



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
January 13, 2011**

PLEDGE OF ALLEGIANCE

OATH OF OFFICE: The oath of office was administered to the following Directors elected in the November, 2010, 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. 154th St., Omaha, NE on January 13, 2011. The meeting was called to order by Chairperson Rick Kolowski at 7:15 p.m.

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

Larry Bradley
Fred Conley
John Conley
Gus Erickson
Tim Fowler

Scott Japp
Dave Klug
Dorothy Lanphier
Rich Tesar *
Jim Thompson
Rick Kolowski

* Attended NNRC Caucus at Lower Platte South NRD. Arrived late.

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Klug and seconded by Director Fred Conley that the agenda be adopted.
- **MOTION NO. 2:** It was moved by Director Japp and seconded by Director Lanphier that the word “draft” be added to Motion No. 9 (FY 2010 Draft Audit) in the December 9, 2010 Board meeting minutes.

There was discussion.

Roll call vote was held on the motion. The motion failed on a vote of 3-yea, 7-nay.

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

Roll call vote was held on Motion No. 1. The motion carried on a vote of 8-yea and 2-nay.

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 3:** 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 January 13, 2011, Board of Directors Meeting are excused:

Rich Tesar (attending NNRC Caucus at Lower Platte South NRD – will be late to Board meeting)

Agenda Item 7. A and B.

BE IT RESOLVED that the December 9, 2010 Papio-Missouri River NRD Board meeting minutes; and the December 28, 2010 Papio-Missouri River NRD Special Board meeting minutes are approved as printed.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None

Abstaining - None
Excused Absence - Tesar
Absent - Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on January 6, 2011. The District's November, 2010, expenditures were published in the Burt County Plaindealer on January 5, 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, specifically a special conservation initiative available to organic farmers and that the Conservation Stewardship Program sign up had been extended to January 21, 2011.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Legislative Conference is scheduled for January 25-26, 2011 in Lincoln. He urged Directors to attend. He also pointed out that the NARD Washington DC Conference is scheduled for March 12-16, 2011.

C. Lower Platte River Corridor Alliance Report: Meghan Sittler, LPRCA Coordinator, reported on a meeting to identify potential options for removing obstructions near Two Rivers State Rec Area. She also noted that the LPRCA Quarterly meeting would be held on January 18, 2011 at 9:30 a.m. at the Lower Platte North NRD and urged Directors to attend.

D. Legislative Report: Steve Grasz, Husch Blackwell Sanders, reported that the Unicameral convened on January 5, 2011. He noted that this is a 90 day session. He then reviewed with the Board the following bills of interest:

- ✓ LB 115 – Extend the limits under the Political Subdivision Tort Claims Act
- ✓ LB 118 – Eliminate state aid to Natural Resources Districts
- ✓ LB 154 – Change procedures for filling vacancies on Natural Resources District Boards
- ✓ LB 229 - Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund
- ✓ LB 383 - Eliminate state aid for municipalities, counties, and Natural Resources Districts

He also informed the Board that former State Senator Tim Gay had joined Husch Blackwell Sanders.

PUBLIC HEARING – Continuation of Papio Creek Watershed Structure W-3:

Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:50 p.m.

Hearing Officer Winkler submitted the following exhibits for the record.

- Exhibit 1 - Notice of Public Hearing
- Exhibit 2 - Legal Notice in Washington County Pilot-Tribune
- Exhibit 3 - Legal Notice in Omaha World Herald
- Exhibit 4 - Public Hearing Agenda
- Exhibit 5 - W-3 Project Location Map
- Exhibit 6 - W-3 Easement Location Map
- Exhibit 7 - W-3 Temporary Easement Legal Descriptions
- Exhibit 8 - Letters to Landowners

Hearing Office Winkler, reported the purpose of the hearing was to explain the nature and necessity of the W-3 Rehabilitation Project, the reasons for selecting the particular location and the right of each owner of property 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.

Martin Cleveland, Project Manager, explained that the District needs to renew and extend the one year duration temporary easements on the John and Mary Camden property in order to complete the structure improvements. The temporary easements would be extended 6 months from May 17, 2011 to November 17, 2011.

Mr. Winkler opened the floor to the public. No one addressed the Board.

Hearing Officer Winkler closed the Public Hearing at 7:57 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 January 11, 2011 and he gave a brief recap of the meeting.

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

PPO Recommendation #1: Changes to District Program 17.17 – Urban Drainageway Program – Recommendation that the changes to the Urban Drainageway Program Policy be adopted and approved and that the Technical Memorandum also be incorporated into the Director’s Policy Manual.

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

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

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

PPO Recommendation #2: Missouri River Trail – Phase 2 – Resolution and Supplemental Agreement No. 4 – Recommendation that the Board adopt the Resolution presented to the meeting and authorize the General Manager to sign the Supplemental Project Program Agreement with the Nebraska Department of Roads for the Missouri River Trail – Phase 2 Project.

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

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

Voting Nay - None

Abstaining - None

Absent - None

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

PPO Recommendation #3: Graham and Gilmore Elkhorn River Bank Stabilization Issue – Recommendation that the General Manager be authorized to select and negotiate with a consultant to provide professional engineering services for a bank stabilization project at the Graham/Gilmore site along the Elkhorn River, and that the General Manager seek a cost sharing agreement with Sarpy County for engineering and construction of such a project; both such contract and agreement to be brought to the Board for approval prior to execution.

The following individual addressed the Board:

- Cynthia Timmermier, Kennard, NE

Director Klug noted that in 1993 the project was determined to be of general benefit to the district and that the NRCS determined that the project would provide protection for 240th/245th Street. It was also noted that Sarpy County would be asked to cost share for the engineering and construction of the project. There was discussion.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea, 1-nay and 1-abstention.

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Klug, Tesar, Thompson, Kolowski

Voting Nay - Japp

Abstaining - Lanphier

Absent - None

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

PPO Recommendation #4: Amendment to Engineering Contract with Lamp Rynearson on MoPac Trail (Hwy 50 to Chalco Hills) – Recommendation that the “not-to-exceed” amount on the professional services contract with Lamp Rynearson & Associates for the Mopac Trail (Hwy. 50 to Chalco) Trail Project be increased from \$279,370 to 332,714.

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

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

Director John Conley noted that the Subcommittee reviewed the District’s policy of mowing dams and levees. No action was taken by the Subcommittee.

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on January 11, 2011 and he gave a brief recap of the meeting.

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

FEL Recommendation #1: Authorization of Construction Financing for Washington County Service Center – Recommendation that the Board of Directors adopt the following resolution:

Whereas, the Papio-Missouri River Natural Resources District is constructing a 10,125 square foot office building in the City of Blair, intended as a service center for the convenience of the Public in the northern portion of the District, such project (“the Project”), being constructed on a parcel of land owned by the District, and having an estimated construction cost of \$1,900,000; and,

Whereas, it is necessary that the District provide financing of the construction cost of the Project by borrowing the amount thereof pursuant to the authority provided by Sec. 2-3228(1) Neb. Rev. Stat.

Whereas, Sec.2-3252(3) Neb. Rev. Stat., provides that projects having a predominantly general benefit to a district with only an incidental special benefit, as determined by the Board of Directors, may be developed and executed using any available funds of the District, and should be financed by

a District borrowing of the construction cost thereof pursuant to the authority provided by Sec. 2-3228(1) Neb. Rev. Stat. (“Each district shall have the power and authority to .. (e) Borrow money to carry out its authorized purposes.”)

Now, therefore, be it resolved by the Board of Directors of the Papio-Missouri River Natural Resources District (1) that the Board of Directors hereby determines that the Project has a predominantly general benefit to the District with only an incidental special benefit; (2) and that the Project should be financed by borrowing the construction cost thereof from a bank within the District; and, (3) that the General Manager of the District should be and is hereby authorized and directed to (a) obtain loan proposals from at least two banks within the District; (b) execute a promissory note for and on behalf of the District with one of such banks, in the amount he determines necessary to finance the construction cost of the Project, and on such terms and conditions as he determines most favorable for the District; (c) renegotiate such borrowings in the future on such terms and conditions as he determines most favorable for the District should he determine that it would be advantageous for the District; and, (d) execute for and on behalf of the District such other and further documents, approved as to form by District Legal Counsel, as he determines necessary to effectuate such borrowing for such purpose.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea, 1-nay and 1-abstention.

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

Director Tesar reported that the Subcommittee had discussion motions regarding fixed assets and accounts payable submitted by Director Lanphier. No action was taken.

TREASURER'S REPORT:

- **MOTION NO. 9:** 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 November, 2010, 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 November, 2010, 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.

Director Japp asked several questions regarding bills.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea, 1-nay and 1-abstention.

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

CHAIRPERSON'S REPORT: The Chairperson reminded Directors of the NARD Legislative Conference, January 25-26, 2011 in Lincoln and urged Directors to attend.

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 indicated that he was working on a Strategic Planning Session for Directors sometime in March. He will be contacting Directors to get their preference for a date for the meeting.

INFORMATIONAL ITEMS:

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

January 17, 2011	Martin Luther King Day – P-MRNRD Offices Closed
January 18, 2010	Lower Platte River Corridor Alliance Quarterly Meeting,

	9:30 a.m., LPNNRD Offices, Wahoo, NE
January 25-26, 2011	NARD Legislative Conference, Lincoln, NE
January 27, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
Jan 30 – Feb 2, 2011	National Association of Conservation Districts 2011 Annual Meeting, Nashville, TN
February 8, 2011	P-MRNRD Subcommittee Meetings
February 10, 2011	P-MRNRD Board Meeting
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

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

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:45 p.m.

I, the undersigned, Secretary of the Pappo-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, 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