



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
May 14, 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 May 14, 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	John Schwope
Scott Japp	Rich Tesar
David Klug	Jim Thompson

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Tesar and seconded by Director Schwope 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, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	Fowler
Excused Absence:		Fowler

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Kolowski 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 Director from the May 14, 2009, Board of Directors Meeting is excused:

Tim Fowler

Agenda Item 7 A.

BE IT RESOLVED that the April 9, 2009 Papio-Missouri River NRD Board meeting minutes are approved as printed.

Director Japp questioned why the motion he made regarding an agreement with Washington County prohibiting the District from building dams in Washington County was not in the April 9, 2009 Board minutes. It was noted that it was included in the April 7, 2009, FEL minutes; however, the Subcommittee approved and advanced a substitute motion for Board consideration.

Roll call vote was held on the motion to adopt the motions on the consent agenda. The motion carried on a vote of 8-yea; 1-nay and 1 abstention.

Voting Yea - Bradley, Conley (Fred), Conley (John), Klug, Kolowski, Schwope, Tesar, Thompson  
Voting Nay - Japp  
Abstaining - Lanphier  
Absent - Fowler  
Excused Absence: Fowler

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on May 7, 2009. The District's March, 2009, expenditures were published in the Washington County Enterprise on April 28, 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. Metro Omaha Tobacco Action Coalition and Tobacco Free Sarpy Presentation: Joan Friedman and Marcy Harrington representing the Metro Omaha Tobacco Action Coalition and Tobacco Free Sarpy presented the Chairperson with a certificate of appreciation to the District in recognition of outstanding support for safe, healthy, tobacco-free environment for employees.

B. Natural Resources Conservation Service Report: Verlon Barnes, NRCS District Conservationist at the Omaha NRCS office, reviewed the NRCS activities for the past month. He reported that the State NRCS had determined that the Resources Conservationist position in the Tekamah office will not be filled at this time.

C. Nebraska Association of Resources Districts: Director Tesar reported that the next NARD Board meeting will be held on June 22, 2009 at the Central Platte NRD offices in Grand Island, NE. Immediately following that Board meeting the seventh annual basin tour will depart Grand Island on Monday and return to Grand Island Tuesday, June 23<sup>rd</sup>.

D. Lower Platte River Corridor Alliance Report: Megan Sittler, LPRCA Coordinator, reported on activities of the LPRCA. She noted that the quarterly meeting was held on April 28<sup>th</sup> at the Lower Platte South NRD offices and approximately 30 people attended. She also asked that Directors note the following dates – September 3 – Water Quality Open at Quarry Oaks and July 16 – Airboat Tour.

E. Legislative Update: Ron Sedlacek, Husch Blackwell Sanders, distributed the final reading version of LB 160 and a fact sheet regarding the bill. He reported that the bill advanced from select file to final reading on a voice vote with no “nay” votes. He noted that the bill was on the legislative agenda for final reading on Monday, May 18<sup>th</sup>. Mr. Sedlacek thanked all involved in getting the legislation passed.

F. Update on Eastern Nebraska Water Resources Assessment Project: Dana Divine, ENWRA Project Coordinator, briefed the Board on activities of the ENWRA Project. She displayed several slides showing analysis data to include water quality samples, recharge rates, etc.

**PUBLIC HEARING ON PROPOSED RIGHT-OF-WAY ACQUISITION PAPIO CREEK WATERSHED STRUCTION W-3 REHABILITATION PROJECT:**

Chairperson Thompson appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 9:07 p.m.

Paul Peters, District Legal Counsel, explained the legal aspects of the hearing. He explained that each property owner had the right to be represented by an attorney and to negotiate and accept or reject the offer of damages which will be sustained by the proposed acquisition and the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain.

Hearing Officer Winkler then identified the following exhibits:

1. Notice of Public Hearing
2. Notice of Proposed Acquisitions
3. Public Hearing Agenda
4. Project Location Map
5. Proof of Publication – Omaha World Herald Newspaper
6. Proof of Publication – Pilot Tribune
7. Land Rights Summary Memo
8. Purpose and Need for Project
9. May 1, 2009 letter and enclosures to O. Jeff Eich, John Camden and Mary Camden
10. Structure W-3 Rehabilitation Project Plans
11. Final Watershed Plan Supplement No. 8 and Environmental Assessment for Structure W-3

Martin Cleveland, project manager, explained that the purpose of the rehabilitation project was to provide grade stabilization and flood control protection in a manner that minimizes the risk of loss of human life and is both cost efficient and environmentally acceptable. He pointed out that the original structure was built as a low hazard class dam. Since the structure was built, additional residential development has occurred downstream and additional development is in the planning stages. The NRCS State Conservation Engineer has designated the structure as a high hazard class dam. He then reviewed the work required to rehab the structure.

The following individuals addressed the Board in opposition to the project:

- Jason Demman, 10855 West Dodge Road, Omaha, NE, representing John and Mary Camden
- John Camden, 7813 County Road 29, Blair, NE

Hearing Officer Winkler closed the public hearing and returned the floor to Chairperson Thompson at 9:45 p.m.

### **SUBCOMMITTEE REPORTS:**

A. Multi Hazard Mitigation Plan Ad Hoc Consultant Selection Subcommittee: Director Fred Conley reported that the Ad Hoc Subcommittee met on April 30 2009 and he gave a brief recap of the meeting.

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

*Ad Hoc Recommendation #1: Interviews for Multi Hazard Mitigation Plan and Recommendation on Firm to be Hired – Recommendation that the firms interviewed by the Subcommittee should be ranked in the following order, to-wit: Olsson Associates, PBS&J, JEO Consulting Group and Kirkham Michael; and, that the General Manager, on behalf of the District, should be authorized to negotiate a professional services contract with Olsson Associates to provide engineering services to draft an updated Regional Multi Hazard Mitigation Plan.*

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

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

B. Blair Service Center Ad Hoc Consultant Selection Subcommittee: Director Kolowski reported that the Ad Hoc Subcommittee met on May 12, 2009 and gave a brief recap of the meeting.

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

*Ad Hoc Recommendation #1:* Contract with Alley-Poyner Macchietto Architecture to Provide Architectural, Design and Construction Administration Services for the Blair Service Center – Recommendation that the General Manager be authorized to execute a professional services contract with Alley Poyner Macchietto for the Washington County Service Center Office Building for a fee of \$148,000 plus reimbursable expenses not to exceed \$15,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE

Michael Alley, Alley-Poyner Macchietto Architecture, answered several questions and explained the requirements needed for the building to receive a LEED Silver certification. He noted that at this time, the construction cost estimate was \$150 per square foot. There was discussion.

**AMENDMENT NO 1 TO MOTION NO. 4** It was moved by Director Japp that Motion No. 4 be amended to stipulate the construction cost of the building not exceed \$1,000,000.

The amendment died due to lack of a second.

Roll call vote was held on the main motion. The motion carried on a vote of 7-yea and 3-nay.

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

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on May 12, 2009 and he gave a brief recap of the meeting. He noted that there were two items on the agenda: 1% increase to the budgeted restricted funds for lid calculation for the FY 2010 budget and Papio WP-5 Right of Way. Neither item required action at this time.

D. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on May 12, 2009 and he gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Summit Lake Lease Agreement – Recommendation that the General Manager be authorized to execute the proposed 25-year

lease between the Papio-Missouri River Natural Resources District and the State of Nebraska Game And Parks Commission for Summit Lake State Recreation Area, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp stated that he felt that if the District is going to cost share on the maintenance of Summit Lake, there needs to be an Interlocal Agreement with Game and Parks to waive entrance fees to this area.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 1-abstention.

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

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

*PPO Recommendation #2.:* First Addendum to the Interlocal Cooperation Act Agreement with City of Bellevue for Bellevue Riverfront Development – Recommendation that the General Manager be authorized to execute the proposed First Addendum to the Interlocal Cooperation Act Agreement between the City of Bellevue, Nebraska and Papio-Missouri River Natural Resources District for Bellevue Riverfront Development, providing for contribution by the District of an additional \$500,000 in cost share funds towards such project, thereby increasing the District’s total contribution to \$1,750,000.

Jeff Roberts, City of Bellevue Engineer, answered several questions. There was discussion.

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

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

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

*PPO Recommendation #3.a.: Lake Dredging Program:*

- a. New District Policy – 17.42 – Lake Dredging Program – Recommendation that the following be adopted and included in the District’s Policy Manual:

**17.42 LAKE DREDGING PROGRAM**

The Lake Dredging Program is an authorized program of the District to provide technical and financial assistance to units of government (sponsors) to dredge retained sediments in permanent water quality basins and lakes within the sponsor’s boundaries and extraterritorial jurisdiction.

Criteria for Eligible Projects:

1. The Sponsor must be a unit of government (city, county, sanitary & improvement district).
2. Only public access lakes and permanent water quality basins are eligible for assistance.
3. Dredging shall be limited to the capacity of the conservation pool of the water quality basin or lake.
4. An individual lake or basin shall be eligible for assistance if the following specific criteria are met:
  - a. The water body has not been dredged in the immediately preceding ten (10) years.
  - b. Verification that 75% of the original capacity has been lost to sedimentation.
  - c. Verification of impaired water quality that will be improved by dredging project, including calculation of benefits.
5. The Sponsor must have a watershed management plan to control erosion and reduce sedimentation from the drainage area.

District Responsibilities:

1. Provide 50% of the local costs (after applying any state or federal cost share assistance) of the project up to a maximum NRD cost share of \$100,000 per project.

Eligible costs include:

  - a. Actual dredging costs
  - b. Professional engineering services for design, calculation of dredging amount and water quality benefits.

Ineligible costs include:

  - a. Costs associated with land rights acquisition.
  - b. Costs associated with the acquisition of necessary permits for the project.
  - c. Costs associated with relocation of utilities.

- d. Sponsor's "in-house" labor and equipment costs.
2. All projects will require the approval of the Board of Directors.
3. Review and approve all dredging plans prior to Sponsors' bidding of the project.

Sponsor Responsibilities:

1. Complete District's LDP Application Form, Form 17.42A, Manual of Standard Forms (Appendix E). The following items should accompany the application:
  - a. Copy of the original construction plans for the lake or water quality basin. If original plans are not available, an engineering study will be necessary to calculate the original capacity.
  - b. Location map of the project.
  - c. Location map of the proposed disposal site(s) and site restoration plan.
  - d. Detailed project cost estimate.
2. Execute and fulfill an agreement outlining these guidelines (Form 17.42B. Manual of Standard Forms, Appendix E)
3. Provide all matching funds.
4. Provide all permits required for the project at no cost to the District.
5. Provide all necessary land rights at no cost to the District.
6. Contract for the dredging of the lake or water quality basin of the approved project.
7. Complete dredging operation within one year of approval.

[May 14, 2009]

**AMENDMENT  
NO 1 TO  
MOTION NO. 7**

It was moved by Director John Conley and seconded by Director Lanphier that Motion No. 7 be amended to stipulate that application approvals be made subject to the District budget.

Roll call vote was held on Amendment 1 to Motion No. 9. The amendment carried unanimously.

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

Roll call vote was held on Motion No 7 as amended. The amended motion carried unanimously.



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

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

*PPO Recommendation #3.b.:* Lake Dredging Program:

- b. Request from City of Papillion – Dredging of Walnut Creek Sediment Basin – Recommendation that the City of Papillion’s request for assistance to dredge a water quality basin at Walnut Creek Lake and Recreation Area be approved under the District’s Lake Dredging Program up to a maximum District cost share amount of \$100,000, subject to funding in the FY 2010 budget.

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

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

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

*PPO Recommendation #4.:* Urban Cost Share Programs:

1. Recreation Area Development – Recommendation that the application from the City of Blair for \$50,000 be approved; that the applications from Blair for \$12,500 and Dakota City for \$7,215 be approved; and, that the total amount of project applications for FY 2010 be revised to a total of \$146,715, all subject to funding in the FY 2010 budget.

and

2. Trails Assistance Program – Recommendation that the application from the City of Blair for \$8,358 be approved, subject to funding in the FY 2010 Budget.

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

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

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

*PPO Recommendation #5* MoPac Trail (Highway 50 to Chalco Hills) – Nebraska Department of Roads Agreement – Recommendation that the following proposed resolutions be approved and that the General Manager be authorized to execute the proposed agreement with the Nebraska Department of Roads for the funding of the MoPac Trail (Highway 50 to Chalco Hills segment).

#### RESOLUTION

WHEREAS, the Papio-Missouri River Natural Resources District wishes to enter into an agreement with the State of Nebraska Department of Roads to construct a granular and concrete pedestrian and bicycle trail from Chalco Hills Recreation Area to Nebraska Highway 50, with funds made available through STP Enhancement Program funds, and

WHEREAS, the Federal share payable shall be a maximum of forty-seven(47) percent of the eligible costs thereof, up to a maximum payment of federal funds of \$500,000.00, and

WHEREAS, the Papio Missouri River Natural Resources District shall be responsible for approximately \$562, 913.00, which is estimated by the NRD to be the NRD's fifty-three (53) percent matching share of eligible project costs, and

WHEREAS, the Papio-Missouri River Natural Resources District has agreed to place in its fiscal budget said amount,

NOW, THEREFORE BE IT RESOVED BY THE BOARD OF DIRECTORS OF THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, Omaha, Nebraska, that the NRD enter into an agreement with the State of Nebraska Department of Roads for the construction of a granular and concrete pedestrian and bicycle trail from Chalco Hills Recreation Area to Nebraska Highway 50; that this project be constructed under the designation of Project Number ENH-28(98), Control Number 22413, and that

the terms and conditions as contained in the Agreement with the Nebraska Department of Roads are hereby approved and that the NRD's General Manager is hereby authorized to execute said Agreement.

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

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

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

*PPO Recommendation #6:* Equipment Purchases/Replacements for FY 2010 – Recommendation that the FY 2010 Equipment Requirements, as presented, be approved subject to funding in the FY 2010 Budget.

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

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

**TREASURER'S REPORT:**

- **MOTION NO. 12:** 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: (l) claims listed in the April, 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 April, 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, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Absent - Fowler  
Excused Absence: Fowler

**CHAIRPERSON'S REPORT:** Chairperson Thompson noted that the City of Omaha had a new mayor and he will be contacting Mr. Suttle in the near future. He also pointed out that future trail projects will be bid by the State.

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. Christine Jacobsen and Heather Guthridge briefed the Board on educational programs of the District. Brian Henkel, Groundwater Management Engineer, briefed the Board on amendments to LB 54 and the resulting requirements for the District.

Director Lanphier noted that each of the District's dams has to have an emergency action plan and that the state requires that the plans be updated. She has requested that money be included in the budget to implement the plans and to conduct table top exercises.

Director Japp requested that due the lateness of the meeting that Pigeon Jones Project discussion he had requested be tabled until next month. The Board approved by consensus.

Amanda Grint, Water Resources Engineer, briefed the board on the plans for a rain garden to be built at the Natural Resources Center. The site is just west of the parking lot. She indicated that the preliminary cost of the project was \$21,000 and \$11,000 for pervious pavement.

**INFORMATIONAL ITEMS:**

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

May 15, 2009

Papillion Creek Watershed Partnership Meeting,  
10:00 a.m., NRC

May 25, 2009	Memorial Day – P-MRNRD Offices Closed
June 9, 2009	P-MRNRD Subcommittee Meetings
June 11, 2009	P-MRNRD Board Meeting
June 14-19, 2009	Nebraska Water Tour, Northern California Bay Delta
June 18-19, 2009	Nebraska Water Law Conference, Cornhusker Hotel, Lincoln, NE
June 1, 2009	WP-5 Visioning Workshop, 6:00 – 9:00 p.m., NRC
June 22-24, 2009	WP-5 Master Planning Workshop, NRC
July 3, 2009	Observation of 4 <sup>th</sup> of July – P-MRNRD Offices Closed
July 7, 2009	P-MRNRD Subcommittee Meetings
July 9, 2009	P-MRNRD Board Meeting
July 28, 2009	Lower Platte River Corridor Alliance Long Range Planning Retreat, location to be announced

Chairperson Thompson noted that Memorial Day is May 25<sup>th</sup>. He then showed a presentation entitled, “A Wake for An Indian Warrior.”

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on June 11, 2009 at the NRC.

**ADJOURNMENT**: Being no further business, the Chairperson declared that the meeting was adjourned at 11:25 p.m.

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 May 14, 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.

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Richard Tesar  
District Secretary