



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 10, 2011**

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 St., Omaha, NE on February 10, 2011. The meeting was called to order by Chairperson Rick Kolowski at 7:00 p.m.

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

Fred Conley	Dave Klug
John Conley	Dorothy Lanphier
Gus Erickson	Rich Tesar
Scott Japp	Jim Thompson
	Rick Kolowski

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Fred 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 absences of the following Directors from the February 10, 2011, Board of Directors Meeting are excused:

Larry Bradley
Tim Fowler

Agenda Item 7. A and B.

BE IT RESOLVED that the January 13, 2011 Papio-Missouri River NRD Board meeting minutes; and the January 12, 2011 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on February 4, 2011. The District's December, 2010, expenditures were published in the Burt County Plaindealer on February 2, 2011. The Chairperson ordered the Proofs of Publication recorded in the minutes of this meeting.

AGENCY AND ASSOCIATION REPORTS:

A. Natural Resources Conservation Service Report: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities. He reported that the NRCS has received its initial allocation of \$283,672 for the district. He also noted that the cutoff date for Nebraska Wetlands Reserve Program applications is March 1, 2011.

B. Nebraska Association of Resources Districts:

Director Tesar reported that the NARD Legislative Conference was held January 25-26, 2011 in Lincoln. He thanked Directors for attending the legislative conference. He also noted that the NARD had gone on record opposing LB173, LB 656 and LB 457.

The then shared some information that Director Fowler brought back from the NACD Annual Conference in Nashville, TN, regarding Flex-a-Mat which is a tied concrete block mat used to control erosion in swales, ditches, slopes and shoreline protection.

C. Lower Platte River Corridor Alliance Report: Marlin Petermann reported on a proposal from the USGS to investigate spatial and temporal dynamics of sandbars in the Lower Platte River. The Lower Platte River Corridor Alliance cost share of the project would be \$87,990 or 70%.

D. Legislative Report: Steve Grasz, Husch Blackwell Sanders, reported that there were several bills being tracked for the District to include:

- ✓ LB 154 – Change procedures for filling vacancies on Natural Resources District Boards - advanced to Select File
- ✓ LB 173 – Prohibit natural resources district board members from running for or holding more than one office. Hearing was held on February 2nd. Directors Fred Conley and Jim Thompson testified in opposition to the bill. The bill failed to advance.
- ✓ LB 383 - Eliminate state aid for municipalities, counties, and Natural Resources Districts – Hearing held on January 26th. The bill was placed on General File and designated as a priority bill.
- ✓ LB 487 Provide for resolution and ordinance power relating to flood protection and water quality enhancement projects – Referred to the Natural Resources Committee. Hearing to be held February 23rd.
- ✓ LB 527 Change tax levy authority of natural resources district – Referred to the Revenue Committee. Hearing held on February 2nd. No action taken.
- ✓ LB 656 Change provisions relating to flood protection and water quality enhancement bonds. Referred to the Natural Resources Committee. Hearing set to March 3, 2011.

PUBLIC HEARING – MoPac Trail Project (Hwy 50 to Chalco Hills): Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:25 p.m. Hearing Officer Winkler submitted the following exhibits for the record.

- Exhibit 1 - Agenda
- Exhibit 2 - Proof of Publication – Omaha World Herald – January 26 and February 2, 2011
- Exhibit 3 - Notice of Proposed Acquisition and Public Hearing Notice
- Exhibit 4 - Letter to Landowners
- Exhibit 5 - Project Map
- Exhibit 6 - Legal Descriptions
- Exhibit 7 - Certified Mail Receipts
- Exhibit 8 - Metro Area Trails Map – Paths of Discovery

Paul Peters, District Legal Counsel, noted the purpose of the hearing was to explain the nature and necessity of the project, the reasons for selecting the particular location and the right of each landowner to be represented by an attorney and to negotiate and accept or reject the offer of

damages which will be sustained by the proposed acquisition and the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain.

Gerry Bowen, Project Manager, explained that the property proposed to be acquired will be used for the construction, operation and maintenance of the MoPac Trail Project (Hwy 50 to Chalco Hills). The project will generally follow Schramm Road to connect Highway 50 with Chalco Hills Recreation Area.

Mr. Winkler opened the floor to the public. The following individuals addressed the Board:

- Richard Krambeck, 5512 S. 91st St., Omaha, NE 68127
- Kerrol Skolan, 8851 – 528 Ave., Vertigre, NE
- Larry Hammers, Gretna, NE
- Scott Japp, Arlington, NE
- Russ Roan, 9401 S. 180th St., Omaha, NE
- Margret Lengpall, 1753 S. 49th, West Des Moines, IA

Hearing Officer Winkler closed the Public Hearing at 7:45 p.m. and returned the floor to Chairperson Kolowski.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on February 8, 2011 and he gave a brief recap of the meeting.

1.a. Elkhorn River IPA Project – Project Evaluation and Recommendations: Director Conley noted that the Subcommittee was briefed on the history of the Elkhorn River IPA project. Bob Mussetter of Tetra Tech discussed the Tetra Tech Technical Memorandum on Preliminary Observations and Recommendations for Repairs to the Elkhorn River IPA Project. No Subcommittee action was taken on this item.

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

PPO Recommendation #1b: Elkhorn River IPA Project - Professional Services Contract with Tetra Tech – Recommendation that the District waive its consultant selection procedures and that the General Manager be authorized to execute a professional engineering services agreement for the Elkhorn River IPA Bank Stabilization Project with Tetra Tech, Inc. with a maximum not-to-exceed fee of \$359,736, subject to changes deemed necessary by the General Manager, and accepted as to form by District legal counsel.

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

Voting Yea - Conley (Fred), Conley (John), Erickson, Klug, Lanphier, Tesar, Thompson, Kolowski
Voting Nay - Japp

Abstaining - None
Excused Absence - Bradley, Fowler
Absent - Bradley, Fowler

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

PPO Recommendation #1c: Elkhorn River IPA Project - Reinstatement of O&M Assessment – Recommendation that a special assessment for operation and maintenance of the Elkhorn River Bank Stabilization Project be levied in the amount of \$15,000 per year to achieve and maintain a minimum balance of \$250,000 in the Elkhorn River IPA Operation and Maintenance Fund.

- **AMENDMENT : NO. 1 TO MOTION NO. 4** It was moved by Director Japp and seconded by Director Lanphier that the IPA be allowed to form a Citizens Advisory Committee.

There was discussion. Paul Peters, District Legal Counsel, noted that pursuant to state statute it is the NRD Board’s responsibility to determine projects or portions of projects to be of special benefits to an area and to determine any fees or assessments to be collected by the District.

CALL FOR THE QUESTION It was moved by Director Erickson and seconded by Director Tesar to call for a vote on Amendment No. 1 to Motion No. 4.

Roll call vote was held on the motion to call for the question. The motion carried on a vote of 8-yea and 1-nay.

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

Roll call vote was held on Amendment No. 1 to Motion No. 4. The motion failed on a vote of 2-yea and 7-nay.

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

Roll call vote was held on Motion No. 4. The motion carried on a unanimous vote.

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

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

PPO Recommendation #2a: Elkhorn River 240th Street Area (Sarpy County) - Professional Services Contract with Tetra Tech – Recommendation that the District waive its consultant selection procedures and that the General Manager be authorized to execute a professional engineering services agreement for the 240th Street Elkhorn River Stabilization Project with Tetra Tech, Inc. with a maximum not-to-exceed fee of \$136,852, subject to changes deemed necessary by the General Manager, and accepted as to form by District legal counsel.

Director Lanphier questioned why the consultant selection procedures were being waived. It was noted that Tetra Tech has been involved with several stabilization projects, including the Elkhorn River IPA Project and is the most qualified firm to perform these engineering services.

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

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

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

PPO Recommendation #2b: Elkhorn River 240th Street Area (Sarpy County) – Interlocal Agreement with Sarpy County – Recommendation that the General Manager be authorized to execute an Interlocal Cooperation Act agreement with Sarpy County for the 240th Street Bank Stabilization Project, pending approval by Sarpy County and subject to changes deemed necessary by the General Manager and accepted as to form by District legal counsel.

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

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

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

PPO Recommendation #3: City of Papillion Recreation Area Development Application for Glenwood Hills Park Project – Recommendation that the maximum cost share amount for the City of Papillion’s Glenwood Hills Park Recreation Area Development Project be increased from \$24,059 to \$30,000.

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

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

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

PPO Recommendation #4: Bid Opening for 2011 Long Reach Hydraulic Excavator – Recommendation that the bid from Nebraska Machinery Company with trade-in of the Districts’ 1992 Link Belt serial Number D2I30195 and attachments for \$34,214.15 per year for the next 5 years and the purchase of the 5 year support agreement for \$5,274 be accepted.

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

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

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

PPO Recommendation #5: Water Tower Painting Contract for Thurston County Rural Water – Recommendation that the firm of Maquire Iron Inc. be awarded the contract in the amount of \$27,840.00 for the painting of the interior of the Thurston County Rural Water elevated reservoir.

Director John Conley noted that the Subcommittee reviewed changes to District policies suggested by Director Japp. No Subcommittee action was taken.

The Subcommittee also reviewed a request for payment of approximately \$6.5 million of the 1/3 requirement in the PCWP obligation for funds spent on land acquisitions for dams site #15 presented by Director Japp. No action was taken on the item.

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Fred Conley 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, 2011, 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, 2011, 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 on a vote of 7-yea, 1-nay and 1 abstention.

Voting Yea	-	Conley (Fred), Conley (John), Erickson, Klug, Tesar, Thompson, Kolowski
Voting Nay	-	Japp
Abstaining	-	Lanphier

Excused Absence - Bradley, Fowler
Absent - Bradley, Fowler

CHAIRPERSON’S REPORT: The Chairperson thanked Directors for their participation at the NARD Legislative Conference, January 25-26, 2011 in Lincoln. He distributed a copy of the “New Directors Orientation” prepared by the NARD. He also indicated that he was working on a document for presentation at the next Board meeting regarding Director Responsibilities and Behavior.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. He noted that an informational public meeting regarding the Waterloo Levee Improvements Construction would be held on March 2nd at 7:00 p.m. at the Douglas County West Middle School. He also informed the Board that on January 11, 2011, a review of compliance with Federal tax requirements and securities law continuing disclosure obligations was conducted by the General Manager as required by the Post Issuance Compliance Procedures established by the NRD. He reported that the District is in compliance with all rules and regulations and that our goal is to achieve an AAA bond rating.

INFORMATIONAL ITEMS:

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

February 21, 2011	Presidents’ Day - P-MRNRD Offices Closed
February 24, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
March 8, 2011	P-MRNRD Subcommittee Meetings
March 10, 2011	P-MRNRD Board Meeting
March 12-16, 2011	NARD Washington D.C. Conference
March 24, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 12, 2011	P-MRNRD Subcommittee Meetings
April 14, 2011	P-MRNRD Board Meeting
April 28, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 10, 2011	P-MRNRD Subcommittee Meetings
May 12, 2011	P-MRNRD Board Meeting

May 26, 2011

Papillion Creek Watershed Partnership Meeting, 10:00 a.m.,
NRC

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on March 10, 2011 at 7:00 p.m. at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:27 p.m.

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 February 10, 2011, 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