



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
May 14, 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 May 14, 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
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 Thompson and seconded by Director Conley (Fred) that the agenda be adopted.

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2** It was moved by Director Conley (Fred) and seconded by Director Thompson 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 is excused from the May 14, 2015, Board of Directors Meeting:

Tim Fowler

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

BE IT RESOLVED that the April 9, 2015, Papio-Missouri River NRD Board Meeting minutes and the April 8, 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 9-yea and 1-nay.

Voting Yea	-	Bonnett, Conley (Fred), Conley (John), Frost, Leahy, Tesar, Thompson, Woodle, Klug
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 May 7, 2015. The District's March 13, 2015 – April 9, 2015, expenditures were published in the Burt County Plaindealer on April 22, 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 May report on NRCS activities. Neil's report is posted to the website and attached to the file copy of these meeting minutes.

B. Nebraska Association of Resources Districts Report: Director Rich Tesar reported that the Central Platte River Basin Tour will be held on June 15-16, 2015, leaving from Gothenburg, Nebraska. Interested Directors should contact staff for registration.

C. Legislative Report – Husch Blackwell: Tim Gay gave the Legislative Update report. He concluded his report by stating all Legislative Resolution and Studies are due by close of business May 15, 2015 and that a summary of all Legislative Bills be will provided to the Directors in June. A written copy of his report is attached to the file copy of these meeting minutes.

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

posted to the website and is attached to the file copy of these meeting minutes.

E. Prosper Omaha Presentation – Urban Land Institute Report: David Brown, President and CEO, Greater Omaha Chamber, gave a presentation on the Urban Land Institute and the goals and objectives for the Omaha/Council Bluffs River Front Property and the Prosper Omaha Campaign. A copy of this presentation is attached to the file copy of these meeting minutes.

F. USGS Monitoring Report Presentation: Amanda Flynn, USGS Nebraska Water Science Center, gave a presentation on the 2014 Papio-Missouri River NRD Groundwater Quality Monitoring Results. A copy of this presentation is attached to the file copy of these meeting minutes.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on May 12, 2015, 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:* Ashland Area Pilot Groundwater Model Update and Report – It is recommended that the General Manager be authorized to execute the proposed Joint Funding Agreement with the USGS for a maximum contribution amount of \$223,200 and the proposed Interlocal Agreement with Lower Platte South and Lower Platte North NRDs for the Ashland Area Pilot Groundwater Model Update and Report, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Staff member Paul Woodward presented the Board with a chart of anticipated costs for the proposed USGS Joint Funding Agreement. There was extensive discussion by Directors. Steve Peterson, USGS, addressed Director’s questions.

*Motion to Table:* It was moved by Director Thompson and seconded by Director Tesar to Table this item.

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

Voting Yea - Conley (Fred), Frost, Leahy, Tesar, Thompson, Woodle  
Voting Nay - Bonnett, Conley (John), Klug  
Abstaining - Japp  
Excused Absence - Fowler  
Absent - Fowler

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

*PPO Recommendation #2:* Interlocal Agreement with Sarpy County on Chalco Hills Recreation Area/Giles Road (156th to 144th Street) Improvements – It is recommended that the General Manager be authorized to sign an Interlocal Agreement with Sarpy County Public Works for the Giles Road Expansion and Improvements within the Chalco Hills Recreation Area property, subject to approval by the US Army Corps of Engineers, and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp inquired to whether wetland banking credits could be used for this project. GM Winkler stated there were no credits available in that area.

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

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

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

*PPO Recommendation #3:* Missouri River R-616 and R-613 Levee Agreement with Offutt Air Force Base – It is recommended that the General Manager be authorized to sign an agreement with Offutt AFB for the Missouri River R-616 and R-613 Levees, 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 of 10-yea.

Voting Yea	-	Bonnett, Conley (Fred), Conley (John), Frost, Japp, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
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:* Little Papio Channel (Center Street to Grover Street) Stabilization Project Professional Services Contract with HDR Engineering – It is recommended that Board Policy 15.2 Purchasing Professional

Services be waived and the General Manager be authorized to execute the proposed professional services contract with HDR Engineering Inc. to design and construct the Little Papio Channel (Center Street to Grover Street) stabilization project, to be billed hourly, in a total not-to-exceed amount of \$134,754, 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 of 8-yea, 1-nay, and 1-abstention.

- Voting Yea - Bonnett, Conley (Fred), Conley (John), Leahy, Tesar, Thompson, Woodle, Klug
- Voting Nay - Japp
- Abstaining - Frost
- Excused Absence - Fowler
- Absent - Fowler

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

*PPO Recommendation #5:* Resolution for Participation in the District’s Multi-Hazard Mitigation Plan – It is recommended that the following resolution be adopted:

Whereas, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure, and

Whereas, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and

Whereas, the Papio-Missouri River Natural Resource District is proposing to serve as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities,

Therefore, be it resolved the Papio-Missouri River Natural Resources District hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve.

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

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

Excused Absence - Fowler  
Absent - Fowler

*PPO Recommendation #6:* Amendment to Professional Services Contract with Olsson Associates for the Kramper Lake/Danish Alps Recreation Area Construction Inspection. This item failed in Subcommittee. No action was taken by the Board.

Director John Conley briefed that the Amendment to the Professional Services Contract with Olsson Associates for the Kramper Lake/Danish Alps Recreation Area Construction Inspection failed in Subcommittee. No action was taken by the Board.

B. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on May 12, 2015, and gave a brief recap of the meeting.

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

*FEL Recommendation #1:* Elkhorn River/240th Street Streambank Stabilization Project Account Over 110% (01-03-547-4392) Attorney Fees & Legal Costs - It is recommended that account 01-03-547-4392 Streambank Stabilization, Attorney Fees & Legal Costs be allowed to exceed 110% of the budgeted amount.

Roll call was held on the motion. The motion carried on a vote of 7-yea and 3-nay.

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

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

*FEL Recommendation #2:* Chalco Hills Park Residence Account Over 110% (01-06-403-4630) Building Maintenance – It is recommended that account 01-06-403-4630 Park Residence Building Maintenance be allowed to exceed 110% of the budgeted amount of \$25,000, with a maximum not-to-exceed amount of \$60,000.

Roll call was held on the motion. The motion carried on a vote of 6-yea and 4-nay.

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

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

*FEL Recommendation #3:* Proposals for Auction of Surplus Property at Prairie Queen – Recommendation that the General Manager be authorized to execute an agreement with Farmers National for sale by auction with reserve of the surplus land identified at Prairie Queen Recreation Area.

There was extensive discussion by the Directors regarding the excess property at Prairie Queen. Topics included: speculative future land use, existing/potential zoning, auction vs. real estate sale, how the property would be sold i.e. parcels versus entire property, commission of real estate agents, and advantages/disadvantages to retaining this property. Staff member Amanda Grint addressed the concerns of the Board, stating the parcels would be sold in groups, with a set minimum dollar amount, with the reserve amount to be set by the Executive Committee or Chairperson. The following individual addressed the Board:

- Ed Petsche, 12050 Pacific Street, Omaha, Nebraska, NP Dodge Commercial Real Estate

*Motion to Move to Executive Session:* A motion was made by Director Woodle and seconded by Director Director Japp to go into Executive Session for the purpose of discussing the auction company’s compensation for the sale of this property.

Roll call was held on the motion to go into Executive Session. The motion failed on a vote of 5-yea and 5-nay.

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

*Call the Question:* A motion was made by Director Tesar to call the Question.

Roll call was held on the motion to call the question. The motion carried on a vote of 6-yea and 4-nay.

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

Roll call was held on the original motion. The motion failed on a vote of 4-yea and 6-nay.

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

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

*FEL Recommendation #4:* 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 20 in the amount of \$68,000 for 0.739 acres of land and such other terms and conditions as 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 of 7-yea and 3-nay.

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

- **MOTION NO. 12** It was moved by Director Tesar that the following recommendation be adopted:

*FEL Recommendation #5:* King Lake Purchase Agreements – It is recommended that the General Manager be authorized to execute for and on behalf of the District, the Purchase Agreements in the forms as presented to the Subcommittee, providing for the purchase by the District from William and Debra Huser, of Lot 1, Gieselmans Subdivision for the purchase price of \$2,000, and for the purchase of land and improvements at 6006 North 246th Street for the purchase price of \$30,500, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Staff member Lori Laster, presented the Board with an updated map of District owned properties located at King Lake.

Roll call was held on the motion. The motion carried on a vote of 7-yea and 3-nay.

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

**TREASURER'S REPORT:**



- **MOTION NO. 13** 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 April, 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 April, 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 3-nay.

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

**CHAIRPERSON'S REPORT:** The Chairperson passed on his appreciation for staff's hard work in getting \$9,000,000 in funding through bi-annular budget process, refinancing the 2010 series bonds, and doing what is in the best interest of the tax payers.

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM report with the Board and asked directors to contact him if they had questions. David Newman, District Legal Counsel, reported on pending litigation and land right negotiations.

**PROPOSED CITY OF FORT CALHOUN SETTLEMENT AGREEMENT AND WATER SUPPLY CONTRACT:** GM Winkler stated there was no information to report at this time.

**INFORMATIONAL ITEMS:**

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

the Directors:

May 25, 2015	Memorial Day – P-MRNRD Offices Closed
May 28, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
June 9, 2015	P-MRNRD Subcommittee Meetings
June 11, 2015	P- MRNRD Board Meeting
June 15-16, 2015	NARD Board Meeting and Basin Tour, Gothenburg, NE
June 25, 2015	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

B. Next Meeting – June 11, 2015, at the NRC

**ADJOURNMENT:** Being no further business, at 8:50 p.m. the Chairperson declared that the meeting was adjourned.

**NOTE:** These minutes reflect the actions and votes taken at the May 14, 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 May 14, 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