



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 13, 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 St., Omaha, NE on February 13, 2014. The meeting was called to order by Chairperson Fred Conley 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
Curt Frost	Jim Thompson
Scott Japp	Ron Woodle

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2** It was moved by Director Thompson and seconded by Director Bonnett 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 has an excused absence from the February 13, 2014, Board of Directors Meeting:

Tim Fowler

Agenda Item 7 A.:

BE IT RESOLVED that the January 9, 2014 Papio-Missouri River NRD Board meeting minutes and the January 8, 2014 Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on February 6, 2014. The District's December 13, 2013 – January 9, 2014 expenditures were published in the Papillion Times on January 15, 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 from the NRCS Omaha Office gave the February report on NRCS activities. Neil’s report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts Report: Director Tesar reported on the 2014 NARD Legislative Conference that was held on January 28-29, 2014, at the Embassy Suites in Lincoln, NE. Director Bonnett reported on the NACD Conference he attended on February 2-5, 2014 in Anaheim, CA. The NARD Washington D.C. Conference is being held on March 22-26, 2014 and Director Thompson and Director Leahy, and staff members John Winkler and Marlin Petermann will be representing the District.

C. Legislative Report – Husch Blackwell: Steve Grasz gave the Legislative Update report. A written copy of his report is attached to these meeting minutes.

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

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on February 11, 2014, and gave a brief recap of the meeting.

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

PLPA Recommendation #1: Amendment to the P-MRNRD Affirmative Action Policy – It is recommended that the proposed revisions to the Papio-Missouri River NRD Affirmative Action Plans for 2014, be adopted and incorporated into the District's Policy Manual.

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

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

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

PLPA Recommendation #2: 2014 Legislative Bills – It is recommended that the Board of Directors of the Papio-Missouri River Natural Resources District officially ratifies the 2014 NARD Summary of Legislative Bills and directs the General Manager and the Government Relations Consultant to take such appropriate action to support and or oppose the positions identified as such through the legislative process, with the exception of LR 416, which the Board officially opposes.

Before roll call was taken, Director Thompson requested that this item on be voted on separately as it was conducted at the Subcommittee meeting.

PLPA Recommendation #2.a: 2014 Legislative Bills – It is recommended that the Board of Directors of the Papio-Missouri River Natural Resources District officially ratifies the 2014 NARD Summary of Legislative Bills and directs the General Manager and the Government Relations Consultant to take such appropriate action to support and or oppose the positions identified as such through the legislative process, with the exception of LR 416.

Roll call was held on the motion. The motion carried on a vote of 6-yea and 4-nay.

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

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

PLPA Recommendation #2.b: 2014 Legislative Bills LR 416 – It is recommended that the Board of Directors of the Papio-Missouri River Natural Resources District officially oppose LR 416.

LR 416 is the Constitutional amendment to authorize casino gaming, provide for a local vote, and provide for distribution of tax proceeds. After payment of regulatory costs, the funds would be appropriated by the Legislature as follows: 50% for property tax relief, 25% for elementary and secondary education, 12% to the Nebraska Game and Parks Commission, 12% to the Department of Natural Resources for water funding, and 1% to the Compulsive Gamblers Assistance Fund.

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

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on February 11, 2014, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Joint Funding Agreement with USGS for Water Quality Monitoring: It is recommended that the proposed Joint Funding Agreement for water quality monitoring, providing for a not-to-exceed District payment in the amount of \$517,200, be approved, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

Voting Yea - Bonnett, J. Conley, Japp, Klug, Leahy, Tesar, Thompson, Woodle, F.

Voting Nay - Conley
 Abstaining - Frost
 Excused Absence - None
 Absent - Fowler

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

PPO Recommendation #2: Intergovernmental Agreement Between the District and Nebraska Department of Environmental Quality: It is recommended that the proposed Intergovernmental Agreement providing for District purchase of pumping equipment for water quality monitoring wells in a not-to-exceed amount of \$10,892 be adopted by the Board, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

PPO Recommendation #3: Zorinsky Water Quality Basin #1 Project – Bid Opening – It is recommended that the General Manager be authorized to execute a contract with Hawkins Construction Company, for the construction of the Zorinsky Basin #1 Project, providing, among other things, for a Project construction payment to such contractor in the bid amount of \$2,799,908.73, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked if the District had considered selling the top soil that would be coming from this construction project.

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

Voting Yea - Bonnett, J. Conley, Leahy, Tesar, Thompson, Woodle, F. Conley
 Voting Nay - Japp, Klug
 Abstaining - Frost
 Excused Absence - Fowler

Absent - Fowler

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

PPO Recommendation #4: Zorinsky Water Quality Basin #1 Project – Contract Amendment with Olsson Associates: It is recommended that the General Manager be authorized to execute the proposed Professional Services Agreement Amendment #3 between the District and Olsson Associates, for the Zorinsky Basin #1 Project, increasing the total not-to-exceed contract amount to \$420,855.00, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

PPO Recommendation #5: Amendment to the Rules and Regulations of the Rural Water Supply Systems: It is recommended that the proposed amendments to the Rules and Regulations of the Rural Water Supply Systems, as presented to the Subcommittee, be adopted and incorporated into the District’s Policy Manual.

There was director discussion regarding the new \$500 fine for individuals who attempt to operate a District’s fire hydrant without authorization. Staff applied for a grant for locks to secure the hydrants but the grant wasn’t approved. Purchase price of the locks is cost prohibitive based on the number of individuals on the system.

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

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

Director John Conley commented on two presentations made to the Subcommittee by the owners of TeeBoxx on a Revenue-Sharing Opportunity with their company and from Region 6 Behavioral Health on an Anti-Smoking and Fitness Run-Walk Event. No action was taken on either of these items.

C. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on February 11, 2014, and gave a brief recap of the meeting.

- **MOTION NO. 11** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #1: Floodway Purchase Program – Elbow Bend Buyout – Klemmensen Property – It is recommended that the General Manager be authorized to execute for, and on behalf of the District, a Purchase Agreement in the form as presented to this meeting, providing for the purchase by the District from Michael M. Klemmensen and Joan M. Klemmensen, the property located at 14512 Elbow Bend Road in Sarpy County, Nebraska, for the purchase price of \$180,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked staff member Lori Laster several questions regarding the FEMA grant application.

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

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

- **MOTION NO. 12** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #2: Floodway Purchase Program – Elbow Bend Buyout – Madsen Property – It is recommended that that the General Manager be authorized to execute for, and on behalf of the District, a Purchase Agreement in the form, as presented to this meeting, providing for the purchase by the District from Barbara Madsen and Donald W. Madsen, the property located at 14310 Elbow Bend Road in Sarpy County, Nebraska, for the purchase price of \$150,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

Excused Absence - Fowler
Absent - Fowler

- **MOTION NO. 13** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #3: Little Papio Channel Project – UNO Nebraska Village Easements: It is recommended that the General Manager be authorized to execute the proposed easement agreement for co-occupation of Little Papio Creek Flood Control Channel Right-of-Way with the University of Nebraska and the City of Omaha; accept a Little Papio Creek permanent access easement from the University of Nebraska; and, release to the University of Nebraska the District’s existing Little Papio Creek access easement, all in the form as presented to the Subcommittee and subject to changes deemed necessary by the General Manager as approved as to form by District Legal Counsel.

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

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

FEL Recommendation #4: Kennard Lagoon Property: This item failed in Subcommittee.

- **MOTION NO. 14** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #5: Dam Site 15A Land Acquisition – It is recommended that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 10 in the amount of \$1,200,000 for 60 acres of land; authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 12 in the amount of \$680,000 for 14.624 acres of land; authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 14 in the amount of \$1,730,030 for 45.527 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 16 in the amount of \$1,506,710 for 35.874 acres of land, such purchase agreements to contain provisions for the owners to retain leases over such lands for the 2014 crop year (ending November 1, 2014) and such other terms and conditions as the General Manager deems necessary and approved as to form by District Legal Counsel.

Director Japp asked staff member Lori Laster about the provision of one of the property's lease agreement.

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

Voting Yea	-	Bonnett, J. Conley, Leahy, Tesar, Thompson, Woodle, F. Conley
Voting Nay	-	Japp, Klug
Abstaining	-	Frost
Excused Absence	-	Fowler
Absent	-	Fowler

Director John Conley asked the General Manager to prepare options to move forward to gain legal access for the Kennard Lagoon Property and to bring this item back to the PPO Subcommittee. After discussion, the General Manager stated he would work with the landowners to gain the necessary easement to the property in addition to getting an updated appraisal on this parcel, so that the Directors will have all the information they need to make a decision.

D. Executive Subcommittee: Director Fred Conley reported that the EXE Subcommittee met on February 11, 2014, and gave a brief recap of the meeting.

- **MOTION NO. 15** It was moved by Director Fred Conley that the following recommendation be adopted:

EXE Recommendation #1: Formal Complaint with the Nebraska Accountability and Disclosure Commission - It is recommended that the Chairperson be authorized, for, and on behalf of the Board of Directors, to file a complaint with the Nebraska Accountability and Disclosure Commission regarding the actions of Director Richard Scott Japp.

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

Voting Yea	-	Bonnett, J. Conley, Klug, Leahy, Tesar, Thompson, F. Conley
Voting Nay	-	Frost
Abstaining	-	Japp, Woodle
Excused Absence	-	Fowler
Absent	-	Fowler

TREASURER'S REPORT:

- **MOTION NO. 16** It was moved by Director John Conley and seconded by Director Klug as follows:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the January, 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 January, 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 the motion. The motion carried on a vote of 8-yea, 1-nay, and 1-abstention.

Voting Yea	-	Bonnett, J. Conley, Klug, Leahy, Tesar, Thompson, Woodle, F. Conley
Voting Nay	-	Japp
Abstaining	-	Frost
Excused Absence	-	Fowler
Absent	-	Fowler

CHAIRPERSON'S REPORT: The Chairperson had no report.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM report with the Board and asked directors to contact him if they had questions. The GM report has been posted to the website and is attached to these meeting minutes. The GM also reminded the Board that the RFP for Legal Services deadline is February 14, 2014 at 2:00 p.m. He said he expects to receive 5-6 proposals

Director Japp gave the GM information from Polsinelli PC, a law firm from Kansas City, Missouri, that is looking for companies to represent in seeking damages from the USACE due to flooding of the Missouri River since 2006. The company is asking for 40% of the award money for the applicants they represent. The Chairperson asked District Legal Counsel to review.

INFORMATIONAL ITEMS:

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

February 17, 2014 Presidents Day – P-MRNRD Offices Closed

February 27, 2014 Papillion Creek Watershed Partnership Meeting, 10:00 a.m.,

NRC

March 6, 2014	Lower Platte Voluntary IMP Open House, 4:30 p.m.-8 p.m., NRC
March 11, 2014	P-MRNRD Subcommittee Meetings
March 13, 2014	P-MRNRD Board Meeting
March 22-26, 2014	NARD Washington D.C. Conference
March 27, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
March 27, 2014	Ad-Hoc Subcommittee Meeting, Interviews
April 8, 2014	P-MRNRD Subcommittee Meetings
April 10, 2014	P-MRNRD Board Meeting
April 24, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

B. Next Meeting – March 13, 2014, at NRC

ADJOURNMENT: Being no further business, at 7:58 p.m. the Chairperson declared that the meeting was adjourned.

NOTE: These minutes reflect the actions and votes taken at the February 13, 2014 Board of Directors Meeting of the Papio-Missouri River NRD 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 February 13, 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