



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
October 9, 2014**

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. 154th Street, Omaha, NE on October 9, 2014. The meeting was called to order by Chairperson David Klug at 7:00 p.m.

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

Patrick Bonnett	Dave Klug
Fred Conley	Patrick Leahy
John Conley	Rich Tesar
Tim Fowler	Jim Thompson
Curt Frost	Ron Woodle
Scott Japp	

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Thompson and seconded by Director Fowler that the meeting agenda be adopted.

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-abstention.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	Japp
Excused Absence	-	None
Absent	-	None

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director F. Conley and seconded by Director Fowler 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 absence of the following Director(s) from the October 9, 2014, Board of Directors Meeting is excused:

None to date.

Agenda Item 7. A.

BE IT RESOLVED that the September 11, 2014, Papio-Missouri River NRD Board meeting minutes and the September 10, 2014, Dakota County Rural Water Advisory Board Meeting minutes are approved as printed.

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on October 2, 2014. The District's August 15-September 11, 2014, expenditures were published in the Douglas County Post-Gazette on September 23, 2014. 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: Neil Jensen, NRCS District Conservationist at the Omaha NRCS office, gave his report on NRCS activities. His report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts: Director Tesar gave the report on the NARD Annual Meeting that was held on September 22-24, 2014, in Kearney, NE. He also provided the roll call votes on the 2014 Conference Resolutions:

1. 2014-1: Exempt Small Dams Built Before 1973 from certain DNR Regulations – passed on a vote of 115-yea and 0-nay.
2. 2014-2: Nebraska Chemigation Act Amendments – passed on a vote of 115-yea and 0-nay.

3. 2014-3: Biennial Budgeting for Natural Resources Districts – passed on a vote of 111-yea and 4-nay.
4. 2014-4: Waive County Election Costs – Item was withdrawn.

Director Thompson said the conference breakout sessions were very good. He also commented that the session put on by Olsson Associates regarding dams/flood control and the impact/value they provide to protect areas downstream requires further discussion.

C. Legislative Report – Husch Blackwell: Steve Grasz reported that he and the Government Relations representatives Tim Gay and Ron Sedlacek continue to meet with candidates running for the Legislature. A more extensive report will be given next month after the November 4th elections.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler’s written report is posted to the website.

PUBLIC HEARING:

Chairperson Klug appointed General Manager Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:08 p.m. The Hearing Officer submitted the following exhibits for the record:

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| Exhibit 1 | Agenda |
| Exhibit 2 | Notice of Public Hearing <ul style="list-style-type: none"> • Omaha World-Herald, September 19, 2014 • Omaha World-Herald, September 24, 2014 • Omaha World-Herald, October 1, 2014 • Omaha World-Herald, October 2, 2014 |
| Exhibit 3 | Resolution – Limit on the Expansion of Groundwater Irrigated Acres and the Construction of New Irrigation Wells |
| Exhibit 4 | Resolution – Rules and Regulations for the Granting of Variances from the Limit on the Expansion of Groundwater Irrigated Acres and Construction of New Irrigation Wells and List of Hydrologically Connected Area |
| Exhibit 5 | Hydrologically Connected Sections Overview Maps |
| Exhibit 6 | Letter of Testimony submitted by State of Nebraska Department of Natural Resources, Brian Dunnigan, P.E., Director |

GM Winkler briefed the audience on the exhibits being submitted as a part of the Public Hearing. The District’s Attorney, Steve Grasz, explained the purpose and necessity of the hearing per Neb. Revised Statute 46-715, 46-739, and 46-712. Project Manager, Brian Henkel, stated the purpose of the hearing was to take public comment and testimony on the voluntary Integrated Management Plan (IMP) for the portion of the District within the Lower Platte River Basin. Comments will be taken until next month’s meeting when the Board will take action on the adoption of the proposed groundwater control. General Manager Winkler opened the floor to the public. There was not public comment. Hearing Officer Winkler closed the Public Hearing at 7:17 p.m. and returned the floor to Chairperson Klug.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Consultant Selection Subcommittee for the Multi-Hazard Mitigation Plan: Director Patrick Bonnett reported that the Ad Hoc Consultant Selection Subcommittee met on October 7, 2014, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Initial Screening of Proposals for Consultant Selection Interviews: Recommendation that the firms of AMEC Environment & Infrastructure, Inc., JEO Consulting Group, Inc., and Olsson Associates be interviewed, in that order, by the Subcommittee on November 6, 2014, to provide professional services for the Multi-Hazard Mitigation Plan.

Roll call vote was held on motion. The motion carried on a vote of 10-yea and 1-abstention.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	Japp
Excused Absence	-	None
Absent	-	None

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on October 7, 2014, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Interlocal Agreement with Sarpy County for 66th Street Bridge Replacement: Recommendation that the General Manager be authorized to execute for and on behalf of the District, the proposed Interlocal Agreement with Sarpy County to equally share the local match required by the Hazard Mitigation Grant Program for the design of the 66th Street Bridge Replacement Project, up to a maximum District contribution of \$25,000, as presented to the Subcommittee meeting, and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion regarding the cost of the work and details on the cost share. Staff member Lori Laster answered questions.

Roll call vote was held on motion. The motion carried on a vote of 9-yea and 2-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Leahy, Tesar, Thompson, Woodle,
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		Klug
Voting Nay	-	Frost, Japp
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

- **MOTION NO. 5:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #2: West Papio Trail (90th to Giles Road) Construction Bid Opening: Recommendation that the General Manager be authorized to execute the proposed contract with MFT Construction for the construction of the West Papio Trail, 90th to Giles Road for the bid amount of \$545,524.00, subject to changes deemed 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 on a vote of 11-yea.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

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

PPO Recommendation #3: Engineering Services Agreement with Bartlett and West for TCRW Rosalie Water Line Extension Project: Recommendation that the General Manager be authorized to waive the requirement for competitive bidding and execute the proposed Professional Services Agreement with Bartlett and West for the design, bidding, and construction observation of the Thurston County Rural Water System – Rosalie Water Main Extension Project, as presented to the Subcommittee in a not-to-exceed amount of \$123,550, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was discussion regarding the agreement with Bartlett and West. Staff member Zach Nelson answered questions.

Amended Motion: It was moved by Director John Conley and seconded by Director Thompson to replace the words “competitive bidding” with “consultant selection”.

Roll call vote was held on the amended motion. The motion carried on a vote of 10-yea and 1-nay.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay - Japp
Abstaining - None
Excused Absence - None
Absent - None

Roll call vote was held on the original motion as amended. The motion carried on a vote of 10-yea and 1-nay.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay - Japp
Abstaining - None
Excused Absence - None
Absent - None

•• **MOTION NO. 7:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #4: Construction of Maintenance Shop at Kramper Lake/Danish Alps State Recreation Area: Recommendation that the District's Staff be authorized to continue to work with the Nebraska Game and Parks Commission Staff to prepare a final design, advertise for bids, and supervise construction of the Maintenance Shop, Security Fence, and Pole Shed at the Kramper Lake/Danish Alps State Recreation Area Project.

Roll call vote was held on motion. The motion carried on a vote of 11-yea.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - None
Absent - None

Director John Conley stated that the agenda item pertaining to selling soil mineral aggregates to Scott Japp failed in Subcommittee. The following individual addressed the Board:

➤ Shawn Melotz, 10404 N. 132nd Street, Omaha, NE

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on October 7, 2014, and gave a brief recap of the meeting.

•• **MOTION NO. 8:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #1: Missouri River Floodway Purchase Program – Iske Park Homeowners Inc. Property and Structure Purchase Agreements: Recommendation that the General Manager be authorized to execute the proposed Purchase Agreement with IP Homeowners, Inc. for the purchase price of \$252,230 for 34.04 acres and structures located at 16403 Iske Place, 16705 Iske Place, 16406 Iske Place and 16719 Iske Place, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

The following individuals addressed the Board:

- Steve Braesch, 16414 Iske Place, Bellevue, NE
- Dave Sorich, 17325 O Street, Omaha, NE
- Carol Cleaver, 6319 S 115th Street, Omaha, NE
- Ester Eby Nowlin, 3911 M Street, Omaha, NE

There was extensive discussion regarding the FEMA Hazard Mitigation Grant Program and the proposed purchase agreement to Iske Place Homeowners, Inc., regarding the Iske Place property and structures. Iske Place Homeowners Inc. is scheduled to meet on October 21, 2014, and is expected to vote to accept or decline the District’s offer. If Iske Place Homeowners Inc. does sign the agreement, District staff can then begin negotiation with the affected homeowners. Staff member Amanda Grint reiterated to the Board and audience that the Hazard Mitigation Grant Program is a voluntary program based on a willing seller - willing buyer basis and that Eminent Domain cannot be exercised for this project.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 3-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Leahy, Tesar, Thompson, Woodle
Voting Nay	-	Frost, Japp, Klug
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

•• **MOTION NO. 9:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #2: Papio Dam Site 15A Tract 12 Building Disposal: Recommendation that the house, out buildings, vinyl fencing and corral fencing on Papio Dam Site 15A Project Tract 12 be sold through a sealed bidding process, subject to terms deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Amended Motion #1: It was moved by Director Bonnett and seconded by Director Frost to add “excess soil as determined by staff” to the original motion.

There was discussion by the Directors. General Manager Winkler stated that there is no additional soil on the site to sell and what soil is at the location will be used on the construction

site and project area.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 3-yea and 7-nay.

Voting Yea	-	Bonnett, Frost, Leahy
Voting Nay	-	F. Conley, J. Conley, Fowler, Tesar, Thompson, Woodle, Klug
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

*Director Japp was out of the room during the roll call vote.

Amended Motion #2: It was moved by Director Bonnett and seconded by Director Fowler to exclude the corral fencing from the original resolution and relocate the corral fence to Kramper Lake/Danish Alps State Recreation Area to be used at the equestrian site.

There was additional discussion. Paul Woodward, Olsson Associates stated that the fencing for the equestrian area located at the Kramper Lake/Danish Alps State Recreation Area was included in the current contract, but added a change order could be executed.

Roll call was taken on the amended motion. The amended motion failed on a vote of 2-yea and 9-nay.

Voting Yea	-	Bonnett, Leahy
Voting Nay	-	F. Conley, J. Conley, Fowler, Frost, Japp, Tesar, Thompson, Woodle, Klug
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

Original Motion: Chairperson Klug directed the roll call vote on the original motion.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-abstention.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	Japp
Excused Absence	-	None
Absent	-	None

•• **MOTION NO. 10:** It was moved by Director Tesar that the following revised recommendation be considered by the Board:

FEL Recommendation #3.: Dam Site 15A Land Acquisition: Recommendation that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 3-8 in the amount of \$2,293,581 for

97.422 acres of land, such purchase agreement to contain the terms and conditions deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call vote was held whether to consider the revised recommendation. The motion to consider the revised resolution carried on a vote of 8-yea and 3-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson
Voting Nay	-	Japp, Woodle, Klug
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

TREASURER'S REPORT:

•• **MOTION NO. 11:** It was moved by Director J. Conley and seconded by Director Thompson 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, 2014, 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 Rural Water System, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy Drainage District, the project bills listed on the September, 2014, 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 motion. The motion carried on a vote of 10-yea and 1-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

District's Legal Counsel addressed the Board regarding Motion Number 10 on the revised resolution for the Dam Site 15A Land Acquisition. Although the Board voted to approve consideration of the revised recommendation on the Dam Site 15A Land Acquisition, the Board also needed to take a roll call vote on the recommendation as revised.

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

FEL Recommendation #3.: Dam Site 15A Land Acquisition: Recommendation that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 3-8 in the amount of \$2,293,581 for 97.422 acres of land, such purchase agreement to contain the terms and conditions deemed 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 on a vote of 7-yea, 3-nay, and 1-abstention.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Leahy, Tesar, Thompson
Voting Nay	-	Frost, Japp, Klug
Abstaining	-	Woodle
Excused Absence	-	None
Absent	-	None

CHAIRPERSON'S REPORT:

- **MOTION NO. 13:** It was moved by Director Thompson and seconded by Director Bonnett that the following resolution be adopted:

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meetings for calendar year 2015:

January 8, 2015	July 9, 2015
February 12, 2015	August 13, 2015
March 12, 2015	September 10, 2015
April 9, 2015	October 8, 2015
May 14, 2015	November 12, 2015
June 11, 2015	December 10, 2015

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

Voting Yea	-	Bonnett, F. Conley, J. Conley, Fowler, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Frost
Abstaining	-	Japp
Excused Absence	-	None

Absent - None

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website.

INFORMATIONAL ITEMS:

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

October 23, 2014	Papillion Creek Watershed Partnership Meeting 10:00 a.m., NRC
November 6, 2014	Multi-Hazard Mitigation Plan Consultant Interview 6:00 p.m., NRC
November 11, 2014	Veteran's Day – P-MRNRD Offices Closed
November 12, 2014	P-MRNRD Subcommittee Meetings
November 13, 2014	P-MRNRD Board Meeting
November 20, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 27-28, 2014	Thanksgiving Holiday – P-MRNRD Offices Closed
December 9, 2014	P-MRNRD Subcommittee Meetings
December 11, 2014	P-MRNRD Board Meeting
December 18, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
December 25, 2014	Christmas Holiday – P-MRNRD Offices Closed

B. Next Meeting – November 13, 2014, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:29 p.m.

NOTE: These minutes reflect the actions and votes taken at the October 9, 2014 Board of Directors Meeting of the Papio-Missouri River Natural Resources District and are not an official transcript of the meeting. The audio cast of this meeting can be found on our website at www.papionrd.org.

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 9, 2014, 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