

**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
February 10, 2005**

**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 February 10, 2005. 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	John Schwope
Dick Connealy	Rich Tesar
Tim Fowler	Jim Thompson
Rick Kolowski	Rich Jansen *
Dorothy Lanphier	

\* Not present for quorum call, arrived late.

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director John Conley and seconded by Director Schwope 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Conley (Fred), Neary, Jansen
Absent	-	Conley (Fred), Neary, Jansen

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Thompson and seconded by Director Fowler 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 10, 2005 Board of Directors Meeting:

Fred Conley  
Rich Jansen  
Joe Neary

Agenda Item 6 A.:

BE IT RESOLVED that the January 13, 2005, 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Conley (Fred), Neary, Jansen
Absent	-	Conley (Fred), Neary, Jansen

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on February 3, 2005. The District's December, 2004, expenditures were published in the Douglas County Gazette on February 1, 2005. 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. Keep Northeast Nebraska Beautiful Report: Dick Leitschuck, President of KNNB, gave a report on the groups activities. He noted that the group was officially organized in 1996 and that one of the most successful activities was the Voluntary Pesticide Container Recycling Program - 90,000, or 30 tons, of plastic pesticide containers have been collected. He indicated that the key player for this program was P-MRNRD staff member Dennis Piper. Dennis Piper was then presented with the KNNB Recycler of the Year Award for his efforts.

B. Natural Resources Conservation Service: Lynn Heng, NRCS District Conservationist at the NRC office, reported on Natural Resources Conservation Service activities for the past month. The NRCS Report is posted to the District website. He showed a PowerPoint presentation regarding NRCS Conservation Programs in Nebraska to include – Environmental Quality Incentives Program; Wildlife Habitat Incentives Program; Wetlands Reserve Program; Grassland Reserve Program; Farm and Ranch Lands Protection Program and the Conservation Security Program.

C. Nebraska Association of Resources District Report: Director Tesar reported that the NARD Legislative Conference was held January 25-26, 2005 at the Embassy Suites in Lincoln, NE and thanked Directors for their attendance. He then distributed the written report and 2005 NARD CA and Bill Summary. Each Director was also given a calendar that was prepared by the NARD I&E Committee.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on February 8, 2005, and gave a brief recap of the meeting.

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

*PPO Recommendation #1*      Missouri River Trail – N.P. Dodge Park to Washington County Line – Contract with HGM Associates, Inc. – Recommendation that the General Manager be authorized to execute an Addendum to the 16 April, 2004, Professional Services Agreement between the Papio-Missouri River Natural Resources District and HGM Associates, Inc., to complete the final design, right of way acquisition and construction services for the Missouri River Trail (N.P. Dodge Park north to the Washington County Line, Phase Two – Option “A”) for a not to exceed amount of \$589,879, 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Conley (Fred), Neary, Jansen
Absent	-	Conley (Fred), Neary, Jansen

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

*PPO Recommendation #2*      West Branch Channel Project (84<sup>th</sup> to Giles Road) – Interlocal Cooperation Agreement with Sarpy County and Bellino Properties  
– Recommendation that the General Manager be authorized to execute an interlocal agreement with Sarpy County and Bellino Properties LLC for construction of portions of the West Branch Channel Project (90<sup>th</sup> St. to Giles Road), 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson  
Voting Nay     -      None  
Abstaining     -      None  
Excused Absence -      Conley (Fred), Neary, Jansen  
Absent          -      Conley (Fred), Neary, Jansen

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

*PPO Recommendation #3*      West Branch Channel Project Contract for Tree Chipping – Recommendation that the Terry Hughes Tree Service, Inc., bid of \$74,500 for West Branch Channel Project (84<sup>th</sup> St. to Giles Road) tree grinding be accepted and that the General Manager be authorized to sign the associated contract.

It was noted by Director Kolowski that there was an error in the recommendation and the bid amount should be \$47,500 instead of \$74,500. Director John Conley and Director Thompson agreed to change the motion to reflect the correct bid amount. The corrected motion would read as follows:

*PPO Recommendation #3*      West Branch Channel Project Contract for Tree Chipping – Recommendation that the Terry Hughes Tree Service, Inc., bid of ~~\$74,500~~ \$47,500 for West Branch Channel Project (84<sup>th</sup> St. to Giles Road) tree grinding be accepted and that the General Manager be authorized to sign the associated contract.

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

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

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

*PPO Recommendation #4* Water Main Extension Project for Dakota County Rural Water – Recommendation that the firm of Albenisius Contracting be awarded a contract for a 2 mile water main extension project in Dakota County in the amount of \$76,878.50.

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

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

B. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on February 8, 2005, and gave a brief recap of the meeting.

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

*FEL Recommendation #1.a.* West Branch Channel Project (2<sup>nd</sup> Street to Giles Road) Right of Way Acquisition:

- a. Tract # 5 (Donald C. Dittus) – Recommendation that the District initiate eminent domain proceedings on Tract #5 (Dittus) on the West Branch Channel Project and that the Board of Directors adopt the following resolution:

RESOLUTION

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the District") has proposed the West Branch Papillion Creek Flood Control Channel Project – 86<sup>th</sup> Street to 108<sup>th</sup> Street, Sarpy County, Nebraska (hereinafter "the Project"); and,

WHEREAS, the District has identified certain lands necessary for the Project, identified as Tract #5 (Donald C. Dittus, etal) (hereinafter, "the Property"), and has negotiated in good faith with the owner(s) thereof for the voluntary purchase thereof, but that such negotiations have failed and the District has not been able to voluntarily acquire the Property for the Project and must acquire the same by the exercise of eminent domain,

NOW, THEREFORE, BE IT RESOLVED that the Board of

Directors of the Papio-Missouri River Natural Resources District does hereby make the following findings and determinations, to-wit:

A. The Project is a plan, facility, work and program relating to prevention of damages from flood water and sediment, flood prevention and control, drainage improvement and channel rectification, all within the contemplation of Section 3-3229, R.R.S., 1943; and, the Project will locate and construct, straighten, widen, deepen, alter and maintain a ditch, drain, stream or watercourse, will riprap or otherwise protect the bank of a stream or ditch, and will construct, enlarge, extend, improve and maintain a stream of drainage or system of control of surface water, all within the contemplation of Section 3-3242, R.R.S., 1943; and, therefore, the District is authorized to undertake the Project; and,

B. The Project is of a predominantly general benefit to the District with only incidental special benefit, within the contemplation of Section 2-3252, R.R.S., 1943; and the Project should be carried out with any available funds of the District; and,

C. For purposes of the Project it is necessary that the District acquire that certain parcel of real estate in Douglas County, Nebraska, identified in the District's records as Tract 5 and herein referred to as the Property; and,

D. The District has negotiated in good faith with the respective owner(s) of the Property, in that, in the case of each tract comprising the Property, the District has retained an licensed real estate appraiser to appraise the fair market value of the Property, the District, through its negotiators, has offered to the owner(s) of the Property an amount of money equal to the full fair market value thereof, as appraised by such appraiser, and the District has made reasonable efforts by telephone and personal contacts to induce such owner(s) to accept the District's said offer(s), but that such offer(s) have been refused and such negotiations have failed; and, it is necessary that the District exercise the right of eminent domain, granted by Section 2-3234, R.R.S., 1943, in order to acquire the Property for the Project; and,

E. Economic and physical feasibility necessitate that the Project be constructed along the present course of the West Branch of the Big Papillion Creek; and,

F. The acquisition of fee title to the Property is

necessary for the authorized purposes of the Project and also to allow the District to fence Project lands where necessary to prevent encroachments, discourage the dumping of trash, and discourage trespasses; and,

G. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT, in the absence of a voluntary conveyance of the Property to the District in accordance with the District's aforesaid offer(s), the District's Legal Counsel is hereby authorized and directed to initiate the filing of a petition in the County Court of Sarpy County, Nebraska, on behalf of the District, for the appointment of appraisers to ascertain and determine the damages from the District's taking of the Property, pursuant to the procedures governing eminent domain, as provided by Sections 76-701, et seq., R.R.S., 1943.

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

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

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

*FEL Recommendation #1.b.* West Branch Channel Project (2<sup>nd</sup> Street to Giles Road) Right of Way Acquisition:

b. Tract #24 (Frederick) – Recommendation that the General Manager be authorized to execute a purchase agreement with Judith Frederick, etal, for Tract #24 of the West Branch Channel Project, for the amount of \$73,250, and such additional documents to effectuate this transaction as 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson  
Voting Nay - None

Abstaining - None  
Excused Absence - Conley (Fred), Neary, Jansen  
Absent - Conley (Fred), Neary, Jansen

**TREASURER'S REPORT:**

- **MOTION NO. 9:** 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 January, 2005, 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 January, 2005, 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, Kolowski, Lanphier, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Conley (Fred), Neary, Jansen  
Absent - Conley (Fred), Neary, Jansen

**CHAIRPERSON'S REPORT:** Nothing to report.

**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 following items were covered:

- ❖ Ralph Puls reported on the progress of construction of the Dakota County Service Center in Dakota City, NE.
- ❖ Dick Sklenar updated the Board on the construction of Washington County Rural Water #2. He also briefed the Board fire protection on the rural water systems.
- ❖ GM Oltmans distributed a current status report on the Western Sarpy/Clear Creek Project.
- ❖ GM Oltmans distributed the updated Interlocal Cooperation Act Agreement between the



City of Bellevue and the P-MRNRD for Bellevue Riverfront Development.

Vice-Chairperson Connealy relinquished the floor to Chairperson Jansen.

**INFORMATIONAL ITEMS:**

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

Feb. 17, 2005	Watershed by Design Meeting, 7:00 p.m., NRC
Feb. 21, 2005	Presidents' Day – P-MRRND Offices Closed
March 7, 2005	NARD Board Meeting, Embassy Suites, Lincoln, NE
March 8, 2005	P-MRNRD Subcommittee Meetings
March 9, 2005	Metro Regional Envirothon 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 (Directors Tim Fowler and Jim Thompson representing the District)
March 23, 2005	Watershed by Design Meeting, 7:00 p.m., NRC
April 12, 2005	P-MRNRD Subcommittee Meetings
April 14, 2005	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 10, 2005, at the NRC

**ADJOURNMENT:** Being no further business, the meeting adjourned at 9:05 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 10, 2005, 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