



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
July 14, 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 July 14, 2005. The meeting was called to order by Chairperson, Rich Jansen, at 8:00 p.m.

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

Fred Conley	Joe Neary
John Conley	John Schwope
Dick Connealy	Rich Tesar
Rick Kolowski	Jim Thompson
Dorothy Lanphier	Rich Jansen

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Connealy 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, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

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 July 14, 2005 Board of Directors Meeting:

Tim Fowler

Agenda Item 6 A.:

BE IT RESOLVED that the June 9, 2005; Papio-Missouri River NRD Board meeting minutes; the June 8, 2005, Dakota County Rural Water Advisory Committee meeting minutes; and the June 29, 2005 Thurston County Rural Water Advisory Committee 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, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on July 7, 2005. The District's May, 2005, expenditures were published in the Douglas County Gazette on July 5, 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: Verlon Barnes, NRCS District Conservationist at the NRC office, reported on Natural Resources Conservation Service activities for the past month. The NRCS Report is posted to the District website.

B. Nebraska Association of Resources District Report: Director Tesar reported that the NARD Board met June 20, 2005 in York, NE. He noted that the NDNR has issued a draft proposal for rules used to determine whether water flowing in streams or found in underground aquifers is fully appropriated. He explained that the 40 years and 28% depletion has been the standard used to constitute any boundary for regulation for years. He indicated that if the DNR does not use the original standard of 28% in 40 year line for the designation of fully appropriated basin, sub-basin or reach the NARD will consider pursuing legislative and or legal remedies. He also reported on the Blue River Basin Tour which was held following the NARD meeting. He stated that it was informative and encouraged Directors to attend future basin tours.

C. Nebraska Natural Resources Commission Report: Beverly Donaldson, NNRC Commissioner reported that Roger Patterson, Director of the Nebraska Department of Natural Resources is retiring in mid-August. Deputy Director Ann Bleed will be the acting Director. She indicated that the Commission had approved \$177,837.69 additional funding for right of way for the Western Sarpy/Clear Creek Project. She also noted that the commission had been briefed on the Pigeon/Jones Creek Dam Site Project near Hubbard, NE.

D. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, noted that his report was posted to the P-MRNRD website. He informed the Board that agreements required for the River Obstruction Pilot Project at Hwy 50 had been signed. He thanked P-MRNRD staff member, Gerry Bowen, for his help in securing the 404 Permit from the Corps of Engineers for the project. He reminded Directors of the LPRCA Platte River Tours to be held on July 15th and July 29th. He also pointed out that the next quarterly meeting would be held on August 16, 2005, at 9:30 a.m. at the Natural Resources Center. He invited Directors to attend.

PUBLIC COMMENT AND INPUT OF P-MRNRD FY 2006 BUDGET:

General Manager Oltmans reviewed the proposed FY 2006 P-MRNRD budget. He noted that the total operating budget was approximately \$31.45 million with a projected tax levy of 0.040233. He noted that the tax levy is contingent on final valuations from the counties. The total property tax requirement is approximately \$15.7 million compared to \$14.9 million in the FY 2005. GM Oltmans then reviewed the major items in the budget.

The following individual(s) addressed the Board regarding the FY 2006 Budget:

- ◆ Doug Kagan, 12310 William Street, Omaha, NE, representing the Nebraska Taxpayers for Freedom.
- ◆ Jennifer Andersen, 7272 County Road 25, Kennard, NE
- ◆ Kevin Currin, 15255 Burt St., Omaha, NE
- ◆ Rodney Base, 12656 Woodsdale Circle, Omaha, NE, representing the Douglas County Bass Club

A copy of the FY 2006 Budget Fact Sheet is attached to the file copy of the minutes.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on July 7th and gave a recap of the meeting.

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

PLPA Recommendation #1 GM Evaluation for FY 2005 – Recommendation that the FY 2005 GM Evaluation be accepted and that the last two sentences on page 9 of the summary report be removed from the report.

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

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

Director Fred Conley also reported that the Subcommittee had reviewed GM Goals for FY 2006 and the GM's Employment Agreement. He indicated that the PLPA Subcommittee would meet in August and recommendations would be made at that time.

B. West Branch Tributary Crossings Ad Hoc Consultant Selection Subcommittee: Director Kolowski reported that the Ad Hoc Subcommittee had met on July 12, 2005 and gave a brief recap of the meeting.

•• **MOTION NO. 4** It was moved by Director Schwope and seconded by Director Fred Conley that the following recommendation be adopted:

Ad Hoc Recommendation #1 Professional Services Contract with Ehrhart Griffin and Associates: Recommendation that the General Manager be authorized to execute a Professional Services Contract with Ehrhart Griffin Associates for the West Branch Channel Tributary Crossings Project (84th to Giles Road) for the maximum cost to not exceed \$232,061, subject to minor changes 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, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
 Voting Nay - None
 Abstaining - None
 Excused Absence - Fowler
 Absent - Fowler

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on July 12, 2005 and gave a brief recap of the meeting. He indicated that the first item considered by the Subcommittee was the request from Vicki Fraser and petitioners for equestrian use of existing Mo-Pac Trail from Springfield south to Louisville. He pointed out that staff had recommended that the District provide 50% cost share on the adaptation of the Mopac Trail corridor for equestrian usage on a separate trail from pedestrian/bicycle trail users, subject to the availability of an equestrian trailhead at the north end of the trail (Springfield), and that a Citizens Equestrian Advisory Committee be formed to assist with fundraising and the adaptation of the trail. It was noted that Vicki and Kirk Fraser had shown an excellent PowerPoint presentation at the Subcommittee meeting, but felt that it would be best to use the existing trail as a multi-purpose trail to include horses. The staff recommendation failed; therefore, there was no Subcommittee recommendation.

- **MOTION NO. 5** It was moved by Director Thompson and seconded by Director Schwope that the original staff recommendation, as presented at the PPO Subcommittee meeting, be adopted:

Staff Recommendation: Request from Vicki Fraser and Petitions for Equestrian Use of Existing Mo-Pac Trail from Springfield South to Louisville: Recommendation that the District provide 50% cost share on the adaptation of the Mopac Trail corridor for equestrian usage on a separate trail from pedestrian/bicycle trail users, subject to the availability of an equestrian trailhead at the north end of the trail (Springfield), and that a Citizens Equestrian Advisory Committee be formed to assist with fundraising and the adaptation of the trail.

Vicki and Kirk Fraser, 13809 S. 127th St., Springfield, NE addressed the Board. They stated that after researching the issue they felt that the separate trail was a good way to go. It was noted that this would reduce risk for all trail users. It was indicated that the location of trailhead parking was still an issue, but they held discussions with representatives of the City of Springfield and OPPD and were working on a solution. They felt positive that they could raise the funds needed for the 50% cost share and they were looking into the possibility of applying for a State grant.

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

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

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

PPO Recommendation #2 Lower Platte River Corridor Alliance Cumulative Impact Study Interlocal Agreement – Recommendation that the General Manager be authorized to execute the proposed Amendment 1 and Addendum B to the multi-agency revised Lower Platte River Cumulative Impact Study Interlocal Agreement, 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, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler

Absent - Fowler

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

PPO Recommendation #3 Amendment #2 to Professional Services Contract with HDR for the West Papillion Watershed Floodplain Mapping Project – Recommendation that the General Manager be authorized to execute the enclosed grant application to FEMA and Amendment #2 to the professional services contract with HDR Engineering, Inc., for the West Papio Watershed Flood Plain Remapping Project which provides for an increase in the maximum fee to \$486,280, subject to chances 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, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay - None
Abstaining - None
Excused Absence - Fowler
Absent - Fowler

C. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on July 12, 2005 and gave a brief report of the meeting. He noted that the Subcommittee was briefed on the development of the Washington County Rural Water #2 Project. No action was required at this time.

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

FEL Recommendation #2 FY 2006 Budget – Recommendation that the proposed FY 2006 budget, as presented to the Subcommittee, be forwarded for review at the August 11, 2005, Budget Hearing with the provision that the General Manager be authorized to make necessary adjustments once final figures are available to achieve compliance of state statutes regarding the lid.

Amendment No. 1 To Motion No. 8 It was moved by Director Connealy and seconded by Director Neary that the motion be amended to delete \$625,000 for preliminary design of DS 1 and 3C from line item 03 13-01 4400 Papio Reservoirs - Professional Services.

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

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

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

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

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

FEL Recommendation #2a 1% Increase to the Budgeted Restricted Funds for Lid Calculation for FY 2006 Budget – Recommendation that the following resolution be adopted:

BE IT RESOLVED THAT the Board of Directors of the Papio-Missouri River Natural Resources District approves an additional increase of 1% in the Total Funds Subject to Limitation, pursuant to Neb. Rev. §§ 13-518 through 13-522.

It was noted that pursuant to state statutes, it required a super majority vote, or 8 votes, for this motion to be adopted.

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

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

TREASURER'S REPORT:

- **MOTION NO. 11:** 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 June 2005, 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 June 2005, 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, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

CHAIRPERSON'S REPORT: A special award was presented to staff member Pat Teer for scoring a hole-in-one on June 24, 2005.

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 then distributed the following information:

- ➔ Status Report from the Lower Platte North NRD regarding federal funding of Western Sarpy/Clear Creek Project; Sand Creek Project and Antelope Creek Project.
- ➔ July 1, 2005 Wall Street Journal article regarding the Endangered Species Act.
- ➔ July 10, 2005 Omaha World Herald Editorial regarding Water 'rights.'

ELECTION OF P-MRNRD OFFICERS:

A. **Chairperson:** The floor was opened for nominations for Chairperson. Director Rich Jansen was nominated. It was moved that the nominations cease and that a unanimous ballot be cast for Director Jansen as Chairperson. The motion carried on a voice vote.

B. **Vice-Chairperson:** The floor was opened for nominations for Vice-Chairperson. Director Jim Thompson was nominated. It was moved that the nominations cease and that a unanimous ballot be cast for Director Thompson as Vice-Chairperson. The motion carried on a voice vote.

C. **Secretary:** The floor was opened for nominations for Secretary. Director Rich Tesar was nominated. It was moved that the nominations cease and that a unanimous ballot be cast for Director Tesar. The motion carried on a voice vote.

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director John Conley was nominated. It was moved that the nominations cease and that a unanimous ballot be cast for Director John Conley as Treasurer. The motion carried on a voice vote.

Treasurer John Conley appointed Rick Kolowski as Assistant Treasurer.

ELECTION OF NARD DIRECTOR AND ALTERNATE DIRECTOR:

The floor was opened for nominations for NARD Director. Director Rich Tesar was nominated. It was moved that the nominations cease and that a unanimous ballot be cast for Director Tesar as the NARD Directors. The motion carried on a voice vote.

The floor was opened for nominations for Alternate NARD Director. Director Dick Connealy was nominated. It was moved that the nominations cease and that a unanimous ballot be cast for Director Connealy as NARD Alternate Director. The motion carried on a voice vote.

•• **MOTION NO. 11** 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 named persons be and are hereby elected officers of the Papio-Missouri River Natural Resources District for the coming year and until a successor has been elected: Rich Jansen, Chairperson; Jim Thompson; Vice-Chairperson; Rich Tesar, Secretary; and, John Conley, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of Rick Kolowski as Assistant Treasurer is concurred in by the Board of Directors.

BE IT FURTHER RESOLVED that the presently elected Treasurer, John Conley, and the designated Assistant Treasurer, Jim Thompson, be and are hereby authorized to serve until such time as bonding is completed on the Treasurer-elect and the Assistant Treasurer designate.

BE IT FURTHER RESOLVED that Rich Tesar is hereby elected the Nebraska Association of Resources Districts Director for the coming year; and, Dick Connealy is hereby elected the Nebraska Association of Resources Districts Alternate Director for the coming year.

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

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

INFORMATIONAL ITEMS:

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

July 15, 2005	Lower Platte River Corridor Alliance Platte River Airboat Tour for Public Officials (details when available)
July 29, 2005	Lower Platte River Corridor Alliance Platte River Airboat Tour (details when available)
August 9, 2005	P-MRNRD Subcommittee Meetings
August 10, 2005	Platte River Appropriation Public Meeting, 7:00 p.m., City Auditorium, Fremont, NE
August 11, 2005	P-MRNRD Board Meeting (Public Hearing and Adoption of FY 2006 Budget)
August 16, 2005	Lower Platte River Corridor Alliance Quarterly Meeting, 9:00 a.m., NRC
September 6, 2005	P-MRNRD Subcommittee Meetings
September 8, 2005	P-MRNRD Board Meeting - Meeting will be held at the Natural Resources Center in Dakota City, NE (Public Hearing to Set Tax Levy pursuant to state statutes and the adopted budget at the August 11, 2005 Board meeting and receiving final property tax valuations in late August.)

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on August 11, 2005, at the NRC

ADJOURNMENT: Being no further business, the meeting adjourned at 9:50 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 July 14, 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