



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
September 13, 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 Dakota County Service Center, 1505 Broadway, Dakota City, NE on September 13, 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	Rick Kolowski
John Conley	Dorothy Lanphier
Dick Connealy	John Schwope
Tim Fowler	Rich Tesar
David Klug	Jim Thompson

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Connealy and seconded by Director Klug 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 13, 2007, Board of Directors Meeting:

Rick Patterson

Agenda Item 7 A.:

BE IT RESOLVED that the August 9, 2007, Papio-Missouri River NRD Board meeting minutes and the August 8, 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), Connealy, Fowler, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Patterson
Absent	-	Patterson

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on September 6, 2007. The District's July, 2007, expenditures were published in the Dakota County Star on September 6, 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. 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. The following will be representing the P-MRNRD at the conference: Directors Tesar and Thompson; and staff members John Winkler, Gerry Bowen, Emmett Egr, Marlin Petermann, Dick Sklenar and Paul Woodward.

B. Lower Platte River Corridor Alliance: Rodney Verhoeff, LPRCA Coordinator, briefed the Board on LPRCA activities. He thanked the District for their support of the Water Quality Open, held on September 5, 2007 at Quarry Oaks. He also reported that the final plans for the Camp Ashland River Obstruction Removal Project – Phase II should be completed by Mid-September, with a start date of late November or early December.

C. Report on South Sioux City: Lance Hedquist, City Administrator, welcomed the Board to the Dakota County area and thanked the District for being a partner in several projects. He noted that he was pleased to be working with the District and the Federal government to update the floodplain maps in South Sioux City. He also noted that the District and City had cost shared in building rain gardens. He indicated that the City was investigating the possibility of building a regional water plant for the area.

D. Report on Dakota City: Bob Peters, City Administrator, thanked the Board for meeting in Dakota City. He then shared several facts and statistics that pointed out the importance of “water” to all of us in our daily lives.

E. Nebraska Natural Resources Commission Report: Vince Kramper, NNRC Commissioner, reported that the Commission is looking at modifying the Nebraska Resources Development Fund ranking system. The first change deals with the point structure awarded for the extent NRD’s are using their taxing authority and searching for other possible revenue sources. The second change would modify the point value awarded for the other aspects of projects. He noted that the next Commission meeting would be September 24 & 25, 2007 in Kearney, NE.

F. Nebraska Environmental Trust Fund Report: Vince Kramper reported that for the time being the \$2,500 mini-grant program was cancelled. He stated that the Trust Fund Board would be revitalizing and re-evaluating the program and it would probably start up again next fall. He indicated that they had received 72 applications asking for \$27 million and there were also 22 carry over projects. The next meeting will be held on November 13, 2007 at Norfolk, NE.

PUBLIC HEARING – SET PROPERTY TAX REQUEST FOR P-MRNRD FY 2008 BUDGET:

Chairperson Thompson appointed General Manager John Winkler as Hearing Officer. Hearing Officer Winkler opened the public hearing at 8:24 p.m. The following exhibits were submitted for the record.

- Exhibit 1 Agenda
- Exhibit 2 Proof of Publication of Hearing Notice
 - ◆ Omaha World-Herald - September 6, 2007
 - ◆ Dakota County Star - September 6, 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
- Exhibit 8 Resolution to Set Property Tax Request for FY 2008 at \$16,444,611.41 with a tax levy of 0.034848/\$100

Mr. Winkler noted that the Board adopted the FY 2008 budget at its August 9, 2007, meeting which called for a property tax request of \$16,444,611.41 and a tax levy of 0.034848/\$100. Mr. Winkler

opened the floor to the public. There were no comments. Hearing Officer Winkler closed the Public Hearing at 8:28 p.m. and returned the floor to Chairperson Thompson.

SUBCOMMITTEE REPORTS:

A. Dakota County Floodplain Mapping Project Ad Hoc Consultant Selection Subcommittee: Director Connealy reported that the Ad Hoc Subcommittee met on August 30, 2007 to interview firms.

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

AdHoc Recommendation #1: Recommendation on Firm to Be Hired – Recommendation that the General Manager be authorized to negotiate a professional services contract with PBS&J, as the first choice, and if an agreement cannot be reached, that the General Manager be authorized to negotiate with Olsson Associates as the second choice of the Ad Hoc Subcommittee 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), Connealy, Fowler, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Patterson
Absent - Patterson

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on September 11, 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: Contract for Design and Engineering of Pigeon/Jones Site #15 Dam Project – Recommendation that the General Manager be authorized to execute a professional services contract with Olsson Associates for the final design of Pigeon/Jones Watershed Site #15 Dam, downstream improvements and upstream county road improvements for a maximum, not to exceed fee of \$534,573, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson

Voting Nay - None
Abstaining - None
Excused Absence - Patterson
Absent - Patterson

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

PPO Recommendation #2 Interlocal Agreement with Newport Hill (SID #544) for Trail and Storm Sewer Connections to Prairie View – Recommendation that the General Manager be authorized to execute the proposed interlocal agreement with Douglas County SID #544 (Newport Hill) providing for the installation by SID #544 of a trail and storm sewer outlets in the Prairie View Recreation Area.

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

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

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

PPO Recommendation #3 Floodplain and Mapping Assistance Agreement with South Sioux City – Recommendation that the General Manager be authorized to execute the proposed Agreement with South Sioux City for Flood Mitigation and Mapping Assistance, providing for a City contribution not to exceed \$25,000.

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

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

C. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on September 11, 2007 and gave a brief recap of the meeting.

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

FEL Recommendation #1.a. FY 2008 Budget – 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 hereby approves an additional increase of 1% in the Total Funds Subject to Limitation, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.

It was noted that a super majority vote, or 9 affirmative votes, was required for this motion to pass.

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

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

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

FEL Recommendation #1.b. FY 2008 BUDGET - SET PROPERTY TAX REQUEST FOR FY 2008 – 0.034848/\$100 - Recommendation that the following resolution be adopted:

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, that:

- 1. The FY 2008 property tax request be set at \$16,444,611.41 with a tax levy of 0.034848/\$100; and, that**
- 2. A copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 13, 2007.**

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

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

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

FEL Recommendation #2 Right of Way Acquisition – MoPac Trail (Hwy 50 to Lied Bridge) – NEBCO Parcel – Recommendation that the General Manager be authorized to execute a purchase agreement with NEBCO, Inc., providing for acquisition by the District of necessary right-of-way for the Mopac Trail (Hwy. 50 to Lied Bridge) Project for the amount of \$370.00.

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

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

D. Personnel, Legislative and Public Affairs Subcommittee: Director Schwope reported that the PLPA Subcommittee met on September 11, 2007 and gave a brief recap of the meeting.

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

PLPA Recommendation #1 Resolutions to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD take the following positions on resolutions to be considered at the NARD Annual Conference:

Reso #	Description	Recommended Position
2007-1	State Prescribed Burning, Central Platte NRD	Support
2007-2	Reaffirm Qualifications of Director of the Department of Natural Resources, Upper Republican NRD	Support
2007-3	Interrelated Water Review Board Structure, Upper Republican NRD	Support
2007-4	Support for Conservation and Survey Division, Upper Republican NRD	Support
2007-5	Supplemental Wells, Upper Republican NRD	Support
2007-6	Accounting for Purchased or Leased Water Using River Flood Enhancement Bonds or River Flow Resulting from Programs that Reduce Groundwater Pumping to Enhance Streamflow, Upper Republican NRD	Support
2007-7	Relationship between an Integrated Management Plan and the District's Groundwater Management Area Rules and Regulations, Upper Republican NRD	Support

**AMENDMENT
NO. 1 TO
MOTION NO. 10**

It was moved by Director Tesar and seconded by Director Fowler that the following resolution be submitted to the Nebraska Association of Resources District for consideration at the NARD Annual Conference:

**Vegetation (Invasive Species) Management
Submitted by Papio Missouri River NRD**

Whereas LB 701 created the Riparian Vegetation Management Task Force whose efforts shall be initially directed toward river basins designated by the Department of Natural Resources as fully appropriated or overappropriated.

Whereas many other basins of the state are experiencing a steady encroachment of invasive species and noxious weeds which have choked water ways, increased the risk of ice jams and flooding and deplete valuable surface and groundwater from streams, rivers and lakes.

Whereas those basins of the state not designated as fully or overappropriated are in a position to proactively and economically control invasive species to eliminate potential problems if positive action is taken soon.

Whereas the majority of state funding is directed toward those basins that are designated as fully or overappropriated, federal funding is rapidly declining and local resources are inadequate to fund a comprehensive and successful integrated vegetation management program that is based on 21st century technology and sound science.

Whereas proper vegetation management is vital to the mission of the Natural Resource Districts to develop, manage, utilize and conserve our ground and surface water, as well as, enhance our environment.

NOW THEREFORE BE IT RESOLVED, that the Nebraska Association of Resource Districts will work with the Legislature, Nebraska Department of Agriculture, Dept of Natural Resources, Nebraska Game and Parks, County Weed Control Authorities and individual Natural Resource Districts to establish and fund comprehensive, integrated vegetation management programs in all basins of the state.

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

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

Roll call vote was held on the Motion #10 as amended. The amended motion carried unanimously.

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

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: (1) claims listed in the August, 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 August, 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), Connealy, Fowler, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Patterson
Absent	-	Patterson

Director John Conley reported that he had previously appointed Director Klug as Assistant Treasurer; however, he is unable to serve as this time. He stated that he would like to appoint Director Fred Conley as Assistant Treasurer.

- **MOTION NO. 12** It was moved by Director John Conley and seconded by Director Lanphier that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River NRD that the Treasurer's designation of Fred Conley as Assistant Treasurer is concurred in by the Board of Directors.

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

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

CHAIRPERSON'S REPORT: Chairperson Thompson thanked Vince Kramper for hosting the dinner prior to the Board meeting.

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 reminded Directors of the Legislative Hearing on LR94 that will be held at the NRC on September 27th. He noted that he has been coordinating with representatives of the City of Omaha and the Department of Environmental Quality to set up a tour for the State Senators and to prepare testimony for the hearing. He also informed Directors that he is in the process of setting up a Strategic Planning Session for Directors. Tentative dates are December 1, 8 or 15th.

Mr. Winkler also noted that Paul Peters, District Legal Counsel, had briefed Directors about the P-MRNRD v. Mary P. Moore, et al., court case on Tuesday. Mr. Peters has asked that the Board pass a resolution that would authorize the GM to determine whether Legal Counsel should file an appeal.

- **MOTION NO. 12** It was moved by Director John Conley and seconded by Director Lanphier that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River NRD that the General Manager should be, and is hereby, authorized to determine (if the decision is necessary to be made prior to the next Board meeting) whether Legal Counsel should file an appeal to the District Court of Sarpy County from the Report of Appraisers rendered on September 12, 2007, in the eminent domain case of Papio-Missouri River NRD v. Mary P. Moore, et al., Case No. CI 07-2812, Sarpy County Court.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson

Voting Nay - None
Abstaining - None
Excused Absence - Patterson
Absent - Patterson

INFORMATIONAL ITEMS:

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

September 16, 2007	World O! Water, 12:00 noon – 4:00 p.m., Chalco Hills Recreation Area
September 19, 2007	Omaha By Design Advisory Board Meeting, 7:30 a.m. at MAPA
September 20, 2007	Papillion Creek Watershed Partnership Meeting, 9:00 a.m., NRC – Board Room
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
September 27, 2007	Natural Resources and Urban Affairs Joint Committee Legislative Hearing on LR 94, 1:00 p.m., NRC – Board Room
September 28, 2007	Natural Resources Committee Legislative Hearing on LR 113, at 9:00 a.m., Room 1525, State Capitol, Lincoln, NE
October 1, 2007	Walnut Creek Transfer Ceremony, 12:00 noon to 1:00 p.m.
October 9, 2007	P-MRNRD Subcommittee Meetings
October 11, 2007	P-MRNRD Board Meeting
October 19-21, 2007	P-MRNRD Booth at Fall Home and Garden Show, Qwest Center
November 6, 2007	P-MRNRD Subcommittee Meetings
November 8, 2007	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on October 11, 2007 at the NRC.

ADJOURNMENT: Being no further business, at 8:59 p.m. the Chairperson declared that the meeting was adjourned.

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 September 13, 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