

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
June 9, 2011
MINUTES**

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. 154th Street, Omaha, Nebraska, on June 9, 2011. Public notice of the meeting was posted at all District offices.

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

QUORUM CALL: Quorum call was taken. The following Directors were in attendance:

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|---------------|------------------|
| Larry Bradley | Dave Klug |
| Fred Conley | Dorothy Lanphier |
| John Conley | Rich Tesar |
| Tim Fowler | Jim Thompson |
| Scott Japp | Rick Kolowski |

Chairperson Kolowski noted that Director Gus Erickson had an excused absence.

ADOPTION OF AGENDA:

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

BE IT RESOLVED that the agenda be adopted.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Lanphier,

Tesar, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Absent - Erickson
Excused Absence - Erickson

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Bradley 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 absence of the following Director(s) from the June 9, 2011, Board of Directors Meeting is excused:

Gus Erickson

Agenda Item 7.A. B. C. and D.:

- A. BE IT RESOLVED that the May 12, 2011, Papio-Missouri River NRD Board Meeting Minutes be approved as printed.
- B. BE IT RESOLVED that the May 25, 2011, Thurston County Rural Water Advisory Board Meeting Minutes be approved as printed.
- C. BE IT RESOLVED that the May 26, 2011, Washington County Rural Water Advisory Board #2 Meeting Minutes be approved as printed.
- D. BE IT RESOLVED that the June 7, 2011 Special Board Meeting Minutes be approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE:

Notice of the meeting was published in the Omaha World-Herald on June 2, 2011. The District's May 2011 expenditures were published in the Burt County Plaindealer on June 1, 2011. The Chairperson ordered the Proofs of Publication recorded in the minutes of this meeting.

AGENCY AND ASSOCIATION REPORTS:

A. Natural Resources Conservation Service Report: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities, which included information on the 2011 flooding issues, the Wetland Reserve Program, compliance reviews and staffing updates. He also briefed the board on the Farm Service Agencies Emergency Conservation Program, which assists owners of land located in low lying areas that has been impacted by the flood waters. Responding to a question, Mr. Jensen stated that EQIP funding will likely be reduced by 10% in the upcoming fiscal year.

B. Nebraska Association of Resources Districts Report: Director Tesar reported on the upcoming NARD Board Meeting on June 13, 2011, and of the NRD Basin Tour on June 13-15, 2011, both of which are being held in Alliance, Nebraska.

C. Legislative Report – Husch Blackwell Sanders: Steve Grasz, Husch Blackwell Sanders, briefed the Board on the following Legislative Resolutions that are currently being tracked for the District and the Legislative Bills that are being carried over from the close of the Legislative Session.

- ✓ LR 218 – To study all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska.
- ✓ LR 257 – To study the flood control needs of Omaha and the greater Omaha metropolitan area and examine the resources that are available or that may be utilized to meet such needs, including compliance with various federal regulatory requirements. The study should examine the role that a natural resources district may play to meet such needs and accompanying federal regulatory requirements.
- ✓ LR 273 – To examine the criteria for developing integrated management plans required under Section 46-715 of the Nebraska Ground Water Management and Protection Act and to explore any mechanisms or procedures that may facilitate the process.
- ✓ LR 309 – To study ways in which to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas.
- ✓ LR 312 – To study the intent of LB 392 (2011) including duties provided to the Game and Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species.
- ✓ LR 323 – To study combined sewer overflow projects affecting municipalities.
- ✓ LR 332 – To determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates.

- ✓ LB 173 – Prohibit natural resources district board members from running for or holding more than one office.

- ✓ LB 487 – Provide for resolution and ordinance power relating to flood protection and water quality enhancement projects.
- ✓ LB 527 – Change tax levy authority of natural resources district.
- ✓ LB 656 – Change provisions relating to flood protection and water quality enhancement bonds.
- ✓ LB 683 – For an act relating to storm water management; to amend section 81-1178, Reissue Revised Statutes of Nebraska; to create the Storm Water Management Commission; to repeal the original section; and to declare an emergency.

D. Lower Platte River Corridor Alliance Report: Chairperson Kolowski noted that Megan Sittler, LPRCA Coordinator, was not at the meeting. Her report is posted to the website.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on June 7, 2011 and he 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:

Recommendation #1: Missouri River Levee System Unit R-613 – Recommendation that the General Manager be authorized to execute an agreement with the Nebraska Department of Roads and Sarpy County permitting the permanent joint use by NDOR of the County/NRD R-613 Levee right-of-way for a US Highway 34 Missouri River bridge abutment, such agreement to contain such terms and conditions as the General Manager determines appropriate and District legal counsel approves as to form.

Roll call vote was held on the motion. The motion carried on a unanimous vote.

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

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

Recommendation #2: Bids for the Waterloo River Access Area Site Improvements – Recommendation that Muhle Custom Contracting be awarded the bid of \$75,005.00 for the Waterloo River Access Area Site Improvements.

Roll call vote was held on the motion. The motion carried on a unanimous vote.

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

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on June 7, 2011 and he gave a brief recap of the meeting.

- **MOTION NO. 5:** It was moved by Director Klug and seconded by Director Lanphier **NOT** to move forward with the Pigeon/Jones Site 15 Right of Way Purchase Agreements.

There was discussion including making Flood Control the priority as opposed to Recreational Projects, the status of the FY 2012 Budget and the possibility of losing State aid from various sources including the Nebraska Environmental Trust Fund.

Roll call vote was held on the motion. The motion failed on a vote of 2 yeas, 7 nays, and 1 abstaining.

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

- **MOTION NO. 6:** It was moved by Director Tesar and seconded by Director Fowler that the Pigeon/Jones Site 15 Right of Way Purchase Agreements be approved as read.

Recommendation #3: Pigeon/Jones Site 15 Right of Way Purchase Agreements [Executive Session if Needed] – Recommendation that the General Manager be authorized to execute for and on behalf of the District purchase agreements with landowners calling for the acquisition of Pigeon/Jones Dam Site 15 Tract 1 for \$65,170; Tract 2 for \$170,240; Tracts 3 and 4 for \$509,922; Tract 7 for \$73,151; Tract 11 for \$167,048; Tract 28 for \$200,000; Tract 30 for \$12,755; Tracts 31 and 32 for \$54,520; Tract 34 for \$10,161; and Tract 37 for \$251,400; and further authorized to take such actions as necessary to effectuate such transactions.

Roll call vote was held on the motion. The motion carried on a vote of 6 yeas, 3 nays, and 1 abstaining.

Voting Yea - Bradley, Conley (Fred), Fowler, Kolowski, Tesar, Thompson

Voting Nay - Conley (John), Klug, Lanphier
Abstaining - Japp
Absent - Erickson
Excused Absence – Erickson

- **MOTION NO. 7:** It was moved by Director Lanphier and seconded by Director Japp that the Board members meet to discuss the budget prior to the July 14, 2011 FEL Subcommittee Meeting and again prior to the August 11, 2011 Public Hearing.

The following individual addressed the Board:

➤Shawn Merlotz addressed 10404 N. 132nd Street, Omaha, NE

Paul Peters reminded the Board that all meetings of the Board of Directors are subject to the Open Meetings Law.

CALL FOR THE QUESTION: It was moved by Director Fred Conley and seconded by Director Tesar to call for a vote on Motion No. 7.

Roll call vote was held on the motion. The motion carried on a unanimous vote.

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

- **MOTION NO. 8:** The vote was taken on the original motion number 7; that the Board meet to discuss the budget prior to the July 14, 2011 FEL Subcommittee Meeting and again prior to the August 11, 2011 Public Hearing.

Roll call was taken on the original motion. The motion failed on a vote of 4 yea and 6 nay.

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

- **MOTION NO. 9:** It was moved by Director John Conley and seconded by Director Fred Conley that the 1% Increase to the Budgeted Restricted Funds for Lid Calculation be tabled so the Director Erickson could vote on this issue.

Recommendation #4: Table 1% Increase to the Budgeted Restricted Funds for Lid Calculation

Roll call vote was held on the motion. The motion carried on a vote of 8 yea, 0 nay and 2 abstaining.

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

C. Personnel, Legislative and Public Affairs Subcommittee (June 7, 2011) – Director Klug reported that the PLPA Subcommittee met on June 7, 2011 and he gave a brief recap of the meeting.

- **MOTION NO. 10:** It was moved by Director Japp and seconded by Director Lanphier that the Legislative Representative Contract renewal with Husch Blackwell Sanders be approved with compensation to be the same as the contract from last year.

Discussion was held.

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

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

- **MOTION NO. 11:** It was moved by Director Klug and seconded by Director Fowler that the original contract be approved as read.

Recommendation #5: Legislative Representative Contract Renewal with Husch Blackwell Sanders- Recommend that the General Manager be authorized to execute for and on behalf of the District a contract with the firm of Husch Blackwell Sanders, LLP, for the provision of continued intergovernmental and professional lobbying services for the District, having terms and conditions contained in the proposed contract presented to the subcommittee meeting, but not containing the provisions of item 5 thereof, and the corresponding increased compensation, for potential expanded services, which will be discussed at a later date by the Subcommittee.

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

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

TREASURER’S REPORT:

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the May, 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 Dakota County, Thurston County and Washington County #1 and Washington County #2 rural water supply projects and the Elkhorn River Improvement Project Area, the Union Dike Improvement Project Area, and the Elk/Pigeon Creek Drainage Project operating accounts the project bills listed on the May, 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 the motion. The motion carried on a vote of 8 yea and 2 nay.

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

CHAIRPERSON’S REPORT:

Chairperson Kolowski noted that he and General Manger Winkler are members of the Adams Park Committee whose mission is to recondition this City Park. He stressed the importance of the Natural Resources District’s presence and the important role it plays. Currently 40 T and C grants are being used for survey work and engineering.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board and noted that the report was posted to the website. He also reminded the Board of future

meeting dates. Marlin Petermann gave an update on the current flooding issues that are impacting the levees within our District.

INFORMATIONAL ITEMS:

A. Future Meetings:

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| June 13, 2011 | NARD Board Meeting, Alliance, NE |
| June 13-15, 2011 | NRD Basin Tour, (Departing after the NARD Board meeting and returning to Alliance at approximately 3:00 p.m. on June 15th) |
| July 4, 2011 | 4 th of July, P-MRNRD Offices Closed |
| July 12, 2011 | P-MRNRD Subcommittee Meetings |
| July 14, 2011 | P-MRNRD Board Meeting |
| July 28, 2011 | Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC |
| August 9, 2011 | P-MRNRD Subcommittee Meetings |
| August 11, 2011 | P-MRNRD Board Meeting |

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on July 14, 2011, at the NRC.

ADJOURNMENT:

Being no further business, the meeting adjourned at 8:50 p.m. by acclamation.

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 June 9, 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 for 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