



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
November 12, 2015**

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 November 12, 2015. 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	Scott Japp
Fred Conley	Dave Klug
John Conley	Patrick Leahy
Tim Fowler	Jim Thompson
Curt Frost	Ron Woodle

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Conley (John) 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.

Voting Yea	-	Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Japp, Leahy, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Tesar
Absent	-	Tesar

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Conley (Fred) and seconded by Director Conley (John) 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 November 12, 2015, Board of Directors Meeting is excused:

Rich Tesar.

Agenda Item 7. A.

BE IT RESOLVED that the October 8, 2015, Pappio-Missouri River NRD Board meeting minutes are approved as printed.

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

Voting Yea	-	Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Leahy, Thompson, Woodle, Klug
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Tesar
Absent	-	Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on November 5, 2015. The District's September 11, through October 8, 2015, expenditures were published in the Douglas County Post-Gazette on October 20, 2015. 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. Neil's report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts: Director Fowler gave the report on the NARD Board of Directors meeting that was held on November 9, 2015, in Ord, NE.

C. Legislative Report – Husch Blackwell: Ron Sedlacek, Husch Blackwell, Government Relations, gave his report on Legislative activities. He provided each Director with a tentative schedule of the 2016 Legislative Session. The schedule is attached to these meeting minutes. Mr. Sedlacek's report can be heard on the District's podcast at www.papionrd.org.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler's written report is posted to the website and attached to these meeting minutes.

PUBLIC HEARING ON THE WEST PAPILLION REGIONAL BASIN NUMBER 6

PROJECT: Chairperson Klug appointed General Manager Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:11 p.m. The Hearing Officer submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - Omaha World Herald – November 2, 2015 – Public Hearing Notice
 - Omaha World Herald – November 5, 2015 – Public Hearing Notice
- Exhibit 3** Unnamed West Papillion Creek Tributary Detention Evaluation Conceptual Design Report, February 2006
- Exhibit 4** West Papillion Creek Levee Restoration Evaluation, March 2008
- Exhibit 5** Preliminary Design Technical Memorandum
- Exhibit 6** October 28, 2015 - Public Hearing Notice and Information Packet sent to Landowners (Certified Mail)
- Exhibit 7** List of Landowners mailed Hearing Notice
- Exhibit 8** Certified Mail Return Receipts for Information Packet mailed to Landowners
- Exhibit 9** Letter of support from City of Papillion

GM Winkler briefed the audience on the exhibits being submitted as a part of the Public Hearing. The District’s Attorney, David Newman, explained the purpose and necessity of the hearing per Neb. Revised Statute § 25-2504. Amanda Grint explained the purpose and scope of the project. She said that the project requires 103 acres of land for the project and added that FYRA Engineering is the project engineering firm. General Manager Winkler opened the floor to the public for testimony. There was not public comment. Hearing Officer Winkler closed the Public Hearing at 7:17 p.m. and returned the floor to Chairperson Klug.

PUBLIC HEARING ON THE WEST PAPILLION REGIONAL BASIN NUMBER 7

PROJECT: Chairperson Klug appointed General Manager Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:18 p.m. The Hearing Officer submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - Omaha World Herald – November 2, 2015 – Public Hearing Notice
 - Omaha World Herald – November 5, 2015 – Public Hearing Notice
- Exhibit 3** Unnamed West Papillion Creek Tributary Detention Evaluation Conceptual Design Report, February 2006
- Exhibit 4** West Papillion Creek Levee Restoration Evaluation, March 2008
- Exhibit 5** Preliminary Design Technical Memorandum
- Exhibit 6** Project Location Map
- Exhibit 7** Letter of support from City of Papillion

GM Winkler briefed the audience on the exhibits being submitted as a part of the Public Hearing. The District’s Attorney, David Newman, explained the purpose and necessity of the hearing per Neb. Revised Statute § 25-2505. Amanda Grint explained the purpose and scope of the project. She said that the project requires 45 acres of land for the project, and that staff would begin negotiations immediately, and added that no transaction would be entered into for 30 days. Another

Public Hearing will be held at the December 10, 2015, Board of Directors Meeting. General Manager Winkler opened the floor to the public for testimony. There was not public comment. Hearing Officer Winkler closed the Public Hearing at 7:24 p.m. and returned the floor to Chairperson Klug.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Consultant Selection Subcommittee for the Groundwater Management Plan Update: Director Jim Thompson reported that the Ad Hoc Consultant Selection Subcommittee met on November 10, 2015, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Initial Screening of Proposals for Consultant Selection Interviews: Recommendation that the General Manager be authorized to execute a Professional Services Agreement with Olsson Associates for the Groundwater Management Plan Update, in a not-to-exceed amount of \$149,500.00, subject to changes deemed necessary by the General Manager and District Legal Counsel.

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

Voting Yea	-	Bonnett, Conley (Fred), Conley (John), Fowler, Leahy, Thompson, Woodle, Klug
Voting Nay	-	Frost, Japp
Abstaining	-	None
Excused Absence	-	Tesar
Absent	-	Tesar

B. Programs, Projects and Operations Subcommittee: Director Conley (John) reported that the PPO Subcommittee met on November 10, 2015, and gave a brief recap of the meeting.

Director Conley (John) stated that an update of the Preliminary Design of Regional Detention Basin WP6 and WP7 was given by staff and FYRA Engineering. There was no action was taken by the Subcommittee.

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

PPO Recommendation #1: Amendment 1, Final Design Professional Services Contract with FYRA Engineering for WP6 and WP7: Recommendation that the General Manager be authorized to execute the proposed Amendment 1 to the Professional Services Agreement between the District and FYRA Engineering for final design services, in a not-to-exceed amount of \$1,218,319.00, bringing the total maximum not-to-exceed contract amount to \$1,483,564.00, subject to changes deemed necessary by the General Manager and District Legal Counsel.

The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132nd Street, Omaha, Nebraska 68142

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

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Leahy, Thompson, Woodle, Klug
Voting Nay - Japp
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation #2: Amendment 5 to Professional Services Contract with HDR for Dam Site 15A: Recommendation that the General Manager be authorized to execute contract Amendment 5 to HDR's Professional Service Contract for the Papio Dam Site 15A project, in the amount of \$94,797, bringing the total not-to-exceed contract amount to \$3,805,549, subject to changes deemed necessary by the General Manager and District Legal Counsel.

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

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Leahy, Thompson, Woodle
Voting Nay - Frost, Japp, Klug
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation #3: Missouri River Levee Funding Memorandum of Understanding: Recommendation that the General Manager be authorized to execute the proposed Memorandum of Understanding to demonstrate the District's intent to provide a cost share to the Missouri River Levee project, in partnership with several funding sources outlined in the memorandum; subject to changes deemed necessary by the General Manager and District Legal Counsel.

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

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Leahy, Thompson, Woodle, Klug

Voting Nay - Japp
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation #4: Little Papio Channel Rehabilitation Project Cooperation Agreement with US Army Corps of Engineers: Recommendation that the General Manager be authorized to execute the proposed Little Papio Channel Rehabilitation Project Cooperation Agreement with the U.S. Army Corps of Engineers, subject to changes as deemed necessary by the General Manager and District Legal Counsel.

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

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Japp, Leahy, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation #5: Bids for 2016 District Vehicles: Recommendation that the low and best bid of \$31,822 submitted by Woodhouse Ford for one, 2016, Ford F450 be accepted, with trade-in of the District's 2004, Ford F350, serial number 1FDWF37P04EB45590 and that the low and best bid of \$19,780 from Gregg Young Chevrolet for one, 2016, Chevrolet Equinox, be accepted with trade-in of the District's 2004 Chevy Blazer LS, serial number 1GNNDT13X24KA38289.

Director Frost told the Board that he believed that the trade-in price is too low for the 2004 Ford F350. There was discussion by Directors.

Amended Motion: It was moved by Director Frost and seconded by Director Japp that the 2004, Ford F350 be declared surplus and sold at auction.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 2-yea, 7-nay, and 1-abstention.

Voting Yea - Frost, Japp
Voting Nay - Bonnett, Conley (Fred), Conley (John), Fowler, Leahy, Thompson, Klug
Abstaining - Woodle
Excused Absence - Tesar
Absent - Tesar

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

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Japp, Leahy, Thompson, Woodle, Klug
Voting Nay - Frost
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation #6: Hell Creek Grade Control Stabilization Interlocal Agreement: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the City of La Vista and the City of Omaha for the Final Design and Construction Phase of the Hell Creek Grade Control Project, with a District cost share amount not-to-exceed a maximum amount of \$675,000, and that further, the General Manager be authorized to execute a Professional Services Agreement with Felsburg Holt & Ullevig (FHU) for the Hell Creek Grade Control Structure Project, in the amount not-to-exceed \$142,745, all subject to changes deemed necessary by the General Manager and District Legal Counsel. It is further recommended that the Board waive the provisions of Policy No. 15.2 Purchasing-Professional Services for the FHU agreement.

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

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Japp, Leahy, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

C. Finance, Expenditures and Legal Subcommittee: Director Jim Thompson reported that the FEL Subcommittee met on November 10, 2015, and gave a brief recap of the meeting.

Director Thompson stated that an update on the Draft Fiscal Year 2015 Audit was presented to the Subcommittee by Gene Garrelts, HSMC Orizon. There was no action was taken by the Subcommittee.

•• **MOTION NO. 10:** It was moved by Director Thompson that the following recommendation be adopted:

FEL Recommendation #1: Elkhorn 240th Street Project Right of Way Acquisition: Recommendation that the General Manager be authorized to

execute a purchase agreement for Elkhorn River 240th Street Project Tract 3 in the amount of \$61,065 for a channel easement containing an area of 9.268 acres and such other terms and conditions as deemed necessary by the General Manager and District Legal Counsel.

Roll call vote was held on the motion. The motion passed on a vote of 10-yea.

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Japp, Leahy, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

TREASURER'S REPORT:

- **MOTION NO. 11:** It was moved by Director Conley (John) and seconded by Director Klug 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 October, 2015, 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 October, 2015, 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 9-yea and 1-nay.

Voting Yea - Bonnett, Conley (Fred), Conley (John), Fowler, Frost, Leahy, Thompson, Woodle, Klug
Voting Nay - Japp
Abstaining - None

Excused Absence - Tesar
Absent - Tesar

LEGAL UPDATE: David Newman, District Legal Counsel, reported that the District had not heard back from Washington County Court Board of Appraisers regarding agenda items 13.A.1. through 13.A.3., and that no action was required by the Papio-Missouri River NRD's Board of Directors at this time..

CHAIRPERSON'S REPORT: Chairperson Klug informed Directors that the National Association of Conservation Districts' 70th annual meeting is being held from January 30 – February 3, 2016, in Reno, Nevada. He instructed that any Directors interested in representing the District at this event should contact him. Chairperson Klug concluded his report by thanking Veteran board and staff members for their service.

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:

November 19, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 26-27, 2015	Thanksgiving Holiday – P-MRNRD Offices Closed
December 8, 2015	P-MRNRD Subcommittee Meetings
December 10, 2015	P-MRNRD Board Meeting
December 17, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
December 25, 2015	Christmas Holiday – P-MRNRD Offices Closed

B. Next Meeting - December 10, 2015, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:48 p.m.

NOTE: These minutes reflect the actions and votes taken at the November 12, 2015 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 November 12, 2015, 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