PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
August 10, 2006
MINUTES

PLEDGE OF ALLEGIANCE

NOTIFICATION OF OPEN MEETINGS ACT POSTING

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 10, 2006. 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:

Fred Conley               Dorothy Lanphier
John Conley               Rick Patterson
Rich Jansen               John Schwope
Rick Kolowski             Jim Thompson

ADOPTION OF AGENDA:

•• MOTION NO. 1: It was moved by Director Fred Conley and seconded by Director Kolowski that the agenda be adopted.

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

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

ADOPTION OF CONSENT AGENDA:

•• MOTION NO. 2: It was moved by Director Kolowski 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 August 10, 2006, Board of Directors Meeting:

- Dick Connealy
- Tim Fowler
- Rich Tesar

**Agenda Item 7 A:**

BE IT RESOLVED that the July 13, 2006, Papio-Missouri River NRD Board meeting minutes be approved as printed.

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

**Voting Yea** - Conley (Fred), Conley (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Thompson

**Voting Nay** - None

**Abstaining** - None

**Excused Absence** - Connealy, Fowler, Tesar

**Absent** - Connealy, Fowler, Tesar

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on August 3, 2006. The District's June, 2006, expenditures were published in the Douglas County Gazette on August 8, 2006. 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:** Verlon Barnes, NRCS District Conservationist at the NRC office in Omaha, reported on Natural Resources Conservation Service activities for the past month. The NRCS Report is posted to the District website.

B. **Lower Platte River Corridor Alliance Report:** Rodney Verhoeff, LPRCA Coordinator, distributed copies of the LPRCA monthly report and information regarding the LPRCA Water Quality Open Golf Tournament at Quarry Oaks Golf Course to be held on August 22, 2006. He also reminded Directors of the LPRCA River Summit at Swanson Retreat Center located at Camp Carol Joy Holling on September 19, 2006 from 12:00 noon to 7:30 p.m.

**PUBLIC HEARING - P-MRNRD FY 2007 BUDGET:**

Chairperson Thompson appointed Acting General Manager Petermann as Hearing Officer. Hearing Officer Petermann submitted the following exhibits for the record.
Mr. Petermann then reviewed the proposed budget. The proposed budget calls for total requirements of $37,380,156.58 ($37,330,156.58 – general and $50,000 – sinking funds). The total property tax requirement is $16,608,383.19. The projected tax levy is 0.038872. 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 Board meeting to formally set the tax levy for FY 2007. Mr. Petermann then reviewed specific District programs and projects.

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

- Shawn Melotz, 10404 N. 132nd St., Omaha, NE
- Mike Ryan, 11130 Jackson St., Omaha, NE
- Jennifer Andersen, 7272 County Road 25, Kennard, NE

There were no further members of the public who commented.

Hearing Officer Petermann then closed the Public Hearing and returned the floor to Chairperson Thompson.

**SUBCOMMITTEE REPORTS:**

A. **Ad Hoc General Manager Selection Subcommittee:** Director Kolowski reported that the Ad Hoc Subcommittee met on August 3, 2006 to review applications for the General Manager position. The Ad Hoc Subcommittee’s next step will be to work on reference checks, which should be completed by late August.

B. **Programs, Projects and Operations Subcommittee:** Director John Conley reported that the PPO Subcommittee met on August 8, 2006 and he gave a brief recap of the meeting.

**MOTION NO. 3**

It was moved by Director John Conley and seconded by Director Schwroe that the following recommendation be adopted:

**PPO Recommendation #1** Feasibility Studies Cost Share Request from Florence Futures – Recommendation that the request from the Florence Futures Development Group for a contribution of $25,000 to a feasibility study be approved, that the District appoint a member to serve on the Florence Future Board of Directors, and that the requested expenditure of $25,000 be assigned to the Missouri River Trail Construction account (#07 08 4410) in the FY07 Budget.
Jim Suttle and Linda Miegs, representing the Florence Futures Board, addressed the Board and answered several questions. Mike Ryan addressed the Board in opposition to this request.

Roll call vote was held on the motion. The motion carried on a vote of 5-yea, 2-nay and 1-abstain.

Voting Yea - Conley (Fred), Conley (John), Kolowski, Schwope, Thompson
Voting Nay - Jansen, Patterson
Abstaining - Lanphier
Excused Absence - Connealy, Fowler, Tesar
Absent - Connealy, Fowler, Tesar

**MOTION NO. 4**

It was moved by Director John Conley and seconded by Director Fred Conley that the following recommendation be adopted:

**PPO Recommendation #2**  
Camp Ashland River Obstruction Removal Project Interlocal Agreement – Recommendation that the Acting General Manager be authorized to execute an Interlocal Agreement for the Camp Ashland River Obstruction Removal Project.

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

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

**MOTION NO. 5**

It was moved by Director John Conley and seconded by Director Lanphier that the following recommendation be adopted:

**PPO Recommendation #3**  
Groundwater Management Plan - Eastern Nebraska Water Resources Assessment Project – Recommendation that the Acting General Manager be authorized to submit a letter of support, including a contribution of $15,000, for the Eastern Nebraska Water Resources Assessment Project.

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

Voting Yea - Conley (Fred), Conley (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy, Fowler, Tesar
Absent - Connealy, Fowler, Tesar
• •  **MOTION NO. 6**  It was moved by Director John Conley and seconded by Director Fred Conley that the following recommendation be adopted:

*PPO Recommendation #4*  Agreement with Nebraska Land Trust – Recommendation that the Agreement Between Papio-Missouri River Natural Resources District and Nebraska Land Trust for Cooperative Assistance, calling for a payment by the District in the amount of $5,000.00, be approved in the form as presented to the Subcommittee, and that the Acting General Manager be authorized to execute the Agreement for and on behalf of the District.

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

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

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

*PPO Recommendation #5*  Cost-Sharing with Sarpy County and Briarcliff/Cinnamon Estates Homeowners Associations to Pave Segment of Cornhusker Road to Chalco Hills – Recommendation that the District share with Sarpy County and the Briarcliff/Cinnamon Estates Homeowners Associations one-third of the total cost of construction of the proposed Cornhusker Road/West Parking Lot paving project, up to a maximum District contribution of $21,667.

Tyler Mohr, 12101 Pawnee Road, Omaha, NE, addressed the Board in opposition to this request.

Roll call vote was held on the motion. The motion carried on a vote of 7- yea and 1-nay.

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

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

*PPO Recommendation #6*  Applications to the Nebraska Department of Roads for Federal Transportation Enhancement Program Funds – Recommendation that the resolutions, as presented to the Subcommittee, seeking
Roll call vote was held on the motion. The motion carried unanimously.

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

**MOTION NO. 9**

It was moved by Director John Conley and seconded by Director Kolowski that the following recommendation be adopted:

**PPO Recommendation #7**

Elkhorn River Public Access Site at West Dodge Road – Recommendation that the following resolution be adopted:

BE IT RESOLVED that the Papio-Missouri River NRD be the applicant for federal and state aid program grants for development of the Elkhorn River Public Access Site at West Dodge Road in Douglas County, Nebraska, and furthermore:

1. The Papio-Missouri River Natural Resources District of Nebraska is applying for federal assistance from the Recreational Trails Program, Land & Water Conservation Fund and the Trails Development Assistance Fund for the purpose of developing the Elkhorn River Public Access site at West Dodge Road in Douglas County, Nebraska.

2. The Acting General Manager of the Papio-Missouri River NRD of Nebraska is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contract or other documents that are required by the State of Nebraska, the National park Service, or the Federal Highway Administration.

3. The Papio-Missouri River NRD of Nebraska currently has the written commitment for the local matching share for the project elements that are identified on the Application form and the Supplemental Documents and will, as it becomes necessary, allocate the local funds for this project.
4. The Papio-Missouri River NRD of Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner.

5. The Papio-Missouri River NRD of Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

6. The Papio-Missouri River NRD of Nebraska will comply with all rules and regulations of the Recreational Trails Program, Land & Water Conservation Fund and Tails Development Assistance Fund, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project. The Papio-Missouri River NRD of Nebraska will replace land in the event of a conversion in use in accordance with Section 6 (f) (3) of the Land and Water Conservation Fund Act of 1965, as amended.

7. The Papio-Missouri River NRD of Nebraska will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the American with Disability Act of 1991.

8. All paperwork may be signed by the project sponsor, but the Resolution MUST be signed by the Board Chairperson.

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

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

**MOTION NO. 10**  It was moved by Director John Conley and seconded by Director Schwope that the following recommendation be adopted:
PPO Recommendation #8  Interior Painting Contract for Dakota County Rural Water Project

– Recommendation that the firm of Tri-Brothers Contracting be awarded the contract in the bid amount of $39,500.00 for the painting of the interior of the Dakota County Rural Water elevated reservoir.

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

Voting Yea - Conley (Fred), Conley (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Thompson

Voting Nay - None

Abstaining - None

Excused Absence - Connealy, Fowler, Tesar

Absent - Connealy, Fowler, Tesar

**MOTION NO. 11**

It was moved by Director John Conley and seconded by Director Fred Conley that the following recommendation be adopted:

PPO Recommendation #9  Cooperating Technical Partners Grant Application and Agreements for Detailed Floodplain Map Scoping of Douglas, Sarpy, Washington and Dakota Counties

– Recommendation that the following resolution be adopted by the Board:

BE IT RESOLVED by the Board of Directors of the Papio-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 $140,000) towards the cost of activities needed to produce detailed scoping of Douglas, Sarpy, Washington, and Dakota County, 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 Acting General Manager of the District is hereby authorized to carry out the Detailed Scoping Project and 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 Acting 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 (Fred), Conley (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Thompson

Voting Nay - None
Director John Conley also noted that the Subcommittee was briefed on the Papillion Creek Watershed Partnership Stormwater Policies Public Forum that was held on July 20, 2006. No action required at this time.

C. Finance, Expenditures and Legal Subcommittee: Chairperson Thompson reported that the FEL Subcommittee met on August 8, 2006 and he gave a brief recap of the meeting.

•• MOTION NO. 12 It was moved by Director Thompson and seconded by Director Kolowski that the following recommendation be adopted:

FEL Recommendation #1 Adoption of FY 2007 Budget – Recommendation that the following resolution be adopted:

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 $37,380,156.58 ($37,330,156.58 – general and $50,000 – sinking fund) and Property Tax Requirement of $16,608,383.19, be and is hereby adopted as the Fiscal Year 2007 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 2007 at the September 14, 2006, Board of Directors meeting, after final valuations have been received from Douglas, Sarpy, Dodge, Washington, Burt, Thurston and Dakota Counties.

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

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

•• MOTION NO. 13 It was moved by Director Thompson and seconded by Director John Conley that the following recommendation be adopted:

FEL Recommendation #2 Amendments to District Policy 2.1 Directors – Vacancies – Recommendation that the following amendment to District Policy 2.1 (“Directors – Vacancies”) lay on the table for one month
pursuant to District Policy 1.5, with final consideration at the September 14, 2006 Board Meeting:

2.1 Directors - Vacancies. Sec. 2-3215 R.R.S., 1943, governs when a vacancy exists in the office of director. Unless the Board elects to use a different procedure, any such vacancy shall be filled in the following manner: (1) Notice of such vacancy shall be given by the Chairperson to the Board at the first regular meeting of the Board after notification has been received by the Chairperson of the vacancy; (2) the General Manager then shall publish notice of such vacancy and in such notice request that persons interested in being considered for appointment to the position submit a letter of application to the Board no later than two weeks prior to the next regular meeting of the Board; and, (3) at such next regular meeting of the Board candidates may appear before the Board, and, at such meeting, from such slate of applicants, the Board shall nominate two persons by secret ballot, and by majority resolution either elect one of such nominees to fill such vacancy or order the General Manager to re-publish such notice of such vacancy.

[December 5, 1986; September 14, 2006]

There was discussion. Chairperson Thompson directed staff to investigate how other local governmental agencies handle filling vacancies.

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

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

MOTION NO. 14 It was moved by Director Thompson and seconded by Director Fred Conley that the following recommendation be adopted:

FEL Recommendation #3 Review of District Vehicle Use Policy – Recommendation that the Subcommittee table the recommendation on automobile usage for one more month.

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

Voting Yea - Conley (Fred), Conley (John), Jansen, Kolowski, Lanphier, Patterson, Schwoppe, Thompson
Voting Nay - None
Abstaining - None
TREASURER'S REPORT:

Chairperson Thompson noted that Shawn Melotz had signed in to speak to this agenda item. Ms. Melotz addressed the Board with questions regarding the financial report.

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the July, 2006, 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 July, 2006, 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), Jansen, Kolowski, Lanphier, Patterson, Schwope, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy, Fowler, Tesar
Absent - Connealy, Fowler, Tesar

CHAIRPERSON’S REPORT:

A. Appointment of Standing Subcommittees: Chairperson Thompson noted that Directors had received a copy of his suggestions for Standing Subcommittees, which were as follows
MOTION NO. 16: It was moved by Director John Conley and seconded by Director Fred Conley 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 unanimously.

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

B. Appointment of Ad Hoc Consultant Selection Subcommittee (Hwy 50 to Chalco Hills): Chairperson Thompson appointed the following Directors to the Ad Hoc Subcommittee:

Rich Jansen, Chairperson
John Conley
Rick Kolowski
Dorothy Lanphier
John Schwope
Chairperson Thompson stated that because of the inherent qualities of hybrid vehicles in terms of higher gas mileage and more importantly, lower emissions and less pollution, he was directing the Acting General Manager to perform a review of the types of hybrid vehicles currently available and those coming into the market, with the intent of determining if any of these vehicles could be utilized in the District’s fleet. This review is not intended to circumvent the existing vehicle replacement cycle. Such review to be completed in 4 months. Additionally, the Chairperson directed the District representative to the Nebraska Association of Resources Districts to bring this concept to the attention of the NARD as a friendly suggestion, and that other NRDS also should be encouraged to review their fleet of vehicles for the potential of converting to hybrid technology.

**GENERAL MANAGER'S REPORT:** Acting GM Petermann noted that his report had been posted to the website and asked Directors to contact him if there were any questions. A news clip from Channel 6 regarding the Public Forum held on July 20th was shown. He also reminded Directors that the September 14th Board meeting would be held at the Natural Resources Center in Dakota City. A tour of projects is being planned. Details are forthcoming.

**INFORMATIONAL ITEMS:**

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

- **August 17, 2006** Reservoir Sites 1 & 3C Preliminary Study Steering Committee Meeting, 7:00 p.m. at Blair City Offices
- **August 22, 2006** LPRCA Water Quality Open, Quarry Oaks
- **August 31, 2006** Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
- **September 6, 2006** LPRCA Quarterly Meeting, 10:00 a.m., Lower Platte North NRD Offices, Wahoo, NE
- **September 12, 2006** P-MRNRD Subcommittee Meetings
- **September 13-14, 2006** Joslyn Castle Institute/Nebraska Innovation Zone Commission Seminar, SAC Museum
- **September 14, 2006** P-MRNRD Board Meeting (Meeting will be held at the Natural Resources Center in Dakota City, NE. Public Hearing to Set Tax Levy for FY 2007 pursuant to state statutes and the adopted budget at the August 10, 2006 Board meeting and receiving final property tax valuations in late August.)
- **September 19, 2006** LPRCA Summit, 11:00 a.m. – 7:00 p.m., Carol Joy Holling Camp, Swanson Retreat Center, Ashland, NE
B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on September 14, 2006 at the NRC, Dakota City, NE.

ADJOURNMENT: Being no further business, at 10:07 p.m. the Chairperson declared that the meeting was adjourned.

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 10, 2006, 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.

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Richard Tesar
District Secretary