

**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
December 9, 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. 154<sup>th</sup> Street, Omaha, NE on December 9, 2004. The meeting was called to order by Vice-Chairperson, Dick Connealy, 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	

**ADOPTION OF AGENDA:**

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director John Conley and seconded by Director Thompson 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 December 9, 2004 Board of Directors Meeting:

Rich Jansen

Agenda Item 6 A.:

BE IT RESOLVED that the November 18, 2004, 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 (John), Fowler, Neary, Nichols, Tesar, Thompson, Connealy
Voting Nay	-	None
Abstaining	-	None
Absent	-	Conley (Fred), Jansen
Absence Excused	-	Jansen

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on December 2, 2004. The District's October, 2004, expenditures were published in the Papillion Times on December 2, 2004. 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: Lynn Heng, NRCS District Conservationist at the NRC office, reported on Natural Resources Conservation Service activities for the past month. He indicated that Janet Thomas had been hired to fill the vacant Civil Engineering Tech position in South Sioux City and that Dave Bedlan was hired to fill the Resource Conservationist position in Tekamah. They both will be reporting for duty on December 27<sup>th</sup>. The NRCS Report is posted to the District website.

B. Nebraska Association of Resources District Report: Director Tesar reported that he had attended the NARD Board meeting on November 15, 2004 in Chadron, NE and noted that the main topic of discussion was trees and tree planting programs. He then shared an educational tool designed by the Upper-Niobrara White NRD to promote the NRD and water issues. He also announced that the NARD Legislative Conference would be held January 25-26, 2004 at the Embassy Suites in Lincoln, NE. He urged Directors to attend.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, distributed the November LPRCA and noted that the report was posted to the P-MRNRD website. He also reminded Directors of the LPRCA Retreat to be held on January 21, 2005 from 9:00 a.m. – 3:00 p.m. at Camp Kitaki.

**SUBCOMMITTEE REPORTS:**

A. Western Douglas County Trails Ad Hoc Consultant Selection Subcommittee: Director Tesar reported that the Ad Hoc Subcommittee met on December 2, 2004 and gave a brief recap of the meeting.

•• **MOTION NO. 3** It was moved by Director Tesar and seconded by Director Neary that the following resolution be adopted:

*Ad Hoc Recommendation #1.* Recommendation that Ehrhart Griffin and Associates be ranked as the first choice firm with which to negotiate a contract to provide professional engineering services for the Western Douglas County Trails Project, that HGM Associates be ranked second, and that BCDM, Inc. be ranked third.

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

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

B. Silver Creek Watershed Project Ad Hoc Consultant Selection Subcommittee: Director John Conley reported that the Ad Hoc Subcommittee met on December 7, 2004 and gave a brief recap of the meeting.

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

*Ad Hoc Recommendation #1.* Recommendation that the proposed professional services contract for the Silver Creek Watershed Acceleration Plan with Olsson Associates be approved subject to approval as to form by District Legal Counsel.

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

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

C. Joint Programs, Projects and Operations and Finance, Expenditures and Legal Subcommittee: Director John Conley reported that the Joint PPO/FEL Subcommittee met on December 7, 2004 and gave a brief recap of the meeting.

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

*Joint PPO/FEL Recommendation #1* Bids for Picnic “A” Trail Reconstruction and NRC Patio Improvements at Chalco Hills Recreation Area – Recommendation that the General Manager be authorized to execute a construction contract with Navarro Enterprise in the amount of \$88,237.27 for the Chalco Hills Recreation Area Picnic “A” Trail and the Natural Resources Center Patio Improvement Project.

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

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

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

*Joint PPO/FEL Recommendation #2* Interlocal Agreement with P-MRNRD and City of Blair to Develop Cost Share on Master Plan for Public Access at California Bend – Recommendation that the General Manager be authorized to execute an interlocal agreement with the City of Blair to develop a Recreational Master Plan for the California Bend Fish and Wildlife Restoration Project, and that the \$13,000 estimated cost of the Master Plan be equally split between the District and the City of Blair, with the District’s share not to exceed \$6,500, subject to changes deemed necessary by the General Manager and approved as to form by the District’s Legal Counsel.

Edmond Talbot, Washington County Attorney, explained to the Board why the County decided not to participate in the master plan. He stated some land owners who had granted easements for the project were concerned about opening California Bend to the public. There were also concerns regarding law enforcement and maintaining the road. GM Oltmans noted that the Interlocal Agreement had been initiated by the City of Blair.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 1-nay.

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

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

*Joint PPO/FEL Recommendation #3.a. Papio Dam Site 13 Project:*

- a. Engineering Services Contract with HDR Engineering, Inc. – Recommendation that the General Manager be authorized to execute a professional services contract for the Dam Site 13 Project with HDR Engineering, Inc., for a maximum, not-to-exceed fee of \$426,311, 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), Fowler, Neary, Nichols, Tesar, Thompson, Connealy  
Voting Nay - None  
Abstaining - None  
Absent - Conley (Fred), Jansen  
Absence Excused - Jansen

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

*Joint PPO/FEL Recommendation #3.b&c Papio Dam Site 13 Project:*

- b.&c. Purchase Agreement for Lyman-Richey Corp. Property  
and  
Purchase Agreement to Sell the Western 2.88 Acres of the Lyman-Richey Corp. Property to Dial Realty Corp. [Executive Session, if needed]:

Recommendation that the General Manager be authorized to execute (1) a Purchase Agreement with Lyman Richey Corporation providing for the District's voluntary purchase of land and easements needed for the Dam Site

13 project for the price of \$1,286,000, and (2) a Purchase Agreement with Dial Development Corporation providing for the sale of the western 2.88 acres to Dial Development Corporation for the sum of \$544,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

The following individuals addressed the Board regarding this issue:

- ❖ Bob Welstead, representing Dial Realty
- ❖ Doug Kagan, representing the Nebraska Taxpayers for Freedom (A copy of Mr. Kagan's statement is attached to the file copy of the minutes.)
- ❖ Tyler Mohr, 12101 Pawnee Road, Omaha, NE
- ❖ Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE

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

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

Director John Conley noted that the Board needed go into Executive Session to discuss Western Sarpy/Clear Creek Flood Reduction Project right of way issues.

- **MOTION NO. 9** It was moved by Director John Conley and seconded by Director Tesar that the Board go into Executive Session to discuss right of way issues for Western Sarpy/Clear Creek Flood Reduction Project – Sarpy County Riverside Cabins Purchase Agreements.

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

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

The Board went into Executive Session at 8:40 p.m.

The Board returned to Regular Session at 8:55 p.m.

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

BE IT RESOLVED that the General Manager be, and is hereby, authorized and directed to execute for and on behalf of the District a purchase agreement between the District and Herbert Grothe and Nancy Grothe providing for the purchase by the District of the Grothe's cabin site, and all structures, fixtures, equipment and other property permanently attached to the premises, with no salvage rights, for the sum of \$82,000 for the Western Sarpy/Clear Creek Project.

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

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

- **MOTION NO. 11** It was moved by Director John Conley and seconded by Director Tesar that the following resolution be adopted:

BE IT RESOLVED THAT the General Manager be authorized to offer Peggy Vosler an amount not to exceed \$300,000, with no salvage rights, for the Western Sarpy/Clear Creek Project.

Roll call vote was held on the motion. The motion carried on a vote of 4-yea and 3-nay.

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

**TREASURER'S REPORT:**

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

**CHAIRPERSON’S REPORT:**

A. Attendance at Upcoming Meetings: Vice-Chairperson Connealy pointed out the following meetings to be held in the near future:

1. National Association of Conservation Districts Annual Conference, Feb. 5-9, 2005, Atlanta, GA
2. NARD Washington, D.C., Conference, March 14-16, 2005

He indicated that Chairperson Jansen would be announcing who would be representing the District at these meetings.

B. P-MRNRD Employee Awards: The following P-MRNRD employees were recognized for their years of service with the District:

- ❖ **Tom Pleiss**, Groundskeeper at Walnut Creek Rec Area) 5 years
- ❖ **Dennis Piper**, Field Rep at Walthill 10 years
- ❖ **Randy Hummel**, Water Supply Superintendent – DCRW 15 years
- ❖ **Jim Becic**, Environmental Coordinator 20 years
- ❖ **Gerry Bowen**, Natural Resources Planner 20 years
- ❖ **Keith Butcher**, Heavy Equipment Operator 20 years
- ❖ **Pat Teer**, Administrative Coordinator 25 years
- ❖ **Marlin Petermann**, Assistant General Manager 30 years
- ❖ **Dick Sklenar**, Special Projects Coordinator 30 years

**GENERAL MANAGER'S REPORT:** GM Oltmans noted that his report had been posted to the website and asked Directors to contact him if there were any questions. The updated overview of the District was shown. He also announced that the Household Hazardous Waste Recycling Center at 120<sup>th</sup> and F Streets would be open in February, 2005. The updated trails map was distributed. He also updated the Board on the Western Sarpy/Clear Creek Project funding and the repairs to the cracked trail between Center and Blondo Streets.



## **INFORMATIONAL ITEMS:**

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

December 24, 2004	Christmas Holiday – P-MRNRD Offices Closed
December 31, 2004	New Years Holiday – P-MRNRD Offices Closed
January 11, 2005	P-MRNRD Subcommittee Meetings
January 13, 2005	P-MRNRD Board Meeting
January 17, 2005	Marlin Luther King Day – P-MRNRD Offices Closed
January 20, 2005	Watershed by Design Meeting, 7:00 p.m., NRC
January 21, 2005	Lower Platte River Corridor Alliance Retreat, Camp Kitaki (east of South Bend, NE), 9:00 a.m. – 3:00 p.m. Deadline for registration is December 31, 2004. Please let Pat Teer know if you plan to attend.
January 25-26, 2005	NARD Legislative Conference, Embassy Suites, Lincoln, NE
February 3-6, 2005	P-MRNRD Booth at Omaha Home and Garden Show, Qwest Center
Feb. 5-9, 2005	National Association of Conservation Districts Annual Meeting, Atlanta, GA
Feb 8, 2005	P-MRNRD Subcommittee Meetings
Feb. 10, 2005	P-MRNRD Board Meeting
Feb. 17, 2005	Watershed by Design Meeting, 7:00 p.m., NRC
March 8, 2005	P-MRNRD Subcommittee Meetings
March 9, 2005	Metro Regional Enviothon Competition, NRC
March 9-10, 2005	P-MRNRD Booth at Triumph of Ag Expo, Qwest Center
March 10, 2005	P-MRNRD Board Meeting
March 14-16, 2005	Nebraska Association of Resources Districts Washington DC Conference

B. Other Information Items: Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE, presented the Board with a letter with some follow up questions regarding the CY 2004 Audit. A copy of Ms. Melotz's letter is attached to the file copy of the minutes.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on January 13, 2005, at the NRC

**ADJOURNMENT**: Being no further business, the meeting adjourned at 9:30 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 December 9, 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.

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Richard Tesar  
District Secretary