

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
March 13, 2003**

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, Nebraska, on March 13, 2003. Public notice of the meeting was posted at all District offices. The meeting was called to order by the Chairperson, Fred Conley, at 8:00 p.m.

QUORUM CALL:

John Conley	Barb Nichols
Dick Connealy	Pete Rubin
Melissa Gardner	Rich Tesar
Rich Jansen	Jim Thompson
Joe Neary *	Fred Conley

* Not present for quorum call, but attended meeting.

ADOPTION OF AGENDA:

- • **MOTION NO. 1:** It was moved by Connealy and seconded by Rubin that the following resolution be adopted:

BE IT RESOLVED that the agenda be adopted.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Nichols, Rubin, Tesar, Thompson,
Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler, Neary

ADOPTION OF CONSENT AGENDA:

- • **MOTION NO. 2:** It was moved by Rubin and seconded by Conley (John) that the following resolution be adopted:

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 2.A.

BE IT RESOLVED that the following Director(s) have an excused absence from the March 13, 2003, Board of Directors Meeting:

Tim Fowler
Joe Neary

Agenda Item 7:

BE IT RESOLVED that the February 13, 2003, Papio-Missouri River NRD Board meeting minutes and the February 12, 2003, Dakota County Rural Water Advisory Board meeting minutes are hereby approved.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler, Neary

PROOFS OF PUBLICATION OF MEETING NOTICE:

Notice of the meeting was published in the Omaha World-Herald on March 6, 2003. The District's January, 2003, expenditures were published in the Papillion Times on March 6, 2003. 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: Don Doty, District Conservationist at the NRC NRCS office, reported on NRCS activities for the past month. A copy of his written report is attached to the file copy of the minutes.

B. Nebraska Association of Resources Districts Report:

1. NARD Board Meeting: Director Pete Rubin reported that the NARD meeting was held in conjunction with the Water Policy Task Force meeting. He indicated that the Board reviewed the first proposed budget for the NARD. He noted that there would be no increase in dues for next year,
2. NARD Washington, D.C., Conference: It was noted that the NARD Washington, DC, Legislative Conference would be held March 17-19, **2003**. Directors John Conley and Barb Nichols and General Manager Oltmans and Assistant General Manager Marlin Petermann will be representing the District.

SUBCOMMITTEEREPORTS:

A. Elkhorn River Public Access Study Ad-Hoc Consultant Selection Subcommittee: Director Rich Tesar reported that the Ad-Hoc Subcommittee met on March 11, **2003**, and gave a brief recap of the meeting.

- • **MOTION NO. 3:** It was moved by Tesar and seconded by Conley (John) that the following recommendation be adopted:

Selection of Consulting Firms to be Interviewed – Recommendation that firms of Schemmer Assoc., Ciaccio Dennel Group and Big Muddy Workshop, Inc., be selected for interviews for the Elkhorn River Public Access Study.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that a meeting of the PPO Subcommittee met on March 11, **2003**, and gave a brief recap of the meeting.

- • **MOTION NO. 4:** It was moved by Conley (John) and seconded by Jansen that the following recommendation be adopted:

Recommendation #1: Rural Water Feasibility Report for Eastern Washington County-

Recommendation that implementation of a Rural Water System in Eastern Washington County be pursued as outlined in the Feasibility Study Report prepared by HGM Associates and that the deadline for accepting applications for

- service and hookup fees be established no later than June 30,2003.
- Recommendation that contents of the study regarding the extension of the existing distribution system south of Nashville along Hwy 75 be accepted and implemented.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

- ● **MOTION NO. 5:** It was moved by Conley (John) and seconded by Connealy that the following recommendation be adopted:

Recommendation 2. : Award of Contract for Phase 2 Improvements/Dakota County Rural Water – Recommendation that the General Manager be authorized to execute a contract of \$245,332.25 with Mark Albenesius, Inc., for Phase 2 distribution system improvements for the District’s Dakota County Rural Water System.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

Director John Conley noted that the Subcommittee reviewed bids for the Chalco Hills Boulevard Improvement Project and that Subcommittee did not made a recommendation on this item.

- ● **MOTION NO. 6:** It was moved by Connealy and seconded by Jansen that the following staff recommendation be adopted:

Bids for Chalco Hills Boulevard Improvement Project - Recommendation that the lowest and best bid submitted by Luxa Construction for \$227,759.08 be accepted, and such contractor be awarded the contract for the Chalco Hills Recreation Area Boulevard Improvement Project.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Thompson, Conley (Fred)
Voting Nay - Tesar
Abstaining - None
Absent - None
Excused Absence - Fowler

- • **MOTION NO. 7:** It was moved by Conley (John) and seconded by Jansen that the following recommendation be adopted:

Recommendation #4 Directors' E-Mail –Recommendation that the present e-mail system be retained and that Directors have their e-mail address or phone number listed on the District's web page, if they so desire.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - None
Excused Absence - Fowler

C. Finance, Expenditure and Legal Subcommittee: Director Melissa Gardner reported that a meeting of the FEL Subcommittee was held on March 11, **2003**, and gave a brief recap of the meeting.

- • **MOTION NO. 8:** It was moved by Gardner and seconded by Connealy that the following recommendation be adopted:

Recommendation 1. : Bond Resolutions for Refinancing. Loans for Dakota and Washington Rural Water System – Recommendation that the Board approve the refinancing bond resolutions for Dakota and Washington County Rural Water Systems and that the General Manager be authorized to execute any documents necessary to effectuate this transaction. (Copies of the bond resolutions are attached to the file copy of the minutes.)

Dick Sklenar noted that the recommendation states that the General Manager be authorized to execute any documents necessary to effectuate the transaction. He noted that this needed to be changed to the Board Chairperson.

Amendment It was moved by Rubin and seconded by Conley (John) that the motion be
No 1 to amended to reflect that the Board Chairperson be authorized to execute
Motion No. 8 any documents necessary to effectuate the transaction.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,
Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

The amended motion would read as follows:

Recommendation 1: Bond Resolutions for Refinancing Loans for Dakota and Washington Rural Water System – Recommendation that the Board approve the refinancing bond resolutions for Dakota and Washington County Rural Water Systems and that the ~~General Manager~~ Board Chairperson be authorized to execute any documents necessary to effectuate this transaction.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,
Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

- • **MOTION NO. 9:** It was moved by Gardner and seconded by Connealy that the following recommendation be adopted:

Recommendation #2: Line of Credit Agreement with Wells Fargo Bank – Recommendation that the General Manager be authorized to execute the agreements necessary to open a \$1,000,000 line of credit with Wells Fargo Bank, subject to approval as to form by District Legal Counsel.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,
Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

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

Recommendation #3: District Credit Card Authorization – Recommendation that the General Manager be authorized to execute the documents necessary to secure a District credit card.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

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

Recommendation #4: West Branch Channel Project (84th – 96th Streets) – Roger Sloderbeck Property Acquisition – Recommendation that the General Manager be authorized to execute an agreement to purchase the Roger E. Sloderbeck property (Lots 7 and 8, Block 15, City of Papillion, Tax Lot R2A1A8 and Tax Lots 2A5, 2A6, 2B2A and B2, in Section 27-14-12, Sarpy County, Nebraska) for the amount of \$290,000, in the form as heretofore signed by the seller and presented to the Subcommittee, and authorized to execute such additional documents to effectuate the transaction as 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 - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

Director Gardner noted that the Subcommittee had also discussed a Purchase Agreement for a portion of the property to Fitch, Inc. There was no recommendation from the Subcommittee. Chairperson Conley stated that the Board would need to go into Executive Session to discuss this issue. He suggested that this item be considered after the GM's report.

- • **MOTION NO. 12:** It was moved by Gardner and seconded by Connealy that the following recommendation be adopted:

Recommendation #5: Western Sarpy/Clear Creek ROW Acquisition – Jansen Condemnation – Recommendation that the District deposit the Sarpy County Court award of \$549,100, for acquisition of the Jansen tract for the Western Sarpy/Clear Creek Project, without appeal.

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

Voting Yea - Conley (John), Connealy, Gardner, Neary, Nichols, Rubin, Tesar, Thompson,
Conley (Fred)

Voting Nay - None

Abstaining - Jansen

Absent - None

Excused Absence - Fowler

TREASURER'S REPORT:

- • **MOTION NO. 13:** It was moved by Conley (John) and seconded by Rubin 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 February, 2003, 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 Dakota County, Thurston County and Washington County rural water supply project and the Elkhorn River Bank Stabilization Project, the Elkhorn River Breakout Project, the Elk/Pigeon Creek Drainage Project and the Western Sarpy Drainage Improvement Project Area operating accounts the project bills listed on the February, 2003, 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 - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Tesar,
Thompson, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence - Fowler

CHAIRPERSON'S REPORT: There was no report.

GENERAL MANAGER'S REPORT: General Manager Oltmans noted that Directors had received a copy of his written report. He reported that LB 32 (Stormwater Bill) came out of committee on a 7-1 vote and that it was designated as a priority bill. Director Tesar suggested that the District's Lobbyist, Rich Lombardi, be invited to brief the Board on legislative issues. The GM then noted that he had been in Washington D.C. March 11-13, 2003 to attend a meeting of the Interstate Council on Water Policy (ICWP). He then distributed some information regarding the ICWP. He also distributed a memo regarding the Lower Decatur Bend project.

Chairperson Fred Conley indicated that the Board would now consider the Purchase Agreement for sale of a portion of the Sloderbeck Property to Fitch, Inc. Michael Cavalieri, 9915 Nina St, Omaha, NE; Louis Cavalieri, 4816 S. 93rd Ave., Omaha, NE; and John Fitch, 1906 N. 13th St., Omaha, NE, explained to the Board their plan for the property in question. There were several questions from Directors.

- • **MOTION NO. 14:** It was moved by Connealy and seconded by Gardner that the Board go into Executive Session to discuss the Purchase Agreement for sale of a portion of the Sloderbeck Property.

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

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Nichols, Rubin, Thompson,
Conley (Fred)
Voting Nay - Tesar
Abstaining - None
Absent - None
Excused Absence - Fowler

The Board went into Executive Session at 9:05 p.m.

The Board returned to Regular Session at 9:35 p.m.

- • **MOTION NO. 15:** It was moved by Jansen and seconded by Rubin that the following staff recommendation be adopted:

BE IT RESOLVED that the General manager is authorized to execute an agreement to sell an 0.87 acre portion of the Roger E. Sloderbeck property to Fitch, Inc., for the amount of \$82,500, in the form as heretofore signed by the buyer and presented to the Subcommittee, and authorized to execute such additional documents to effectuate the transaction as deemed necessary by the General Manager an approved as to form by District Legal Counsel.

Amendment No. 1 It was moved by Neary and seconded by Rubin that the motion be amended to **Motion No. 15** to have District Legal Counsel include a provision in the purchase agreement that basic, simple improvements, i.e., painting, paving, etc., to

the property be completed within one year.

Roll call vote was held on the amendment. The amendment carried on a vote of 8-yea and 2-nay.

Voting Yea - Conley (John), Connealy, Gardner, Jansen, Neary, Rubin, Thompson, Conley (Fred)
Voting Nay - Nichols, Tesar
Abstaining - None
Absent - None
Excused Absence - Fowler

Roll call vote was held on the amended motion. The amended motion carried on a vote of 8-yea and 2-nay.

Voting Yea - Connealy, Jansen, Neary, Nichols, Rubin, Tesar, Thompson, Conley (Fred)
Voting Nay - Conley (John), Gardner
Abstaining - None
Absent - None
Excused Absence - Fowler

INFORMATIONAL ITEMS:

A. Future Meetings: The Chairperson noted the following meetings:

March 14,2003	US Fish and Wildlife Service 100 th Anniversary Celebration of Refuge System, Boyer Chute Headquarters at 1:00p.m.
March 17-19,2003	Nebraska Association of Resources Districts Washington D.C. Trip, Capitol Holiday Inn
April 1,2003	Elkhorn River Public Access Study Ad-Hoc Consultant Selection Subcommittee Meeting
April 8,2003	P-MRNRD Subcommittee Meetings
April 10,2003	P-MRNRD Board Meeting

B. Other Information Items: There were none.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on April 10, 2003 at the NRC.

ADJOURNMENT:

Being no further business, the meeting adjourned at 9:45.m. by acclamation.

I, the undersigned, Secretary of the Pappo-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 March 13, 2003, 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 W. Jansen
District Secretary