



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
July 9, 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. 154<sup>th</sup> Street, Omaha, NE, on July 9, 2015. The meeting was called to order by Chairperson David Klug at 7:00 p.m.

**NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE**

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

Patrick Bonnett	Scott Japp
Fred Conley	Dave Klug
John Conley	Rich Tesar
Tim Fowler	Jim Thompson
Curt Frost	Ron Woodle

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Fowler 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.

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Fred Conley and seconded by Director Fowler 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 July 9, 2015, Board of Directors Meeting is excused:

None to date

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

BE IT RESOLVED that the June 11, 2015, Papio-Missouri River NRD Board meeting minutes and the June 10, 2015, Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on July 2, 2015. The District's May 15, 2015 – June 11, 2015, expenditures were published in the Burt County Plaindealer on June 17, 2015. 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, Omaha NRCS office, gave the report on NRCS activities. The report is posted to the website and attached to the file copy of these meeting minutes.

\*Director Leahy arrived at 7:04pm.

B. Nebraska Association of Resources Districts: Director Tesar gave the report on the NARD Board of Directors Meeting and Basin Tour held June 15<sup>th</sup> & 16<sup>th</sup> in Gothenburg, Nebraska. He noted that the District's health insurance plan was discussed and there will be a 3% increase in premiums for the coming year.

C. Legislative Report – Husch Blackwell: Steve Grasz gave the Legislative Report. Grasz noted that they are working closely with the Department of Natural Resources on the development of rules and regulations governing LB1098. Public Hearing for LB 1098 will be held on July 31, 2015.

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 July 7, 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:* NARD 414(h) Retirement Plan Restatement – Recommendation that the following Resolution be adopted: BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District as follows with respect to the NARD 414(h) Plan, to-wit:

BE IT RESOLVED, that the District Office, as a Participating Employer in the Plan, hereby consents to the adoption of The Amendment and Restatement of the Nebraska Association of Resources Districts 414(h) Plan (the “Amendment and Restatement”) to bring the Plan into compliance with the Pension Protection Act of 2006, other applicable law and guidance and to make certain other adjustments, is hereby authorized and approved; and,

RESOLVED FURTHER, that the officers and management of the District office be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment and Restatement, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and

RESOLVED FURTHER, that any and all action taken and documentation executed by management or the officers of the District Office to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

There was discussion. It was clarified that the District’s benefits are not being modified with this adoption.

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, Leahy, Tesar, Thompson, Woodle, Klug

Voting Nay - Frost, Japp

Abstaining - None  
Excused Absence - None  
Absent - None

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on July 7, 2015, and gave a brief recap of the meeting.

Director John Conley stated that the Subcommittee received an informational update on the Adams Park Wetland Education Center. No action was taken by the Subcommittee.

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

*PPO Recommendation #1:* Phase IV Amendment to Missouri River R-613/R-616 Federal Levee Certification Professional Services – Recommendation that the General Manager be authorized to execute the amendment to the Professional Services Contract with FYRA Engineering, Inc. for the P-MRNRD Missouri River R-613/R-616 Federal Levee Certification Project, making the maximum not-to-exceed contract amount \$3,671,484, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

*PPO Recommendation #2:* Interlocal Agreement with City of Omaha for a Regional Nonpoint Source Watershed Plan – Recommendation that the General Manager be authorized to enter into an Interlocal Agreement with the City of Omaha for the development of the Papio-Missouri River Basin Water Quality Management Plan, with a District contribution in a not-to-exceed amount of \$82,550<sup>1</sup>, and that the General Manager, as Administering Agent for the Papillion Creek Watershed Partnership, be authorized to move \$35,000 from the Partnership Fund to District Account 01-05-187-3120 in FY 2016, for the Papillion Creek Watershed Partnership contribution, subject to EPA grant approval of the grant application and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

<sup>1</sup>The original recommendation contained a typographical error indicating that the District's contribution would be an amount not to exceed \$192,750. The correct amount recommended for the District's contribution to this project is an amount not to exceed \$82,550.

There was discussion. Amanda Grint addressed the grant application process and types of projects that could be considered for 319 grant funding.

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. 6:** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #3:* Interlocal Agreement for Chalco Hills Roadway Rehabilitation with Sarpy County – Recommendation that the General Manager be authorized to execute an Interlocal Agreement – 66th Street Rehabilitation and Chalco Hills Roadway Rehabilitation with Sarpy County and City of La Vista, as presented to the Subcommittee, with a District cost not-to-exceed amount of \$187,774, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion. General Manager Winkler clarified the location of the project and that the District is not contributing to the 66<sup>th</sup> Street Project in La Vista.

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. 7:** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #4:* Interlocal Agreement for Hell Creek Drainageway Project with City of Omaha – Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Omaha for cost share reimbursement in the amount of \$900,000, to

be paid by the District over the next three fiscal years at a cost of \$300,000 per year, on the Hell Creek Urban Drainageway project, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion. Marlin Petermann addressed the structures to be installed for erosion control in Hell Creek.

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. 8:** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #5.a.:* Big Papio Creek Levee Culvert Repair Project - Interlocal Agreement with City of Bellevue – Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Bellevue for the Big Papio Creek Levee Culvert Repair Project, as presented to the Subcommittee, for an estimated amount of \$101,000, which will be reimbursed by the City, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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. 9:** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #5.b.:* Big Papio Creek Levee Culvert Repair Project - FYRA Engineering Professional Services Contract Amendment – Recommendation that the General Manager be authorized to execute the amendment to the Professional Services Contract with FYRA Engineering, LLC., for the Big Papio Culvert Repair Project, increasing the maximum contract amount to \$223,868, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion. Martin Cleveland clarified the total contract amendment is \$15,095.

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

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on July 7, 2015, and gave a brief recap of the meeting.

Director Tesar stated that the Subcommittee reviewed the first draft of the FY 2016 Budget. No action was taken by the Subcommittee. There was Director discussion. GM Winkler noted the dates to remember for the FY 2016 budget. Chairperson Klug clarified that the budget is not an action item in July and any recommended changes should be addressed to the General Manager. The following individual addressed the Board:

➤ Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE

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

*FEL Recommendation #1:* King Lake Purchase Agreement – Recommendation that the General Manager be authorized to execute the Purchase Agreement, as presented to the Subcommittee, providing for the purchase by the District from Diana Lance, of property located at 24233 Laurel Avenue for the purchase price of \$3,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

*FEL Recommendation #2:* WP-6 and WP-7 Professional Services Accounts (02-01-556-4400 & 02-01-557-4400) Over 110% – Recommendation that the accounts for WP6 and WP7 Professional Services (02-01-556-4400 and 02-01-557-4400) be allowed to exceed the budgeted amount

up to \$31,306.39 and \$31,306.39 respectively.

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, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Frost, Japp
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 June, 2015, 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 June, 2015, 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 noted he had no report.

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. GM Winkler updated the Board that the Danish Alps/Kramper Lake Recreation Area had its soft opening on July 8<sup>th</sup> with the formal ribbon cutting to be held August 1, 2015, at 11am.

## **ELECTION OF P-MRNRD OFFICERS:**

The Chairperson turned the elections of P-MRNRD Officers over to Vice-Chairperson Fowler.

A. **Chairperson:** The Vice-Chairperson opened the floor for nominations for Chairperson. Director Rich Tesar nominated Director David Klug as Chairperson. There were no other nominations. Nominations were closed by acclamation.

B. **Vice-Chairperson:** The Chairperson opened the floor for nominations for Vice-Chairperson. Director Rich Tesar nominated Director Tim Fowler as Vice-Chairperson. There were no other nominations. Nominations were closed by acclamation.

C. **Secretary:** The floor was opened for nominations for Secretary. Director John Conley nominated Director Rich Tesar as Secretary. There were no other nominations. Nominations were closed by acclamation.

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director Rich Tesar nominated Director John Conley as Treasurer. There were no other nominations. Nominations were closed by acclamation.

Treasurer John Conley ratified his appointment of Assistant Treasurer to Director Patrick Leahy.

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

The floor was opened for nominations for NARD Director and Alternate Director. Director Jim Thompson nominated Director Rich Tesar for NARD Director. There were no other nominations. Director Rich Tesar nominated Director Tim Fowler for NARD Alternate Director. There were no other nominations. Nominations were closed by acclamation.

- **MOTION NO. 13:** It was moved by Director Fowler and seconded by Director Fred Conley that the following resolution be adopted:

BE IT RESOLVED that the following directors 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: David Klug, Chairperson; Tim Fowler, Vice-Chairperson; Rich Tesar, Secretary; and John Conley, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of as Patrick Leahy, 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, Patrick Leahy, 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 that 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 on a vote of 10-yea and 1-abstention.

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

**INFORMATIONAL ITEMS:**

A. Future Meetings:

July 23, 2015	Papillion Creek Watershed Partnership Meeting 10:00 a.m., at NRC
August 11, 2015	P-MRNRD Subcommittee Meetings
August 13, 2015	P-MRNRD Board Meeting
August 27, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
August 27, 2015	LPRCA 2015 Water Quality Open at Quarry Oaks Golf Course, 11:00 a.m. check-in
September 8, 2015	P-MRNRD Subcommittee Meetings
September 10, 2015	P-MRNRD Board Meeting in Dakota City

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on August 13, 2015, at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 7:51p.m.

**NOTE:** These minutes reflect the actions and votes taken at the July 9, 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](http://www.papionrd.org).

I, the undersigned, Secretary of the Pappio-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 9, 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.

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Richard Tesar  
District Secretary