

**Programs, Projects, and Operations Subcommittees
Meeting Minutes
May 12, 2004**

A meeting of the Papio-Missouri River Natural Resources District’s Programs, Projects, and Operations Subcommittee was held at the Natural Resources Center, 8901 South 154th Street, Omaha, Nebraska, on May 12, 2004. The meeting was called to order by Chairperson John Conley at 7:35 p.m.

QUORUM CALL: Quorum call was taken. The following subcommittee members were in attendance.

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others in Attendance
John Conley	Tim Fowler*	Barb Nichols	Steve Oltmans
Rich Jansen			Marlin Petermann
Rich Tesar			Paul Woodward
Joe Neary			Paul Peters
Jim Thompson**			Laurie Carrette Zook

* Excused Absence

** Alternate Voting Member

ADOPTION OF AGENDA

✳ **It was moved by Jansen, Seconded by Neary, that the agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of four (4) yea to zero (0) nay.

Voting Yea: Jansen, Tesar, Neary, J. Conley

Voting Nay: None

Abstaining: None

Absent: Fowler

Excused Absence: Fowler

PROOF OF PUBLICATION: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on May 6, 2004.

NEW PAPILLION CREEK WATERSHED PARTNERSHIP AGREEMENT:

A copy of Power Point presentation slides was handed out and Paul Woodward presented information regarding the “Progress and Future of the Papillion Creek Watershed Partnership”. Barb Nichols questioned what authority the Board of Directors would have to direct the elected District employee who would serve on the Executive Committee of the Partnership. Paul Peters responded that provisions of most agreements give authorities to the General Manager to delegate and direct employees subject to policies of the District. He also explained that the Board has the authority to direct the General Manager and ultimately the District’s representative on the executive committee before every Partnership meeting, if so desired. Neary stated that he is nervous about lobbying for LB 32, but that he didn’t feel the Board would need to advise staff on all Partnership issues.

A “redline” copy of the agreement and a copy of the exhibits were handed out. Marlin Petermann began to review the language and provisions of the agreement. Barb Nichols expressed concern about the 5 year duration of the agreement being too long and the influence that pressure between entities may have in Partnership decisions. John Conley reviewed paragraph 6.a in the agreement and highlighted the fact that all parties would have to agree to support legislation. Rich Tesar requested that Paul Peters inform the Board of Directors of any future request made of him to provide services or support for LB 32 or similar legislation. Jim Thompson suggested that it should probably just be the policy of the General Manager to brief the Board before pursuing any State Legislation. Marlin Petermann continued to review the agreement and exhibits. Tesar asked if payments for lobbying and legal services related to legislation supported by the Partnership would be a reimbursable expense. Marlin Petermann responded that only activities in the Stormwater Management Plan (SWMP) would likely be reimbursable as determined by the Partnership Executive Committee. Marlin Petermann finished reviewing the agreement and exhibits.

Two tables, showing how Partnership annual contributions and reimbursements were determined from estimated costs prepared by HDR Engineering, were handed out. Paul Woodward reviewed these tables and explained that the NRD’s contribution is based on a flat 20% portion of all estimated costs.

Kent Holm with Douglas County addressed the Subcommittee and explained that he had briefly reviewed the agreement with his elected board. He noted that the County Board had a couple concerns relating to equal voting rights between members contributing different amounts and how the Partnership would address the agricultural contribution to stormwater problems. Kent Holm addressed these concerns by explaining that the Partnership made decisions unanimously and that future TMDLs in the Watershed would require treatment (BMPs) in agricultural as well as urban areas.

A Dam Site Location map from the draft Multi-Reservoir Analysis being prepared by HDR was handed out and reviewed by Steve Oltmans. After explaining that the District was anticipating completion of the report by mid-June, Steve Oltmans informed the subcommittee that staff was planning a workshop concerning the results of this study next month. Steve Oltmans summarized the overall reason for stormwater management and the purpose of the Partnership as well as important aspects of this new agreement. He noted that EPA really supports this watershed approach for addressing water quality problems.

- ※ **It was moved by Tesar, and seconded by Jansen, that the subcommittee recommend to the Board 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, subject to amending the agreement from a duration of 5 year to 3 years and an annual contribution from the District of \$90,000 over the next three years, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.**

John Conley explained that changing the agreement to 3 years instead of 5 would require other entities that have already approved the agreement to reconsider it and would embarrass the District. He also noted that the District could withdraw from the Partnership at any time

following a 60 day written notice to other parties. There was discussion. **The motion was withdrawn by Tesar, following a second by Jansen.**

* **It was moved by Thompson, and seconded by Neary, that the subcommittee recommend to the Board 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.**

There was no discussion.

Roll call was taken on the motion. The motion carried on a vote of four (4) yea to one (1) nay.

Voting Yea: Jansen, Thompson, Neary, J. Conley

Voting Nay: Tesar

Abstaining: None

Absent: Fowler

Excused Absence: Fowler

OTHER ITEMS OF INTEREST: None.

ADJOURNMENT: Being no further business, the meeting adjourned by acclamation at 9:40 p.m.