 2010**

**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 12, 2010. The meeting was called to order by Chairperson Rick Kolowski at 8:00 p.m.

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

Larry Bradley	Scott Japp
Fred Conley	Dave Klug
John Conley	Rick Kolowski
Gus Erickson	Rich Tesar
Tim Fowler	Jim Thompson

**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 unanimously.

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director John Conley 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 Director from the August 12, 2010, Board of Directors Meeting is excused:

Dorothy Lanphier

Agenda Item 7. A.

BE IT RESOLVED that the July 8, 2010 Papio-Missouri River NRD Board meeting minutes, and the July 14, 2010 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 9-yea and 1-nay.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on August 5, 2010. The District's June, 2010, expenditures were published in the Burt County Plaindealer on August 4, 2010. 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 for the past month to include the Cooperative Conservation Partnership Initiative. He also reported that October 1, 2010 will be Steve Chick's last day as Conservationist for Nebraska. He will be working for the NRCS National Employee Development Center assisting with coordinating Boot Camps and other training for NRCS employees.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Annual Meeting will be held September 26-28, 2010 in Kearney, NE. He urged Directors to attend.

C. Environment Omaha Report: Steve Jensen, former City of Omaha Planning Department Director; Mike McMeekin, Lamp, Rynearson & Associates; and Rich Cunningham, City of Omaha Planning Department Director, presented a power point presentation on Environment Omaha. Environment Omaha, a partnership of the City of Omaha and Omaha By Design, is a new policy development initiative that is creating a comprehensive environmental section for the City's master plan. It covers five major areas – the natural environment, urban form and transportation, building construction, resource conservation and community health.

**PUBLIC HEARING ON P-MRNRD FY 2011 BUDGET:**

Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 8:39 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 7, 2010
- Exhibit 3 - Fact Sheet - FY 2011 Budget
- Exhibit 4 - Pie Charts – FY 2011 Proposed Revenues and Expenditures
- Exhibit 5 - FY 2011 Budget Worksheets

Mr. Winkler then reviewed the proposed budget. The proposed budget calls for total requirements of \$79 million. The total property tax requirement is \$16,805,428.86. 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 20<sup>th</sup>. The Board will hold a public hearing at the September Board meeting to formally set the tax levy for FY 2011.

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

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

Hearing Officer Winkler closed the Public Hearing at 8:51 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 10, 2010, and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Urban Conservation Program Application for Eastern Nebraska Veteran's Home – Recommendation that the District approve the City of Bellevue application for the Eastern Nebraska Veterans' Home in the amount of \$29,177 for District Program 17.0 Urban Conservation Assistance Program, subject to inclusion in the Fiscal Year 2011 budget.

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

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

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

*PPO Recommendation #2:* Bids for Washington County Service Center – Recommendation that, after NRCS has approved the floor plan for the Service Center, the General Manager shall be authorized to execute the proposed contract with Fauss Construction Company for construction of such structure for \$1,899,000.

•• **AMENDMENT NO. 1 TO MOTION NO. 4** It was moved by Director Thompson and seconded by Director Fowler that the Motion be amended to delete the phrase “after NRCS has approved the floor plan for the Service Center”

There was extended discussion. It was noted that staff would be meeting with the NRCS next week and it was anticipated that the NRCS would approve the floor plan at that time.

Roll call vote was held on Amendment No. 1 to Motion No. 4. The amendment failed on a vote of 0-yea and 10-nay.

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

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

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

Excused Absence - Lanphier  
Absent - Lanphier

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

*PPO Recommendation #3:* Bids for Aerial Application of Herbicide by Helicopter in the Lower Platte and Elkhorn Rivers – Recommendation that the General Manager be authorized to execute the proposed agreement with Sky Copters, Inc., for the aerial application of herbicide by helicopter in the channels of the Lower Platte and Elkhorn Rivers and principal tributaries for the sum of \$150/acre for each acre treated not to exceed \$60,000 per year for five years.

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

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

- **MOTION NO. 6** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #4:* Amendment to USGS Farm Process Pilot Groundwater Modeling Agreement – Recommendation that the General Manager be authorized to execute an amendment to the Joint Funding Agreement with the USGS for the modification of the scope of the pilot model study for a new total cost of \$148,000, 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 - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Kolowski, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

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

*PPO Recommendation #5:* Emergency Watershed Protection Program Application – Recommendation that the General Manager be authorized to

provide necessary professional engineering services and execute local sponsorship agreements with the Natural Resources Conservation Service for Emergency Watershed Protection Projects on the Elk Creek levee project near Jackson, Nebraska in Dakota County, and on the West Branch Papillion Creek near 160<sup>th</sup> & Pacific in Douglas County, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp noted that the District had an agreement with the Elk Creek Drainage District indicating that they would cost share at a rate of 50% for work done. Marlin Petermann explained that the 50% cost share was for normal improvements and repairs. This is an emergency situation and was beyond the scope of normal improvements or repairs. Mr. Petermann also pointed out that the NRD is providing cost share on the other Emergency Watershed Protection Project (Elkhorn River and West Branch Papillion Creek) applications the District is sponsoring.

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

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

Director John Conley reported that the Subcommittee had discussed the hours of operation at the Platte River Landing. No action was taken.

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on August 10, 2010. He noted that the Subcommittee had reviewed the proposed FY 2011 budget.

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

*FEL Recommendation #1.b.*: Adoption of FY 2011 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 \$79,073,230.06 as follows,

Operating Budget	\$79,023,230.06
Uninsured Liability Sinking Fund	\$50,000.00

and Property Tax Requirement of \$16,805,428.86 should be and is hereby adopted as the Fiscal Year 2011 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 2011 at the September 9, 2010 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. 8** It was moved by Director Japp and seconded by Director Bradley that \$400,000 be added to the Conservation Assistance Program.

Roll call vote was held on Amendment No. 1 to Motion No. 8. The amendment failed on a vote of 1-yea and 9-nay.

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

- **AMENDMENT NO. 2 TO MOTION NO. 8** It was moved by Director Japp and seconded by Director Bradley that the budget be amended to reflect true revenues and expenditures.

Roll call vote was held on Amendment No. 2 to Motion No. 8. The amendment failed on a vote of 1-yea and 9-nay.

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

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Klug, Kolowski, Tesar, Thompson  
Voting Nay - Japp

Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

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

*FEL Recommendation #1.c:* 1% Increase to the Budgeted Restricted Funds for Lid Calculation  
– Recommendation that the following resolution be adopted:

BE IT RESOLVED that the Board of Directors of the Papio-Missouri River NRD approves an additional increase of 1% in the Total Unused Restricted Funds Authority, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.

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

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

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

*FEL Recommendation #2.:* WP-5 Project Right of Way Donation to Sarpy County Highway Department - Recommendation that the General Manager be authorized to execute the necessary documents to donate to Sarpy County fee title to 0.167 acres and a temporary construction easement over 0.025 acres of WP-5 Project lands for proposed 132<sup>nd</sup> Street roadway improvements, subject to approval as to form by District Legal Counsel.

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

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

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



*FEL Recommendation #3.:* Pigeon Jones Site #15 Offers for Land Rights Acquisitions - Recommendation that the following resolution be adopted:

BE IT RESOLVED that, unless circumstances indicate to him the need for further direction from the Board of Directors, the General Manager should be and is hereby authorized to offer to each landowner, for whom it is necessary to acquire land or easements for the Pigeon/Jones Site #15 Project, the greater of the damage amounts separately appraised by Ag One Appraisal Service and United Farm and Ranch Management.

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

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

**TREASURER'S REPORT:**

•• **MOTION NO. 12:** It was moved by Director John Conley and seconded by Director Fred Conley 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, 2010, 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, 2010, 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 unanimously.

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

**CHAIRPERSON'S REPORT:**

A. Appointment of P-MRNRD Standing Subcommittees – Chairperson Kolowski reported that he had updated the standing subcommittees to include Director Erickson. He noted that the changes to the standing subcommittees required Board approval.

- **MOTION NO. 13** It was moved by Director John Conley and seconded by Director Fred Conley 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 unanimously.

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

Chairperson Kolowski thanked Director Thompson for his dedication and leadership while serving at P-MRNRD Chairperson for the past four years.

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. It was noted that a young man recently drown in a tubing incident on the Elkhorn River. GM Winkler stated that with the continuing rains, both the Elkhorn and Platte Rivers are running high and the District is doing all we can to point out the dangers to keep people off the rivers.

**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 9, 2010 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 9:42 p.m.

I, the undersigned, Secretary of the Pappio-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 12, 2010, 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