



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
July 13, 2006  
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. 154<sup>th</sup> Street, Omaha, NE on July 13, 2006. 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	Dorothy Lanphier
Dick Connealy	John Schwope
Tim Fowler	Rich Tesar
Rick Kolowski	Jim Thompson
	Rich Jansen

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Connealy and seconded by Director Kolowski that the agenda be adopted.

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Connealy 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 2.A.:

BE IT RESOLVED that the following Director(s) have an excused absence from the July 13, 2006, Board of Directors Meeting:

John Conley

Agenda Item 6 A.:

BE IT RESOLVED that the June 8, 2006, Pappio-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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	John Conley
Absent	-	John Conley

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on July 6, 2006. The District's May, 2006, expenditures were published in the Douglas County Gazette on July 4, 2006. 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 in Omaha, 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 on the NARD Board held on June 19, 2006 in Sidney, NE. He then showed several slides taken during the Basin Tour of the western reaches June 19-21, 2006.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator, distributed copies of the LPRCA monthly report and information regarding the LPRCA Airboat Tour to be held on July 14, 2006. He also reminded Directors of the Water Quality Open Golf Tourney at Quarry Oaks scheduled for August 22, 2006. He then presented

the Chairperson with a Certificate of Appreciation recognizing the District Board and staff for 10 years of cooperation with the Lower Platte River Corridor Alliance.

**PUBLIC COMMENT AND INPUT ON P-MRNRD FY 2007 BUDGET:** Acting General Manager Marlin Petermann reviewed the proposed FY 2007. The floor was opened to the public. The following individual(s) addressed the Board:

➔ Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE

**SUBCOMMITTEE REPORTS:**

A. Executive Subcommittee: Chairperson Jansen reported that the Executive Subcommittee met on July 11, 2006 and gave a brief recap of the meeting.

*Executive Subcommittee Recommendation #1 Candidate(s) to Advance for further Consideration at July 13, 2006 Board Meeting.* Chairperson Jansen reported that the following candidates were interviewed by the Executive Subcommittee: Richard W. Patterson; Mark W. McColley; Christopher J. Feuerbach and Lawrence W. Bradley. It was noted that the Subcommittee recommended that Mark W. McColley be advanced for further consideration as the Director from Subdistrict #3. Chairperson Jansen stated that he had been contacted by several Directors indicating that they desired to have a ballot between the recommended candidate and one or more of the other candidates.

- **MOTION NO. 3** It was moved by Chairperson Jansen and seconded by Director Tesar that the vacancy on the Board of Directors should be filled by ballot of directors taken between candidates Mark McColley and Richard Patterson.

Legal Counsel Peters stated that, following the balloting between the two candidates, the previously-prepared resolution should be adopted by the Board appointing the designated candidate, which would cure any procedural problems with the appointment.

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

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

A paper ballot election was held between Mark McColley and Richard Patterson. Mr. Patterson won by a vote of 5 to 4.

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

WHEREAS, the Chairperson of the Board of Directors of the Papio-Missouri River Natural Resources District has notified the Board of the resignation of Subdistrict #3 Director Joe Neary; and,

WHEREAS, the Board of Directors has the responsibility and authority to select a successor,

NOW THEREFORE BE IT RESOLVED that Richard W. Patterson be and is hereby appointed as Director of the Papio-Missouri River Natural Resources District for the remainder of the unexpired term of the Subdistrict #3 position and until a successor is elected and qualified, with effective date of the appointment being July 13, 2006.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Secretary of State, State of Nebraska, as required by law.

Roll call vote was held on the motion. The motion carried by a vote of 7-yea and 2-nay.

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

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

*Exec Recommendation #2:* Acting General Manager's Salary – Recommendation that Acting General Manager Marlin Petermann's salary be increased by an amount equal to one-half of the difference between his current salary and the salary of the previous General Manager that was in effect prior to his termination; that the adjusted salary be paid to Mr. Petermann until the appointment of a permanent General Manager; and, that the adjusted salary be retroactive to the date Mr. Petermann assumed the duties of Acting General Manager.

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

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

B. Programs, Projects and Operations Subcommittee: Director Rich Tesar reported that the PPO Subcommittee met on July 11, 2006 and gave a brief recap of the meeting. He indicated that Jeff Quist, Washington County Commissioner, had addressed the Subcommittee to report that the Washington County Board would encourage the NRD to evaluate other alternatives other than just the large reservoirs in Washington County. The District will approach the County Board on this matter in the near future. No action required at this time.

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

*PPO Recommendation #2* Draft Supplemental Watershed Plan and Agreement for Rehabilitation of Turtle Creek Watershed PL 566 Structure #2 – Recommendation that the Acting General Manager be authorized to execute the proposed Turtle Creek Watershed Agreement with NRCS for the rehabilitation of PL 566 Grade Stabilization Structure #2, subject to changes deemed necessary by the Acting 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	John Conley
Absent	-	John Conley

Director Tesar reported that the Subcommittee was briefed on the Papio Creek PL 566 Structures #S-27, 31 and 32 Rehabilitation Project. No action required at this time.

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

*PPO Recommendation #4* Professional Services Contract with Ehrhart Griffin and Associates for Western Douglas County Trails Project – Recommendation that the Acting General Manager be authorized to execute a professional engineering services contract with Ehrhart Griffin and Associates, Inc. for the Western Douglas County Trails Project, with a maximum amount of \$324,892.34, subject to changes deemed necessary by the Acting 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson, Jansen  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - John Conley  
 Absent - John Conley

C. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on July 11, 2006 and gave a brief recap of the meeting.

•• **MOTION NO. 8** It was moved by Director Connealy and seconded by Director Lanphier that the following recommendation be adopted:

*FEL Recommendation #1* Accounts Over 110% - Recommendation that the following accounts be allowed to exceed 110% of the budgeted amount:

- a. Acct. # 01 01 00 4051 – Vehicle/Equipment (Gas & Oil)
- b. Acct # 01 01 00 4090 – Directors Per Diem
- c. Acct. # 01 01 00 4171 – Staff Travel and Expenses
- d. Acct # 01 01-00 4311 – Public Notices
- e. Acct. #01 01-00 4392 – General – Attorney Fees
- f. Acct. # 01 05-00 4485 – Water Monitor Programs

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

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

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

*FEL Recommendation #2* FY 2007 Budget – Recommendation that the proposed FY 2007 budget be forwarded for adoption at the August 10, 2006, Budget Hearing with the provision that the Acting General Manager be authorized to make necessary adjustments once final figures are available and to achieve compliance with state statutes regarding the lid limitations.

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

Voting Yea - Conley (Fred), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson, Jansen

Voting Nay - None  
Abstaining - None  
Excused Absence - John Conley  
Absent - John Conley

**TREASURER'S REPORT:**

Chairperson Jansen noted that Shawn Melotz had signed in to speak to this agenda item. Ms. Melotz addressed the Board with questions requiring the financial report.

- **MOTION NO. 10:** It was moved by Director Kolowski 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: (l) claims listed in the June, 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 June, 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), Connealy, Fowler, Kolowski, Lanphier, Schwope, Tesar, Thompson, Jansen  
Voting Nay - None  
Abstaining - None  
Excused Absence - John Conley  
Absent - John Conley

**CHAIRPERSON'S REPORT:** Chairperson Jansen stated that he had enjoyed being the Board Chairperson for the last 2 years and thanked the Directors and staff for their assistance.

**GENERAL MANAGER'S REPORT:** Acting GM Petermann noted that his report had been posted to the website and asked Directors to contact him if there were any questions. Paul Woodward then showed several slides indicating the progress made at DS 13. Mr. Petermann noted that the District had recently received a ruling from the Nebraska Supreme Court overruling Judge Spethman's ruling regarding DS-13. He suggested that the Board go into Executive Session to discuss this issue.

- **MOTION NO. 11** It was moved by Director Schwope and seconded by Director Thompson that the Board go into Executive Session to discuss this litigation.

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

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

The Board went into Executive Session at 9:10 p.m.

- **MOTION NO. 12** It was moved by Director Kolowski and seconded by Director Lanphier that the Board return to Regular Session.

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

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

The Board returned to Regular Session at 9:25 p.m.

Mr. Mike Ryan, 11130 Jackson, Omaha, NE, addressed the Board regarding fishery issues at DS-13.

**ELECTION OF P-MRNRD OFFICERS:**

A. **Chairperson:** The floor was opened for nominations for Chairperson. Director Jim Thompson was nominated.



- **MOTION NO. 13** It was moved by Director Tesar and seconded by Director Kolowski that the nominations cease and that a unanimous ballot be cast for Director Thompson as Chairperson.

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

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

B. **Vice-Chairperson:** The floor was opened for nominations for Vice-Chairperson. Director Rick Kolowski was nominated.

- **MOTION NO. 14** It was moved by Director Tesar and seconded by Director Thompson that the nominations cease and that a unanimous ballot be cast for Director Kolowski as Vice-Chairperson.

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

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

C. **Secretary:** The floor was opened for nominations for Secretary. Director Rich Tesar was nominated.

- **MOTION NO. 15** It was moved by Director Connealy and seconded by Director Kolowski that the nominations cease and that a unanimous ballot be cast for Director Tesar as Secretary.

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

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

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director John Conley was nominated.

- **MOTION NO. 16** It was moved by Director Connealy and seconded by Director Kolowski that the nominations cease and that a unanimous ballot be cast for Director John Conley as Treasurer.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 1 abstention.

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

Treasurer John Conley had left a letter to the Board appointing Fred Conley as Assistant Treasurer.

**ELECTION OF NARD DIRECTOR AND ALTERNATE DIRECTOR:**

The floor was opened for nominations for NARD Director. Director Rich Tesar was nominated.

- **MOTION NO. 17** It was moved by Director Connealy and seconded by Director Kolowski that the nominations cease and that a unanimous ballot be cast for Director Tesar as NARD Director.

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

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

The floor was opened for nominations for Alternate NARD Director. Director Tim Fowler was nominated.

- **MOTION NO. 18** It was moved by Director Tesar and seconded by Director Kolowski that the nominations cease and that a unanimous ballot be cast for Director Fowler as NARD Alternate Director.

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

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

•• **MOTION NO. 19** It was moved by Director Tesar and seconded by Director Thompson 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: Director Jim Thompson, Chairperson; Director Rick Kolowski, Vice-Chairperson; Director Rich Tesar, Secretary; and, Director John Conley, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of Director Fred Conley 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, Rick Kolowski, 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 Director Rich Tesar is hereby elected the Nebraska Association of Resources Districts Director for the coming year; and, Director Tim Fowler is hereby elected the Nebraska Association of Resources Districts Alternate Director for the coming year.

**INFORMATIONAL ITEMS:**

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

July 14, 2006	LPRCA Platte River Airboat Tour
July 18-20, 2006	Nebraska Water Tour, Missouri River Upstream of Omaha
July 20, 2006	Public Forum – Policies for a Green, Clean and Safe Papillion Creek Watershed, 6:00 p.m., at NRC

July 27, 2006	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
August 8, 2006	P-MRNRD Subcommittee Meetings
August 10, 2006	P-MRNRD Board Meeting (Public Hearing and Adoption of FY 2007 Budget)
August 17, 2006	Reservoir Sites 1 & 3C Preliminary Study Steering Committee Meeting, 7:00 p.m. at Blair City Offices
August 22, 2006	LPRCA Water Quality Open, Quarry Oaks
September 6, 2006	LPRCA Quarterly Meeting, 9:00 a.m., Lower Platte North NRD Offices, Wahoo, NE
September 12, 2006	P-MRNRD Subcommittee Meetings
September 14, 2006	P-MRNRD Board Meeting (Meeting will be held at the Natural Resources Center in Dakota City, NE. Public Hearing to Set Tax Levy fro FY 2007 pursuant to state statutes and the adopted budget at the August 10, 2006 Board meeting and receiving final property tax valuations in late August.)
September 24-26, 2006	Nebraska Association of Resource District Annual Conference, Kearney, NE

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on August 10, 2006, at the NRC.

**ADJOURNMENT**: Being no further business, at 9:45 p.m. the Chairperson declared that the meeting was adjourned.

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 July 13, 2006, 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