



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
May 13, 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 May 13, 2010. The meeting was called to order by Chairperson Jim Thompson at 7:00 p.m.

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

Fred Conley	Dave Klug
John Conley	Rick Kolowski
Tim Fowler	Dorothy Lanphier
Scott Japp	Rich Tesar *
	Jim Thompson

* Not in attendance at quorum call, arrived at approximately 8:00 p.m.

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Fowler 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(s) from the May 13, 2010, Board of Directors Meeting is excused:

Larry Bradley
John Schwope
Rich Tesar (late arrival)

Agenda Item 7. A.

BE IT RESOLVED that the April 8, 2010 Papio-Missouri River NRD Board meeting minutes, and the April 14, 2010 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on May 6, 2010. The District's March, 2010, expenditures were published in the Washington County Enterprise on May 4, 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 to include the EQIP and Conservation Stewardship Programs. He also noted that there would be a Nebraska Natural Legacy Project Public Input meeting at the NRC on May 26, 2010, 6:00 – 8:00 p.m. He invited Directors to attend.

B. Nebraska Association of Resources Districts: Chairperson Thompson noted that the NARD Report would be given as soon as Director Tesar arrived.

C. 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. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on May 11, 2010, and gave a brief recap of the meeting. He noted that the Subcommittee was briefed on the history and current status of the proposed Green Hearts Institute for Nature in Childhood Project to be located at the Rumsey Station Wetland Area, owned by the District. No action was required.

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

PPO Recommendation #2: Fontenelle Nature Association Request for Assistance – Recommendation that the District approve the request from the Fontenelle Nature Association for \$50,000 for the purchase of land in the Mill Hollow Drainage Basin.

Roll call vote was held on motion. The motion carried on a vote of 7-yea and 1-nay.

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

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

PPO Recommendation #3: City of Omaha Request for Financial Assistance for Adams Park Master Plan – Recommendation that the District partner with the City of Omaha and provide \$40,000 towards the Adams Park Master Plan Project, subject to funding in the FY 2011 Budget.

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

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

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

PPO Recommendation #4: Lake Dredging Program – Westin Hills SID Request – Recommendation that the application from SID #415 (Westin

Hills) be approved under the Lake Dredging Program in the amount of \$85,850, subject to funds being included in the FY 2011 Budget.

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

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

•• **MOTION NO. 6**

PPO Recommendation #5: Bids for Tillage Services in the Platte River Channel – Recommendation that Dirt Works Inc., be awarded the contract to provide primary tillage services in the Platte River Channel for the bid amount of \$235.00 per acre, subject to changes deemed necessary by the General Manger and approved as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 7-yea and 1-nay.

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

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

PPO Recommendation #6: Computer Services Agreement with the Upper Republican NRD – Recommendation that the General Manager be authorized to execute the proposed Computer Services Agreement subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp stated that he did not feel it was fair for the NRD to compete with private industry. Director Lanphier stated that she would like to see the agreement amended so that it would come back to the Board after one year for approval. It was noted that the term of the contract was one year and it would automatically go back to the Board to determine if the contract would be renewed. There was discussion.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 2-nay.

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

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

PPO Recommendation #7: Farm Process Pilot Groundwater Flow Model – Recommendation that the General Manager be authorized to execute an interlocal agreement with Lower Platte South and Lower Platte North NRDs and a Joint Funding Agreement with the USGS for the development of a pilot model for a maximum fee of \$63,000, 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), Conley (John), Fowler, Japp, Klug, Kolowski, Lanphier, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Bradley, Schwope, Tesar
Absent - Bradley, Schwope, Tesar

Director John Conley noted that the District has received the NRCS lease agreement for the Washington County Service Center and was in the process of reviewing it.

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

PPO Recommendation #8b: Final Design and Bidding Phase – Recommendation that the District’s architect be requested to proceed with the bidding phase of the Washington County Service Center project.

Director Japp stated that he was aware of a private company that would be willing to build this building. He distributed a spreadsheet he prepared showing District input data for the building. (It is attached to the file copy of the minutes.) There was discussion.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 2-nay.

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

B. Finance, Expenditures and Legal Subcommittee: Director Kolowski reported that the FEL Subcommittee met on May 11, 2010 and gave a brief recap of the meeting.

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

FEL Recommendation #1a: Accounts Over 110%:

- a. 01 01-00 4397 – Employee Training – Recommendation that Acct #01 01-00 4397 – Employee Training be allowed to exceed 110% of the budgeted amount.

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

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

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

FEL Recommendation #1b: Accounts Over 110%:

- b. 01 03-10 4410 – Western Sarpy/Clear Creek – Construction – Recommendation that Acct #01 03-10 4410 – Western Sarpy/Clear Creek – Construction be allowed to exceed 110% of the budgeted amount.

Martin Cleveland answered several questions regarding the Western Sarpy/Clear Creek Project.

Roll call vote was held on motion. The motion carried on a vote of 7-yea, 1-nay and 1-abstention.

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

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

FEL Recommendation #2: West Papio Regional Detention Basin 5 – Proposed Right of Way Acquisition – Recommendation that the following resolution be adopted.

WHEREAS, for purposes of construction, operation and maintenance of its West Papillion Regional Basin No. 5 Project ("the PROJECT"), the Papio-Missouri River Natural Resources District ("the DISTRICT") has negotiated for the acquisition of the parcel of land in Sarpy County, Nebraska, referred to as Tract No. 11 in the DISTRICT'S plans for the PROJECT ("Tract No. 11"), owned by DDF ENTERPRISES, LLC, a Nebraska Limited Liability Company ("SELLER"); and,

WHEREAS, Tract No. 11 consists of 3.293 acres described and is depicted in the legal description and diagram, contained in the DISTRICT'S plans for the PROJECT and incorporated herein by reference as Exhibit "A"; and, the SELLER has proposed to sell Tract No. 11 to the DISTRICT for the sum of \$82,250; and,

WHEREAS, the Board of Directors of the DISTRICT hereby finds and determines that the purchase by the DISTRICT of Tract No. 11 would be of general benefit to the DISTRICT, with only an incidental special benefit; and further finds and determines that the DISTRICT should purchase Tract No. 11 for purposes of the PROJECT for the sum of \$82,250.

NOW, THEREFORE, BE IT RESOLVED that the General Manager of the DISTRICT should be and is hereby authorized to execute for and on behalf of the DISTRICT an agreement between the DISTRICT and the SELLER, providing for the purchase of Tract No. 11 by the DISTRICT for the sum of \$82,250, and containing such other terms and conditions as the General Manager determines reasonable and necessary and Legal Counsel approves as to form.

BE IT FURTHER RESOLVED that the General Manager of the DISTRICT is hereby authorized to execute for and on behalf of the DISTRICT such other and further documents and instruments, approved as to form by Legal Counsel, as the General Manager determines reasonable and necessary to effectuate the transaction herein described, and that the Treasurer and General Manager of the DISTRICT are hereby authorized to disburse DISTRICT funds in the amount provided by such purchase agreement.

Roll call vote was held on motion. The motion carried on a vote of 7-yea and 2 – abstentions.

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

Director Kolowski reported that the Subcommittee was briefed on the W-3 Injunction Hearing and that no action was required.

C. Personnel, Legislative and Public Affairs Subcommittee: Director Klug reported that the PLPA Subcommittee met on May 11, 2010 and that the Subcommittee was briefed on P-MRNRD education programs.

- **MOTION NO. 13** It was moved by Director Klug that the following recommendation be adopted:

PLPA Recommendation #2: Amendments to District Policy – 17.5 District Programs – Information and Education Program – Recommendation that the amendments to District Policy 17.5 District Programs – Information and Education Program, be adopted in the form as presented, and incorporated into the Directors Policy Manual.

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

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

TREASURER'S REPORT:

- **MOTION NO. 14:** It was moved by Director John Conley and seconded by Director Fowler 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, 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 April, 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.

Amanda Grint answered questions from Director Japp regarding a \$50,000 check to the Village of Kennard for a water quality grant.

Roll call vote was held on motion. The motion carried on a vote of 7-yea, 1-nay and 1-abstention.

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

CHAIRPERSON’S REPORT:

A. Trails Projects – NDOR/FHWA – Chairperson Thompson reported that District staff had met with representatives of the NE Department of Roads as a result of the Transportation Projects Summit held on March 30th. Gerry Bowen reported that things are moving along and that the DOR had taken an interest in the Missouri River Trail and the Platte River Trail. There is an additional \$6 million available through the DOR for trails project if they can allocate the funds by September 1st. There is a possibility that we are looking at 80% cost share for both of these trails projects.

B. Conduct, Responsibilities and the Role of Directors: Chairperson Thompson reviewed with Directors some rules he had put together regarding conduct, responsibilities and the role of P-MRNRD Directors. A copy is attached to the file copy of the minutes.

The following individual addressed the Board:

- Cynthia Timmermier, 14688 County Rd. 40, Kennard, NE

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website.

INFORMATIONAL ITEMS:

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

May 27, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 31, 2010	Memorial Day – P-MRNRD Offices Closed

June 8, 2010	P-MRNRD Subcommittee Meetings
June 10, 2010	P-MRNRD Board Meeting
June 24, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
July 5, 2010	Observance of 4 th of July Holiday - P-MRNRD Closed
July 6, 2010	P-MRNRD Subcommittee Meetings
July 8, 2010	P-MRNRD Board Meeting
July 22, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
August 10, 2010	P-MRNRD Subcommittee Meetings
August 12, 2010	P-MRNRD Board Meeting
August 26, 2010	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on June 10, 2010 **at 7:00 p.m.** at the NRC.

Director Tesar then gave the NARD Report. He noted that the NARD is looking at increasing its budget from \$1.19 million to \$1.21 million. Right now they are looking at a 4% increase in dues. Currently the NARD is charging NRDs 3 cents per tree to administer the tree planting programs. Some Districts are going to ask that the NARD not charge the 3 cents. Director Tesar reported that he would not support this.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:18 p.m.

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 May 13, 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