



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
October 10, 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> Street, Omaha, NE on October 10, 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	Dave Klug
Fred Conley	Patrick Leahy
John Conley	Rich Tesar
Curt Frost	Jim Thompson
Scott Japp	Ron Woodle

**ADOPTION OF AGENDA:**

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

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar 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 October 10, 2013, Board of Directors Meeting is excused:

Tim Fowler.

Agenda Item 7. A.

BE IT RESOLVED that the September 12, 2013 Papio-Missouri River NRD Board meeting minutes are approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on October 3, 2013. The District's August 9-September 12, 2013, expenditures were published in the Douglas County Post-Gazette on September 24, 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: No report due to Federal Government shutdown.

B. Nebraska Association of Resources Districts: Director Tesar gave the report on the NARD Annual Meeting that was held on September 23-24, 2013 in Kearney, NE.

C. Legislative Report – Husch Blackwell: Steve Grasz gave update on the legislative issues being discussed

D. Lower Platte River Corridor Alliance Report: Meghan Sittler's written report is posted to the website.

**SUBCOMMITTEE REPORTS:**

A. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on October 8, 2013 and gave a brief recap of the meeting.

Jean Tait and Virginia Collins, SilverStone Group gave an update and presentation on the 2013 Market Analysis of District Job Descriptions. This was an information update. No action was taken by the Subcommittee.

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on October 8, 2013, and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Pigeon Jones Site 23 Bid Opening: Recommendation that the General Manager be authorized to execute for and on behalf of the District, a contract with Detlefsen Construction for the construction of Pigeon/Jones Creek Grade Control Structure PJ 23 in the bid amount of \$87,740.17, as presented at the Subcommittee meeting, 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	-	Bonnett, J. Conley, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, F. Conley
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

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

*PPO Recommendation #2:* Realty Services for Elk Ridge Lots: Recommendation that the General Manager be allowed to let the contract with Deeb Realty for the sale of the Elk Ridge Lots expire, and for staff to put out an RFP and/or solicit services from other firms and to bring back proposals in November.

The following individuals addressed the Board:

Arlene Cohen, NP Dodge, 12915 West Dodge Road, Omaha NE 68154  
Bob Pew, NP Dodge, 16909 Lakeside Hills Plaza, Suite 119, Omaha NE, 68130

Director Bonnett offered an amended motion to proceed immediately with new listing agreements with the NP Dodge representatives present at the meeting and to strike the RFP process. Motion died for lack of a second.

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

1-abstention.

Voting Yea - Bonnett, J. Conley, Klug, Tesar, Thompson, Woodle, F. Conley  
Voting Nay - Frost, Leahy  
Abstaining - Japp  
Excused Absence - Fowler  
Absent - Fowler

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

*PPO Recommendation #3:* FY 2014 Long Range Implementation Plan: Recommendation that the proposed Fiscal Year 2014 Long Range Implementation Plan be approved.

Director Japp asked why all 28 dam were not included in the 2014 plan. The General Manager stated that the LRIP is a 5 year plan, and that all of the 28 dams referenced were not included in the LRIP as all of the 28 dams are not projected to be built within the next 5 years. The dam projects that are being built and/or planned were included in the plan.

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

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

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

*PPO Recommendation #4:* Bids for a 2013 Mini Excavator: Recommendation that the low and best bid of \$48,530 submitted by Bobcat of Omaha for a 2013 Bobcat E50, be accepted with the trade-in of the District's Rhino 3-point blade, Westendorf Quicktach V-plow blade, 3-point tree spade, and 72 inch belly mower attachments.

Director Frost asked staff on the frequency of use and rental options for the mini excavator. Staff member Bill Warren stated the excavator would be used 2-3 times a week and that he has attempted to rent a similar piece of equipment, but encountered rental delays due to availability.

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

Voting Yea - Bonnett, J. Conley, Klug, Leahy, Tesar, Thompson, Woodle, F. Conley  
Voting Nay - Japp  
Abstaining - Frost  
Excused Absence - Fowler  
Absent - Fowler

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on October 8, 2013 and gave a brief recap of the meeting.

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

*FEL Recommendation #1.:* Kennard Lagoon Property: Recommendation that the General Manager be authorized to take the necessary action in order to sell the 18 acre parcel of the treatment lagoon located in Kennard, Nebraska.

The following individuals addressed the Board:

Kim Andersen, 7093 County Road 29, Blair, NE  
Brian Smith, Washington County Pheasants Forever, 5433 County Road 20, Kennard, NE  
Merle Andersen, 14653 Hwy 30, Blair, NE  
Bill Matthews, Washington County Pheasants Forever, 1353 Skyline Drive, Blair, NE  
Shawn Melotz, 10404 N 132<sup>nd</sup> Street, Omaha NE

There was discussion of the options of what to do with this piece of property and the affect it would have on the City of Kennard's tax roll if the parcel was donated to Pheasants Forever. There was a question on whether the District had an easement to access the property or if the parcel was landlocked.

A motion was made by Director J. Conley to table this item. The motion was seconded by Director Tesar.

Roll call vote was held to table. The motion failed on a vote of 4-yea, 5-nay, and 1-abstention.

Voting Yea	-	J. Conley, Klug, Tesar, Woodle
Voting Nay	-	Bonnett, Japp, Leahy, Thompson, F. Conley
Abstaining	-	Frost
Excused Absence	-	Fowler
Absent	-	Fowler

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

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

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

*FEL Recommendation #2.:* Pigeon Jones Site 15 Land Acquisition – Rohde Property:

Recommendation that the General Manager be authorized to execute the proposed purchase agreement with Duane Rohde and Linda Bourland, for the sale of the 0.46 acre remnant tract of land, in the amount of \$4,000, for the Kramper Lake/Danish Alps Recreation Area, 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	-	Bonnett, J. Conley, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, F. Conley
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

D. Executive Subcommittee: Director F. Conley reported that the Executive Subcommittee met on October 8, 2013 and gave a brief recap of the meeting.

•• **MOTION NO. 9:** It was moved by Director F. Conley that the following recommendation be adopted:

*EXE Recommendation #1:* Director's Expense Claim Reimbursement: Recommendation that the Board ratify the General Manager's action denying the payment of mileage to attend the Lower Platte North NRD Board Meeting from Director Japp's August expense claim.

Director Japp stated that he believed that attending the Lower Platte North NRD was in conjunction of carrying out his duties as a Director, thus authorizing the mileage expense claim.

Director Thompson offered an amended motion to deny Director Japp's August claim for mileage to attend the Lower Platte North NRD Board meeting, to deny his September claim for mileage to attend their September Meeting; and to further deny any claim to attend any meeting unless approved by the Chairperson of the Papio-Missouri River NRD Board of Directors. The amended motion was seconded by Director Tesar.

Director Leahy commented that the current District Policy on Director Expense Claim has been a successful policy that has worked well over the years and had concerns about the amended motion. Director Tesar asked Director Thompson if he would consider withdrawing his motion and amending the original motion to include Director Japp's September expense claim. Director Thompson agreed.

It was moved by Director Thompson and seconded by Director Tesar that the Board ratify the General Manager's action denying the payment of mileage to attend the Lower Platte North NRD Board Meeting from Director Japp's August and September expense claims.

Roll call vote was held on the amended motion. The motion carried on a vote of 7-yea, 2-nay and 1-abstention.

Voting Yea - Bonnett, J. Conley, Klug, Leahy, Tesar, Thompson, F. Conley  
Voting Nay - Frost, Japp  
Abstaining - Woodle  
Excused Absence - Fowler  
Absent - Fowler

Roll call was taken on the original motion as amended. Motion carried on a vote of 7-yea, 2-nay and 1-abstention.

Voting Yea - Bonnett, J. Conley, Klug, Leahy, Tesar, Thompson, F. Conley  
Voting Nay - Frost, Japp  
Abstaining - Woodle  
Excused Absence - Fowler  
Absent - Fowler

There was additional discussion on the use of the District's Logo and Letterhead. Chairperson F. Conley stated that the Subcommittee has directed the District's Legal Counsel to update District Policy 2.5 Directors - Code of conduct for NRD Board of Directors Policy to include this issue, and it will be brought back to the Board of Directors for approval.

**TREASURER'S REPORT:**

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Klug 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 September, 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 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 September, 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 motion. The motion carried on a vote of 8-yea and 2-nay.

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

**CHAIRPERSON’S REPORT:**

- **MOTION NO. 11:** It was moved by Director J. Conley and seconded by Director Klug that the following resolution be adopted:

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meetings for calendar year 2014:

January 9, 2014	July 10, 2014
February 13, 2014	August 14, 2014
March 13, 2014	September 11, 2014
April 10, 2014	October 9, 2014
May 8, 2014	November 13, 2014 ♦
June 12, 2014	December 11, 2014

♦ Subcommittee meeting for November will be held on Wednesday, November 12<sup>th</sup> due to the Veteran’s Day Holiday

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

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

- **MOTION NO. 12:** It was moved by Director F. Conley and seconded by Director Klug that the following resolution be adopted:

BE IT RESOLVED that the General Manger be authorized to distribute the proposed Letter to Agencies.

There was discussion by the Board. Staff was instructed to include reference information on the resolutions adopted by the Board and dates of the Censorship of Director Japp.

Roll call vote was held on motion. The motion carried on a vote of 6-yea, 1-nay, and 3-abstentions.

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



Absent - Fowler

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

Director Japp inquired on the complaint procedures in regards to the Erosion and Sediment Control Act. Staff member Marlin Petermann informed him that this is a U.S. Department of Agriculture program that is handled through the Natural Resources Conservation Service Office and not an NRD Program.

Director Thompson stated that October is Breast Cancer Awareness Month and encouraged everyone to do what they could to support the elimination of this disease.

**INFORMATIONAL ITEMS:**

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

October 22, 2013	Carter Lake Public Meeting 7:00 p.m., MAPA Office 2222 Cuming Street, Omaha, NE
October 24, 2013	Papillion Creek Watershed Partnership Meeting 10:00 a.m., NRC
November 11, 2013	Veteran's Day – P-MRNRD Offices Closed
November 12, 2013	P-MRNRD Subcommittee Meetings
November 14, 2013	P-MRNRD Board Meeting
November 21, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 28-29, 2013	Thanksgiving Holiday – P-MRNRD Offices Closed
December 10, 2013	P-MRNRD Subcommittee Meetings
December 12, 2013	P-MRNRD Board Meeting
December 19, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
December 25, 2013	Christmas Holiday – P-MRNRD Offices Closed

B. Next Meeting – November 14, 2013, at the NRC

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 8:21p.m.

**NOTE:** These minutes reflect the actions and votes taken at the October 10, 2013 Board of Directors Meeting of the Pappio-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 October 10, 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.

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Richard Tesar  
District Secretary