



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
June 13, 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. 154<sup>th</sup> St., Omaha, NE on June 13, 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
Tim Fowler	Rich Tesar
Curt Frost	Jim Thompson
	Ron Woodle

**ADOPTION OF AGENDA:**

*Amended Motion to #1:* It was moved by Director Leahy and seconded by Director Frost to amend the agenda allowing for time after the General Manager's Report for Public Comment.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

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

•• **MOTION NO. 1** It was moved by Director Fowler and seconded by Director Klug that the amended agenda be adopted.

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2** It was moved by Director Klug and seconded by Director Tesar 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 June 13, 2013, Board of Directors Meeting:

None to date.

Agenda Items 7.A.:

BE IT RESOLVED that the May 9, 2013 Papio-Missouri River NRD Board meeting minutes are approved as printed.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on June 6, 2013. The District's April 12-May 9, 2013, expenditures were published in the Burt County Plaindealer on May 22, 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.

B. Nebraska Association of Resources Districts Report: Director Rich Tesar updated the Board on the NARD Board Meeting that was held on June 10<sup>th</sup>, 2013 in Valentine, Nebraska. He noted that the NARD Board voted to increase the coverage for medical insurance by 3%.

C. Legislative Report – Husch Blackwell: Steve Grasz, Tim Gay, and Ron Sedlacek informed the Board that the 2013 Legislative Session adjourned on June 5, 2013 and provided updated status of Natural Resources District related Legislative Bills and Resolutions. The 104<sup>th</sup> Legislative Session will open on January 8, 2014 and will run for 60 days. Husch Blackwell stated they would continue to keep the General Manager abreast of any issues related to the Natural Resources District.

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. West Papio Trail Project (90<sup>th</sup> Street – Giles Road) Ad Hoc Consultant Selection Subcommittee: Director Dave Klug reported that the Ad Hoc Subcommittee met on June 11, 2013, and gave a brief recap of the meeting.

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

*Ad-Hoc Recommendation #1:* Recommendation that the General Manager be authorized to execute a professional engineering services contract with HGM Associates for the West Papio Trail Project (90<sup>th</sup> to Giles Road), providing for a maximum not-to-exceed fee of \$144,345.47, 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, 1-nay, and 1-abstention.

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

Voting Nay - Japp

Abstaining - Frost

Excused Absence - None

Absent - None

B. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on June 11, 2013, and gave a brief recap of the meeting.

•• **MOTION NO. 4** It was moved by Director Klug that the following Subcommittee

recommendation be adopted:

*PLPA Recommendation #1:* Extension of Government Relations Contract with Husch Blackwell – Recommendation that the General Manager be authorized to execute the proposed contract with Husch Blackwell, LLP, for the provision of intergovernmental and professional lobbying services per the terms and conditions outlined in the agreement in the form as presented to the Subcommittee, 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 and 1-abstention.

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

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on June 11, 2013, and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* North Shore (SID 292) Easements for Stormwater Facilities on WP-5 Property – Recommendation that the General Manager be authorized to execute a Stormwater Quality Basin Easement and other documents he determines necessary, providing for the purchase by SID 292 of a permanent easement for Stormwater facilities over 4.7 acres of the WP-5 project property for the sum of \$89,300, in the form as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

The following individual addressed the Board:

John Bachman, 10250 Regency Circle, Suite 300, Omaha, NE

*Amended Motion to:* It was moved by Director Japp and seconded by Director Frost to  
*PPO Recommendation #1:* amend the original motion to sell the required WP-5 property for the permanent easement at \$38,000 per acre.

Director Japp stated that he felt the developer should pay the same price for the property that the District did to acquire it originally.

Roll call was held on the amended motion. The amendment failed on a vote of 2-yea and 9-nay.

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

Roll call was held on the original motion. The motion passed on a vote of 9-yea and 2-nay.

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

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

*PPO Recommendation #2:* Amendment to the Professional Services Contract with HDR Engineering on Behalf of the Papillion Creek Watershed Partnership – Recommendation that the General Manager as Administering Agent of the Papillion Creek Watershed Partnership, be authorized to execute the Stage IV Services – Update of Papillion Creek Watershed Plan Agreement for Professional Services Amendment No. 2 with HDR Engineering, Inc. in the amount of \$99,600, subject to changes deemed necessary by the General Manger and approved as to form by District Legal Counsel.

Director Japp asked what was included in the Stage IV Services. Amanda Grint referred to her memo to the Subcommittee and reiterated that the basic services include; project management tasks, update of the capital and cash flow analyses, an evaluation of developer fees and other revenue streams needed to finance the remaining Watershed low impact development water quality enhancement and remaining flood control projects. The Partnership Communities have voted to approve this contract. The Interlocal requires the NRD to be the administering agent of the Partnership. Interlocal Agreements will be taken to the governmental agencies for their approval by the end of the year, but not later than June of 2014. Director Japp asked where the \$99,600 was coming from to fund this contract. Grint stated it would come from the dues collected from the partnership funds.

Roll call was held on the motion. The motion carried on a vote of 10-yea and 1-abstention.

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

Excused Absence - None  
Absent - None

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

*PPO Recommendation #3:* Addendum to the Cole Creek Interlocal Agreement with the City of Omaha – Recommendation that the General Manager be authorized to execute the Fourth Addendum to the Cole Creek Flood Mitigation Program Agreement with the City of Omaha providing for an additional District contribution of \$1,200,000, bringing the total District contribution for the project to \$3,550,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel, and subject to future budget funds availability.

Roll call was held on the motion. The motion carried on a vote of 10-yea and 1-abstention.

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

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

*PPO Recommendation #4:* Interlocal Agreement with the City of Omaha for Rockbrook Mitigation Bank Credits – Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the City of Omaha for the Rockbrook Mitigation Bank Credits, in the form as presented to the Subcommittee, and 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 unanimously.

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

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

*PPO Recommendation #5:* City of Fort Calhoun Request Concerning Replacement of the Community's Water Tower – Recommendation that the Board deny the City of Fort Calhoun's petition for funds for a water tower, since a formal proposal has not been submitted and the tower will not be a functional part of Washington County Rural Water System #1.

*Amended motion to PPO Recommendation #5:* It was moved by Director Japp and seconded by Director Frost for staff to provide proper information to City of Ft Calhoun and the Rural Water Advisory Board prior to the next City of Ft Calhoun's Council Meeting.

There was discussion among the Board about what staff was being tasked to do. The General Manager stated that he has worked with the District's Engineer on this rural water system, and they offered alternatives that may better meet the City of Ft Calhoun's needs; which may also be more effective and economical to the citizens of Ft Calhoun. He stated he would be sending a letter to the Mayor on behalf of the District offering the District's assistance to explore those options. He noted that staff had met with the City of Ft Calhoun on several occasions, and the City never provided a formal request or proposal to the District for Board action.

Roll call was held on the amended motion. The amended motion failed on a vote of 3-yea and 8-nay.

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

Roll call was held on the original motion. The motion passed on a vote of 10-yea and 1-nay.

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

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

*PPO Recommendation #6:* King Lake Floodplain Buyout Program in Douglas County – Recommendation that the District continues with the King Lake Buyout Program and provide the non-federal local share in an amount not-to-exceed \$237,500 for Fiscal Years 2014 and 2015.

Director Frost asked what the City of Omaha's position is on this item. Kirk Pfeffer, City of

Omaha, Public Works Department, stated the property isn't necessarily within the City's jurisdiction, but is within the 3 mile limit; and that the Interlocal agreement is still in the hands of the City. He stated that the new Mayor needs to be brought up to date on this issue in order to evaluate. Amanda Grint stated that the District has missed 5 of the established milestones and the District is 7-8 months behind schedule. Due to the lack of progress, NEMA and FEMA could potentially revoke these funds. There was further discussion.

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

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

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

*PPO Recommendation #7:* Bid Opening for Mopac Trail Improvements Phase 1 – Recommendation that TAB Construction be awarded the contract for Phase 1 of the Mopac Trail Improvements, for the contract amount of \$83,613.50.

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

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

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

*PPO Recommendation #8.a:* Interlocal Agreement with Sarpy County Sheriff's Office for Cost Share to Purchase a Search and Rescue Boat– Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with Sarpy County, in the form as presented to the Subcommittee, providing for a District payment of a fifty (50) percent cost share, with a not-to-exceed amount of \$20,000, for the purchase of a Search and Rescue boat by Sarpy County, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked what the reason was for entering into this agreement with Sarpy County Sheriff's Department. The General Manager stated that the District has many parks and



reservoirs that require the patrolling of the Sarpy County Sheriff's Department. They spend a great deal of time patrolling and responding to emergencies at District locales, without financial compensation from the District. They have asked the District for a cost share and for the sake of public safety, the General Manager supports this recommendation. Sheriff Rolly Yost answered questions about the type of boat being purchased and added that it will be purchased through GSA Contract Pricing.

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

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

•• **MOTION NO. 13** It was moved by Director John Conley that the following Subcommittee recommendation be adopted:

*PPO Recommendation #8.b:* FY 2014 Equipment Requirements– Recommendation that the FY 2014 Equipment Requirements, as amended by the Subcommittee, be approved, subject to funding being provided in the FY 2014 Budget.

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

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

D. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on June 11, 2013, and gave a brief recap of the meeting.

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

*FEL Recommendation #1:* Lower Platte River Corridor Alliance FY 2014 Budget – Recommendation that the Fiscal Year 2014 Budget for the Lower Platte River Corridor Alliance in the amount of \$182,160 be approved, subject to funds for the District's share being included in the District's FY 2014 Budget.

Roll call vote was taken on the vote. The motion passed unanimously.

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

Thompson, Woodle, Conley (Fred)  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - None  
 Absent - None

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

*FEL Recommendation #2:* Accounts Over 110% Service Awards & Leave Paid Out (01-01-000-4154) and Attorney Fees & Legal Costs (01-01-000-4392) – Recommendation that expenditures from accounts 01-01-000-4154 (Service Awards and Leave Paid Out) and 01-01-000-4392 (Attorney Fees and Legal Costs), be allowed to exceed 110 percent of the budgeted amount.

Director Leahy asked about how many sick leave days and annual leave days an employee could carry annually. The General Manager addressed his question.

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

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

**TREASURER'S REPORT:**

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the May, 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 May, 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.

Director Japp had a question on a credit to the Pigeon Creek Drainage Ditch Project. Carey Fry stated it was an IPA reimbursement from land rights previously purchased. Zach Nelson provided additional information on the land purchase.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

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

**CHAIRPERSON’S REPORT:** The Chairperson thanked all Directors that were able to attend the Robert’s Rules of Order Training.

**GENERAL MANAGER'S REPORT:** The GM gave his report. The written report is posted to the website. Per Director Bonnett’s request, the GM has included the correspondence he received from the Attorney General’s Office in reference to an inquiry that originated from Director Japp. He requested an investigation into the financial records of the District. The GM allowed Director Bonnett to address this issue. Director Bonnett stated he wanted transparency in government and asked that this information be made available to the public. Director Thompson stated this information is available on the website. The GM stated for the record that the accusations made (in Director Japp’s letter) were reckless and without foundation and are likely defamatory and slanderous to staff and management. Employees take this seriously and their jobs seriously; they are extremely professional and to respond to fact-less accusations of wrong doing, and illegal activity, puts everyone in a difficult position. The State Auditor’s Office was diligent in their review and working with staff. He further added that it was his understanding that Mr. Foley was personally involved in reviewing the responses from the State Auditor and if you read the report, the response states there was absolutely no basis for any of these (accusations). This sends a strong message to those who accuse us, and to those who perform their duties professionally, and that staff is doing a good job.

Director John Conley made note of the article published in June 11, 2013 Douglas County Post-Gazette. The General Manager didn’t make comment but stated the article was a part of his report and that if Directors had a specific question to feel free to contact him.

**PUBLIC COMMENT:** The Chairperson opened the floor for Public Comment. No one came forward.

**INFORMATIONAL ITEMS:**

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


July 4, 2013	4 <sup>th</sup> of July, P-MRNRD Offices Closed
July 9, 2013	P-MRNRD Subcommittee Meetings
July 11, 2013	P-MRNRD Board Meeting
July 25, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
August 6, 2013	P-MRNRD Subcommittee Meetings
August 8, 2013	P-MRNRD Board Meeting

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

**ADJOURNMENT:** Being no further business, at 8:25 p.m. the Chairperson declared that the meeting was adjourned.

**NOTE:** These minutes reflect the actions and votes taken at the June 13, 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](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 June 13, 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