

**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
May 13, 2004**

**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. 154<sup>th</sup> Street, Omaha, NE on May 13, 2004. The meeting was called to order by the Chairperson, Fred Conley, at 8:00 p.m.

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

John Conley	Joe Neary
Dick Connealy	Barb Nichols
Tim Fowler	Rich Tesar
Melissa Gardner	Jim Thompson
Rich Jansen	Fred Conley

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Tesar and seconded by Director Nichols that the agenda be amended to include “Staff Development of State Legislation.”

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

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

- **MOTION NO. 2:** It was moved by Director Connealy and seconded by Director Jansen that the agenda be adopted, as amended.

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 3:** It was moved by Director John Conley and seconded by Director Jansen that the following resolution be adopted:

Agenda Item 6 A.:

BE IT RESOLVED that the April 15, 2004, 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 (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Tesar,  
Thompson, Conley (Fred)  
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 May 6, 2004. The District's February, 2004, expenditures were published in the Papillion Times on April 22, 2004. The March expenditures were published in the Papillion Times on May 6, 2004. The Chairperson ordered the Proof 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: Don Doty, District Conservationist at the NRCS office, reported on NRCS activities for the past month. His report is posted to the District's website.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Board meeting will be held June 21, 2004 in South Sioux City. In conjunction with the meeting, the NARD is sponsoring a Missouri River Basin Tour on June 21-22, 2004. The tour leaves from South Sioux City immediately following the NARD meeting. He distributed information about the tour.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, noted that the LPRCA report was e-mailed to Directors and posted to the P-MRNRD website. He reported that a Water Wellness Workshop would be held on May 18, 2004 at the Papillion Gun Club at 6:30 – 9:00 p.m. and invited Directors to attend.

**SUBCOMMITTEE REPORTS:**

A. Finance, Expenditure and Legal Subcommittee: Director Gardner reported that the FEL Subcommittee had met on May 11, 2004 and gave a brief recap of the meeting.

Director Gardner indicated that the Subcommittee was informed that due to the fluctuating bond market, the agenda item to discuss bond resolutions for refinancing loans on the Thurston County Rural Water System was withdrawn. No action was taken.

- **MOTION NO. 4** It was moved by Director Gardner and seconded by Director Jansen that the following recommendation be adopted:

*FEL Recommendation #2* Floodway Property Purchase at Elbow Bend – Recommendation that the General Manager be authorized to execute a Purchase Agreement with Mrs. Janet Proksel to acquire Tax Lot 3B in Elbow Bend for the purchase price of \$55,000.

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

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

- **MOTION NO. 5** It was moved by Director Gardner and seconded by Director Neary that the following recommendation be adopted:

*FEL Recommendation #3* Purchase Agreement for Water Tower Site for the Washington County Rural Water #2 – Recommendation that the General Manager be authorized to execute the proposed purchase agreement with Orville and Mary Eich for the acquisition of property for a Washington County Rural Water System No. 2 water tower site for the purchase price of \$25,000.

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

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

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

*FEL Recommendation #4*      Western Sarpy/Clear Creek Cabin Buyout/Flood Proofing – Recommendation that the General Manager be authorized to execute purchase agreements for cabin raise easements, flowage easements and levee easements for the following sites and purchase prices: Site 1L (Wilken) \$4,000; Site 2L (Hansen) \$7,990; Site 5L (Grothe) \$2,900; Site 7L (Forman) \$3,340; Site 8L (Nabity) \$2,380; Site 9L (Rhoades) \$780; Site 11L (Smith) \$4,940; Sites 9L, 10L, 11L, (RSP Management) \$1,560; Site 4L (Arp) \$1,380; Site 6L (Vosler) \$14,300; Site 10L (Pietryga) \$1,380.

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

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee had met on May 11, 2004 and May 12, 2004 and gave a brief recap of the meetings.

➤ **May 11, 2004 Meeting**

●●      **MOTION NO. 7**      It was moved by Director John Conley and seconded by Director Jansen that the following recommendation be adopted:

*PPO Recommendation #1:*      Professional Services Contract Agreement with BCDM for the Elkhorn River West Maple Street Road Access Site – Recommendation that the General Manager be authorized to execute the proposed professional services contract with BCDM, Inc., for the Elkhorn River Maple Street Access Site, for a fee not-to-exceed \$57,056.16, 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      -      Conley (John), Connealy, Fowler, Gardner, Jansen, Neary, Nichols, Tesar, Thompson, Conley (Fred)  
Voting Nay      -      None  
Abstaining      -      None  
Absent            -      None

●●      **MOTION NO. 8**      It was moved by Director John Conley and seconded by Director Jansen that the following recommendation be adopted:

*PPO Recommendation #2a:* Lower Platte River Corridor Alliance Issues

- a. Nebraska Community Foundation – Recommendation that the District approve the Lower Platte River Corridor Alliance’s affiliation with the Nebraska Community Foundation.

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

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

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

*PPO Recommendation #2b:* Lower Platte River Corridor Alliance Issues

- b. FY 2005 Budget – Recommendation that the Lower Platte River Corridor Alliance’s FY 2005 budget request be approved, subject to inclusion of funds in the District’s FY 2005 budget.

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

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

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

*PPO Recommendation #3c:* Lower Platte River Corridor Alliance Issues

- c. Lower Platte River Cumulative Impacts Study – Recommendation that a letter of support be provided to the University of Nebraska-Lincoln for an application for an EPA grant to collect and analyze land and water features along the Lower Platte River to be used in the Lower Platte River Cumulative Impacts Study.

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

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

Director Conley noted that the Subcommittee was briefed on Sarpy County Water Supply/Waste Water Infrastructure Study Request for Proposals. Funding for the approximately \$400,000 study would come from contributions from Sarpy County, MAPA, Bellevue, Papillion, Gretna, Springfield, Omaha, Douglas County and the District. The District's contribution is \$50,000.

•• **MOTION NO. 11:** It was moved by Director John Conley and seconded by Director Jansen that the following recommendation be adopted:

*PPO Recommendation #4:* Interlocal Agreement with Nebraska Department of Roads on Trail Project North of Springfield – Recommendation that the General Manager be authorized to execute the proposed agreement with the Nebraska Department of Roads for the construction of Segment 3 of the Platte River Trail between Springfield and Highway 370, subject to changes deemed necessary by the General Manager and approved as to form by the District Legal Counsel.

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

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

•• **MOTION NO. 12:** It was moved by Director John Conley and seconded by Director Jansen that the following recommendation be adopted:

*PPO Recommendation #4:* Equipment Purchases/Replacements for FY 2005 – Recommendation that the FY 2005 equipment requirements be approved, subject to inclusion in the FY 2005 budget.

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

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

➤ May 12, 2004 Meeting

- **MOTION NO. 13:** It was moved by Director John Conley and seconded by Director Neary that the following recommendation be adopted:

*PPO Recommendation #1:* Papio Creek Watershed Partnership Agreement – Recommendation that the General Manager be authorized to execute the Interlocal Agreement for the Continuation of the Papillion Creek Watershed Partnership among the communities of Bellevue, Bennington, Boys Town, Elkhorn, Gretna, Kennard, LaVista, Omaha, Papillion and Ralston; the counties of Douglas, Sarpy and Washington; and the Papio-Missouri River NRD; for an annual contribution from the District of \$90,000 over the next five years, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Nichols expressed her concern regarding the agreement being a 5-year commitment and doubling the District's contribution to \$90,000. She suggested that the agreement be approved for 3 years with an option to renew for another 3 years. There was discussion.

**Amendment No. 1  
To Motion No. 13** It was moved by Connealy and seconded by Nichols that the an annual review of the Papio Creek Watershed Partnership by the Board of Directors be included in the motion.

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

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

The amended motion would read as follows:

*PPO Recommendation #1:* Papio Creek Watershed Partnership Agreement – Recommendation that the General Manager be authorized to execute the Interlocal Agreement for the Continuation of the Papillion Creek Watershed Partnership among the communities of Bellevue, Bennington, Boys Town, Elkhorn, Gretna, Kennard, LaVista, Omaha, Papillion and Ralston; the counties of Douglas, Sarpy and Washington; and the Papio-Missouri River NRD; for an annual contribution from the District of \$90,000 over the next five years, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel, **with an annual review by the Board of Directors.**

Roll call vote was held on Motion 13 as amended. The amended motion carried unanimously.

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

**TREASURER'S REPORT:**

- **MOTION NO. 14:** It was moved by Director John Conley and seconded by Director Connealy 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 April, 2004, 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 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 April, 2004, 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, Fowler, Gardner, Jansen, Neary, Nichols, Tesar, Thompson, Conley (Fred)  
Voting Nay - None  
Abstaining - None  
Absent - None

**CHAIRPERSON'S REPORT:**

A. **Joint P-MRNRD/LPSNRD Board Meeting:** Chairperson Fred Conley reported that a joint meeting of the P-MRNRD/LPSNRD has been tentatively scheduled for July 14, 2004 at 7:00 p.m. at Mahoney State Park. More information to follow.

B. **GM Evaluation:** PLPA Chairperson, Barb Nichols, distributed the GM evaluation form for FY 2004. She asked that all Directors participate and that forms be returned by May 25<sup>th</sup>.



**GENERAL MANAGER'S REPORT:** GM Oltmans noted that his report had been posted to the website. The following items were distributed:

- Invitation to Corps of Engineers Change of Command Ceremony – May 28, 2004 at 10:00 a.m. at the Natural Resources Center.
- Signed Project Cooperation Agreement for construction of the Western Sarpy/Clear Creek Flood Reduction Project.
- May 11 and 12, 2004 Omaha World Herald newspaper articles, regarding the Lower Platte North NRD Board of Directors rejecting MUD well field application.

The following news clips were shown:

- Channel 3 – Earth Day Promo
- Channel 7 – P-MRNRD Tree Give Away
- Channel 6 – Trail Markers

**INFORMATIONAL ITEMS:**

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

May 18, 2004	Water Wellness Workshop, Papillion Gun Club, By Hawaiian Village S. of Platteview Road and 87 <sup>th</sup> Street at 6:30 – 9:00 p.m.
May 22, 2004	Earth Day – Omaha
May 22, 2004	Children’s Lewis and Clark Art Wall Unveiling at 10:00 a.m. Haworth Park, Bellevue, NE
May 28, 2004	Corps of Engineers Change of Command Ceremony, 10:00 a.m. in the Visitors Center, Natural Resources Center
June 6-8, 2004	National Association of Conservation Districts Northern Plains Regional Meeting, Bismarck, ND
June 6-9, 2004	Water and Natural Resources Tour – Competing Uses for Platte River Water and Basin Development
June 8, 2004	P-MRNRD Subcommittee Meetings
June 10, 2004	P-MRNRD Board Meeting
June 15, 2004	Water Wellness Workshop, Valley City Office, 210 N. Locust St., Valley, NE, 6:30 – 9:00 p.m.

June 20-22, 2004	NARD Board Meeting and Tour (location of meeting to be determined)
July 6, 2005	P-MRNRD Subcommittee Meetings
July 8, 2004	P-MRNRD Board Meeting
July 14, 2004 (tentative date)	Joint P-MRNRD/LPSNRD Board Meeting, Mahoney State Park at 7:00 p.m.

B. Other Information Items: The Chairperson distributed election results from the May 11, 2004 primary election.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on June 10, 2004 at the NRC.

**STAFF DEVELOPMENT OF STATE LEGISLATION**: Director Tesar stated that at the May 12<sup>th</sup> PPO meeting he had asked Paul Peters, District Legal Counsel, to inform the Board of Directors of any future requests made of him to provide services or support of LB 32 or similar legislation. Also at the meeting, Director Thompson suggested that there should be a policy directing the General Manager to brief the Board before pursuing any state legislation. There was discussion.

- **MOTION NO. 15**: It was moved by Director John Conley and seconded by Director Neary that this item be referred to the Finance, Expenditures and Legal Subcommittee.

There was discussion regarding which Subcommittee this item should be referred to.

**AMENDMENT NO. 1 TO MOTION NO. 15** It was moved by Thompson and seconded by Jansen that the the motion be amended to reflect that this item be referred to the Personnel, Legislative and Public Affairs Subcommittee.

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

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

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

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

Absent - None

**ADJOURNMENT:** Being no further business, the meeting adjourned at 9:20 p.m. by acclamation.

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 May 13, 2004, 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.

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Barbara A. Nichols  
District Secretary