



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
April 11, 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. 154th St., Omaha, NE on April 11, 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	Scott Japp
Fred Conley	Dave Klug
John Conley	Patrick Leahy
Tim Fowler	Rich Tesar
Curt Frost	Jim Thompson
	Ron Woodle

ADOPTION OF AGENDA:

- **MOTION NO. 1** It was moved by Director Fowler and seconded by Director Klug that the agenda be adopted.

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2** It was moved by Director Klug 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 following Director(s) have an excused absence from the April 11, 2013, Board of Directors Meeting:

None to Date.

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

BE IT RESOLVED that the March 14, 2013 Papio-Missouri River NRD Board meeting minutes and the March 20, 2013 Washington County Rural Water #1 Advisory Board meeting minutes are approved as printed.

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

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
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 April 4, 2013. The District's February 15-March 14, 2013, expenditures were published in the Washington County Enterprise on March 22, 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: Neil Jensen, NRCS District Conservationist at the Omaha NRCS office, gave his report on NRCS activities. His report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts Report: Director Rich Tesar updated the Board on the upcoming NARD Board Meeting and Basin Tour, scheduled for June 10-11, 2013 in Valentine, Nebraska (location is still tentative). He encouraged Directors to attend.

C. Legislative Report – Husch Blackwell: Steve Grasz updated the Board on issues related to Natural Resources Districts in the 2013 Legislative Sessions. He updated the Board on the following Legislative Bills:

- LB 57 – An Act relating to the Nebraska Environmental Trust Act.
- LB 325 – An Act relating to natural resources districts relating to board approval of boundary changes, division, or merger.
- LB 449 – An Act to include NRDs as a high elective office prohibiting them from holding other public offices.
- LB 477 – Change sunset for the Riparian Vegetation Management Task Force
- LB 517 – An Act relating to water management and establishes a Water Sustainability Project Task Force.
- LB 574 – Provide that certain assessments are levied and collected as special assessments.
- LB 601 – An Act relating to natural resources districts would require notice for subcommittee meetings.
- LB 636 – Provide restrictions for applications of certain herbicides.

Direct Japp had a question on LR 314 – Interim study to examine all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska (Introduced to the Legislature in May of 2011).

D. Lower Platte River Corridor Alliance Report: Meghan Sittler’s written report is posted to the website and attached to these meeting minutes.

SUBCOMMITTEE REPORTS:

A. Missouri River Levee Certification Project Independent External Peer Review Ad Hoc Consultant Selection Subcommittee: Director Dave Klug reported that the Ad Hoc Subcommittee met on April 9, 2013, and gave a brief recap of the meeting.

•• **MOTION NO. 3** It was moved by Director Klug and seconded by Director Fowler that the following recommendation be adopted:

Ad-Hoc Recommendation #1: Mo. River Levee CPIPEPR It is recommended that the General Manager be authorized to execute the proposed contract for professional services with JEO for the Missouri River Levee Certification Project Independent External Peer Review, for Phase I total not-to-exceed amount of \$207,756; subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

B. West Papio Trail Project (90th Street – Giles Road) Ad Hoc Consultant Selection Subcommittee: Director Dave Klug reported that the Ad Hoc Subcommittee met on April 9, 2013, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Initial Screening of RFP's for Consultant Selection Interviews – West Papio Trail Project It is recommended that the firms of Ehrhart Griffin & Associates, HGM & Associates, and Lamp Rynearson & Associates be interviewed, in that order, on April 25, 2013, for the West Papio Trail Project (90th Street – Giles Road).

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

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on April 9, 2013, and gave a brief recap of the meeting.

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

PPO Recommendation #1a: Pigeon/Jones Weir Control Structure Bid – It is recommended that the General Manager be authorized to execute a contract with Niewohner Construction Inc. for the construction of Pigeon/Jones Creek Grade Control Weir Project for the base bid amount of \$120,543.00, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

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

PPO Recommendation #1b: Pigeon/Jones #9 Grade Control Structure Bid – It is recommended that the General Manager be authorized to execute a contract with Detlefsen Construction Inc. for the construction of Pigeon/Jones

Creek Grade Control Structure PJ #9, for the bid amount of \$83,590.33, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

Amendments to District Program 17.41 Stormwater Best Management Practice Program – Item failed in Subcommittee.

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

PPO Recommendation #3: Washington County Rural Water #1 and Washington County Rural Water #2 Merger – It is recommended that a financial merger of Washington County Rural Water #1 and Washington County Rural Water #2 be implemented commencing in Fiscal Year 2014.

The following individual addressed the Board:

Jeff Quist 14818 County Road 14, Blair, Nebraska

The General Manager addressed Mr. Quist’s concerns. Staff member Dick Sklenar stated there would be no adverse effect to the District if this item was tabled until the May Board of Directors Meeting.

SUBSTITUTE MOTION It was moved by Director Klug and seconded by Director Japp to “lay on the table” until the May Board of Directors meeting.

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

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

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

PPO Recommendation #4.a. Recreation Area Development Program – It is recommended that

the Recreation Area Development Program applications from the Village of Herman for \$28,154, and the two projects for the City of South Sioux City for \$70,619, for a total of \$98,773, be approved, subject to funding in the FY 2014 Budget.

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

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

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

PPO Recommendation #4.b. Urban Drainageway Program – Recommendation that the applications from the Mission Park SID #162 for \$358,080, the City of Papillion for \$150,098, Huntington Park SID #374 for \$774,940, the City of Omaha for \$124,310, and the City of LaVista for \$635,850, for a total of \$1,976,648, be approved, subject to funding in the FY 2014 Budget.

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

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

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

PPO Recommendation #4.c. Urban Conservation Assistance Program – Recommendation that the applications from the Village of Walthill for \$4,500, the City of Omaha for \$30,000, and the City of Blair for \$30,000, for a total of \$64,500, be approved, subject to funding in the FY 2014 Budget.

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

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

Absent - None

- **MOTION NO. 11** It was moved by Director John Conley and seconded by Director Leahy that the following recommendation be adopted:

PPO Recommendation #4.d. Trails Assistance Program – Recommendation that the cost share amount for the City of Bennington be increased from \$52,690 to \$54,854, and the two applications from the City of Blair for \$70,547, for a total of \$125,401, be approved, subject to funding in the FY 2014 Budget.

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

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

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

PPO Recommendation #4.e. Lake Dredging Program – Recommendation that the application from Savannah Shores SID #249 in the amount of \$40,300, be approved subject to funding in the FY 2014 Budget.

Roll call was held on the motion. The motion carried on a vote of 7-yea and 4-nay.

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

Taking from the Table Maximum Low Impact Development Control Structure Assistance Program for Incorporation to the District Policy Manual – Item failed in Subcommittee for lack of a motion.

C. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on April 9, 2013, and gave a brief recap of the meeting.

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

FEL Recommendation #1: Big Papio Levee Project (36th to Cornhusker Road) City of

Bellevue Request for Permanent Easement for WATER WISE Demonstration Best Management Project – It is recommended that the General Manager be authorized to execute the proposed permanent easement to the City of Bellevue for their WATER WISE Demonstration Best Management Project, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

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

A Vote to Issue Bonds for Dam Site 15A – Chairperson ruled this item out of order at Subcommittee.

TREASURER'S REPORT:

- **MOTION NO. 14** It was moved by Director John Conley and seconded by Director Klug as follows:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the March, 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 #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 March, 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.

Director Japp asked about the deposit of bond money for Dam Site 5. The General Manager addressed his question.

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

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

RESOLUTION OF CENSURE: Director Tesar informed the Board he was requested by the Officers of the District to introduce a resolution of censure.

RESOLUTION OF CENSURE

The Board of Directors of the Papio-Missouri River Natural Resources District hereby expresses its strong disapproval of Director Scott Japp's apparent disregard of the Code of Conduct adopted by the Board on April 14, 2011; his efforts to unfairly discredit the Board, Management and staff of the District; his interference with the planning and administration of projects and programs adopted by a majority of the Board of Directors; and, his rude and abusive behavior towards fellow Directors, members of the public, Management and staff of the District, all of such conduct resulting in harm to the District and detriment to the public.

•• **MOTION NO. 15** It was moved by Director Tesar and seconded by Director John Conley to approve the Resolution of Censure.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea, 3-nay, and 2 abstentions.

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

CHAIRPERSON'S REPORT: The Chairperson stated he had nothing to report.

GENERAL MANAGER'S REPORT: GM Winkler gave his report. The GM report has been posted to the website and is attached to these meeting minutes.

INFORMATIONAL ITEMS:

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

March 28, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 9, 2013	P-MRNRD Subcommittee Meetings
April 11, 2013	P-MRNRD Board Meeting
April 25, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 4, 2013	State Envirothon being held at Chalco Hills
May 7-8, 2013	Water Works Festival, Schramm Park, 9:00 a.m.
May 7, 2013	P-MRNRD Subcommittee Meetings
May 9, 2013	P-MRNRD Board Meeting
May 21, 2013	Lower Platte River Corridor Alliance Kayak Tour
May 23, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 27, 2013	Memorial Day – P-MRNRD Offices Closed

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on May 9, 2013 at the NRC.

ADJOURNMENT: Being no further business, at 7:38 p.m. the Chairperson declared that the meeting was adjourned.

NOTE: These minutes reflect the actions and votes taken at the April 11, 2013 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 April 11, 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.

Richard Tesar
District Secretary