

**PAPIO-MISSOURI RIVER  
NATURAL  
RESOURCES  
DISTRICT**



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
February 13,2003**

8901 S 154TH ST.  
OMAHA, NE 68138-3621  
(402) 444-6222  
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**PLEDGE OF ALLIGIANCE**

**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, Nebraska, on February 14,2002. Public notice of the meeting was posted at all District offices.

The meeting was called to order by Chairperson, Fred Conley, at 8:00 p.m.

**QUORUM CALL:** Quorum call was taken. The following Directors were in attendance:

Fred Conley	Rich Jansen
John Conley	Joe Neary
Dick Connealy	Barb Nichols
Tim Fowler	Pete Rubin
Melissa Gardner *	Rich Tesar
	Jim Thompson

\* Not present for quorum call, but attended the meeting.

**ADOPTION OF AGENDA:**

**\*\*MOTIONNO. 1:** It was moved by Connealy and seconded by Conley (John) 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.

Voting Yea – Conley (John), Connealy, Fowler, Jansen, Neary, Nichols, Rubin, Tesar, Thompson,  
Conley (Fred)

Voting Nay - None

Abstaining – None

Absent – Gardner

**ADOPTION OF CONSENT AGENDA**

**\*\*MOTIONNO. 2:** It was moved by Rubin and seconded by Connealy that the following resolution be adopted:

BE IT RESOLVED that the following resolution on the consent agenda is hereby adopted.

**Agenda Item 7:**

BE IT RESOLVED that the January 9, 2003, Papio-Missouri River NRD Board meeting minutes are hereby approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE.** Notice of the meeting was published in the Omaha World Herald on February 6, 2003. The District's December, 2002, expenditures were published in the Papillion Times on February 6, 2003. Chairperson Fred Conley 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, reported on NRCS activities for the past month. A copy of the NRCS report is attached to the file copy of the minutes.

B. Nebraska Association of Resources Districts:

1. Report on 2003 NARD Legislative Conference: Director Pete Rubin gave a brief report regarding the 2003 NARD Legislative Conference held January 28-29, 2003 in Lincoln. He indicated it was very successful and over 280 individuals participated in the Conference. He thanked the Directors for their participation.

2. NARD Board Meeting: It was noted that the NARD Board meeting would be held March 10, 2003, in Lincoln. The meeting is being held in conjunction with the Water Policy Task Force Meeting.

3. NARD Washington D.C. Legislative Conference: Director Rubin noted that the NARD Washington D.C. Legislative Conference would be held March 17-19, 2003. Directors John Conley and Barb Nichols and GM Oltmans and Assistant GM Petermann will be representing the District.

**PUBLIC HEARING – Lower Decatur Bend Project Land Rights Acquisition:**

Chairperson Conley appointed General Manager Oltmans as Hearing Officer. Paul Peters, District Legal Counsel then reviewed the legal purpose of the public hearing. He noted that all landowners and other persons with interest in the tracts of land affected had received notification of the public hearing.

Hearing Officer Oltmans submitted the following exhibits for the record.

**Exhibit 1** Agenda

**Exhibit 2** Proof of Publication of Hearing Notice

- Burt County Plaindealer, January 29, 2003

**Exhibit 3** Notice of Proposed Acquisition – Lower Decatur Bend Section 1135 Mitigation Project, sent to landowners on January 23, 2003. Includes list of respective owners and other persons who have an interest in the tracts and copies of signed PS Form 381 1 (Domestic Return Receipts)

**Exhibit 4** Project Map

**Exhibit 5** Fact Sheet

**Exhibit 6** February 12, 2003, Burt County Plaindealer article – NRD hearing Feb. 13

Don Becker and Don Moses, Corps of Engineers, and Jim Becic, P-MRNRD, then reviewed the project design and construction schedule. It was noted that the project goal is to restore historic diversity and dynamism to the Missouri River flood plain ecosystem at the site, including channel diversity and both aquatic and terrestrial vegetation. The schedule is to advertise and award a construction contract the summer of 2003 with construction commencing August, 2003. Construction completion is scheduled for December, 2004.

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

➔ Mike Williams, project landowner, expressed his opposition to the project.

Hearing Officer Oltmans then closed the Public Hearing and returned the floor to Chairperson Fred Conley.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee had met on February 11, 2003 and gave a brief recap of the meeting.

**\*\*MOTIONNO. 3**: It was moved by Conley (John) and seconded by Connealy that the following recommendation be adopted:

***Recommendation #1:*** Lower Platte River and Tributaries Feasibility Study Report – Union Dike Component – Recommendation that the Corps of Engineers study of the feasibility of a Union Dike Improvement Project be terminated.

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

Voting Yea – Conley (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining – None

Absent – None

Director John Conley reported that the Subcommittee had been briefed on the Lower Platte River Cumulative Impact Study. It was noted that an Interlocal Agreement with the Nebraska Game and Parks Commission, the Lower Platte South NRD, Lower Platte North NRD, along with the Nebraska Departments of Roads and Natural Resources to fund the first phase of the study will be presented to the Subcommittee in March. No action is required at this time.

**\*\*MOTIONNO. 4**: It was moved by Conley (John) and seconded by Rubin that the following recommendation be adopted

***Recommendation #3:*** West Papio Trail (72<sup>nd</sup> - 36<sup>th</sup> Streets, Papillion – Bellevue) T-21 Funding Resolution – Recommendation that the General Manager be authorized to execute an agreement with the Nebraska Department of Roads for T-21 funding in the amount of \$500,000 for West Papio Trail (Bellevue to Papillion), and that the following resolution be adopted:

WHEREAS, the Papio-Missouri River Natural Resources District wishes to enter into an agreement with the State of Nebraska Department of Roads to construct a concrete recreational trail between Bellevue (36<sup>th</sup> Street) and Papillion (72<sup>nd</sup> Street) along the West Branch Papillion Creek, with funds made available through STP Enhancement Program funds, and

WHEREAS, the federal share payable shall be a maximum of thirty-eight (38) percent of the eligible costs thereof, up to a maximum payment from federal funds of \$500,000, and

WHEREAS, the Pappio-Missouri River Natural Resources District shall be responsible for approximately \$664,450, which is estimated to be the District's 62% matching share of eligible project costs, and

WHEREAS, the Pappio-Missouri River Natural Resources District has agreed to place in its fiscal budget said amount, and

NOW, THEREFORE BE IT RESOLVED BY THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, that the District enter into an agreement with the State of Nebraska Department of Roads for the construction of a concrete recreational trail between Bellevue(36<sup>th</sup> Street) and Papillion (72<sup>nd</sup> Street) along the West Branch Papillion Creek; that this project be constructed under the designation of Project Number STPB-77(46), State Control Number 22113, and that the terms and conditions as contained in the agreement with the Nebraska Department of Roads are hereby approved and that the Chairperson is hereby authorized to execute said agreement.

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

Voting Yea – Conley (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,  
Thompson, Conley (Fred)

Voting Nay - None

Abstaining – None

Absent – None

••**MOTION NO. 5:** It was moved by Conley (John) and seconded by Jansen that the following recommendation be adopted:

**Recommendation #4:** Wetland Mitigation Bank Application and Guidelines – Recommendation that a price per credit be set at \$52,500 for the Rumsey Station Wetland Mitigation Bank Site and that the revisions to District Policy 17.35 be adopted and incorporated into the Directors' Policy Manual.

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

Voting Yea – Conley (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,  
Thompson, Conley (Fred)

Voting Nay - None

Abstaining – None  
Absent – None

B. Finance, Expenditures and Legal Subcommittee: Director Dick Connealy reported that the FEL Subcommittee had met on February 11, 2003 and gave a brief recap of the meeting.

-\***MOTIONNO. 6** It was moved by Connealy and seconded by Conley (John) that the following recommendation be adopted:

***Recommendation #1.: Refinancing of Rural Water System Loans:***

- a. Dakota County and Washington County: Recommendation that the District proceed with loan refinancing for Dakota County and Washington County Rural Water Systems and that Ameritas Investment Corp. be hired to handle the bond issuance.

Mr. John Trecek, Ameritas, pointed out that the final documents would be available for formal approval at the March Board meeting.

Voting Yea – Conley (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining – None

Absent – None

Director Connealy also reported that the Subcommittee had been briefed on the Thurston County Rural Water System. It was noted that the water is provided by the City of Pender and a substantial rate increase is being proposed by Pender. Several options are being investigated by staff to best address the situation.

C. Personnel, Legislative and Public Affairs Subcommittee: Director Nichols reported that the PLPA Subcommittee had met on February 11, 2003 and gave a brief recap of the meeting.

\*\***MOTIONNO. 7:** It was moved by Nichols and seconded by Connealy that the following recommendation be adopted:

***Recommendation #1.: Legislative Bills of Interest and Paoio-Missouri NRD Positions:***  
Recommendation that the positions, as noted in the P-MRNRD 2003 Unicameral Summary, be adopted with the exception of LB 32 and LB 618.

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

Voting Yea – Conley (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,  
Thompson, Conley (Fred)

Voting Nay - None

Abstaining – None

Absent – None

**\*-MOTION NO. 8:** It was moved by Nichols and seconded by Rubin that the following recommendation be adopted

***Recommendation #2.:*** LB32 (Storm Water Utility): Recommendation that the P-MRNRD support LB 32.

There ~~was~~ extended discussion regarding LB 32. Bob Sink, City of Omaha, reported that both the City of Omaha and Douglas County had voted to support LB 32. He stated that this legislation would provide local entities a funding mechanism to develop, establish and implement stormwater management plans to comply with Phase II of the Federal Clean Water Act. Directors Neary and Tesar expressed their concerns regarding this legislation. A letter from Douglas County Commissioner Mike Boyle expressing his opposition to LB 32 ~~was~~ distributed. A copy is attached to the file copy of the minutes.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea and 4-nay.

Voting Yea – Conley (John), Connealy, Gardner, Nichols, Rubin, Thompson, Conley (Fred)

Voting Nay - Fowler, Jansen, Neary, Tesar

Abstaining – None

Absent – None

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

***Recommendation #2.:*** LB 618 (Providing for Net Metering Systems): Recommendation that the P-MRNRD support LB **618**.

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

Voting Yea – Conley (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,  
Thompson, Conley (Fred)

Voting Nay - None

Abstaining – None

Absent – None

**TREASURER'S REPORT:**

**\*\*MOTIONNO. 10:** It was moved by Conley (John) and seconded by Connealy 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 January, 2003, financial report; and, (2) any claims made prior to the next Board meeting for (a) eamed 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 River Breakout Project, the Elk/Pigeon Creek Drainage Project and the Western Sarpy Drainage Improvement Project Area operating accounts the project bills listed on the January, 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), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,  
Thompson, Conley (Fred)

Voting Nay - None

Abstaining – None

Absent – None

**CHAIRPERSON'S REPORT:**

**A. California Bend Project – Discussion of Settlement Offer from Farm Tenant on Wright Property:** Chairperson Fred Conley noted that the Board needed to go into Executive Session to discuss this issue.

**\*\*MOTION NO. 11:** It was moved by Conley (John) and seconded by Nichols that the Board go into Executive Session to discuss the California Bend Project – Settlement Offer from Farm Tenant on Wright Property.

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



Voting Yea - Conley (John), Connealy, Fowler, Gardner, **Jansen**, Neary, Nichols, **Rubin**, Tesar, **Thompson**, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

The Board went into Executive Session at 9:15 p.m.

The Board returned to Regular Session at 9:27 p.m.

No action was taken on this issue.

B. Directors' Eminent Domain Workshop: The Chair announced that a Directors' Workshop on Eminent Domain would be held on Thursday, February 27, 2003 at 7:30 p.m. at the NRC. Steve Seglin, NARD Legal Counsel, will conduct the seminar. All Directors were encouraged to attend

**GENERAL MANAGER'S REPORT**: General Manager Oltmans noted that Directors had received a copy of his written report. The following news clips were shown:

- ❖ Channel 7 - Kiwanis Park Renovations
- ❖ Channel 6 - National Park Service Midwest Headquarters

**INFORMATIONAL ITEMS**:

A. Future Meetings: The Chairperson reviewed upcoming meetings with Directors to include:

- |                   |  |
|-------------------|--|
| February 15, 2003 | "Platte River Forum," Milo Bail Student Center Ballroom, University of Nebraska at Omaha, 9:00 a.m. - 12:00 noon               |
| February 17, 2003 | Presidents' Day - P-MRNRD Offices closed   |
| February 27, 2003 | P-MRNRD Volunteer Banquet, NRC Visitors Center at 5:30 p.m. (RSVP to Christine Jacobsen (444-6222) by February 20, 2003)       |
|                   | Directors' Eminent Domain <b>Workshop</b> , Board Room at 7:30 p.m.  |
| March 11, 2003    | P-MRNRD Subcommittee Meetings  |
| March 13, 2003    | P-MRNRD Board Meeting  |
| March 14, 2003    | US Fish and Wildlife Service 100 <sup>th</sup> Anniversary Celebration of Refuge System, Boyer Chute Headquarters at 1:00 p.m. |

March 17-19, 2003 Nebraska Association of Resources Districts Washington D.C.  
Trip, Capitol Holiday Inn

**April 8, 2003** P-MRNRD Subcommittee Meetings

**April 10, 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 March 13, 2003, at the NRC.

**ADJOURNMENT:**

Being no further business, the meeting adjourned at 9:37 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 February 13, 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.

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Richard W. Jansen  
District Secretary