

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
October 13, 2005
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 13, 2005. The meeting was called to order by Chairperson, Rich Jansen, at 8:00 p.m.

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

Fred Conley	Joe Neary
Dick Connealy	John Schwope
Tim Fowler	Rich Tesar
Rick Kolowski	Jim Thompson
Dorothy Lanphier	Rich Jansen

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Connealy and seconded by Director Conley (Fred) 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 13, 2005 Board of Directors Meeting:

John Conley

Agenda Item 6 A.:

BE IT RESOLVED that the September 15, 2005, 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), Connealy, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Conley (John)
Absent	-	Conley (John)

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on October 6, 2005. The District's August, 2005, expenditures were published in the Douglas County Gazette on October 4, 2005. 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: Verlon Barnes, NRCS District Conservationist at the NRC office in Omaha, reported on Natural Resources Conservation Service activities for the past month. He then gave a PowerPoint presentation on the status of Pigeon-Jones Sites 3, 4, 5 and 14. The NRCS Report is posted to the District website.

B. Nebraska Association of Resources District Report: Director Tesar reported that the NARD 2005 Annual Conference was held September 25-27, 2005 at the Holiday Inn in Kearney, NE. He reported that NARD Resolutions regarding Groundwater Irrigation Runoff; Chemigation; Instream Flow Water Rights and Replacement Wells were approved. The resolution regarding Groundwater Use Fees failed.

SUBCOMMITTEE REPORTS:

A. Papio Dam Sites 3C and 1 Preliminary Design Ad Hoc Consultant Selection Subcommittee: Director Fowler reported that the Ad Hoc Subcommittee met on October 11, 2005 and he gave a recap of the meeting.

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

Ad Hoc Recommendation #1 Selection of Consulting Firms to be Interviewed:
Recommendation that the firms of Olsson Associates and HDR Engineering Inc., be interviewed for the Papio Dam Sites 3C and 1 preliminary Design Proposals.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 2-nay.

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

Director Fowler noted that the Ad Hoc Subcommittee would meet on October 27, 2005 to interview the 2 selected firms. It was noted the order of the interviews would be first – HDR and second – Olsson Associates, as was determined by a flip of a coin.

B. Programs, Projects and Operations Subcommittee: Director Tesar reported that the PPO Subcommittee met on October 11, 2005 and he gave a brief recap of the meeting. He noted that David Sands briefed the Subcommittee on the Nebraska Land Trust. The Subcommittee also reviewed a request from the Village of Arlington for a water quality grant. No action was required on either of these items.

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

PPO Recommendation #3 Management Agreement with Friends of Heron Haven –
Recommendation that the General Manager be authorized to enter into the Management Agreement between the Papio-Missouri River Natural Resources District and the Friends of Heron Haven for the Heron Haven Wetlands Project, as presented to this meeting, subject to changes deemed necessary by the General Manager and approved as to form by the District Legal Counsel.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

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

•• **MOTION NO. 5**

It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #4:

Second Addendum to Papio Dam Site 13 Purchase Agreement with Lyman Richey Corporation – Recommendation that the following resolution be adopted:

WHEREAS, on November 18, 2004, this Board of Directors determined that the District's project for purchase of rights-of-way 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, between Dodge and Blondo Streets and west of 192nd Street in Douglas County, would be of general benefit to the District, with only an incidental special benefit, and that such Dam Site 13 project should be carried out with general funds of the District; and,

WHEREAS, on December 9, 2004, this Board of Directors authorized the execution of a purchase agreement with Lyman Richey Corporation providing for the District's voluntary purchase of approximately 25 acres of land for such project, and providing for the exchange of certain easements, for a purchase price to be paid to Lyman-Richey Corporation in the sum of \$1,286,000, such purchase agreement being executed by the parties on or about March 1, 2005; and,

WHEREAS, on September 15, 2005, this Board of Directors authorized the execution of a First Addendum to Purchase Agreement, extending the closing of such purchase to October 28, 2005; and,

WHEREAS, additional modifications to the Purchase Agreement are necessary; and, therefore, a Second Addendum to Purchase Agreement, in the form as presented to this meeting, containing such modifications, including a reduction in the purchase price to be paid Lyman Richey Corporation to \$1,264,056.45, should be authorized and executed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hereby confirms that the District's Dam Site 13 project, including, without limitation, the purchase of lands from and an exchange of easements with Lyman-Richey Corporation, will be of general benefit to the District, with only an incidental special benefit, and that such Dam Site 13 project should be carried out

with general funds of the District; and, accordingly, resolves that the General Manager should be, and is hereby, authorized and directed to execute for and on behalf of the District the proposed Second Addendum to Purchase Agreement between the District and Lyman-Richey Corporation together with such other and further documents, approved as to form by District legal counsel, that are either part of such Purchase Agreement as modified by such First Addendum and such Second Addendum, or are documents that the General Manager determines necessary to effectuate the transactions called for by such purchase agreement, as modified by such First Addendum and such Second Addendum.

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

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

Director Tesar reported that the Subcommittee was given an update on the HDR Engineering, Inc., professional services contract for Papio Dam Site 13. No action required at this time.

•• **MOTION NO. 6** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #6 Aerial Photography Agreement with MAPA of Papio Watershed in Washington County – Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the Metropolitan Area Planning Agency to obtain contours within the Papillion Creek Watershed in Washington County for the sum of \$56,175.00, as approved as to form by District legal counsel.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 2-nay.

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

Director Tesar indicated that the Subcommittee reviewed the final design for the Elkhorn River/ Highway 64 Public Access site near Waterloo. No action required at this time.

•• **MOTION NO. 8** It was moved by Director Tesar that the following

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the September 2005, 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 2005, 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), Connealy, Fowler, Kolowski, Lanphier, Neary, Schwope, Tesar, Thompson, Jansen
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Conley (John)
Absent	-	Conley (John)

CHAIRPERSON'S REPORT: No report.

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 briefed the Board on the Nebraska Innovation Zone Commission meeting that was held on October 6th. He noted that he had been elected Vice-Chair of the Commission. The next meeting is scheduled for November 4th at the Aero Space Museum.

INFORMATIONAL ITEMS:

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

October 19, 2005	Bicycle Friendly Community Workshop, 8:30 a.m. – 2:15 p.m., National Park Service Building, 601 Riverfront Dr., Omaha, NE
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October 27, 2005	Papio Dam Sites 3C and 1 Preliminary Design Ad Hoc Consultant Selection Subcommittee Meeting at 7:30 p.m.
November 8, 2005	P-MRNRD Subcommittee Meetings
November 10, 2005	P-MRNRD Board Meeting
November 11, 2005	Veteran's Day – P-MRNRD Offices Closed
November 15, 2005	Lower Platte River Corridor Alliance Quarterly Meeting, 9:30 a.m., Lower Platte North NRD Office, Wahoo, NE
Nov. 24-25, 2005	Thanksgiving Holiday – P-MRNRD Offices Closed
December 6, 2005	P-MRNRD Subcommittee Meetings
December 8, 2005	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on November 10, 2005, at the NRC.

ADJOURNMENT: Being no further business, the meeting adjourned at 8:35 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 13, 2005, 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