



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
September 10, 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 Dakota County Service Center, 1505 Broadway, Dakota City, NE on September 10, 2009. The meeting was called to order by Chairperson Jim Thompson at 7:00 p.m.

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

Larry Bradley	Rick Kolowski
John Conley	Rich Tesar
Scott Japp	Jim Thompson
Dave Klug	

**ADOPTION OF AGENDA:**

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

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar 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 absences of the following Directors from the September 10, 2009, Board of Directors Meeting are excused:

Fred Conley  
Tim Fowler  
Dorothy Lanphier  
John Schwope

Agenda Item 7. A.

BE IT RESOLVED that the August 13, 2009 Papio-Missouri River NRD Board meeting minutes and the August 12, 2009 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on September 3, 2009. The District's July, 2009, expenditures were published in the Washington County Enterprise on September 1, 2009. 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: Tony Lockhart, Resource Conservationist at Dakota County, reported on EQIP program applications in Dakota County and thanked the Board for helping to get conservation practices implemented in Dakota County. Sam Thomas, Civil Engineering Tech, showed a PowerPoint presentation illustrating projects the NRCS is working on entitled, "What's Happening in Dakota County."

B. Nebraska Association of Resources Districts: Director Tesar reported that the 2009 NARD Annual Conference would be held on September 27-29, 2009 in Kearney, NE. He urged Directors to attend.

C. Lower Platte River Corridor Alliance Report: Megan Sittler, LPRCA Coordinator, submitted a written report. It is posted to the District's website.

D. Report on South Sioux City Activities: Lance Hedquist, City Administrator, welcomed the Board to the Dakota County area. He noted the Papio-Missouri River NRD is a major player in the development of South Sioux City, specifically in the areas of flood control, trails and recreation development. He then gave an overview of some of the projects the city was involved in and some of the partnerships developed to complete those projects.

E. Report on Dakota City Activities: Bob Peters, City Administrator, thanked the Board for meeting in Dakota City. He showed a slide of the Dakota City sign thanking the District for providing funds to build tree islands around the City's tennis courts. He then detailed some of the projects Dakota City was working on in partnership with South Sioux City, Dakota County and the Village of Jackson.

F. Nebraska Natural Resources Commission Report: Vince Kramper reported that the Commission had met July 8-9, 2009 in Lincoln. He noted that the Commission had discussed LR 181 which is an interim study to examine the feasibility and benefits of restructuring the natural resources district. The Commission took action to present testimony supporting the current NRD structure. He also noted that the Revolving Fund Base for the Small Watershed Flood Control Fund would be funded at \$498,654.39 for FY 2010. The next Commission meeting will be held on September 29-30, 2009 in Kearney, NE.

G. Environmental Trust Fund Report: Vince Kramper reported that the Nebraska Environmental Trust Fund had given out \$15 million in grant dollars this year. He also noted that the P-MRNRD had been awarded \$300,000 for the Whitted Creek Project and \$977,000 for the Pigeon/Jones Project. The Trust Fund will host public meetings in each of the three Congressional Districts to review the Trust Board's funding categories for the 2011 – 2015 grants. One of the meetings will be held in the P-MRNRD Board Room at 9:00 a.m. on September 28, 2009. The next meeting will be held on November 12, 2009 at the Ferguson House in Lincoln.

### **PUBLIC HEARING – Set Property Tax Request for Fiscal Year FY 2010 Budget**

Chairperson Thompson appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:36 p.m.

Hearing Officer Winkler submitted the following exhibits for the record.

- |           |                                                                                                                                                                                  |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exhibit 1 | Agenda                                                                                                                                                                           |
| Exhibit 2 | Proof of Publication of Hearing Notice <ul style="list-style-type: none"><li>◆ Omaha World-Herald - September 5, 2009</li><li>◆ Dakota County Star - September 3, 2009</li></ul> |
| Exhibit 3 | P-MRNRD FY 2009 Tax Levy Comparison                                                                                                                                              |
| Exhibit 4 | Fact Sheet - FY 2010 Budget                                                                                                                                                      |
| Exhibit 5 | FY 2010 Budget Worksheets                                                                                                                                                        |
| Exhibit 6 | Resolution to Set Property Tax Request for FY 2010 at \$16,667,693.63 with a tax levy of 0.032756/\$100                                                                          |

Mr. Winkler noted that the Board adopted the FY 2010 budget at its August 13, 2009, meeting which called for a property tax request of \$16,667,693.63 and a tax levy of 0.032756/\$100. This is a decrease of 0.000997 over last year's tax levy of 0.033753.

Mr. Winkler opened the floor to the public. There were no comments. Hearing Officer Winkler closed the Public Hearing at 7:39 p.m. and returned the floor to Chairperson Thompson.

**SUBCOMMITTEE REPORTS:**

A. Regional Basin 15A Ad Hoc Consultant Selection Subcommittee: Director Tesar reported that the Ad Hoc Subcommittee met on August 25, 2009 to interview consultants for the Regional Basin 15A project.

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

*Ad Hoc Recommendation #1: Interview Firms for Regional Basin 15A Professional Services:* – Recommendation that the firms interviewed by the Subcommittee should be ranked in the following order, to-wit: HDR then Tetra Tech; and, that the General Manager, on behalf of the District, should be authorized to negotiate a professional services contract with HDR to provide professional services for Regional Basin 15A

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1-nay.

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

B. Missouri River Levee Project Ad Hoc Consultant Selection Subcommittee: Director Klug reported that the Ad Hoc Subcommittee met on September 8, 2009 and he gave a brief recap of the meeting.

- **MOTION NO. 4** It was moved by Director Klug that the following recommendation be adopted:

*Ad Hoc Recommendation #1: Selection of Consulting Firms to be Interviewed:* Recommendation that the firms of JEO, AMEC and Tetra Tech be interviewed, in alphabetical order, to provide professional services for Missouri River Levee Project.

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

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

Excused Absence - Conley (Fred), Fowler, Lanphier, Schwowe  
Absent - Conley (Fred), Fowler, Lanphier, Schwowe

C. Personnel, Legislative and Public Affairs Subcommittee: Director Klug reported that the PLPA Subcommittee met on September 8, 2009 and he gave a brief recap of the meeting.

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

*PLPA Recommendation #1:* Resolution to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD support Resolution # 2009-1 - Proactive Development and Implementation of Integrated Management Plans, Submitted by Lower Platte South NRD:

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

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

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

*PLPA Recommendation #2:* Resolution to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD support Resolution # 2009-2 - Nebraska Department of Natural Resources, Submitted by Lower Loup NRD and Twin Platte NRD:

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1-nay.

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

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

*PLPA Recommendation #3:* Resolution to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD support Resolution # 2009-3 - Water Banking, Submitted by Lower Loup NRD:

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

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

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

*PLPA Recommendation #4:* Resolution to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD support Resolution # 2009-4 - Compacts, Decrees, Agreements and Financing Water Programs, Submitted by Middle Republican NRD:

Roll call vote was held on the motion. The motion carried on a vote of 5-yea and 2-nay.

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

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

*PLPA Recommendation #5:* Resolution to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD support Resolution # 2009-5 - Review Surface Water Rights Converted to Groundwater Use, Submitted by Middle Republican NRD:

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1-nay.

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

D. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on September 8, 2009 and he gave a brief recap of the meeting.

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

*PPO Recommendation #1:* First Contract Amendment with Kirkham Michael for Washington County Flood Mapping – Recommendation that the General Manager be authorized to sign the first contract amendment with

Kirkham Michael for the amount of \$38,490, bringing the total contract amount to \$242,973.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1-nay.

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

- **MOTION NO. 11** It was moved by Director John Conley that the following recommendation be brought forward for consideration:

*PPO Recommendation #2:* Bids for Re-Roofing the Natural Resources Center – Recommendation that the bid of 1,2,3 Exteriors for \$52,400 be accepted and that the General Manager be authorized to execute a contract with such bidder for the re-roofing of the NRC Building and garage.

There was discussion.

- **SUBSTITUTE MOTION** It was moved by Director Tesar and seconded by Director John Conley that the Board reject all bids and have the project re-bid.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1-nay.

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

E. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on September 8, 2009 and he gave a brief recap of the meeting.

- **MOTION NO. 12** It was moved by Director Tesar that the following recommendation be adopted:

*FEL Recommendation #1.:* FY 2010 Budget – Set Property Tax Levy – 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 held on September 10, 2009, 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 2010 property tax request be set at \$16,667,693.63 with a tax levy of 0.032756/\$100.
2. And, that a copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 13, 2009.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1-nay.

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

•• **MOTION NO. 13** It was moved by Director Tesar that the following recommendation be adopted:

*FEL Recommendation #2.:* Request for Increase in Hourly Rate for Legal Services – Recommendation that Paul Peters, District Legal Counsel, be authorized to increase his billing rate to \$165 per hour for legal services performed for the District.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1 abstention.

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



- **MOTION NO. 14** It was moved by Director Tesar that the following recommendation be adopted:

*FEL Recommendation #3.:* Papio WP-5 Right of Way Acquisition – Recommendation that the General Manager be authorized to execute the proposed purchase agreements for Tract 7 (LEN Properties Tract) in the amount of \$882,720 for 18.56 acres of land and Tract 8 (Eurich Property) in the amount of \$2,574,160 for 61.76 acres of land for the West Papillion Regional Basin No. 5 project, subject to such other terms and conditions 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	-	Bradley, Conley (John), Japp, Klug, Kolowski, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Conley (Fred), Fowler, Lanphier, Schwope
Absent	-	Conley (Fred), Fowler, Lanphier, Schwope

**TREASURER'S REPORT:**

- **MOTION NO. 15:** 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 August, 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 August, 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 (John), Japp, Klug, Kolowski, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Conley (Fred), Fowler, Lanphier, Schwope  
Absent - Conley (Fred), Fowler, Lanphier, Schwope

**CHAIRPERSON'S REPORT:** Chairperson Thompson thanked South Sioux City and Dakota City for hosting the District's Board meeting.

**GENERAL MANAGER'S REPORT:**

GM Winkler thanked the South Sioux City and Dakota City Mayors, City Councils and staffs for their support during the legislative session, specifically their help in the passage of LB 160. He also thanked Vince Kramper for being an ambassador for the District in his work on the NNRC Commission and the Environmental Trust. He then reviewed the GM Report with the Board and noted that the report had been posted to the website.

Amanda Grint, Water Resources Engineer, then gave an update on the activities of the District's Environmental Committee. Some items addressed in the past year were installation of rain barrels at the NRC, development of new guidelines for project managers for requests for proposals to include limiting RFPs to 30 pages, recycled paper, no plastic covers, etc, and planning of the rain garden. In FY 2010 the Committee is looking at window replacement at the NRC, rain garden and pervious pavement demo project and replacement of appliances in the break room with more energy efficient counterparts.

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

- |                       |                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------|
| September 13, 2009    | <b>World O! Water Festival</b> , 12:00 noon – 4:00 p.m. at Chalco Hills Rec Area          |
| September 13-15, 2009 | 2009 NePRA and NTC Joint State Conference, Ponca State Park                               |
| September 23, 2009    | Pigeon/Jones Public Hearing, 6:30 p.m. at the Dakota County Service Center                |
| September 24, 2009    | Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC                            |
| September 27-29, 2009 | NARD Annual Conference, Kearney, NE                                                       |
| September 30, 2009    | Missouri River Levees Ad Hoc Consultant Selection Subcommittee Interviews, 6:30 p.m., NRC |
| October 6, 2009       | P-MRNRD Subcommittee Meetings                                                             |

October 8, 2009	P-MRNRD Board Meeting
October 22, 2009	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 10, 2009	P-MRNRD Subcommittee Meetings
November 12, 2009	P-MRNRD Board Meeting
November 11, 2009	Veteran's Day – P-MRNRD Offices Closed
November 19, 2009	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 26-27, 2009	Thanksgiving Holiday – P-MRNRD Offices Closed

Director Tesar then showed slides of the Elkhorn Crossing Rec Area which was re-opened to the public on September 4, 2009.

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on October 8, 2009 **at 7:00 p.m.** at the NRC.

**ADJOURNMENT**: Being no further business, the Chairperson declared that the meeting was adjourned at 8:16 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 September 10, 2009, 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