



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
December 14, 2006
MINUTES**

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 Street, Omaha, NE on December 14, 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
Tim Fowler	John Schwope *
Rich Jansen	Rich Tesar
Rick Kolowski	Jim Thompson

* Not present for quorum call, but attended meeting.

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Fred Conley and seconded by Director Jansen that the agenda be adopted.

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Jansen and seconded by Director Fred Conley 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 14, 2006, Board of Directors Meeting:

Dick Connealy

Agenda Item 7 A.:

BE IT RESOLVED that the November 16, 2006, Pappio-Missouri River NRD Board meeting minutes; the November 8, 2006 Dakota County Rural Water Advisory Board meeting minutes; and the December 6, 2006 Thurston 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 (Fred), Conley (John), Fowler, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy, Schwoppe

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on December 7, 2006. The District's October, 2006, expenditures were published in the Dakota County Star on December 7, 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 Report: Verlon Barnes, District Conservationist at the Omaha NRCS office, reported on NRCS activities for the past month. He reviewed the Memorandum of Understanding between the District and the NRCS. A copy of his report is posted to the website.

B. Nebraska Association of Resources Districts Report: Director Tesar reminded Directors of the NARD Legislative Conference to be held January 23-24, 2007 at the Embassy

Suites in Lincoln, NE. He also reported that Justin Apel is leaving his position as NARD Information/Program Director. Close out date for applications is December 29th.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator, reported on Alliance activities. He reminded the Board of the LPRCA Retreat that would be held on December 19, 2006 at Camp Kitaki and invited Directors to attend. He reported that Phase 1 of the Camp Ashland River Obstruction Removal Project is complete. Six additional supports remain and are expected to be removed next year during phase 2 of the project.

PUBLIC HEARING ON PAPIO CREEK WATERSEHD STRUCTURES S-27, S-31 AND S-32 REHABILITATION PROJECT

Chairperson Thompson appointed General Manager John Winkler as Hearing Officer. Hearing Officer Winkler submitted the following exhibits for the record.

- Exhibit No. 1. Project Location Map (S-27, S-31, S-32)
- Exhibit No. 2. Project Plans (S-27)
- Exhibit No. 3. Project Plans (S-31)
- Exhibit No.4. Project Plans (S-32)
- Exhibit No. 5. Final Watershed Plan Supplement No. 7 and Environmental Assessment for Rehabilitation of Grade Stabilization Structures S-27, S-31 and S-32
- Exhibit No. 6. November 17, 2006 Omaha World Herald Legal Notice
- Exhibit No. 7. November 15, 2006 Letter to Landowners (Certified mail)
- Exhibit No. 8. Certified mail receipts for letters to Landowners
- Exhibit No. 9. Notice of Proposed Acquisition
- Exhibit No. 10. Land Rights Summary Table and Metes and Bounds Descriptions for Structure S-27
- Exhibit No. 11. Land Rights Acquisition Map for Structure S-27
- Exhibit No. 12. Land Rights Summary Table and Metes and Bounds Descriptions for Structure S-31
- Exhibit No. 13. Land Rights Acquisition Map for Structure S-31
- Exhibit No. 14. Land Rights Summary Table and Metes and Bounds Descriptions for Structure S-32
- Exhibit No. 15. Land Rights Acquisition Map for Structure S-32

District legal counsel Paul Peters then gave a presentation of the legal aspects of the hearing. Martin Cleveland, project manager, then showed a PowerPoint presentation explaining the nature and necessity for the project. He also showed site maps indicating the land required to permit the District to construct, operate and maintain the modified and rehabilitated structures.

Hearing Officer Winkler then opened the floor to the public. The following individual(s) addressed the Board:

- Douglas Kuhlman, 7906 W. 153 St., Overland Park, KS (speaking for landowner Kenneth Kuhlman at S-32)

There were no further comments. GM Winkler relinquished the floor to Chairperson Thompson.

SUBCOMMITTEE REPORTS:

A. MoPac Trail (Hwy 50 to Chalco Hills) Ad Hoc Consultant Selection Subcommittee:
Director Jansen reported that the Ad Hoc Subcommittee met on December 12, 2006 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 BE IT RESOLVED that the minutes of the December 12, 2006, MoPac Trail (Hwy 50 to Chalco Hills) Ad Hoc Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted and approved.

1. Contract with Lamp Rynearson & Associates for Mopac Trail – Recommendation that the General Manager be authorized to execute a professional services contract with Lamp Rynearson and Associates, Inc. for the Mopac Trail (Highway 50 to Chalco Hills) Project, with a maximum fee of \$279,369.81, subject to changes determined necessary by the General Manager and approved as to form by District Legal Counsel.

Chairperson Thompson asked for comments. The following individual(s) addressed the Board.

- Jim Lang, 11718 Nicholas St., Omaha, NE (attorney for Francis and Catherine Kennedy). Mr. Lang indicated that Mr. Kennedy had several concerns regarding safety of the trail users and liability issues for the landowners. Mr. Kennedy’s property is just north of Louisville near the Platte River Bridge.
- Francis Kennedy, 18206 W. Highway 31, Louisville, NE

There was discussion. Director Jansen stated that since our trails extend into rural areas this issue could become a real problem and it needs to be checked out.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Jansen, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None

Abstaining - None
Excused Absence - Connealy
Absent - Connealy

B. Floodplain Mapping and Scoping Ad Hoc Consultant Selection: Director Tesar reported that the Ad Hoc Subcommittee met on December 12, 2006 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 IT RESOLVED that the minutes of the December 12, 2006, Floodplain Mapping and Scoping Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee is hereby adopted and approved.

1. Selection of Consulting Firms to be Interviewed for Floodplain Mapping and Scoping – Recommendation that interviews for Floodplain Mapping and Scoping in Douglas, Sarpy, Dakota and Washington Counties be conducted with the firms of CDM; HDR Engineering, JEO Consulting Group and Olsson Assoc.

Chairperson Thompson asked for comments. The following individual(s) addressed the Board:

- Jennifer Andersen, 7272 County Road 25, Kennard, NE

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

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

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on December 12, 2006 and gave a recap of the meeting.

•• **MOTION NO. 5** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #1 Second Addendum to Cole Creek Flood Mitigation Program Interlocal Agreement with the City of Omaha – Recommendation that the General Manager be authorized to execute the Second Addendum to the Cole Creek Flood

Mitigation Program Agreement with the City of Omaha, providing for a maximum cost share of \$2,100,000 over eight years, in the form as presented to the Subcommittee meeting.

Director Lanphier stated that it was her understanding that this was supposed to be a three-pronged approach consisting of buyouts, culverts and clearing out creek beds. She stated that clearing out creek beds had not been addressed. Paul Woodward, project manager, explained that there are no existing access easements to get into the area to do the work. We will continue to meet with the property owners to try to secure permanent easements to maintain the channel. The District is also in the process of working with the Corps of Engineers on an environmental restoration project and that they would probably obtain right of way for the entire region.

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

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

Director John Conley stated that the PPO Subcommittee had been briefed on the Forrest Run Channel Improvement Project. Staff will continue to investigate this issue to include responsibilities of and potential cost share by other local jurisdictions, right of way, utility relocations and future maintenance of improvements, and the possibility of using District staff to do the improvements. GM Winkler stated that he would keep the Board apprised any further developments.

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

PPO Recommendation #3 Tern and Plover Conservation Partnership Funding – Recommendation that the District provide financial assistance in the amount of \$5,000 to support the 2007 program activities of the Tern and Plover Conservation Partnership.

There was Board discussion. Director Jansen noted that it was his experience that staking the nesting areas sometimes makes the area a target for vandals who disturb the nests; and, that if people don't know where they are, they won't bother them. There was also a question as to whether due diligence was used to investigate the Tern and Plover Conservation Partnership, i.e., financial statements, members of their Board, etc.

Roll call vote was not held on Motion No. 6.

- **MOTION NO. 7** It was moved by Director Lanphier and seconded by Director Fred Conley that this item be held over for one month and during that time have staff investigate financial statements and members of the Partnership Board, etc.

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

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

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

PPO Recommendation #4 Eastern Nebraska Water Resources Assessment (ENWRA) Interlocal Agreement – Recommendation that the General Manager be authorized to execute the proposed interlocal agreement calling for the District to contribute \$75,000 over a three year period 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), Fowler, Jansen, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

Director John Conley noted that the Subcommittee received a report on hybrid vehicles. This information will be evaluated for the next vehicle purchase scheduled for the fall of 2007. The Subcommittee also received an update on repairs at the Highway 64 Elkhorn River Access.

D. Finance, Expenditures and Legal Subcommittee: Director Fowler reported that the FEL Subcommittee met on December 12, 2006 and gave a recap of the meeting.

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

FEL Recommendation #1 Missouri River Trail – Phase 2 (Ponca Road to Washington County Line) Right of Way Acquisition – Peppard Tract – Recommendation that the General Manager be authorized to execute the proposed Purchase Agreement in the amount of \$7,263.00 for the Peppard tracts for the Missouri River Trail Project.

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

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

E. Personnel, Legislative and Public Affairs Subcommittee: Director Schwope reported that the PLPA Subcommittee met on December 12, 2006 and gave a brief summary of the meeting.

He noted that the Subcommittee had discussed general obligation bonding authority. No action was taken on this item. It was noted that GM Winkler had e-mailed the draft bill to Directors prior to the Board meeting. Chairperson Thompson opened the floor for comments. The following individuals addressed the Board:

- Mike Ryan, 11130 Jackson, Omaha, NE

Copies of the bill were made available to all in attendance.

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

PLPA Recommendation #2 Retainer Agreement for Legislative Representative for 2007 – Recommendation that the contract with American Communications Group should be re-written for review by the Board and that the changes reflect an expiration in June of 2007. Other changes should also be drafted related to telephone charges, recalculation of fees and a possible one-year extension.

Copies of the amended Retainer Agreement were distributed.

The following individuals addressed the Board:

- Kevin Propst, 19001 Green St., Washington, NE, representing the Village of Washington. Mr. Propst provided several written questions for the Board. The Chairperson indicated that a written response would be provided.
- Mike Ryan, 11130 Jackson, Omaha, NE
- Shawn Melotz, 1404 N. 132nd St., Omaha, NE
- Bob Twiss, 433 Sherwood Dr., Gretna, NE
- Jennifer Anderson, 7272 County Road, Kennard, NE
- Rich Lombardi, American Communications Group, Inc., 1044 H St., Lincoln, NE

- **AMENDMENT:
NO. 1 TO
MOTION NO. 10** It was moved by Director John Conley and seconded by Director Fred Conley that the following changes to the Retainer Agreement be made:

Page 2, #7 read – Seek to pass General Bond Authority for the NRD.
(delete the remainder of the sentence.)

Page 2, #9 – delete

Page 3, #5.b. – date be change from April 13, 2007 to May 15, 2007

And that the General Manager be authorized to make any other minor adjustments deemed necessary.

Roll call vote was held on Amendment No. 1 to Motion No. 10. The amendment carried unanimously.

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

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

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

•• **MOTION NO. 11** It was moved by Director Schwope that the following recommendation be adopted:

PLPA Recommendation #3 Addendum to General Manager Employment Agreement – Recommendation that the First Addendum to the General Manager Employment Agreement be approved in the form as presented to the Subcommittee meeting.

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

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

TREASURER'S REPORT:

•• **MOTION NO. 12:** It was moved by Director John Conley and seconded by Director Jansen 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, 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 November, 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.

Chairperson Thompson noted that Shawn Melotz had signed in to speak to this agenda item. Ms. Melotz submitted a written request for information on payments made.

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

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

CHAIRPERSON'S REPORT:

A. P-MRNRD Board of Directors Meeting Schedule for 2007.

- **MOTION NO. 13** It was moved by Director Fred Conley and seconded by Director Jansen that the following resolution be adopted:

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meetings for calendar year 2007:

January 11, 2007	July 12, 2007
February 8, 2007	August 9, 2007
March 8, 2007	September 13, 2007
April 12, 2007	October 11, 2007
May 10, 2007	November 8, 2007
June 14, 2007	December 13, 2007

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

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

B. Chairperson Thompson noted that the following Directors had contacted him seeking authorization to attend the following meetings:

1. National Association of Conservation Districts Annual Conference, February 4-8, 2007, Los Angeles, CA – Director Tesar
2. NARD Washington, D.C., Conference, March 12-14, 2007 – Directors Kolowski, Fred Conley and Thompson

C. Special Presentations: Director Rich Jansen was recognized for his 12 years of service on the Board of Directors:

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

➤ Jack Lawless , District Accountant	10 years
➤ Terry Keller , Medium Equipment Operator	20 years
➤ Darlene Hensley , Field Office Secretary – Blair	25 years
➤ Emmett Egr , Information/Education Coordinator	30 years

E. Special Staff Presentation: Marlin Petermann was recognized for his service as Acting General Manager.

GENERAL MANAGER'S REPORT: GM Winkler noted that his report had been posted to the website and asked Directors to contact him if there were any questions. John Engel of HDR then gave a PowerPoint presentation regarding the Papio DS 1 and 3C public meeting held on December 5, 2006 at Bennington High School. Directors will be provided a transcript of the meeting as soon as it is available.

INFORMATIONAL ITEMS:

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

December 19, 2006	Lower Platte River Corridor Alliance Retreat, 9:00 a.m. – 3:30 p.m., Camp Kitaki
December 25, 2006	Christmas Holiday – P-MRNRD Offices Closed
January 1, 2007	New Years Day – P-MRNRD Offices Closed
January 9, 2007	P-MRNRD Subcommittee Meetings
January 11, 2007	P-MRNRD Board Meeting
January 23-24, 2007	NARD Legislative Conference, Lincoln, NE
February 4-8, 2007	National Association of Conservation Districts Annual Meeting, Los Angeles, CA
February 6, 2007	P-MRNRD Subcommittee Meetings
February 8, 2007	P-MRNRD Board Meeting
March 6, 2007	P-MRNRD Subcommittee Meetings
March 8, 2007	P-MRNRD Board Meeting
March 12-14, 2007	NARD Washington DC Conference

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on January 11, 2007 at the NRC.

ADJOURNMENT: Being no further business, at 10:42 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 December 14, 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.

Richard Tesar
District Secretary