



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
June 11, 2009**

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 June 11, 2009. The meeting was called to order by Chairperson Jim Thompson at 8:00 p.m.

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

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

ADOPTION OF AGENDA:

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

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, 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 Kolowski 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 June 11, 2009, Board of Directors Meeting are excused:

None to date

Agenda Item 7 A, B &C.

BE IT RESOLVED that the May 14, 2009 Papio-Missouri River NRD Board meeting minutes; the May 28, 2009 Washington County Rural Water Advisory #1 Board meeting minutes; and, the June 3, 2009 Washington County Rural Water #2 Advisory Board meeting minutes are approved as printed.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, 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 June 4, 2009. The District's April, 2009, expenditures were published in the Washington County Enterprise on June, 2, 2009. 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: Neal Jensen, NRCS Resource Conservationist at the Washington County NRCS office, reviewed the NRCS activities for the past month. He reported on EQIP applications in Washington County. He also noted that they had received applications for two new categories – Organic Agriculture and Forestry Initiative. He thanked the District for donating trees for students to take home and plant for participating in the City of Blair's Arbor Day Celebration.

B. Nebraska Association of Resources Districts: Director Tesar reported that the next NARD Board meeting will be held on June 22, 2009 at the Central Platte NRD offices in Grand Island, NE. Immediately following that Board meeting the seventh annual basin tour will depart Grand Island on Monday and return to Grand Island Tuesday, June 23rd. He also noted that he and GM Winkler would be attending an NARD Public Relations Session on LR 181 and effective communication strategies on June 15, 2009 in North Platte, NE.

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

D. Legislative Update: Hal Daub, Ron Sedlacek and Steve Grasz, Husch Blackwell Sanders, reported that after many twists and turns LB 160 successfully passed the legislature and the Governor signed the bill on May 22, 2009. They thanked GM John Winkler and Board Members for providing information to the State Senators in a timely manner. It was also pointed out that the Omaha World Herald had written 6 editorials in support of LB 160. A fact sheet was distributed and is attached to the file copy of the minutes. Mr. Daub stated that the Legislature is interested in water issues and there are interim studies being conducted to study financing and the makeup of NRDs that will require monitoring.

SUBCOMMITTEE REPORTS:

A. Multi Hazard Mitigation Plan Ad Hoc Consultant Selection Subcommittee: Director Fred Conley reported that the Ad Hoc Subcommittee met on June 9, 2009 and he gave a brief recap of the meeting.

- **MOTION NO. 3** It was moved by Director Fred Conley that the following recommendation be adopted:

Ad Hoc Recommendation #1: Contract with Olsson Associates to Provide Engineering Services to Draft an Updated Regional Multi Hazard Mitigation Plan – Recommendation that the General Manager be authorized to execute a professional services contract with Olsson Associates to update the District's Multi Hazard Mitigation Plan for a maximum fee of \$362,700, subject to changes deemed 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 on a vote of 10-yea and 1 abstention.

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on June 9, 2009 and he 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: Papillion Creek Watershed Partnership Interlocal Agreement - Recommendation that the General Manager be authorized to execute the proposed amended Interlocal Agreement for the Continuation of the Papillion Creek Watershed Partnership

between the communities of Bellevue, Bennington, Boys Town, Gretna, La Vista, Omaha, Papillion, and Ralston; the counties of Douglas, and Sarpy; and the Papio NRD, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel, and that the Stormwater Management Policies, Watershed Management Plan and Implementation Plan be adopted and incorporated into the District's Policy Manual.

There was extended discussion. Director Lanphier stated several concerns she had about the Interlocal Agreement.

**AMENDMENT
NO 1 TO
MOTION NO. 4**

It was moved by Director Lanphier and seconded by Director Japp that Motion No. 4 be amended to include the following changes to the PCWP Interlocal Agreement:

That the following be added to Paragraph 8.a) ii):

- ii) Each year during the term of this Agreement, and from time to time as any member of the Partnership may reasonably request, the Administration Agent shall furnish to the members of the Partnership written statements of the condition of the Partnership Fund. During the term of this agreement the Administering Agent shall conduct an independent annual audit of the Partnership Fund and the Watershed fund and project copies to the elected bodies of all Partnership members.

That the following be added to Paragraph 8. b):

- b) The Watershed Fund will be comprised of Watershed management Fees and NRD general property tax dollars to equitably distribute the capital cost of implementing structural and non structural water quality and quantity controls among new development or significant redevelopment within the watershed and to the general public.

Roll call vote was held on the amendment to Motion No. 4. The amendment failed on a vote of 4-yea and 7-nay.

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

Roll call vote was held on the original motion. The motion carried on a vote of 8-yea and 3-nay.

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

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

PPO Recommendation #2.: Second Amendment to Ice Jam Contract – Recommendation that the General Manager be authorized to execute the proposed Second Amendment to the Interlocal Cooperation Act Agreement for Platte River Ice Jam Removal subject to changes deemed 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 - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Absent - None

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

PPO Recommendation #3.: Issuance of an Immediate and Temporary Stay on the Construction of New Water Wells and the Expansion of Groundwater Irrigated Acres – Recommendation that the resolution presented to the meeting, providing for an immediate and temporary stay on the construction of new irrigation wells and the expansion of groundwater irrigated acres, be tentatively adopted; and, that a public hearing on the proposed stays be scheduled for the July Board meeting.

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

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

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

PPO Recommendation #4.: Vegetation Grinding Contract for Lower Platte Weed Management Program – Recommendation that the General Manager be authorized to execute the attached single source contract with Bowman and Company for the terms specified in the contract, subject to changes deemed necessary 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 - Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Absent - None

Director John Conley also noted that the Subcommittee was briefed on the progress of the Washington County Flood Mapping project. No action is required at this time.

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on June 9, 2009 and he gave a brief recap of the meeting. He noted that the Subcommittee reviewed the first draft of the FY 2010 budget and that no action was required at this time.

•• **MOTION NO. 8** It was moved by Director John Conley that the following recommendation be adopted:

FEL Recommendation #2.: 1% Increase to the Budgeted Restricted Funds for Lid Calculation for FY 2010 Budget – Recommendation that the following resolution be adopted:

BE IT RESOLVED THAT the Board of Directors of the Papio-Missouri NRD approves an additional increase of 1% in the Total Unused Restricted Funds Authority, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.

There was discussion. It was noted that to pass this resolution a super majority (or 9 affirmative votes) was required.

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

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

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

FEL Recommendation #3 Account Over 110% - Account #01 02-12 4400 – Project Maintenance – Professional Services – Recommendation that the following account be allowed to exceed 110% of the budgeted amount:

- Account #01 03-12 4400 – Project Maintenance Professional Services

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

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

- **MOTION NO. 10** It was moved by Director John Conley that the following recommendation be adopted:

FEL Recommendation #4: Glacier Creek Project – Recommendation that the following resolution be adopted:

Be it resolved, that the General Manager be and is hereby authorized to execute for and on behalf of the District a purchase agreement, substantially in the form as presented to this meeting, together with such changes therein as the General Manager determines necessary and District legal counsel approves as to form, providing for the purchase by the District from N S The Heritage, LLC, of 83.1 acres of land in Sections 23 and 24, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska (the “Glacier Creek Parcel”), for the purchase price of \$1,100,000, such lands to be used by the District for development of a channel and wetlands mitigation bank; *be it further resolved* that the General Manager be and is hereby authorized to execute for and on behalf of the District a Interlocal Cooperation Act agreement between the District and the Board of Regents of the University of Nebraska, substantially in the form as presented to this meeting together with such changes therein as the General Manager determines necessary and District legal counsel approves as to form, providing for a contribution by the University of Nebraska in the amount of \$519,000.00 towards the purchase of the aforesaid land, and providing for a transfer of title to such land to the Board of Regents of the University of Nebraska for its use and management as an extension of its Allwine Prairie project, and, *be it further resolved* that this Board does hereby find and determine that

such activities by the District will be of predominantly general benefit to the District, with only an incidental special benefit.

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

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

Director Tesar reported that the Subcommittee also discussed right of way acquisitions for the Papio WP-5 project. No action is required at this time.

TREASURER'S REPORT:

- **MOTION NO. 11:** It was moved by Director John Conley and seconded by Director Kolowski 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, 2009, 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 May, 2009, 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	-	Bradley, Conley (Fred), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Schwope, Tesar, Thompson
Voting Nay	-	None

Abstaining - None
Absent - None

CHAIRPERSON'S REPORT: Chairperson Thompson announced that he was appointing the following directors to the Regional Basin 15A Ad Hoc Consultant Selection Subcommittee:

Rich Tesar, Chairperson
Larry Bradley
Tim Fowler
Rick Kolowski
John Schwope
Dave Klug, Alternate

GENERAL MANAGER'S REPORT:

GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. He then distributed the first edition of the WP-5 Quarterly Report and displayed the Bronze Award of Honor the District received from the Greater Omaha Chapter of the National Safety Council.

Staff member Ralph Puls then answered several questions from Director Japp regarding the Pigeon Jones Project. It was noted that the project has been approved by the Nebraska Natural Resources Commission and for funding from the State Revolving Fund.

GM Winkler then reported that Director Japp had requested that the Board look at changing the start time for Board meeting from 8:00 p.m. to 7:00 p.m. To accomplish this, the Board would need to amend District Policy 4.0 as follows:

4.0 Board Meetings - Regular Monthly Meetings. Unless otherwise designated by the Board, the regularly scheduled monthly meeting of the Board shall be held on the second Thursday of each month, at the principal office of the District. Each meeting shall begin at ~~8:00~~ 7:00 p.m. unless otherwise designated. If, prior to the meeting time the General Manager and the Chairperson determine that weather conditions are or will be dangerous for travel to and from the meeting, the regularly scheduled monthly meeting shall be postponed until ~~8:00~~ 7:00 o'clock p.m. on the Thursday following such scheduled meeting date, or, if such date is a legal holiday, until ~~8:00~~ 7:00 p.m. on the second Thursday following such scheduled meeting date. The General Manager shall cause every reasonable effort to be made to notify each director of such postponement.

[December 5, 1986; December 8, 1988; ~~July 9, 2009~~]

There was discussion. It was noted that pursuant to District Policy 1.5 any changes to policy 4.0 would need to be held over for one month.

- **MOTION NO. 12:** It was moved by Director Schwope and seconded by Director Fowler that the provisions of District Policy 1.5 be waived and that the amendments to District Policy 4.0 be approved.

- **MOTION TO:** It was moved by Director Kolowski and seconded by Director Tesar that final consideration of the proposed amendments to District Policy 4.0 be postponed until the July 9, 2009 meeting of the Board pursuant to District Policy 1.5.
- POSTPONE**

Roll call vote was held on the motion to postpone. The motion to postpone carried on a vote of 10-yea and 1-nay.

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

No roll call vote was taken on Motion No. 12.

INFORMATIONAL ITEMS:

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

June 14-19, 2009	Nebraska Water Tour, Northern California Bay Delta
June 18-19, 2009	Nebraska Water Law Conference, Cornhusker Hotel, Lincoln, NE
June 22, 2009	NARD Board Meeting, CPNRD Offices, Grand Island, NE
June 22-23, 2009	Platte River Basin Tour (departing immediately after the NARD Board Meeting)
June 22-24, 2009	WP-5 Master Planning Workshop, NRC
June 25, 2009	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
July 3, 2009	Observation of 4 th of July – P-MRNRD Offices Closed
July 7, 2009	P-MRNRD Subcommittee Meetings
July 9, 2009	P-MRNRD Board Meeting
July 16, 2009	Lower Platte River Corridor Alliance Air Boat Tour
July 23, 2009	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

July 28, 2009	Lower Platte River Corridor Alliance Long Range Planning Retreat, location to be announced
August 11, 2009	P-MRNRD Subcommittee Meetings
August 13, 2009	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on July 9, 2009 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 9:56 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 June 11, 2009, 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