



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
September 14, 2006
MINUTES**

Chairperson Thompson asked for a moment of silence to reflect on the victims and families of 9/11 and our service members and their families.

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 Dakota County Natural Resources Center, 1505 Broadway St., Dakota City, NE on September 14, 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:

John Conley	Rick Patterson
Rich Jansen	John Schwope
Rick Kolowski	Rich Tesar
Dorothy Lanphier	Jim Thompson

Chairperson Thompson noted that Directors Fred Conley, Connealy and Fowler had excused absences.

Mike Larimore, 19590 Dutch Hall Road, Bennington, NE, President of the Papio Valley Preservation Association addressed the Board expressing his concern that his Director was not at the meeting.

Cynthia Timmermier, 14688 County Road 40, Kennard, NE, stated she would like to make a point of order in that an excused absence had been granted to Director Connealy. The Chair ruled that Director Connealy had an excused absence.

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Schwope 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 (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Conley (Fred), Connealy, Fowler
Absent - Conley (Fred), Connealy, Fowler

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Jansen and seconded by Director Schwope 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 September 14, 2006, Board of Directors Meeting:

Fred Conley
Dick Connealy
Tim Fowler

Agenda Item 7 A.:

BE IT RESOLVED that the August 10, 2006, Papio-Missouri River NRD Board meeting minutes and the August 9, 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 (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Conley (Fred), Connealy, Fowler
Absent - Conley (Fred), Connealy, Fowler

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on September 7, 2006. The District's July, 2006, expenditures were published in the Dakota County Star on August 31, 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. Natural Resources Conservation Service Report: Verlon Barnes, District Conservationist at the NRC in Omaha, reported on NRCS activities for the past month. He gave a PowerPoint presentation on Continuous No-Till – The Best Cropland Practice for Conservation of Our Natural Resources. A copy of the NRCS report was posted to the District’s website.

B. Nebraska Association of Resources Districts Report: Director Tesar reported that the NARD Annual Conference would be held September 24-26, 2006 in Kearney, NE. The following will be representing the P-MRNRD at the conference: Directors Tesar, Kolowski and Thompson; and, staff members Marlin Petermann, Gerry Bowen, Emmett Egr, Randy Lee and Paul Woodward.

C. Report on South Sioux City Activities: Lance Hedquist, City Administrator, welcomed the Board to the Siouxland area and thanked the District for being an integral partner in maintaining and implementing the quality of life in Dakota County. He then reviewed some of the projects that contributed to the economic growth in Dakota County, specifically working with the Corps of Engineers to restore Crystal Lake and a new ethanol plant that would be located by the landfill.

D. Report on Dakota City Activities: Bob Peters, City Administrator, welcomed the Board to Dakota City. He thanked the Board for approving Dakota City’s Recreation Area Development application for \$37,500 to purchase a 1.4 acre parcel of land to be used as a trailhead in Dakota City. He also commended the P-MRNRD staff at the Dakota County NRC office. He then reviewed specific projects that had contributed to the economic growth of the City during the past year.

E. Nebraska Environmental Trust Fund Report: Vince Kramper reported that the Environmental Trust Fund Board will be receiving applications until September 30th for a new Executive Director. He indicated that the application deadline for projects was September 5th and that 86 new project applications had been received. There is approximately \$10 million to award. He also stated that the Trust Fund had initiated a Mini-Grant Program. The Program would provide grants of a maximum of \$2,000 for smaller project. There is a total of \$50,000 in the fund. Next meeting will be held on November 13, 2006 in Scottsbluff, NE.

F. Nebraska Natural Resources Commission Report: Vince Kramper reported that there was \$6.7 million available to the Resource Development Fund for new projects. The Commission has established a revolving fund base for FY 06-07 at \$800,000. He indicated that the Commission is in the process of reviewing the P-MRNRD application submitted for Pigeon/Jones Creek Site 15 and felt that the Commission was favorable towards this project. He stated that the application would be considered further at the Commission meeting in November.

PUBLIC HEARING – SET PROPERTY TAX REQUEST FOR FY 2007 BUDGET:

Chairperson Thompson appointed Acting General Manager Petermann as Hearing Officer. Hearing

Officer Petermann submitted the following exhibits for the record.

Exhibit 1	Agenda
Exhibit 2	Proof of Publication of Hearing Notice <ul style="list-style-type: none">◆ Omaha World-Herald - September 9, 2006◆ Sioux City Journal - September 7, 2006
Exhibit 3	Fact Sheet - FY 2007 Budget
Exhibit 4	P-MRNRD FY 2007 Expenditures/Revenues Pie Chart
Exhibit 5	2006 Tax Levy Comparisons
Exhibit 6	FY 2007 Budget Worksheets
Exhibit 7	Resolution to Set Property Tax Request for FY 2007 at \$16,608,383.19 with a tax levy of 0.038444/\$100

Mr. Petermann noted that State Statute 77-1601.02 requires the Board to hold a public hearing to set the property tax request for FY 2007 if the amount requested is different from the property tax request for FY 2006. It was noted that the Board adopted the FY 2007 budget at its August 10, 2006, meeting which called for a property tax request of \$16,608,383.19 and a tax levy of 0.038444/\$100.

Mr. Petermann opened the floor to the public. There were no comments. Mr. Petermann then relinquished the floor to Director Thompson.

SUBCOMMITTEE REPORTS:

A. Ad Hoc General Manager Selection Subcommittee: Director Kolowski reported that the Ad Hoc Subcommittee met on August 23, 2006 and August 29, 2006 to conduct telephone reference checks and subsequently extended invitations for interviews to the following candidates, in alphabetical order:

- ❖ **Steven Frost**, Regulatory Analyst/Environmental Scientist, Kansas Department of Health & Environment, Bureau of Water, Topeka, KS
- ❖ **Ron Hopp**, Director of Parks, Recreation and Public Property, Council Bluffs, IA
- ❖ **John Miyoshi**, General Manager, Lower Platte North NRD, Wahoo, NE
- ❖ **Marlin Petermann**, Acting General Manager, Papio-Missouri River NRD
- ❖ **John Winkler**, Plattsmouth City Administrator/Cass County Economic Development Director

Interviews will be conducted in September. It is anticipated that the Ad Hoc Subcommittee will have a recommendation for Board consideration for the October 12, 2006 Board Meeting.

B. MoPac Trail (Hwy 50 to Chalco Hills) Ad Hoc Consultant Selection Subcommittee: Director Jansen reported that the Ad Hoc Subcommittee met on September 12, 2006 and gave a brief summary of the meeting.

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

Ad Hoc Recommendation #1 Selection of Consulting Firms to be Interviewed – Recommendation that the firms of Ehrhart Griffin & Associates, HGM Associates, Lamp Rynearson & Associates, and The Schemmer Associates be interviewed for the MoPac Trail (Hwy 50 to Chalco Hills) Design.

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

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

C. Personnel, Legislative and Public Affairs Subcommittee: Director Schwope reported that the PLPA Subcommittee met on September 12, 2006 and gave a recap of the meeting.

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

PLPA Recommendation #1 BE IT RESOLVED that the minutes of the September 12, 2006, Personnel, Legislative and Public Affairs Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Resolutions to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD take the following positions on resolutions to be considered at the NARD Annual Conference:

Reso #	Description	Recommended Position
2006-1	State Funding for Ethanol Facility Water Offsets, Tri-Basin NRD	Monitor
2006-2	Basin Evaluation Every Five Years, Lower Elkhorn NRD	Monitor

2. Proposed SOS Nebraska (Stop Over Spending) Constitutional Amendment – Recommendation that the Papio-Missouri River NRD oppose the SOS effort.

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

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

Thompson
 Voting Nay - None
 Abstaining - None
 Excused Absence - Conley (Fred), Connealy, Fowler
 Absent - Conley (Fred), Connealy, Fowler

D. Finance, Expenditures and Legal Subcommittee: Director John Conley reported that the FEL Subcommittee met on September 12, 2006 and gave a recap of the meeting.

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

FEL Recommendation #1 FY 2007 Budget:

⊛ **SET PROPERTY TAX REQUEST FOR FY 2007 – 0.038444/\$100**

WHEREAS, Section 77-1601.02 of Nebraska Revised Statutes provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interests of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

1. The FY 2007 property tax request be set at \$16,608,383.19 with a tax levy of 0.038444/\$100.

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

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

- **MOTION NO. 6** It was moved by Director John Conley and seconded by Director Lanphier that a copy of the resolution to set property tax requirement for FY 2007 be certified and forwarded to the County Clerks within the District prior to October 13, 2006.

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

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

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

FEL Recommendation #2: Amendment to Bland and Associates Audit Proposal – Recommendation that the Acting General Manager be authorized to execute the audit agreement with Bland and Associates for a total compensation amount of \$37,400, and providing for a maximum of \$400 for reimbursement of miscellaneous expenses.

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

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

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

FEL Recommendation #3: Amendments to Policy 22.1 Miscellaneous – Papio-Missouri River NRD “Paperless Project” – Recommendation that the following amendments to District Policy 22.1 – Miscellaneous – Papio-Missouri River NRD “Paperless Project,” as proposed to the Subcommittee, be adopted and incorporated in the District Policy Manual:

22.1 Miscellaneous – Papio-Missouri River NRD “Paperless Project”: The Papio-Missouri River NRD “Paperless Project” is an authorized project of the District. The purpose of the “Paperless Project” is to provide the P-MRNRD Board of Directors, staff and general public access to Subcommittee and Board information and to move to a paperless office concept.

To achieve this, each elected P-MRNRD Director will be issued a laptop computer. Laptop will be returned to the District office once the Director has left office. The following is the policy concerning Directors' e-mail addresses/internet/printing needs be adopted:

Directors' e-mail – The present P-MRNRD e-mail system will be retained and each Director will have their e-mail address or phone number listed on the District web page, if they so desire.

Printing – Each Director shall be given a choice of using his or her own printer, or using a printer supplied by the District. If the Director uses his or her own printer the Director can be reimbursed \$.05 per copy for any copies made pertaining to District business. This expense will be submitted as part of the Director's monthly expense claim form.

Internet Services – Each Director shall be allowed up to ~~\$25.00~~ **\$40.00** per month for reimbursement of the cost of internet service. This expense will be submitted as part of the Director's monthly expense claim form.

Internet Services (Out of Town – Hotel Visits) – While conducting District business while out of town, each Director may be reimbursed ~~up to \$10~~ **the actual cost** per day for the cost of internet connections.

All Subcommittee and Board of Director Information will be posted to the Papio-Missouri River NRD website (www.papionrd.org). The posting schedule is as follows:

Subcommittee Information: Subcommittee Agendas and background information will be posted to the website at least 5 days prior to the Subcommittee meeting date. Agendas and staff recommendation memos will be e-mailed to Directors at least 5 days prior to the Subcommittee meeting date.

Board Meeting Information: Draft Board agenda and other available information will be posted to the website at least 5 days prior to the meeting date.

Draft agenda will be e-mailed to Directors at least 5 days prior to the meeting date.

Final agenda, Subcommittee minutes, etc., will be posted to the website by 4:00 p.m. the day prior to the Board meeting. Final agenda will be e-mailed to Directors by 4:00 p.m. the day prior to the meeting date.

[February 14, 2002; March 13, 2003; April 10, 2003; October 9, 2003; [September 14, 2006](#)]

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

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

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

FEL Recommendation #4: Purchase Agreement for Land Acquisition for Missouri River Trail - Duda Tract – Recommendation that that the Acting General Manager be authorized to execute the proposed Purchase Agreement in the amount of \$22,000.00 for the purchase of the Duda Tract for the Missouri River Trail Project.

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

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

Director John Conley reported that the FEL Subcommittee discussed the proposed purchase agreements for floodway property - Lots 37 and 38, Q Street Acres, Douglas County, NE; and Lot 32, Beacon View, Sarpy County, NE. The Subcommittee laid over this item. No action required.

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

FEL Recommendation #6: MoPac Trail (Hwy 50 to Lied Bridge) Right of Way Acquisition for Educational Lands and Funds Tracts - Recommendation that the following resolution be adopted:

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the DISTRICT") has proposed the MOPAC Trail Project in Sarpy County, Nebraska (hereinafter "the PROJECT"); and,

WHEREAS, the DISTRICT has identified interests in certain lands and easements that are necessary to be acquired for the PROJECT, that is, the fee simple title to Parcels ED-A, ED-B and ED-H; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G (all such interests hereinafter being referred to collectively as the PROPERTY); each such parcel being described in a respective document captioned "Description and Sketch," all marked in the DISTRICT'S files as Exhibits 1 through 8, and incorporated herein by reference, all such parcels comprising the PROPERTY presently being owned by the State of Nebraska Board of Educational Lands and Funds (hereinafter "the STATE BOARD"),

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the DISTRICT as follows, to-wit:

A. The PROJECT will be a public recreational pedestrian and bicycle trail, extending along the south side of State Highway 32, from Highway 50 to the former MOPAC RR bridge over the Platte River, and the PROJECT is a plan, facility, work and program relating to development and management of recreational and park facilities, within the contemplation of Section 2-3229, R.R.S., 1943; and, therefore, the DISTRICT is authorized to undertake the PROJECT;

B. The PROJECT is of a predominantly general benefit to the DISTRICT with only incidental special benefit, within the contemplation of Section 2-3252, R.R.S., 1943; and the PROJECT therefore should be carried out with any available funds of the DISTRICT,

C. For purposes of the PROJECT it is necessary that the DISTRICT acquire the PROPERTY described above, that is, the fee simple title to Parcels ED-A, ED-B and ED-H; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G; provided, however,

(1) In taking the fee title to Parcels ED-A, ED-B and ED-H the DISTRICT reserves in the STATE BOARD and its successors and assigns, the following easement rights over Parcels ED-A, ED-B and ED-H:

Reserved easement: The permanent, full, and free right, liberty and authority to enter upon and use, for ingress and egress to and from public road right-of-way, the driveway(s) and field entrance(s), constructed by the DISTRICT in Parcels ED-A, ED-B that intersect with the public trail improvements constructed by the DISTRICT in such described parcel of land; provided, that such reserved right includes the STATE BOARD'S right to remove snow and ice from such driveway(s) and field entrance(s) but does not include any duty on the part of the STATE BOARD to maintain or repair such trail improvements, driveway(s) or field entrance(s); and, does not include any right on the part of the STATE BOARD to park vehicles on or otherwise obstruct the public use of such trail improvements; and,

(2) In taking the permanent easements over Parcels ED-C and ED-D the DISTRICT acquires the following permanent rights, to-wit:

Permanent Drainage Easement: The permanent, full, and free right, liberty and authority to enter upon and use said Parcels ED-C and ED-D for purposes of construction, operation, maintenance, repair, replacement, and regulation of drainage improvements appurtenant to the Project, such drainage improvement easement rights hereby acquired including, without limitation, the construction, operation, maintenance, repair, replacement and regulation of drainage culverts and other conduits and extensions thereof, embankments, headwalls, channels, swales, erosion prevention measures and other surface water drainage improvements associated with and appurtenant to the Project; and,

(3) In taking the temporary easements over Parcels ED-E, ED-F and ED-G the DISTRICT acquires the following temporary rights, to-wit:

Temporary Construction Easement: The temporary, full, and free right, liberty and authority to enter upon and use said Parcels ED-E, ED-F and ED-G for ingress and egress; construction materials storage; equipment maintenance, storage and maneuvering; and, any for other lawful purposes necessary, convenient or incidental

to the District's construction of the Project or the aforesaid drainage improvements, during the period of such construction.

D. The DISTRICT has retained a licensed real estate appraiser to appraise the fair market value of the PROPERTY; and, the DISTRICT, through its negotiators, has offered to the STATE BOARD an amount of money equal to the damages as appraised by such appraiser;

E. Economic and physical feasibility necessitate that the PROJECT be constructed on the PROPERTY; and,

G. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT the DISTRICT'S legal counsel should be and is hereby authorized and directed to initiate the filing of an application with the STATE BOARD, on behalf of the DISTRICT, for a hearing before the Board of Appraisers for Educational Lands and Funds, to ascertain and determine the damages from the DISTRICT'S taking of the PROPERTY, pursuant to the procedures provided by Sections 72-214, et seq., R.R.S., 2003.

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

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

F. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on September 12, 2006 and he gave a brief recap of the meeting.

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

PPO Recommendation #1 Interlocal Agreement with Sarpy County for Wastewater/Water Study – Phase 2 – Recommendation that the Acting General Manager be authorized to execute an interlocal agreement with Sarpy County, MAPA, and the Cities of Springfield and Gretna, as presented to the Subcommittee's meeting, for Phase 2 of the Sarpy County Water/Wastewater Treatment study in the amount of \$10,000, subject to changes deemed necessary 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 (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Conley (Fred), Connealy, Fowler
Absent - Conley (Fred), Connealy, Fowler

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

PPO Recommendation #2: Interlocal Agreement for Site Specific Probable Maximum Precipitation Study for Nebraska – Recommendation that the Acting General Manager be authorized to execute an interlocal agreement for the District to pay up to \$35,000 from the Papio Reservoirs Professional Services account as the District’s share of the cost of a Statewide Probable Maximum Precipitation Study for the State of Nebraska, to be conducted by Applied Weather Associates.

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

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

Director John Conley reported that the PPO Subcommittee discussed the Wetland Mitigation Bank Site Selection Study and that the issue had been laid over until the October Subcommittee meeting. No Board action required.

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

PPO Recommendation #4 Papillion Creek Watershed Partnership Policies (P-MRNRD Policy 17.16 – District Programs – Urban Stormwater Management Program) – Recommendation that the District Policy 17.16 – Urban Stormwater Management be amended to incorporate the proposed Papillion Creek Watershed Partnership Stormwater Management Policies presented to the Subcommittee meeting.

The following individuals addressed the Board in opposition:

- ❖ Lowell Smalley, 9620 N. 132nd St., Omaha, NE
- ❖ Tyler Morh, 12101 Pawnee Road., Omaha, NE

- ❖ Shawn Melotz – 10404 N. 132nd St., Omaha, NE
- ❖ Jason Cloudt, 5338 County Road 27, Kennard NE
- ❖ Larry H. Cotton, 13645 N. 126th St., Omaha, NE
- ❖ Cynthia Timmermier, 14688 County Rd. 40, Kennard, NE (A copy of material submitted by Mrs. Timmermier regarding the PCWP Interlocal Agreement is attached to the file copy of the minutes.)

There was extended discussion by the Board.

- **SUBSTITUTE MOTION** It was moved by Director Kolowski and seconded by Director Tesar that the vote on the Papillion Creek Watershed Partnership Policies be delayed until the Board completes discussion on this topic in the very near future.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 2-nay.

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

- **MOTION NO. 14** It was moved by Director John Conley and seconded by Director Schwope that the following recommendation be adopted:

PPO Recommendation #5: Interlocal Agreement Between South Sioux City/P-MRNRD regarding Dakota County Rural Water Service Area – Recommendation that the Acting General Manager be authorized to execute the proposed agreement with the City of South Sioux Cit submitted to the Subcommittee regarding future annexations by such City of portions of the Dakota County Rural Water Project service area, subject to changes deemed necessary 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 (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Thompson
 Voting Nay - None
 Abstaining - None
 Excused Absence - Conley (Fred), Connealy, Fowler
 Absent - Conley (Fred), Connealy, Fowler, Tesar

- **MOTION NO. 15** It was moved by Director John Conley and seconded by Director Schwope that the following recommendation be adopted:

PPO Recommendation #6: Papio Creek Watershed Structures S-27, S-31 and S-32 Rehabilitation Project Appraisal and ROW Negotiation Services Proposals – Recommendation that the Acting General Manager be authorized to execute proposed contracts with Thomas E. Stevens and Associates for appraisal services, with a maximum cost of \$20,700, and with Midwest ROW Services, Inc., for negotiation services, with a maximum cost of \$22,800, subject to changes deemed necessary 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 (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Conley (Fred), Connealy, Fowler
Absent - Conley (Fred), Connealy, Fowler

•• **MOTION NO. 16** It was moved by Director John Conley and seconded by Director Jansen that the following recommendation be adopted:

PPO Recommendation #7: Report on District Vehicle Use Policy – Recommendation that the newly-appointed General Manager make a determination on employee use of vehicles within 90 days after commencement of employment.

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

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

TREASURER'S REPORT: 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 Dial Realty from the Papio Reservoir accounts.

•• **MOTION NO. 17:** 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 August, 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 August, 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.

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

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

CHAIRPERSON'S REPORT: Chairperson Thompson thanked Vince Kramper and representatives from Dakota City and South Sioux City for hosting the Board meeting.

A. Appointment of P-MRNRD Representative on the Florence Futures Board of Directors: Chairperson Thompson reported that he would be serving as the P-MRNRD representative on the Florence Futures Board of Directors.

B. Amendment to District Policy 2.1 Directors – Vacancies:

•• **MOTION NO. 18** It was moved by Director Schwope and seconded by Director John Conley that consideration of amendments to District Policy 2.1 Directors – Vacancies be taken from the table.

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

Voting Yea	-	Conley (John), Jansen, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None

Excused Absence - Conley (Fred), Connealy, Fowler
Absent - Conley (Fred), Connealy, Fowler

- **MOTION NO. 19:** It was moved by Director Schwope and seconded by Director Kolowski that the following resolution be adopted:

BE IT RESOLVED that the following amendments to District Policy 2.1 Directors – Vacancies, be adopted and incorporated in the P-MRNRD Policy Manual, to-wit:

2.1 Directors - Vacancies. Sec. 2-3215 R.R.S., 1943, governs when a vacancy exists in the office of director. Unless the Board elects to use a different procedure, Any ~~any~~ such vacancy shall be filled in the following manner: (1) Notice of such vacancy shall be given by the Chairperson to the Board at the first regular meeting of the Board after notification has been received by the Chairperson of the vacancy; (2) the General Manager then shall publish notice of such vacancy and in such notice request that persons interested in being considered for appointment to the position submit a letter of application to the Board no later than two weeks prior to the next regular meeting of the Board; and, (3) at such next regular meeting of the Board ~~candidates~~ such applicants may appear before the Board, and, at such meeting, ~~from such slate of applicants,~~ the Board shall ~~nominate two persons by secret ballot, and~~ by majority resolution either elect one of such ~~nominees~~ applicants to fill such vacancy or order the General Manager to re-publish such notice of such vacancy.

[December 5, 1986; September 14, 2006

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

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

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. Mr. Petermann showed pictures taken during the Directors Tour held prior to the Board meeting. A news clip from Channel 6 regarding the Nebraska Environmental Trust Fund presentation of grant funds was shown. Chairperson Thompson represented the District at the ceremony held on August 17, 2006 at the Central Park Mall.

INFORMATIONAL ITEMS:

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

- | | |
|-----------------------|--|
| September 19, 2006 | Lower Platte River Corridor Alliance Summit, 11:00 a.m. – 7:00 p.m., Carol Joy Holling Camp, Swanson Retreat Center, Ashland, NE (Attending: Directors John Conley and Rich Tesar; and staff members Marlin Petermann and Gerry Bowen) |
| September 23, 2006 | Missouri River Clean Up , 8:00 a.m. at the National Park Service Office (north of Lewis and Clank Landing) |
| September 24-26, 2006 | Nebraska Association of Resource District Annual Conference, Kearney, NE (Attending: Directors Rich Tesar, Rick Kolowski and Jim Thompson and staff members Marlin Petermann, Gerry Bowen, Emmett Egr, Randy Lee and Paul Woodward) |
| October 5, 2006 | Papio Creek Watershed Partnership Meeting, 10:00 a.m., NRC |
| October 10, 2006 | P-MRNRD Subcommittee Meetings |
| October 12, 2006 | P-MRNRD Board Meeting |
| October 19, 2006 | Dam Site 1 and 3C Steering Committee Meeting, 7:00 p.m., Blair City Hall |
| November 7, 2006 | Election Day |
| November 10, 2006 | P-MRNRD Office Closed – Veterans Day Holiday |
| November 14, 2006 | P-MRNRD Subcommittee Meetings (Date changed due to General Election) |
| November 16, 2006 | P-MRNRD Board Meeting (Date changed due to General Election) |
| Nov. 23 & 24, 2006 | P-MRNRD Office Closed – Thanksgiving Holiday |

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on October 12, 2006 at the NRC.

ADJOURNMENT: Being no further business, at 10:26 p.m. the Chairperson declared that the meeting was adjourned.

I, the undersigned, Secretary of the Pappio-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 September 14, 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.

Richard Tesar
District Secretary