



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
April 14, 2005  
MINUTES**

**PLEDGE OF ALLEGIANCE**

**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 April 14, 2005. The meeting was called to order by Chairperson, Rich Jansen, at 8:00 p.m.

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

Fred Conley	Joe Neary
John Conley	John Schwope
Tim Fowler	Rich Tesar
Rick Kolowski	Jim Thompson
Dorothy Lanphier	Rich Jansen

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Fred Conley and seconded by Director Thompson 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 unanimously.

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Schwope 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 following Director(s) have an excused absence from the April 14, 2005, Board of Directors Meeting:

Dick Connealy

Agenda Item 6 A.:

BE IT RESOLVED that the March 10, 2005, Papio-Missouri River NRD Board meeting minutes and the March 9, 2005, Dakota County Rural Water Advisory Committee meeting minutes be approved as printed.

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwoppe, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on April 7, 2005. The District's February, 2005, expenditures were published in the Douglas County Gazette on March 29, 2005. 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: Chuck Leinen, NRCS Civil Engineer at the NRC office, reported on Natural Resources Conservation Service activities for the past month. The NRCS Report is posted to the District website. He informed the Directors that Lynn Heng had accepted a position with the Nebraska National Guard and his last day with the NRCS would be April 18<sup>th</sup>. The position will be filled as soon as possible.

B. Nebraska Association of Resources District Report: Director Tesar reported that the NARD Board had not met since the last Board meeting. He distributed an article from AgWeb.com regarding water issues in the Imperial Valley in California.

1. NARD Washington DC Conference: Directors Tim Fowler, Jim Thompson and Assistant General Manager Petermann reported on the NARD Washington DC Conference, March 12-16, 2005. It was noted that major topics discussed were the Farm Bill and changes to the Endangered Species Act.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, noted that his report was posted to the P-MRNRD website. He informed the Board that the annual airboat tour of the Platte River would be broken out to 2 sessions – tentative dates are July 17 and July 20, 2005. He also reported that the next LPRCA meeting would be held on May 27, 2005, at 9:30 a.m. at the Natural Resources Center. He invited Directors to attend.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on April 12, 2005. He noted that Directors received an e-mail from Jennifer Andersen regarding the meeting minutes (a copy of the e-mail is attached to the file copy of the minutes). He asked Paul Peters, District Legal Counsel, to address this matter. Mr. Peters noted that the item in question was Ms. Andersen’s request that the Subcommittee minutes be amended to include references to Director Fred Conley’s suggestion for a workshop and Mr. Tim Dreessen’s suggestion that the Board consider that. Mr. Peters stated that the answer to the e-mail is that the minutes of the Subcommittee are not necessarily inclusive of all discussion and it is the province of the Subcommittee to determine what, other than the actions of the Subcommittee, its minutes should state. Mr. Peters noted that the Subcommittee was not in session so it was not possible to address the subject at this time.

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

*PPO Recommendation #1* Request from Vicki Fraser and Petitioners for Equestrian Use of Existing Mo-Pac Trail from Springfield South to Louisville – Recommendation that staff be directed to further investigate this proposal and prepare a cost estimate to create a separate equestrian trail on the Mopac Trail between Springfield and the Platte River and report back to the Subcommittee in May, 2005.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - None  
Excused Absence - Connealy  
Absent - Connealy

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

*PPO Recommendation #2* Bids for Construction of Pigeon/Jones Creek Watershed Dams 4, 5 and 14 – Recommendation that the bid of Cooney Fertilizer, Inc., in the amount of \$165,835.35 be accepted and that the General Manager be authorized to execute the necessary contract documents.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - None  
Excused Absence - Connealy  
Absent - Connealy

Director John Conley stated that the Subcommittee reviewed several amendments/additions to the District's Policy Manual. Director Tesar stated that he would like to amend Policy 15.9 Purchasing – Cost Share Projects. Paul Peters explained that amendment proposed for Policy 15.9 is essentially the same as the previous proposal; however, it splits the question into two subjects - construction and engineering. But otherwise the meaning of the proposed policy is the same. Mr. Peters explained that the policy provides that when there is a contract presented to the Board, where the object of the contract is the cooperative construction of something like a dam, if the Board agrees to proceed with that contract and the contract calls for the other contracting party to construct the project, the Board's competitive bidding procedures would not apply. He stated that this would apply only to brick and mortar situations.

Director Lanphier requested that the staff be directed to research and present to the Board at the next Board meeting at least two alternatives that will compensate for not using competitive bidding on cost-shared projects, and will provide equivalent public benefits.

It was noted that, pursuant to District Policy 1.5, any amendments to Policy 1.3, 4.0, 4.2, 15.9 or 16.9 should be tabled for one month; and, therefore, final consideration of amended Policy 15.9 would be scheduled for adoption at the May 12, 2005 Board Meeting.

•• **MOTION NO. 5** It was moved by Director Tesar and seconded by Director Kolowski that policy 15.9 be amended as follows:

**15.9 Purchasing – Cost-shared Projects.** Paragraphs 15.0 through 15.8 of these policies shall not apply to projects **constructed** by other governmental agencies, developers or other cooperators in accordance with cost-sharing agreements with the District that are specifically authorized by the Board. Paragraph 15.2 of these policies shall not apply to projects **engineered** by other governmental agencies, developers or other cooperators in accordance with cost-sharing agreements with the District that are specifically authorized by the Board.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea and 3-nay.

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - Lanphier, Neary, Schwope  
Excused Absence - Connealy

Absent - Connealy

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

*PPO Recommendation #3.a.* Recommendation that the following amendments/additions to the District Policy Manual be tabled for one month pursuant to District Policy 1.5, with final consideration at the May 12, 2005 Board Meeting

- 1.3 Policy Manual – Effect of Policies
- 4.0 Board Meetings – Regular Monthly Meetings
- 4.2 Board Meetings – Emergency Meetings
- 15.9 Purchasing – Cost Shared Projects (as amended in Motion No. 5)
- 16.9 District Property – Geocaching Regulations on All Properties Open for Public Use and Operated by P-MRNRD

The following individuals addressed the Board in support of policy 16.9 District Property – Geocaching Regulations on All Properties Open for Public Use and Operated by the P-MRNRD:

- ➔ Carlene Pruess, representing Geocaching.com
- ➔ Martin Willett, President, Nebraska Geocaching Association

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - None  
Excused Absence - Connealy  
Absent - Connealy

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

*PPO Recommendation #3.b.* Recommendation that the following additions be approved and incorporated into the District Policy Manual:

- 17.40 District Programs – Trails Assistance Program
- 19.8 Improvement Projects – Washington County Rural Water System #2

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwoppe, Tesar, Thompson, Jansen  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Connealy  
 Absent - Connealy

Director Conley noted that the agenda item to discuss the Elkhorn River Easement – Changes to Alberry Tract Access had been removed from the agenda pursuant to a request from the landowner. No action was taken.

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

*PPO Recommendation #5* Urban Cost Share Programs:

a. Recreation Area Development Program: Recommendation that the following Recreation Area Development Program applications be approved for a total of \$80,997, subject to funding in the FY 2006 budget:

South Sioux City	\$8,310.00
Papillion	\$7,687.00
Bellevue	\$40,000.00
Elkhorn	\$25,000.00
<b>TOTAL</b>	<b>\$80,997.00</b>

b. Trails Projects: Recommendation that the following Trails Assistance Program applications be approved for a total of \$174,400, subject to funding in the FY 2006 budget.

Springfield	\$14,170.00
Arlington	\$26,983.00
Omaha	\$109,786.00
Winnebago Tribe	\$23,761.00
<b>TOTAL</b>	<b>\$174,700.00</b>

c. Urban Drainageway Program: Recommendation that the following Urban Drainageway Program applications be approved for a total of \$827,417, subject to funding in the FY 2006 budget:

Papillion	\$300,000.00
LaVista	\$246,600.00
Omaha Tribe	\$144,427.00
Omaha (additional funding)	\$136,390.00
<b>TOTAL</b>	<b>\$827,417.00</b>

- d. Urban Conservation Assistance Program: Recommendation that the following Urban Conservation Assistance Program applications for a total of \$46,320, subject to funding in the FY 2006 budget:

Papillion	\$22,320.00
Bellevue	\$24,000.00
<b>TOTAL</b>	<b>\$46,320.00</b>

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Connealy  
 Absent - Connealy

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

*PPO Recommendation #6.a.* City of Blair's Request to Extend Washington County Rural Water #2 Distribution System –

- a. Recommendation that further investigation into the City of Blair's request to extend the Washington County Rural Water #2 distribution system to Highway 75 be terminated due to lack of sufficient sign-ups.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Connealy  
 Absent - Connealy

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

*PPO Recommendation #6.b.* City of Blair's Request to Extend Washington County Rural Water #2 Distribution System –

- b. Recommendation that the Washington County Rural Water #2 service area boundary be revised so that properties along Victory Lane and County Road P26, all west of Highway 133,

shall be a part of the City of Blair's water distribution system, at no additional construction cost to the District.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - None  
Excused Absence - Connealy  
Absent - Connealy

•• **MOTION NO. 11** It was moved by Director John Conley and seconded by Director Kolowski that the following recommendation be adopted:

*PPO Recommendation #7:* Trails Development Assistance Fund Agreement with Nebraska Game and Parks Commission for Elkhorn Public Access Project on West Maple Road – Recommendation that the project agreement with the Nebraska Game and Parks Commission for the Trails Assistance Fund be approved and that the Chairperson be authorized to execute the agreement on behalf of the District.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - None  
Excused Absence - Connealy  
Absent - Connealy

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

*PPO Recommendation #8.* Papillion Creek Watershed Partnership Stage III Professional Services Contract with HDR Engineering – Recommendation that the General Manager be authorized to execute a professional services contract with HDR Engineering, Inc., on behalf of the Papio Creek Watershed Partnership, for the Papillion Creek Watershed Stage III Study for a maximum fee of \$315,000, subject to changes 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 - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen  
Voting Nay - None



Abstaining - None  
Excused Absence - Connealy  
Absent - Connealy

**TREASURER'S REPORT:**

- **MOTION NO. 13:** 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 March, 2005, 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/Clear Creek Project, the project bills listed on the March, 2005, 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 - Conley (Fred), Conley (John), Fowler, Kolowski, Lanphier, Neary, Schwoppe, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - None  
Excused Absence - Connealy  
Absent - Connealy

**CHAIRPERSON'S REPORT:** Chairperson Jansen announced that he was appointing the following Directors to the West Branch (Papio Watershed) Tributary Crossing Ad Hoc Consultant Selection Subcommittee:

Tim Fowler, Chairperson  
Rick Kolowski, Vice-Chairperson  
John Conley  
Dorothy Lanphier  
John Schwoppe

**GENERAL MANAGER'S REPORT:** GM Oltmans noted that his report had been posted to the website and asked Directors to contact him if there were any questions. The following items were covered:

- ❖ GM distributed a brochure from the Platte Corridor Initiative which is striving to develop and facilitate cooperation among and between communities, conservation interests and the sand/gravel producers of Nebraska.
- ❖ The GM then noted that the Water Works 2005 program would be held on May 3 and 4 at Schramm Park. Christine Jacobsen indicated that 1,800 5<sup>th</sup> graders from Douglas and Sarpy County would be participating. Directors were encouraged to attend.
- ❖ The GM distributed an article from the Nebraskaland Magazine entitled, “Nature Hike on the West Papio Creek Trail” written by Paige Ritter.
- ❖ Channel 6 news clip regarding Douglas County Trails Project – Matching Funds and a follow-up clip were shown.

**INFORMATIONAL ITEMS:**

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

April 22, 2005	<b>Earth Day</b>
April 23, 2005	Earth Day Omaha Celebration at Elmwood Park
April 28-29, 2005	Nebraska Water Law Conference, Lincoln, NE
April 29, 2005	<b>Arbor Day – Plant a Tree!!!</b>
May 3-4, 2005	Water Works, Schramm Aquarium <b>Directors are welcome!!!!</b>
May 7, 2005	Nebraska State Envirothon, Halsey National Forest
May 10, 2005	P-MRNRD Subcommittee Meetings
May 12, 2005	P-MRNRD Board Meeting
May 12-13, 2005	Watershed Field Day at Chalco Hills Rec Area (King Science Center Water Festival)
May 18-19, 2005	Nebraska Natural Resources Commission Meeting, Lower Platte North NRD Offices, Wahoo, NE
May 20-21, 2005	Nebraska Trails Conference, South Sioux City, NE
May 22-25, 2005	9 <sup>th</sup> Annual Missouri River Natural Resources Conference, Pierre, SD

May 27, 2005	Lower Platte River Corridor Alliance Meeting, 9:30 a.m., NRC
June 4, 2005	National Trails Day
June 7, 2005	P-MRNRD Subcommittee Meetings
June 9, 2005	P-MRNRD Board Meeting
June 20, 2005	NARD Board Meeting, York, NE

B. Other Information Items: None.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on May 12, 2005, at the NRC

**ADJOURNMENT**: Being no further business, the meeting adjourned at 9:04 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 March 10, 2005, 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.

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Richard Tesar  
District Secretary