



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
March 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. 154<sup>th</sup> St., Omaha, NE on March 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	Patrick Leahy
Fred Conley	Rich Tesar
John Conley	Jim Thompson
Dave Klug	Ron Woodle

**ADOPTION OF AGENDA:**

- **MOTION NO. 1** It was moved by Director Thompson 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 8-yea and 0-nay.

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2** It was moved by Director J. Conley and seconded by Director Klug 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 Directors have an excused absence from the March 13, 2014, Board of Directors Meeting:

Tim Fowler  
Curt Frost  
Scott Japp

Agenda Item 7 A.:

BE IT RESOLVED that the February 13, 2014 Papio-Missouri River NRD Board meeting minutes be approved as printed.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 0-nay.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on March 6, 2014. The District's January 10-February 13, 2014 expenditures were published in the Washington County Enterprise on March 11, 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 March 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 NARD Board of Directors meeting that was held on March 9-10, 2014, at the Courtyard Hotel in Lincoln, NE. 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.

3. Nebraska Agriculture Experience Building at the Nebraska State Fair:

- **MOTION NO. 3** It was moved by Director Tesar and seconded by Director Thompson that the Board of Directors of the Papio-Missouri River Natural Resources District authorizes a District contribution of

\$1,000 to the NARD Foundation for the Nebraska Agriculture Experience Building at the Nebraska State Fair.

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

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

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

D. Lower Platte River Corridor Alliance Report: Meghan Sittler gave the LPRCA report for the month of February. Her written report is posted to the website and is attached to these meeting minutes.

**SUBCOMMITTEE REPORTS:**

A. Ad-Hoc Consultant Selection Subcommittee for District Legal Services: Director Jim Thompson reported that the Ad Hoc Consultant Selection Subcommittee for District Legal Services met on March 11, 2014, and gave a brief recap of the meeting.

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

*Ad-Hoc Recommendation #1: Consideration of Proposals Received from Law Firms and Order of Interviews* – It is recommended that the following firms will be interviewed by the Ad-Hoc Subcommittee at their April 1, 2014 meeting:

- 5:00 to 5:30 p.m. Baird Holm LLP
- 5:30 to 6:00 p.m. Croker, Huck, Kasher, DeWitt, Anderson & Gonderinger LLC
- 6:00 to 6:30 p.m. Husch Blackwell
- 6:30 to 7:00 p.m. Kutak Rock LLP

Roll call was held on the motion. The motion carried on a vote of 8-yea and 0-nay.

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

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

Brian Henkel and Katie Cameron gave an update on the Eastern Nebraska Water Resources Assessment (ENWRA). This was an informational item and no action was taken by the Subcommittee.

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

*PPO Recommendation #1:* Supplemental Agreement for Professional Services – West Douglas County Trail System with Fellsburg, Holt & Ullevig – It is recommended that the Board authorize the General Manager to execute the proposed Supplemental Agreement No. 2 between the District and Fellsburg, Holt and Ullevig for preliminary NEPA Engineering Services for the West Douglas County Trail, Phase 1 and 2, providing for an increase in engineering fees by an amount not-to-exceed \$16,771.64.

Roll call was held on the motion. The motion carried on a vote of 8-yea and 0-nay.

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

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

*PPO Recommendation #2:* Supplemental Agreement for Professional Services – Platte River Trail System (MOPAC Trail) with Ehrhart, Griffin & Associates – It is recommended that the Board authorize the General Manager to execute the proposed Supplemental Agreement No. 1 between the District and Ehrhart, Griffin and Associates for construction engineering services for the Platte River Trail, (MOPAC Trail), Phase 1, providing for an increase in engineering fees by an amount not-to-exceed \$30,490.

Roll call was held on the motion. The motion carried on a vote of 8-yea and 0-nay.

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

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

*PPO Recommendation #3:* Elkhorn River IPA – Operation and Maintenance Assessment – It is recommended that special assessments for operation and maintenance of the Elkhorn River Bank Stabilization Project be levied against benefited parcels in the total amount of \$20,000 for calendar year 2014, in accordance with the assessment schedule presented to the Subcommittee meeting.

Roll call was held on the motion. The motion carried on a vote of 8-yea and 0-nay.

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

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

*PPO Recommendation #4:* Kramper Lake/Danish Alps Recreation Area – Bid Opening for Recreation Area Project – It is recommended that the General Manager be authorized to execute (a) a contract with Dixon Construction Company, the low bidder, for the construction of Kramper Lake/Danish Alps Recreation Area Project recreational improvements for the base bid amount of \$4,609,835.59, and (b) Change Order No. 1 revising the construction contract amount to \$4,192,513.38, all 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 failed on a vote of 4-yea and 4-nay.

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

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

*PPO Recommendation #5:* Kramper Lake/Danish Alps Recreation Area Project – Contract Amendment with Olsson Associates – It is recommended that the General Manager be authorized to execute the proposed contract amendment submitted to the meeting and increasing the fees of Olsson Associates for engineering services for the Pigeon Jones Site 15 Project to a not-to-exceed amount of \$1,875,853, 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 failed on a vote of 4-yea and 4-nay.

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

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

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

*FEL Recommendation #1:* Kennard Lagoon Property – It is recommended that the following Resolution be adopted:

BE IT RESOLVED that the General Manager of the District should be and is hereby authorized and directed to sell at public auction the former Kennard sewer lagoon property, legally described as Tax Lots 75 and 95, Washington County, Nebraska, at such time and place, upon such notice, with such reserve, and according to such other terms and conditions of sale as he determines necessary; and, that the General Manager is hereby further authorized to execute a purchase agreement, deed and such other documents as he determines necessary, and Legal Counsel approves as to form, to effectuate a sale to the bidder that the General Manager determines is the highest bidder at the auction.

Roll call was held on the motion. The motion carried on a vote of 8-yea and 0-nay.

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

**TREASURER'S REPORT:**

•• **MOTION NO. 11** 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 February, 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 February, 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 and 0-nay.

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

**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 provided an update on the Western Sarpy/Clear Creek Levee Project stating that the Office of Management and Budget included this project in the USACE FY 2014 Work Plan. Funding has been provided to complete the project by the end of September, 2015.

**INFORMATIONAL ITEMS:**

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

March 27, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 1, 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

May 3, 2014	State Envirothon, Crane Trust Nature and Visitor Center, Alda, NE
May 6-7, 2014	Water Works Festival, Schramm Park, 9:00 a.m.
May 6, 2014	P-MRNRD Subcommittee Meetings
May 8, 2014	P-MRNRD Board Meeting
May 22, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRD
May 26, 2014	Memorial Day – P-MRNRD Offices Closed

B. Next Meeting – April 10, 2014, at NRC

**ADJOURNMENT:** Being no further business, at 8:04 p.m. the Chairperson declared that the meeting was adjourned.

**NOTE:** These minutes reflect the actions and votes taken at the March 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](http://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 March 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.

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Richard Tesar  
District Secretary