

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
November 18, 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. 154th Street, Omaha, NE on November 18, 2004. The meeting was called to order by the Chairperson, Rich Jansen, at 8:00 p.m.

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

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

ADOPTION OF AGENDA:

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

BE IT RESOLVED that the agenda be adopted.

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Connealy and seconded by Director Fred Conley 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 following Director(s) have an excused absence from the November 18, 2004 Board of Directors Meeting:

Rich Tesar

Agenda Item 6 A. &B.:

BE IT RESOLVED that the October 14, 2004, Papio-Missouri River NRD Board meeting minutes be approved as printed.

BE IT RESOLVED that the October 13, 2004, Dakota County Rural Water meeting minutes be approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on November 11, 2004. The District's September, 2004, expenditures were published in the Papillion Times on November 4, 2004. 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: Lynn Heng, NRCS District Conservationist at the NRC office, introduced himself to the Board. He then reported on Natural Resources Conservation Service activities for the past month. The NRCS report is posted to the District's website.

B. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, noted that the next LPRCA Quarterly Meeting is scheduled for Tuesday, November 30, 2004 at 9:30 a.m. at the Lower Platte North NRD offices in Wahoo, NE. He also reminded Directors of the LPRCA Retreat to be held on January 21, 2005 from 9:00 a.m. – 3:00 p.m. at Camp Kitaki.

C. Nebraska Natural Resources Commission Report: Beverly Donaldson, NNRC Chairperson, reported that the Commission met on November 18, 2004 and received semi-annual reports on projects. She stated that Marlin Petermann gave a very informative presentation regarding the Western Sarpy/Clear Creek Project. The Commission also discussed the loss of funding for environmental projects from the Environmental Trust Fund due to the results of the recent election whereby the Fair Board will receive a portion of lottery proceeds.

SUBCOMMITTEE REPORTS:

A. Silver Creek Watershed Ad Hoc Consultant Selection Subcommittee: Director John Conley reported that the Ad Hoc Subcommittee met on November 4, 2004 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1. Recommendation that the General Manager be authorized to negotiate a professional service contract with Olsson Associates as the first choice and if an agreement cannot be reached that he be authorized to negotiate with JEO Consulting Group, Inc., as the second choice of the Ad Hoc Subcommittee.

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

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

B. Western Douglas County Trails Ad Hoc Consultant Selection Subcommittee: Director John Conley reported that the Ad Hoc Subcommittee met on November 16, 2004 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #2. Recommendation that the firms of Ehrhart Griffin and Associates, HGM Associates and BCDM be interviewed for the Western Douglas County Trails Project.

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

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

Abstaining - None
Absent - Tesar
Absence Excused - Tesar

C. Finance, Expenditures and legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on November 16, 2004 and gave a brief recap of the meeting.

•• **MOTION NO. 5** It was moved by Director Connealy and seconded by Director John Conley that the following recommendation be adopted:

FEL Recommendation #1 P-MRNRD FY 2004 Audit – Recommendation that the FY 20004 Audit Report and Management Letter, prepared by Bland and Associates, be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.

Shawn Melotz, 10404 N. 132nd St., Omaha, had several questions regarding the FY 2004 Audit. GM Oltmans asked that she submit her questions in writing so that comprehensive, professional answers could be provided.

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

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

•• **MOTION NO. 6** It was moved by Director Connealy and seconded by Director Thompson that the following recommendation be adopted:

FEL Recommendation #2 Interim Financing for Washington County Rural Water #2 – Recommendation that a line of credit be obtained from Wells Fargo Bank for interim financing up to \$3.3 million of the costs of construction of Washington County Rural Water Project #2.

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

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

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

FEL Recommendation #3 West Branch Channel Project (90th Street to Giles Road) Right of Way Acquisition – Recommendation that the General Manager be authorized to execute an exchange agreement with R.C.P., Inc., for Tract No. 6, for the amount of \$144,860 in favor of R.C.P., Inc.; an exchange agreement with Judith Frederick et al. for Tracts 2, 3, and 4, for the amount of \$230,840 in favor of Judith Frederick et al.; and, such additional documents to effectuate those transactions as 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 (Fred), Conley (John), Connealy, Fowler, Neary, Nichols, Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - Tesar
Absence Excused - Tesar

Director Connealy noted that the Board needed to go into Executive Session to discuss Western Sarpy/Clear Creek Flood Reduction Project right of way issues.

- **MOTION NO. 8** It was moved by Director Fred Conley and seconded by Director Connealy that Agenda Item 8.C.4. (Western Sarpy/Clear Creek Project) be re-scheduled to appear after Agenda Item 8.D.5. (Public/Private Agreement for Dam Site 13 with Dial Realty Co.)

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

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

D. Programs, Planning and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on November 16, 2004 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Construction Bids for Washington County Rural Water #2 Pump Station for City of Blair – Recommendation that the General Manager be authorized to execute a contract with Pospichal Construction, Inc., for construction for the City of Blair of the South Reservoir Pump Station, a component of Washington County Rural Water System #2, for the contract price of \$257,646.90.

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

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

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

PPO Recommendation #2: Construction Bids for Washington County Rural Water #2 Distribution System Contract – Recommendation that the General Manager be authorized to execute a contract with BRB Constructors for the construction of the distribution system for Washington County Rural Water System #2 for the contract price of \$2,535,255.26.

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

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

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

PPO Recommendation #3: City of Omaha Urban Drainageway Request for Additional Funds for Regency Storm Sewer Project – Recommendation that the City of Omaha request for an increase in funds for the Regency Storm Sewer Project from \$122,300 to \$258,690 be approved, and that the additional \$136,390 be included in the FY 2006 Budget.

Mr. Lance Myers, 2321 N. 155th St., Omaha, NE, expressed his concerns regarding this project.

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

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

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

PPO Recommendation #4: Agreement with the City of Blair for Flood Mitigation Planning and Mapping Assistance – Recommendation that the General Manager be authorized to execute the Agreement with the City of Blair for Flood Mitigation and Mapping Assistance not to exceed \$25,000.

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

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

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

PPO Recommendation #5: Public/Private Agreement for Dam Site 13 (192nd and Dodge Streets) with Dial Realty Co. – Recommendation that the proposed Agreement between the District and Dial Realty Development Corp. for Dam Site 13 should be approved.

The following detailed resolution is recommended:

RESOLUTION

WHEREAS, a District project has been proposed for purchase of rights-of-way for, and construction of, a multi-purpose flood control dam and reservoir at the site of the formerly-proposed Corps of Engineers' Papillion Creek and Tributaries Lakes Project Dam Site 13, on a tract of land between Dodge and Blondo Streets and west of 192nd Street in Douglas County; and,

WHEREAS, the formerly-proposed Corps of Engineers' Papio Dam Site 13 project was planned to be an integral part of the flood control for the Papillion Creek Watershed; and,

WHEREAS, the District's proposed Papio Dam Site 13 project will be an important part of a regional public recreation area that the City of Omaha is expected to develop, operate and maintain; and,

WHEREAS, the District's Dam Site 13 project would be accomplished pursuant to a proposed public/private partnership agreement between the District and Dial Realty Development Corp., a Nebraska corporation, presented to this meeting; and,

WHEREAS, this Board finds that such project should be carried out by the District,

NOW, THEREFORE, BE IT RESOLVED that this Board hereby determines that the District's project for purchase of rights-of-way and construction of a flood control dam and reservoir at Dam Site 13, pursuant to the proposed agreement between the District and Dial Realty Development Corp., would be of general benefit to the District, with only an incidental special benefit, and that such project should be carried out with general funds of the District; and, that the General Manager should be, and is hereby, authorized and directed to execute such proposed agreement for and on behalf of the District, together with such amendments thereto as the General Manager determines necessary and District Legal Counsel approves as to form.

Larry Foster, City of Omaha, distributed a letter from the Nebraska Game and Parks Commission indicating that they would build fishing facilities on the lake as soon as it was filled. He also displayed a site map and further explained the City of Omaha's commitment to the project. Bob Welstead, Dial Realty Co., also addressed the Board and displayed a site map showing Dial's portion of the project.

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

- ⇒ Julie Thacker, 16506 Dutch Hall Road, Bennington, NE
- ⇒ Jeff Thacker, 16506 Dutch Hall Road, Bennington, NE
- ⇒ Lance Myers, 2321 N. 155th St., Omaha, NE
- ⇒ John Timmermier, 14635 County Road, Kennard, NE
- ⇒ Patrick Rinn, 4922 California St., Omaha, NE
- ⇒ Victoria Dorau, 13075 N. 126th St., Omaha, NE
- ⇒ Jennifer Andersen, 7272 County Road 25, Kennard, NE
- ⇒ Tyler Mohr, 12101 Pawnee Road, Omaha, NE
- ⇒ Ken Dreessen, 2317 S 191 St., Omaha, NE
- ⇒ Bill Japp, Kennard, NE
- ⇒ Tim Dreessen, 17320 Dutch Hall Road, Kennard, NE
- ⇒ Shelia Dreessen, 1597 County Road 25, Kennard, NE

There was extended discussion.

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

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

- **MOTION NO. 14** It was moved by Director John Conley and seconded by Director Connealy that the Board go into Executive Session to discuss right of way issues for Western Sarpy/Clear Creek Flood Reduction Project – Sarpy County Riverside Cabins Purchase Agreements.

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

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

The Board went into Executive Session at 10:10 p.m.

The Board returned to Regular Session at 10:40 p.m.

Director Connealy reported that the Board had instructed staff to continue negotiations for the Western Sarpy/Clear Creek Flood Reduction Project – Sarpy County Riverside Cabins Purchase Agreements.

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Fred Conley 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 October, 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 #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/Clear Creek Project, the project bills listed on the October, 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 (Fred), Conley (John), Connealy, Fowler, Neary, Nichols,
Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - Tesar
Absence Excused - Tesar

CHAIRPERSON'S REPORT:

A. Election Results: It was noted that the P-MRNRD General Election results are posted to the District's website.

GENERAL MANAGER'S REPORT: GM Oltmans noted that his report had been posted to the website and asked Directors to contact him if there were any questions. He distributed a flyer on Groundwater Pumping and Stream Flow that was published by the Nebraska Department of Natural Resources.

INFORMATIONAL ITEMS:

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

Nov. 25-26, 2004	Thanksgiving Holiday – P-MRNRD Offices Closed
Nov. 30, 2004	LPRCA Quarterly Meeting, 9:30 a.m., at the Lower Platte North NRD, Wahoo, NE
December 2, 2004	Western Douglas County Trails Ad Hoc Consultant Selection Subcommittee, 6:45 p.m., NRC
December 7, 2004	P-MRNRD Subcommittee Meetings
December 9, 2004	P-MRNRD Board Meeting
December 24, 2004	Christmas Holiday – P-MRNRD Offices Closed

December 31, 2004	New Years Holiday – P-MRNRD Offices Closed
January 11, 2005	P-MRNRD Subcommittee Meetings
January 13, 2005	P-MRNRD Board Meeting
January 17, 2005	Marlin Luther King Day – P-MRNRD Offices Closed
January 21, 2005	Lower Platte River Corridor Alliance Retreat, Camp Kitaki (east of South Bend, NE), 9:00 a.m. – 3:00 p.m. Deadline for registration is December 31, 2004. Please let Pat Teer know if you plan to attend.
Feb. 5-9, 2005	National Association of Conservation Districts Annual Meeting, Atlanta, GA
Feb 8, 2005	P-MRNRD Subcommittee Meetings
Feb. 10, 2005	P-MRNRD Board Meeting

B. Other Information Items: Mike Larimore, 19519 Dutch Hall Road noted that he had attended the Papio Watershed meeting on November 17, 2004 and had several questions regarding the new regulations on soil nutrients.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on December 9, 2004, at the NRC

ADJOURNMENT: Being no further business, the meeting adjourned at 10:55 p.m. by acclamation.

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 November 18, 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.

Richard Tesar
District Secretary