



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 14, 2008**

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 February 14, 2008. 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
Dick Connealy	John Schwope
David Klug	Jim Thompson
Rick Kolowski	

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Connealy and seconded by Director Kolowski that the agenda be adopted.

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Connealy 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 following Director(s) have an excused absence from the February 14, 2008, Board of Directors Meeting:

Tim Fowler
Rich Tesar

Agenda Item 7 A.:

BE IT RESOLVED that the January 10, 2008, Papio-Missouri River NRD Board meeting minutes and the January 9, 2008, Dakota 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), Connealy, Klug, Kolowski, Lanphier, Patterson, Schwope, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence:		Fowler, Tesar
Absent	-	Fowler, Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on February 7, 2008. The District's December, 2007, expenditures were published in the Blair Pilot-Tribune on February 5, 2008. 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: Chuck Leinen, NRCS Civil Engineer at the Omaha NRCS office, reported on NRCS activities for the past month.

B. Nebraska Association of Resources Districts Report: Chairperson Thompson reported on the NARD Legislative Conference that was held on February 5-6, 2008 at the Embassy Suites in Lincoln. He indicated that due to weather conditions, attendance was down, but six Directors did attend all or portions of the conference. He also noted that the NARD Washington DC Trip is scheduled for March 8-12, 2008 and that Directors John Conley and Dave Klug and John Winkler and Marlin Petermann would be attending.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff was unable to attend the meeting. Marlin Petermann distributed the LPRCA report. He pointed out a Lincoln Journal Star article, "Hazardous pilings, piers removed from river at Camp Ashland," that ran on February 9, 2008. He also noted that the LPRCA 2008 Strategic Planning Survey that was used at the 3 NRD meeting held on January 22nd was attached. He invited Directors who had not participated in the planning meeting to fill out the survey and send it to Rodney.

D. Legislative Report: Rich Lombardi reported that the 100th Legislature, Second Session, is half way through and that there are 2 weeks remaining for public hearings. Mr. Lombardi indicated that the Natural Resources Committee advanced LB 880 from Committee on February 13th. There were three areas of concern and the bill was amended as follows:

1. No project shall include a reservoir or water quality basin having a permanent pool greater than 500 surface acres.
2. Any project having a permanent pool greater than 20 surface acres shall provide for public access
3. A district shall not acquire real property for a project if the real property is to be turned over to a nonpublic entity after such acquisition.

He stated that he felt that real progress has been made regarding LB 880 and that the bill should be on General File within the next 3 weeks. There was discussion.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on February 12, 2008 and gave a brief recap of the meeting. He stated that Dr. Don Greer gave a mid-stage report on the Trail User's Study that was conducted in the metro area. Dr. Greer indicated that the final report would be available within the next few months.

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

PPO Recommendation #2 City of Omaha Request for Improvements to the Cunningham Lake Marina - Recommendation that the City of Omaha's cost share request for improvements to the Cunningham Lake Marina in the amount of \$250,000 be approved, subject to funds being included in the District's Fiscal Year 2009 Budget.

Larry Foster, City of Omaha – Parks, Recreation and Public Property, addressed the Board. He noted that this project would include 60 boat slips, 25 moorings, a dry sail storage area, access road, parking areas, walkways and a restroom facility. The project is similar to the public marina facility at N.P. Dodge Park that the District cost-shared with the City to build.

The following individuals addressed the Board:

Tyler Mohr, 12101 Pawnee Road, Omaha, NE
Paul Jeffrey, 2417 S. 105th Ave., Omaha, NE

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

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

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

PPO Recommendation #3 Groundwater Management Plan – Agreement with USGS for Trends Analysis – Recommendation that the General Manager be authorized to execute an agreement with the U.S. Geological Survey to conduct an Analysis and Assessment of Groundwater Quality and Groundwater Quantity Monitoring as proposed, in addition to the routine sampling of groundwater wells in the District, up to a maximum District expenditure of \$298,860 in Fiscal Years 2008-2011, and that Account #05-00-4485 be allowed to go over 110% of the Budgeted amount on the FY 2008 Budget.

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

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

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

PPO Recommendation #4 Little Papio Channel Project – Bids for Removal of Former Union Pacific Railroad Bridge G-18 – Recommendation that the General Manager be authorized to execute a Contract for Former Union Pacific Railroad Bridge G-18 Removal Project with McC, L.L.C., for their total bid of \$38,556.00.

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

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

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

PPO Recommendation #5 Turtle Creek Structure #2 Rehabilitation Project – Professional Services Contract with HDR Engineering – Recommendation that the General Manager be authorized to execute the proposed Turtle Creek Watershed Structure #2 engineering services agreement with HDR Engineering with a maximum not to exceed \$55,500, subject to changes deemed necessary by the General Manager and approved to as to form by District Legal Counsel.

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

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

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

PPO Recommendation #6 Tekamah-Mud Watershed Structure #4-1 Bank Stabilization Project Bids – Recommendation that the General Manager be authorized to execute a contract for Tekamah-Mud Watershed Structure 4-1 Bank Stabilization Project with Glup Construction for their total base bid of \$25,074.60.

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

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

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

PPO Recommendation #7 Revised Ice Jam Explosive Services Contract – Recommendation that the General Manager be authorized to execute the revised proposed contract with Dykon Explosive Demolition Corporation, 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 (Fred), Conley (John), Connealy, Klug, Kolowski, Lanphier, Patterson, Schwope, Thompson
Voting Nay - None
Abstaining - None
Excused Absence: Fowler, Tesar
Absent - Fowler, Tesar

B. Finance, Expenditures and Legal Subcommittee: Director John Conley reported that the FEL Subcommittee met on February 12, 2008 and gave a brief recap of the meeting.

•• **MOTION NO. 9** It was moved by Director John Conley that the following recommendation be adopted:

FEL Recommendation #1 Mopac Trail Project – Board of Educational Lands and Funds Easements – Recommendation that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the September 14, 2006, resolution of the Board of Directors, concerning the acquisition of MOPAC TRAIL right-of-way from the Nebraska Board of Educational Lands and Funds, as amended by resolution of the Board of Directors on November 8, 2007, should be, and is hereby, further amended as follows:

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the DISTRICT") has proposed the MOPAC Trail Project in Sarpy County, Nebraska (hereinafter "the PROJECT"); and,

WHEREAS, the DISTRICT has identified interests in certain lands and easements that are necessary to be acquired for the PROJECT, that is, permanent trail easements over Parcels ED-A, ED-B and, ED-H and ED-I; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G (all such interests hereinafter being referred to collectively as the PROPERTY); each such parcel being described in a respective document captioned "Description and Sketch," all marked in the DISTRICT'S files as Exhibits 1 through 89, and incorporated herein by reference, all such parcels comprising the PROPERTY presently being owned by the State of Nebraska Board of Educational Lands and Funds (hereinafter "the STATE BOARD"),

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the DISTRICT as follows, to-wit:

- A. The PROJECT will be a public recreational pedestrian and bicycle trail, extending along the south side of State Highway 32, from Highway 50 to the former MOPAC RR bridge over the Platte River, and the PROJECT is a plan, facility, work and program relating to development and management of recreational and park facilities, within the contemplation of Section 2-3229, R.R.S., 1943; and, therefore, the DISTRICT is authorized to undertake the PROJECT;
- 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 therefore should be carried out with any available funds of the DISTRICT,
- C. For purposes of the PROJECT it is necessary that the DISTRICT acquire the PROPERTY described above, that is, permanent trail easements over Parcels ED-A, ED-B, and ED-H and ED-I; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G; to-wit:
 - (1) In taking permanent trail easements over Parcels ED-A, ED-B, and ED-H, and ED-I, the DISTRICT acquires the following permanent rights (and reserves in the STATE BOARD and its successors and assigns, the following reserved rights) over Parcels ED-A, ED-B, ED-H and ED-I:

Permanent trail easement: The DISTRICT hereby acquires the permanent, right, liberty and authority to enter Parcels ED-A, ED-B, and ED-H, and ED-I and therein design, construct, operate, maintain, repair, replace, regulate and use public bicycle and pedestrian trail improvements; reserving, however, in the STATE BOARD, and its successors and assigns, the reserved right to use the portions of the road(s), driveway(s) and field entrance(s) in Parcels ED-A, ED-B and ED-H, and ED-I that intersect with the public trail improvements constructed by the DISTRICT, and the reserved right to remove snow and ice from such portions of such

roads, driveway(s) and field entrance(s), without any duty on the part of the STATE BOARD, its successors and assigns, to otherwise maintain or repair such trail improvements within such intersections; provided, however, such reserved rights do not reserve in the STATE BOARD, its successors and assigns, the right to park vehicles on such intersecting trail improvements or otherwise obstruct the public use of such intersections for trail purposes; and, provided, further, the DISTRICT shall not be deemed to have hereby acquired, for its trail users, any right-of-way over motorized vehicles using such road(s), driveway(s) or field entrance(s); and, the DISTRICT shall maintain signs, using language determined by the DISTRICT, advising its trail users that such cross-traffic is not required to stop; and,

- (2) In taking the permanent easements over Parcels ED-C and ED-D the DISTRICT acquires the following permanent rights, to-wit:

Permanent Drainage Easement: The permanent, full, and free right, liberty and authority to enter upon and use said Parcels ED-C and ED-D for purposes of construction, operation, maintenance, repair, replacement, and regulation of drainage improvements appurtenant to the Project, such drainage improvement easement rights hereby acquired including, without limitation, the construction, operation, maintenance, repair, replacement and regulation of drainage culverts and other conduits and extensions thereof, embankments, headwalls, channels, swales, erosion prevention measures and other surface water drainage improvements associated with and appurtenant to the Project; and,

- (3) In taking the temporary easements over Parcels ED-E, ED-F and ED-G the DISTRICT acquires the following temporary rights, to-wit:

Temporary Construction Easement: The temporary, full, and free right, liberty and authority to enter upon and use said Parcels ED-E, ED-F and ED-G for ingress and egress; construction materials storage; equipment maintenance, storage and maneuvering; and, any for other lawful purposes necessary, convenient or incidental to the District's construction of the Project or the aforesaid drainage improvements, during the period of such construction.

- D. The DISTRICT has retained a licensed real estate appraiser to appraise the fair market value of the PROPERTY; and, the DISTRICT, through its negotiators, has offered to the STATE BOARD an amount of money equal to the damages as appraised by such appraiser;

- E. Economic and physical feasibility necessitate that the PROJECT be constructed on the PROPERTY; and,
- F. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT the DISTRICT'S legal counsel should be and is hereby authorized and directed to initiate the filing of an amended application with the STATE BOARD, on behalf of the DISTRICT, for a hearing before the Board of Appraisers for Educational Lands and Funds, to ascertain and determine the damages from the DISTRICT'S taking of the PROPERTY, pursuant to the procedures provided by Sections 72-214, et seq., R.R.S., 2003.

BE IT FURTHER RESOLVED THAT the General Manager should be and is hereby authorized and directed to prepare and install appropriate signs directing users of the MOPAC Trail to yield the right-of-way to motorized vehicles traveling on roads intersecting the MOPAC Trail.

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

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

TREASURER'S REPORT:

- **MOTION NO. 10:** 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 January, 2008, 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 January, 2008, 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 (Fred), Conley (John), Connealy, Klug, Kolowski, Lanphier, Patterson, Schwope, Thompson
Voting Nay - None
Abstaining - None
Excused Absence: Fowler, Tesar
Absent - Fowler, Tesar

CHAIRPERSON’S REPORT:

A. Special Meeting of Elected Officials – Chairperson Thompson reported that 41 elected officials had attended the Elected Officials Conference on Saturday, February 2, 2008 at the Scott Conference Center. He noted that this was an unprecedented event and felt the discussion was beneficial to all involved.

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. Marlin Petermann gave a presentation regarding flooding events on the Platte River in 1978, 1993 and 1998. He showed slides of the ice jams and news clips from Channel 6 and Channel 3 depicting the dynamiting of ice jams in 1998 were shown.

INFORMATIONAL ITEMS:

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

February 15, 2008	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. at the NRC
February 15, 2008	Incumbent Deadline for Filing
February 18, 2008	Presidents’ Day – P-MRNRD Offices Closed

February 19, 2008	Papillion Creek Watershed Partnership Public Forum, UNO, WH Thompson Alumni Center, 6001 Dodge St., Omaha at 4:30 – 7:30 p.m.
February 19, 2008	Louv at the Lied – Addressing the Human Connection to Nature, Lied Center for Performing Arts, Lincoln, NE at 7:00 p.m.
February 21, 2008	Papillion Creek Watershed Partnership Public Forum, Northwest High School, 8204 Crown Point, Omaha, 4:30 – 7:30 p.m.
February 25, 2008	Papillion Creek Watershed Partnership Public Forum, Papillion LaVista South High School, 10799 Hwy 370 4:30 – 7:30 p.m.
February 27, 2008	Papillion Creek Watershed Partnership Public Forum, Millard West High School, 5710 S. 176 th Ave., Omaha, NE 4:30 – 7:30 p.m.
February 28, 2008	Papillion Creek Watershed Partnership Public Forum, Bellevue Lied Activity Center, 2700 Arboretum Dr., Bellevue, NE, at 4:30 – 7:30 p.m.
March 1, 2008 -	Non-Incumbent Deadline for Filing
March 4, 2008	Papillion Creek Watershed Partnership Public Forum, Concordia High School, 15656 Fort St., Omaha 4:30 – 7:30 p.m.
March 6, 2008	Papillion Creek Watershed Partnership Public Forum, Dana College, 2848 College Dr., Blair, NE 4:30 – 7:30 p.m.
March 6, 2008	P-MRNRD Subcommittee Meetings
March 8-12, 2008	NARD Washington DC Trip
March 13, 2008	P-MRNRD Board Meeting
April 8, 2008	P-MRNRD Subcommittee Meetings
April 10, 2008	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on March 13, 2008 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 9:20 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 February 14, 2008, 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