

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
October 14, 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 October 14, 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	Barb Nichols
John Conley	Rich Tesar
Dick Connealy	Jim Thompson
Joe Neary	Rich Jansen

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Fred Conley and seconded by Director Connealy 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, Neary, Nichols, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Absent	-	Fowler
Absence Excused	-	Fowler

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director John Conley and seconded by Director Connealy 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 October 14, 2004 Board of Directors Meeting:

Tim Fowler.

Agenda Item 6 A.:

BE IT RESOLVED that the September 9, 2004, Papio-Missouri River NRD 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, Neary, Nichols, Tesar, Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - Fowler
Absence Excused - Fowler

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on October 8, 2004. The District's August, 2004, expenditures were published in the Papillion Times on September 30, 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: Chuck Leinen, NRCS Civil Engineer at the NRC office, reported on Natural Resources Conservation Service activities for the past month. The NRCS report is posted to the District's website.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Annual Conference was held September 26-28, 2004, at the Holiday Day Inn Convention Center in Kearney, NE. He stated it was a good meeting and that the Omaha Raptor Team received the Community Public Master Conservation Award. He also noted that he had moderated a very interesting session on Blue Toxic Algae in Nebraska's Waters.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, Alliance Coordinator, reported that he had attended the I-80 Economic Summit on October 1st at the SAC Museum. This was the second summit focusing on economic development and growth in the corridor from Omaha to Lincoln along I-80. He also announced that the LPRCA Quarterly Meeting would be held on November 30, 2004 at 9:30 a.m. at the Lower Platte North NRD office in Wahoo, NE.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee had met on October 12, 2004 and gave a brief recap of the meeting.

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

PPO Recommendation #1. Final Plans for the Amphitheater at Walnut Creek Recreation Area – Recommendation that written approval of final plans be given and that staff be authorized to complete the lease agreement with the Papillion Area Concert Band (PACB).

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

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

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

PPO Recommendation #2. Four 2005 Compact/Mid-Size, 4 Wheel Drive, Extended Cab Pickup Trucks – Recommendation that the bid of \$60,092.20 from Cople Chevrolet be accepted with trade-in of the District’s 1998 Ford Ranger and 1997 Chevy S-10.
(Item # 1)

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

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

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

PPO Recommendation #2 Rubber Tire Loader – Recommendation that the bid from Nebraska Machinery Company, calling for four annual installment payments of \$23,624, be accepted.
(Item #2)

**Amendment
No. 1 to
Motion No. 5**

It was moved by Director John Conley and seconded by Director Thompson that Motion No. 5 be amended to state that the low bid from Midland Equipment, calling for four annual installment payments of \$23,108.41 for a Case 621D2 be accepted.

Director John Conley noted that the bid of Midland Equipment met all specifications for the rubber tire loader and stated that if the Board did not accept the low bid they would be doing a disservice to the taxpayers and the bidders. He also stated that by accepting the low bid they would be protecting the integrity of the District's bidding process.

There was discussion. The following individuals addressed the Board:

- ➔ Doug Troester, Midland Equipment
- ➔ Gary Fendrick, Midland Equipment
- ➔ Jim Fisher, Nebraska Machinery Company

Roll call vote was held on the amendment to Motion No. 5. The amendment carried on a vote of 6-yea and 2-nay.

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

Roll call vote was held on Motion No. 5 as amended. The amended motion carried on a vote of 7-yea and 1-nay.

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

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

PPO Recommendation #2 (Item #3) Self-Propelled Hydraulic Boom Rotary Mower – Recommendation that the bid from Murphy Tractor and Equipment for a non-John Deere Mounted Arm mower for \$47,200 be accepted.

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

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

Director John Conley then reported that the Subcommittee had discussed the repairs to the Big Papio cracked trail (Center to Blondo Streets) and no action had been taken at the Subcommittee meeting. GM Oltmans noted that there had been some recent developments and suggested the Board go into Executive Session.

- **MOTION NO. 7** It was moved by Director Tesar and seconded by Director Conley (John) that the Board go into Executive Session to discuss repairs to the Big Papio Cracked Trail (Center to Blondo Streets) and possible litigation.

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

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

The Board went into Executive Session at 8:27 p.m.

The Board returned to Regular Session at 8:47 p.m.

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

BE IT RESOLVED BY THE Board of Directors of the Papio-Missouri River Natural Resources District that the General Manager be authorized to execute a settlement agreement among Kirkham Michael, the Papio-Missouri River NRD and Hawkins Construction Company for the Big Papio Trail Extension Project Trail cracking problem in the form as presented to the Board together with such changes as determined 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, Neary, Nichols, Tesar, Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - Fowler
Absence Excused - Fowler

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

PPO Recommendation #4: FY 2005 Long Range Implementation Plan – Recommendation that the Fiscal Year 2005 Long Range Implementation Plan presented to the Subcommittee be approved.

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

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

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Connealy 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 September, 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 September, 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, Neary, Nichols, Tesar, Thompson, Jansen
Voting Nay - None
Abstaining - None
Absent - Fowler
Absence Excused - Fowler

CHAIRPERSON'S REPORT:

A. Appointment of Ad Hoc Consultant Selection Subcommittee Members:
Chairperson Jansen announced that he was appointing the following Directors to Ad Hoc Consultant Selection Subcommittees:

Silver Creek Watershed Ad Hoc Consultant Selection Subcommittee:

Dick Connealy, Chairperson
John Conley, Vice-Chairperson
Tim Fowler
Rich Jansen
Barb Nichols

Western Douglas County Trail Ad Hoc Consultant Selection Subcommittee:

Rich Tesar, Chairperson
John Conley, Vice-Chairperson
Joe Neary
Barb Nichols
Jim Thompson

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 reported that the District hosted a dinner for the National Association of Conservation Districts on Saturday, October 9th at the NRC. There were representatives from 38 states attending. He also announced that Omaha By Design would be holding a Public Meeting on Wednesday, October 20, 2004 at 6:30 p.m. at the Scott Conference Center. He encouraged Directors to attend.

INFORMATIONAL ITEMS:

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

October 14-15, 2004	Law of the Missouri River – Water Rights, Management and Policy, Sheraton Hotel, Omaha, NE
October 20, 2004	Omaha By Design Public Meeting, 6:30 p.m. at the Scott Conference Center, 6450 Pine Street
November 10, 2004	Dakota County Rural Water Advisory Committee Meeting, 7:30 p.m., Dakota City

November 11, 2004 Veterans Day – P-MRNRD Offices Closed

November 16, 2004 P-MRNRD Subcommittee Meetings

November 17, 2004 Papio Creek Watershed Partnership Public Meeting at 6:30 p.m. at the NRC

November 18, 2004 P-MRNRD Board Meeting

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 7, 2004 P-MRNRD Subcommittee Meetings

December 9, 2004 P-MRNRD Board Meeting

December 24, 2004 Christmas Holiday – P-MRNRD Offices Closed

B. Other Information Items: Shawn Melotz asked several questions regarding the District’s budget and FY 2005 Long Range Implementation Plan.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on November 18, 2004, at the NRC

ADJOURNMENT: Being no further business, the meeting adjourned at 9:05 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 October 14, 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