



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
January 11, 2007  
MINUTES**

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE:** The Honorable J. Russell Derr, Douglas County District Court Judge, administered the oath of office to the following Directors elected in the November, 2006, general election:

**Fred Conley  
John Conley  
Tim Fowler**

**David Klug  
Jim Thompson**

**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. 154<sup>th</sup> Street, Omaha, NE on January 11, 2007. 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  
John Conley  
Dick Connealy  
Tim Fowler  
David Klug**

**Rick Kolowski  
Rick Patterson  
John Schwope  
Rich Tesar  
Jim Thompson**

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Schwope and seconded by Director Fred Conley 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, Klug, Kolowski,

Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Kolowski and seconded by Director John 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 11, 2007, Board of Directors Meeting:

Dorothy Lanphier

Agenda Item 7 A.:

BE IT RESOLVED that the December 14, 2006, 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 (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on January 4, 2007. The District's November, 2006, expenditures were published in the Dakota County Star on January 4, 2007. 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: Verlon Barnes, District Conservationist at the Omaha NRCS office, reported on NRCS activities for the past month. A copy of his report is posted to the website.

B. Nebraska Association of Resources Districts Report: Director Tesar reminded Directors of the NARD Legislative Conference to be held January 23-24, 2007 at the Embassy Suites in Lincoln, NE.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator, reported on Alliance activities. He indicated that the LPRCA Retreat was held on December 19, 2006 at Camp Kitaki and that 20 people attended. He also reminded Directors that the LPRCA Quarterly meeting would be held January 18, 2007 at the Lower Platte South NRD and invited Directors to attend.

**SUBCOMMITTEE REPORTS:**

A. Floodplain Mapping and Scoping Ad Hoc Consultant Selection Subcommittee: Director Tesar reported that the Ad Hoc Subcommittee met on January 4, 2007 to interview 4 consultants.

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

*Ad Hoc Recommendation #1* Firm to be Hired for Floodplain Mapping and Scoping Project – Recommendation that the General Manager be authorized to negotiate a professional services contract with HDR Engineering Inc., as the first choice, and if an agreement cannot be reached, that he be authorized to negotiate with Olsson Associates, as the second choice, for the Floodplain Mapping and Scoping Project.

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

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

B. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on January 9, 2007 and gave a brief recap of the meeting.

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

*FEL Recommendation #1* P-MRNRD 2006 Audit – Recommendation that the FY2006 Audit Report and management letter, prepared by Bland and Associates, be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Department of Natural Resources.

The following individuals address the Board:

- ❖ Doug Kagan, 12320 William Street, Omaha, NE, representing the Nebraska Taxpayers for Freedom. A copy of Mr. Kagan’s statement is attached to the file copy of the minutes.
- ❖ Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE

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

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

•• **MOTION NO. 5** It was moved by Director Connealy the following recommendations be adopted:

*FEL Recommendation #2a&b* Western Sarpy Drainage Ditch

- a. Lyman-Richey Request for a Quit Claim Deed (Fairview Road to Capehart Rd) – Recommendation that the General Manager be authorized to negotiate and execute a Quit Claim Deed for SEC Accommodator LXV, LLC for a 16.5 ft. wide strip of property in SE1/4 of Section 9, T13N, R10E, Sarpy County, Nebraska, subject to approval as to form by District legal counsel.
- b. Lyman-Richey Request for Amendment to Easement – Recommendation that the General Manager be authorized to negotiate and execute an Amendment to Drainage Ditch easement, subject to approval 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, Klug, Kolowski, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

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

*FEL Recommendation #3* Missouri River Trail – Phase 2 – Interlocal Cooperation Act Agreement with Douglas County – Recommendation that the General Manager be authorized to execute the proposed Interlocal Cooperation Act Agreement between the County of Douglas, Nebraska, and the Pappio-Missouri River Natural Resources District for the Missouri River Trail Project - Phase 2, subject to amendments 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, Klug, Kolowski, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

C. Personnel, Legislative and Public Affairs Subcommittee: Director Schwope reported that the PLPA Subcommittee met on January 9, 2007 and gave a brief summary of the meeting. The Subcommittee discussed bond-issuing authorities and went over the agenda for the upcoming NARD Legislative Conference. No action was needed on either item.

The following individual(s) addressed the Board:

- ❖ Mr. Doug Kagan, 12320 William Street, Omaha, NE, representing the Nebraska Taxpayers for Freedom

Rich Lombardi, District Legislative Representative, then updated the Board on legislative activities. It was noted that the District’s general obligation bond authority bill (LB 272) would be introduced by Senator Kopplin.

D. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on January 9, 2007 and gave a recap of the meeting.

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

*PPO Recommendation #1* Repairs to West Maple Ramp at Elkhorn River Public Access Site – Recommendation that the General Manager be authorized to execute the proposed settlement agreement with BCDM which provides, among other things, for the District issuing a change order to the construction contract with Dostals Construction Company, Inc. in the amount of \$16,100, to make necessary repairs to the boat ramp at the Elkhorn River West Maple Road public access site.

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

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

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

*PPO Recommendation #2* BCDM Request for Additional Professional Services Fees for Elkhorn River Public Access Site at West Dodge Road – Recommendation that the professional services contract with BCDM for development of the Elkhorn River Public Access site on W. Dodge Rd. be amended to increase the “not to exceed fee” amount to \$78,690.00.

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

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

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

*PPO Recommendation #3* Bids for West Branch Channel Project Low Water Crossings – Recommendation that the General Manager be authorized to award to M.E. Collins Contracting Company, Inc., a contract for construction of the West Branch Channel Project Tributaries Low Water Crossing Project for its total base bid of \$453,667.81, which includes constructing low water crossings at tributaries identified therein as WW3, 4, 5, 6 and 7.

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

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

•• **MOTION NO. 10** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #4*

Tern and Plover Conservation Partnership Funding (Held over at the December 14, 2006 Board Meeting) – Recommendation that the District provide financial assistance in the amount of \$5,000 to support the 2007 program activities of the Tern and Plover Conservation Partnership.

There was discussion. Director Patterson questioned the legality of paying this with tax dollars when it is going to another governmental entity. Legal Counsel Paul Peters stated that he would need to research this issue.

- **MOTION NO. 11** It was moved by Director Connealy and seconded by Director Fowler that this item be tabled.

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

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

- **MOTION NO. 12** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #5*

Interlocal Agreement with the City of Papillion for New Fire Station at Walnut Creek and Lake Recreation Area – Recommendation that the General Manager be and is hereby authorized to execute a lease, grant or conveyance to the City of Papillion of such right, title or interest as he may determine necessary to enable the City to construct, operate and maintain a City Fire Station on a portion of the Papio Dam Site 21 Project (Walnut Creek Lake and Recreation Area), subject to the General Manager’s approval of the plans and specifications for such facility and the Nebraska Natural Resources Commission approval of such lease, grant or conveyance.

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

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

- **MOTION NO. 13** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #6* Memorandum of Understanding with UNO for Glacier Creek – Recommendation that the General Manager be authorized to execute the Glacier Creek Project Memorandum of Understanding with the University of Nebraska at Omaha as presented to the Subcommittee, subject to amendments 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, Klug, Kolowski, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

•• **MOTION NO. 14** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #7* MoPac Equestrian Trail Bids – Recommendation that the District reject all bids received for the MOPAC Equestrian Trail, and; that the issue be laid over for 30 days in which time the staff will investigate the best procedure to continue with the project.

The following individual(s) addressed the Board:

❖ Vicki Fraser, 13809 S. 127<sup>th</sup> St., Springfield, NE

There was discussion regarding the history of the project and the delays that had occurred.

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

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

•• **MOTION NO. 15** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #8* Establishment of Washington County Rural Water #2 Advisory Board – Recommendation that a five member advisory board for the Washington County Rural Water #2 system be established, and that Wayne Talbert, Larry Kusek, Deb Gloden, Jim Zavadil and John Kirk be appointed the members thereof.



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

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

**TREASURER'S REPORT:**

- **MOTION NO. 12:** 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, 2006, 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, 2006, 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, Klug, Kolowski, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Lanphier  
Absent - Lanphier

**CHAIRPERSON'S REPORT:**

A. Appointment of P-MRNRD Standing Subcommittees: Chairperson Thompson stated that he had included Director Klug on the Subcommittee roster replacing former Director Jansen.

- **MOTION NO. 16** It was moved by Director Connealy and seconded by Director Fowler that the following resolution be adopted:

BE IT RESOLVED that Standing Subcommittee appointments, as presented by the Chairperson, are hereby approved.

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

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

B. Chairperson Thompson reported that he had appointed the following Directors to the Zorinsky Water Quality Base #2 Ad Hoc Consultant Selection Subcommittee:

Rick Kolowski, Chairperson  
John Conley  
David Klug  
Dorothy Lanphier  
Richard Patterson  
Fred Conley, Alternate Voting Member

C. Chairperson Thompson reported that he had appointed the following Directors to the Public Involvement Ad Hoc Consultant Selection Subcommittee:

Tim Fowler, Chairperson  
Fred Conley  
John Schwope  
Rich Tesar  
Jim Thompson  
David Klug, Alternative Voting Member

**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. He distributed a Wall Street Journal article regarding the Missouri River Pedestrian Bridge.

**INFORMATIONAL ITEMS:**

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

January 23-24, 2007	NARD Legislative Conference, Lincoln, NE
February 4-8, 2007	National Association of Conservation Districts Annual Meeting, Los Angeles, CA
February 6, 2007	P-MRNRD Subcommittee Meetings
February 8, 2007	P-MRNRD Board Meeting
February 21, 2007	2007 Erosion Control Seminar, 7:30 a.m. – 12:30 p.m., Holiday Inn Central, Omaha, NE
March 6, 2007	P-MRNRD Subcommittee Meetings
March 8, 2007	P-MRNRD Board Meeting
March 12-14, 2007	NARD Washington DC Conference

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on February 8, 2007 at the NRC.

**ADJOURNMENT:** Being no further business, at 9:46 p.m. the Chairperson declared that the meeting was adjourned.

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 11, 2007, 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.

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Richard Tesar  
District Secretary