



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
October 11, 2012**

**PLEDGE OF ALLEGIANCE**

**NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE**

**MEETING CALLED TO ORDER:** A regular meeting of the Papio-Missouri River Natural Resources District Board of Directors was held at the Natural Resources Center, 8901 S. 154<sup>th</sup> Street, Omaha, NE on October 11, 2012. 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	Dave Klug
Fred Conley	Rick Kolowski
John Conley	Dorothy Lanphier
Gus Erickson	Rich Tesar
Tim Fowler	Jim Thompson
Scott Japp	

**ADOPTION OF AGENDA:**

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

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

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Thompson 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 October 11, 2012, Board of Directors Meeting are excused:

None to date.

Agenda Item 7. A. & B.

BE IT RESOLVED that the September 13, 2012 Papio-Missouri River NRD Board meeting minutes, and the September 12, 2012 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 10-yea and 1 nay.

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Thompson, Kolowski
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on October 4, 2012. The District's August 10-September 13, 2012, expenditures were published in the Douglas County Post-Gazette on September 25, 2012. 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: Chuck Leinen gave Neil Jensen's report on NRCS activities. The report is posted to the website.

B. Nebraska Association of Resources Districts: Director Thompson gave the report on the NARD Annual Meeting that was held on September 24-25, 2012 in Kearney, NE. He also briefed the Board on the Transportation Summit that was held September 28<sup>th</sup>, 2012 at Metro Community College.

C. Legislative Report – Husch Blackwell: Steve Grasz gave update on the legislative issues being discussed in the Natural Resources Committee and well as an update on the Hearing of LR 495, the interim study of the flood control needs of Omaha and the greater Omaha metropolitan area that was held at the District Office on October 9<sup>th</sup>, 2012.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler's written report is posted to the website.

**PUBLIC HEARING – On Papio Dam Site 15A Project:**

Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:16 p.m. Hearing Officer Winkler submitted the following exhibits for the record.

- Exhibit 1**      Agenda
- Exhibit 2**      Multi-Reservoir Analysis – Papillion Creek Watershed
  - September 2004
- Exhibit 3**      Papio Dam Site 15A Revised Conceptual Design Evaluation
  - May 2007
- Exhibit 4**      West Papillion Creek Levee Restoration Evaluation
  - March 2008
- Exhibit 5**      Conceptual Design Plan
- Exhibit 6**      Proof of Publication of Hearing Notice
  - Omaha World-Herald – October 1, 2012
- Exhibit 7**      September 21, 2012 Public Hearing Notice and Information Packet sent to Landowners (certified mail)
- Exhibit 8**      List of Landowners mailed Hearing Notice
- Exhibit 9**      Certified Mail Return Receipts for Information Packet mailed to Landowners
- Exhibit 10**     Letter of support from City of Omaha

General Manger Winkler briefed the audience on the exhibits being submitted as a part of the Public Hearing. The District's Attorney, Paul Peters, explained the purpose of the hearing. Project Manager, Lori Laster, stated the purpose and scope of the project. General Manager Winkler opened the floor to the public. The following individuals addressed the Board.

- Shawn Melotz, 10404 North 132<sup>nd</sup> Street, Omaha, NE (Her testimony is attached as a part of the Public Hearing record and these meeting minutes.)
- Scott Japp, 4752 County Road 15, Arlington, NE (His packet of information is attached as a part of the Public Hearing record and these meeting minutes.)

Hearing Officer Winkler closed the Public Hearing at 7:41 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 October 9, 2012, and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* King Lake Buyout – City of Omaha and Douglas County Interlocal Agreement: Recommendation that the General Manager be authorized to execute for and on behalf of the District, the proposed Interlocal Agreement with the City of Omaha and Douglas County for the King Lake Buyout Program in form as presented to the Subcommittee meeting, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski  
Voting Nay - None  
Abstaining - None  
Excused Absence - None  
Absent - None

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

*PPO Recommendation #2:* Turner Boulevard Trail – City of Omaha Interlocal Agreement: Recommendation that the General Manager be authorized to execute the Interlocal Cooperation Act Agreement between the District and the City of Omaha providing for the design of the Turner Boulevard Extension Trail Project and construction documents for the project, in the form as presented to the Subcommittee meeting and with a District “not-to-exceed” contribution in the amount of \$50,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Lanphier asked the District’s attorney, Paul Peters several questions about the Agreement. Mr. Peters addressed all of her concerns.

Roll call vote was held on motion. The motion carried on a vote of 9-yea and 1-nay. Director Japp was out of the room during the roll call.

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Thompson, Kolowski  
Voting Nay - Lanphier  
Abstaining - None  
Excused Absence - None  
Absent - None

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

*PPO Recommendation #3:* FY 2013 Long Range Implementation Plan: Recommendation that the proposed Fiscal Year 2012 Long Range Implementation Plan be approved.

The following individual(s) addressed the Board:

- Shawn Melotz, 10404 North 132<sup>nd</sup> Street, Omaha, NE 68142 (Her testimony is attached as a part of the meeting minutes.)

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-abstention.

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	Japp
Excused Absence	-	None
Absent	-	None

There was additional discussion of Potential Funding for the UNMC Cancer Research Center by the Papio-Missouri River NRD. The General Manager briefed the Board on the meeting he and Director Kolowski had with UNMC in regards to the Cancer Research Center. He reiterated that there were no promises of funding. He stated that if the campus had program(s) that were eligible for cost-share under the District's existing policies, that UNMC could apply, as can any other government or local entity. Those applications would be brought before the Board for approval and would be subject to funding. The following individuals addressed the Board:

- Doug Kagan, 12320 William Street, Omaha, NE
- Marty Brown, 14818 Berry Circle, Omaha, NE

No action was taken on this item.

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on October 9, 2012 and gave a brief recap of the meeting.

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

*FEL Recommendation #1.:* Land Rights for the West Papio Regional Detention Basin 5 (WP-5) Project: Recommendation that the General Manager be authorized to execute the proposed purchase agreement for the purchase of the Otte parcel for the amount of \$10,180; and, further authorized to execute the permanent easement proposed for the Pink parcel and pay the \$300 purchase price, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Lanphier,
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		Tesar, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

Director Tesar briefed the Board on the Subcommittees' action on District Policy 5.9 Subcommittee Meeting Materials. The motion failed in Subcommittee so there was no action taken by the Board. The following individual(s) addressed the Board:

➤ Shawn Melotz, 10404 North 132<sup>nd</sup> Street, Omaha, NE 68142

Director Lanphier asked that this item be brought back to the full Board. It was ruled that as it failed in Subcommittee by a majority that it would not be brought back to the full Board.

**TREASURER'S REPORT:**

•• **MOTION NO. 7:** It was moved by Director John Conley and seconded by Director Klug 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 September, 2012, 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 September, 2012, 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 9-yea and 2-nay.

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Thompson, Kolowski
Voting Nay	-	Japp, Lanphier

Abstaining - None  
Excused Absence - None  
Absent - None

**CHAIRPERSON'S REPORT:**

The Chairperson reiterated the statement given by the General Manager in regards to the UNMC Cancer Research Center. He also encouraged everyone to take the time to exercise their right to vote.

- **MOTION NO. 8:** It was moved by Director Thompson and seconded by Director Klug that the following resolution be adopted:

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meetings for calendar year 2013:

January 10, 2013	July 11, 2013
February 14, 2013	August 8, 2013
March 14, 2013	September 12, 2013
April 11, 2013	October 10, 2013
May 9, 2013	November 14, 2013
June 13, 2013	December 12, 2013

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-abstention.

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Tesar, Thompson, Kolowski  
Voting Nay - None  
Abstaining - Lanphier  
Excused Absence - None  
Absent - None

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website.

**INFORMATIONAL ITEMS:**

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

October 18, 2012	Lower Platte River Summit, 9:00 a.m.-5:30 p.m. Fremont Opera House, Fremont, NE
October 23, 2012	West Papio Regional Detention Basin 5 (WP-5) Ground Breaking Ceremony 1:00 p.m., at WP-5
October 25, 2012	Papillion Creek Watershed Partnership Meeting 10:00 a.m., NRC

November 6, 2012	P-MRNRD Subcommittee Meetings (Lower Level Conference Room)
November 6, 2012	United States General Election
November 8, 2012	P-MRNRD Board Meeting
November 12, 2012	Veteran's Day – P-MRNRD Offices Closed
November 15, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 22-23, 2012	Thanksgiving Holiday – P-MRNRD Offices Closed
December 11, 2012	P-MRNRD Subcommittee Meetings
December 13, 2012	P-MRNRD Board Meeting
December 20, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
December 25, 2012	Christmas Holiday – P-MRNRD Offices Closed
January 1, 2013	New Year's Holiday – P-MRNRD Offices Closed
January 8, 2013	P-MRNRD Subcommittee Meetings
January 10, 2013	P-MRNRD Board Meeting and Oaths of Office for Elected Directors
January 21, 2013	Martin Luther King Day – P-MRNRD Offices Closed

Director Tesar updated the Board on the decision not to spray for phragmites on the Platte River due to the early freeze. This could cause great concern for the spreading of the seeds in the spring of 2013.

Director Lanphier add that next week is the 40<sup>th</sup> Anniversary of the passing of the Clean Water Act and that on October 20, 2012 there is an event, “Climate Change in Nebraska – What Does Our Future Hold?” being held from 9:00 a.m. – noon at the First United Methodist Church. She will forward this information to the General Manager and he will, in turn, forward it to all Directors.

B. Next Meeting – November 8, 2012, at the NRC

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 8:28 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 October 11, 2012, 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