



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
July 10, 2014**

**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> St., Omaha, NE on July 10, 2014. 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 on a vote of 9-yea and 2-abstentions.

|                 |   |   |
|-----------------|---|---|
| Voting Yea      | - | Bonnett, Conley (John), Fowler, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred) |
| Voting Nay      | - | None  |
| Abstaining      | - | Frost, Japp   |
| 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 July 10, 2014, Board of Directors Meeting:

None to date.

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

BE IT RESOLVED that the June 12, 2014 Papio-Missouri River NRD Board meeting minutes and the June 11, 2014 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, 1-nay, and 1-abstention.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on July 3, 2014. The District's May 9-June 12, 2014, expenditures were published in the Papillion Times on June 25, 2014. 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. Letter of Commendation to Gary Kula, Omaha Police Officer: Director Bonnett and General Manager John Winkler presented a Resolution of Commendation to Omaha Police Officer, Gary Kula, for his efforts in rescuing a swarm of 5,000 bees. Officer Kula, a member of the Omaha Club, and Tony Sandoval, President of the Omaha Bee Club, thanked the Board of Directors for this recognition.

B. 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.

C. Nebraska Association of Resources Districts Report: Director Tesar stated there was no update on NARD activities.

D. Legislative Report – Husch Blackwell: Steve Grasz briefed that Ron Sedlacek and Tim Gay, members of the District’s Government Relations team, have been meeting with various candidates running for State Legislature to educate them on issues relating to Natural Resources Districts and the Papio-Missouri River NRD.

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

**PUBLIC HEARING – Papio Dam Site 15A Project Land Acquisition:**

Chairperson Fred Conley appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:14 p.m. The Hearing Officer submitted the following exhibits for the record:

- Exhibit 1**      Agenda
- Exhibit 2**      Notice of Public Hearing
- Exhibit 3**      Proof of Publication of Hearing Notice Affidavit
  - ◆ Omaha World-Herald – June 30, 2014
  - ◆ Omaha World-Herald – July 3, 2014
- Exhibit 4**      Explanation of the Purpose of the Hearing
- Exhibit 5**      Information to Landowners
  - ◆ June 30, 2014, Public Hearing Notice and Information Packet sent to landowners (Certified Mail)
  - ◆ List of Landowners mailed hearing notice
  - ◆ Certified Mail Return Receipts for Information packet mailed to landowners
- Exhibit 6**      Multi-Reservoir Analysis – Papillion Creek Watershed – September 2004
- Exhibit 7**      Papio Dam Site 15A Revised Conceptual Design Evaluation – May 2007
- Exhibit 8**      West Papillion Creek Levee Restoration Evaluation – March 2008
- Exhibit 9**      Concept Design Plan
- Exhibit 10**     Letter of support from City of Omaha

General Manager Winkler briefed the audience on the exhibits being submitted as a part of the Public Hearing. The District’s Attorney, Steve Grasz, explained the purpose and necessity of the hearing per Neb. Revised Statute 25-2504. Project Manager, Lori Laster, stated the purpose and scope of the project located at 168<sup>th</sup> and Fort Street. The re-hearing is due to fractional owners of 725 acres within tract 4 of the project. General Manager Winkler opened the floor to the public. The following individuals addressed the Board:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE, President of the Papio Valley Preservation Association

Hearing Officer Winkler closed the Public Hearing at 7:21 p.m. and returned the floor to Chairperson Fred Conley.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on July 8, 2014, and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Proposed Easements for the North Shore Phase 3 Development (SID 292) on WP-5 Project Property – Recommendation that the General Manager be authorized to execute the Permanent Storm Sewer and Drainage Easement, Temporary Construction Easement, and the Permanent Sanitary Sewer Easements with SID 292 on the WP-5 project property, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp expressed his opposition to the District providing the easements to SID 292 without expecting the SID to purchase the property.

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

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

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

*PPO Recommendation #2:* Nebraska Environmental Trust (NET) Grant Application for Installation of Solar Panel Array and an Information and Education Component at the P-MRNRD Headquarters – Recommendation that the General Manager be authorized to submit a \$110,000 project request to the Nebraska Environmental Trust at a 75% NET (\$82,500.00), 25% NRD (\$27,500.00) cost share for the installation of a solar array and informational kiosk at the NRD Headquarters.

Staff members Jim Becic and Eric Williams updated the Board on relevant facts regarding the NRD Solar Panel installation proposal, demand charge, and payback information. The factsheet

is attached to these meeting minutes. There was additional discussion by Directors.

Roll call was held on the motion. The motion carried on a vote of 7-yea, 3-nay, and 1-abstention.

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

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

*PPO Recommendation #3.:* Candlewood Lake Dam Drawdown Repairs Project Bid Opening – Recommendation that the General Manager be authorized to execute a contract with Eriksen Construction, for the construction of the Candlewood Lake Dam Drawdown Repairs Project, as presented to the Subcommittee, in a not-to-exceed amount of \$52,300, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Frost asked about the necessity of the drawdown repairs. The General Manager explained it was to meet the State’s Dam Safety requirements.

Roll call was held on the motion. The motion carried on a vote of 8-yea, 2-nay, and 1-abstention.

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

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

*PPO Recommendation #4.:* PL-566 Site 15B Interlocal Agreement with SID 564 (Grove Ridge) – Recommendation that the General Manager be authorized to execute the proposed Interlocal Cooperative Agreement with SID 564 of Douglas County (Grove Ridge), for Papio Watershed Structure D-15B, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp stated his opposition which is due to the past history the District has had with Dial Realty.

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

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

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

*PPO Recommendation #5.:* Thompson Creek Interlocal Agreement with City of La Vista – Recommendation that the General Manager be authorized to execute the proposed Interlocal Cooperative Agreement with the City of La Vista, Nebraska, for the Thompson Creek Levee Improvement Project, as presented to the Subcommittee, subject to changes deemed necessary by the General Manger 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 and 1-abstention.

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

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

*PPO Recommendation #6.:* Thompson Creek Levee Improvement Project Relocation Agreement with Omaha Public Power District (OPPD) – Recommendation that the General Manager be authorized to execute the proposed Agreement with Omaha Public Power District for relocation of OPPD facilities impacted by the Thompson Creek Levee Improvement Project, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion regarding above ground power lines vs. buried lines.

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

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

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

*PPO Recommendation #7.:* Lower Platte River Weed Management Program Amendment to the Interlocal Agreement – Recommendation that the General Manager be authorized to execute the Amended Interlocal Cooperation Agreement for the Lower Platte River Phragmites Management Program, as presented to the Subcommittee, and 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 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

BE IT RESOLVED that the following amended recommendations of the Subcommittee are hereby adopted and approved as amended.

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

*PPO Recommendation #8.:* Pigeon Creek Levee Emergency Repair – Recommendation that the General Manager be authorized to use the Informal Competitive Bidding procedures provided by District Policy 15.6.B for the acquisition of emergency services of engineers, contractors, and vendors of other property or services, not limited to the \$50,000 policy threshold, as the General Manager determines necessary to repair the Pigeon Creek Levee breach that occurred in the Elk/Pigeon Creek Improvement Area in Dakota County and take necessary steps to effect those repairs. In addition to waiving the \$50,000 policy limitation of District Policy 15.6.B, the Board hereby waives the requirements of bid and performance bonds normally required by District Policies 15.7 and 15.8 for those emergency services obtained for the repair of the Pigeon Creek Levee breach.

Director Bonnett expressed his concerns regarding the waiving of the bid and performance bonds requirements. The General Manager noted this was an emergency situation and requiring the bonds could potentially delay the emergency repairs by 2 weeks. He added that in December the Board can expect a policy update regarding the handling of emergency repairs. Director Thompson added that all work will be insured.

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 that the following Subcommittee recommendation be adopted:

*PPO Recommendation #9.:* West Douglas County Trail System Supplemental Agreement for Professional Engineering Services with Ehrhart, Griffin & Associates – Recommendation that the General Manager be authorized to execute a Supplemental Agreement between the District and Ehrhart, Griffin & Associates for Engineering Services for the Western Douglas County Trail Project, Phase 1 & 2, for an increase in costs not-to-exceed \$35,520.59.

Director Frost asked staff the reasoning behind the increase to the Engineering Services. Staff member Eric Williams addressed his concerns.

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

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

•• **MOTION NO. 12** It was moved by Director John Conley that the following Subcommittee recommendation be adopted:

*PPO Recommendation #10.:* Final Adoption of the Integrated Management Plan for the Lower Platte River – Recommendation that the Integrated Management Plan for the Lower Platte River Basin portion of the District, be adopted, as presented to the Subcommittee, and incorporated into



the District's Policy Manual.

The following individual addressed the Board:

- Steve Kruger, 14744 County Road 7, Arlington, NE representing District 6 Washington County Supervisors

Director Japp stated his opposition to the Integrated Management Plan and asked Steve Grasz, District Legal Counsel, questions regarding his June 30, 2014, memo to the General Manager on the Lower Platte River Integrated Management Plan – Compliance with Statutory Requirements. Director Bonnett asked staff about the effects on urban water users, the education component, and costs associated with the project. Staff member Brian Henkel explained the existing programs used for education outreach. He added that he didn't have a cost estimate at this time, but that it will be cost-shared with a Nebraska Environmental Trust (NET) Grant, which will come back to the Board for funding.

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

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

B. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on July 8, 2014, and gave a brief recap of the meeting.

Director Tesar stated that the Subcommittee reviewed the first draft of the FY 2015 Budget. No action was taken by the Subcommittee. The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE. A copy of her written testimony is a part of these meeting minutes.

•• **MOTION NO. 13** It was moved by Director Tesar that the following Subcommittee recommendation be adopted:

*FEL Recommendation #1:* Proposed Increase to the Thurston County Rural Water Rate Schedule – Recommendation that the General Manager be authorized to set a new increased rate schedule for the Thurston County Rural Water System, to be effective September 1, 2014, as presented to the Subcommittee.

Roll call was held on the motion. The motion carried on a vote of 11-yea.

|            |   |  |
|------------|---|--|
| 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

BE IT RESOLVED that the following amended recommendations of the Subcommittee are hereby adopted and approved as amended.

- **MOTION NO. 14** It was moved by Director Tesar that the following Subcommittee recommendation be adopted:

*FEL Recommendation #2:* Dam Site 15A Land Acquisition – Recommendation that the following resolution be adopted:

a.) Recommendation that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 1 in the amount of \$144,285 for 9.619 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 7 in the amount of \$140,736 for 8.796 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 13-15 in the amount of \$5,490,885 for 129.317 acres of land, such purchase agreements to contain provisions for the owners to retain leases over such lands for the 2014 crop year (expiring on or before November 15, 2014) and such other terms and conditions as the General Manager deems necessary and Legal Counsel approves as to form.

And:

Negotiations for Dam Site 15A Tracts 5 and 6:

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (“the DISTRICT”) has proposed to construct, operate and maintain the Dam Site 15A Project (“the PROJECT”), consisting of a multi-purpose flood control dam, reservoir and public recreational project, as generally described and depicted in the DISTRICT’S plans for the PROJECT, including the diagram presented to this meeting and incorporated herein by reference as Exhibit “A”; and,

WHEREAS, the PROJECT is a plan, facility, work and program within the contemplation of Neb. Rev. Stat. § 2-3229, which provides as follows, to-wit:

**2-3229 Districts; purposes.** The purposes of natural resources districts shall be to develop and execute, through the exercise of powers and authorities granted by law, plans, facilities, works, and programs relating to (1) erosion prevention and control, (2) prevention of damages from flood water and sediment, (3) flood prevention and control, (4) soil conservation, (5) water supply for any beneficial uses, (6) development, management, utilization, and conservation of ground water and surface water, (7) pollution control, (8) solid waste disposal and sanitary drainage, (9) drainage improvement and channel rectification, (10) development and management of fish and

wildlife habitat, (11) development and management of recreational and park facilities, and (12) forestry and range management.

\*\*\*\*.

and,

WHEREAS, the Board of Directors of the DISTRICT does hereby find and determine as follows, to-wit:

A. The PROJECT is reasonable and feasible and is and will be of predominantly general benefit to the DISTRICT, with only incidental special benefit, within the contemplation of Neb. Rev. Stat. § 2-3252; and, the PROJECT should be carried out with any available funds of the DISTRICT; and,

B. The DISTRICT has identified certain parcels of land in Douglas County, Nebraska (“the ACQUISITION PARCELS”) that, because of the public uses that will be made of PROJECT lands, waters and facilities, are necessary to be acquired in fee simple for purposes of construction, operation and maintenance of the PROJECT, to-wit:

Tract 5 (Kuker), described and depicted in the legal description and diagram presented to this meeting and incorporated in this resolution by this specific reference as Exhibit “B”; and,

Tract 6 (Thompson), described and depicted in the legal description and diagram presented to this meeting and incorporated in the resolution by this specific reference as Exhibit “C”: and,

C. The District has negotiated in good faith with the respective owners of the ACQUISITION PARCELS (“the LANDOWNERS”) in that the District has retained a professional real estate appraiser who has appraised and determined the total fair market values of the ACQUISITION PARCELS and the damages that will be sustained by the respective LANDOWNERS as a result of the DISTRICT'S acquisition of fee simple title to the ACQUISITION PARCELS (“the APPRAISED COMPENSATION”); the District offered to the LANDOWNERS amounts of money equal to the APPRAISED COMPENSATION; and, the District's representatives made reasonable efforts by personal contacts, telephone conferences, correspondence and other methods to negotiate in good faith with the LANDOWNERS and to induce them to accept the APPRAISED COMPENSATION, but that the DISTRICT'S offers have been refused, counter-proposals by the respective LANDOWNERS are unreasonable and unacceptable to the District, and such negotiations have failed and are at an impasse; and,

D. Economic and physical feasibility necessitate that the PROJECT be constructed in Douglas County, as designed by the DISTRICT, alongside the current channel of the North Branch West Papillion Creek and its tributaries at the locations of the ACQUISITION PARCEL; and,

E. The DISTRICT has obtained the necessary approvals for the PROJECT from the United States Corps of Engineers, including specifically a permit issued pursuant to Section 404 of the Clean Water Act, 33 U.S.C. § 1344; and,

F. Fee simple title to the land in the ACQUISITION PARCELS is necessary to be acquired by the DISTRICT for the PROJECT, among other things, in order to provide for permanent pool storage and periodic flood pool inundations; in order to provide for construction, operation and maintenance of public recreational improvements; in order to provide for any necessary future utility relocations and stabilization measures; and, in order to satisfy the public access requirements of Neb. Rev. Stat. § 2-3290.01(4); and,

G. It is necessary that the DISTRICT exercise the right of eminent domain, granted to it by Neb. Rev. Stat. § 2-3234, in order to acquire fee simple title to the ACQUISITION PARCELS for purposes of the PROJECT.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the DISTRICT that the foregoing findings and determinations should be and are hereby made and adopted; and that, in the absence of voluntary conveyances of fee title to the respective ACQUISITION PARCELS to the DISTRICT for the APPRAISED COMPENSATION, the DISTRICT'S Legal Counsel should be, and is hereby, authorized and directed to initiate the filing of a petition in the County Court of Douglas County, Nebraska, on behalf of the DISTRICT, pursuant to the procedures governing eminent domain provided by Neb. Rev. Stat. § 76-701, *et seq.*, for the appointment of appraisers to ascertain and determine the damages that will be sustained by the respective LANDOWNERS from the DISTRICT'S acquisition of fee title to the ACQUISITION PARCELS.

The following individual addressed the Board:

➤ Michelle Thompson, 18950 Ida Street, Bennington, NE

- **MOTION NO. 14.A.** It was moved by Director Leahy and seconded by Director Bonnett that the Board go into Executive Session at 8:27 p.m. for the purpose of discussing land acquisition.

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, Thompson, Woodle, Conley (Fred) |
| Voting Nay      | - | Tesar   |
| Abstaining      | - | None  |
| Excused Absence | - | None  |
| Absent          | - | None  |

- **MOTION NO. 14.B.** It was moved by Director Tesar and seconded by Director Leahy that the Board comes out of Executive Session at 8:47 p.m.

Roll call was held on the motion. The motion carried on a vote of 11-yea.

|            |   |  |
|------------|---|--|
| 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

Director Japp inquired about negotiations with a landowner and stated his opposition of acquiring property for the project that, in his opinion, is not needed for the project. Steve Grasz, District Legal Counsel, stated that, although he was not able to comment on the specifics of the landowner negotiations, they meet legal requirements and added that the project boundaries have already been voted on by the Board.

- **MOTION NO. 14.C.** A motion was made by Director Tesar and seconded by Director Fowler to Call the Question.

Roll call was held on “Calling the Question”. The motion passed on a vote of 7-yea, 2-nay, and 2-abstentions.

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

- **MOTION NO. 14.D.** The Chairperson directed the roll call vote on the original motion.

The motion passed on a vote of 6-yea, 3-nay, and 2-abstentions.

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

**TREASURER'S REPORT:**

- **MOTION NO. 15** 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 June, 2014, 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 Supply Systems, 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, 2014, 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 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   |

**CHAIRPERSON’S REPORT:** The Chairperson turned the floor over to Director Fowler. Director Fowler informed the Board on information he was provided by an individual within his Subdistrict regarding a meeting that transpired between Milton Fricke, Jr. and Director Japp regarding the Thompson Creek Levee Project, that he felt was unethical, unprofessional and possibly illegal, and asked the Board what they could do about it. The General Manager stated he has contacted District Legal Counsel for options and added that it doesn’t require a motion, just direction from the Board. Chairperson Fred Conley stated that there is already pending action and that this information should be filed with the Sarpy County Attorney and the Nebraska Accountability and Disclosure Commission.

Chairman Fred Conley thanked the Directors and staff for the assistance they provided over the past year he has served as the Chairperson of the Board of Directors. That concluded his 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.

There was discussion among Directors on Douglas County Board’s decision to deny the District a tax exemption on purchased property needed to build its Dam Site 15A Project, requiring the property remain on the Douglas County tax rolls. The District will appeal the decision to the Nebraska Tax Equalization and Review Commission.

**ELECTION OF P-MRNRD OFFICERS:**

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

A. **Chairperson:** The Vice-Chairperson opened the floor for nominations for Chairperson. Director John Conley nominated David Klug as Chairperson. There were no other nominations. It was moved by Director Thompson and seconded by Director Tesar to close nominations by

acclamation.

B. **Vice-Chairperson:** The Chairperson opened the floor for nominations for Vice-Chairperson. Director Tesar nominated Director Tim Fowler as Vice-Chairperson. Director Frost nominated Director Leahy as the Vice-Chairperson. Director Leahy declined. There were no other nominations. It was moved by Director Thompson and seconded by Director Klug to close nominations by acclamation.

C. **Secretary:** The floor was opened for nominations for Secretary. Director John Conley nominated Rich Tesar as Secretary. There were no other nominations. It was moved by Director Thompson and seconded by Director Klug to close nominations by acclamation.

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director Klug nominated John Conley as Treasurer. There were no other nominations. It was moved by Director Thompson and seconded by Director Klug to close nominations by acclamation.

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

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

The floor was opened for nominations for NARD Director and Alternate Director. Director Fowler nominated Rich Tesar for NARD Director. There were no other nominations. Director Tesar nominated Tim Fowler for NARD Alternate Director. Director Leahy nominated Director Frost for NARD Alternate Director, who declined. Director Leahy nominated Director Woodle for NARD Alternate Director, who declined. Director Leahy nominated Director Bonnett for NARD Alternate Director, who declined. Director Bonnett nominated Director Klug for NARD Alternate Director, who declined. It was moved by Director Tesar and seconded by Director Klug to close nominations by acclamation.

•• **MOTION NO. 16** It was moved by Director Tesar and seconded by Director Fowler that the following resolution be adopted:

BE IT RESOLVED that the following named persons be and are hereby elected officers of the Papio-Missouri River Natural Resources District for the coming year has been elected: **David Klug**, Chairperson; **Timothy Fowler**; Vice-Chairperson; **Rich Tesar**, Secretary; and, **John Conley**, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of **Patrick Leahy** as 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 **Tim Fowler**, 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, **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), Fowler, Frost, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
Voting Nay - None  
Abstaining - Japp  
Excused Absence - None  
Absent - None

**INFORMATIONAL ITEMS:**

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

|                    |  |
|--------------------|--|
| July 24, 2014      | Papillion Creek Watershed Partnership Meeting<br>10:00 a.m., at NRC              |
| August 12, 2014    | P-MRNRD Subcommittee Meetings  |
| August 14, 2014    | P-MRNRD Board Meeting  |
| August 28, 2014    | Papillion Creek Watershed Partnership Meeting,<br>10:00 a.m., NRC                |
| August 28, 2014    | LPRCA 2014 Water Quality Open at Quarry Oaks Golf<br>Course, 11:00 a.m. check-in |
| September 9, 2014  | P-MRNRD Subcommittee Meetings  |
| September 11, 2014 | P-MRNRD Board Meeting in Dakota City   |

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on August 14, 2014 at the NRC.

**ADJOURNMENT:** Being no further business, at 9:10 p.m. the Chairperson declared that the meeting was adjourned.



**NOTE:** These minutes reflect the actions and votes taken at the July 10, 2014 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 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 July 10, 2014 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