



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
March 14, 2013**

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 March 14, 2013. 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	Scott Japp
Fred Conley	Dave Klug
John Conley	Patrick Leahy
Curt Frost	Rich Tesar
	Ron Woodle

ADOPTION OF AGENDA:

- **MOTION NO. 1** It was moved by Director John Conley and seconded by Director Klug that the agenda be adopted with an amended change to move Board Agenda Item 13.A. Taking from the Table Suspension of the Final Design Contract for Dam Site 15A before Agenda Item 10 Treasurer's Report.

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

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

- **MOTION NO. 2** It was moved by Director Japp and seconded by Director Frost to allow Public Comment at the end of the meeting; on any subject, and limiting each speaker to 3 minutes.

Roll call vote was held on the motion. The motion carried on a vote of 5-yea and 4-nay.

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 3** It was moved by Director John 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 Director(s) have an excused absence from the March 14, 2013, Board of Directors Meeting:

Tim Fowler
 Jim Thompson

Agenda Items 7 A., and 7.B.:

BE IT RESOLVED that the February 14, 2013 Papio-Missouri River NRD Board meeting minutes and the February 13, 2013 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on March 7, 2013. The District's January 11-February 14,

2013, expenditures were published in the Washington County Pilot-Tribune on February 19, 2013. 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.

The following individual addressed the Board:

Forrest (Matt) Japp, PO Box 131, Kennard, NE

B. Nebraska Association of Resources Districts Report: Director Tesar gave the report on the NARD Board of Director Meeting which was held in Gothenburg, NE on March 3-4, 2013. Directors Klug and Bonnett gave their report on the NARD Washington DC Conference that was held on March 9-13, 2013.

C. Legislative Report – Husch Blackwell: Steve Grasz updated the Board on issues related to Natural Resources Districts in the 2013 Legislative Sessions. He updated the Board on the following Legislative Bills:

LB 57 – An Act relating to the Nebraska Environmental Trust Act.

LB 152 – An Act relating to eminent domain

LB 186 – An Act relating to natural resources districts to restrict rule and regulation authority that a district may not promulgate any rule or regulation requiring an irrigation water right to apply manure to land.

LB 325 – An Act relating to natural resources districts relating to board approval of boundary changes, division, or merger.

LB 353 – An Act relating to natural resources districts to restrict rule and regulation authority that a district may not promulgate any rule or regulation requiring use of ground water irrigation to maintain a ground water irrigation water right.

LB 449 – An Act to include NRDs as a high elective office prohibiting them from holding other public offices.

LB 516 – An Act relating to water resources to adopt the Nebraska Water Legacy Act to change provisions relating to sales and use tax.

LB 517 – An Act relating to water management and establishes a Water Sustainability Project Task Force.

LB 601 – An Act relating to natural resources districts would require notice for subcommittee meetings.

There was discussion on various ongoing issues relating to the 2013 Legislative Session.

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

SUBCOMMITTEE REPORTS:

A. Missouri River Levee Certification Project Independent External Peer Review Ad Hoc Consultant Selection Subcommittee: Director Dave Klug reported that the Ad Hoc Subcommittee met on March 5, 2013, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Initial Screening of RFP's for Consultant Selection Interviews – It is recommended that the firms interviewed by the Subcommittee should be ranked in the following order, to-wit: JEO Consulting Group, HDR Incorporated, Olsson Associates; and that the General Manager, on behalf of the District, be authorized to negotiate a professional services contract with JEO Consulting Group to provide professional services for the Missouri River Levee Certification Project Independent External Peer Review.

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

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on March 12, 2013, and gave a brief recap of the meeting.

Staff member Lori Laster updated the Subcommittee on the District's Stormwater Best Management Practice Program 17.41. No action was taken on this item

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

PPO Recommendation #1: Lower Platte River Basin Water Management Plan Interlocal Agreement – It is recommended that the General Manager be authorized to execute the proposed Interlocal Cooperation Act agreement to create the Lower Platte River Basin Water Management Plan Coalition; subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel; and that the Chairperson be authorized to appoint one Board member and the General Manager be authorized to appoint one staff member to the Management Committee.

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

Voting Yea - Bonnett, Conley (John), Klug, Leahy, Tesar, Woodle, Conley (Fred)

Voting Nay - Frost, Japp
Abstaining - None
Excused Absence: Fowler, Thompson
Absent - Fowler, Thompson

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

PPO Recommendation #2a: Elk Creek Channel Stabilization EWP Project Bids – It is recommended that the General Manager be authorized to execute for and on behalf of the District, a contract for Elk Creek Channel Stabilization EWP Project with Cooney Fertilizer Inc., for their total base bid of \$407,288.78, Alternate #1 bid of \$124,207.46, Alternate #2 bid of \$542,023.86 and Alternate #3 bid of \$72,706.50 for a grand total of \$1,146,226.60; and that the District pay for all construction costs over \$1,000,000 if additional Emergency Watershed Program funds are not allocated to the Project by the Natural Resources Conservation Service.

There was discussion. Martin Cleveland answered questions on how the District will pay for and get reimbursed from the NRCS on this project.

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

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

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

PPO Recommendation #2b: Elk Creek EWP Right-of-Way Acquisition – It is recommended that the appraised amounts of \$21,967 for Tract #1 (Nelson), \$27,834 for Tract #2 (Knudsen), \$48,503 for Tract #3 (Albrecht), \$27,951 for Tract #4 (Mari), and \$75,933 for Tract #5 (Roost), be approved acquisitions for the Elk Creek Emergency Watershed Project; that the General Manager be authorized to execute for and on behalf of the District the purchase agreements and any related documents necessary for the acquisition of such tracts, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel; and, that Account # 01-04-360-4430 (Elk/Pigeon Creek Drainage Project – Land Rights) be allowed to exceed 110% of the budgeted amount of \$35,000.

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

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

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

PPO Recommendation #3: Pigeon/Jones Site 15, Amendment to the Professional Services Contract with Olsson Associates – It is recommended that the maximum, not-to-exceed contract amount for the professional services contract with Olsson Associates for the Pigeon/Jones Site 15 Project, be increased to \$1,733,583; and that the General Manager, for and on behalf of the District, should execute a contract amendment providing for such increase.

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

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

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

PPO Recommendation #4: Request from Summit Township Board to hard Surface a 1 ½ Mile Stretch to the Summit Lake Park – It is recommended that this item be tabled until a formal request is received by the Summit Township Board.

The General Manager updated the Board on the communication between staff member Jim Becic and Gene Hansen, Summit Township Board and offered to work with the Township to identify what the project requirements are. There was Board discussion.

The following individual addressed the Board.

Gene Hansen, 3245 County Road D, Tekamah, NE

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

Voting Yea - Bonnett, Conley (John), Frost, Japp, Klug, Leahy, Tesar, Woodle, Conley

(Fred)
 Voting Nay - None
 Abstaining - None
 Excused Absence: Fowler, Thompson
 Absent - Fowler, Thompson

- **MOTION NO. 10** It was moved by Director John Conley that the Maximum Low Impact Development (LID) Control Structure Assistance Program for Incorporation to the District Policy Manual be tabled to the April 2013 PPO Subcommittee Meeting.

There was a motion and no second. Board discussed whether to allow public input without a second on this item. The Chairperson ruled that since the Board voted to allow public discussion on any item at tonight’s meeting that he would allow discussion.

The following individual addressed the Board.

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

Director Klug asked for clarification; that if the item was tabled at Subcommittee, is the item up for a vote from the full Board. District Legal Counsel stated that if the item was tabled at the Subcommittee it remained in Subcommittee. There was no vote on this item and the Board moved on to the next agenda item.

Burt County submitted a request to reallocate cost-share money to the fiscal year 2014 budget. This motion failed in Subcommittee. No further action was taken.

C. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on March 12, 2013, and gave a brief recap of the meeting.

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

FEL Recommendation #1: Renewal of Orizon Contract – It is recommended that the General Manager be authorized to execute for and on behalf of the District, a contract for auditing services with HSMC Orizon, LLC for FY 2013 through FY 2015, subject to changes deemed necessary and approved as to form by District Legal Counsel.

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

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

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

FEL Recommendation #2: Update on W-3 Project – Camden Eminent Domain Case – It is recommended that District Legal Counsel should be authorized and directed to file an appeal to the Nebraska Court of Appeals from the orders adverse to the District made by the District Court of Washington County in the Camden eminent domain cases for the W-3 Project.

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

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

Agenda Item 13.A. Taking from the Table Suspension of the Final Design Contract for Dam Site 15A

- **MOTION NO. 12** It was moved by Director Japp and seconded by Director Frost that the following recommendation be adopted:

Taking From the Table Suspension of the Final Design Contract for Dam Site 15A

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

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

- **MOTION NO. 13** It was moved by Director Japp and seconded by Director Frost to suspend of the final design contract with HDR for Dam Site 15A.

The following individuals addressed the Board.

Doug Kagan, 12320 William Street, Omaha, NE
Bob Stubbe, 802 Western Hills Drive, Papillion, NE (requested his testimony from the February 14, 2013, be included as a part of these Board minutes)
Ted Grace, 14921 Industrial Road, Omaha, NE
Mike Riedmann, 13321 California, Omaha, NE
Warren Vickery, 16211 Erskine Circle, Omaha, NE

Rob Wood, 14747 California, Omaha, NE
 Jerry Stanaford, 14711 Industrial Road, Omaha, NE
 Paul Frazier, 14830 B Circle, Omaha, NE
 Wayne Dreesen, 1597 County Road P25, Kennard, NE
 Sheila Dreesen, 1597 County Road P25, Kennard, NE
 Shawn Melotz, 10404 N. 132nd Street, Omaha, NE
 John Fullenkamp, 3610 S. 118th Street, Omaha, NE
 Wade Junker, 10627 Laurel Avenue, Omaha, NE

Director Japp asked John Fullenkamp and Bob Stubbe to come to the table to answer his questions. Director Klug asked how much money is remaining on the final design contract and what repercussions (if any), could the District expect if the final design contract was cancelled. Staff member Lori Laster stated that the final design contract is for 1.243 million dollars of which \$55,000 has been spent. District Legal Counsel stated the District prematurely cancelled a contract that we could expect some penalty but could not provide any information on what that would be.

•• CALL THE QUESTION: It was moved by Director Tesar and seconded by Director John Conley to end debate and call the question.

Roll call was held to call the question. The motion carried on a vote of 6-yea, 1-nay, and 2-abstentions.

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

Roll call was held on the original motion to suspend the final design contract with HDR for Dam Site 15A. The motion failed on a vote of 2-yea, 6-nay, and 1-abstention.

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

TREASURER'S REPORT:

•• MOTION NO. 14 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, 2013, 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 February, 2013, 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 1-abstention.

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

CHAIRPERSON’S REPORT:

Chairperson Fred Conley reported that he assigned the following Directors to the Ad Hoc Consultant Selection Subcommittee – West Papio Trail Project (90th Street – Giles Road) as follows:

Dave Klug, Chairperson
John Conley, Vice-Chairperson
Tim Fowler
Patrick Leahy
Ron Woodle
Patrick Bonnett, Alternate

GENERAL MANAGER'S REPORT:

GM Winkler gave his report. The GM report has been posted to the website and is attached to these meeting minutes.

OTHER ITEMS:

Agenda Item 13.B. Groundwater Policy

Director Japp made a statement that with last year's extreme drought that many residential wells went dry and he feels the District needs to establish a Groundwater Management Policy. Staff member Brian Henkel briefed the Board on the procedure of establishing such policy. Brian's memorandum is attached as a part of these Board minutes. The District has received contact from 1 property owner in the past year in regards to dry well issue(s). The General Manager instructed anyone that has encountered problems with their wells to contact Brian Henkel.

The following individuals addressed the Board:

Brenda Wolf, brendawolf@abbnebraska.com, 10 miles outside of Kennard, NE
Matt (Forrest) Japp, PO Box 131, Kennard, NE
Sheila Dreesen, 1597 County Road P25, Kennard, NE

Chairperson asked if anyone in the public wished to make any comments to the Board. There were no more comments.

INFORMATIONAL ITEMS:

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

March 28, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 9, 2013	P-MRNRD Subcommittee Meetings
April 11, 2013	P-MRNRD Board Meeting
April 25, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 4, 2013	State Envirothon being held at Chalco Hills
May 7-8, 2013	Water Works Festival, Schramm Park, 9:00 a.m.
May 7, 2013	P-MRNRD Subcommittee Meetings
May 9, 2013	P-MRNRD Board Meeting
May 21, 2013	Lower Platte River Corridor Alliance Kayak Tour
May 23, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 27, 2013	Memorial Day – P-MRNRD Offices Closed

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on April 11, 2013 at the NRC.

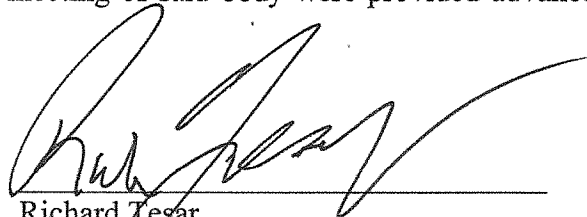
- **MOTION NO. 15** It was moved by Chairperson Fred Conley and seconded by Director Bonnett to adjourn at 9:10 p.m.

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

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

NOTE: These minutes reflect the actions and votes taken at the March 14, 2013 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 March 14, 2013 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