



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
September 11, 2003**

**MINUTES**

**PLEDGE OF ALLEGIANCE**

**MEETING CALLED TO ORDER:** A regular meeting of the Papio-Missouri River Natural Resources District Board of Directors was held at the Dakota City Council Chambers, 1511 Broadway, Dakota City, NE on September 11, 2003. The meeting was called to order by the Chairperson, Fred Conley, at 8:00 p.m.

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

John Conley	Barb Nichols
Dick Connealy	Peter Rubin
Melissa Gardner	Rich Tesar
Rich Jansen	Jim Thompson
Joe Neary	Fred Conley

Chairperson Fred Conley noted that Director Fowler had an excused absence.

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Jansen and seconded by Director Connealy that the following resolution be adopted:

BE IT RESOLVED that the agenda be adopted.

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

Voting Yea	-	Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director John Conley and seconded by Director Jansen 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 September 11, 2003, Board of Directors Meeting:

Tim Fowler

Agenda Item 6 A. & B.:

BE IT RESOLVED that the August 14, 2003, Papio-Missouri River NRD Board meeting minutes be approved as printed.

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

Voting Yea	-	Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on September 4, 2003. The District's August, 2003, expenditures were published in the Papillion Times on September 4, 2003. 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: Don Doty, District Conservationist at the NRC office, reported on NRCS activities for the past month. A copy of his report is attached to the file copy of these minutes. Mr. Doty indicated that they were currently accepting applications for the Resources Conservationist position in South Sioux City. The deadline for applications is October 2<sup>nd</sup>. Vern Dean, Soil Conservation Technician at the South Sioux City NRCS Office, reported on progress in the Pigeon/Jones watershed.

- B. Loess Hills RC&D Report: Director Barb Nichols, P-MRNRD representative on the Loess Hills RC&D, distributed copies of the Counsel Area Plan 2004-2008. She indicated that with the exception of a few statistics and a cover letter from Governor Johanns, the plan was ready to submit to the Nebraska NRCS State Conservationist. She reviewed several highlights of the plan. She then introduced Dick Leitschuck, Treasurer of the RC&D.
- C. Report on Dakota County Rural Water: Randy Hummel, Water Supply Operator at the Dakota County Rural Water, reported that there are currently 722 service connections on the system. He reported on some of the improvements made to the system during this fiscal year. One of these improvements was connecting the Lake Village Trailer Court (100 trailers) to the Dakota County Rural Water system, which has provided good quality water to the users. He also indicated that the Rural Water system had renewed the contract with Dakota City to provide water for the system for the next 25 years.
- D. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, distributed the monthly LPRCA Report. He reported that the Water Quality Open Golf Tournament and Education Excursion was held on September 4, 2003 and was very successful. He also noted that the next LPRCA Quarterly meeting would be held on September 30, 2003 at 10:00 a.m. at the Lower Platte North NRD Offices, Wahoo, NE.
- E. Report on South Sioux City Activities: Lance Hedquist, City Administrator, welcomed the Board to Dakota County. He reported that South Sioux City had been selected as an "All American City," which is one of the highest honors in the country. He also noted that SSC had been selected as the Governor's Showcase Community for 2003. He stated that one of the reasons for this was the great cooperative efforts that the City has with agencies such as the Papio-Missouri River NRD. He stated that he viewed the P-MRNRD as a partner in SSC's economic and development team and thanked the Board for its support on the many cooperative projects SSC and the District have worked on over the past years.
- F. Report on Dakota City Activities: Chuck Carson, Dakota City Mayor, welcomed the Board to Dakota City. He thanked the Board for holding the meeting in Dakota City. He stated that the Dakota City Council is a very progressive council and has worked to revitalize the City by using economic development funds. He stated that they have built a new City Hall, revitalized their water treatment plant installing new technology, upgraded their sewer treatment plant, and worked with Tyson Foods to build a Family Center for the community.
- G. Nebraska Environmental Trust Fund Report: Vince Kramper reported that the Environmental Trust Fund Board met on July 30-31, 2003 at South Sioux City and Ponca State Park. He stated that this year they will be awarding 10 extra bonus points for water projects and another 10 points if they are in a drought area. He stated that he is a member of the Grants Committee and the next meeting will be held on October 31, 2003 at Spring Creek Prairie in Denton, NE.

- H. Nebraska Natural Resources Commission Report: Vince Kramper reported that the Commission obligated \$1,332,000 for the Western Sarpy/Clear Creek Project for FY 2004 for right of way purchase. He stated that the total Resources Development Fund commitment for the project was \$2.9 million. He reported that the Resources Development Fund had been cut by \$311,000, leaving \$3.6 million for the coming year. The next NNRC meeting will be held on September 23, 2003 in Kearney, NE.
- I. Nebraska Association of Resources District Report: Director Rubin reminded Directors that the NARD Annual Conference is scheduled for September 21-23, 2003 in Kearney, NE and encouraged Directors to attend.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee had met on September 9, 2003 and gave a brief recap of the meeting

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

*PPO Recommendation #1:* Proposed Agreement with Savanna Shores Development (near Walnut Creek) for Wetland, Trail and Sediment Basin Installation – Recommendation that management be directed to negotiate an interlocal agreement with Boyer Young Development and Hearthstone Homes providing for trail, wetland, and sediment basin improvements in the Savanna Shores Development and Walnut Creek Recreation Area, for consideration by the Board in October, 2003.

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

Voting Yea	-	Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

Director John Conley reported that the PPO Subcommittee considered the Western Sarpy/Clear Creek Flood Reduction Project – Structure Demolition Bids for the Beacon View and Vencil’s Island area and had tabled the item for 30 days.

- **MOTION NO. 4** It was moved by Director John Conley and seconded by Director Gardner that the Subcommittee be discharged on this issue and that the Board reject all bids and that new bids, *with revised specifications*, be obtained.

Director Conley pointed out that the staff had determined that this needs to be re-bid and that the reason for the motion was so we don't have to wait another month to send out the request for new bids. Director Neary asked if we would use the same specifications when we went out for new bids or if they would be revised. Director Conley stated that he would include "with revised specifications" in his motion. Director Gardner, who seconded the motion, agreed.

Director Tesar questioned if the Board could take action on this if the Subcommittee tabled the issue. Paul Peters stated that the appropriate course, if the Board chooses to do so, would be to discharge the Subcommittee on this item and then take action. There was discussion.

Roll call vote was held on the motion. The motion carried 8-yea; 1-nay and 1-abstain.

Voting Yea	-	Conley (John), Gardner, Jansen, Neary, Nichols, Rubin, Thompson, Conley (Fred)
Voting Nay	-	Tesar
Abstaining	-	Connealy
Excused Absence	-	Fowler
Absent	-	None

B. Finance, Expenditures and Legal Subcommittee: Director Gardner reported that the FEL Subcommittee had met on September 9, 2003 and gave a brief recap of the meeting

●● **MOTION NO. 5** It was moved by Director Gardner and seconded by Director Connealy that the following recommendation be adopted:

*FEL Recommendation #1:* West Branch Channel Project (former Union Pacific Railroad) ROW Sale to Sarpy County – Recommendation that the General Manager be authorized to execute a purchase agreement with Sarpy County Highway Department providing for the sale to the County of a parcel of former UPRR ROW required for the Cornhusker Road Improvements Project for the price of \$67,160, and such additional documents that the General Manager determines necessary to effectuate the transaction and District Legal Counsel approves as to form.

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

Voting Yea	-	Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

- **MOTION NO. 6** It was moved by Director Gardner and seconded by Director Jansen that the following recommendation be adopted:

*FEL Recommendation #2:* Amendments to District Policies: (pursuant to “Paperless Project”)  
 – Recommendation that the amendments to the following District polices be tabled for one month with final consideration at the October 9, 2003 Board meeting, pursuant to District policy 1.5:

- 4.1 Board Meetings – Special Meetings
- 4.4 Board Meetings – Notice of Meetings and Expenditures
- 4.9 Board Meetings – Meeting Materials Distribution
- 4.10 Board Meetings – Agenda Distribution
- 5.3 Subcommittee – Notice of Meetings
- 5.9 Subcommittees – Meeting Materials Distribution
- 22.1 Miscellaneous – Papio-Missouri River NRD “Paperless Project”

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Fowler  
 Absent - None

**PUBLIC HEARING – Set Property Tax Request for Fiscal Year 2004:**

Director Gardner appointed General Manager Oltmans as Hearing Officer. Hearing Officer Oltmans submitted the following exhibits for the record.

- Exhibit 1** Proof of Publication of Hearing Notice
  - ◆ Omaha World-Herald - September 4, 2003
  - ◆ South Sioux City Star - September 4, 2003
- Exhibit 2** Agenda
- Exhibit 3** Fact Sheet - FY 2004 Budget
- Exhibit 4** P-MRNRD FY 2004 Expenditures/Revenues Pie Chart
- Exhibit 5** 2003 Tax Levy Comparisons
- Exhibit 6** FY 2004 Budget Worksheets
- Exhibit 7** Suggested Resolution to Set Property Tax Request for FY 2004 at \$10,701,211.59 with a tax levy of 0.030637/\$100

Mr. Oltmans noted that State Statute 77-1601.02 requires the Board to hold a public hearing to set the property tax request for FY 2004 if the amount requested is different from the property tax request for FY 2003. It was noted that the Board adopted the FY 2004 budget at its August 14, 2003, meeting which calls for a property tax request of \$10,701,211.58 and a tax levy of

0.030637/\$100, which was 0.00092 less than FY 2003's tax levy of 0.030729. The total requirements for FY 2004 are \$24,091,018.34. Mr. Oltmans then showed a power point presentation detailing specific District programs and projects.

Mr. Oltmans then opened the floor to the public. There were no comments.

**SET PROPERTY TAX REQUEST FOR FISCAL YEAR 2004:**

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

*FEL Recommendation #3:* FY 2004 Budget : Recommendation that the following resolution be adopted:

WHEREAS the Papio-Missouri River NRD Board of Directors at the August 14, 2003, meeting adopted the FY 2004 budget with a property tax request of \$10,701,211.59 and the total requirements at \$24,091,018.34;

NOW THEREFORE BE IT RESOLVED that the tax levy of 0.030637/\$100 for FY 2004 be adopted and that certified copies of the resolution and the adopted budget document be forwarded to the County Clerks of counties having taxable property within the District.

BE IT FURTHER RESOLVED that the following resolution be adopted:

**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS RESOLUTION  
TO SET PROPERTY TAX REQUEST FOR  
FISCAL YEAR 2004**

**September 11, 2003**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

1. **The FY 2004 property tax request be set at \$10,701,211.59, with total requirements of \$24,091,018.34 and tax levy of 0.030637.**
2. A copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 13, 2003.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 2-nay.

Voting Yea	-	Conley (John), Connealy, Gardner, Neary, Nichols, Rubin, Thompson, Conley (Fred)
Voting Nay	-	Jansen, Tesar
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

C. Personnel, Legislative and Public Affairs Subcommittee: Director Barb Nichols reported that the PLPA Subcommittee had met on September 9, 2003 and gave a brief recap of the meeting.

- **MOTION NO. 8** It was moved by Director Nichols and seconded by Director John Conley that the following recommendation be adopted:

*PLPA Recommendation #1:* District Policy 17.40 – District Programs – Natural Resources Grants Program – Recommendation that the grants program proposed to the Subcommittee not be adopted.

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

Voting Yea	-	Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Thompson, Conley (Fred)
Voting Nay	-	Tesar
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None



- **MOTION NO. 9** It was moved by Director Nichols and seconded by Director Rubin that the following recommendation be adopted:

*PLPA Recommendation #2:* Resolutions to be Considered at the NARD Annual Conference – Recommendation that the following positions be taken by the District on resolutions to be considered at the 2003 NARD Annual Conference:

Redo #	Description	Rec. Position
2003-1	Development Below Existing Dams, submitted by Lower Platte South NRD	SUPPORT
2003-2	Ground Water Management and Protection Act – 2.5% Lid Exemption, submitted by Upper Elkhorn	SUPPORT
2003-3	Nebraska Department of Natural Resources District, submitted by Central Platte	SUPPORT
2003-4	Encourage the Development and Rehabilitation of Surface Water Storage in Nebraska, submitted by Lower Loup NRD	SUPPORT
2003 -	Penalty Section – Ground Water Management and Protection Act, submitted by Middle Republican NRD	SUPPORT
2003-	Amend Statutes on Surface Water Storage Permits, submitted by Lower Elkhorn NRD	SUPPORT
2003-	Registered Well Information, submitted by Little Blue NRD	SUPPORT
2003	Eliminate the Need to Permit Small Dams Used to Water Livestock, submitted by Nemaha NRD	SUPPORT

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Fowler  
 Absent - None

**TREASURER'S REPORT:**

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Rubin 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 August, 2003, 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 Dakota County, Thurston County and Washington County rural water supply project and the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy/Clear Creek operating accounts the project bills listed on the August, 2003, 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 (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

### **CHAIRPERSON'S REPORT:**

- A. West Papio Watershed Flood Plain Mapping Project Ad Hoc Consultant Selection Subcommittee: Chairperson Fred Conley reported that he was appointing the following Directors to the Ad-Hoc Subcommittee cited above:

Joe Neary, Chairperson  
John Conley  
Rich Jansen  
Barb Nichols  
Rich Tesar

- B. Platte River Trail (Hwy 50 to the Lied Bridge) Ad Hoc Consultant Selection Subcommittee: Chairperson Fred Conley reported that he was appointing the following Directors to the Ad Hoc Subcommittee cited above:

Rich Jansen, Chairperson  
John Conley  
Tim Fowler  
Melissa Gardner  
Jim Thompson

- A. C. P-MRNRD Board of Directors Meeting Schedule for 2004: Chairperson Fred Conley pointed out to the Board the proposed meeting schedule for calendar year 2004. It was noted

that the April meeting was scheduled on Holy Thursday and that past Boards had taken action to change the date of that meeting. The suggested alternate date is April 15, 2004. Also, it was noted that the November meeting fell on Veteran's Day, which is a P-MRNRD holiday. The suggested alternate date is November 18, 2004.

- **MOTION NO. 11** It was moved by Director Connealy and seconded by Director Jansen that the following resolution be adopted and that the November meeting be held on November 18, 2004:

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meeting for calendar year 2004:

January 8, 2004	July 8, 2004
February 12, 2004	August 12, 2004
March 11, 2004	September 9, 2004
<del>April 8, 2004</del> April 15, 2004	October 14, 2004
May 13, 2004	<del>Nov 11, 2004</del> November 18, 2004
June 10, 2004	December 9, 2004

**Amendment No. 1** It was moved by Rubin and seconded by Gardner that the motion  
**Motion No. 11** be amended to change the meeting date in April to April 15, 2004.

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

Voting Yea	-	Conley (John), Gardner, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	Connealy, Jansen, Neary, Nichols
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

Roll call vote was held on the amended motion. The amended motion carried on a vote of 8-yea and 2-nay.

Voting Yea	-	Conley (John), Connealy, Gardner, Jansen, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay	-	Neary, Rubin
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	None

**GENERAL MANAGER'S REPORT:**

GM Oltmans noted that Directors had received a copy of his written report. He thanked Mayor Carson and Dakota City for hosting the Board meeting. He also thanked Vince and Dorothy Kramper for having us all for dinner.

Julie Stewart of Hubbard, NE, inquired about the status of the large Pigeon Creek structure. GM Oltmans stated that we anticipate that the structure will be aligned along the County Road. Once a concept plan is completed we can look at the design and know exactly what kind of land rights will be need. Once that is determined the land will be appraised and the offers made to the landowners based on those appraisal. This will not happen quickly. We are probably looking at 3 to 4 years until funding is available for the project. He invited any of the landowners to contact him and he would arrange for a tour of Walnut Creek Recreation Area, which is similar to the proposed structure.

**INFORMATIONAL ITEMS:**

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

Sept. 21-23, 2003	NE Association of Resources Districts Annual Meeting, Kearney, NE
Sept. 24, 2003	Heritage Award Luncheon, Omaha Convention Center and Arena Ballroom at 11:45 a.m.
October 7, 2003	P-MRNRD Subcommittee Meetings
October 9, 2003	P-MRNRD Board Meeting
November 6, 2003	P-MRNRD Subcommittee Meetings (Regular meeting date is November 11 <sup>th</sup> which is a District holiday – Subcommittees moved to November 6 <sup>th</sup> .)
November 11, 2003	Veterans Day – P-MRNRD Offices Closed
November 13, 2003	P-MRNRD Board Meeting
Nov. 27-28, 2003	Thanksgiving Holiday – P-MRNRD Offices Closed

B. Other Information Items: None

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on October 9, 2003 at the NRC.

**ADJOURNMENT:**

Being no further business, the meeting adjourned at 9:30 p.m. by acclamation.

I, the undersigned, Secretary of the Pappo-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 September 11, 2003, 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 for 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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Barbara A. Nichols  
District Secretary