



Final: June 8, 2005

Papio-Missouri River
Natural Resources District
Board of Directors Meeting
June 9, 2005
8:00 p.m.

AGENDA

* = Board action required

** = Items to be approved with adoption of Consent Agenda

PLEDGE OF ALLEGIANCE

1. **Meeting Called to Order** – Chairperson Rich Jansen
2. **Quorum Call**
 - ** A. Excused Absences
- *3. **Adoption of Agenda**
- *4. **Adoption of Consent Agenda** (All agenda items indicated by a double asterisk will comprise the consent agenda and will be acted on in a single motion. Items may be deleted from the consent agenda by request of any Board member.)
5. **Proofs of Publication of Meeting Notice**
- **6. **Approval of Minutes:**
 - A. Approval of May 12, 2005, Board Meeting Minutes
 - B. Approval of May 11, 2005, Dakota County Rural Water Advisory Committee Minutes
7. **Agency and Association Reports:**
 - A. Natural Resources Conservation Service Report – Chuck Leinen, Civil Engineer, NRCS

B. Nebraska Association of Resources Districts Report – Director Tesar

1. NARD Board Meeting, June 20, 2005, York, NE at the Upper Big Blue NRD Office
2. June 20-21, 2005, Blue River Basin Tour, Leaving from York, NE immediately following the NARD Board Meeting

C. Lower Platte River Corridor Alliance Report – Rodney Verhoeff

8. **Subcommittee Reports:**

*A. West Branch Tributary Crossings Ad Hoc Consultant Selection Subcommittee
(May 26, 2005) – Director Kolowski

1. Firm to Be Hired for West Branch Tributary Crossings Design and Construction Administration: Recommendation that Ehrhart Griffin Associates be ranked first; Kirkham Michael Associates be ranked second and The Schemmer Associates be ranked third for West Branch Tributary crossing design and construction administration.

*B. Programs, Planning and Operations Subcommittee (June 7, 2005) – Director John Conley

1. Cooperative Agreement for Shadow Lake Flood and Sediment Control Projects – Recommendation that the General Manager be authorized to execute the form of the agreement with the City of Papillion, 370 L.L.C., S.I.D. 267, Shadow Lake Development L.L.C., and S.I.D. 264 for the Shadow Lake and Midlands Lake Flood & Sediment Control Projects as presented.

The following detailed resolution is recommended:

Whereas, a Cooperative Agreement pursuant to the Nebraska Interlocal Cooperation Act for the Shadow Lake Flood and Sediment Control Projects (“the Projects”), by and among the Papio-Missouri River Natural Resources District (“the NRD”); The City of Papillion (“the City”); 370 LLC, a Nebraska Limited Liability Company (“370 LLC”); Sanitary and Improvement District No. 267 OF Sarpy County, Nebraska (“SID 267”); Shadow Lake Development, LLC, a Nebraska Limited Liability Company (“SLD LLC”); and, Sanitary and Improvement District No. 264 of Sarpy County, Nebraska (“SID 264”), has been proposed and presented to this meeting; and,

Whereas, pursuant to such Cooperative Agreement, among other things, SID 264 would construct a flood control structure (“the Shadow Lake Dam”) to detain flood waters of Midlands Creek, and a grade stabilization structure (“the Midlands Lake Dam”) approximately at the location where the NRD has had long-standing plans to construct grade stabilization structure S-30, a component of the NRD’s and United States Department of Agriculture Natural

Resources Conservation Service's Public Law 566 Papillion Creek Watershed Work Plan; the NRD would pay to SID 264 a sum not exceeding \$3,357,278.00 towards the cost of design and construction of the Shadow Lake Dam and the Midlands Lake Dam; and, the NRD would permanently operate and maintain such dams after their construction; and,

WHEREAS, this Board finds that such Projects should be carried out and that the NRD should execute such Cooperative Agreement, superseding the previously-proposed, un-executed agreement and this Board's resolution thereon adopted at its May 12, 2005 meeting.

NOW, THEREFORE, BE IT RESOLVED that this Board hereby finds and determines that the Projects would be of predominantly general benefit to the NRD, with only an incidental special benefit, and that such Projects should be carried out with general funds of the NRD; that the Cooperative Agreement under the Interlocal Cooperation Act, among the NRD, the City, 370 LLC, SID 267, SLD LLC and SID 264, should be entered into by the NRD; and, that the General Manager should be, and is hereby, authorized and directed to execute such Cooperative Agreement for and on behalf of the NRD, together with such other and further instruments that the General Manager determines necessary to effectuate such Cooperative Agreement that are approved as to form by the NRD's Legal Counsel.

2. Amendments to Pigeon/Jones Watershed Site 15 Professional Services Contract with Olsson Associates – Recommendation that the General Manager be authorized to execute the proposed amendment No. 1 to the Pigeon/Jones Creek Watershed Site #15 professional services contract with Olsson Associates, for preparation of a Nebraska Resources Development Fund Feasibility Study and Application, for a maximum fee of \$228,289.
3. Draft Supplemental Watershed Plan for Rehabilitation of Structures S-27, S-31 and S-32 – Recommendation that the General Manager be authorized to execute the proposed Papillion Creek Watershed Supplemental Agreement No. 7 with NRCS rehabilitation for PL 566 Grade Stabilization Structures S-27, S-31 and S-32, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
4. Amendments to District's Wetland Mitigation Bank Instrument – Recommendation that the General Manager be authorized to incorporate the proposed Amendments into the District's Wetland Mitigation Banking Instrument, subject to approval by the US Army Corps of Engineers, Omaha District.
5. State Contract Purchase of GPS Survey Equipment – Recommendation that the District follow State policy to not advertise, and to directly purchase the GPS Survey Equipment under State Contract #CA-6212, for a cost of \$25,077.51 from A&D Technical Supply.

*C. Finance, Expenditures and Legal Subcommittee (June 7, 2005) – Director Connealy

1. Account(s) Over 110% - Recommendation that the following accounts be allowed to exceed 110% of the budgeted amount:

Acct # - 010100 4391 – Accounting Fees

Acct # - 010304 4810 – Equipment Allocation

Acct # - 0103134400 - Papio Dam Sites, Professional Services

Acct # - 010708 4400 – Missouri River Corridor, Professional Services

2. Review of FY 2006 Budget – Draft 1: Recommendation that the draft budget be amended to change Account #02 22 4226 – Educational Programs/Materials by reducing the Earth Day contribution from \$5,000 to \$1,000 and increasing Outdoor Classroom Grants from \$10,000 to \$14,000, and that the FY 2006 Draft 1 Budget be forwarded for review at the Public Input Meeting at the July 14, 2005 Board Meeting.
3. California Bend Condemnation Appeal [Executive Session, if Needed] – Recommendation that the District appeal from the verdict and judgment made in the Washington County District Court involving the award to Willie Arp Farms, Inc. in the California Bend Project eminent domain case.

* 9. Treasurer's Report – Director John Conley

- A. District
- B. Dakota County Rural Water Supply
- C. Washington County Rural Water Supply #1
- D. Washington County Rural Water Supply #2
- E. Thurston County Rural Water Supply
- F. Elkhorn River Bank Stabilization Project
- G. Elkhorn Breakout Project
- H. Elk/Pigeon Creek Drainage Project
- I. Western Sarpy/Clear Creek Project

10. Chairperson's Report – Chairperson Jansen

11. General Manager's Report – GM Steve Oltmans

- A. I&E Report
- B. Personnel/Miscellaneous Items
- C. Report On Purchases – Construction Services, Professional Services, Personal Property
- D. Western Sarpy/Clear Creek Update
- E. News Clips

12. **Informational Items:**

A. Future Meetings:

June 13-14, 2005	National Association of Conservation Districts Northern Plains Region Leaders Meeting, Hays, KS
June 16, 2005	Watershed by Design Public Forum, 7:00 p.m., NRC
June 20, 2005	NARD Board Meeting, York, NE
June 20-21, 2005	Blue River Basin Tour (departing from York, immediately following the NARD Board Meeting – Director Tesar attending)
June 28-30, 2005	Nebraska Water Tour (Director Neary attending)
July 12, 2005	P-MRNRD Subcommittee Meetings
July 14, 2005	P-MRNRD Board Meeting
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 11, 2005	P-MRNRD Board Meeting
August 16, 2005	Lower Platte River Corridor Alliance Quarterly Meeting, 9:00 a.m., NRC

B. Other Informational Items

C. Next Meeting – July 14, 2005

13. **Adjournment**

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
BOARD MEETINGS
RIGHT TO SPEAK**

The following rules and regulations shall govern the conduct and privilege to speak of persons attending open meetings of the District:

- A. Prior to the convening of the meeting, the General Manager shall post an agenda at the door of the meeting room.
- B. A Request to Address the Board sheet shall be posted with the agenda and citizens wishing to speak at the meeting shall so indicate on this sheet and specify the agenda item or items on which they desire to be heard.
- C. During the consideration of each agenda item the Chairperson shall call upon citizens who have indicated a desire to be heard on such item, in the order in which the Chairperson shall determine. The Chairperson, in his or her discretion, may also allow other citizens to be heard after all those who have given prior indication of a desire to speak have been heard on such item.
- D. Every citizen speaking at the meeting shall begin his or her remarks by stating his or her name and postal address.
- E. All citizens remarks shall be directed to the Chairperson who shall determine by whom any appropriate response shall be made.
- F. The Chairperson may limit or allot the time allowed for the remarks of citizens called upon to be heard, and may rule any such citizen out of order for exceeding such limitation, or for remarks which are repetitious or irrelevant.

Papio-Missouri River Natural Resources District Directors' Policy Handbook
Operations Policy 4.8 Board Meetings - Right to Speak
[December 5, 1986]