



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
March 11, 2010**

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 March 11, 2010. The meeting was called to order by Acting Chairperson John Conley at 7:00 p.m.

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

Fred Conley	Dave Klug
John Conley	Dorothy Lanphier
Tim Fowler	Rich Tesar
Scott Japp	

ADOPTION OF AGENDA:

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

BE IT RESOLVED that the agenda be adopted.

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Klug 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 Directors from the March 11, 2010, Board of Directors Meeting are excused:

Larry Bradley
Rick Kolowski
John Schwope
Jim Thompson

Agenda Item 7. A.

BE IT RESOLVED that the February 11, 2010 Papio-Missouri River NRD Board meeting minutes, the February 10, 2010 Dakota County Rural Water Advisory Board meeting minutes and the February 17, 2010 Washington County Rural Water #1 meeting minutes are approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on March 9, 2010. The District's January, 2010, expenditures were published in the Washington County Enterprise on March 5, 2010. 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: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities for the past month.

B. Nebraska Association of Resources Districts: The next NARD Board meeting will be held on April 12, 2010 in Lincoln, NE.

C. Legislative Report: Steve Grasz, Husch Blackwell Sanders, noted that the legislature had focused on general file bills this week and will be working on select file bills and the budget next week. He reported the following bills:

LB 795 – NRD Recreational Facilities: Senator Ashford filed an amendment to LB 817 to allow a natural resources district to contract with law enforcement agencies to patrol district property. The amendment is the language for LB 795. LB 817 is a priority bill with flood debate next week.

LB 1010 – Recreation Trails: The bill establishes a procedure for natural resources district to use when eminent domain is involved for developing a recreational trail. The bill has been designated as a priority bill and advanced to the floor for debate. He noted that LB 1011 remained in Committee.

LB 895 – NRD Director Elections – The bill requires directors appointed to fill vacancies to run for re-election if the appointment occurred before September 1 of the second year of the term. The bill advanced, but it has not been designated as a priority bill.

LB852 – NRD write-in Candidates – The bill allows for write-in space on official ballots for NRD Directors. The bill has advanced to the floor.

LB 1031 and LB 1032 – NRD Levies – The bill would allow local NRDs to continue to raise funds locally through 2017. These bills advanced from the Revenue Committee.

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

SUBCOMMITTEE REPORTS:

A. Blair Service Center Ad Hoc Subcommittee: Director Klug reported that the Ad Hoc Subcommittee met on March 9, 2010, and gave a brief recap of the meeting.

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

AdHoc Recommendation #1: Final Plans for Blair Office Facility – Recommendation that the architect’s submission for the design development phase for the Blair Natural Resources Center be approved and that the approval be subject to the review and approval of a lease with the NRCS.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 1-nay.

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

B. Programs, Projects and Operations Subcommittee: Director Klug reported that the PPO Subcommittee met on March 9, 2010, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Farm Process Pilot Groundwater Flow Model – Recommendation that the General Manager be authorized to execute a Joint Funding Agreement with the USGS for the development of a pilot model for a maximum fee of \$83,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp noted that there were other entities (Lower Platte North NRD) that were in the area of the pilot model and asked if any of the entities had been contacted to see if they would cost share.

- **MOTION TO LAYOVER** It was moved by Director Lanphier and seconded by Director Klug that this item be laid over until next month so that staff can contact other governmental entities included in the pilot model project area to determine if they would cost share on the project.

Roll call vote was held on Motion to Layover. The motion carried unanimously.

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

Director Klug noted that the Subcommittee was briefed by John Engel, HDR, Inc., regarding WP-5 Project, Phase I. No action required.

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

PPO Recommendation #2b: Phase II HDR Contract for Engineering Services – Recommendation that the General Manager be authorized to execute the Professional Services Agreement between the District and HDR Engineering, Inc. for Phase 2 Services for the WP-5 Project in an amount not to exceed \$817,700, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

John Engel, HDR, Inc., and Amana Grint answered several question regarding the contract.

Roll call vote was held on motion. The motion carried 6-yea and 1-nay.

Voting Yea - Conley (Fred), Fowler, Klug, Lanphier, Tesar, Conley (John)
Voting Nay - Japp

Abstaining - None
Excused Absence: Bradley, Kolowski, Schwope, Thompson
Absent - Bradley, Kolowski, Schwope, Thompson

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

PPO Recommendation #3: Amendment to Interlocal Agreement with City of Omaha for the Carter Lake Water Quality Project - Recommendation that the General Manager be authorized to execute an amendment to the Interlocal Agreement with the City of Omaha for the Carter Lake Water Quality Project, subject to changes deemed necessary by the General Manager, and approved as to form by District Legal Counsel.

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

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

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

PPO Recommendation #4: Purchase of CBI Systems Software for the Papillion Creek Watershed Partnership – Recommendation that the District, as managing agent for the Papillion Creek Watershed Partnership, purchase CBI Systems, Ltd. MS 4Web software in an amount not to exceed \$30,354.02, and enter into a yearly service contract with CBI Systems, Ltd. in the amount of \$4,020 per year.

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

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

C. Finance, Expenditures and Legal Subcommittee: Director John Conley reported that the FEL Subcommittee met March 9, 2010 and gave a brief recap of the meeting.

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

FEL Recommendation #1: Retirement of Remaining 2003A & 2003 B Revenue Bonds for Dakota County Rural Water and Washington County Rural Water #1 – Recommendation the following resolution be adopted:

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, IN THE STATE OF NEBRASKA:

Section 1. That the following bonds, in accordance with their option provisions, are hereby called for payment on April 15, 2010, after which date interest on the bonds will cease:

Water Revenue Refunding Bonds, Series 2003A, dated April 15, 2003, maturing on April 15 of the years 2011 through 2013, in the aggregate outstanding principal amount of \$245,000, maturing, bearing interest and identified as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP NUMBER</u>
April 15, 2011	\$80,000	3.60%	69887E AW2
April 15, 2012	\$80,000	3.75%	69887E AX0
April 15, 2013	\$85,000	3.90%	69887E AY8

Said bonds were issued for the purpose of paying the bonded debt of the District on its legally issued Water Revenue Refunding Bond, Series 1979, dated September 1, 1979 (delivered October 9, 1979), in the approximate remaining principal amount of \$670,071 and on its Water Revenue Refunding Bonds, 1980 Series, dated August 15, 1980 (delivered September 8, 1980) in the approximate remaining principal amount of \$69,723.

Water Revenue Refunding Bonds, Series 2003B, dated April 15, 2003, maturing on April 15 of the years 2011 through 2013, in the aggregate outstanding principal amount of \$125,000, maturing, bearing interest and identified as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP NUMBER</u>
April 15, 2011	\$40,000	3.60%	69887E BG6
April 15, 2012	\$40,000	3.75%	69887E BH4
April 15, 2013	\$45,000	3.90%	69887E BJ0

Said bonds were issued for the purpose of paying the bonded debt of the District on its legally issued Water Project Revenue Refunding Bonds, Series 1993, dated October 15, 1993, in the remaining principal amount of \$95,000 and on its Water Revenue Bond, 1998 Series, dated November 19, 1998 in the approximate remaining principal amount of \$296,889.

Section 2. Each and all of said bonds are to be paid at the office of the Treasurer of the District in Omaha, Nebraska (8901 South 154th Street, Omaha, Nebraska), being the office of the Paying Agent and Registrar.

Section 3. A true copy of this Resolution shall be filed by the District Secretary with the Paying Agent and Registrar at least thirty (30) days prior to call date and the Paying Agent and Registrar is hereby irrevocably instructed to take appropriate action to mail (or otherwise provide) notice to the registered owner at least thirty days prior to the call date.

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

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

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

FEL Recommendation #2: King Lake Floodway Purchase Program Tract 10 – Recommendation that the General Manager be authorized to execute for and on behalf of the District the Purchase Agreement in the form as presented to this meeting providing for the purchase by the District from William Huser, etal, of 0.28 acres of floodway land for the purchase price of \$18,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

FEL Recommendation #3: Account Over 110% - 01 04 00 4700 – Conservation Assistance Program – Recommendation that the following account be allowed to exceed 110% of the budgeted amount:

➤ Account #01 04-00-700 – Conservation Assistance Program.

Ralph Puls answered Director Japp’s questions regarding the Conservation Assistance Program.

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

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

Director John Conley noted that the Subcommittee had reviewed the Papio Creek Watershed Structure W-3 Land Rights issue. District Legal Counsel reported that the Washington County Board of Appraisers had awarded \$605.00 for the John and Mary Camden property for a temporary ingress/egress easement. He then distributed a suggested resolution for the Board's consideration

- **MOTION NO. 11** It was moved by Director John Conley and seconded by Director Fred Conley that the following resolutions be adopted:

BE IT RESOLVED that Management is directed to deposit with the Clerk of the Washington County Court the total amount of \$605.00 awarded to John Camden, etal, condemnees, by the court-appointed board of appraisers in the District's eminent domain taking of a temporary ingress/egress easement for the W-3 Rehabilitation Project, at Case No. CI-10-111 in the Washington County Court; that such award(s) not be appealed by the District; and, that District legal counsel is authorized to stipulate that the total awarded amount(s) may be withdrawn by the condemnees.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 1-nay.

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

TREASURER'S REPORT:

- **MOTION NO. 12:** It was moved by Director Fred 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, 2010, 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, 2010, 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 motion. The motion carried unanimously.

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

CHAIRPERSON'S REPORT: Director Tesar showed slides of the recent ice dusting which scattered coal ash over the Platte River to help reduce the threat of ice jams and flooding. He also had a sample of the coal ash used. The Nebraska Department of Environmental Quality determined that the coal ash used was well within the strictest state and federal standards.

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 reported that Senator Ben Nelson was organizing a Transportation Summit to be held on March 30th to discuss solutions to the problems experienced regarding delays in trails projects in Nebraska. He also noted that a letter from Paul Woodward, Olsson Associates, following up on questions regarding last month's billing for the Silver Creek Project was attached to the GM Report. Any questions, please contact GM Winkler.

GM Winkler then suggested that the Board go into Executive Session to discuss purchase of property from Ginger Cove for the expansion of the Platte River Landing Recreation Area.

- **MOTION NO. 13:** It was moved by Director Tesar and seconded by Director Fowler that the Board go into Executive Session to discuss purchase of property from Ginger Cove.

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

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

The Board went into Executive Session at 8:15 p.m.

- **MOTION NO. 14:** It was moved by Director Fred Conley and seconded by Director Fowler that the Board return to Regular Session.

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

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

The Board returned to Regular Session at 8:35 p.m.

- **MOTION NO. 15:** It was moved by Director Tesar and seconded by Director Fred Conley that the following resolution be adopted:

BE IT RESOLVED that, on behalf of the District, the General Manager may bid and expend funds for the purchase of the SID property adjacent to the District's Platte River Landing Recreation Area, such amount as he, in his sole discretion, determines reasonable.

Roll call vote was held on Motion. The motion carried on a vote of 6-yea and 1-nay.

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

INFORMATIONAL ITEMS:

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

March 25, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRCS
April 6, 2010	P-MRNRD Subcommittee Meetings
April 8, 2010	P-MRNRD Board Meeting

April 12, 2010	NARD Board Meeting – Speedway Motors, Lincoln (Tentative)
April 22, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRCS
May 11, 2010	P-MRNRD Subcommittee Meetings
May 13, 2010	P-MRNRD Board Meeting
May 27, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRCS
May 31, 2010	Memorial Day – P-MRNRD Offices Closed

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on April 8, 2010 **at 7:00 p.m.** at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:40 p.m.

I, the undersigned, Secretary of the Papiio-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 11, 2010, 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