

**Programs, Projects, and Operations Subcommittees
Meeting Minutes
September 9, 2008**

A meeting of the Papio-Missouri River Natural Resources District’s Programs, Projects, and Operations Subcommittee was held at the Natural Resources Center, 8901 South 154th Street, Omaha, Nebraska, on September 9, 2008. The meeting was called to order by Chairperson Tim Fowler at 6:45 p.m.

QUORUM CALL: Quorum call was taken. The following subcommittee members were in attendance.

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others in Attendance
Tim Fowler - Chairman	None	Dorothy Lanphier	John Winkler
Rich Tesar-Vice-Chairman		Jim Thompson	Marlin Petermann, NRD
Rick Kolowski		John Conley	Gerry Bowen, NRD
David Klug		Dick Connealy	Jim Becic, NRD
John Schwope		Rich Patterson	Paul Peters, NRD Legal
			Dick Sklenar, NRD
			Carey Frye, NRD
			Amanda Grint, NRD

ADOPTION OF AGENDA

- **It was moved by Director Klug and seconded by Director Schwope that the agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Klug, Kolowski, Schwope, Tesar, Fowler
 Voting Nay: None
 Abstaining: None
 Absent: None

PROOF OF PUBLICATION: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on September 4, 2008. The proof of publication affidavit is included with the file copy of these minutes.

WESTERN DOUGLAS COUNTY TRAILS PROJECT PHASE 3 ENGINEERING SERVICES AGREEMENT WITH EHRHART GRIFFIN & ASSOCIATES: Gerry Bowen gave a brief update on the status of the Western Douglas County Trails Project and described the next phase of work which includes the final design and construction of Phases 1 and 2, prelim and final design and construction observations for Phase 3 and the prelim design for Phase 4. Dan Dolezal, Ehrhart Griffin and Associates, gave a description of the work to be performed in Stage 2 of the Western Douglas Trails project. Dan noted that the City of Valley has been informed of the project and Ehrhart Griffin will continue contact with the mayor as the project progresses. There was a question regarding the right of way for the Maple Road trail and Gerry

Bowen noted that the appraisals are complete and have been submitted for approval. An answer is expected in approximately 1 to 2 months.

- **It was moved by Director Tesar and seconded by Director Schwope that the Subcommittee recommend to the Board of Directors that the General Manger be authorized to execute a professional services agreement with Ehrhart Griffin and Associates, Inc. for the Stage 2 of the Western Douglas County Trails Project in the amount of \$587,747.00, subject to NDOR concurrence, and changes deemed necessary by the General Manager, and approved as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Kolowski, Schwope, Tesar, Klug, Fowler

Voting Nay: None

Abstaining: None

Absent: None

GREEN HEARTS INSTITUTION FOR NATURE IN CHILDHOOD AT RUMSEY STATION – PROJECT DEVELOPMENT AND MANAGEMENT AGREEMENT:

Jim Becic introduced Ken Finch with the Green Hearts Institution who is proposing a preschool and nature center at Rumsey Station. Jim noted that the District has been looking for an entity to have a presence at Rumsey and provide some monitoring of the site, it is currently unmonitored except for occasional visits from staff. Ken Finch gave a presentation on the Green Hearts Nature Center and described the objectives of the organization. Ken presented a proposed sketch of how the NRD plans to construct a wetland on the newly obtained Rogers site (Rumsey West) could be incorporated into a Nature Center which would be open to the public and a learning center for preschoolers. Green Hearts is requesting \$60,000 for a Master Planning effort to complete a site layout and building design. Ken addressed questions on the safety of the entrance road noting that the sketch showed a road in the floodplain but the actual road would be revised to be along the top of an existing railroad embankment which is out of the floodplain. Ken noted that a very early estimate on the total capital expenditure of the project is estimated to be approximately \$2.8 million dollars. The capital improvements would be supported by donations and the nature center would operate with funding from tuition.

- **It was moved by Director Klug and seconded by Director Schwope that the Subcommittee recommend to the Board of Directors that the General Manger be authorized to execute the proposed Development and Management Agreement with the Green Hearts Institute for Nature in Childhood for the Green Heart’s Children’s Nature Center at Rumsey Station Wetlands Project, including the District’s payment of up to \$60,000.00 to Big Muddy Workshop for a site Master Plan, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Schwope, Tesar, Klug, Kolowski, Fowler

Voting Nay: None

Abstaining: None

Absent: None

INTERLOCAL AGREEMENT FOR CRYSTAL CREEK FLOOD CONTROL

PROJECT: Amanda Grint gave a brief presentation of the Crystal Creek Flood Control Improvements and the Interlocal Agreement. Background was given on how the creek in the last few years has become filled with sediment and during the larger storm events this summer there was extreme flash flooding which affected several property owners in the Crystal Creek subdivision. Photos and video were shown which portrayed the extent of the flooding seen with the June 19th rain event. Amanda noted that a recent meeting with Nebraska Department of Roads (NDOR) led to a possible change in the Interlocal Agreement. NDOR has acknowledged that some sediment in the creek could be from their Highway 6/31 expansion project and they will possibly participate in the Interlocal Agreement by contributing 1/3 of the cost to design and construct the improvements. Because of the need to expedite these improvements the Subcommittee was asked to consider approval of the Interlocal Agreement because the addition of NDOR to the agreement does not affect the contribution made by the NRD. Andy Miller, and Jacobsen Satchell, gave an overview of the project and background on the creek. He described the proposed improvements which include the addition of a berm to protect the Crystal Creek homeowners and the removal of sediment in the channel to restore flow. Mike Fielder, a Crystal Creek homeowner, gave a brief description of the problem and thanked the NRD for getting a group together to find a solution.

- **It was moved by Director Klug and seconded by Director Tesar that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Interlocal Agreement with Sarpy County SID #236 and McCune Development Company for the Crystal Creek Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel:**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Tesar, Klug, Kolowski, Schwope, Fowler
Voting Nay: None
Abstaining: None
Absent: None

CONSTRUCTION CONTRACT AWARD ON WATER MAIN EXTENSION FOR DAKOTA COUNTY RURAL WATER:

Dick Sklenar made a brief presentation to the Subcommittee regarding bids received for the installation of approximately 1 ¾ miles of 6 inch water main running partially along Highway 20. The project will expand the Districts ability to provide water to the western portion of this service area. It is funded by the Dakota County Rural Water system. The engineer's bid was \$109,638 and the low bidder was M. Albenisius, Inc. at \$79,752.

- **It was moved by Director Tesar and seconded by Director Klug that the Subcommittee recommend to the Board of Directors that the contract for the 6 inch waterline extension for the Dakota County Rural Water System be awarded to M. Albenisius Inc. in the amount of \$79,752.00.**

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Klug, Kolowski, Schwoppe, Tesar, Fowler
Voting Nay: None
Abstaining: None
Absent: None

REVISIONS TO RULES AND REGULATIONS FOR P-MRNRD RECREATION

AREAS: John Winkler noted that due to some recent incidences of vandalism and consumption of alcohol at NRD recreation areas there is a need to increase security. John asked that the subcommittee recommend to the Board that he be authorized to contact local law enforcement agencies about increasing patrols at the NRD recreation areas, especially those in more rural locations. He noted that if possible the District would like to receive a summary of activity for each month from the law enforcement agency. It was noted that the District is currently unable to directly hire law enforcement personnel to provide security at its recreational areas. It was unclear if a roving security company could be hired however. Several Board members noted that there were issues of personal safety with anyone except trained law enforcement officers. Director Teaser noted that he would like to see the subcommittee discuss a possible resolution for the NARD in the future regarding a change in legislation to allow for the hiring of law enforcement.

- **It was moved by Director Kolowski and seconded by Director Klug that the subcommittee recommend to the Board of Directors that the following resolution requesting law enforcement assistance at NRD recreation areas, and the following resolution adopting updated recreation area rules and regulations be adopted and that the General Manager be authorized to execute the necessary steps in order to ensure the enforcement of said newly-adopted rules and regulations.**

LAW ENFORCEMENT ASSISTANCE AT NRD RECREATION AREAS

WHEREAS, Nebraska Revised Statutes Section 2-32,101 provides as follows:

2-32,101 District; recreation area; enforcement; procedures. Any law enforcement officer, including, but not limited to, any Game and Parks Commission conservation officer, local police officer, member of the Nebraska State Patrol, or sheriff or deputy sheriff, is authorized to enforce the provisions of sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections. A district shall not employ law enforcement personnel and shall be prohibited from expending any funds for such purpose. Each district shall provide a copy of its rules and regulations to the appropriate law enforcement officer. Any law enforcement officer may arrest and detain any person committing a violation of the rules and regulations in a recreation area or committing any misdemeanor or felony as provided by the laws of this state.

WHEREAS, in accordance with said Section 2-32,101, the Pappio-Missouri River Natural Resources District relies entirely upon the law enforcement officers identified therein for enforcement of Nebraska laws and the District's own rules and regulations within the District's recreation areas, to-wit:

Chalco Hills Lake and Recreation Area in Sarpy County
Elkhorn River Access at Graske Crossing in Douglas County

Prairie View Lake and Recreation Area in Douglas County
Elkhorn Crossing Recreation Area in Douglas County
Platte River Crossing Recreation Area in Douglas County

NOW, THEREFORE, the Board of Directors of the Papio-Missouri River Natural Resources District hereby respectfully requests that Nebraska Game and Parks Commission conservation officers, local police officers, members of the Nebraska State Patrol, and sheriffs and their deputies having District recreation areas within their respective jurisdictions, provide special attention to the enforcement within such District's recreation areas of Nebraska laws and the District's rules and regulations.

**ADOPTION OF RULES AND REGULATIONS GOVERNING NRD
RECREATION AREAS**

WHEREAS, Nebraska Revised Statutes Sections 2-3290, et seq., provides that the board of directors of a natural resources district which owns land or has a lease or an easement permitting the use of land for public recreational purposes may adopt and promulgate rules and regulations governing the public use of such land, as provided in sections 2-3292 to 2-32,100; and,

WHEREAS, pursuant to Sections 2-3290, et seq., the Board of Directors of the District desires to adopt and promulgate amended and revised rules and regulations governing the public use of the lands within the District that it owns or over which it has a lease or an easement permitting the use of thereof for public recreational purposes, to-wit:

Chalco Hills Lake and Recreation Area in Sarpy County
Elkhorn River Access at Graske Crossing in Douglas County
Prairie View Lake and Recreation Area in Douglas County
Elkhorn Crossing Recreation Area in Douglas County
Platte River Crossing Recreation Area in Douglas County

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District does hereby adopt and promulgate amended and revised rules and regulations, as presented to this meeting and hereby ordered to be included as an attachment to the minutes thereof, governing public use of the above-named District recreation areas, such rules and regulations to be effective upon adoption of this resolution and to supersede all prior rules and regulations adopted by this Board of Directors governing public use of such recreation areas

Roll call was taken on the motion. The motion carried on a vote of 5 to 0.

Voting Yea: Kolowski, Schwope, Tesar, Klug, Fowler
Voting Nay: None
Abstaining: None
Excused Absence: None

ADJOURNMENT: Being no further business, the meeting adjourned by acclamation at 8:20 p.m.