

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
June 9, 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 June 9, 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	Dorothy Lanphier
John Conley	Joe Neary
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 Thompson that the agenda be adopted.

Cynthia Timmermier, 14688 County Road 40, Kennard, NE, stated that she formally objected to the proceedings of this meeting because the agenda was not properly published in a timely manner pursuant to District Policy 4.3. She then distributed a letter from LeRoy Sievers, attorney for resident landowners and taxpayers, objecting to the timing of the final posting of the agenda. A copy of Mr. Sievers' letter is attached to the file copy of the minutes. Paul Peters, District Legal Counsel, noted that the policy manual was a guide and not a limitation on the authority of the Board of Directors. The Chair ruled that the meeting proceed.

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

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

Abstaining - None
Absent - None

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 3:** 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 June 9, 2005 Board of Directors Meeting:

None

Agenda Item 6 A.:

BE IT RESOLVED that the May 12, 2005, Papio-Missouri River NRD Board meeting minutes and the May 11, 2005, Dakota 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, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
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 June 2, 2005. The District's April, 2005, expenditures were published in the Douglas County Gazette on May 31, 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: Chuck Leinen, NRCS Civil Engineer 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 meeting would be held on June 20, 2005 in York, NE. Following the Board meeting, the NARD is sponsoring a Blue River Basin Tour on June 20-21, 2005. He encouraged Directors to attend.

C. 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 the LPRCA Platte River Tour would be held in two sessions 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.

SUBCOMMITTEE REPORTS:

A. West Branch Tributary Crossings Ad Hoc Consultant Selection Subcommittee: Director Kolowski reported that the Ad Hoc Subcommittee had met on May 26, 2005 and gave a brief recap of the meeting.

•• **MOTION NO. 3** It was moved by Director Kolowski and seconded by Director Fred Conley that the following recommendation be adopted:

Ad Hoc Recommendation #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.

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

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on June 7, 2005 and gave a brief recap of the meeting.

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

PPO Recommendation #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 and that the following resolution be adopted:

Whereas, an 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.

Cynthia Timmermier, 14688 County Road 40, Kennard, NE, addressed the Board. She stated that she would like to voice her formal objection to Board’s adoption of the resolution regarding Shadow Lake and related structures. She also distributed a letter from LeRoy Sievers objecting to the adoption of any resolution relating to Shadow Lake Flood and Sediment Control Projects. A copy of Mr. Sievers’ letter is attached to the file copy of the minutes.

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

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

- **MOTION NO. 5** It was moved by Director John Conley and seconded by Director Kolowski that the following recommendation be adopted:

PPO Recommendation #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.

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

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

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

PPO Recommendation #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 amendments determined 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, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - None

- **MOTION NO. 7:** It was moved by Director John Conley and seconded by Director

Schwope that the following recommendation be adopted:

PPO Recommendation #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.

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

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

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

PPO Recommendation #5 State Contract Purchase of GPS Survey Equipment – Recommendation that the District follow State purchasing policy to not advertise for bids and purchase the GPS Survey Equipment under State Contract #CA-6212, for a cost of \$25,077.51 from A&D Technical Supply.

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

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

C. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on June 7, 2005 and gave a brief report of the meeting.

●● MOTION NO. 9 It was moved by Director Connealy and seconded by Director Fowler that the following recommendation be adopted:

FEL Recommendation #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

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

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

Director Connealy reported that the Subcommittee then reviewed the first draft of the FY 2006 budget. He stated that he would like to split the recommendation of the Subcommittee.

•• **MOTION NO. 10** It was moved by Director Connealy and seconded by Director John Conley that the following recommendation be adopted:

FEL Recommendation #2(1) 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.

Director John Conley noted that he had attended this year’s Earth Day and showed slides he had taken at the event. He noted that the crowd was small and that there were anti-MUD signs and people passing out literature condoning the legalization of marijuana. He stated that he did not feel it was appropriate to spend taxpayer dollars to fund events with political overtones. Several Directors expressed their support for Earth Day as an excellent tool to educate the public.

The following individuals addressed the Board expressing support for Earth Day and keeping the funding level at \$5,000:

- ❖ Larry Burks, 9604 Wirt St., Omaha, NE.
- ❖ Cammy Watkins, 5170 Leavenworth, Omaha, NE
- ❖ Jarel Vinduka, 19506 S. Hwy 31, Gretna, NE

Substitute Motion It was moved by Director Schwope and seconded by Director Neary that the draft FY 2006 budget allocate \$5,000 for Earth Day and \$12,000 for Outdoor Classroom Grants.
For Motion No. 10

Roll call vote was held on the substitute motion. The substitute motion carried on a vote of 6-yea and 5-nay.

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

•• **MOTION NO. 11** It was moved by Director Connealy and seconded by Director John Conley that the following recommendation be adopted:

FEL Recommendation #2(2) FY 2006 Budget – Draft 1: Recommendation that the FY 2006 Draft 1 Budget. (including changes made by the Substitute Motion No. 10 to allocate \$5,000 for Earth Day and \$12,000 for Outdoor Education Grants) be forwarded for review at the Public Input Meeting at the July 14, 2005 Board Meeting.

The following individuals addressed the Board:

- ❖ Todd Andersen, 7272 County Road 25, Kennard, NE, asked that the \$625,000 for preliminary design of dam sites 1 and 3C; \$50,000 for design of dam site 19; \$50,000 for design of dam site 7 and \$50,000 for design of dam site 8A be removed from the budget.
- ❖ LeMara Eicke, 19002 Green St., Washington, NE, noted that she was a landowner who would be affected by proposed dam site 3C and asked several questions regarding design, land acquisition, relocation, impact on roads, etc.
- ❖ Cynthia Timmermier, 14688 County Road 40, Kennard, NE, asked that the Board for assurance that the firm retained to do the preliminary design study would have no business dealings with this NRD and would not stand to profit in anyway by future or present dealings to assure the objectivity of the study. GM Oltmans noted the Board would follow the District’s established consultant selection process so that the best independent firm would be hired.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

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

●● **MOTION NO. 12** It was moved by Director Connealy and seconded by Director John Conley that the following recommendation be adopted:

FEL Recommendation #3 California Bend Condemnation Appeal – 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.

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

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

TREASURER'S REPORT:

- **MOTION NO. 13:** It was moved by Director John Conley and seconded by Director Connealy 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 May 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 May 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 on a vote of 10-yea and 1-nay.

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

CHAIRPERSON'S REPORT: A special award was presented to General Manager Oltmans from the Directors participating in the June 2, 2005 Directors' Tour.

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.

The following video clips were shown:

- ❖ Channel 6 clip regarding Household Hazardous Waste and the opening of the recycling facility at 120th and E Streets
- ❖ Channel 7 clip regarding the groundbreaking for the Walnut Creek Amphitheater

Larry Foster, City of Omaha Acting Director of Parks and Recreation, briefed the Board on the Missouri River Pedestrian Bridge Project. He stated that the original budget for the project was \$22.6 million with \$1.5 million from Nebraska; \$1.5 million from Iowa; \$1 million from the Papio-Missouri NRD, with the remaining funds coming from federal dollars. He stated that we

are moving forward on the re-design for the bridge. We are about \$5.3 million short and there have been meetings between the Mayors of Omaha and Council Bluffs to discuss joint fund raising. The design should be completed sometime in October/November with bids being let November/December. He stated that the money for the project has to be in hand before we go out for bids.

INFORMATIONAL ITEMS:

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

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 Information Items: Jack Lively, 236 S. Scott, Gretna, NE, addressed the Board regarding concerns he had about saving water and sewage. He suggested that a sewage plant be built in this area (Sarpy County) that would take care of the Sarpy County sewage. Water could be used to keep Wehrspann Lake water levels up, given to golf courses and cemeteries, or used for irrigation. He stated that this had been successful in the Phoenix, AZ area and he wanted to present this information for the Board's consideration.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of

Directors will be held on July 14, 2005, at the NRC

ADJOURNMENT: Being no further business, the meeting adjourned at 10:01 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 June 9, 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