



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
November 8, 2012**

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 8, 2012. The meeting was called to order by Chairperson, Rick Kolowski, at 7:00 p.m.

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

Larry Bradley	Dave Klug
Fred Conley	Rick Kolowski
John Conley	Dorothy Lanphier
Gus Erickson	Jim Thompson
Scott Japp	

ADOPTION OF AGENDA:

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

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

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Tesar
Absent	-	Fowler, Tesar

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director F. Conley 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 absences of the following Directors from the November 8, 2012, Board of Directors Meeting are excused:

Tim Fowler
Rich Tesar

Agenda Item 7. A.

BE IT RESOLVED that the October 11, 2012 Papio-Missouri River NRD Board meeting minutes are approved as printed.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1-nay.

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Klug, Lanphier, Thompson, Kolowski
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Fowler, Tesar
Absent	-	Fowler, Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on November 1, 2012. The District's September 14-October 11, 2012, expenditures were published in the Douglas County Post-Gazette on October 23, 2012. 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 gave his report on NRCS activities. The report is posted to the website.

B. Nebraska Association of Resources Districts: GM Winkler updated the Board on future NARD Meetings. The NARD Board Meeting will be held in McCook, Nebraska on November 11-12, 2012 and the NARD Legislative Conference will be held in Lincoln, Nebraska on January 29-30, 2013.

C. Legislative Report – Husch Blackwell: GM Winkler gave update on the legislative issues being discussed in the Natural Resources Committee. He stated he continues to get feedback in on LR 495 and has received calls for follow up information in regards to the testimony. He also added that he would be meeting with the newly elected Senators in our District within the next few months to introduce them to the District and to provide them any information they may need.

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

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on November 6, 2012, and gave a brief recap of the meeting.

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

PPO Recommendation #1.: Relocation of Washington County Rural Water #2 Facilities Along HWY 133 – Interlocal Agreement with Nebraska Department of Roads: Recommendation that the General Manager be authorized to execute for and on behalf of the District, the proposed Interlocal Agreement, between the Papio-Missouri River NRD and the Nebraska Department of Roads, Project #NH-133-3(103), regarding the relocation of Washington County Rural Water #2 facilities along Hwy. 133, subject to changes deemed necessary by the General Manager and approved as to form by the District's Legal Counsel.

Director Lanphier asked staff how much waterline would be replaced by the relocation. Dick Sklenar stated it was several hundred feet or approximately 1/8th of a mile.

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

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Tesar
Absent	-	Fowler, Tesar

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

PPO Recommendation #2.: Relocation of Washington County Rural Water #2 Facilities Along HWY 133 – Interlocal Agreement with City of Blair: Recommendation that the General Manager be authorized to execute for and on behalf of the District, the proposed Interlocal Agreement, between the Papio-Missouri River NRD and the City of Blair, for the relocation of water main facilities and appurtenances along Hwy. 133 with regards to NDOR Project# NH-133-3(103) subject to changes deemed necessary by the General Manager and approved as to form by the District's Legal Counsel.

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

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
 Voting Nay - None
 Abstaining - None
 Excused Absence - Fowler, Tesar
 Absent - Fowler, Tesar

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

PPO Recommendation #3: Interlocal Agreement for Dam Site 15A with City of Omaha: Recommendation that the General Manager be authorized to execute the proposed Papio Dam Site 15A Interlocal Agreement between the District and the City of Omaha subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

The following individuals addressed the Board:

➤ Shawn Melotz, 10404 North 132nd Street, Omaha, NE

Director Lanphier stated for the record that this is implementing the Papillion Creek Watershed Management Plan; and the Plan was developed by the Papillion Creek Watershed Partnership; and that we are implementing this Plan tonight on the Partnerships timeline and at the request of the Partnership.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 3-nay.

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Thompson, Kolowski
 Voting Nay - Japp, Klug, Lanphier
 Abstaining - None
 Excused Absence - Fowler, Tesar
 Absent - Fowler, Tesar

•• **MOTION NO. 6:** It was moved by Director J. Conley and seconded by Director Bradley that the following recommendation be adopted:

PPO Recommendation #4: Glacier Creek Project Purchase Agreement: Recommendation that the General Manager be authorized to execute the proposed Glacier Creek Project Purchase Agreement with Heritage, LLC and the University of Nebraska Omaha in the amount of \$1,822,509, for the 76.16 acres north of Allwine Prairie, with a District contribution of \$370,000 in general fund dollars and \$630,000 in Farm and Ranchland Protection Program grant funds from the Natural Resources Conservation Service, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

The following individuals addressed the Board:

- Shawn Melotz, 10404 North 132nd Street, Omaha, NE

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

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Tesar
Absent - Fowler, Tesar

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

PPO Recommendation #5: Big Papio Creek Levee (Q Street to Harrison Street) – Ralston Creek Outlet Drainage Structure – Request for Additional Professional Services: Recommendation that the General Manager be authorized to execute the proposed Professional Services Additional Services Contract Agreement with E & A Consulting Group for the Ralston Creek Outlet Drainage Structure Project with the total contract maximum not to exceed amount of \$ 4,666 and the overall revised engineering services contract total of \$48,166, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Tesar
Absent - Fowler, Tesar

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

PPO Recommendation #6: Bids for 2013 Mack Dump Truck – Recommendation that the low and best bid of \$50,479.68 for years one and two, and \$41,387.04 for year three submitted by Wise-Mack, Inc. for a 2013 Mack GU713 Granite be accepted with the trade-in of the District's 1991, Mack, RD690S, Tandem Axle Dump Truck, serial number 1M2P264C0MM009422.

Director Japp asked how much the District would be paying in interest by financing over the recommended 3 year period. Heather Borkowski answered his question and explained that due to the 2.5% tax lid that the more expensive, heavy equipment items are paid over a period of

time. There was discussion.

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

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Tesar
Absent - Fowler, Tesar

- **MOTION NO. 9:** It was moved by Director J. Conley and seconded by Director Klug that the following recommendation be adopted:

PPO Recommendation #7: Bids for 2013 District Vehicles – Recommendation that the that the low and best bid of \$16,411 submitted by Gregg Young Chevrolet for a 2013 Chevrolet Equinox AWD be accepted with the trade-in of the District’s 2009 Ford Escape Hybrid with 4-Wheel Drive, serial number 1FMCU59349KA28814 and that the low and best bid of \$28,804 from Gene Steffy Chrysler for two, 2013 Ram 1500 Quad Cab 4x4 Trucks be accepted with trade-in of the District’s 2005 Chevrolet Colorado, 4-Wheel Drive, Extended Cab Pickup Truck, serial number 1GCDT196558188285 and 2008, Ford Ranger, 4-Wheel Drive, Extended Cab Pickup Truck, serial number 1FTZR45E98PA55929 be accepted.

Roll call vote was held on motion. The motion carried on a vote of 8-yea*.

Voting Yea - F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Tesar
Absent - Fowler, Tesar

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

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

PPO Recommendation #8: NDEQ Tire Recycling Grant Application – Recommendation that the Papio-Missouri River NRD make a grant application to the Nebraska Department of Environmental Quality’s Waste Reduction and Recycling Incentive Grants Program for 2013 grant cycle for tire collection.

Director Thompson asked if consideration was given to include taking tires on rims and to have a

scrap metal recycling program in conjunction with the tire recycling program. There was discussion.

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

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Tesar
Absent - Fowler, Tesar

- **MOTION NO. 11:** It was moved by Director J. Conley and seconded by Director F. Conley that the following recommendation be adopted:

PPO Recommendation #9: Platte River Trail (HWY 50 to Lied Bridge) – Construction Bids – Recommendation that the following Resolution be adopted:

RESOLUTION

WHEREAS, there has been signed by the Papio-Missouri River Natural Resources District (“the NRD”) on the 30th day of March, 2005, and the State on the 12th day of April, 2005, an agreement providing for the construction of a Federal Aid Project at the following location: 5 mile segment in the 60-mile Lincoln to Omaha regional trail system, 5 miles west on the south side of Highway 31 and connect to the Lied Platte River Bridge trailhead; and,

WHEREAS, in the above agreement, the NRD has pledged sufficient funds to finance its share of the cost of the construction of this project identified as STPB-77(49); and,

WHEREAS, the above-mentioned agreement provided that the NRD would pay costs as set forth in the agreement; and,

WHEREAS, the State received bids for the construction of this project on November 8, 2012 at which time four (4) bids were received for the construction of the proposed work; and,

WHEREAS, the following contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contracts(s) should be awarded.

M E Collins Construction in the bid amount of \$2,592,463.43

NOW, THEREFORE, in consideration of the above facts, the Board of Directors of the Papio-Missouri River NRD, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the NRD hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.

2. The Board of Directors hereby concurs in NDOR’S selection of the above-mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.

3. The Board of Directors hereby authorizes the Chairperson of the Board of Directors to sign the contract(s) with the above-mentioned contractor(s) for the above-mentioned work.

DATED THIS 8th DAY OF NOVEMBER, A.D. 2012

BOARD OF DIRECTORS OF THE Papio-Missouri River Natural Resources District

ATTEST:

BY _____
Chairperson of the Board of Directors

Witness

Motion to adopt the foregoing resolution made by Director John Conley, seconded by Director Fred Conley, and adopted by a roll call vote of 9-yeas and 0- nays.

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

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Tesar
Absent	-	Fowler, Tesar

B. Finance, Expenditures and Legal Subcommittee: Director Thompson reported that the FEL Subcommittee met on November 6, 2012 and gave a brief recap of the meeting to include the discussion held on the District's Draft 2013 Audit. No action was taken on this item.

TREASURER'S REPORT:

•• **MOTION NO. 12:** It was moved by Director J. Conley and seconded by Director F. Conley 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, 2012, 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 Drainage District, the project bills listed on the October, 2012, 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 8-yea and 1-nay.

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Klug, Lanphier, Thompson, Kolowski
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Fowler, Tesar
Absent	-	Fowler, Tesar

CHAIRPERSON'S REPORT: The Chairperson congratulated the candidates that won their respective positions in Tuesday's General Election. He noted that during his campaign he identified a commonality that exists; a frustration in Washington D.C. and at the local levels. He stated partisanship must stop and that we need to fix the problems. He hopes that everyone can model positive behavior at the NRD and at the State level.

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

Gerry Bowen gave a status update on the South Omaha Trail Project. He stated the City of Omaha was currently in the right-of-way acquisition process (9 of the 13 parcels have been acquired), reviewing the construction drawings and getting the National Environmental Policy Act (NEPA) study completed as required by the Federal Highway Administration. Director Thompson thanked staff for this update.

GM Winkler added his congratulations to the new and re-elected NRD Directors. He also informed the Board that the District Office would be closed on Monday for the Veteran's Day Holiday and thanked the Veteran's for their service.

INFORMATIONAL ITEMS:

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

- | | |
|----------------------|--|
| November 12, 2012 | Veteran's Day – P-MRNRD Offices Closed |
| November 15, 2012 | Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC |
| November 22-23, 2012 | Thanksgiving Holiday – P-MRNRD Offices Closed |

December 11, 2012	P-MRNRD Subcommittee Meetings
December 13, 2012	P-MRNRD Board Meeting
December 20, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
December 25, 2012	Christmas Holiday – P-MRNRD Offices Closed
January 1, 2013	New Year’s Holiday – P-MRNRD Offices Closed
January 8, 2013	P-MRNRD Subcommittee Meetings
January 10, 2013	P-MRNRD Board Meeting and Oaths of Office for Elected Directors
January 21, 2013	Martin Luther King Day – P-MRNRD Offices Closed
January 29-30, 2013	NARD Legislative Conference, Lincoln, NE
Jan. 27-30, 2013	National Association of Conservation Districts 2013 Annual Meeting, San Antonio, TX

B. Next Meeting – December 13, 2012, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:49 p.m.

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 8, 2012, 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