



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
August 9, 2012**

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 August 9, 2012. The meeting was called to order by Chairperson Rick Kolowski at 7:00 p.m.

QUORUM CALL: The following Directors were present for the Quorum Call:

Fred Conley	Scott Japp
John Conley	Dave Klug
Gus Erickson	Rick Kolowski
Tim Fowler	Dorothy Lanphier
	Rich Tesar

ADOPTION OF AGENDA:

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

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

Voting Yea	-	F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Lanphier, Tesar, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Bradley, Thompson
Absent	-	Bradley, Thompson

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Fred Conley and seconded by Director Klug that the following resolution be adopted:

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 3.A.:

BE IT RESOLVED that the absence of the following Director from the August 9, 2012, Board of Directors Meeting is excused:

Larry Bradley
Jim Thompson

Agenda Item 7. A. and B.

BE IT RESOLVED that

- A. The July 12, 2012 Papio-Missouri River NRD Board meeting minutes are approved as printed.
- B. The July 11, 2012 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

Voting Yea	-	F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Kolowski
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Bradley, Thompson
Absent	-	Bradley, Thompson

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on August 2, 2012. The District's June 15-July 12, 2012, expenditures were published in the Dakota County Star on July 26, 2012. The Vice-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, briefed the Board on NRCS activities for the past month. The complete report is posted to the District's website.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Annual Meeting will be held September 24-25, 2012 in Kearney, NE and encouraged Directors and staff to attend.

C. Legislative Report: The General Manager updated the Board to the status of the interim studies that are relevant to this Board.

D. Lower Platte River Corridor Alliance Report: Megan Sittler, LPRCA Coordinator, submitted a written report. It is posted to the District's website.

E. Presentation by Honey Creek Resources: George Oamek, Honey Creek Resources, Inc. gave a presentation entitled, "Financing Future Projects: Comparison of Pay-As-You-Go and Debt Financing Options".

Shawn Melotz, 10404 N. 132nd Street, Omaha, Nebraska addressed the Board.

SUBCOMMITTEE REPORTS:

A. Lower Platte River Voluntary Integrated Management Plan Ad Hoc Consultant Selection Subcommittee: Director Tesar reported that the Ad Hoc Consultant Selection Subcommittee met on July 24, 2012, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Initial Screening of RFP's for Consultant Selection Interviews: Recommendation that the consulting firms that were interviewed by the Ad-hoc Consultant Selection Subcommittee, to provide professional services for a Voluntary Integrated Management Plan for the Lower Platte River Basin, be ranked in the following order, to-wit: Olsson Associates, HRD Engineering, Inc.; and, that the General Manager, on behalf of the District, be authorized to negotiate a professional services contract with Olsson Associates.

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

Voting Yea	-	F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Kolowski
Voting Nay	-	None
Abstaining	-	Japp
Excused Absence	-	Bradley, Thompson
Absent	-	Bradley, Thompson

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on August 7, 2012, and gave a brief recap of the meeting.

Before discussion on the Heartland 2050 Consortium Agreement, Paul Mullen, Executive Director of MAPA, informed the Board of his retirement and introduced Greg Youell as his replacement. Mr. Youell has been with MAPA for 10 years.

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

PPO Recommendation #1: Heartland 2050 Consortium Agreement with Metropolitan Area Planning Agency: Recommendation that the Papio-Missouri River

NRD become a signatory member of, and active participant in the Heartland 2050 Consortium Agreement and Partnership.

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

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Kolowski
Voting Nay - Japp
Abstaining - Lanphier
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

•• **MOTION NO. 5:** It was moved by Director J. Conley and seconded by Director Erickson that the following recommendation be adopted:

PPO Recommendation #2a: Grant Applications for the Missouri River Levees R-613 and R-616 Accreditation Project - Economic Development Administration (EDA) Disaster Relief Grant: Recommendation that the District apply for an Economic Development Administration grant for disaster relief funds to offset the costs of certification of the R-613 and R-616 levees.

Roll call vote was held on motion. The motion carried on a vote of 7-yea and 2 abstentions.

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Kolowski
Voting Nay - None
Abstaining - Japp, Lanphier
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

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

PPO Recommendation #2b: Grant Applications for the Missouri River Levees R-613 and R-616 Accreditation Project - Nebraska Environmental Trust: Recommendation that the District apply for Nebraska Environmental Trust funds in the amount of \$2,000,000, to offset the cost of a setback of the R-613 levee.

Director Lanphier asked for clarification on which of the options discussed at the Subcommittee was being voted on in this motion. She suggested an amended motion.

•• **AMENDMENT NO. 1 to MOTION NO. 6:** It was moved by Director Lanphier and seconded by Director Japp to amend the motion to include the wording that the grant be based on the 399 acre setback.

Roll call vote was held on the amended motion. The motion carried on a vote of 6-yea, 1-nay and 2-abstentions.

Voting Yea - F. Conley, Erickson, Fowler, Klug, Kolowski, Lanphier
 Voting Nay - Tesar
 Abstaining - J. Conley, Japp
 Excused Absence - Bradley, Thompson
 Absent - Bradley, Thompson

Roll call vote was held on the motion as amended. The motion carried on a vote of 8-yea and 1-abstention.

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Kolowski
 Voting Nay - None
 Abstaining - Japp
 Excused Absence - Bradley, Thompson
 Absent - Bradley, Thompson

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

PPO Recommendation #3: 240th Street (Elkhorn River) Professional Services Agreement with FYRA Engineering: Recommendation that the District’s consultant selection procedures be waived and that the General Manager be authorized to execute a professional services contract with FYRA Engineering for the maximum not-to-exceed amount of \$259,642; that management be authorized to submit an application to the Nebraska Environmental Trust for financial assistance on the project; and, that the General Manager be authorized to execute an amendment to the Interlocal Agreement with Sarpy County for 50/50 cost share on the professional services contract, all subject to approval by Sarpy County and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Kolowski
 Voting Nay - Japp, Lanphier
 Abstaining - None
 Excused Absence - Bradley, Thompson
 Absent - Bradley, Thompson

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

PPO Recommendation #4: Phase II on Professional Services Contract with HDR Engineering, Inc. for Dam Site 15A: Recommendation that the General Manager be authorized to execute the Professional Services Contract Amendment between the District and HDR Engineering Inc. for Phase 2 services for Papio Dam Site 15A Project, in the form as

presented to the meeting, increasing the maximum contract fee to \$1,997,641, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked to amend the motion to included, “as mandated by the Federal Government”. There was discussion as to where the funding was coming from and brief discussion on Disadvantaged Business Enterprises.

- **AMENDMENT NO. 1 to MOTION NO. 8:** It was moved by Director Japp and seconded by Director Lanphier to amend the motion to include the wording “as mandated by the Federal Government”.

Roll call vote was held on the amended motion. The motion failed on a vote of 1-yea and 8-nay.

Voting Yea - Japp
Voting Nay - F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Kolowski
Abstaining - None
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

Roll call vote was held on the original motion. The motion passed on a vote of 6-yea and 3-nay.

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Tesar, Kolowski
Voting Nay - Japp, Klug, Lanphier
Abstaining - None
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

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

PPO Recommendation #5: Little Papio Channel (72nd to Dodge Street) Emergency Repair Project: Recommendation that District Policy 15.2 (Purchasing-Professional Services) and Policy (15.6 (Purchasing – Competitive Bidding) be waived and the General Manager be authorized to negotiate and execute contracts for professional services and construction services for the Little Papio Channel Repair Project near Station 191+50 to 194+00, with such provisions as the General Manager determines necessary and District Legal Counsel approves as to form.

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

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Kolowski
Voting Nay - Japp, Lanphier
Abstaining - None

Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

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

PPO Recommendation #6: Sale of District Surplus Equipment: Recommendation that the surplus equipment, as presented to the Subcommittee Meeting, be taken to the August 16th, 2012 Summer Annual Farm Machinery Consignment Auction at Lee Valley, Inc. to be sold as surplus equipment.

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

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Lanphier, Tesar, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on August 7, 2012 and gave a brief recap of the meeting.

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

FEL Recommendation #1: Missouri River Levees System Unit R-616 Seepage Area Repairs Land Rights: Recommendation that following resolution be adopted:

EMERGENCY RESOLUTION

WHEREAS, the U. S. Army Corps of Engineers (“the Corps”) has designed an emergency project (“the Project”) to install under-seepage berms to improve Levee Unit R-616 at five locations, and has requested that the Papio-Missouri River Natural Resources District immediately provide all necessary easements and other rights-of-way for the Project; and,

WHEREAS, the Board of Directors hereby determines that it is necessary to temporarily give to the District’s General Manager authority to take emergency action requiring expenditures of District funds and further action on behalf of the District, without requiring further authority from the Board of Directors and without requiring adherence to the District’s usual purchasing and right-of-way acquisition policies and practices,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that, in acquiring rights-of-way for the Project, as the Corps may request, the General Manager may execute, for and on behalf of the District, right-of-way contracts and purchase agreements reflecting such prices as the General Manager, in his sole

discretion determines appropriate, notwithstanding limitations provided in the District's Policy Manual; and, containing such other terms and conditions as the General Manager determines appropriate and Legal Counsel approves as to form.

Director Lanphier asked the General Manager what caused this action to be an Emergency Resolution. He explained the District's liability for this levee and possible instability from heavy rains.

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

Voting Yea	-	F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Lanphier, Tesar, Kolowski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Bradley, Thompson
Absent	-	Bradley, Thompson

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

FEL Recommendation #2: **FY 2013 Budget:** – Recommendation that the FY 2013 proposed budget option with no levy increase, as presented to the meeting, be forwarded for review at the September 13, 2012, Budget Hearing, with the provision that the General Manager be authorized to make necessary adjustments once final valuation figures are available to achieve compliance of state statutes regarding the lid.

Shawn Melotz, 10404 N. 132nd Street, Omaha, Nebraska addressed the Board.

There was discussion. Director Japp requested to make the following amended motion.

•• **AMENDMENT NO. 1 to MOTION NO. 12:** It was moved by Director Japp and seconded by Director Lanphier to amend the motion to move \$500,000 from the Western Sarpy Clear Creek Land Rights Account (01-03-548-4430) into the Conservation Assistance Program Account (01-04-507-4195).

Roll call vote was held on the amended motion. The motion failed on a vote of 2-yea and 7-nay.

Voting Yea	-	Japp, Lanphier
Voting Nay	-	F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Kolowski
Abstaining	-	None
Excused Absence	-	Bradley, Thompson
Absent	-	Bradley, Thompson

Roll call vote was held on the original motion. The motion passed on a vote of 6-yea and 3-nay.

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Tesar, Kolowski
Voting Nay - Japp, Klug, Lanphier
Abstaining - None
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

TREASURER'S REPORT:

- **MOTION NO. 13:** It was moved by Director John Conley and seconded by Director Fowler 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 July, 2012, 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 July, 2012, financial report, and future claims for project utilities.

BE IT FURTHER RESOLVED that the financial reports be affixed to and made a part of the minutes.

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

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Kolowski
Voting Nay - Japp
Abstaining - Lanphier
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

CHAIRPERSON'S REPORT:

A. Appointment of P-MRNRD Standing Subcommittees – Chairperson Kolowski reported that the standing subcommittee appointments, presented as shown in the District's files relating to this meeting are hereby recommended.

- **MOTION NO. 14:** It was moved by Director Fred Conley and seconded by Director Erickson that the following resolution be adopted:

BE IT RESOLVED that Standing Subcommittee appointments, as presented by the Chairperson, are hereby approved

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

Voting Yea - F. Conley, J. Conley, Erickson, Fowler, Japp, Klug, Lanphier, Tesar, Kolowski
Voting Nay - None
Abstaining - None
Excused Absence - Bradley, Thompson
Absent - Bradley, Thompson

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

It was noted that the District had received a request from the NARD office that the Board approve Amendment No. 2 to the NARD 414(h) and 457 Plans. It was noted that the Papio-Missouri River NRD does not participate in the NARD's 457 Plan.

- **MOTION NO. 15:** It was moved by Director Fred Conley and seconded by Director Fowler that the following resolution be adopted:

Be it resolved by the Board of Directors of the Papio-Missouri River Natural Resources Districts as follows with respect to the NARD 414 (h) & 457 Plans, to-wit:

NARD 414 (h) Plan

Resolved, that the District, as a Participating Employer in the NARD 414 (h) Plan, hereby consents to the adoption of Amendment No. Two of the Nebraska Association of Resources Districts 414(h) Plan ("Amendment No. Two") to bring the Plan into compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 and Worker, Retiree, and Employer Recovery Act of 2008, and other applicable law and guidance, and to make certain other adjustments, is hereby authorized and approved; and,

Resolved further, that the officers and management of the District be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment No. Two, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and,

Resolved further, that any and all action taken and documentation executed by management or the officers of the District to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

NARD 457 Deferred Compensation Plan

Resolved, that the District, as a Participating Employer in the NARD 457 Deferred Compensation Plan, hereby consents to the adoption of Amendment No. Two of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan (“Amendment No. Two”), to bring the Plan into compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 and Worker, Retiree, and Employer Recovery Act of 2008, and other applicable law and guidance, and to make certain other adjustments, is hereby authorized and approved; and,

Resolved further, that the officers and management of the District be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment No. Two, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and,

Resolved further, that any and all action taken and documentation executed by management or the officers of the District to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

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

Voting Yea	-	F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Kolowski
Voting Nay	-	None
Abstaining	-	Japp
Excused Absence	-	Bradley, Thompson
Absent	-	Bradley, Thompson

INFORMATIONAL ITEMS:

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

August 21, 2012	Lower Platte River Corridor Alliance Quarterly Meeting 9:30 a.m. at Lower Platter North NRD, Wahoo, NE
August 23, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
August 23, 2012	World O! Water Festival
August 27-29, 2012	NRD Manager’s Meeting, NRC Building, Omaha, NE
August 30, 2012	LPRCA Water Quality Open, Quarry Oaks Golf Course
September 11, 2012	P-MRNRD Subcommittee Meetings
September 13, 2012	P-MRNRD Board Meeting in Dakota City, NE

September 19-20, 2012 LPRCA Kayak Tour

September 24-25, 2012 NARD Annual Conference, Kearney, NE

September 27, 2012 Papillion Creek Watershed Partnership Meeting,
10:00 a.m., NRC

October 9, 2012 P-MRNRD Subcommittee Meetings

October 11, 2012 P-MRNRD Board Meeting

October 25, 2012 Papillion Creek Watershed Partnership Meeting,
10:00 a.m., NRC

B. The next scheduled meeting of the P-MRNRD Board of Directors will be held on September 13, 2012, at the Dakota County NRC.

Adjournment:

Being no further business, the Chairperson declared the meeting adjourned at 9:02 p.m.

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 August 9, 2012, 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