



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
November 10, 2010**

**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> St., Omaha, NE on November 10, 2010. The meeting was called to order by Chairperson Rick Kolowski at 7:00 p.m. Chairperson Kolowski congratulated Directors Fred Conley, John Conley, Fowler, Klug and Thompson on their re-election to the Board. He also noted that tomorrow was Veterans' Day and thanked service members, past and present, for their service.

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

Larry Bradley	Scott Japp
Fred Conley	Dorothy Lanphier
John Conley	Rich Tesar
Tim Fowler	Rick Kolowski
Gus Erickson	

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Fowler 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	-	Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Lanphier, Tesar, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Klug, Thompson
Absent	-	Klug, Thompson

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Fred Conley and seconded by Director Fowler 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 November 10, 2010, Board of Directors Meeting are excused:

Dave Klug  
Jim Thompson

Agenda Item 7. A.

BE IT RESOLVED that the October 14, 2010 Papio-Missouri River NRD Board meeting minutes are approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on November 4, 2010. The District's September, 2010, expenditures were published in the Burt County Plaindealer on November 3, 2010. 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: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities. He announced that Loren Ehlers has been selected as the Resource Conservationist at the Tekamah office. He also noted that November has been designated as National Native American Heritage Month.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Board met on November 8, 2010 in Crofton, NE. He reported that the major item discussed was expansion of the NARD office space. He stated that the NARD Board recommended that the NARD take over the second floor at the current location and authorized up to \$100,000 for remodeling costs, with the NARD Risk Pool picking up 40% of the new rent.

C. Lower Platte River Corridor Alliance Report: No report.

**PUBLIC HEARING – DRAFT P-MRNRD HAZARD MITIGATION PLAN:**

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 - Proof of Publication of Public Hearing Notice - Omaha World-Herald – November 3, 2010
- Exhibit 3 - Draft P-MRNRD Hazard Mitigation Plan
- Exhibit 4 - District's Mitigation Goals and Objectives

Lori Laster, Stormwater Management Engineer, introduced Paul Woodward and Carey Romero, Olsson Associates, who gave a brief explanation of the plan. It was noted that the purpose of the updated plan is to sustain actions designed to reduce or eliminate long-term risk to people and property from natural and other hazards as well as to ensure that each participating community is eligible to obtain federal funding under the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program and the Flood Mitigation Assistance program. Through this plan, the District has determined the hazards affecting the area, determined the risks these hazards present to the respective communities, developed mitigation goals and identified feasible mitigation activities for the participating entities.

Mr. Winkler opened the floor to the public. No one from the public addressed the Board.

Hearing Officer Winkler closed the Public Hearing at 7:52 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 November 9, 2010 and he gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Washington County Service Center – Request for Increase in Professional Services – Recommendation that the professional services fees of Alley Poyner Macchietto Architecture be increased from \$148,000 to an amount not to exceed \$157,090.

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

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

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

*PPO Recommendation #2:* Missouri River Trail, Phase 2 – Construction Engineer Selection – Recommendation that the General Manager be authorized to negotiate a Professional Services Agreement for Construction Engineering on the Missouri River Trail Phase 2 Project with a consultant approved by the Nebraska Department of Roads and bring the Agreement to the Board for approval.

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

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

- **MOTION NO. 5** MoPac Trail (Hwy 50 to Chalco) – Recommendation that the District reject the federal funding for this project and proceed with the project without federal funding.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea and 2 abstentions.

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

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on November 9, 2010 and he gave a brief recap of the meeting. He noted that a recommendation to transfer \$200,000 from the Silver Creek Dam Project to the Conservation Assistance Program had failed. The Subcommittee also reviewed the draft FY 2010 audit. The audit will be brought before the Subcommittee and Board for approval in December.

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

*FEL Recommendation #3:* Western Sarpy Levee Construction – RSP Management, LLC, Request for Hunting Impact Compensation – Recommendation that the Board reject the claim of RSP Management LLC.

- **MOTION NO. 7** It was moved by Director John Conley and seconded by Director Tesar that the Board go into Executive Session to discuss the RSP Management letter of November 1, 2010, containing a threat of an injunction.

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

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

The Board went into Executive Session at 8:00 p.m.

- **MOTION NO. 8** It was moved by Director Tesar and seconded by Director Fred Conley that the Board return to Regular Session.

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

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

The Board returned to Regular Session at 8:33 p.m.

Roll call vote was held on the Motion No. 6. The motion carried on a vote of 7-yea, 1- nay and 1 abstention.

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

- **MOTION NO. 9** It was moved by Director Tesar and seconded by Director Erickson that the following resolution be adopted:

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT that, in the event construction of the Western Sarpy/Clear Creek Flood Reduction levee project is physically obstructed by a landowner, or if in the General Manager's opinion the uses of the District's easements acquired for that project are otherwise being interfered with, then, prior to the next meeting of the Board, the General Manager shall have the authority to direct the filing by the District of a legal action in the District Court of Sarpy County, Nebraska, for an injunction to abate such interference, for recovery of such damages as might result from such interference, and for the costs of such action.

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

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

Director Tesar also noted that the FEL Subcommittee had discussed an issue brought up by Director Lanphier regarding the monthly financial report. No action was taken.

**TREASURER'S REPORT:**

- **MOTION NO. 10:** 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: (1) claims listed in the October, 2010, 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 October, 2010, 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 on a vote of 7-yea and 2-nay.

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

**CHAIRPERSON'S REPORT** – Chairperson Kolowski once again congratulated the winners of the November 2<sup>nd</sup> elections.

**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 announced that he is looking at scheduling a Strategic Planning Session in January. He asked Directors to contact him if they had any dates in January they would not be available.

**INFORMATIONAL ITEMS:**

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

November 11, 2010	Veteran's Day – P-MRNRD Offices Closed
November 18, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 25-26, 2010	Thanksgiving Holiday – P-MRNRD Offices Closed
December 7, 2010	P-MRNRD Subcommittee Meetings
December 9, 2010	P-MRNRD Board Meeting
December 16, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
December 24, 2010	Christmas Holiday – P-MRNRD Offices Closed
December 31, 2010	New Year's Holiday – P-MRNRD Offices Closed
January 11, 2011	P-MRNRD Subcommittee Meetings
January 13, 2011	P-MRNRD Board Meeting

January 17, 2011	Martin Luther King Day – P-MRNRD Offices Closed
January 18, 2010	Lower Platte River Corridor Alliance Quarterly Meeting, 9:30 a.m., LPNNRD Offices, Lincoln, NE
January 25-26, 2011	NARD Legislative Conference, Lincoln, NE
January 27, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
Jan 30 – Feb 2, 2011	National Association of Conservation Districts 2011 Annual Meeting, Nashville, TN

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on December 9, 2010 at 7:00 p.m. at the NRC.

**ADJOURNMENT**: Being no further business, the Chairperson declared that the meeting was adjourned at 8:44 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 November 10, 2010, 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