

**Finance, Expenditure & Legal
Subcommittee Meeting Minutes
July 7, 2009**

A meeting of the Pappio-Missouri River Natural Resources District's Finance, Expenditure & Legal Subcommittee was held at the Natural Resources Center, 8901 South 154th Street, Omaha, Nebraska, on July 7, 2009. The meeting was called to order by Chairperson Tesar at 8:07 p.m.

QUORUM CALL: Quorum call was taken. The following subcommittee members were in attendance.

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others in Attendance
Rich Tesar		Dave Klug	John Winkler
Rick Kolowski		Scott Japp	Marlin Petermann
Larry Bradley		Jim Thompson	Brian Henkel
Dorothy Lanphier		Tim Fowler	Lori Laster
John Conley			Trent Heiser
			Paul Peters
			Carey Fry
			Barb Sudrla
			Ralph Puls
			Dick Sklenar
			Gerry Bowen
			Jean Tait
			Shawn Melotz

ADOPTION OF AGENDA

- **It was moved by Director John Conley and seconded by Director Kolowski that agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Tesar, Kolowski, Bradley, J. Conley, Lanphier
 Voting Nay: None
 Abstaining: None
 Absent: None

PROOF OF PUBLICATION: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on July 2, 2009. The Chairperson ordered the Proof of Publication recorded in the minutes of this meeting.

FY 2010 BUDGET: GM Winkler reviewed amendments made from the first draft budget presented at the June meeting. It was pointed out to the Subcommittee that there were still some unknowns, i.e., final revenue and expenditure figures, contingent on approval at the July Board meeting, Treasurers' balances, final valuations and IPA budgets. He summarized the anticipated tax levy and bonding requirements.

NOTE: Dates to Remember for P-MRNRD FY 2010 Budget:

- Public Input Meeting at July 9, 2010 Board Meeting
- Budget Hearing and Adoption of FY 2010 Budget at August 13, 2009 Board Meeting
- Set Tax Levy for FY 2010 at September 10, 2009 Board Meeting

The following individual addressed the Subcommittee:

- Shawn Melotz, 10404 N. 132nd Street, Omaha, Nebraska. A copy of her written statement is attached.

There was discussion.

- **It was moved by Director John Conley and seconded by Director Kolowski that the FY 2010 budget, as presented, be forwarded for review at the August 13, 2009, Budget Hearing with the provision that the General Manager be authorized to make necessary adjustments once final figures are available to achieve compliance of state statutes regarding the lid.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea and 1-nay.

Voting Yea: Tesar, Kolowski, Bradley, J. Conley,
Voting Nay: Lanphier
Abstaining: None
Absent: None

ACCOUNT OVER 110%: - ACCT # - 010100 4636 – MAINTENANCE – DAKOTA COUNTY SERVICE CENTER: Ralph Puls stated that the Natural Resources Conservation Service (NRCS) requires measures to provide security in the office after the Farm Service Agency moved to a new location as part of the USDA office closures. An architect has been hired and has been paid to design the work. The construction is estimated to be \$18,000. All or part of the costs will be reimbursed to the district by the NRCS.

- **It was moved by Director Kolowski and seconded by Director John Conley that the following account be allowed to exceed 110% of the budgeted amount:**
 - **Acct # - 010100 4636 – Maintenance – Dakota County Service Center**

Roll call was taken on the motion. The motion carried on a vote of 5-yea and 0-nay.

Voting Yea: Tesar, Kolowski, Bradley, J. Conley, Lanphier
Voting Nay: None
Abstaining: None
Absent: None

ADJOURNMENT: Being no further business, the meeting adjourned by acclamation at 9:00 p.m.

Papio-Missouri River NRD

Subcommittee Meeting

July 7, 2009

Shawn Melotz

10404 North 132nd Street

Omaha, NE 68142

Page 1 of 4

FY 2010 Budget - Draft #2; Issues:

To begin, I thank this Subcommittee for allowing me the necessary time to lay out my concerns regarding the FY 2010 Budget. I believe my discussions will assist you in determining the adjustments needed to our FY 2010 Budget. As I discuss the FY 2010 Budget, I would respectfully request that this Subcommittee to recommend revisions to the budget items, as follows:

- Page 1 of the Summary Page, staff has proposed a \$1.9 million increase in General Cash Funds held during the 2010 fiscal year.
 - I would request that this Subcommittee require staff to at minimum prepare a Budget with no increase in cash funds. In today's economic environment, accumulating large cash reserves is unwarranted.
 - In addition, without this \$2 million accumulation, the District's property owners would actually receive a property tax relief of over 10%.
- Page 1 of the Summary Page, reports \$14 million of Property Taxes collected through June 30, 2009:
 - why is this \$2 million less than budgeted?
 - when will the remaining \$2 million be collected?
- Page 1 of 21 of the Budget:
 - Line 01-00-4271 - Washington County Service Center at \$620,000 should be \$1,588,000; this amount is under-budget by \$968,000
 - Per the May 2009, Ad Hoc Selection Subcommittee meeting (Exhibit A):
 - Building cost = \$1,425,000 (under-budget by \$925,000)
 - Professional services = \$163,000 (under-budget by \$43,000)
- Page 8 of 21 of the Budget:
 - Line 03-08-3901 - Tfr from Special Reserve Fund at \$2,925,600
 - How was this amount determined?
 - Is the amount project specific?
 - Will this transfer require Board approval prior to the transfer?
 - Is this funding from bonds?

Sm

Papio-Missouri River NRD

Subcommittee Meeting

July 7, 2009

Shawn Melotz

10404 North 132nd Street

Omaha, NE 68142

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- Page 9 of 21 of the Budget:
 - What is this project?
 - Line 03-10-3901 - Tfr from Special Reserve Fund at \$2,622,195
 - How was this amount determined?
 - Is the amount project specific?
 - Will this transfer require Board approval prior to the transfer?
 - Is this funding from bonds?

- Page 11 of 21 of the Budget:
 - Per the PCWP Agreement, the Partnership Fund and the Watershed Fund are required to be held in separate, interest-bearing accounts, in trust. See attached copies of specific pages from the PCWP Agreement (Exhibit B).
 - I request that the reporting of the Partnership Fund and the Watershed Fund be properly divided into two separate accounts on this Budget.

 - Line 03-13-3130 - Watershed Fund - Misc at \$500,000
 - This amount represents a \$500,000 payment from Dial. If this refers to the \$580,000 note receivable for the land purchased by Dial on Dam Site 13, the amount should not be included in the FY 2010 Budget. The payment is not due until March 2011. (Exhibit C).

 - Line 03-13-3131 - Watershed Fund - Fees at \$200,000
 - If this represents the collection of lot fees, the amount should not be included in the FY 2010 Budget, as the likelihood of the jurisdictions collecting these fees in the next 3 years is extremely minimal, per discussions at PCWP meetings.
 - #1 -- to-date, no jurisdiction has adopted the zoning fees
 - #2 - the lot fees are due on future developments, not existing developments
 - #3 - the lot fees are not due until a building permit is requested.

 - Line 03-13-3132 - Partnership Fund Dues at \$435,000
 - This amount needs to be adjusted to \$369,000 to reflect a decrease in dues, as follows (Exhibit D):
 - Bennington = \$500
 - Douglas County = \$65,000

 - Line 03-13-3901 - Tfr from Special Reserve Fund at \$17,255,000
 - How was this amount determined?
 - Is the amount project specific?
 - Will this transfer require Board approval prior to the transfer?
 - Is this funding from bonds?

SM

Papio-Missouri River NRD

Subcommittee Meeting

July 7, 2009

Shawn Melotz
10404 North 132nd Street
Omaha, NE 68142

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- Page 12 of 21 of the Budget:
 - Please explain the computation of the Projected Balance of the Special Reserve Fund:

Balance at 6/30/09	\$12,725,000	
Tfr from General Fund	4,800,000	
Interest earned	60,000	
Debt service	(800,000)	
Transfer to various funds	(25,902,195)	
Bond required FY 2010	<u>9,117,195</u>	
Balance at 6/30/10	\$ <u> 0</u>	→ not \$16,785,000

- What is the amount of bonds anticipated during FY 2010?
 - \$25,902,195 (leaving a balance in Special Reserve = \$16,785,000)
 - Or
 - \$9,117,195 (leaving a balance in Special Reserve = \$0)
- What are the expected bond terms?
 - Years
 - Interest rate
- Page 14 of 21 of the Budget:
 - Line 04-01-3901 - Tfr from Special Reserve Fund at \$3,100,000
 - How was this amount determined?
 - Is the amount project specific?
 - Will this transfer require Board approval prior to the transfer?
 - Is this funding from bonds?
 - The 1st Draft of the FY 2010 Budget reported \$3,100,000 receipt from the Nebraska State Revolving Fund (Exhibit E)
 - Why was this amount removed?
- Page 17 of 21 of the Budget:
 - Why was the Western Douglas County Trails removed from the Budget?
 - FY 2009 Budget reported:
 - \$3,200,000 from TEA21 funds
 - \$3,500,000 of construction costs
 - It was stated at last year's Budget Hearing that these trails would be competed during FY 2009?

SM

Papio-Missouri River NRD

Subcommittee Meeting

July 7, 2009

Shawn Melotz
10404 North 132nd Street
Omaha, NE 68142

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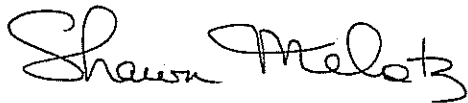
- Page 19 of 21 of the Budget:
 - Line 07-01-4430 - Westland Banking - Land Rights at \$500,000
 - This budget item needs to be increased to \$581,000. See June 2009 Board minutes (Exhibit F)

I believe this Subcommittee should take the time to thoroughly review the FY 2010 Budget, and to request that staff correctly update the expenditures as discussed here this evening.

Now is the time to lower property taxes especially considering the current economic conditions.

I request that a copy of this testimony with attachments be included in the formal records and the official written minutes of the P-MRNRD, including the minutes located on the P-MRNRD website.

Thank you.



MEMORANDUM

TO: Washington County Service Center
Ad Hoc Consultant Selection Subcommittee

SUBJECT: Contract for Professional Services with Alley Poyner Macchietto Architecture, P.C.

DATE: May 7, 2009

FROM: Ralph Puls, Land/Water Programs Coordinator, Michael Alley, Alley Poyner Macchietto,
George Morrissey, Morrissey Engineering

On March 3, 2009, the Washington County Service Center Ad Hoc Subcommittee interviewed and selected Alley Poyner Macchietto with which to negotiate a professional services contract to design and construct a Natural Resources Center office building in Blair, Nebraska. The approximately 9,500 gross square foot facility would provide office space for the Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), Papio-Missouri River Natural Resources District (P-MRNRD) Field Office staff and Rural Water personnel. Attached is a listing of the office space needs for each entity. District staff and Alley Poyner Macchietto have negotiated the attached Agreement containing the Scope of Services, time frame, and a cost estimate for the services requested.

Leadership in Energy and Environmental Design (LEED) and Energy Star principles and criteria will be used to maximize the environmental features utilized in the facility. A point system is used for LEED (attached checklist) that lists the number of points needed to qualify for certification. A Silver or higher LEED score (33-38 points) is the goal. To achieve this goal, a number of costs will be incurred, up to \$90,000 or more, costs not covered in the estimated \$1,425,000 basic building cost (\$150 per square foot).

Pending approval of this Agreement, Alley Poyner Macchietto will provide a range of architectural and engineering services from design development through construction administration. Those services would include architectural, mechanical engineering, electrical engineering and structural engineering. The total fee for this work has been negotiated at \$148,000 (\$120,000 base fee and \$28,000 LEED certification), plus reimbursable expenses not to exceed \$15,000.

Attached is a matrix that shows a comparison of estimated architect fees and building costs for varying levels of LEED certification. The recommended architect contract is for a certified LEED Silver rated building. As noted on the matrix, for example, architect fees could be reduced by \$9,000 if the actual LEED certification (documentation and paperwork) were not pursued.

The architect will be responsible for the selection of firms to do the on-site surveys and the geotechnical investigation. This work will be separate from the architectural agreement and will be paid for by the P-MRNRD; estimated cost is \$8,000.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute a professional services contract with Alley Poyner Macchietto Architecture, P.C., for the Washington County Service Center Office Building for a fee of \$148,000 plus reimbursable expenses not to exceed \$15,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

20 = \$163,000

**Papio-Missouri River NRD
Blair Service Center
Ad-Hoc Consultant Selection Subcommittee
Meeting Minutes
May 12, 2009**

A meeting of the Papio-Missouri River Natural Resources District Blair Service Center Ad Hoc Consultant Selection Subcommittee was held at the Natural Resources Center, 8901 South 154th Street, Omaha, Nebraska on May 12, 2009. The meeting was called to order by Chairperson Kolowski at 6:35 p.m.

Quorum Call

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others in Attendance
Rick Kolowski		Dorothy Lanphier	John Winkler, NRD
John Conley		Fred Conley	Marlin Petermann, NRD
Jim Thompson		Rich Tesar	Ralph Puls, NRD
David Klug		Larry Bradley	Dick Sklenar, NRD
Scott Japp			Trent Heiser, NRD
			Brian Henkel, NRD
			Ross Hoppock, NRD
			Amanda Grint, NRD
			Lori Lasher, NRD
			Jerry Herbster, NRD
			Gerry Bowen, NRD
			Carey Fry, NRD
			Pat Teer, NRD
			Emmet Egr, NRD
			Terry Schumacher, NRD
			Paul Peters, NRD Legal
			Michael Alley, Alley-Poyner-Machietto Architecture
			George Morrissey, Morrissey Engineering
			Shawn Melotz, Public
			Jim Swenson, NE Game & Parks Comm.

Adoption Of Agenda: The Chairperson called for approval of the tentative agenda.

- It was moved by Director Thompson and seconded by Director Klug that the agenda be adopted.

Roll call was taken on the motion. The motion carried by a vote of 5-0.

Voting Yea: Klug, Thompson, J. Conley, Japp, Kolowski
Voting Nay: None
Abstaining: None
Absent: None

Proof Of Publication: Public Notice of the meeting was published in the Omaha World Herald on May 7, 2009. A copy of the avadavat is attached to the file copy the minutes.

Contract with Alley-Poyner Macchietto Architecture to Provide Architectural, Design and Construction Administration Services for the Blair Service Center:

Ralph Puls introduced the draft contract agreement for professional design & engineering services for the new Blair Service Center to the Subcommittee. He stated that the fee would be \$148,000, which includes \$28,000 for Leadership in Energy & Environmental Design (LEED) certification, plus reimbursable expenses not to exceed \$15,000. The goal is to achieve a Silver LEED score or higher, and the estimated gross square footage of the building is between 9,000 to 9,500.

Michael Alley stated that the cost is estimated at about \$150 per square foot. He also mentioned that both the Energy Star and LEED principles would be incorporated. Alley also responded to questions on the professional service contract from Director John Conley. Director Tesar stated that he had reservations about the LEED certification program, although he supported an energy efficient building. Alley also responded to Director Klug's inquiry about updating the Board on design progress for the building. Director Kolowski stated that it would be in the best interest of the District to follow the 'green revolution', and that the building would serve as a model for others to follow.

There was further discussion regarding the professional services contract.

- **It was moved by Director Thompson , and seconded by Director Klug, that the Ad Hoc Subcommittee recommends to the Board that the General Manager be authorized to execute a professional services contract with Alley Poyner Macchietto Architecture, P.C., for the Washington County Service Center Office Building for a fee of \$148,000 plus reimbursable expenses not to exceed \$15,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried by a vote of 3-2.

Voting Yea: Kolowski, Thompson, Klug
Voting Nay: J. Conley, Japp
Abstaining: None
Absent: None

Adjournment: Being no further business, the meeting adjourned by acclamation at 7:14 p.m.

FROM 6/09
P-MRNRD
MTG.

AMENDED
INTERLOCAL COOPERATION ACT AGREEMENT
FOR CONTINUATION OF THE
PAPILLION CREEK WATERSHED PARTNERSHIP

THIS AMENDED INTERLOCAL COOPERATION ACT AGREEMENT (hereinafter referred to as "**this Agreement**") is made by and among the following parties to-wit: the **CITY OF BELLEVUE**, Nebraska; the **CITY OF BENNINGTON**, Nebraska; the **VILLAGE OF BOYS TOWN**, Nebraska;; the **CITY OF GRETNA**, Nebraska; the **CITY OF LAVISTA**, Nebraska; the **CITY OF OMAHA**, Nebraska; the **CITY OF PAPILLION**, Nebraska; the **CITY OF RALSTON**, Nebraska; the **COUNTY OF DOUGLAS**, Nebraska; the **COUNTY OF SARPY**, Nebraska; and, the **PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**, hereinafter referred to collectively and variously as "**the Parties**," "**the Papillion Creek Watershed Partnership**," or "**the Partnership**")

WHEREAS, the Partnership, comprised of governmental entities situated in whole or part within the watershed of the Papillion Creek (hereinafter referred to as "**the Watershed**"), originally was formed through an Interlocal Cooperation Act Agreement dated on August 1, 2001 (hereinafter referred to as the "**Initial Agreement**"), and expiring on July 31, 2004. An Interlocal Cooperation Act Agreement for Continuation of the Papillion Creek Watershed Partnership was approved by the Parties in 2004, effective July 1, 2004 for a period of five years from and after its effective date.

WHEREAS, the Partnership has accomplished the assessment of existing water quality and quantity conditions, the cooperative preparation of NPDES

member of the Partnership as appropriate. The provisions of such regulations or ordinances shall indicate the geographic jurisdictional limits to which such regulation or ordinance shall apply. This agreement is not meant to limit any jurisdiction from adopting comparable or more stringent Stormwater Management Policies, regulations, or ordinances.

- b) Subject to the availability of funds, implementation of those elements of the SWMP therein identified for action by the Partnership or individual partners and identified in the table attached hereto as **Exhibit "C"** and incorporated herein by reference shall be voluntarily undertaken by the Partnership collectively; provided, however, no voluntary collective undertaking by the Partnership shall be deemed to relieve a member of the Partnership of a primary duty imposed upon such member by law or regulation.
- c) Any elements of the SWMP, alternatively, may be voluntarily undertaken by the Partnership collectively if the Executive Committee determines that such course of action is reasonable and feasible.
- d) If the Executive Committee determines that such course of action is reasonable and feasible, the Partnership may voluntarily and collectively undertake beneficial programs and projects meeting the mission and goals of this Agreement.

8. Funding: Funding shall be administered as follows:

- a) The Partnership Fund, established by the Initial Agreement, shall continue to be held by the Administering Agent in an interest-bearing account in trust for the members contributing thereto, in

proportion to their contributions, and shall be expended as the Executive Committee directs to meet the mission and goals of this Agreement, establishing mechanisms for long-term funding and authorization for additional planning and implementation of such programs and projects, and for performance of other activities described in this Agreement. The Partnership Fund shall be funded and administered as follows:

- i) On or before the first day of July after the effective date of this Agreement, each member of the Partnership shall make a contribution to the Partnership Fund in the amount shown, opposite such member's name, in the second column of the table attached hereto as **Exhibit "D"** and incorporated herein by reference (such amount hereinafter being referred to as the **"Maximum Annual Contribution"** for such member). For subsequent years during the term of this Agreement, the Administering Agent shall request annual contributions from the members of the Partnership in the amounts necessary to carry out the work of the Partnership, the amounts of such subsequent-year contributions to be determined by the Administering Agent prior to the first day of June of such subsequent year and paid by the members of the Partnership before the first day of July of such subsequent year. These subsequent-year contributions shall be proportional to such members' first year contributions to the Partnership Fund, provided, however, in no case shall any such requested annual contribution exceed the amount of such member's Maximum Annual Contribution.

- ii) Each year during the term of this Agreement, and from time to time as any member of the Partnership may reasonably request, the Administering Agent shall furnish to the members of the Partnership written statements of the condition of the Partnership Fund.
 - iii) Grants or contributions made by non-members of the Partnership shall not be deemed to offset or diminish the obligations of the members of the Partnership under this Agreement.
 - iv) If any member of the Partnership fails to contribute to the Partnership Fund as requested pursuant to this Agreement, such member's involvement and membership in the Partnership shall be terminated upon written notice of termination given by the Administering Agent to such member.
- b) The Watershed Fund shall be comprised of Watershed Management Fees and NRD general property tax dollars to equitably distribute the capital cost of implementing structural water quality and quantity controls among new development or significant redevelopment within the watershed and to the general public. Based on an initial framework and rates set for Watershed Management Fees (hereinafter referred to as "**Watershed Fees**") defined in Policy Group #6 in the Stormwater Management Policies, the Partnership does hereby agree to implement the Watershed Management Plan and Implementation Plan, , attached hereto as **Exhibit "E"** and **Exhibit "F"** respectively, and both incorporated herein by reference, or as may be amended in three (3) year increments through provisions in this Agreement, as follows:

paid to or collected by such zoning jurisdiction on or before June 1st of such calendar year. Such Watershed Fees received by the NRD shall be held by the NRD in a separate, interest-bearing account, to be known as the "Watershed Fund," in trust for the members of the Partnership contributing thereto in proportion to their contributions, earmarked specifically for construction by the NRD of regional detention structures and water quality basins and expended by the NRD as further provided in this Agreement.

- d) Each zoning jurisdiction shall, in general, adopt a framework consisting of three Watershed Fee classifications, to-wit:
- (1) "Single Family Residential Development" (generally consisting of single-family and multi-family dwelling units up to 4-plexes, or as otherwise determined by the zoning jurisdiction). Watershed Fees shall be assessed at an initial rate of \$750 per dwelling unit or equivalent prorated average area of lot basis; and,
 - (2) "High-Density Multi-Family Residential Development" (consisting of other multi-family residential dwelling units determined by the local zoning jurisdiction to represent High density development) shall be assessed at an initial rate of \$3,300 per gross acre and shall be proportionately indexed to "Single Family Residential Development" in terms of the

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
NOTES TO FINANCIAL STATEMENTS (Continued)
Year Ended June 30, 2008

NOTE K – COMMITMENTS AND CONTINGENCIES (Continued)

The District participates in various federal and state assisted grant and contract programs that are subject to review and audit by the grantor agencies. Entitlement to these resources is generally conditional upon compliance with the terms and conditions of grant agreements and applicable federal and state regulations, including the expenditure of resources for allowable purposes. Any revision or disallowance resulting from a federal or state audit may become a liability of the District. The District's management believes such revisions or disallowances, if any, will not be material to the accompanying financial statements.

Certain conditions may exist as of the date of the financial statements which may result in a loss to the District, but which will only be resolved when one or more future events occur or fail to occur. The District's management and its legal counsel assess such contingent liabilities, and such assessment inherently involves an exercise of judgment. In assessing loss contingencies related to legal proceedings that are pending against the District or unasserted claims that may result in such proceedings, the District's legal counsel evaluates the perceived merits of any legal proceedings or unasserted claims as well as the perceived merits of the amount of relief sought or expected to be sought therein. At June 30, 2008, a reasonable estimate could not be determined for any potential loss contingencies.

NOTE L – RECEIVABLE FROM DEVELOPER

The District entered into an agreement with a property developer whereby the District sold approximately 4 acres of land to the developer for \$604,000. Terms of the agreement called for a cash down payment of \$24,000, a 7.5% interest bearing note in the amount of \$140,000 due, with accrued interest, in March 2011, and a non-interest bearing note in the amount of \$400,000 also due in March 2011. Accounting principles generally accepted in the United States of America require the imputation of interest when a long-term note bears no interest. Accordingly, the non-interest bearing note has been discounted to its present value in the accompanying financial statements.

NOTE M – TOTAL COLUMNS ON COMBINED AND COMBINING STATEMENTS

The governmental fund total columns on the combined and combining statements, Exhibits E, F, G, K, and L, are captioned "memo only" or "memorandum only" to indicate that they are presented only to facilitate financial analysis. Data in these columns do not present financial position, results of operations, or cash flows in conformity with accounting principles generally accepted in the United States of America, nor is such data comparable to a consolidation. Interfund eliminations have not been made in the aggregation of this data on the fund financial statements, but have been made on the government-wide financial statements.

EXHIBIT D

<u>Agency</u>	<u>Second Column Initial Contribution</u>	<u>Third Column Percentage</u>
Bellevue	\$20,000	4.6%
Bennington	\$500 (1)	0.1%
Boystown	\$1,000	0.2%
Gretna	\$1,000	0.2%
La Vista	\$5,000	1.2%
Omaha	\$187,500	43.2%
Papillion	\$7,000	1.6%
Ralston	\$2,500	0.6%
Douglas County	\$65,000 (2)	15.0%
Sarpy County	\$55,000	12.7%
Papio NRD	\$90,000	<u>20.7%</u>
TOTALS	\$434,500 (T)	100.0%

0.*

(T) 434,500.00 +
 (1) 500.00 -
 (2) 65,000.00 -
369,000.00*

Abstaining - None
Absent - None

EXHIBIT E
(2 pgs)

CHAIRPERSON'S REPORT: Chairperson Thompson announced that he was appointing the following directors to the Regional Basin 15A Ad Hoc Consultant Selection Subcommittee:

Rich Tesar, Chairperson
- Larry Bradley
Tim Fowler
Rick Kolowski
John Schwope
Dave Klug, Alternate

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 then distributed the first edition of the WP-5 Quarterly Report and displayed the Bronze Award of Honor the District received from the Greater Omaha Chapter of the National Safety Council.

Staff member Ralph Puls then answered several questions from Director Japp regarding the Pigeon Jones Project. It was noted that the project has been approved by the Nebraska Natural Resources Commission and for funding from the State Revolving Fund.

GM Winkler then reported that Director Japp had requested that the Board look at changing the start time for Board meeting from 8:00 p.m. to 7:00 p.m. To accomplish this, the Board would need to amend District Policy 4.0 as follows:

4.0 Board Meetings - Regular Monthly Meetings. Unless otherwise designated by the Board, the regularly scheduled monthly meeting of the Board shall be held on the second Thursday of each month, at the principal office of the District. Each meeting shall begin at ~~8:00~~ 7:00 p.m. unless otherwise designated. If, prior to the meeting time the General Manager and the Chairperson determine that weather conditions are or will be dangerous for travel to and from the meeting, the regularly scheduled monthly meeting shall be postponed until ~~8:00~~ 7:00 o'clock p.m. on the Thursday following such scheduled meeting date, or, if such date is a legal holiday, until ~~8:00~~ 7:00 p.m. on the second Thursday following such scheduled meeting date. The General Manager shall cause every reasonable effort to be made to notify each director of such postponement.

[December 5, 1986; December 8, 1988; July 9, 2009]

There was discussion. It was noted that pursuant to District Policy 1.5 any changes to policy 4.0 would need to be held over for one month.

- **MOTION NO. 12:** It was moved by Director Schwope and seconded by Director Fowler that the provisions of District Policy 1.5 be waived and that the amendments to District Policy 4.0 be approved.

Division: 02 - PAPIO-MISSOURI RIVER NRD

Budget10 - Budget10

ID Type: A - (Financial Reporting System)

Budget Period: 7/1/2009 - 6/30/2010

Account Number and Description	FY 2009 BUDGET	FY 2009 ACTUAL TO DATE	MANAGER ESTIMATE	FY 2010 BUDGET
010401 - PIGEON HONES REC SITE				
04 01 3010 - STATE FUNDS (SRF)				
Total Income	\$0.00	\$0.00		\$3,100,000.00
04 01 4400 - PROFESSIONAL SERVICES	\$0.00	\$0.00	\$0.00	\$3,100,000.00
04 01 4430 - LAND RIGHTS	\$250,000.00	\$300,773.13	\$350,000.00	\$650,000.00
04 01 4450 - LEGAL	\$750,000.00	\$0.00	\$0.00	\$2,400,000.00
Total Expense	\$0.00	\$0.00	\$0.00	\$50,000.00
EXPENSE Revenue over (under) Expenditures	\$1,000,000.00	\$300,773.13	\$350,000.00	\$3,100,000.00
for 04 01 01 - PIGEON HONES REC SITE	(\$1,000,000.00)	(\$300,773.13)	(\$350,000.00)	\$0.00

4400 - Professional Services - \$650,000 - Appraisals - 100,000; right of way services - 70,000; engineering, design of rec facilities, 404 permit and grant application - 480,000.

4430 - Land Rights - \$2,400,000 - Project land acquisition, relocation and easements.

4450 - Legal - \$60,000 - Prepare purchase agreements.



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
June 11, 2009**

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 St., Omaha, NE on June 11, 2009. 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:

- | | |
|---------------|------------------|
| Larry Bradley | Rick Kolowski |
| Fred Conley | Dorothy Lanphier |
| John Conley | John Schwope |
| Tim Fowler | Rich Tesar |
| Scott Japp | Jim Thompson |
| David Klug | |

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Kolowski that the following resolution be adopted:

FEL Recommendation #3

Account Over 110% - Account #01 02-12 4400 - Project Maintenance - Professional Services - Recommendation that the following account be allowed to exceed 110% of the budgeted amount:

- Account #01 03-12 4400 - Project Maintenance Professional Services

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

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

•• MOTION NO. 10 It was moved by Director John Conley that the following recommendation be adopted:

FEL Recommendation #4: Glacier Creek Project - Recommendation that the following resolution be adopted:

Be it resolved, that the General Manager be and is hereby authorized to execute for and on behalf of the District a purchase agreement, substantially in the form as presented to this meeting, together with such changes therein as the General Manager determines necessary and District legal counsel approves as to form, providing for the purchase by the District from N S The Heritage, LLC, of 83.1 acres of land in Sections 23 and 24, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska (the "Glacier Creek Parcel"), for the purchase price of \$1,100,000, such lands to be used by the District for development of a channel and wetlands mitigation bank; *be it further resolved* that the General Manager be and is hereby authorized to execute for and on behalf of the District a Interlocal Cooperation Act agreement between the District and the Board of Regents of the University of Nebraska, substantially in the form as presented to this meeting together with such changes therein as the General Manager determines necessary and District legal counsel approves as to form, providing for a contribution by the University of Nebraska in the amount of \$519,000.00 towards the purchase of the aforesaid land, and providing for a transfer of title to such land to the Board of Regents of the University of Nebraska for its use and management as an extension of its Allwine Prairie project, and, *be it further resolved* that this Board does hereby find and determine that

① - ② = \$581,000

such activities by the District will be of predominantly general benefit to the District, with only an incidental special benefit.

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

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

Director Tesar reported that the Subcommittee also discussed right of way acquisitions for the Papio WP-5 project. No action is required at this time.

TREASURER'S REPORT:

- **MOTION NO. 11:** 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 May, 2009, 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 May, 2009, 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 - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski,
Lanphier, Schwope, Tesar, Thompson
Voting Nay - None