

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
January 13, 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. 154th Street, Omaha, NE on January 13, 2005. The meeting was called to order by Chairperson, Rich Jansen, at 8:05 p.m.

OATH OF OFFICE: The Honorable Jane H. Prochaska, Douglas County Judge, administered the oath of office to the following Directors elected in the November, 2004, general election:

**Dick Connealy
Dorothy Lanphier
Richard Kolowski**

**Joe Neary
John Schwope
Rich Tesar**

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

Fred Conley
John Conley
Dick Connealy
Tim Fowler
Rick Kolowski
Dorothy Lanphier

Joe Neary
John Schwope
Rich Tesar
Jim Thompson
Rich Jansen

ADOPTION OF AGENDA:

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director John Conley 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 following Director(s) have an excused absence from the January 13, 2005 Board of Directors Meeting:

None.

Agenda Item 6 A.:

BE IT RESOLVED that the December 9, 2004, Papio-Missouri River NRD Board meeting minutes and the December 15, 2004 Washington 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, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - None

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on January 7, 2005. The District's November, 2004, expenditures were published in the Papillion Times on January 6, 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. Natural Resources Conservation Service: Lynn Heng, NRCS District Conservationist at the NRC office, reported on Natural Resources Conservation Service activities for the past month. He then explained the Technical Service Providers Program and thanked the Board for their support of the program. The NRCS Report is posted to the District website.

B. Nebraska Association of Resources District Report: Director Tesar reminded Directors that the NARD Legislative Conference would be held January 25-26, 2005 at the Embassy Suites in Lincoln, NE. He urged Directors to attend.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, distributed the December LPRCA and noted that the report was posted to the P-MRNRD website. He also reminded Directors of the LPRCA Retreat to be held on January 21, 2005, 9:00 a.m. – 3:00 p.m. at Camp Kitaki. He also noted that the LPRCA Quarterly Meeting is scheduled for March 1, 2005 at 9:30 a.m. at the Lower Platte South NRD office in Lincoln.

SUBCOMMITTEE REPORTS:

A. Joint Programs, Projects and Operations and Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the Joint PPO/FEL Subcommittee met on January 11, 2005, and gave a brief recap of the meeting.

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

Joint PPO/FEL Recommendation #1 Missouri River Trail – N.P. Dodge Park to Washington County Line – Recommendation that the District construct the entire length of the Missouri River Trail on the east side of the roadway from N.P. Dodge Park north to the Washington County line (Phase Two – Option “A”) and that the staff negotiate an agreement with HGM Associates, Inc., to complete the final design, right of way acquisition and construction services for the project, for consideration by the Board in February, 2005.

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

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

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

Joint PPO/FEL Recommendation #2 Pigeon/Jones Site 15 Recreation Area Concept Plan – Recommendation that the Pigeon/Jones Creek Site 15 Pre-Feasibility Study be accepted and that the Natural Resources Development Fund Project Proposal be submitted to the Department of Natural Resources for its consideration.

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

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

- **MOTION NO. 5** It was moved by Director Connealy and seconded by Director Fred Conley that the following recommendation be adopted:

Joint PPO/FEL Recommendation #3 Request by Judith L. Adler to Allow Horseback Riding at Prairie View Rec Area (West side of 180th Street between Hwy 36 and Bennington Road) – Recommendation that the District not allow horseback riding or an equestrian trail at the Prairie View Recreation Area.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

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

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

Joint PPO/FEL Recommendation #4 NRCS/NARD/NRD Interlocal Agreement for TSP Grant Funds – Recommendation that the General Manager be authorized to execute the Interlocal Agreement To Administer USDA-NRCS Funds for Technical Services Providers with the NARD, in the form as presented to the Subcommittee meeting.

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

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

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

Joint PPO/FEL Recommendation #5 Floodway Property Purchase in Sarpy County – Recommendation that the General Manager be authorized to execute a Purchase Agreement with Alice and Wilma Pedersen to acquire a 2.73 acre parcel in the floodway of the Big Papillion Creek for \$128,000, 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, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - None

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

Joint PPO/FEL Recommendation #6 Washington County Rural Water #2 Reimbursement Resolution –Recommendation that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District, in the State of Nebraska, as follows:

Section 1. The Board of Directors hereby finds and determines that it is necessary and appropriate to declare an official intent to issue tax-exempt bonds and in addition the District’s reasonable expectations to reimburse, if necessary, certain expenditures with the proceeds of such bonds as proposed to be issued in connection with additions and improvements to the District’s Washington County Rural Water #2 project (the “Washington County Project”).

Section 2. This resolution shall stand as a statement of the official intent of the District under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is: additions and improvements to the Washington

County Project, including water distribution lines and storage facilities and related real estate and real estate rights and equipment.

2. The maximum principal amount of tax-exempt debt expected to be issued for such project is \$4,000,000.

Section 3. If general or other funds of the District are advanced, construction period interest shall be charged to the project at the prime rate.

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

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

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

Joint PPO/FEL Recommendation #7 West Branch Channel Project (96th St. to Giles Road) OPPD Power Pole Relocation – Recommendation that the General Manager be authorized to contract with OPPD for the relocation of OPPD’s 69KV power pole for the West Branch Papio Channel Project at an estimated cost of \$27,000.

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

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

- **MOTION NO. 10** It was moved by Director Connealy and seconded by Director Fowler that the Board go into Executive Session to discuss right of way issues for West Branch Channel Project and Western Sarpy/Clear Creek Flood Reduction Project.

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

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

The Board went into Executive Session at 8:42 p.m.

The Board returned to Regular Session at 9:10 p.m.

- **MOTION NO. 11** It was moved by Director Connealy and seconded by Director John Conley that the following resolution be adopted:

Joint PPO/FEL Recommendation #8 West Branch Channel Project (2nd Street to Giles Road), Tracts #17 and #18 (Glen L. Gosch) Right of Way Acquisition – Recommendation that the General Manager be authorized to execute an agreement with Glen L. Gosch to purchase tracts 17 and 18 for the amount of \$94,400, and execute such additional documents to effectuate those transactions 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 (Fred), Conley (John), Connealy, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
 Voting Nay - None
 Abstaining - None
 Absent - None

- **MOTION NO. 12** It was moved by Director Connealy and seconded by Director Fred Conley that the following recommendation be adopted:

Joint PPO/FEL Recommendation #9 Western Sarpy/Clear Creek Flood Reduction Project County Court Award by Board of Appraisers on Tract 2L (Hansen) Easement Right of Way Acquisition – Recommendation that the District appeal to the District Court of Sarpy County from the award of Appraisers in the eminent domain proceedings to acquire permanent easements on the Hansen Tract (2L) for the Western Sarpy/Clear Creek Levee Project; deposit \$66,000 with the Clerk of the Sarpy County Court; and offer to stipulate that \$20,000 of such deposit may be withdrawn by the condemnee.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

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

TREASURER'S REPORT:

- **MOTION NO. 13:** It was moved by Director John Conley and seconded by Director Fowler 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, 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 #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 December, 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 (Fred), Conley (John), Connealy, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
 Voting Nay - None
 Abstaining - None
 Absent - None

CHAIRPERSON'S REPORT:

A. Attendance at Upcoming Meetings: Chairperson Jansen announced that the following Directors would be representing the District at the conferences listed below:

1. National Association of Conservation Districts Annual Conference, Feb. 5-9, 2005, Atlanta, GA – Directors Fred Conley and Rich Tesar.
2. NARD Washington, D.C., Conference, March 14-16, 2005 – Directors Tim Fowler and Jim Thompson

B. P-MRNRD Standing Subcommittee Appointments: Chairperson Jansen stated that hopefully all Directors had a chance to review his Subcommittee appointments. Director Tesar noted that Chairperson Jansen was not on any Subcommittee and that the notes at the bottom of the list indicates that “All Directors are on at least one of the three Standing Subcommittee and no more than two.” Chairperson Jansen explained that in the past, the Chairperson had not served on a Subcommittee and that it was at the prerogative of the Chair. He stated that at this time he would prefer not to serve on a Subcommittee. It was also pointed out that the footnotes were not District policy.

- **MOTION NO. 14** It was moved by Director John Conley and seconded by Director Schwope that the Standing Subcommittee appointments, as presented by Chairperson Jansen, be approved and that “Note 1. – All Directors are on at least one of the three Standing Subcommittees and no more than two.” be deleted.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

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

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. He reminded the Directors of the Papio Watershed Design Meeting to be held on January 20, 2004 at 7:00 p.m. at the NRC. He then showed a news clip from Channel 7 regarding the Turner Blvd. Trail.

INFORMATIONAL ITEMS:

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

January 17, 2005	Martin Luther King Day – P-MRNRD Offices Closed
January 20, 2005	Watershed by Design Meeting, 7:00 p.m., NRC
January 21, 2005	Lower Platte River Corridor Alliance Retreat, Camp Kitaki (east of South Bend, NE), 9:00 a.m. – 4:00 p.m.
January 25-26, 2005	NARD Legislative Conference, Embassy Suites, Lincoln, NE
February 3, 2005	Public meeting on S-27, 31, 32 Dam Rehab, 7:00 – 9:00 p.m. at St. Matthews School, 12210 S. 36 th Street, Bellevue, NE

February 3-6, 2005	P-MRNRD Booth at Omaha Home and Garden Show, Qwest Center
Feb. 5-9, 2005	National Association of Conservation Districts Annual Meeting, Atlanta, GA
Feb. 8, 2005	P-MRNRD Subcommittee Meetings
Feb. 10, 2005	P-MRNRD Board Meeting
Feb. 17, 2005	Watershed by Design Meeting, 7:00 p.m., NRC
March 1, 2005	Lower Platte River Corridor Alliance Quarterly Meeting, 9:30 a.m., at the Lower Platte South NRD Office, 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
March 17, 2005	Watershed by Design Meeting, 7:00 p.m., NRC

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 10, 2005, at the NRC

ADJOURNMENT: Being no further business, the meeting adjourned at 9:25 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 13, 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.

Richard Tesar
District Secretary