



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
July 8, 2010**

PLEDGE OF ALLEGIANCE

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 July 8, 2010. The meeting was called to order by Chairperson Jim Thompson at 7:00 p.m.

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

Larry Bradley	Dave Klug
Fred Conley	Rick Kolowski
John Conley	Dorothy Lanphier
Tim Fowler	Rich Tesar
Scott Japp	Jim Thompson

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug 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 absence of the following Director(s) from the July 8, 2010, Board of Directors Meeting is excused:

None

Agenda Item 7. A.

BE IT RESOLVED that the June 10, 2010 Papio-Missouri River NRD Board meeting minutes, the June 9, 2010 Dakota County Rural Water Advisory Board meeting minutes, and the June 15, 2010 Thurston County Rural Water Advisory Board meeting minutes are approved as printed.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Tesar, Thompson
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 July 1, 2010. The District's June, 2010, expenditures were published in the Burt County Plaindealer on June 30, 2010. 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: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities for the past month to include the Emergency Watershed Protection Program. He also reported that Steven Cyboron has been hired as the Conservation Tech in the Tekamah Field Office. Applications for the Resource Conservationist at Tekamah will close out on July 21st.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Board met on June 21, 2010 in Lincoln. He stated that the main focus of the meeting was amendments brought forward by the Loss Control Committee regarding the employee health plan. It was noted that the increase for medical plan was 3.5% (average) and there was no change to the dental plan.

C. NRD Basin Tour: Marlin Petermann, Assistant General Manager, reported on the NRD Basin Tour, held June 21-22, 2010. He noted that the tour featured projects in the Nemaha NRD and parts of the Lower Platte South NRD.

D. Lower Platte River Corridor Alliance Report: Megan Sittler, LPRCA Coordinator, submitted a written report. It is posted to the District's website.

PUBLIC COMMENT AND INPUT ON P-MRNRD FY 2011 BUDGET: General Manager John Winkler reviewed the FY 2011 Budget – Draft 2. The floor was opened to the public. The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132nd St., Omaha, NE. A copy of her testimony is attached to the file copy of the minutes.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Subcommittee to Fill Vacancy in Subdistrict #11: Chairperson Thompson reported that the Ad Hoc Subcommittee met on July 1, 2010, and interviewed six candidates. The Subcommittee advanced Gus Erickson and Morgan Sykes for consideration of the full Board. Mr. Erickson and Mr. Sykes then addressed the Board and answered several questions.

Chairperson Thompson then directed that a voice vote be taken to select the Director from Subdistrict #11. Mr. Erickson received 5 votes; Mr. Sykes received 4 votes and there was one abstention.

Mr. Erickson: John Conley, Fowler, Klug, Tesar, Thompson

Mr. Sykes: Bradley, Fred Conley, Kolowski, Lanphier

Abstain: Japp

- **MOTION NO. 3** It was moved by Director Thompson and seconded by Director Klug 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 #11 Director John Schwope; and,

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

NOW THEREFORE BE IT RESOLVED that Gus Erickson 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 #11 position and until a successor is elected and qualified, with effective date of the appointment being July 8, 2010.

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 motion. The motion carried unanimously.

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on July 6, 2010, and 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: Coordinated Needs Management Strategy Assessment Contract with AMEC – Recommendation that the General Manager be authorized to execute for and on behalf of the District the contract with AMEC Earth and Environmental to complete work for the Coordinated Needs Management Strategy Assessment as required by FEMA not to exceed \$23,730, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

•• **MOTION NO. 5** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #2: Amendment to Interlocal Agreement with Omaha on Keystone East Trail – Recommendation that the amendment to the Keystone East Interlocal Agreement with the City of Omaha be approved subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

Director John Conley noted that the Subcommittee received a briefing from Alley Poyner Macchietto regarding the renovation of the NRC office. It was noted that staff would further investigate other alternates and options. No action required at this time.

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

PPO Recommendation #4: Elkhorn River Bank Stabilization Emergency Watershed Protection Project – Recommendation that the General Manager be authorized to provide necessary professional engineering services and to execute a local sponsorship agreement with the Natural Resources Conservation Service providing for an Emergency Watershed Protection Project on the Elkhorn River near the Douglas-Sarpy County line, with such other terms as deemed necessary by the General Manager and approved as to form by District Legal Counsel.

It was noted that the Emergency Watershed Protection Program is administered by the NRCS. Neil Jensen, NRCS, then briefed the Board on the program and indicated the District would have to apply for EWP funding. If approved, the NRCS would pay up to 75% of the costs and the local sponsor would be responsible for the remainder of the project costs. The estimated cost for the repairs is \$500,000.

AMENDMENT NO. 1 TO MOTION NO. 6 It was moved by Director Japp and seconded by Director Lanphier that the motion be amended to reflect that the 25% cost share provided by the local sponsor come out of the landowners pockets.

There was discussion.

Roll call vote was held on Amendment No. 1 to Motion No. 6. The amendment failed on a vote of 1-yea and 9 nay.

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

Roll call vote was held on Motion No. 6. The motion carried on a vote of 9-yea and 1-nay.

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

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on July 6, 2010.

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

FEL Recommendation #1: FY 2011 Budget – Draft 2 – Recommendation that the FY 2011 budget, as presented, be forwarded for review at the August 12, 2010, Budget Hearing with the provision that the General Manager be authorized to make necessary adjustments once final figures are available and necessary adjustments to achieve compliance of state statutes regarding the lid.

The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132nd St., Omaha, NE.

**AMENDMENT
NO. 1 TO
MOTION NO. 7**

It was moved by Director Lanphier and seconded by Director Japp that line item changes by Directors be allowed at the FEL Subcommittee and August Board Meeting for full debate.

Roll call vote was held on Amendment No. 1 to Motion No. 7. The amendment carried unanimously.

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

Roll call vote was held on Motion no. 7 as amended. The motion carried unanimously.

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

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

FEL Recommendation #2: Purchase of UPRR Abandoned Right of Way – Recommendation that the General Manager of the District be authorized to execute for and on behalf of the District an agreement with the Union Pacific Railroad providing for the District’s purchase, for the amount of \$1.5 million, payable in three equal annual installments of \$500,000, such railroad’s right-of-way between Q Street and Giles Road for the District’s recreational trail program, with such other provisions deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

FEL Recommendation #3.a.: King Lake Floodway Purchase Program Acquisitions - Georgian Property – Recommendation that the General Manager be authorized to execute for and on behalf of the District a Purchase Agreement, in the form as presented to this meeting, providing for the purchase by the District from Lisa Georgian of 0.23 acres of floodway land in King Lake Addition for the purchase price of \$27,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

FEL Recommendation #3.b.: King Lake Floodway Purchase Program Acquisitions - Lunn Property – Recommendation that the General Manager be authorized to execute for and on behalf of the District a Purchase Agreement, in the form as presented to this meeting, providing for the purchase by the District from Glenda J. Lunn, etal, of 0.64 acres of floodway land in King Lake Addition for the purchase price of \$21,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

Abstaining - None
Absent - None

TREASURER'S REPORT:

- **MOTION NO. 11:** 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 June, 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 June, 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.

Marlin Petermann answered questions from Director Lanphier regarding the Western Sarpy/Clear Creek Project.

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

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

CHAIRPERSON'S REPORT:

A. Public Hearing for Right of Way Acquisition for Pigeon/Jones Watershed Project – Chairperson Thompson announced that a Public Hearing for ROW Acquisition for Pigeon/Jones Watershed Project will be held on July 15, 2010 at 7:00 p.m. at the Dakota County Service

Center. He stated that the Board needed to approve the appointment of Marlin Petermann as the Hearing Officer.

- **MOTION NO. 12** It was moved by Director John Conley and seconded by Director Kolowski that the following resolution be adopted:

BE IT RESOLVED that Assistant General Manager Marlin Petermann is hereby appointed as hearing officer for the District's public hearing on July 15, 2010, at 7:00 o'clock, p.m. (CDT), at the Dakota County Service Center, 1505 Broadway Street, Dakota City, Nebraska, on the proposed Pigeon/Jones Creek Site 15 Project in Dakota County, Nebraska, and on the acquisition by the District of real property for such Project.

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

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

B. Change August 12, 2010 Board Meeting Time to 8:00 p.m.: Director Kolowski explained that he had a previous commitment on August 12th and asked the Board to consider starting the Board meeting at 8:00 p.m.

- **MOTION NO. 13** It was moved by Director Tesar and seconded by Director Klug that the following resolution be adopted:

BE IT RESOLVED that the start time for the Papio-Missouri River NRD August 12, 2010 Board of Directors meeting be 8:00 p.m.

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

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

C. Chairperson Thompson announced that it had been his honor to serve as the P-MRNRD Board Chair for the past four years; but, he would not be in the running for Chairperson this year.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. Director Tesar and Assistant General Manager Marlin Petermann then showed slides of the June 2010 flooding on the Platte, Elkhorn and Missouri Rivers.

ELECTION OF P-MRNRD OFFICERS:

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

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

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

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

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

- **MOTION NO. 15** It was moved by Director Tesar and seconded by Director Fowler that the nominations cease and that a unanimous ballot be cast for Director Klug as Vice-Chairperson.

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

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

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

- **MOTION NO. 16** It was moved by Director Klug and seconded by Director Fowler 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 on a vote of 9-yea and 1-absention.

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

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

- **MOTION NO. 17** It was moved by Director Fowler and seconded by Director Klug 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 2-absentions.

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

Treasurer John Conley appointed Director 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 for NARD Director.

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

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

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

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

- **MOTION NO. 19** It was moved by Director Tesar and seconded by Director John Conley that the nominations cease and that a unanimous vote be cast for Director Fowler as NARD Alternate Director.

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

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

Abstaining - Japp
Absent - None

•• **MOTION NO. 20** It was moved by Director Thompson and seconded by Director Tesar 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: **Rick Kolowski**, Chairperson; **David Klug**; Vice-Chairperson; **Rich Tesar**, Secretary; and, **John Conley**, Treasurer.

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

BE IT FURTHER RESOLVED that **Rich Tesar** is hereby elected the Nebraska Association of Resources Districts Director for the coming year; and, **Tim Fowler** 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 on a unanimous vote.

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

OATH OF OFFICE: Dick Sklenar, P-MRNRD Project Manager, then administered the Oath of Office to Gus Erickson, newly-elected Director from Subdistrict #11.

INFORMATIONAL ITEMS:

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

July 15, 2010	Public Hearing for Right of Way Acquisition for Pigeon/Jones Watershed Project, 7:00 p.m. at the Dakota County Service Center
July 22, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
August 10, 2010	P-MRNRD Subcommittee Meetings
August 12, 2010	P-MRNRD Board Meeting at 8:00 p.m.

August 26, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
September 6, 2010	Labor Day – P-MRNRD Offices Closed
September 7, 2010	P-MRNRD Subcommittee Meetings
September 9, 2010	P-MRNRD Board Meeting in Dakota City, NE
September 23, 2010	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 August 12, 2010 at **8:00 p.m.** at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 9:25 p.m.

I, the undersigned, Secretary of the Pappio-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 8, 2010, 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