



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
November 16, 2006  
MINUTES**

**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> Street, Omaha, NE on November 16, 2006. 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:

Fred Conley	Dorothy Lanphier
John Conley	Rick Patterson
Dick Connealy	Rich Tesar
Rich Jansen	Jim Thompson
Rick Kolowski	

Chairperson Thompson noted that Directors Tim Fowler and John Schwope had excused absences.

**ADOPTION OF AGENDA:**

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

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

Voting Yea	-	Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Schwope
Absent	-	Fowler, Schwope



**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Jansen 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 16, 2006, Board of Directors Meeting:

Tim Fowler  
John Schwope

Agenda Item 7 A.:

BE IT RESOLVED that the October 12, 2006, Papio-Missouri River NRD Board meeting minutes and the October 11, 2006 Dakota County Rural Water Advisory Board 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, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Fowler, Schwope  
Absent - Fowler, Schwope

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on November 12, 2006. The District's September, 2006, expenditures were published in the Dakota County Star on November 2, 2006. 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. Nebraska Association of Resources Districts Report: Director Tesar reported on the NARD Board Meeting held on November 13, 2006 in O'Neill, NE. He reported that the major issue discussed was the NARD Insurance Program. The Nebraska Department of Insurance has approved the reserve fund of \$605,000 and the Board reviewed several options to collect the funds. Final action will be taken at the January Board meeting. He also reviewed a lawsuit filed against the NARD regarding an insurance claim.

B. Nebraska Natural Resources Commission Report: Beverly Donaldson, NNRC Commissioner, reported that the NNRC had met on November 15 and 16, 2006 and gave a recap of the meeting. She also stated that the Commission would be revisiting criteria used for approving Resources Development Fund applications at a special meeting on December 19, 2006 in Kearney, NE. She also reported that the NNRC would be holding caucuses sometime between January 7 – 14, 2007 to elect commissioners from the Missouri River Basin and the Metro Area. She indicated that both she and Vince Kramper would like to continue as NNRC Commissioners and asked for the Board’s support.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator, reported on Alliance activities. He reminded the Board of the LPRCA Retreat that would be held on December 19, 2006 at Camp Kitaki and invited Directors to attend. He reported on the LPRCA River Summit held on September 19<sup>th</sup>. He also noted that the contract to remove the first six obstructions from the Platte River starting at Camp Ashland had been awarded to Zeiger Construction of Syracuse, NE. He stated that this phase of the project would be completed by January 31<sup>st</sup>. Estimated cost of the project is \$230,000.

**SUBCOMMITTEE REPORTS:**

A. MoPac Trail (Hwy 50 to Chalco Hills) Ad Hoc Consultant Selection Subcommittee: Director Jansen reported that the Ad Hoc Subcommittee met on October 26, 2006 and gave a brief recap of the meeting.

•• **MOTION NO. 3** It was moved by Director Jansen and seconded by Director Connealy that the following recommendation be adopted:

*Ad Hoc Recommendation #1* BE IT RESOLVED that the minutes of the October 26, 2006, MoPac Trail (Hwy 50 to Chalco Hills) Ad Hoc Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee is hereby adopted and approved.

1. Selection of Firm to be Hired – Recommendation that the Acting General Manager be authorized to negotiate a proposed professional services contract with Lamp Rynearson and Associates (“LRA”) for design of the MOPAC Trail (Highway 50 to Chalco Hills) Project, and if a proposed agreement satisfactory to the Acting General Manager cannot be reached with LRA, that he be authorized to conduct such negotiations with HGM and Associates, Inc., 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, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
Voting Nay - None  
Abstaining - None

Excused Absence - Fowler, Schwopo  
Absent - Fowler, Schwopo

B. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on November 14, 2006 and gave a brief summary of the meeting.

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

*PLPA Recommendation #1* BE IT RESOLVED that the minutes of the November 14, 2006, Personnel, Legislative and Public Affairs Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee is hereby adopted and approved.

1. Participation in NARD Flexible Benefits Plan – Recommendation that the Acting General Manager be authorized to execute the proposed Participation Agreement between the Nebraska Association of Resources Districts and the Papio-Missouri River NRD; that the District participate in all three options of the plan; that the effective date for P-MRNRD participation be January 1, 2007; and, that the resolution provided by the NARD, providing as follows, be and is hereby adopted, to-wit:

RESOLVED, that the amendment and restatement of the existing Section 125 cafeteria plan of the NRD in its entirety as a Participating Employer of the Nebraska Association of Resources Districts Flexible Benefits Plan (the “NARD Plan”), effective as of January 1, 2007, is hereby authorized and approved.

RESOLVED FURTHER, that the Plan Year of the NARD Plan as the 12-month period commencing on January 1<sup>st</sup> of each year and ending on December 31<sup>st</sup> of each year, effective as of January 1, 2007, is hereby authorized and approved.

RESOLVED FURTHER, that the officers and management of the NRD are hereby authorized and directed to establish such reasonable, non-discriminatory, and uniformly applied rules and regulations for the administration of the NARD Plan as they deem appropriate from time to time, such rules in all cases are to be consistent with the provisions of the NARD Plan document and applicable laws;

RESOLVED FURTHER, that the officers and management of the NRD be, and they hereby are authorized and directed to take such actions as may be necessary or appropriate to fully implement the foregoing Resolutions including, but not limited to the selection of the programs in the NARD Plan that the NRD shall participate in, the execution of the Participation Agreement and any other necessary documentation, the preparation and distribution of proper notices, and the preparation and distribution of explanatory booklets and materials to participants and beneficiaries;

RESOLVED FURTHER, that any and all actions taken and documentation executed by the management or the officers of the NRD to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Fowler, Schwope  
Absent - Fowler, Schwope

C. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on November 14, 2006 and gave a recap of the meeting.

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

*FEL Recommendation #1* City of Blair Request Regarding Compensation for Damages from Pospichal Construction, Inc., for Washington County Rural Water #2 – Recommendation that the Acting General Manager be authorized to execute a Settlement Agreement with the City of Blair, HGM Associates, Inc., and Pospichal Construction Co., calling for Pospichal Construction Co to pay to the City of Blair the sum of \$3,290.00 and the NRD to pay to HGM Associates, Inc. the sum of \$1,710, in settlement of claims pertaining to construction of a 12-inch water main, including a pump station with pressure-reducing valve, at Highway 30 and Davis Street in the City, part of the Washington County Rural Water #2 Project, in the form as negotiated by the Acting 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, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Fowler, Schwope  
Absent - Fowler, Schwope

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

*FEL Recommendation #2* Mopac Trail (Hwy 50 to Lied Bridge) Right-of Way Acquisition (Heisner Tract; Smith Tract and Lehan Tract – Recommendation that the Acting General Manager be authorized to execute purchase agreements with Albert Heisner, Jr., and Sherry Simmons, with Lanny and Linda Smith, and with Richard and Suzanne Lehan to acquire right-of-way for the Mopac Trail (Hwy. 50 to Lied Bridge) Project, in the forms as presented to the Subcommittee.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Fowler, Schwope  
Absent - Fowler, Schwope

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

*FEL Recommendation #3* Purchase Agreements for Floodway Properties – Lot 38, and Part of Lot 37, Q Street Acres, Omaha, NE – Recommendation that the Acting General Manager be authorized to execute the Agreement with Parkway Properties, LLC, providing for the District’s purchase of Lot 38 and part of Lot 37 Q Street Acres (1.55 acres) for the sum of \$118,000, in the form as presented to the Subcommittee with an additional provision satisfactory to the Acting General Manager and approved as to form by District Legal Counsel, allowing the present owner to remain in possession until November 30, 2007.

Director Connealy asked if it would be appropriate to include a provision that the property be cleared of cars, etc. R.J. Neary, property owner, indicated that the property would be cleared.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar

Voting Nay - Thompson  
Abstaining - None  
Excused Absence - Fowler, Schwope  
Absent - Fowler, Schwope

D. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on November 14, 2006 and gave a recap of the meeting.

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

*PPO Recommendation #1* Proposed Plan for Elkhorn River Public Access at West Dodge Road – Recommendation that the proposed conceptual plan for the Elkhorn River Public Access site at West Dodge Road be approved.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Fowler, Schwope  
Absent - Fowler, Schwope

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

*PPO Recommendation #2* Little Papio Channel (Maple to Pratt Streets) Drainage Project Bids – Recommendation that the Acting General Manager be authorized to execute a contract with Dostals Construction Company, Inc., providing for its construction of Little Papio Channel Drainage Project (Maple to Pratt) improvements, for its total base bid of \$33,179.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Fowler, Schwope  
Absent - Fowler, Schwope

Director John Conley noted that the PPO Subcommittee was briefed on the flooding problems in Forrest Run in Gretna. It was noted that no action was taken. Director Jansen stated that he and Director Tesar had toured the area. He stated that he felt that if the area was cleared to 204<sup>th</sup> Street, 99% of the problem would be solved.



- **MOTION NO. 10** It was moved by Director Tesar and seconded by Director Lanphier that the staff investigate clearing the drainage ditch and report back to the Board with the intent to rectify the situation.

There was discussion.

- **AMENDMENT:  
NO. 1 TO  
MOTION NO. 10** It was moved by Director John Conley and seconded by Director Connealy that Sarpy County and the City of Gretna be approached to cost share with the District to repair this area.

There was further discussion.

- **AMENDMENT:  
Lanphier  
NO. 2 TO  
MOTION NO. 10** It was moved by Director Tesar and seconded by Director Lanphier that in their investigation staff look at using District equipment and resources.

Roll call vote was held on Amendment No. 2 to Motion No. 10. Amendment No. 2 carried unanimously.

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Fowler, Schwope  
 Absent - Fowler, Schwope

Roll call vote was held on Amendment No. 1 to Motion No. 10. Amendment No. 2 carried unanimously.

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Fowler, Schwope  
 Absent - Fowler, Schwope

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Fowler, Schwope  
 Absent - Fowler, Schwope

Director Kolowski noted that this problem was not created by the District and pointed out that

this was a microcosm of the problems the area will be facing in the future if we don't address flood control issues on a regional basis. Marlin Petermann also noted that Lamp Rynearson had looked at this option in their report and that while the perception maybe great, the actual impact of this fix will be minimal.

**TREASURER'S REPORT:**

- **MOTION NO. 11:** It was moved by Director John Conley and seconded by Director Kolowski 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, 2006, 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, 2006, 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.

Chairperson Thompson noted that Shawn Melotz had signed in to speak to this agenda item. Ms. Melotz requested information on payments made to HDR and several other documents.

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

Voting Yea	-	Conley (Fred), Conley (John), Connealy, Jansen, Kolowski, Lanphier, Patterson, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Schwope
Absent	-	Fowler, Schwope

## **CHAIRPERSON'S REPORT:**

A. Chairperson Thompson distributed a news article from MSNBC.com regarding a \$451 million superfund lake clean up to Onondaga Lake near Syracuse, NY.

B. Chairperson Thompson stated that if any Director was interested in attending either one of the following meetings to contact him.

1. National Association of Conservation Districts Annual Conference, February 4-8, 2007, Los Angeles, CA
2. NARD Washington, D.C., Conference, March 12-14, 2007

C. Chairperson Thompson reported that he had appointed the following Directors to the Ad Hoc Consultant Selection Subcommittee for Floodplain Mapping and Scoping:

Rich Tesar, Chairperson  
John Conley  
Dick Connealy  
Tim Fowler  
Rick Patterson  
Alternate Voting Member: Fred Conley

**GENERAL MANAGER'S REPORT:** Acting GM Petermann noted that his report had been posted to the website and asked Directors to contact him if there were any questions. Slides were shown of the District's booth at the Home and Garden show. He also noted that the District had received payment from Dial Realty in the amount of \$1,035,000 for their contribution toward the construction of Dam Site 13. He reminded Directors of the Papiro DS 1 and 3C Public Meeting to be held on December 5, 2006 at the Bennington High School. A news clip from Channel 6 regarding the Missouri River Pedestrian Bridge Groundbreaking on October 26<sup>th</sup> was shown.

## **INFORMATIONAL ITEMS:**

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

Nov. 23 & 24, 2006	P-MRNRD Office Closed – Thanksgiving Holiday
December 5, 2006	Papiro DS 1 and 3C Public Meeting, Open House – 5:00 p.m. Presentation and Q/A Session – 7:00 p.m. Bennington High School (168 <sup>th</sup> and Bennington Road)
December 12, 2006	P-MRNRD Subcommittee Meetings
December 14, 2006	P-MRNRD Board Meeting
December 19, 2006	Lower Platte River Corridor Alliance Retreat, 9:00 a.m. –

3:30 p.m., Camp Kitaki

December 25, 2006	Christmas Holiday – P-MRNRD Offices Closed
January 1, 2007	New Years Day – P-MRNRD Offices Closed
January 9, 2007	P-MRNRD Subcommittee Meetings
January 11, 2007	P-MRNRD Board Meeting
January 23-24, 2007	NARD Legislative Conference, Lincoln, NE
February 4-8, 2007	National Association of Conservation Districts Annual Meeting, Los Angeles, CA
February 6, 2007	P-MRNRD Subcommittee Meetings
February 8, 2007	P-MRNRD Board Meeting
March 6, 2007	P-MRNRD Subcommittee Meetings
March 8, 2007	P-MRNRD Board Meeting
March 12-14, 2007	NARD Washington DC Conference

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on December 14, 2006 at the NRC.

**ADJOURNMENT**: Being no further business, at 9:05 p.m. the Chairperson declared that the meeting was adjourned.

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 16, 2006, 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