



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
January 8, 2015**

PLEDGE OF ALLEGIANCE

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 Street, Omaha, NE on January 8, 2015. The meeting was called to order by Chairperson David Klug at 7:00 p.m.

OATH OF OFFICE: Steve Grasz, Senior Counsel with Husch Blackwell, administered the oath of office to the following Directors elected in the November 2014 general election.

**Fred Conley
John Conley
Tim Fowler**

**Dave Klug
Jim Thompson**

NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE

QUORUM CALL: The following Directors were present for the Quorum Call:

Patrick Bonnett
Fred Conley
John Conley
Tim Fowler
Curt Frost
Scott Japp

Dave Klug
Patrick Leahy
Rich Tesar
Jim Thompson
Ron Woodle

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Thompson and seconded by Director Fred Conley that the meeting agenda be adopted.

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

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

Excused Absence - None
Absent - None

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Thompson and seconded by Director Fred Conley 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(s) from the January 8, 2015, Board of Directors Meeting is excused:

None to date

Agenda Item 7. A.

BE IT RESOLVED that the December 11, 2014, Papio-Missouri River NRD Board Meeting minutes are approved as printed.

There was discussion regarding clarification of the December 11, 2014, Board Meeting minutes.

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

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
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 January 2, 2015. The District's November 14, 2014 – December 11, 2014, expenditures were published in the Papillion Times on December 24, 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: Chuck Leinen, Omaha NRCS office, gave the report on NRCS activities. The report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts: Director Tesar gave the report on the upcoming NARD Legislative Conference to be held January 27-28, 2015, in Lincoln with staff members Laster, Tait, Williams, Petermann and General Manager Winkler as well as Directors Bonnett, Fred Conley, Fowler, Klug, Thompson and Woodle attending. The NACD 2015 Annual Meeting to be held February 1-4, 2015, in New Orleans, LA, will be attended by Directors Bonnett and Fowler as well as staff member Amanda Grint. The NARD Washington D.C. Conference will be held March 22-25, 2015, with Directors Fred Conley and Tim Fowler attending.

C. Legislative Report – Husch Blackwell: Tim Gay, Ron Sedlacek, and Senator Ken Schilz, Chairman of the Natural Resources Committee, gave the Legislative Report. Senator Schilz noted the members of the Natural Resources Committee and discussed future topics and education of new Senators. Husch Blackwell’s report on Legislative Committees is attached to the file copy of the meeting minutes.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler’s written report is attached to the file copy of the meeting minutes.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on January 6, 2015, and gave a brief recap of the meeting.

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

PLPA Recommendation #1: Amendments to the District’s Employee Handbook: It is recommended that the amendments to the Papio-Missouri River NRD Employee Handbook, as presented to the Subcommittee, be adopted and incorporated into the District’s Policy Manual.

Amended Motion: It was moved by Director Japp and seconded by Director Frost to amend the District’s Employee Handbook to reduce the maximum accumulated days of vacation leave from 53 to 30 and add to the Telephone Calls policy that District electronics will be used for NRD business on NRD time.

There was Director discussion regarding the two proposed changes. General Manager Winkler addressed concerns.

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

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

Absent - None

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

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

Voting Nay - None

Abstaining - Frost, Japp

Excused Absence - None

Absent - None

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on January 6, 2015, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Bid Opening for the Construction of the Thompson Creek Sewer Relocation Project: Recommendation that the General Manager be authorized to reject all of the December 23, 2014, bids for the construction of the Thompson Creek Levee Improvement Project – Sanitary Sewer Relocation and rebid the project with several alternative pipe materials.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

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

Voting Nay - None

Abstaining - None

Excused Absence - None

Absent - None

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

PPO Recommendation #2: Glacier Creek Project – West Parcel Acquisition Contribution Request: Recommendation that the General Manager be authorized to extend the application for NRCS ACEP-ALE funding for the 227 acres north and west of Allwine Prairie as part of the Allwine Prairie/Glacier Creek Expansion Project and to execute an Interlocal Agreement with UNO for a District contribution of \$600,000, paid at a maximum not-to-exceed amount of \$200,000 per year for three years, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion regarding financial commitments and how the District's contributions would take place. Dr. Tom Bragg, UNO, noted that the District would reimburse UNO each year for the land purchase after it was made.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea, 2-nay and 1 abstention.

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

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

PPO Recommendation #3: City of Blair Flood Mitigation Assistance Program Request: Motion to table until the February 10, 2015 Programs, Projects, and Operations Subcommittee Meeting.

Take from the Table: It was moved by Director Tesar and seconded by Director Fred Conley to take from the table the City of Blair's Flood Mitigation Assistance Program Request.

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

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

Amended Motion: It was moved by Director Fred Conley and seconded by Director Tesar to oppose the City of Blair's Flood Mitigation Assistance Program request as presented to the Subcommittee.

There was discussion regarding the District's current commitments. It was noted that the City of Blair should work with staff to return with their request for flood mitigation assistance.

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

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

Absent - None

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

PPO Recommendation #4: MoPac Trail Project Professional Services Agreement with Ehrhart Griffin & Associates: Recommendation that the Board adopt the resolution provided by Nebraska Department of Roads, and authorizes the General Manager to execute a Supplemental Agreement between the District and Ehrhart Griffin and Associates for Construction Engineering Services for the Platte River Trail, Phase 1, for an increase in costs not-to-exceed amount of \$122,174.71.

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

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

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

PPO Recommendation #5: Western Douglas County Trails Project Environmental Services Agreement with Felsburg, Holt & Ullevig: Recommendation that the Board adopt the resolution provided by Nebraska Department of Roads, and authorizes the General Manager to execute a Supplemental Agreement between the District and Felsburg, Holt and Ullevig for Preliminary NEAP Engineering Services for an increase in costs not-to-exceed amount of \$9,739.13.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

Voting Yea - Bonnett, F. Conley, J. Conley, Fowler, Frost, Japp, Leahy, Tesar, Thompson, Woodle, Klug
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 January 6, 2015, and gave a brief recap of the meeting.

- **MOTION NO. 9:** It was moved by Director Tesar that the following recommendation

be adopted:

FEL Recommendation #1: Account over 110% Attorney Fees and Legal Costs (01-01-000-4392): Recommendation that Account 01-01-000-4392, General and Administrative Legal Fees, be allowed to exceed the budgeted amount of \$45,000.

There was discussion regarding clarification on the policy for exceeding 110% of a budgeted item. General Manager Winkler addressed concerns.

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

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

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

FEL Recommendation #2: Iske Place Residential Purchase Agreements: Recommendation that the General Manager be authorized to execute for and on behalf of the District a Purchase Agreement in the form as presented at the meeting, providing for the purchase by the District from the following individuals, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel:

- Dennis and Shannon Sempek, the structure and leasehold interest located at 16413 Iske Place in Sarpy County, Nebraska for the purchase price of \$25,000;
- Larry and Sandra Jones, the structure and leasehold interest located at 16417 Iske Place in Sarpy County, Nebraska for the purchase price of \$38,000;
- William and Laura Wolff, the structure and leasehold interest located at 16611 Iske Place in Sarpy County, Nebraska for the purchase price of \$132,192.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

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

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

FEL Recommendation #3: Dam Site 15A Land Acquisition: Recommendation that the General Manager be authorized to deposit funds with the Clerk of the Douglas County District Court, in the amount of \$1,115,088.00 for the Papio Dam Site 15A Project Tract 2*, as determined by the Final Report of Appraisers, and that District Legal Counsel be authorized to take the necessary steps to secure title to the property.

* The resolution presented to the subcommittee erroneously identified the parcel of land as Tract 12. The actual parcel of land at issue is Tract 2, and the resolution has been corrected accordingly.

There was discussion regarding the possibility of continued negotiations. Dave Newman, Husch Blackwell, noted that negotiations can occur until January 28th.

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

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

TREASURER'S REPORT:

- **MOTION NO. 12:** It was moved by Director J. Conley and seconded by Director Thompson 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 December, 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 December, 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 motion. The motion carried on a vote of 10-yea and 1-nay.

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

CHAIRPERSON’S REPORT:

Chairperson Klug removed from the table the Consideration of Amendments to District Policies proposed at the Board of Directors meeting on December 11, 2014.

•• **MOTION NO. 13:** It was moved by Director Klug and seconded by Director Thompson that the following resolution be adopted:

Chairperson’s Report Recommendation: Taking From the Table and Consideration of Amendments to District Policies proposed at the Board of Directors meeting on December 11, 2014:

- 4.3 Board Meeting Agenda
- 4.5 Board Meeting – Conduct of Meetings
- 5.6 Subcommittee – Minutes
- 13.4 District Staff – Compensation
- 14.1 Financial – Investments
- 15.0 Purchasing – Real Property
- 16.0 Through 16.9 – District Property

BE IT FURTHER RESOLVED that such amendments are hereby adopted and ordered to be incorporated in the District’s Policy Manual.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

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

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. Dave Newman, Husch Blackwell, provided an update on the current status of pending litigation. A generic breakdown of legal issues invoiced to the District's General Account which exceeded 110% was provided and is attached to the file copy of these minutes.

INFORMATIONAL ITEMS:

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

January 15, 2015	Ad Hoc Subcommittee for the Big Papio Levee Culverts Project at NRC, 6:00 p.m.
January 19, 2015	Martin Luther King Day – P-MRNRD Offices Closed
January 22, 2015	Papillion Creek Watershed Partnership Meeting, 9:00 a.m., NRC
January 27, 2015	Lower Platte Basin Plan Meeting at NARD Legislative Conference, Embassy Suites – Regents Room F, 3:00 p.m., Lincoln, NE
January 27-28, 2015	NARD Legislative Conference, Lincoln, NE
February 1-4, 2015	National Association of Conservation Districts 2015 Annual Meeting, New Orleans, LA
February 10, 2015	P-MRNRD Subcommittee Meetings
February 12, 2015	P-MRNRD Board Meeting
February 16, 2015	Presidents Day – P-MRNRD Offices Closed

B. Next Meeting – February 12, 2015, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:22 p.m.

NOTE: These minutes reflect the actions and votes taken at the January 8, 2015, 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 January 8, 2015, 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