



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
February 12, 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> St., Omaha, NE on February 12, 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	Dave Klug
John Conley	Patrick Leahy
Curt Frost	Jim Thompson
Scott Japp	Ron Woodle

**ADOPTION OF AGENDA:**

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

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2** It was moved by Director Thompson and seconded by Director J. 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 following Directors have excused absences from the February 12, 2015, Board of Directors Meeting:

Tim Fowler  
Rich Tesar

Agenda Item 7 A.:

BE IT RESOLVED that the January 8, 2015 Papio-Missouri River NRD Board Meeting minutes and the January 14, 2015 Dakota County Rural Water Advisory Board Meeting minutes be approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on February 5, 2015. The District's December 12, 2014 – January 8, 2015 expenditures were published in the Papillion Times on January 14, 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 from the NRCS Omaha Office gave the February report on NRCS activities. Neil's report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts Report: Director Thompson reported on the 2015 NARD Legislative Conference that was held on January 27-28, 2015, at the Embassy Suites in Lincoln, NE. Director Bonnett reported on the NACD Conference he attended on February 1-4, 2015 in New Orleans, Louisiana. The NARD Washington D.C. Conference is being held on March 23-25, 2015 and Director Fred Conley and Director Tim Fowler, and staff members John Winkler and Marlin Petermann will be representing the District.

C. Legislative Report – Husch Blackwell: Tim Gay gave the Legislative Update report. A written copy of his report is attached to these meeting minutes.

D. Lower Platte River Corridor Alliance Report: Meghan gave the Lower Platte River Corridor Alliance Report. A written copy of her report is posted to the website and is attached to

these meeting minutes.

**SUBCOMMITTEE REPORTS:**

A. Ad Hoc Consultant Selection Subcommittee for the Big Papio Levee Culverts Project: Director Patrick Leahy reported that the Ad Hoc Consultant Selection Subcommittee for the Big Papio Levee Culverts Project met on January 15, 2015, and gave a brief recap of the meeting.

- **MOTION NO. 3** It was moved by Director Leahy that the following recommendation be adopted:

*Ad Hoc Recommendation #1: Consultant Selection Interviews* – It is recommended that FYRA *Big Papio Levee Culverts Project* Engineering be ranked first for the Big Papio Levee Culverts Project and that they be asked to prepare a detailed scope of services and cost estimate for the project and that JEO Consulting be ranked second.

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

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

B. Ad Hoc Consultant Selection Subcommittee for the WP6 and WP7 Regional Detention Basins Project: Director Ron Woodle reported that the Ad Hoc Consultant Selection Subcommittee for the WP6 and WP7 Regional Detention Basins Project met on February 10, 2015, and gave a brief recap of the meeting.

- **MOTION NO. 4** It was moved by Director Woodle that the following recommendation be adopted:

*Ad Hoc Recommendation #1: Initial Screening of Proposals for Consultant Interviews* – It is *WP6 and WP7 Regional Detention Basins Project* recommended that FYRA Engineering, HDR, Inc., and Olsson Associates, be interviewed in alphabetical order by the Subcommittee.

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

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

C. Personnel, Legislative and Public Affairs Subcommittee: Director Bonnett reported that the PLPA Subcommittee met on February 10, 2015, and gave a brief recap of the meeting.

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

*PLPA Recommendation #1:* 2015 Legislative Bills – It is recommended that the Board of Directors of the Papio-Missouri River Natural Resources District officially ratifies the 2015 NARD Summary of Legislative Bills and directs the General Manager and the Government Relations Consultant to take such appropriate action to support and or oppose the positions identified as such through the legislative process.

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

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

General Manager Winkler stated that the priority bills pertaining to the District are LB 130-Change provisions relating to the Water Sustainability Fund and LB 537-Appropriate funds relating to natural resources.

D. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on February 10, 2015, and gave a brief recap of the meeting.

- **MOTION NO. 6** 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: It is recommended the General Manager be authorized to accept Valley Corporation’s bid of \$460,721.70 for reinforced concrete sewer pipe for the construction of the Thompson Creek Levee Improvement Project Sanitary Sewer Relocation.

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

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

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

*PPO Recommendation #2:* Big Papio Creek Levee Project Culverts Repair Interlocal Agreement with City of Omaha: It is recommended that the General Manager be authorized to execute the Big Papio Creek Levee Channel Project Drainage Structure Interlocal Cooperative Agreement with the City of Omaha, subject to form as approved by District Legal Counsel.

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

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

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

*PPO Recommendation #3:* Thompson Creek Levee Improvement Project, Fire Fighter Training at House Located at 7609 S. 66<sup>th</sup> Street, LaVista – It is recommended that the General Manager be authorized to execute a waiver, release, and hold harmless agreement with City of Papillion for Thompson Creek Levee Improvement Project – House located at 7609 Street, LaVista, NE., subject to form as approved by District Legal Counsel and allow the City to conduct fire fighter training and practice burn exercise at the house.

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

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

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

*PPO Recommendation #4:* Sale of District Surplus Equipment: It is recommended that the identified Walthill surplus equipment be taken to the February 19, 2015, Lee Valley Consignment Auction in Tekamah, Nebraska, to be sold as surplus equipment.

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

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

Excused Absence - Fowler, Tesar  
Absent - F. Conley, Fowler, Tesar

E. Finance, Expenditure and Legal Subcommittee: Director Jim Thompson reported that the FEL Subcommittee met on February 10, 2015, and gave a brief recap of the meeting.

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

*FEL Recommendation #1:* Iske Place Residential Purchase Agreements – It is recommended 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:

- Robert and Peggy Stewart, the structure and leasehold interest located at 16621 Iske Place in Sarpy County, Nebraska for the purchase price of \$80,000;
- Steve Braesch, the structure and leasehold interest located at 16414 Iske Place in Sarpy County, Nebraska for the purchase price of \$44,000;
- Philip Drickey and Irene Sander, the structure and leasehold interest located at 16511 Iske Place in Sarpy County, Nebraska for the purchase price of \$55,000;
- Dennis and Esther Eby Nowlin, the structure and leasehold interest located at 16401 Iske Place in Sarpy County, Nebraska for the purchase price of \$130,812;
- Bruce Nielsen, the structure and leasehold interest located at 16801 Iske Place in Sarpy County, Nebraska for the purchase price of \$80,000;
- Roberta Roth, the structure and leasehold interest located at 16624 or 16622 Iske Place in Sarpy County, Nebraska for the purchase price of \$26,196 or the FEMA Actual Cash Value, whichever is greater;
- Ron Mahoney, the structure and leasehold interest located at 16505 Iske Place in Sarpy County, Nebraska for the purchase price of \$44,000;
- Larry Strange and Robert Regnas, the structure and leasehold interest located at 16615 Iske Place in Sarpy County, Nebraska for the purchase price of \$5,000;
- Edward Latek, the structure and leasehold interest located at 16711 Iske Place in Sarpy County, Nebraska for the purchase price of \$30,000;
- Michael Collins, the structure and leasehold interest located at 16709 Iske Place in Sarpy County, Nebraska for the purchase price of \$44,000;
- Thomas and Sandy Landsperger, the structure and leasehold interest located at 16409 Iske Place in Sarpy County, Nebraska for the purchase price of \$120,000.

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

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

General Manager Winkler thanked staff, the residents of Iske Place, Legal Counsel, and Director Woodle for their help in getting the buyout done.

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

*FEL Recommendation #2:* Dam Site 15A Land Acquisition – It is recommended that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 2 in the amount of \$1,200,864 for 57.184 acres of land, subject to terms and conditions as the General Manager deems necessary and Legal Counsel approves as to form and that District legal counsel be authorized to enter into a stipulation voluntarily dismissing the condemnation action, and subsequent appeal filed in the District Court of Douglas County, Nebraska.

Roll call was held on the motion. The motion carried on a vote of 5-yea, 2-nay, and 1-abstention.

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

**TREASURER'S REPORT:**

- **MOTION NO. 12** It was moved by Director John Conley and seconded by Director Bonnett as follows:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the January, 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 January, 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 the motion. The motion carried on a vote of 7-yea and 1-nay.

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

**REQUEST FOR INFORMATION – LEGAL BILLS FROM JULY 1-DECEMBER 31, 2014:** Director Japp asked for copies of the District’s legal bills from the period of July 1-December 31, 2014. District Legal Counsel cited the reasons not to release the information

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

BE IT RESOLVED that the General Manager be authorized to deny Director Japp’s request for a “copy of all legal bills from July 1 to December 31” because said documents contain information protected by the attorney-client and attorney work product privileges, including but not limited to, invoices describing legal services performed for the District’s litigation in which Director Japp is the opposing party.

BE IT FURTHER RESOLVED that the Board of Directors expressly refuses to waive any privileges retained by the District, and reminds individual Directors that said privileges are those of the District and no individual is authorized to disclose any information protected by the attorney-client or attorney work product privileges without express authorization by the Board of Directors.

Roll call vote was held on the motion. The motion carried on a vote of 5-yea and 3-abstentions.

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

**CHAIRPERSON’S REPORT:** The Chairperson briefed that the NARD Conference provided good information and thanked the Directors that attended.

**GENERAL MANAGER’S REPORT:** GM Winkler reviewed the GM report with the Board and asked directors to contact him if they had questions. The GM report has been posted to the website and is attached to these meeting minutes. Marlin Petermann gave a presentation on the Flood Emergency activities that occurred on the Platte and Elkhorn Rivers.

**INFORMATIONAL ITEMS:**



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

February 16, 2015	Presidents Day – P-MRNRD Offices Closed
February 26, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
March 5, 2015	Ad Hoc Consultant Selection Subcommittee for the WP6 and WP7 Regional Detention Basins Project – Consultant Interviews, 6:00 p.m.
March 10, 2015	P-MRNRD Subcommittee Meetings
March 12, 2015	P-MRNRD Board Meeting
March 23-25, 2015	NARD Washington D.C. Conference
March 26, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
March 27, 2014	Ad-Hoc Subcommittee Meeting, Interviews

B. Next Meeting – March 12, 2015, at NRC

**ADJOURNMENT**: Being no further business, at 8:15 p.m. the Chairperson declared that the meeting was adjourned.

**NOTE**: These minutes reflect the actions and votes taken at the February 12, 2015, Board of Directors Meeting of the Papio-Missouri River NRD 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 February 12, 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