



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
January 8, 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 January 8, 2004. The meeting was called to order by the Chairperson, Fred Conley, at 8:05 p.m.

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Jansen and seconded by Director Rubin 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 January 8, 2004 Board of Directors Meeting:

Dick Connealy

Agenda Item 6 A. & B.:

BE IT RESOLVED that the December 11, 2003, Pappio-Missouri River NRD Board meeting minutes and the December 3, 2003 Thurston 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 (John), Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar
Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Connealy
Absence excused - Connealy

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on January 2, 2004. The District's November, 2003, expenditures were published in the Papillion Times on January 2, 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.)

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: Director Rubin reported that the NARD Legislative Conference would be held January 27-28, 2004 at the Embassy Suites in Lincoln. He urged Directors to attend. He also pointed out that the NARD Washington DC Trip would be held on March 22-24, 2004.

C. Lower Platte River Corridor Alliance: Rodney Verhoeff, LPRCA Coordinator, noted that the Lower Platte River Corridor Alliance Report had been posted to the District website and e-mailed to Directors. He reported that the quarterly LPRCA meeting would be held on January 13, 2004 at the Lower Platte South NRD offices at 9:00 a.m. and that a Cumulative Impact Study meeting would be held that afternoon at 1:30 p.m.

D. Nebraska Natural Resources Commission Report and Environmental Trust Fund Report: Vince Kramper reported that we are moving closer toward an agreement on the Platte River. He noted that the problem was finding money to support the agreement. He also noted that Marlin Petermann had updated the Commission on the Western Sarpy/Clear Creek Project. Regarding the Environmental Trust Fund, he indicated that application approvals will be announced January 9th. He stated that there was \$6 million to allocate for new projects and \$3 million for continuing projects. He also reported that they are looking for new office space and are investigating the Ferguson House in downtown Lincoln as an option.

SUBCOMMITTEE REPORTS:

A. Pigeon-Jones Creek Flood Control/Recreation Site #15 Ad Hoc Consultant Selection Subcommittee: Chairperson Conley reported that the Ad Hoc Subcommittee had met on January 6, 2004 and gave a brief recap of the meeting.

●● **MOTION NO. 3** It was moved by Director Rubin and seconded by Director Jansen that the following resolution be adopted:

BE IT RESOLVED that the January 6, 2004 minutes of the Pigeon/Jones Creek Flood Control/Recreation Site #15 Ad Hoc Consultant Selection Subcommittee, indicating that interviews be conducted with Olsson Associates and HDR, 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, Rubin, Tesar Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Absent	-	Connealy
Absence excused	-	Connealy

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee had met on January 6, 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 resolution be adopted:

PPO Recommendation #1: Contract for Professional Engineering Services with HGM Associates for Washington County Rural Water Project #2 – Recommendation that, following execution by all parties of the proposed Interlocal Cooperation Act Agreement among the District, the City of Blair and Washington County for Washington County Rural Water Project #2, the General Manager shall be authorized to execute a professional services contract with HGM Associates, Inc. for such water supply project for a maximum fee of \$349,843.12, in the form as presented to this meeting together with such amendments thereto determined 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), Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar
Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - Connealy
Absence excused - Connealy

Director John Conley then reported that the Subcommittee had previously tabled the consideration of the proposed co-occupation agreement between the District, Douglas County and OPPD for a power line along Little Papio Creek and Keystone Trail and took no action on this issue at the Subcommittee meeting.

- **MOTION NO. 5** It was moved by Director Tesar and seconded by Director Fowler that the Proposed Co-Occupation Agreement between the District, Douglas County and OPPD for a Power Line along Little Papio Creek and Keystone Trail be tabled.

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

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

C. Personnel, Legislative and Public Affairs Subcommittee: Director Nichols reported that the PLPA Subcommittee had met on January 6, 2004 and gave a brief recap of the meeting.

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

PLPA Recommendation #1.a. Water Policy Task Force Recommendations/Legislation:
Recommendation that the Board support the recommendations of the Water Policy Task Force.

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

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

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

PLPA Recommendation #1.b. Suggested Compromise Amendments to LB32 – Stormwater Legislation: Recommendation that the Board support the recommended compromise amendments to LB 32.

SUBSTITUTE MOTION

It was moved by Director Nichols and seconded by Tesar that the following Substitute Motion be made:

Motion not to accept the Subcommittee’s recommendation in support of the amendments to LB 32 as proposed. However, direct management to continue to work with the Legislature and others in finding an equitable way to adequately finance stormwater management programs and projects.

There was extended discussion. Assistant General Manager Petermann noted that he thought that everyone’s objective is to solve the water quality and flood problems we have in the Papio basin and meet the federal mandate. LB 32 as originally drafted had several good attributes, but the Legislature wouldn’t buy it and there were several Directors on this Board who had real problems with it. He stated that we have met with the cities, legislators, Directors, constituents, the opposition, media, etc., trying to figure out someway to fund stormwater management in this District and that the proposed amendments to LB 32 is the best hope we have for a solution to this problem.

Roll call vote was held on the substitute motion. The substitute motion carried on a vote of 6-yea and 4-nay.

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

Director Nichols reported that the PLPA Subcommittee had also discussed the agenda of the upcoming NARD Legislative Conference. No action was required.

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Rubin 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 December, 2003, 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 December, 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), Fowler, Gardner, Jansen, Neary, Nichols, Rubin, Tesar Thompson, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Absent	-	Connealy
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 he would let Directors know who would be participating at the next Board meeting.

GENERAL MANAGER'S REPORT: Assistant General Manager Petermann noted that Directors had received a copy of the GM's written report. Mr. Petermann then reported on the following items:

* He announced there were two upcoming right of way acquisition public hearings:

January 29, 2004 – Public Hearing on Right of Way Acquisition - Western Sarpy/Clear Creek Project – Riverside Cabins in Saunders and Sarpy County

11:00 a.m. at Lower Platte North NRD
7:00 p.m. at the Papio-Missouri River NRD

February 12, 2004 Public Hearing on Right of Way Acquisition for West Branch - 84th Street to Giles Road (as part of the Board Meeting)

* The following videos were then shown:

Channel 6 – Tiburon Sewage Dispute
Channel 6 – Follow-up Story on Solution to Tiburon Sewage Dispute
Channel 3 – Mile Markers on Field Club Trail
Channel 7 – Household Hazardous Waste Recycling Center

INFORMATIONAL ITEMS:

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

January 13, 2004 Lower Platte River Corridor Alliance Meeting,
9:30 a.m. at the Lower Platte South NRD, Lincoln, NE

January 15, 2004 Dakota County Service Center Ad Hoc Consultant
Selection Subcommittee Meeting at 6:30 p.m., NRC

January 19, 2004 Martin Luther King Holiday – Offices Closed

January 27-28, 2004 NARD Legislative Conference, Embassy Suites, Lincoln

January 29, 2004 – Public Hearing on Right of Way Acquisition - Western Sarpy/Clear Creek Project – Riverside Cabins in Saunders and Sarpy County

11:00 a.m. at Lower Platte North NRD
7:00 p.m. at the Papio-Missouri River NRD

February 1-5, 2004 National Association of Conservation Districts Annual Meeting, Hawaii (Directors Pete Rubin and Jim Thompson will be representing the District.)

February 5, 2004	Pigeon-Jones Creek Flood/Recreation Site #15 Ad Hoc Consultant Selection Subcommittee Meeting at 6:30 p.m., NRC
February 10, 2004	P-MRNRD Subcommittee Meetings
February 12, 2004	P-MRNRD Board Meeting (Public Hearing on Right of Way Acquisition for West Branch -84 th Street to Giles Road as part of the Board Meeting)
March 9, 2004	P-MRNRD Subcommittee Meetings
March 11, 2004	P-MRNRD Board Meeting
March 22-24, 2004	NARD Washington DC Trip

B. Other Information Items: None.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on February 12, 2004 at the NRC.

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