



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
March 12, 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. 154<sup>th</sup> St., Omaha, NE on March 12, 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	Rich Tesar
Scott Japp	Jim Thompson
David Klug	

**ADOPTION OF AGENDA:**

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

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Fred Conley and seconded by Director Lanphier 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 absences of the following Director(s) from the March 12, 2009, Board of Directors Meeting are excused:

Tim Fowler  
John Schwope

Agenda Item 7 A.&B.:

- A. BE IT RESOLVED that the February 12, 2009 Papio-Missouri River NRD Board meeting minutes are approved as printed.
- B. BE IT RESOLVED that the February 11, 2009 Dakota County Rural Water 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), Japp, Klug, Kolowski, Lanphier, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence: Fowler, Schwope  
Absent - Fowler, Schwope

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on March 5, 2009. The District's January, 2009, expenditures were published in the Washington County Enterprise on February 27, 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: Verlon Barnes, NRCS District Conservationist at the Omaha NRCS office, reviewed the NRCS activities for the past month. He announced that President Obama signed the FY 2009 budget on March 11<sup>th</sup> and the NRCS is waiting to determine funding levels. He also distributed brochures on rain gardens and low impact development.

B. Nebraska Association of Resources Districts Report: Director Tesar reported on the March 9, 2009 NARD Board Meeting held in Lincoln. NARD officers were elected with the following results: Dan Steinkruger, LPSNRD, was elected President; Mary Ann Wortmann,

Lewis and Clark NRD, was elected Vice-President; and Joe Anderjaska, Middle Republican NRD, was elected Secretary/Treasurer. Director Tesar noted that he has been appointed to the NARD Budget and Finance Committee and the NARD Insurance Pool Committee.

C. Nebraska Natural Resources Commission Report: NNRC Commissioner Vince Kramper introduced NNRC Commissioner Beverly Donaldson. He noted that the NNRC Budget Committee had met with Governor Heinemann to request additional funds for the Resources Development Fund without success. He also indicated they were pursuing increased funding through the Legislature. The next meeting will be held on May 13-14, 2009 in Chadron.

D. Nebraska Environmental Trust Fund Report: NETF Board Member Vince Kramper reported that at their February 5<sup>th</sup> meeting 81 applications were recommended for funding for a total of \$14.5 million. He reported that the P-MRNRD application for Whitted Creek was funded for \$300,000 and that Pigeon Jones Site 15 would be receiving an additional \$132,000 for a total of \$812,000 for the project. The next NETF meeting will be held on April 2, 2009, in Lincoln.

E. Legislative Update: Steve Grasz, Husch Blackwell Sanders, reported that LB 160 had advanced from the Natural Resources Committee to general file on a vote of 7-1. The bill was sponsored by Senator Tim Gay and declared a priority bill by Senator John Nelson. Mr. Grasz reviewed the expected committee amendments to the bill to include the following:

- Allow county board to disapprove any reservoir exceeding 20 surface acres
- Allow for bonding authority with a vote of the electorate for bonds exceeding one cent of the levy
- Provide for a 2/3 vote of the NRD board to submit a bond issuance
- Provide that bond proceeds not be used for metropolitan class city's combined sewer separation projects
- Provide that the bond authority sunsets on December 31, 2019

### **SUBCOMMITTEE REPORTS:**

A. Blair Service Center Ad Hoc Consultant Selection Subcommittee: Director Kolowski reported that the Ad Hoc Subcommittee met on March 3, 2009 and he gave a brief recap of the meeting.

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

*Ad Hoc Recommendation #1: Firm to be Hired* – Recommendation that the firms interviewed by the Subcommittee should be ranked in the following order, to-wit: Alley-Poyner Maccietto Architecture, P.C., and Leo A. Daly Company; and, that the General Manager, on behalf of the District, should be authorized negotiate a professional services contract with Alley-Poyner Maccietto Architecture, P.C., to provide for architectural and design services for the Blair Service Center.

**AMENDMENT  
NO. 1 TO  
MOTION NO. 3**

It was moved by Director John Conley and seconded by Director Japp that the motion be amended to include construction administration services.

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

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

Roll call vote was held on the motion as amended. The recommendation would be amended as follows:

*Ad Hoc Recommendation #1: Firm to be Hired* – Recommendation that the firms interviewed by the Subcommittee should be ranked in the following order, to-wit: Alley-Poyner Maccietto Architecture, P.C., and Leo A. Daly Company; and, that the General Manager, on behalf of the District, should be authorized negotiate a professional services contract with Alley-Poyner Maccietto Architecture, P.C., to provide for architectural, ~~and~~ design and construction administration services for the Blair Service Center.

The motion carried on a vote of 8-yea and 1 abstention.

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

B. Personnel, Legislative and Public Affairs Subcommittee: Director Klug reported that the PLPA Subcommittee met on March 10, 2009 and he gave a brief recap of the meeting.

•• **MOTION NO. 4** It was moved by Director Klug that the following recommendation be adopted:

*PLPA Recommendation #1: P-MRNRD Pay Program Administration Manual* – Recommendation that the proposed changes to the P-MRNRD Pay Program Administration Manual, as presented to the Subcommittee, should be adopted by the Board of Directors.

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

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

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on March 10, 2009 and he gave a brief recap of the meeting.

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

*FEL Recommendation #1:* Accounts Over 110% - Recommendation that the following accounts be allowed to exceed 110% of the budgeted amount:

- Acct # - 010100 4311 – Public Notices - Meetings
- Acct # - 010100 4391 – Accounting Fees
- Acct # - 010100 4397 – Employee Training

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

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

D. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on March 10, 2009 and he gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Agreement for Cooperative Assistance with Nebraska Land Trust – Recommendation that the General Manager be authorized to execute the proposed “Agreement Between Papio-Missouri River Natural Resources District and Nebraska Land Trust for Cooperative Assistance” providing for District contributions over three years in the amount of \$30,000/year for the Lower Platte Valley Preservation Project.

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

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

Abstaining - None  
Excused Absence: Fowler, Schwope  
Absent - Fowler, Schwope

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

*PPO Recommendation #2:* Request for Additional Professional Services Fees for Pigeon/Jones Creek Site #15 Final Design – Recommendation that the limitation on professional fees and costs, provided by the District’s contract with Olsson Associates, for Pigeon/Jones Creek Watershed Site #15 design services, should be increased from \$534,573 to \$585,953; and that the General Manager, on behalf of the District, should execute a contract amendment providing for such increase.

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

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

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

*PPO Recommendation #3:* Elkhorn Crossing Recreation Area Site Improvements Bids – Recommendation that the bid of Dostal Construction Company, Inc., in the amount of \$219,400 for construction of the Elkhorn Crossing Recreation Area Site Improvements should be accepted; and, that the General Manager, on behalf of the District, should execute the advertised construction contract with such bidder providing for such price; and, that the F.Y. 2008-2009 budget be amended to reallocate \$240,000 from budget category 4410 Trails-Construction to budget category 4385 NRD Recreation Development.

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

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

Director John Conley reported that the Subcommittee had been briefed on the Whitted Creek Stream Restoration Project regarding the professional services contract with CH2MHill. It was also noted the project had been awarded a \$300,000 grant from the Nebraska Environmental Trust Fund and \$300,000 from the Nebraska Department of Environmental Quality 319 funds. No action is required.

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

*PPO Recommendation #5:* Watershed Structures Bank Stabilization Project – Recommendation that the bid of Penro Construction Company, Inc., in the amount of \$158,597.50, for construction of the Watershed Structure Bank Stabilization Project should be accepted; and, that the General Manager, on behalf of the District, should execute the advertised contract with such bidder providing for such price.

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

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

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

*PPO Recommendation #6:* Silver Creek Site 42 Bids - Recommendation that the bid of Camden Excavating in the amount of \$41,716.64, for construction of Silver Creek Site 42 should be accepted; and, that the General Manager, on behalf of the District, should execute the advertised contract with such bidder providing for such price.

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

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

**TREASURER'S REPORT:**

- **MOTION NO. 11:** It was moved by Director John Conley and seconded by Director Kolowski as follows:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the February, 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 February, 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), Japp, Klug, Kolowski, Lanphier, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence:		Fowler, Schwope
Absent	-	Fowler, Schwope

#### **CHAIRPERSON'S REPORT:**

A. Final Consideration of Amendments to Policy 16.4 District Property – Nebraska Clean Air Act Designation: Chairperson Thompson noted that pursuant to District Policy 1.5, final consideration of the amendments to the District smoking policy would be addressed at tonight's Board Meeting

- **MOTION NO. 12** It was moved by Director John Conley and seconded by Director Kolowski that the following amendments to District Policy 16.4 District Property – Nebraska Clean Air Act Designation be adopted:

**16.4 District Property - Nebraska Clean Air Act Designations.**  
~~Smoking is prohibited in all District buildings, and signs shall be~~



~~posted by Management at all outside entrance stations: "Smoking is not permitted in this building." Smoking is prohibited in any District vehicles and equipment if accompanied by a non-smoker~~  
The use of tobacco products is prohibited in all District buildings, vehicles and motorized equipment with cabs. Additionally, the use of tobacco products is prohibited within a reasonable distance outside the entrances to and air intakes and operable windows of District buildings, and at such other locations as provided by laws or government regulations. Public notices of this policy shall be posted.

[December 10, 1987; May 9, 1991; March 10, 2009]

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 3-nay.

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

B. Omaha By Design – Natural Environmental Element Master Plan: Chairperson Thompson reported on activities of the Environment Omaha Core Committee. The Committee will be establishing goals and strategies that will be presented to the Omaha City Counsel and hopefully included in the Omaha Master Plan.

**GENERAL MANAGER'S REPORT**: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. Brian Henkel, Groundwater Management Engineer, gave an update on the March 12<sup>th</sup> DNR public hearing regarding the preliminary determination that the Lower Platte River Basin is fully appropriated. He noted that the District, along with several other NRDs, opposed the determination. He noted that 9 NRDs recently conducted a review of the determination. The districts' study challenged the DNR's findings on the impact of irrigation wells on the Platte and determined that an out-dated methodology was used to calculate stream depletions. Final determination will be made approximately April 10<sup>th</sup>.

**INFORMATIONAL ITEMS**:

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

March 21-25, 2009	NARD Washington, D.C., Conference
March 26, 2009	Papio Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 7, 2009	P-MRNRD Subcommittee Meetings

April 9, 2009	P-MRNRD Board Meeting
April 28, 2009	Lower Platte River Corridor Alliance Quarterly Meeting 9:30 a.m. at the Lower Platte South NRD office, Lincoln, NE
April 30, 2009	Regional Multi-Hazard Mitigation Plan Ad Hoc Consultant Selection Subcommittee Meeting, 6:30 p.m.
May 12, 2009	P-MRNRD Subcommittee Meetings
May 14, 2009	P-MRNRD Board Meeting

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

**ADJOURNMENT**: Being no further business, the Chairperson declared that the meeting was adjourned at 9:20 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 March 12, 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