



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
August 14, 2003**

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 August 14, 2003. The meeting was called to order by the Chairperson, Fred Conley, at 8:05 p.m.

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

John Conley	Barb Nichols
Tim Fowler	Peter Rubin
Melissa Gardner	Rich Tesar
Rich Jansen	Jim Thompson
Joe Neary	Fred Conley

Chairperson Fred Conley noted that Director Connealy had an excused absence.

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Rubin 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), Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	None

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Rubin and seconded by Director Gardner 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 August 14, 2003, Board of Directors Meeting:

Dick Connealy

Agenda Item 6 A. & B.:

BE IT RESOLVED that the July 10, 2003, Papio-Missouri River NRD Board meeting minutes; and the July 9, 2003 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), Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	None

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on August 7, 2003. The District's July, 2003, expenditures were published in the Papillion Times on August 7, 2003. 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: Don Doty, District Conservationist at the NRC office, reported on NRCS activities for the past month. A copy of his report is attached to the file copy of these minutes.

B. Nebraska Association of Resources Districts Report: Director Rubin reminded Directors that the NARD Annual Conference is scheduled for September 21-23, 2003 in Kearney, NE and urged Directors to attend. He also gave a brief report on the Water Policy Task Force.

C. 2003 Annual Water & Natural Resources Tour: GM Oltmans reported that he and Director Nichols represented the District on the tour of the Republican basin. He noted that there is a moratorium on drilling wells in the Republican basin and that there would be continued conflicts between surface and groundwater users. Director Nichols reported that the tour emphasized how important every drop of water is and that this is not a “western Nebraska” problem, but impacts us all.

SUBCOMMITTEE REPORTS:

A. Finance, Expenditures and legal Subcommittee: Director Gardner reported that the FEL Subcommittee had met on August 12, 2003 and gave a brief recap of the meeting

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

FEL Recommendation #1: West Branch Channel Project (84th to 96th Street) Property Exchange with Bellino Properties LLC – Recommendation that the General Manager be authorized to execute (1) an exchange agreement with Bellino Properties, LLC for properties located southeast of 96th Street and Cornhusker Road, calling for a net payment to the District in the amount of \$60,850, in favor of the District and (2) such additional documents to effectuate the transaction as deemed necessary by the General Manager and approved as to form by District Legal Counsel; and, that such agreement and offer be subject to acceptance by Bellino Properties, LLC, within the next 5 months.

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

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

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

FEL Recommendation #2: Final Consideration of Addition of District Policy 16.8 – District Property – Vehicle Replacement Schedule – Recommendation that District Policy 16.8 District Property – Vehicle Replacement Schedule be adopted and incorporated into the District Policy Manual and that such policy be effective commencing with Fiscal Year 2005.

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

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

PUBLIC HEARING -- Papio-Missouri River NRD FY 2004 Budget:

Director Gardner appointed General Manager Oltmans as Hearing Officer. Hearing Officer Oltmans submitted the following exhibits for the record.

- Exhibit 1** - Proof of Publication of Hearing Notice and Budget Summary -- Omaha World-Herald – August 8, 2003
- Exhibit 2** - Agenda
- Exhibit 3** - Fact Sheet - FY 2004 Budget
- Exhibit 4** - P-MRNRD FY 2004 Expenditures/Revenues Pie Chart
- Exhibit 5** - 2003 Tax Levy Comparisons
- Exhibit 6** - FY 2004 Budget Worksheets
- Exhibit 7** - Omaha World Herald Article –NRD to review bigger budget, project plans (July 10, 2003)

Mr. Oltmans then reviewed the proposed budget. The proposed budget calls for total requirements of \$24,091,018.34 (\$24,091,018.34 – general and \$50,000 – sinking funds). The total property tax requirement is \$10,701,211.58. The projected tax levy is 0.0307029. It was noted that the District has not received final valuations from the County Assessors' Offices. These would be available by August 20th. The Board will hold a public hearing at the September 11, 2003 Board meeting to formally set the tax levy for FY 2004. Mr. Oltmans then proceeded with a power point presentation that detailed specific District programs and projects.

Mr. Oltmans then opened the floor to the public. The following individual(s) addressed the Board:

- ◆ Bruce Kevil, representing the Metropolitan Omaha Homebuilder and Nebraska State Homebuilders

There were no further comments.

Hearing Officer Oltmans then closed the Public Hearing and returned the floor to Director Gardner and the FEL Subcommittee report.

- **MOTION NO. 5** It was moved by Director John Conley and seconded by Director Rubin that the following recommendation/resolution be adopted:

PPO Recommendation #3: FY 2004 Budget : Recommendation that the following resolution be adopted:

*** ADOPTION OF FY 2004 BUDGET**

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the budget document attached hereto and incorporated herein by reference, showing Total Requirements of \$24,091,018.34 and Property Tax Requirement of \$10,701,211.59, be and is hereby adopted as the Fiscal Year 2004 budget of the Papio-Missouri River Natural Resources District.

BE IT FURTHER RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hold a Public Hearing to set the Final Property Tax Request and Tax Levy for Fiscal Year 2004 at the September 11, 2003 Board of Directors meeting, after final valuations have been received from Douglas, Sarpy, Dodge, Washington, Burt, Thurston and Dakota Counties.

Amendment It was moved by Director Tesar and seconded by Director Jansen that the
No 1. to the FY 2004 budget reflect a 1% decrease in the budget and a tax levy of
Motion 0.0304217
No. 5

Roll call vote was held on the amendment. The amendment failed on a vote of 5-yea and 5-nay.

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

Roll call vote was held on Motion No. 5. The motion carried on a vote of 8-yea and 2-nay.

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee had met on August 12, 2003 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Western Sarpy/Clear Creek Flood Reduction Project – Project Cooperation Agreement (PCA) with U.S. Army Corps of Engineers – Recommendation that the District authorize the General Manager to sign the Project Cooperation Agreement and adopt the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that: (a) the Western Sarpy/Clear Creek Flood Reduction Project (“the Project”) will provide general benefit to the District with only an incidental special benefit; (b) the General Manager of the District should be, and is hereby, authorized and directed to execute a Project Cooperation Agreement with the Department of the Army, the Lower Platte North Natural Resources District, and the Lower Platte South Natural Resources District for Construction of the Project, in the form as presented to this meeting together with any amendments thereto determined necessary by the General Manager and approved as to form by District Legal Counsel; and, (c) the General Manager should be, and is hereby, authorized to execute such other and further documents that he determines are necessary to effectuate such Project Cooperation Agreement.

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

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

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

PPO Recommendation #2: Lower Platte River Wildlife Management Area Proposal (Jansen Sand Pit Tract) for Environmental Trust Fund Application with Nebraska Game and Parks Commission and Ducks Unlimited – Recommendation that the General Manager be authorized to submit an application to the Nebraska Environmental Trust for the Lower Platte River Wildlife Management Area Project (Jansen Tract).

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

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

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

PPO Recommendation #3.: Grant Application and Agreement with FEMA for the West Papillion Creek Watershed Floodplain Remapping Project – Recommendation that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Pappio-Missouri River Natural Resources District, that the District should apply to the Federal Emergency Management Agency (FEMA) under the FEMA Cooperating Technical Partners (CTP) Program, for CTP grants in the maximum obtainable amount (presently estimated to be \$349,900) towards the cost of mapping activities needed to update the FEMA flood maps for the West Branch Papillion Creek and its tributaries, and should apply for technical assistance, training, data and other assistance available from FEMA under the CTP Program to support such mapping activities; and, be it further resolved, that the General Manager of the District is hereby authorized to execute, for and on behalf of the District, Applications for Federal Assistance for such FEMA CTP grants, a CTP Cooperative Agreement with FEMA, CTP Mapping Activity Statements, and such other applications, assurances, certificates, reports and other documents, and amendments thereto, as the General Manager determines necessary to obtain such CTP grants and other mapping activity assistance from FEMA.

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

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

C. Personnel, Legislative and Public Affairs Subcommittee: Director Barb Nichols reported that the PLPA Subcommittee had met on August 12, 2003 and gave a brief recap of the meeting. She noted that the Subcommittee discussed changes required in the GM's insurance policy and annuity plan to comply with tax codes, etc. No action is required at this time.

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

PLPA Recommendation #2: Amendment to District Policy 17.5 – Information and Education Program to include Environmental Education Grants Program – Recommendation that Board members provide input to Emmett Egr and that the issue to held over for one month.

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

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

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

PLPA Recommendation #2: Establish GM Goals for FY 2004 – Recommendation that the General Manager's goals for FY 2004 be adopted as written.

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

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

TREASURER'S REPORT:

- **MOTION NO. 11:** It was moved by Director John Conley and seconded by Director Rubin 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 July, 2003, 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 rural water supply project and the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy/Clear Creek operating accounts the project bills listed on the July, 2003, 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), Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - None

CHAIRPERSON’S REPORT: Chairperson Fred Conley noted that he had received letters from the Cities of Omaha, Ralston, Bellevue, Papillion and LaVista and Douglas and Sarpy Counties asking the District to reconsider appointing an Ad-Hoc Consultant Selection Subcommittee to Develop a Stormwater Fee System on behalf of the Papillion Creek Watershed Partnership. Copies of the letters are attached to the file copy of the minutes. Chairperson Conley then noted that there were several people who wished to address the Board regarding this issue. He stated that he would like to conduct this similar to a legislative hearing and have the proponents address the Board and then the opponents. The Chairperson asked Marlin Petermann to give a history of the Papillion Creek Watershed Partnership and to give the Board some background information.

After Mr. Petermann’s presentation the Chairperson then called for proponents to address the Board. The following individuals addressed the Board:

- ◆ Norm Jackman, representing the City of Omaha
- ◆ Mark Wayne, representing Sarpy County
- ◆ Joe Soucie, representing the City of LaVista
- ◆ Mike Parizek, representing Lake Candlewood Homeowners

The Chairperson then called for opponents to address the Board. The following individuals addressed the Board:

- ◆ Mike Friend, State Senator – District #10
- ◆ Larry Ruth, representing Nebraska Association of Commercial Property Owners (a copy of the membership list is attached to the file copy of the minutes.)

- ◆ Shannon Anderson, representing Alegent Health
- ◆ Korby Gilbertson, representing Radcliff and Associates
- ◆ Doug Napp, representing Fremont Public Schools
- ◆ Rich Juro, representing No Frills Supermarkets and Nebraska Grocery Industry Assn.
- ◆ Kathy Siefken, representing Nebraska Grocery Industry Association
- ◆ Jim Otto, representing Nebraska Retail Federation
- ◆ Jim Bonaiuto, Executive Director of Nebraska Association of School Boards
- ◆ Roger Keetle, representing Nebraska Hospital Association
- ◆ Bruce Kivel, representing Nebraska State Homebuilders Association and Metropolitan Omaha Homebuilders Association
- ◆ Jim Cunningham, representing Nebraska Catholic Conference

The Chairperson also noted that the District had received letters in opposition from the following:

- ◆ Nebraska Bankers Association
- ◆ National Federal of Independent Business – Nebraska
- ◆ Investors Realty, Inc.
- ◆ Nebraska Chamber of Commerce & Industry
- ◆ Slosburg Real Property
- ◆ Alpine Village
- ◆ Bristol Square
- ◆ Inwood Village Apartments
- ◆ Kensington Woods Apartments
- ◆ Tanglewood Apartments
- ◆ The Inverness Apartments
- ◆ Latvian Village Apartments
- ◆ The Vanderbilt Apartments
- ◆ Lenox Village Apartments
- ◆ Lions Head Apartments
- ◆ The Biltmore
- ◆ Embassy Park Apartments
- ◆ Breckenridge
- ◆ Lions Gate Apartments
- ◆ Nebraska Catholic Conference
- ◆ Nebraska Trucking Association
- ◆ Lincoln Chamber of commerce
- ◆ Association of Independent Colleges and Universities of Nebraska
- ◆ Nebraska Retail Federal
- ◆ Nebraska Telecommunications Association
- ◆ Nebraska Petroleum Marketers & Convenience Store Association, Inc.
- ◆ Alegent Health

Copies of these letters are attached to the file copy of these minutes.

There were several questions and extended discussion.

- **MOTION NO. 12** It was moved by Director John Conley and seconded by Director Rubin that the appointment of an Ad-Hoc Consultant Selection Subcommittee to Develop a Stormwater Fee system on behalf of the Papillion Creek Watershed Partnership be tabled until the October 9, 2003, Board meeting.

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

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

- **MOTION NO. 13** It was moved by Director Neary and seconded by Director Tesar that the Board not reconsider the study at this time until a passage of LB 32 or similar legislation or new circumstances or something material occurs.

There was discussion. Director Nichols suggested that this not be tied to the actual legislation. Director Neary asked that he be allowed to restate his motion.

- **MOTION NO. 13**
(RESTATED) It was moved by Director Neary that we not reconsider the appointment of the Consultant Selection Subcommittee at this time and that it could be reconsidered if we have new material information.

Director Tesar stated that he was withdrawing his second because he had a major concern regarding reconsideration if there was new material information. He stated there was no definition of what new material information was and felt this was very arbitrary.

Director Neary withdrew his motion.

Paul Peters, District Legal Counsel, stated that even though the motion was stated in a manner that would preclude the Board from considering the issue, the Board cannot bind itself or future Boards by its actions.

- **MOTION NO. 14** It was moved by Director Tesar and seconded by Director Neary that the Board not appoint an Ad-Hoc Consultant Selection Subcommittee to Develop a Stormwater Fee.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 4-nay.

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

Excused Absence - Connealy
Absent - None

GENERAL MANAGER'S REPORT: GM Oltmans noted that Directors had received a copy of his written report. A news clip from Channel 42 regarding a Western Sarpy/Clear Creek cabin owners Public Meeting held at Gretna on July 30th was shown:

INFORMATIONAL ITEMS:

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

Sept. 1, 2003	Labor Day, P-MRNRD Offices Closed
Sept. 4, 2003	Water Quality Open, Quarry Oaks
Sept. 9, 2003	P-MRNRD Subcommittee Meetings
Sept. 11, 2003	P-MRNRD Board Meeting, Dakota City, NE (Public Hearing to Set FY 2004 Tax Levy will be held as a portion of the meeting.)
Sept. 21-23, 2003	NARD Annual Conference, Kearney, NE
Oct. 7, 2003	P-MRNRD Subcommittee Meetings
Oct. 9, 2003	P-MRNRD Board Meeting

B. Other Information Items: None

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on September 11, 2003, in Dakota City, NE.

ADJOURNMENT:

Being no further business, the meeting adjourned at 11:00 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 August 14, 2003, 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