



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
September 8, 2011**

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 8, 2011. The meeting was called to order by Chairperson, Rick Kolowski, at 7:00 p.m.

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

Larry Bradley	Scott Japp
Fred Conley	Rick Kolowski
John Conley	Dorothy Lanphier
Gus Erickson	Rich Tesar
	Jim Thompson

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

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

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 3.A.:

BE IT RESOLVED that the absences of the following Directors from the September 8, 2011, Board of Directors Meeting are excused:

Tim Fowler
Dave Klug

Agenda Item 7. A. & B.

BE IT RESOLVED that the August 11, 2011 Papiio-Missouri River NRD Board meeting minutes, and the August 10, 2011 Dakota County Rural Water Advisory Board meeting minutes, are approved as printed.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1-nay.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on September 1, 2011. The District's July 15-August 11, 2011, expenditures were published in the Burt County Plaindealer on August 31, 2011. 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 for Dakota County, briefed the Board on NRCS activities. A full report is posted to the website.

B. Nebraska Association of Resources Districts: Director Tesar noted that the NARD Annual Meeting will be held September 25-27, 2011 in Kearney, NE. Directors Erickson, Fowler, Kolowski, Tesar and Thompson; and staff members John Winkler, Gerry Bowen, Emmett Egr, Brian Henkel, Justin Novak, and Marlin Petermann will be representing the District.

C. Lower Platte River Corridor Alliance Report: Megan Sittler's LPRCA Report was distributed to the Board. A full report is posted to the website.

D. Report on South Sioux City Activities: Lance Hedquist welcomed the Board to the Dakota County area. He reported that the City of South Sioux is hosting a “Day of Service” in Siouxland Freedom Park, on September 10, 2011, in honor of U.S. Navy Petty Officer First Class John Douangdara, lead dog trainer for the U.S. Navy Seals, and his dog. Both were killed in action on August 6, 2011 in Wardak Province, Afghanistan. The event will include the planting of fifty trees, provided by the Papio-Missouri River NRD through the Celebrate Trees grant. Lance also updated the Board on how the 2011 flooding issues have impacted South Sioux City. Most of the flooding occurred on public property and park areas. He concluded his report with the current Economic Development opportunity, working with the University of Nebraska, Lincoln on a market of “Algae Operations”.

E. Nebraska Natural Resources Commission Report: Beverly Donaldson reported that the Commission had last met on June 9th, 2011 in Sidney, Nebraska. She noted that the Commission had approved a request for an allocation increase of Resources Development Funds of \$1,384,005.50 for the Western Sarpy/Clear Creek Project. The total allocation for the project to date is \$8,008,200. The Pigeon Jones Project allocation went from \$1,090,487.64 to \$1,552,487.64. Ms. Donaldson then advised the Board that the Commission is currently suspending all new grant applications for an indefinite period of time.

F. Environmental Trust Fund Report: Vince Kramper reported that the Nebraska Environment Trust Fund deadline date for new applications was September 6, 2011. To date the Trust has received 93 applications. The Environmental Trust has awarded over \$173 million to more than 1,200 projects across the state of Nebraska over the past 19 years. Mr. Kramper updated the Board on the Snake River Lawsuit, being held against the Trust. Landowners that neighbor the Snake River are seeking to block a \$2.4 million grant that would help the state buy part of the river for public fishing and nature viewing.

G. Loess Hills Resources Conservation & Development: Dick Leitschuck updated the Board on the plastic container and recycling project. He also briefed on the state of the Loess Hills RC&D; this organization has lost all of their funding from USDA. He wanted to thank the District for all the support they have provided over the years.

PUBLIC HEARING – Set Property Tax Request for FY 2012 Budget:

Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:35 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">◆ Omaha World-Herald - September 1, 2011◆ Omaha World-Herald – September 3, 2011 |
| Exhibit 3 | Fact Sheet - FY 2012 Budget |
| Exhibit 4 | Pie Charts – FY 2012 Adopted Revenues and Expenditures |
| Exhibit 5 | FY 2012 Budget Worksheets |
| Exhibit 6 | Resolution to Set Property Tax Request for FY 2012 at \$17,011,250.21 with a tax levy of 0.032753/\$100 |

Mr. Winkler noted that the Board adopted the FY 2012 budget at its August 11, 2011, meeting which called for a property tax request of \$16,811,522.71 with a tax levy of 0.032753/\$100. The Subcommittee is requesting to amend the budget, to provide \$264,000.00 for Miscellaneous Expenses (Account 01010004330) and to provide \$1,263,750.00 for Missouri River Flood Fight, Repair and Rehab (Account 01035914450). This maintains the previous year's tax levy of 0.032753. Winkler opened the floor to the public. There were no comments. Hearing Officer Winkler closed the Public Hearing at 7:40 p.m. and returned the floor to Chairperson Kolowski.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on September 6, 2011, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Program Supplemental Agreement with Nebraska Department of Roads on the Platte River Trail: Recommendation that the General Manager be authorized to execute the Agreement with Nebraska Department of Roads on the Platte River Trail Project Phase 1, upon its approval as to form by District Legal Counsel.

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

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

- **MOTION NO. 4** It was moved by Director John Conley and seconded by Fred Conley that the following recommendation be adopted:

PPO Recommendation #2: Feasibility Study for New Levee Construction in Burt and Washington Counties along the Missouri River: Recommendation that the General Manager not pursue a feasibility study for the construction of new levees along the Missouri River in Burt and Washington Counties until flooding has subsided and consultation and coordination with the U.S. Army Corps of Engineers and other federal, state and local agencies has occurred.

Director Japp aired his view on the Board's position on this study. There was discussion.

Roll call vote was held on motion. The motion carried on a vote of 7-yea, 1 nay, and 1-abstention.

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Tesar, Thompson, Kolowski
Voting Nay - Japp
Abstaining - Lanphier
Excused Absence - Fowler, Klug
Absent - Fowler, Klug

After noting Director Lanphier's presentation on Cole Creek, Director John Conley concluded his report.

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on September 6, 2011 and gave a brief recap of the meeting.

•• **MOTION NO. 5** It was moved by Director Tesar and seconded by Director Erickson that the following recommendation be adopted:

FEL Recommendation #1.: Special Lot Assessment of Dial Property: Recommendation that the General Manager be authorized to make a payment of \$258,976.62 for the special assessments against Lots 114 and 115, Elk Ridge and Lots 8 through 14, Elk Ridge Replat 2.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1-nay.

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

•• **MOTION NO. 6** It was moved by Director Tesar and seconded by Director John Conley that the following recommendation be adopted:

FEL Recommendation #2.: Pigeon/Jones Site 15 Project Right of Way Purchase Agreements: Recommendation the General Manager be authorized to execute the proposed purchase agreement for Tract 8, Pigeon/Jones Site 15 project, for the purchase price of \$188,108 for 6.9 acres of land, and authorized to make relocation payments and replacement housing payments, which, together with the aforesaid Tract 8 purchase price, do not exceed the total amount of \$400,000.00; and further authorized to execute such documents, approved as to form by District Legal Counsel, as necessary to effectuate such transactions.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Japp, Lanphier, Tesar, Thompson, Kolowski

Voting Nay - None
 Abstaining - None
 Excused Absence - Fowler, Klug
 Absent - Fowler, Klug

•• **MOTION NO. 7** It was moved by Director Tesar and seconded by Director Fred Conley that the following recommendation be adopted:

FEL Recommendation #3.: Papillion Creek Watershed Structure W-3 Rehabilitation Project Construction Change Order and Account over 110%: Recommendation that the Assistant General Manager (per agreement with NRCS) be authorized to execute Contract Modification No. 5 to the District’s contract with Pruss Excavation for the Papio W-3 Rehabilitation Project, in the maximum not to exceed amount of \$84,600; that the Assistant General Manager be authorized to execute future contract modifications cumulating not more than 10% of the original construction contract amount; and, that Account No. 510-4479-W-3 Rehabilitation Project be allowed to exceed 110% of the budgeted amount.

Director Japp made comment on the issue. There was discussion. Chairperson Kolowski provided background clarification to the audience in reference to discussion points made at the Tuesday night meeting.

Roll was taken on the motion. The motion carried on a vote of 7-yea and 2-nay.

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

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

FEL Recommendation #4.: Amend the FY 2012 Budget for Increase in Valuation: Recommendation that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the budget document adopted at the August 11, 2011 Board meeting and incorporated herein by reference, stating Total Requirements of \$82,394,216.08 as follows:

Operating Budget	\$82,344,216.08
Uninsured Liability	\$50,000.00
Sinking Fund	

and Property Tax Requirements of \$16,811,522.71, should be amended to provide \$264,000.00 for Miscellaneous Expenses (Account 01010004330), provide \$1,263,750.00 for Missouri River flood fight, repair and rehab (Account 01035914450), provide for Total Requirements of \$82,591,966.08 and provide for Property Tax Requirements of \$17,011,250.21; and, said budget document as so amended is hereby adopted as the Fiscal Year 2012 budget of the Papio-Missouri River Natural Resources District.

Roll call vote was held on motion. The motion carried on a vote of 7-yea, 1-nay and 1-abstention.

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Tesar, Thompson, Kolowski
Voting Nay - Japp
Abstaining - Lanphier
Excused Absence - Fowler, Klug
Absent - Fowler, Klug

•• **MOTION NO. 9** It was moved by Director Tesar and seconded by Director Larry Bradley that the following recommendation be adopted:

FEL Recommendation #5.: FY 2012 Budget – Set Tax Levy – 0.032753: Recommendation that the following resolution be adopted:

WHEREAS, the Board of Directors of the Papio-Missouri River Natural Resources District held a Public Hearing at the September 8, 2011 Board of Directors meeting to set the Final Property Tax Request and Tax Levy for Fiscal Year 2012 after final valuations have been received from Douglas, Sarpy, Dodge, Washington, Burt, Thurston and Dakota Counties; and to hear and consider comments concerning the property tax request; and,

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the District’s 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, 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 District’s FY 2012 property tax request is hereby set at \$17,011,250.21 with a tax levy of 0.032753/\$100; and, that,

2. A copy of this resolution should be certified and forwarded to the County Clerks within the District prior to October 13, 2011.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1-nay.

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

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

FEL Recommendation #6.: FY 2012 Budget Lid Computation (1% Resolution):
Recommendation that the following resolution be adopted:

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

General Manager Winkler reminded the Board that in order for this motion to pass, it would require a yes vote from 75% of the full Board or a yes vote from all Directors present. There was discussion.

Roll call vote was held on motion. The motion failed on a vote of 7-yea and 2-nay.

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

A. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on September 6, 2011 and gave a brief recap of the meeting.

- **MOTION NO. 11** It was moved by Director Fred Conley and seconded by Director Erickson that the following recommendation be adopted:

PLPA Recommendation #1.: Issues to be Considered at the NARD Annual Conference – Resolutions: Recommend that the Papio-Missouri River NRD Voting Delegate and/or Alternate be authorized to vote on the 2011-1 and 2011-2 resolutions being considered at the NARD Annual Conference as recommended in the table below.

Reso #	Description	P-MRNRD Position
2011-1	Eliminate the Well Decommissioning Funds to the Water Quality fund. Submitted by Nemaha NRD	Oppose
2011-2	Authorized fees for Variance Request. Submitted by South Platte NRD.	Amend

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1 abstention.

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

TREASURER'S REPORT:

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the August, 2011, 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, 2011, financial report, and future claims for project utilities.

BE IT FURTHER RESOLVED that the financial reports be affixed to and made a part of the minutes.

Roll call vote was held on motion. The motion carried on a vote of 7-yea, 1-nay and 1-abstention.

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Tesar, Thompson, Kolowski
Voting Nay - Japp
Abstaining - Lanphier
Excused Absence - Fowler, Klug
Absent - Fowler, Klug

CHAIRPERSON’S REPORT: Chairperson Kolowski thanked Dakota City and South Sioux City for hosting the District’s Board meeting. He also thanked Vince and Dorothy Kramper for their hospitality. Chairperson Kolowski then expressed his appreciation to District staff for their hard work, dedication and continued support.

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 thanked Vince and Dorothy Kramper for hosting the picnic dinner at their farm. He also expressed thanks to Ms. Donaldson and Mr. Kramper for their ongoing support to the District. Marlin Petermann gave an update of the 2011 Missouri River Flood Events.

INFORMATIONAL ITEMS:

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

- September 22, 2011 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
- Sept. 25-27, 2011 NARD Annual Conference, Kearney, NE
- October 11, 2011 P-MRNRD Subcommittee Meetings
- October 13, 2011 P-MRNRD Board Meeting
- October 27, 2011 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
- November 8, 2011 P-MRNRD Subcommittee Meetings
- November 10, 2011 P-MRNRD Board Meeting
- November 11, 2011 Veteran’s Day – P-MRNRD Offices Closed
- November 17, 2011 Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
- Nov. 24-25, 2011 Thanksgiving Holiday – P-MRNRD Offices Closed

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on October 13, 2011 at 7:00 p.m. at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:37 p.m.

I, the undersigned, Secretary of the Papio-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 8, 2011, 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