



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
April 9, 2009**

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. 154th St., Omaha, NE on April 9, 2009. The meeting was called to order by Chairperson Jim Thompson at 8:00 p.m.

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

Larry Bradley	David Klug
Fred Conley	Rick Kolowski
John Conley	Dorothy Lanphier
Tim Fowler	John Schwope
Scott Japp	Rich Tesar
	Jim Thompson

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Kolowski 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), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	None

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Fred Conley 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 absence of the following Director(s) from the April 9, 2009, Board of Directors Meeting are excused:

None to date

Agenda Item 7 A.&B.:

A. BE IT RESOLVED that the March 12, 2009 Papio-Missouri River NRD Board meeting minutes are approved as printed.

B. BE IT RESOLVED that the March 11, 2009 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on April 2, 2009. The District's February, 2009, expenditures were published in the Washington County Enterprise on April 7, 2009. 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, NRCS Civil Engineer at the Omaha NRCS office, reviewed the NRCS activities for the past month. He noted that final reports would be given next month on S27, 31 and 32 and emergency watershed work completed with the City of Omaha.

B. Nebraska Association of Resources Districts – Report on Washington DC Trip: Director Lanphier, Director Thompson and Assistant General Manager Marlin Petermann reported on the NARD Washington DC Trip held March 23 – 25, 2009. They reported there were several interesting speakers and felt it was a productive conference. Marlin showed some slides of various activities.

C. Lower Platte Corridor Alliance Report: Megan Sittler was not able to attend. Her written report was posted to the website.

D. Legislative Update: Steve Grasz, Husch Blackwell Sanders, reported that LB 160 was placed on general file on March 18th. He noted that the bill has appeared on the legislative agenda but the legislature has not gotten to it. He indicated that general file debate would more than likely occur on Tuesday or Thursday of next week. There was discussion regarding the amendments to the bill.

SUBCOMMITTEE REPORTS:

A. Multi Hazard Mitigation Plan Ad Hoc Consultant Selection Subcommittee: Director Fred Conley reported that the Ad Hoc Subcommittee met on April 7, 2009 and he gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Selection of Consulting Firms to be Interviewed – Recommendation that the firms of JEO Consulting Group, Kirkham Michael, Olsson Associates and PBS&J be interviewed, in alphabetical order, to provide professional services for the Multi Hazard Mitigation Plan.

- **SUBSTITUTE MOTION** It was moved by Director Schwope and seconded by Director Tesar that the firms of JEO Consulting Group, Kirkham Michael and Olsson Associations be interview, in alphabetical order, to provide profession services for the Multi Hazard Mitigation Plan.

Roll call vote was held on the Substitute Motion. The Substitute Motion failed on a vote of 1-yea and 10-nay.

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

Roll call vote was held on the original motion. The motion carried on a vote of 9-yea, 1-nay and 1 abstention.

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

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on April 7, 2009 and he gave a brief recap of the meeting.

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

FEL Recommendation #1: Accounts Over 110% - Recommendation that the following accounts be allowed to exceed 110% of the budgeted amount:

- Acct. No. 01 04-00 4382 – Elk/Pigeon Creek
- Acct. No. 01 03-10 4410 – Western Sarpy – Construction

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

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

- **MOTION NO. 5** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #2: Western Sarpy Clear Creek Levee Project – Right of Way Acquisition on Melvin Bundy Property (252nd & Platteview Road) – Recommendation that the General Manager be authorized to execute the Purchase Agreement for warranty deed with Melvin E. Bundy for the amount of \$76,700 and such additional documents to effectuate those transactions as 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 - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski,
Lanphier, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Absent - None

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

FEL Recommendation #3: Agreement with Washington County Prohibiting the District from Building Dams in Washington County – Recommendation that the Board encourage the Papillion Creek Watershed Partnership members and Washington County to adopt the proposed Partnership plan and to support the passage of LB 160 by the Nebraska Legislature as presented to general file.

Kevin Propst, Chairman, Washington Village Board of Trustees, advised the Board that the Village of Washington was in the process of trying to create a rural water system and they are currently exploring State and Federal funding to facilitate the project. He stated that the stigma of the proposed dams in Washington County had made it tougher to obtain funding. He asked the Board to support an Agreement with Washington County stating that the NRD would not build any dams over 20 acres without the approval of the Washington County Board.

GM Winkler noted that an amendment to LB160 was added by the Natural Resources Committee giving counties the authority to disapprove a reservoir project in their county over 20 acres. If LB160 is adopted, it becomes a state statute which would have more weight than an Interlocal Agreement. It was also noted that the PCWP plan presented on February 14th calls for no reservoirs in Washington County or in Douglas County zoning jurisdictions.

The following individuals addressed the Board:

- Cynthia Timmermier, 14688 County Rd. 40, Kennard, NE
- Kent Clausen, Washington County Board of Supervisors

There was discussion

Roll call vote was held on the motion. The motion carried on a vote of 8-yea, 2-nay and 1-absention.

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

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on April 7, 2009 and he gave a brief recap of the meeting.

•• **MOTION NO. 7** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #1: Stonecrest Trail Access to Chalco Hills – Recommendation that the General Manager be authorized to seek formal approval from the U.S. Army Corps of Engineers to authorize a public access point for the Stonecrest S.I.D., Sarpy County, Nebraska.

Joe Zadina, representing the Stonecrest SID Homeowners, reported that their SID was supportive of this proposal and would work with the District to get the project done. Director Klug and Park Superintendent Jerry Herbster showed pictures of options for the public access point. GM Winkler pointed out that this project is contingent on the authorization from the Corps of Engineers for the access point.

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

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

- **MOTION NO. 8.** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #2a.: Papio Creek Watershed Structure W-3 Rehabilitation Project

Project Agreement – Recommendation that the General Manager be authorized to execute the proposed Papio Creek Watershed Structure #W-3 Project Agreement with the Natural Resources Conservation Service for rehabilitation of Papio Creek Watershed Structure #W-3, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion. Chuck Leinen, NRCS, answered several questions from Director Japp regarding the project.

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

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

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

PPO Recommendation #2.b.: Papio Creek Watershed Structure W-3 Rehabilitation Project

Professional Services Contract - Recommendation that the appointment of an Ad Hoc Consultant Selection Subcommittee, called for by the District's Professional Services Policy 15.2, be waived in this case; and, that the General Manager be authorized to execute the proposed Professional Services Contract with HDR Engineering, Inc. for the rehabilitation of Papio Creek Watershed Structure #W-3 for a maximum not to exceed amount of \$95,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel

Director Lanphier stated she had a problem with waiving the Ad Hoc Subcommittee. Chuck Leinen, NRCS, noted that the project was being funded with stimulus money and we needed to

fast-track the project. Director Japp asked several questions. It was noted that a Right Of Way hearing would be held next month as part of the May 14, 2009 Board meeting.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

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

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

PPO Recommendation #3.a.: FY 2010 Urban Cost Share Programs

- a. Recreation Area Development Program – Recommendation that the applications from the City of LaVista for \$7,000, the City of Bellevue for \$20,000, and the City of South Sioux City for \$50,000 be approved, for a total of \$77,000, subject to funding in the FY 2010 budget.

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

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

- **MOTION NO. 11** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation FY 2010 Urban Cost Share Programs

3. *b. c. and d.*

- b. Urban Drainageway Program – Recommendation that the applications from the City of Omaha for \$651,800, the City of South Sioux City for \$300,000, the City of Bellevue for \$54,000, the City of Gretna for \$24,000, Mission Creek SID for \$63,300, and the City of Papillion for \$286,962 and \$25,962, for a total of \$1,406,024, be approved subject to funding in the FY 2010 Budget.

- c. Urban Conservation Assistance Program – Recommendation that the applications from Millard West High School for \$18,969 and the City of Omaha for \$14,389 for a total of \$32,358 be approved, subject to funding in the FY 2010 budget.
- d. Stormwater Best Management Practices Program – Recommendation that the applications from the City of Papillion Rain Garden for \$9,735, the City of La Vista Stormceptor for \$10,000, and the City of South Sioux City for Scenic Park Rain Garden 1 for \$6,777.50, and the Scenic Park Rain Garden 2 for \$6,777.50, for a total of \$33,290, be approved subject to funding the in FY 2010 budget.

**AMENDMENT
NO. 1 TO
MOTION NO. 10**

It was moved by Director Japp and seconded by Director Lanphier that the motion regarding Recreation Area Development Program applications be amended to remove the City of Bellevue application to install restroom facilities in Jewel Park.

There was discussion.

Roll call vote was held on the amendment. The amendment to Motion No. 10 failed on a vote of 1-yea and 10-nay.

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

Roll call vote was held on Motion No. 11. The motion carried unanimously.

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

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

PPO Recommendation #4: Amendments to 17.0 District Programs – Urban Conservation Assistance Program - Recommendation that the following revisions to District Program 17.0 - Urban Conservation Assistance Program be approved.

17.0 URBAN CONSERVATION ASSISTANCE PROGRAM:

The Urban Conservation Assistance Program is an authorized program of the District to provide technical and financial assistance to units of government (sponsors) ~~and citizen groups~~ to help prevent or control erosion, flooding, and related resource concerns in urbanized areas.

Criteria For Assistance

1. ~~Benefits must accrue to more than one landowner.~~
2. ~~Be located on publicly owned land~~ Potential projects need to be on lands under control of the Sponsor through deed, lease, or easement.
3. Acceptable Practices:
 - a. permanent grade stabilization structures
 - b. channel stabilization measures
 - c. stormwater management facilities
 - d. diversions and terraces
 - e. ~~permanent seeding, sodding, and mulching of critical areas (\$100 per acre maximum)~~ Establishment of permanent vegetation on critical areas, includes seeding or sodding and mulching
4. An enclosed storm sewer is not an eligible practice or project.

~~Level of District Assistance~~ District Responsibilities

1. Administer the Urban Conservation Assistance Program.
2. ~~Provide 60% of actual contracted construction costs up to a maximum of \$25,000 on each project~~ Reimburse Sponsors 60% of the actual costs of the project, including engineering, up to a maximum District contribution of \$30,000 per project.
3. All projects shall be approved by Management.
4. ~~Provide technical assistance by Staff in review and guidance on projects~~ Provide technical assistance on all projects.
5. ~~Applications are considered on a "first come, first served" basis.~~

Sponsor Responsibilities

1. Complete District's UCAP Special Project Request, Form 17.0.B, Manual of Standard Forms (Appendix E)
2. Execute and fulfill the District's Special Project Operation and Maintenance Agreement, Form 17.0.C, Manual of Standard Forms (Appendix E)
3. Provide all necessary land rights.
4. Provide the local matching funds.

5. Contract for the construction of the approved project. Sponsor's personnel and equipment costs are not eligible for reimbursement.
6. Begin construction within one year of approval. Complete the project within one year of approval, unless prior written approval is obtained from the District.

(February 5, 1987; February 9, 1989; April 9, 2009)

The following individual addressed the Board:

- Cynthia Timmermier, 14688 County Rd. 40, Kennard, NE

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

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

- **MOTION NO. 13** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #5: Waterloo Interlocal Agreement for Construction of Levee Improvements – Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the Village of Waterloo to equally share the cost for levee improvements, up to a maximum District cost of \$2,000,000, 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	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	None

TREASURER'S REPORT:

- **MOTION NO. 14:** It was moved by Director John Conley and seconded by Director Schwope 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, 2009, 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 March, 2009, 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 - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Absent - None

CHAIRPERSON’S REPORT:

A. Appointment of P-MRNRD Standing Subcommittees: Chairperson Thompson reported that he had updated the standing subcommittees to include Director Fowler. He noted that changes to the standing subcommittees required Board approval.

•• **MOTION NO. 15** It was moved by Director Tesar and seconded by Director Kolowski that the following resolution be adopted:

BE IT RESOLVED that Standing Subcommittee appointments, as presented by the Chairperson, are hereby approved.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 2-abstentions.

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

Chairperson Thompson then pointed out to Directors that a new ethanol plant was opening in Blair. Director Bradley noted that the plant is owned by a Danish company. He stated that, with the DNR determining that the Lower Platte River Basin is not fully appropriated, the District needs to be vigilant regarding development in the Lower Platte River Basin and other areas within the Papio-Missouri River NRD borders.

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:

April 28, 2009	Lower Platte River Corridor Alliance Quarterly Meeting 9:30 a.m. at the Lower Platte South NRD office, Lincoln, NE
April 30, 2009	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 30, 2009	Regional Multi-Hazard Mitigation Plan Ad Hoc Consultant Selection Subcommittee Meeting, 6:30 p.m.
May 12, 2009	P-MRNRD Subcommittee Meetings
May 14, 2009	P-MRNRD Board Meeting
June 9, 2009	P-MRNRD Subcommittee Meetings
June 11, 2009	P-MRNRD Board Meeting

Chairperson Thompson also reminded Directors that Earth Day Omaha would be held on April 18th at Elmwood Park and there would be a Cole Creek Open House on April 21st from 6:30 – 8:00 p.m. at Roncalli High School.

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on May 14, 2009 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 10:05 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 April 9, 2009, 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