



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
December 10, 2009**

**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. 154<sup>th</sup> St., Omaha, NE on December 10, 2009. The meeting was called to order by Chairperson Jim Thompson at 7:25 p.m.

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

Larry Bradley	Dave Klug
Fred Conley	Rick Kolowski
John Conley	Dorothy Lanphier
Tim Fowler	Rich Tesar
Scott Japp	Jim Thompson

**ADOPTION OF AGENDA:**

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

BE IT RESOLVED that the agenda be adopted.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Schwoppe
Absent	-	Schwoppe

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Klug 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 absence of the following Director(s) from the December 10, 2009, Board of Directors Meeting is excused:

John Schwope

Agenda Item 7. A.

BE IT RESOLVED that the November 12, 2009 Pappio-Missouri River NRD Board meeting minutes and the November 18, 2009 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Tesar, Thompson
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Schwope
Absent	-	Schwope

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on December 3, 2009. The District's October, 2009, expenditures were published in the Washington County Enterprise on December 4, 2009. 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: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities for the past month. He updated the Board on the Conservation Security Program, noting that they have received 23 applications on 13, 504 acres. The field offices are reviewing sites and writing contracts for the applications.

B. Nebraska Association of Resources Districts: Director Tesar reported that Dean Johnson, recently elected Secretary Treasurer of the NARD Board, had passed away. Election for his replacement will be held at the January 27, 2010 Board meeting. The 2010 NARD Legislative Conference will be held January 26-27, 2010 at the Embassy Suites, Lincoln, NE. He urged Directors to attend.

C. Lower Platte River Corridor Alliance Report: Megan Sittler, LPRCA Coordinator, submitted a written report. It is posted to the District's website.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on December 10, 2009, prior to the Board meeting. The meeting was rescheduled due to inclement weather on December 8<sup>th</sup>.

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

*PPO Recommendation #1:* Lake Dredging Program – City of Papillion Request for Increase in Cost Share Assistance – Recommendation that the cost share amount for the Walnut Creek Sediment Basin Dredging Project be increased from \$32,500 to \$76,750, and that Budget Item “#05 00 4411 Lake Dredging Program” be allowed to exceed 110% of the budgeted amount.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Schwope  
Absent - Schwope

- **MOTION NO. 4** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #2:* Bellevue VFW – Gilmore Lake Road – Recommendation that the District cost share with the City of Bellevue on an engineering study of the Gilmore Lake Road/Bellevue VFW area, the amount of the District’s cost share to not exceed \$10,000.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Schwope  
Absent - Schwope

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

*PPO Recommendation #3:* Papio Watershed Structure W-2 Construction Bids – Recommendation that the General Manager be authorized to

execute a contract for the Papillion Creek Watershed Structure W-2 Improvements, with Pruss Excavation Company, for their total base bid of \$45,169.00.

Director John Conley noted that this was a lump sum bid and suggested that the recommendation be amended to reflect this. The recommendation would read as follows.

*PPO Recommendation #3:* Papio Watershed Structure W-2 Construction Bids – Recommendation that the General Manager be authorized to execute a contract for the Papillion Creek Watershed Structure W-2 Improvements, with Pruss Excavation Company, for their total ~~base~~ lump sum bid of \$45,169.00.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Schwoppe
Absent	-	Schwoppe

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

*PPO Recommendation #4:* Resolution for Participation in the P-MRNRD Multi-Hazard Mitigation Plan - Recommendation that the following resolution be adopted:

Whereas, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure, and

Whereas, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and

Whereas, the Papio-Missouri River Natural Resource District is proposing to serve as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities,

Therefore, be it resolved the *Papio-Missouri River Natural Resources District* hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Schwope  
Absent - Schwope

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

*PPO Recommendation #5:* Amendments to Rules and Regulations for All District Recreation Areas – Recommendation that the revised Rules and Regulations for All District Recreation Areas be adopted in the form as presented to this meeting, and that the General Manager be authorized to seek an Attorney General’s Opinion on the legality of the District entering into an Agreement with a certified law enforcement agency to provide additional security at the District’s Recreation Areas and Facilities. Upon receipt of the A.G.’s opinion, and if needed, that the General Manager be authorized to seek enabling legislation in the 2010 legislative session in order to modify current state statutes to allow the District to enter into an Agreement with a certified law enforcement agency to provide added security at the District’s Recreation Areas.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Schwope  
Absent - Schwope

Director John Conley reported that the PPO Subcommittee received a presentation regarding Village of Washington Water Issues. The Subcommittee tabled this item and directed staff to prepare a recommendation for consideration.

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met December 10, 2009, prior to the Board meeting. The meeting was rescheduled due to inclement weather on December 8<sup>th</sup>.

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

*FEL Recommendation #1:* FY 2009 Audit – Recommendation that the FY2009 Audit Report and management letter, prepared by Bland and Associates, be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Schwoppe  
Absent - Schwoppe

Director Tesar noted that the Subcommittee had discussed Director Lanphier’s request for written procedures and policies for the Papio Watershed Fund and the Papio Creek Partnership Fund. No action was taken by the FEL Subcommittee.

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

*FEL Recommendation #3.a.:* Papio WP-5 – Tract No. 1 - Recommendation that the following resolution be adopted:

WP-5 Project Tract No. 1

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the General Manager of the District should be and is hereby authorized to execute, for and on behalf of the District, the proposed purchase agreement between the District and John H. Rohwer and Denise A Rohwer, as Trustees of the H. E. Rohwer Grandchildren’s Trust, providing for the purchase by the District, for the WP-5 Project, for the sum of \$876,340.00, a tract of land, comprising 20.539 acres, more or less, in Section 19, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M, Sarpy County Nebraska, referred to in the District’s files as WP-5 Project Tract No. 1 and described in the legal description attached hereto as Exhibit A and incorporated herein by reference, and containing such other terms and

conditions as the General Manager determines necessary; and authorized to execute such other and further instruments as he determines necessary to effectuate such transaction, as Legal Counsel approves as to form.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Schwope  
Absent - Schwope

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

*FEL Recommendation #3.b.:* Papio WP-5 – Tract No. 5 - Recommendation that the following resolution be adopted:

WP-5 Project Tract No. 5

WHEREAS, for purposes of construction, operation and maintenance of its West Papillion Regional Basin No. 5 Project ("the PROJECT"), the Papio-Missouri River Natural Resources District ("the DISTRICT") has negotiated for the acquisition of the parcel of land in Sarpy County, Nebraska, referred to as Tract No. 5 in the DISTRICT'S plans for the PROJECT ("Tract No. 5"), owned by PAPIO VALLEY LAND COMPANY, a Nebraska General Partnership (hereinafter referred to as "SELLER"), and the DISTRICT has offered to the SELLER the amount appraised by the DISTRICT'S appraiser for Tract No 5, to-wit, the sum of \$1,477,690.00, for such acquisition; and,

WHEREAS, Tract No. 5 consists of 35.413 acres within a larger parcel of land comprising 66.0 acres, more or less ("the PAPIO VALLEY LAND COMPANY FARM"), described and depicted in the legal description and diagram contained in the DISTRICT'S plans for the PROJECT and incorporated herein by reference as Exhibit "A"; and, the SELLER has proposed to sell to the DISTRICT the entire PAPIO VALLEY LAND COMPANY FARM for the sum of \$2,772,000.00; and,

WHEREAS, the Board of Directors of the DISTRICT hereby finds and determines that the purchase by the DISTRICT of the entire PAPIO VALLEY LAND COMPANY FARM would be a valuable, reasonable and

feasible enhancement to the PROJECT and for the general benefit of the DISTRICT, and would result in only incidental special benefits; and further finds and determines that the DISTRICT should purchase the entire PAPIO VALLEY LAND COMPANY FARM for purposes of the PROJECT, if such purchase can be negotiated for the sum of \$2,772,000.00.

NOW, THEREFORE, BE IT RESOLVED that the General Manager of the DISTRICT should be and is hereby authorized to execute for and on behalf of the DISTRICT an agreement between the DISTRICT and the SELLER, providing for the purchase of the PAPIO VALLEY LAND COMPANY FARM by the DISTRICT for the sum of \$2,772,000.00, and containing such other terms and conditions as the General Manager determines reasonable and necessary and Legal Counsel approves as to form; and,

BE IT FURTHER RESOLVED that the General Manager of the DISTRICT is hereby further authorized to execute for and on behalf of the DISTRICT such other and further documents and instruments, approved as to form by Legal Counsel, as the General Manager determines reasonable and necessary to effectuate the transaction herein described, and that the Treasurer and General Manager of the DISTRICT are hereby authorized to disburse DISTRICT funds in the amount of \$2,772,000.00 as consideration for such purchase.

The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Schwope
Absent	-	Schwope

**TREASURER'S REPORT:**

- **MOTION NO. 11:** 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: (1) claims listed in the November, 2009, 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 Drainage District, the project bills listed on the November, 2009, 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.

Director Lanphier noted that GM Winkler had stated that staff and management planned to rewrite and update the accounting handbook. She gave GM Winkler a list of ideas that she suggested be considered regarding the Partnership Fund and the Watershed Fund.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Tesar, Thompson
Voting Nay	-	Japp
Abstaining	-	Lanphier
Excused Absence	-	Schwope
Absent	-	Schwope

**CHAIRPERSON’S REPORT:**

- A. Requests for Special Studies – Director Japp: Chairman Thompson discussed Director Japp’s request for information concerning the Missouri River Corridor Projects that was forwarded to the General Manager. After Board discussion about the specific request, time constraints on staff, and the need for the information; Director Japp clarified that his inquiry was not a request for a special study but a request to be able to review the files for projects related to the Missouri River Corridor Program. No further Board action was taken.
  
- B. Heartland Focus Interview: Chairperson Thompson reported that he had appeared on “Heartland Focus” on KFAB and WOWTV on December 5<sup>th</sup>. He invited Directors to check it out on their website at [www.HeartlandFocus.com](http://www.HeartlandFocus.com).

C. Request for Meeting with Governor, Congressional/Senate Liaisons, and/or Other Key Officials on State/Federal Delays on Trail Projects: Chairperson Thompson reported that new federal requirements regarding trails had pushed projects back 2 years, i.e., Highway 50 Trail, Boyer Chute Trail, Keystone Trail and the Western Douglas Country Trail. He asked the Board to allow him to meet with various state and federal office holders to discuss this problem.

- **MOTION NO. 12**: It was moved by Director Bradley and seconded by Director Tesar that Chairperson Thompson be allowed to meet with the Governor, Congressional/Senate Liaisons and/or other key officials to discuss State/Federal delays on trail projects.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Schwope  
Absent - Schwope

D. Attendance at Upcoming Meetings:

1. National Association of Conservation Districts Annual Conference, January 31 - February 3, 2010, Orlando, FL – Chairperson Thompson reported that he and Director Tim Fowler would be representing the District at the NACD Annual Conference.
2. NARD Washington, D.C., Conference, March 6-10, 2010 – Chairperson Thompson reported that Director John Schwope would be representing the District on the NARD Washington D.C. Conference.

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

➤ <b>Tom Pleiss, Lead Land Steward</b>	10 Years
➤ <b>Dennis Piper, Field Rep at Walthill</b>	15 Years
➤ <b>Randy Hummel, Dakota County Water Superintendent</b>	20 Years
➤ <b>Jim Becic, Environmental Coordinator</b>	25 Years
➤ <b>Gerry Bowen, Natural Resources Planner</b>	25 Years
➤ <b>Keith Butcher, Heavy Equipment Operator</b>	25 Years
➤ <b>Pat Teer, Administrative Coordinator</b>	30 Years
➤ <b>Marlin Petermann, Assistant General Manager</b>	35 Years
➤ <b>Dick Sklenar, Project Manager</b>	35 Years

**GENERAL MANAGER'S REPORT**: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website.

**INFOMRATIONAL ITEMS:**

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

December 17, 2009	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
January 12, 2010	P-MRNRD Subcommittee Meetings
January 14, 2010	P-MRNRD Board Meeting
January 21, 2010	Lower Platte River Corridor Alliance Quarterly Meeting, 9:30 a.m., LPSNRD Office, Lincoln
January 21, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
January 26-27, 2010	NARD Legislative Conference, Lincoln, NE
Jan. 31 – Feb. 3, 2010	2010 National Association of Conservation Districts, Orlando, FL
February 9, 2010	P-MRNRD Subcommittee Meetings
February 11, 2010	P-MRNRD Board Meeting
March 6-10, 2010	NARD Washington DC Conference
March 9, 2010	P-MRNRD Subcommittee Meetings
March 11, 2010	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on January 14, 2010 **at 7:00 p.m.** at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 8:20 p.m.

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 10, 2009, 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