

**Programs, Projects, and Operations Subcommittees
Meeting Minutes
June 7, 2005**

A meeting of the Papio-Missouri River Natural Resources District's Programs, Projects, and Operations Subcommittee was held at the Natural Resources Center, 8901 South 154th Street, Omaha, Nebraska, on June 7, 2005. The meeting was called to order by Chairperson John Conley at 7:00 p.m.

QUORUM CALL: Quorum call was taken. The following Subcommittee members were in attendance.

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others in Attendance
John Conley		Tim Fowler	NRD Staff:
Rich Tesar		Jim Thompson	Steve Oltmans
Rick Kolowski		Richard Connealy	Marlin Petermann
Fred Conley		Richard Jansen	Dick Sklenar
Joe Neary***			Martin Cleveland
Dorothy Lanphier**			Paul Woodward
			Pat Teer
			Trent Heiser
			Jean Tait
			Emmett Egr
			Jim Becic
			Mike McNaney
			Ralph Puls
			Paul Peters, Legal Counsel
			Mike Sotak, Olsson Assoc.
			Chuck Leinen, NRCS
			Laurie Carrette-Zook, HDR
			Dottie Connealy
			Barb Nichol
			Todd Andersen
			Shawn Melotz
			Julie Thacker

- * Excused Absence
- ** Alternate Voting Member
- *** Not present for quorum call, but attended meeting

ADOPTION OF AGENDA

◆ **It was moved by Tesar, and seconded by Kolowski, that the agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Kolowski, Tesar, Lanphier, Fred Conley, John Conley
Voting Nay: None
Abstaining: None
Absent: Neary

PROOF OF PUBLICATION: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on June 2, 2005.

DEVELOPMENT AGREEMENT FOR SHADOW LAKE AND MIDLAND LAKE FLOOD CONTROL AND SEDIMENT CONTROL PROJECTS: District attorney Paul Peters indicated that the latest draft of this agreement was sufficiently different from the previous version to warrant review by the Subcommittee. He stated that the thrust of the agreement has not changed and in detail and terminology that the District's cost-share amount has not been affected. Aerial photos of both sites were shown.

- ❖ **It was moved by Fred Conley, and seconded by Tesar, that the Subcommittee recommend to the District Board of Directors 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.

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Kolowski, Tesar, Fred Conley, John Conley, Lanphier
Voting Nay: None
Abstaining: None
Absent: Neary

AMENDMENTS TO PIGEON/JONES SITE 15 PROFESSIONAL SERVICES CONTRACT WITH OLSSON ASSOC.: Amendments to the professional services contract with Olsson Assoc. for Pigeon/Jones Creek Site 15 were presented by staff member Ralph Puls. Such amendments to address the economic and environmental feasibility were necessary for future consideration of funding with the Nebraska Resources Development Fund. Mike Sotak, of Olsson Assoc., reviewed the proposed plan for developing Site 15 in Dakota County. Director Neary had several questions on the subject.

- ❖ **It was moved by Fred Conley, and seconded by Kolowski, that the Subcommittee recommend to the Board 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 \$228,289.00.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Kolowski, Fred Conley, Neary, John Conley, Tesar
Voting Nay: None
Abstaining: None
Absent: None

DRAFT SUPPLEMENTAL WATERSHED PLAN FOR REHABILITATION OF PAPIO CREEK WATERSHED PL566 STRUCTURES #S-27, 31, AND 32: Chuck Leinen summarized the rehabilitation program for these sites. Director Kolowski had inquiries on the

subject matter. Steve Oltmans said the District is working with Sarpy County on the future zoning of the breach routing downstream of these and other sites.

- ❖ **It was moved by Fred Conley, and seconded by Tesar, that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Papillion Creek Watershed Supplemental Agreement No. 7 with NRCS rehabilitation for PL566 Grade Stabilization Structures S-27, S-31, and S-32, subject to changes deemed necessary by the General Manager and approved to as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 4 yea and 1 abstention.

Voting Yea: John Conley, Kolowski, Fred Conley, Tesar

Voting Nay: None

Abstaining: Neary

Absent: None

AMENDMENTS TO WETLAND MITIGATION BANKING INSTRUMENT: It was explained by Paul Woodward that the proposed amendments for the Wetland Mitigation Banking Instrument with the Army Corps of Engineers would apply only to future banking sites within the District. The amendments are necessary to be consistent with the Mitigation Banking Guidance effective as of February, 2005.

- ❖ **It was moved by Fred Conley, and seconded by Tesar, that the Subcommittee recommends to the Board 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.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Kolowski, Fred Conley, Tesar, John Conley, Neary

Voting Nay: None

Abstaining: None

Absent: None

STATE CONTRACT PURCHASE OF THE GPS SURVEY EQUIPMENT: Discussion on the subject of purchasing GPS survey equipment was initiated by Jean Tait. She stated that the vendor would apply all paid monthly rental fees toward the purchase price. The price was determined by an awarded contract through the Nebraska Purchasing Department.

- ❖ **It was moved by Fred Conley, and seconded by Tesar, that the Subcommittee recommend to the Board of Directors to follow the State policy to NOT advertise, and to directly purchase, the GPS Survey Equipment under State Contract number CA-6212, for a cost of \$25,077.51 from A&D Technical Supply.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Neary, John Conley, Kolowski, Tesar, Fred Conley

Voting Nay: None

Abstaining: None

Absent:

OTHER ITEMS OF INTEREST: None.

ADJOURNMENT: Being no further business, the meeting adjourned by acclamation at 7:55 p.m.