

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
April 15, 2004**

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. 154th Street, Omaha, NE on April 15, 2004. The meeting was called to order by the Chairperson, Fred Conley, at 8:00 p.m.

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

John Conley	Barb Nichols
Dick Connealy	Rich Tesar
Tim Fowler	Jim Thompson
Joe Neary	Fred Conley

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Connealy and seconded by Director John 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 unanimously.

Voting Yea	-	Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Absent	-	Gardner, Jansen, Rubin
Absence Excused	-	Gardner, Jansen, Rubin

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Connealy and seconded by Director Nichols 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 15, 2004 Board of Directors Meeting:

Melissa Gardner
Rich Jansen
Pete Rubin

Agenda Item 6 A. & B.:

BE IT RESOLVED that the March 11, 2004, Papio-Missouri River NRD Board meeting minutes and the March 10, 2004 Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

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

Voting Yea	-	Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Absent	-	Gardner, Jansen, Rubin
Absence Excused	-	Gardner, Jansen, Rubin

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on April 9, 2004. The Chairperson ordered the Proof 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: Don Doty, District Conservationist at the NRCS office, reported on NRCS activities for the past month. His report is posted to the District's website. Luis Hernandez, State Soil Scientist, reported that the Washington County Soil Survey was completed and demonstrated how to access the information. The report is available on CD or paper copy.

B. Nebraska Association of Resources Districts: Directors Neary and Fowler reported on the NARD Washington DC Trip, March 22-24, 2004. They indicated that it was a productive trip and commended the NARD staff for their efforts. Marlin Petermann noted that an issue to keep an eye out for next year is Endangered Species Act reform.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, noted that the LPRCA report was e-mailed to Directors and posted to the P-MRNRD website. He also pointed out that the next meeting of the Lower Platte River Corridor Alliance will be held on Tuesday, April 27, 2004 at 9:30 a.m. at the LPSNRD offices in Lincoln. There will also be a Cumulative Impact Study meeting in the afternoon. He then gave a PowerPoint presentation on the River Obstruction Inventory and Removal Project.

SUBCOMMITTEE REPORTS:

A. Pigeon-Jones Creek Flood/Recreation Site #15 Ad Hoc Consultant Selection Subcommittee: Director Connealy reported that the Ad Hoc Subcommittee had met on April 13, 2004 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 Professional Services Contract with Olsson Associates – Recommendation that the General Manger be authorized to execute a professional services contract with Olsson Associates for the Pigeon-Jones Creek Flood Control/Recreation Site #15 (Phase I) for a not to exceed fee of \$72,014.53, subject to amendments 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 (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Absent	-	Gardner, Jansen, Rubin
Absence Excused	-	Gardner, Jansen, Rubin

B. Missouri Riverfront Trail (NP Dodge Park to Washington County Line) Ad Hoc Consultant Selection Subcommittee: Director Tesar reported that the Ad Hoc Subcommittee met on April 13, 2004 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 Professional Services Contract with HGM Associates – Recommendation that the General Manager be authorized to execute a Professional Services Agreement between the Papio-Missouri River Natural Resources District and HGM Associates, Inc., for the Missouri Riverfront Trail (N.P. Dodge Park to Washington County Line) with a Phase I not to exceed amount of \$83,855.91, subject to amendments 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 on a vote of 7-yea and 1-nay.

Voting Yea - Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Conley (Fred)
Voting Nay - Thompson
Abstaining - None
Absent - Gardner, Jansen, Rubin
Absence Excused - Gardner, Jansen, Rubin

C. Finance, Expenditure and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on April 13, 2004 and gave a brief recap of the meeting.

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

FEL Recommendation #1: Request for Payment from SID 425 (Newport Landing) – Recommendation that the General Manager be authorized to release the final payment of \$345,600 to Horgan Development Company for the public improvements at Dam Site 6.

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

Voting Yea - Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Gardner, Jansen, Rubin
Absence Excused - Gardner, Jansen, Rubin

Director Connealy reported that the subcommittee was briefed on negotiations for acquisition of property for a water tower for the Washington County Rural Water Project #2. No action was required at this time.

D. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee had met on April 13, 2004 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Papio Watershed Partnership Agreement – Recommendation that this item be tabled and that a meeting of the Program, Projects, and Operations Subcommittee, be scheduled for May 12, 2004 at 7:30 p.m., with the Papillion Creek Watershed Partnership as the sole agenda item.

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

Voting Yea - Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson,
Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Gardner, Jansen, Rubin
Absence Excused - Gardner, Jansen, Rubin

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

PPO Recommendation #2: Dakota County Service Center Interlocal Agreement – Recommendation that the General Manager be authorized to execute an Interlocal Cooperation Act Agreement between the Papio-Missouri River NRD and Dakota City for a Natural Resources Center office building in Dakota City, 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 (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson,
Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Gardner, Jansen, Rubin
Absence Excused - Gardner, Jansen, Rubin

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

PPO Recommendation #3.: Urban Cost Share Program Applications – Recommendation that the Recreation Area Development applications from the Village of Arlington for \$45,750, the City of Bellevue for \$37,775, the City of Bennington for \$8,500, the City of Dakota City for \$60,325, the City of Waterloo for \$43,104, and the City of South Sioux City for \$8,358 be approved, and in addition, that the District fund a request from the City of South Sioux City for \$50,000, for a total of \$253,812, subject to funding in the FY 2005 budget; and that the Urban Conservation Assistance Program application from the

City of Omaha for \$25,000 be approved, subject to funding in the FY 2005 budget.

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

Voting Yea - Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Gardner, Jansen, Rubin
Absence Excused - Gardner, Jansen, Rubin

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

PPO Recommendation #4.: Interlocal Cooperation Act Agreement with Washington County – Missouri River Trail Surfacing – Recommendation that the General Manager be authorized to execute an Interlocal Cooperation Act Agreement between the Papio-Missouri River Natural Resources District and the County of Washington, Nebraska, for the asphalt surfacing of the trail from Washington County Line to Boyer Chute 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 (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Gardner, Jansen, Rubin
Absence Excused - Gardner, Jansen, Rubin

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

PPO Recommendation #5.: Wetland Reserve Enhancement Program (WREP) Funding Request – Recommendation that the District Board of Directors support the NRCS’s Wetland Reserve Enhancement Program and approve the execution by the General Manager of a joint application with the Lower Platte South and Nemaha Natural Resources Districts to the Nebraska Environmental Trust, requesting funding for wildlife habitat restoration under the NRCS’s Wetland Reserve Enhancement Program.

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

Voting Yea - Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
 Voting Nay - None
 Abstaining - None
 Absent - Gardner, Jansen, Rubin
 Absence Excused - Gardner, Jansen, Rubin

Director Conley reported that the Subcommittee had been briefed on a request from SID 296, a development in Northeast Douglas County, to hookup to the District's Washington County Rural Water System. No action is required at this time.

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

PPO Recommendation #5.: Cole Creek Floodway Buyout Program – Recommendation that the General Manager be authorized to execute an Addendum to the Cole Creek Flood Mitigation Program Agreement with the City of Omaha, providing for an increase in the District's maximum cost share amount from \$1,000,000 to \$1,400,000 over six years, subject to amendments thereto deemed necessary by the General Manager and approved as to form by District Legal Counsel.

A news clip from Channel 6 regarding the Cole Creek Floodway Buyout Program was shown. Scott McIntyre, City of Omaha Public Works Department, then explained the project further. He displayed a map that indicated the properties that have been purchased. He noted that with the additional funding, offers could be made to additional candidates for the buyout. He also reviewed some of the culvert improvements planned for the area.

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

Voting Yea - Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
 Voting Nay - None
 Abstaining - None
 Absent - Gardner, Jansen, Rubin
 Absence Excused: Gardner, Jansen, Rubin

Director Conley also noted that the Subcommittee was updated on the Western Sarpy/Clear Creek Project. No action is required at this time.

TREASURER'S REPORT:

•• **MOTION NO. 12:** It was moved by Director John Conley and seconded by Director Connealy 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, 2004, 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 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, 2004, 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 (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Absent	-	Gardner, Jansen, Rubin
Absence Excused	-	Gardner, Jansen, Rubin

CHAIRPERSON'S REPORT:

A. Resignation of Director Pete Rubin and Filling Vacancy in Subdistrict #11: Chairperson Fred Conley reported that Pete Rubin had notified the District that he was relocating to California and was resigning from the Board of Directors. The Chairperson pursuant to District Policy 2.1 declared a vacancy in Subdistrict #11.

- **MOTION NO. 13:** It was moved by Director Nichols and seconded by Director Neary that District Policy 2.1 be waived and that the seat be left vacant until after the general election and the duly elected Director from Subdistrict #11 is elected and sworn in as soon as the general election is certified.

There was discussion. Several Directors indicated that they would rather see the Director from Subdistrict #11 seated at the January 13, 2005 Board meeting with the other Directors elected in the general election.

Roll call vote was held on the motion. The motion failed on a vote of 2-yea and 6-nay.

Voting Yea	-	Nichols, Thompson
Voting Nay	-	Conley (John), Connealy, Fowler, Neary, Tesar, Conley (Fred)
Abstaining	-	None
Absent	-	Gardner, Jansen, Rubin
Absence Excused	-	Gardner, Jansen, Rubin

- **MOTION NO. 14:** It was moved by Director John Conley and seconded by Director Connealy that District Policy 2.1 be waived and that the seat be left vacant until after the general election and the duly elected Director from Subdistrict #11 is elected and sworn in at the January, 2005 Board meeting.

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

Voting Yea - Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson,
Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Gardner, Jansen, Rubin
Absence Excused - Gardner, Jansen, Rubin

GENERAL MANAGER'S REPORT: GM Oltmans noted that his report had been posted to the website. The following items were discussed:

- GM Oltmans reported that the Project Cooperative Agreement for the Western Sarpy/Clear Creek Project has been authorized by the Assistant Secretary of the Army. He also reported that a couple of the cabin offers at Beacon View have been accepted.
- Marlin Peter updated the Board on the Missouri River Pedestrian Bridge. He noted that the low bid from Fru-Con Construction Corp., for \$44.9 million was nearly twice the \$22.6 million engineer's estimate. He reported that the bidders would be interviewed via conference call to try to determine what happened. He stated that it looks like some major design changes are needed in order to get the bridge built.
- GM Oltmans distributed a newspaper article from the Omaha World Herald regarding the OPPD power line that will be installed along 72nd Street instead of the Keystone Trail. Director Tesar stated that OPPD could be setting a very dangerous precedent in regards to the esthetic value of property.
- Director Thompson asked about the cracked trail between Center and Blondo Streets. Staff member Gerry Bowen indicated that a consultant has been hired but work has been delayed due to weather conditions. He stated that he hoped to have the report to Directors by May.

INFORMATIONAL ITEMS:

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

April 22, 2004	Earth Day
April 23-24, 2004	ACTivate Omaha at Qwest Center [P-MRNRD will be co-sponsoring a booth with Rotary Club]

April 27, 2004	Lower Platte River Corridor Alliance Quarterly Meeting, Lower Platte South NRD Offices at 9:30 a.m.
April 30, 2004	Arbor Day – Plant Trees!!!
May 4-5, 2004	Water Works, Schramm Park State Recreation Area Directors are welcome!!!!
May 11, 2004	P-MRNRD Subcommittee Meetings
May 12, 2004	Programs, Projects and Operations Subcommittee Meeting To Discuss Papio Creek Watershed Partnership, 7:30 p.m., NRC
May 13, 2004	P-MRNRD Board Meeting
May 22, 2004	Earth Day – Omaha
June 6-8, 2004	National Association of Conservation Districts Northern Plains Regional Meeting, Bismarck, ND
June 6-9, 2004	Water and Natural Resources Tour – Competing Uses for Platte River Water and Basin Development
June 8, 2004	P-MRNRD Subcommittee Meetings
June 10, 2004	P-MRNRD Board Meeting

B. Other Information Items:

- **MOTION NO. 15:** It was moved by Director John Conley and seconded by Director Connealy that the Chairperson send a letter to Peter Rubin thanking him for his many years of service to the Board of Directors, as well as his service to the Nebraska Association of Resources District and the Nebraska Water Policy Task Force.

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

Voting Yea	-	Conley (John), Connealy, Fowler, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Absent	-	Gardner, Jansen, Rubin
Absence Excused	-	Gardner, Jansen, Rubin

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on May 13, 2004 at the NRC.

ADJOURNMENT: Being no further business, the meeting adjourned at 9:16 p.m. by acclamation.

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 April 15, 2004, 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.

Barbara A. Nichols
District Secretary