



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
July 12, 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. 154<sup>th</sup> St., Omaha, NE on July 12, 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	Scott Japp
Fred Conley	Dave Klug
John Conley	Rick Kolowski
Gus Erickson	Dorothy Lanphier
Tim Fowler	Rich Tesar
	Jim Thompson

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Fowler and seconded by Director F. 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, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

**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 absence of the following Director from the July 12, 2012, Board of Directors Meeting is excused:

None to date.

Agenda Item 7. A, B, C, D.

BE IT RESOLVED that

- A. The June 14, 2012 Papio-Missouri River NRD Board meeting minutes are approved as printed.
- B. The June 13, 2012 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.
- C. The June 20, 2012 Thurston County Rural Water Advisory Board meeting minutes are approved as printed.
- D. The July 10, 2012 Board of Director's Budget Workshop meeting minutes are approved as printed.

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

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Thompson, Kolowski
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 July 5, 2012. The District's May 11-June 14, 2012, expenditures were published in the Burt County Plaindealer on June 20, 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, NRCS District Conservationist, briefed the Board on NRCS activities for the past month. The complete report is posted to the District's website.

B. Nebraska Association of Resources Districts: Director Tesar briefed the Board on his

attendance at the North American Invasive Plant Ecology and Management Course he attended on June 26-28, 2012 in North Platte, Nebraska.

- C. Legislative Report: The General Manager updated the Board to the status of the interim studies that are relevant to this Board, primarily LR 495. Hearing dates have not yet been scheduled.
- D. Lower Platte River Corridor Alliance Report: Megan Sittler, LPRCA Coordinator, submitted a written report. It is posted to the District's website.

**PUBLIC COMMENT AND INPUT ON P-MRNRD FY 2013 BUDGET**: General Manager John Winkler reviewed the FY 2013 Budget – Draft 2. The floor was opened to the public. The following individuals addressed the Board:

- Doug Kagan, Nebraska Taxpayers for Freedom, 12320 William St. Omaha, NE.
- Marty Brown, 14818 Berry Circle, Omaha, NE.
- Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE. A copy of her testimony and Input on the FY 2013 Budget is attached to the file copy of the minutes.

**SUBCOMMITTEE REPORTS:**

A. Lower Platte River Voluntary Integrated Management Plan Ad Hoc Consultant Selection Subcommittee: Director Tesar reported that the Ad Hoc Consultant Selection Subcommittee met on July 12, 2012, and gave a brief recap of the meeting

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

*Ad Hoc Recommendation #1: Initial Screening of RFP's for Consultant Selection Interviews:* Recommendation that the consulting firms to be interviewed by the Ad-hoc Consultant Selection Subcommittee, to provide professional services for a Voluntary Integrated Management Plan for the Lower Platte River Basin, should be listed in the following order, to-wit: HDR Incorporated and Olsson Associates.

Director Lanphier stated that in order to be fair to all firms that submitted a proposal, that the Board should expend their time and interview all three firms. She offered a substitute motion.

- **SUBSTITUTE NO. 1 TO MOTION NO. 3:** It was moved by Director Lanphier and seconded by Director Japp that the following substitute motion be adopted: Recommendation that the Ad Hoc Consultant Selection Subcommittee to include all firms that answered the RFP issued by the District in the interview process. The Firms being HDR, Inc., Olsson Associates and S.S. Popadapolus & Associates.

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

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

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

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on July 12, 2012, and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Interlocal Agreement with the City of Fort Calhoun for FEMA Letter of Map Revision: Recommendation that the General Manager be authorized to execute the Interlocal agreement with the City of Fort Calhoun providing for the District to share fifty percent of the cost of the Letter of Map Revision Project up to a maximum not-to-exceed amount of \$20,000, 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, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - None  
 Absent - None

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

*PPO Recommendation #2:* Western Douglas County City of Valley Interlocal Agreement: Recommendation that the General Manager be authorized to execute an Interlocal agreement with the City of Valley for Phase 1 of the Western Douglas County Trails Project, in the form as presented to the Subcommittee meeting, subject to changes deemed necessary by the General Manager and approved as to form by

District Legal Counsel.

There was discussion. Roll call vote was held on motion. The motion carried on a vote of 8 yea and 3 nay.

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

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

*PPO Recommendation #3:* Elkhorn River IPA Bank Stabilization Project Change Order: Recommendation that the General Manager be authorized to execute Change Order #3, in the amount of \$209,296.35, increasing the not-to-exceed amount of the contract with Ho Chunk Builders for the Elkhorn River IPA Bank Stabilization Project to \$1,318,290.40.

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

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

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

*PPO Recommendation #4:* Purchase of Mobile Underground Crawler Pipe Video System: Recommendation that the lowest and best bid of \$54,423, submitted by Trans-Iowa Equipment, LLC for an Envirosight Rovver 225, be accepted.

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

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

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

*PPO Recommendation #5:* Phase III Contract for Certification of the R-613 and R-616 Missouri River Levees: Recommendation that the District’s policy regarding consultant selection be waived and that the General Manager be authorized to execute the proposed Phase III contract for professional services with FYRA Engineering, LLC for the Missouri River Levee System Units R-613 and R-616 Certification Project, for a total not-to-exceed amount of \$1,835,898, subject to changes deemed necessary by the General Manager and approval as to form by District legal counsel.

Mike Sotak, FYRA Engineering, LLC answered questions related to the outstanding work that needed to be completed in Phase II of the project and additional questions on the Phase III contract. There was discussion. Shawn Melotz addressed the Board.

- **SUBSTITUE NO. 1 TO MOTION NO. 8:** It was moved by Director Lanphier and seconded by Director Japp to reject the proposed contract with FYRA Engineering, LLC and follow the District’s current policy for obtaining professional services.

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

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

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

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

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

*PPO Recommendation #6:* Amendment 2 to District Policy Manual Appendix K – Papio-Missouri River NRD Recreation Areas Rules and Regulations: Recommendation that Amendment 2 to District Policy Manual

Appendix K – Papio-Missouri River NRD Recreation Areas Rules and Regulations be approved, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Tesar offered a friendly amendment to the motion to identify the new canoe access site as the West Maple Elkhorn River Access. The friendly amendment was seconded by Director Klug.

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

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

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on July 10, 2012 and gave a brief recap of the meeting.

*FEL Recommendation #1:* Lower Platte River Corridor Alliance FY 2013 Budget: No action taken.

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

*FEL Recommendation #2:* West Branch Channel Project (84<sup>th</sup> to 96<sup>th</sup> Street) City of Papillion Request for Permanent and Temporary Easements for Downtown Plaza Project: Recommendation that General Manager be authorized to execute donated permanent and temporary easements to the City of Papillion for the City's Downtown Plaza Project, containing terms deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Staff clarified future land needs regarding the levee alterations to ensure the District's requirements would be met.

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

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

•• **MOTION NO. 11:** It was moved by Director Tesar and seconded by Director Klug

that the following recommendation be adopted:

*FEL Recommendation #3:* Account over 110% Flood Preparedness/Ice Jam Removal – Professional Services (01-03-536-4400): Recommendation that account #01-03-536-4400 – Flood Preparedness/Ice Jam Removal be allowed to exceed 110% of the budgeted amount.

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

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

•• **MOTION NO. 12:** It was moved by Director Tesar and seconded by Director Bradley that the following recommendation be adopted:

*FEL Recommendation #4:* FY 2013 Budget - Draft 2: – Recommendation that the proposed FY 2013 budget document, in the form as presented to the Subcommittee meeting, be forwarded for review at the September 13, 2012, Budget Hearing, with the provision that the General Manager be authorized to make necessary adjustments once final valuation figures are available to achieve compliance of state statutes regarding the lid.

There was discussion. Directors asked to bring to the FY 2013 Budget to the August FEL Subcommittee for additional comment(s) and review. Shawn Melotz and Marty Brown addressed the Board.

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

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

**TREASURER'S REPORT:**

•• **MOTION NO. 13:** It was moved by Director John Conley and seconded by Director Fowler 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 June, 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 June, 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 9 yea and 2 nay.

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

**CHAIRPERSON'S REPORT:** The Chairperson congratulated staff on their work and contributions to the Heron Haven Project. The ribbon cutting was held on June 29, 2012.

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

**ELECTION OF P-MRNRD OFFICERS:**

A. **Chairperson:** The Chairperson opened the floor for nominations for Chairperson. Director Thompson nominated Dave Klug. Director J. Conley nominated Rick Kolowski.

•• **MOTION NO. 14A:** It was moved by Director F. Conley and seconded by Director Tesar to close the nominations.

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

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

Secret ballot vote was taken. Director Kolowski won on a vote of Kolowski–7 and Klug – 4.

B. **Vice-Chairperson:** The floor was opened for nominations for Vice-Chairperson. Director Erickson nominated Fred Conley. Director Lanphier nominated Dave Klug.

- **MOTION NO. 14B:** It was moved by Director Kolowski and seconded by Director Erickson to close the nominations.

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

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

Secret ballot vote was taken. Director Fred Conley won on a vote of F. Conley – 6 and Klug – 5.

C. **Secretary:** The floor was opened for nominations for Secretary. It was moved by Director Fowler to nominate Rich Tesar. Director Lanphier nominated Jim Thompson. Director Thompson declined nomination.

- **MOTION NO. 14C:** . It was moved by Director Erickson and seconded by Director F. Conley to close the floor and nominate by acclamation Director Rich Tesar as Secretary.

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

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

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director Tesar nominated John Conley. Director Japp asked Dave Klug if he were to nominate him for the position would he accept. He stated he gratefully declined.

- **MOTION NO. 14D:** It was moved by Director Erickson and seconded by Director F. Conley to close the floor and nominate by acclamation Director John Conley as Treasured.

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

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

Treasurer J. Conley appointed Director Tim Fowler as Assistant Treasurer.

**ELECTION OF NARD DIRECTOR AND ALTERNATE DIRECTOR:**

The floor was opened for nominations for NARD Director and Alternate Director. Director Rich Tesar was nominated for NARD Director. Director Tim Fowler was nominated for NARD Alternate Director.

•• **MOTION NO. 15A&B:** It was moved by Director J. Conley and seconded by Director F. Conley that Director Rich Tesar be nominated as NARD Director. It was also moved by Director J. Conley and seconded by Director Bradley that Director Tim Fowler be nominated as NARD Alternate Director. No other nominations were called and the vote was taken.

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

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

•• **MOTION NO. 15C:** It was moved by Director John Conley and seconded by Director Fred Conley that the following resolution be adopted.

BE IT RESOLVED that the following named persons be and are hereby elected officers of the Papio-Missouri River Natural Resources District for the coming year and until a successor has been elected: Rick Kolowski, Chairperson; Fred Conley; Vice-Chairperson; Rich Tesar, Secretary; and, John Conley, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of Tim Fowler as Assistant Treasurer is concurred in by the Board of Directors.

BE IT FURTHER RESOLVED that the presently elected Treasurer, John Conley, and the designated Assistant Treasurer, Fred Conley, be and are hereby authorized to serve until such time as bonding is completed on the Treasurer-elect and the Assistant Treasurer designate.

BE IT FURTHER RESOLVED that Rich Tesar is hereby elected the Nebraska Association of Resources Districts Director for the coming year; and, Tim Fowler is hereby elected the Nebraska Association of Resources Districts Alternate Director for the coming year.

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

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

**INFORMATIONAL ITEMS:**

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

July 25, 2012	South Omaha Trail Dedication (Karen Park) 10:00 a.m.
July 26, 2012	Meeting Papillion Creek Watershed Partnership Meeting
August 7, 2012	P-MRNRD Subcommittee Meetings
August 9, 2012	P-MRNRD Board Meeting
August 23, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
August 25, 2012	World O! Water Festival
August 30, 2012	LPRCA 2012 Water Quality Open at Quarry Oaks Golf Course, 11:00 a.m. check-in
September 11, 2012	P-MRNRD Subcommittee Meetings
September 13, 2012	P-MRNRD Board Meeting in Dakota City
September 28, 2012	Heartland Active Transportation Summit at Swanson Conference Center at the Institute for Culinary Arts, Metropolitan Community College – Fort Omaha Campus

B. The next scheduled meeting of the P-MRNRD Board of Directors will be held on August 9, 2012, at the NRC

**Adjournment:**

Being no further business, the Chairperson declared the meeting adjourned at 8:33 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 July 12, 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.

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Richard Tesar  
District Secretary