

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
February 12, 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. 154th Street, Omaha, NE on February 12, 2004. The meeting was called to order by the Chairperson, Fred Conley, at 8:00 p.m.

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

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

* Not present for quorum call, but attended meeting.

Chairperson Fred Conley noted that Director Connealy had an excused absence.

ADOPTION OF AGENDA:

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Jansen and seconded by Director John 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 February 12, 2004 Board of Directors Meeting:

Dick Connealy

Agenda Item 6 A. & B.:

BE IT RESOLVED that the January 8, 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, Jansen, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Connealy, Gardner, Rubin
Absence excused - Connealy

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on February 6, 2004. The District's January, 2004, expenditures were published in the Papillion Times on February 5, 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.)

PUBLIC HEARING – RIGHT OF WAY ACQUISITION FOR WEST BRANCH PAPHILLION CREEK CHANNEL PROJECT – 2nd Street to Giles Road

Chairperson Conley appointed GM Oltmans as hearing officer. Hearing Officer Oltmans submitted the following exhibits:

1. February 12, 2004, Public Hearing Agenda/Enclosures.
2. February 12, 2004, Public Hearing Notification to Landowners – Certified Mail Receipts.
3. February 12, 2004, Public Hearing Notification to Landowners – Mailing Lists.
4. February 12, 2004, Public Hearing Notification to Landowners – Project and Right-of-Way information.
5. Current (January 19, 1995) Flood Insurance Rate Map for Sarpy County – Panel 45 F.

6. Current (July 14, 1999) Flood Insurance Rate Map for Sarpy County (Revised to reflect LOMR) – Panel 65F.
7. Flood Insurance Study Report for Sarpy County (January 19, 1995) Excerpts.
8. Proof of Publication (copy) of Hearing Notice – Omaha World Herald newspaper.
9. Papillion Times – June 18, 1964 Newspaper Report of Flood.
10. Papillion Times – August 6, 1959 Newspaper Report of Flood.

Legal counsel, Paul Peters, stated the purposes for the hearing and explained the eminent domain process and the landowners' rights to have legal counsel. Martin Cleveland, Construction Engineer, then showed a PowerPoint presentation explaining the details of the project. He indicated that the purpose of the project is to improve the West Branch Papillion Creek Channel to contain more frequent flood events and result in less adjacent flooding.

The following individuals addressed the Board:

- Tom Rawley, 5001 Cuming Street, Omaha, NE
- Mark K. Welsch, 5611 Howard Street., Omaha, NE
- Ken Iverson, 300 S. Polk, Papillion, NE

There were no further comments.

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

AGENCY AND ASSOCIATION REPORTS:

A. Natural Resources Conservation Service: Don Doty, District Conservationist at the NRCS office, reported on NRCS activities for the past month. A copy of his report is attached to the file copy of these minutes.

B. Nebraska Association of Resources Districts: Chairperson Fred Conley reported that Directors Neary and Fowler would be representing the District at the NARD Washington DC Conference, March 22-24, 2004.

C. National Association of Conservation Districts Annual Meeting: Director Jim Thompson reported that he and Director Rubin had attended the NACD Annual Meeting, February 1-5, 2004 in Big Island, Hawaii. He stated that the trip had been an "eye opener" and that the District is good shape. He pointed out that we are fortunate in that we have a good resource base to work from. He thanked the Board for the opportunity to participate in the conference.

SUBCOMMITTEE REPORTS:

A. Dakota County Service Center Ad Hoc Consultant Selection Subcommittee: Director John Conley reported that the Ad Hoc Subcommittee had met on January 15, 2004 and February 10, 2004. He gave a brief recap of the meetings.

- **MOTION NO. 3** It was moved by Director John Conley and seconded by Director Neary that the following recommendation(s) be adopted:

1. **January 15, 2004 Meeting:** Recommendation that the January 15, 2004 minutes of the Dakota County Service Center Ad Hoc Consultant Selection Subcommittee, indicating that the firm of Prochaska & Associates is the first choice with which to negotiate a contract for professional services for the project and that Brown Architecture and Design be second, are accepted and incorporated in the minutes.

2. **February 10, 2004 Meeting:** Recommendation that the General Manager be authorized to execute a professional services contract with Prochaska and Associates for the Dakota County Service Center Project with a “not-to-exceed” amount of \$79,060.00, plus reimbursable expenses not to exceed \$9,500.00, subject to approval as to form by District Legal Counsel, and subject to the Board of Directors’ review of the project following the design development phase, and with compensation for additional services to be on an hourly basis.

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

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

B. Pigeon/Jones Creek Flood/Recreation Site #15 Ad Hoc Consultant Selection Subcommittee: Director John Conley reported that the Ad Hoc Subcommittee met on February 10, 2004 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Recommendation that the minutes of the Pigeon-Jones Creek Flood Control/ Recreation Site #15 Ad Hoc Consultant Selection Subcommittee, indicating that the firm of Olsson and Associates be the first choice with which to negotiate a contract for the professional services for the Pigeon-Jones Creek Flood Control/Recreation Site #15 Project, and that HDR be second, are accepted and incorporated in the minutes.

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

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

Absent - Connealy, Rubin
Absence excused - Connealy

C. West Papio Watershed Floodplain Mapping Project Ad Hoc Consultant Selection Subcommittee: Director Neary reported that the Ad Hoc Subcommittee met on February 10, 2004 and gave a brief recap of the meeting.

•• **MOTION NO. 5** It was moved by Director Neary and seconded by Director Jansen that the following resolution be adopted:

Ad Hoc Recommendation #1: Recommendation that the General Manager be authorized to execute a professional engineering services contract with HDR Engineering, Inc., for the West Papio Watershed Floodplain Mapping Project with a “not to exceed” amount of \$368,500, 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, Gardner, Jansen, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Connealy, Rubin
Absence excused - Connealy

D. Missouri Riverfront Trail (NP Dodge Park to Washington County Line) Ad Hoc Consultant Selection Subcommittee: Director Neary reported that the Ad Hoc Subcommittee met on February 10, 2004 and gave a brief recap of the meeting.

•• **MOTION NO. 6** It was moved by Director Neary and seconded by Director Jansen that the following resolution be adopted:

Ad Hoc Recommendation #1: Recommendation that the minutes of the Missouri River Trail Ad Hoc Consultant Selection Subcommittee, indicating that interviews be conducted with Ehrhart Griffin & Associates, Schemmer Associates and HGM Associates, Inc. are accepted and incorporated in the minutes.

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

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

E. Programs, Projects and Operations Subcommittee: Director John Conley reported

that the PPO Subcommittee had met on February 10, 2004 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Proposed Co-Occupation Agreement between the District, Douglas County and OPPD for a Power Line along Little Papio Creek and Keystone Trail – [Tabled at the January 8, 2004 Board meeting.] - Recommendation that the proposed license agreement with OPPD for a transmission line on District ROW along the Little Papio Channel/Keystone Trail Project (Pine Street to the Union Pacific Railroad) be approved, subject to approval as to form by NRD Legal Counsel.

There was extended discussion. The following individuals addressed the Board:

- Maryanne Stevens, President of the College of St. Mary's.
- Mark Welsch, 5611 Howard, Omaha, NE
- Sharon Glenn, Lincoln, representing the Jacqueline Scholar, Director, Audubon Society of Omaha
- Mike Mostek, 1125 S. 103 St., #800, Omaha, NE, representing the Sisters of Mercy
- Larry Troutman, representing OPPD
- Connie Spellman, representing the Omaha by Design Project

Roll call vote was held on the motion. The motion carried on a vote of 5-yea and 4-nay.

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

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

PPO Recommendation #2: Bids for Silver Creek Watershed – Sites 15 and 19 – Recommendation that the General Manager be authorized to execute the necessary contract documents with Camden Excavating for the total bid of \$111,082.80 for the construction of Silver Creek Watershed Dam Sites 15 and 19.

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

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

Absence excused - Connealy

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

PPO Recommendation #3.: Bids for Walnut Creek Water Service – Recommendation that the General Manager be authorized to execute the necessary contract documents with Sudbeck Construction Company for the base low bid of \$37,603.75 for the construction of the Walnut Creek Water System.

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

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

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Nichols 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, 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 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 January, 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, Gardner, Jansen, Neary, Nichols, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None

Absent - Connealy, Rubin
Absence excused - Connealy

CHAIRPERSON'S REPORT:

A. Attendance at NARD Washington D.C. Trip: Chairperson Fred Conley announced that the NARD Washington D.C. Trip would be held on March 22-24, 2004 and that Directors Fowler and Neary would be participating on behalf of the Board.

B. P-MRNRD Director Election Update: Chairperson Fred Conley reminded Directors that the deadline for incumbents to file for re-election was February 17th. He noted that a listing of candidates from the Nebraska Secretary of State's office had been posted to the website.

C. Appointment of River Ice Coordination Ad Hoc Subcommittee: Chairperson Conley reported that he had appointed the following Directors to the River Ice Coordination Ad Hoc Subcommittee:

Rich Jansen, Chairperson
John Conley
Barb Nichols
Pete Rubin
Rich Tesar

A meeting of the Ad Hoc Subcommittee is scheduled for Thursday, February 19, 2004 at 7:30 p.m. at the NRC.

GENERAL MANAGER'S REPORT: GM Oltmans noted that his report had been posted to the website.

- ◆ The following news clips were shown:
 - Channel 6 – Ice Jam Flooding
 - Channel 6 – Western Sarpy/Clear Creek Public Hearing

- ◆ The following material was distributed:
 - Platte River Ice Thickness Report
 - February 12, 2004, Omaha World Herald Article – Snow brings flood worry. Eastern Nebraska river watchers think thaw
 - Letter to Craig Krause, Structures Manager, Burlington Northern Santa Fe Railroad regarding Debris obstructing flow of water under BNSF RR bridge over Platte River near Ashland, NE
 - February 9, 2004, Omaha World Herald Article – Rush to dig wells puts new focus on water, drought. Seven NRDs have suspended new drilling. Nebraska now has 85,847 irrigation wells, more than one per square mile.
 - December 2003 PublicWorks article – Watershed Management – Nebraska Communities Partner to Plan. A Papillion Creek Watershed Planning Project in eastern Nebraska has been a success because it has established the tools needed

for long-term watershed planning and assessment.

INFORMATIONAL ITEMS:

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

February 16, 2004	President's Day – P-MRNRD Offices Closed
February 18, 2004	Omaha by Design, Scott Conference Center, 6450 Pine Street at 6:30 p.m.
February 19, 2004	River Ice Coordination Ad Hoc Subcommittee at 7:30 p.m. In P-MRNRD Library
March 4, 2004	Missouri Riverfront Trail (NP Dodge Park to Washington County Line) Ad Hoc Consultant Selection Subcommittee
March 8, 2004	Nebraska Association of Resources Districts Board Meeting, Governor's Mansion, Lincoln, NE
March 9, 2004	P-MRNRD Subcommittee Meetings
March 11, 2004	P-MRNRD Board Meeting
March 22-24, 2004	NARD Washington DC Conference
April 13, 2004	P-MRNRD Subcommittee Meetings
April 15, 2004	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 11, 2004 at the NRC.

ADJOURNMENT: Being no further business, the meeting adjourned at 10:07 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 January 8, 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.

Barbara A. Nichols
District Secretary