



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
March 8, 2007
MINUTES**

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 Street, Omaha, NE on March 8, 2007. 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:

Fred Conley	Dorothy Lanphier
John Conley	Rick Patterson
Tim Fowler	John Schwope
David Klug	Rich Tesar
Rick Kolowski	Jim Thompson

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Fred Conley and seconded by Director Kolowski that the agenda be adopted.

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Fred Conley and seconded by Director

John 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 has an excused absence from the March 8, 2007, Board of Directors Meeting:

Dick Connealy

Agenda Item 7 A.:

BE IT RESOLVED that the February 8, 2007, Papio-Missouri River NRD Board meeting minutes be approved as printed.

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on March 1, 2007. The District's January, 2007, expenditures were published in the Dakota County Star on March 1, 2007. 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: Verlon Barnes, District Conservationist at the Omaha NRCS office, reported on NRCS activities for the past month. A copy of his report is posted to the website. Verlon reviewed the NRCS staffing plan for Nebraska.

B. Nebraska Association of Resources Districts Report: Director Tesar noted that the NARD Board met on Mach 5, 2007 in Lincoln. He reported that the major topic of discussion was water issues in the Republican Basin. He also noted that the NARD Washington DC Trip would be held March 12-14, 2007. Directors Kolowski and Thompson and GM Winkler and Assistant GM Petermann will be representing the District.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator, reported on Alliance activities. Rodney announced that the LPRCA Quarterly meeting would be held on April 24, 2007 at 9:30 a.m. in the Valley City Office, 230 N. Spruce, Valley, NE.

D. National Association of Conservation Districts Annual Meeting: Director Schwope reported on the NACD Annual Meeting held February 3-8, 2007 in Los Angeles, CA. He showed several slides taken during tours he attended during the conference.

SUBCOMMITTEE REPORTS:

A. Public Involvement Ad Hoc Consultant Selection Subcommittee: Director Thompson reported that the Ad Hoc Subcommittee met on February 20, 2007 to interview consultants.

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

Ad Hoc Recommendation #1 Firm to be Hired – Recommendation that the General Manager be authorized to negotiate a professional services contract with Issues Management Solutions, as the first choice, and if an agreement cannot be reached, that he be authorized to negotiate with Lovgren Marketing Group, as the second choice, to provide public involvement/public information services related to the Papillion Creek Watershed Partnership and its efforts toward improved water quality and flood control in Douglas and Sarpy Counties.

The following individual addressed the Board:

- Mike Ryan, 11130 Jackson St., Omaha, NE

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	Lanphier
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on March 6, 2007 and gave a recap of the meeting.

- **MOTION NO. 4** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #1 City of Omaha and Back to the River, Inc. Cost Share Request for Missouri River Pedestrian Bridge Park Project – Recommendation that the District assist Back to the River Inc.’s fundraising efforts by cost sharing with the City of Omaha in the amount of \$200,000 for construction of the Missouri River Pedestrian Bridge Park Project; and that the General Manager be authorized to provide such funds to the City upon the City’s execution of the District’s Recreation Area Development Program’s Special Operation and Maintenance Agreement.

The following individual(s) addressed the Board:

- Lawrence Shackman, 6515 Stones Throw Dr., Omaha, NE
- Mike Ryan, 11130 Jackson, Omaha, NE
- Larry Foster, City of Omaha, Administrator of Parks

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

•• **MOTION NO. 5** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #2.a. Papio Dam Sites 1 and 3C Preliminary Design/Study Contract with HDR

- a. Contract Amendment No. 1 – Development of Regional Detention Facility Alternative – Recommendation that the General Manager be authorized to execute the proposed Amendment No. 1 to the professional services contract with HDR Engineering, Inc. for the Papio Reservoir Sites 1 and 3C Preliminary Design/Study, increasing the maximum contract fee to \$720,594.

The following individuals addressed the Board:

- Gary Lambrecht, 4604 County Road P25, Kennard, NE
- Duane Wilcox, 111 W. 4th St., Kennard, NE
- Mike Ryan, 11130 Jackson, Omaha, NE
- Jarel Vinduska, 19506 S. Hwy 31, Gretna, NE
- Julie Thacker, 16506 Dutch Hall Road, Bennington, NE
- Tyler Mohr, 12101 Pawnee Road., Omaha, NE

Assistant GM Marlin Petermann then answered several questions regarding the contract amendment to further study regional detention basin alternatives. He pointed out that they would be studying both wet and dry dams. There was extended discussion

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Patterson, Schwope, Tesar, Thompson
Voting Nay - Lanphier
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

Director John Conley noted that the Subcommittee was briefed on the contract status with HDR, Inc. If expenditures occur as anticipated, a contract amendment for work being done by HDR beyond the original contract scope will be brought to the Subcommittee for consideration. No action is required at this time.

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

PPO Recommendation #3 Missouri River Trail Phase 2 Agreement with Nebraska Department of Roads – Recommendation that the General Manger be authorized to execute the Resolution and Project Agreement between the District and the Nebraska Department of Roads for the Missouri River Trail – Phase 2 Project.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

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

PPO Recommendation #4 MoPac Equestrian Trail Bids – Recommendation that the General Manager be authorized to execute a construction contract in the amount of \$49,392.48 with Camden Excavating for the MoPac Equestrian Trail Project, subject to approval by the Nebraska Game and Parks Commission.

The following individual addressed the Board:

- Vicki Fraser, 13809 S. 127th St., Springfield, NE

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

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

PPO Recommendation #5 Interlocal Agreement with SID on PL566 Site S-27 – Recommendation that the General Manager be authorized to sign an Interlocal Cooperation Act Agreement for Trail Reconstruction with Fox Ridge Estates and Heartland Hills SIDs, 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 (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

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

PPO Recommendation #6 Logo on Washington County Rural Water #2 Water Tower – Recommendation that staff investigate options for NRD signage within the site of Washington County Rural Water #2 service area.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

C. Finance, Expenditures and Legal Subcommittee: Director Fowler reported that the FEL Subcommittee met on March 6, 2007 and gave a brief recap of the meeting.

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

FEL Recommendation #1.a. Missouri River Trail – Phase 2 –Right of Way

- a. Stratbucker Tract – Recommendation that the following resolution concerning Stratbucker Land Company, Ltd., right of way for the Missouri River Trail Project be adopted:

RESOLUTION

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the District") has proposed to construct, operate and maintain the Missouri River Trail Project (hereinafter "the Project"); and,

WHEREAS, the District has identified certain permanent and temporary easements (hereinafter referred to collectively as "the Easements") necessary to be acquired by the District for the Project, the Easements being identified in the proposed purchase agreement (hereinafter referred to as "the District's Offer") heretofore submitted by the District to Stratbucker Land Company, Ltd. (hereinafter referred to as "the Owner"), owner of the fee simple title to the land that will be affected by the acquisition of the Easements, and the District has negotiated in good faith with the Owner for the voluntary purchase of the Easements, but that such negotiations have failed and the District has not been able to voluntarily acquire the Easements for the Project and must acquire the same by the exercise of eminent domain.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hereby makes the following findings and determinations, to-wit:

A. The Project is a plan, facility, work and program relating to development and management of recreational and park facilities, within the contemplation of Section 3-3229, R.R.S., 1997, which authorizes the District to "... develop and execute, through the exercise of powers and authorities granted by law, plans, facilities, works, and programs relating to ... (11) development and management of recreational and park facilities" Therefore, the District is authorized to undertake the Project; and,

B. The Project is of a predominantly general benefit to the District with only incidental special benefit, within the contemplation of Section 2-3252, R.R.S., 1997; and, the Project therefore should be carried out with any available funds of the District; and,

C. For purposes of construction, operation and maintenance of the Project it is necessary that the District acquire the Easements as the same are identified in the District's Offer heretofore submitted to the Owner; and,

D. The District has negotiated in good faith with the Owner in that the District retained an licensed real estate appraiser to appraise the damages from the acquisition of the Easements; the District offered to the Owner an amount of money equal to the full fair market value of the damages from the acquisition of the Easements, as appraised by such appraiser; and, the District's representatives made reasonable efforts by in-person conference, telephone and correspondence to induce the Owner to accept the District's Offer, but that the District's Offer has been refused, all counter-offers made by the Owner are unreasonable and unacceptable to the District, and such negotiations in good faith therefore have failed and the negotiations are at an impasse; and,

E. It is necessary that the District exercise the right of eminent domain, granted to it by Section 2-3234, R.R.S., 1997, in order to acquire the Easements for the Project; and,

F. Economic and physical feasibility necessitate that the Project be constructed in the location of the Easements; and,

G. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT, in the absence of a voluntary grant of the Easements to the District in accordance with the District's Offer, legal counsel for the District is hereby authorized and directed to initiate the filing of a petition in the County Court of Douglas County, Nebraska, on behalf of the District, for the appointment of appraisers to ascertain and determine the damages from the District's taking of the Easements, pursuant to the procedures governing eminent domain, as provided by Section 76-701, et seq., R.R.S., 1997.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

- **MOTION NO. 11** It was moved by Director Fowler that the following recommendation be adopted:

FEL Recommendation #1.b. Missouri River Trail – Phase 2 –Right of Way

- b. Graves Tract – Recommendation that the General Manager be authorized to execute the proposed Purchase Agreement with Donald and Janet Graves and Irma Graves in the amount of \$9,843.00 for rights-of-way for the Missouri River Trail Project – Phase 2.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

- **MOTION NO. 12** It was moved by Director Fowler that the following recommendation be adopted:

FEL Recommendation #2 MoPac Trail (Hwy 50 to Lied Bridge) Right of Way Acquisition - Ash Grove Parcel – Recommendation that the General Manager be authorized to execute a purchase agreement in the amount of \$5,290.00 with Ash Grove Cement Company to acquire right-of-way for the Mopac Trail (Hwy. 50 to Lied Bridge) Project, and that Account #01-06-04-4430 (Trails right-of way) be allowed to exceed 110% of budget.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Connealy
Absent - Connealy

- **MOTION NO. 13** It was moved by Director Fowler that the following

recommendation be adopted:

FEL Recommendation #3

Western Sarpy/Clear Creek Project Eminent Domain Case – NRD v. Hansen – Recommendation that the General Manager be authorized to stipulate a settlement of the District’s appeal from the December 21, 2004, award of appraisers by the Sarpy County Court Board of Appraisers to landowner Phillips Hansen, for the NRD’s taking of two permanent easements for the Western Sarpy/Clear Creek Project, such settlement calling for a District payment of \$40,000.00.

Paul Peters stated that the resolution needed to be amended to reflect that the “District Legal Counsel” instead of “the General Manager be authorized to stipulate a settlement...”

**Amendment
No 1 To Motion
No. 13**

It was moved by Director Fowler and seconded by Director Lanphier that the recommendation be amended as follows:

FEL Recommendation #3

Western Sarpy/Clear Creek Project Eminent Domain Case – NRD v. Hansen – Recommendation that the District Legal Counsel ~~General Manager~~ be authorized to stipulate a settlement of the District’s appeal from the December 21, 2004, award of appraisers by the Sarpy County Court Board of Appraisers to landowner Phillips Hansen, for the NRD’s taking of two permanent easements for the Western Sarpy/Clear Creek Project, such settlement calling for a District payment of \$40,000.00.

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

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

Voting Yea	-	Conley (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

TREASURER'S REPORT:

- **MOTION NO. 14:** It was moved by Director John Conley and seconded by Director Klug 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, 2007, 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 February, 2007, 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 (Fred), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwoppe, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Connealy
Absent	-	Connealy

CHAIRPERSON'S REPORT:

Chairperson Thompson made a statement about the conduct at meetings. He pointed out that the District had amended the procedure regarding public input with the intent of controlling the conduct of meetings. He reiterated that the procedure provided that Directors first hear staff, then the public and then the District will discuss the item and take action. We ask that public not interrupt the Directors' discussion and action. He asked that members of the public not take this personally.

The Chairperson then commended GM Winkler on the District's response to the recent flood event. GM Winkler stated that staff members Marlin Petermann, Ronnie Lehman and Bill Warren were on the front line and should be recognized for their outstanding efforts.

GENERAL MANAGER'S REPORT:

GM Winkler noted that his report had been posted to the website and asked Directors to contact him if there were any questions. He reported that the District had been informed that the workers comp experience mode for FY 2008 had been set at .78, which means the District has earned a 22% credit on our base workers comp premium for next fiscal year. District employees are to be commended for practicing established safety rules and guidelines in our O&M facilities, job sites and offices.

Rich Lombardi then updated the Board on legislative issues of interest to the District. He noted that State Senators will be designating their priority bills by March 10th. He stated that the legislative hearing on LB 272 – NRD General Obligation Bond Authority - was held on February 22nd and felt GM Winkler did an excellent job fielding questions from the senators. He stated that it was an informative and interesting hearing and indicated that he thought the District had made great headway but to remember that this was a work in progress. Director Lanphier asked that a copy of the transcript of the hearing be provided to Directors.

INFORMATIONAL ITEMS:

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

March 12-14, 2007	NARD Washington DC Conference
March 15, 2007	Papio DS 1 and 3C Steering Committee Meeting, 7:00 p.m. at Blair City Hall
March 29, 2007	Zorinsky Water Quality Basin #2 Ad Hoc Consultant Selection Subcommittee Meeting, 7:00 p.m.
April 10, 2007	P-MRNRD Subcommittee Meetings
April 12, 2007	P-MRNRD Board Meeting
April 24, 2007	Lower Platte River Corridor Alliance Quarterly Meeting, 9:30 a.m., Valley City Offices
May 8, 2007	P-MRNRD Subcommittee Meetings
May 10, 2007	P-MRNRD Board Meeting
June 12, 2007	P-MRNRD Subcommittee Meetings
June 14, 2007	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on April 12, 2007 at the NRC.

ADJOURNMENT: Being no further business, at 10:05 p.m. the Chairperson declared that the meeting was adjourned.

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 March 8, 2007, 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