

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 14, 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 February 14, 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 John Conley 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 Thompson 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 following Director(s) have an excused absence from the February 14, 2013, Board of Directors Meeting:

None to Date.

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

BE IT RESOLVED that the January 10, 2013 Papio-Missouri River NRD Board meeting minutes, the January 9, 2013 Dakota County Rural Water Advisory Board meeting minutes and that the January 29, 2013 Washington County Rural Water #2 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 February 7, 2013. The District's December 14, 2012-January 10, 2013, expenditures were published in the Papillion Times on January 16, 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 Thompson gave the report on the 2013 NARD Legislative Conference that was held at the Embassy Suites, Lincoln, NE on January 29-30, 2013. Director Fowler gave the report on the NACD Conference which was held in San Antonio, TX on January 27-30, 2013. It was also noted that the NARD Washington DC Conference will be held on March 9-13, 2013; Directors Dave Klug and Patrick Bonnett and staff member Marlin Petermann will be representing the District.

C. Legislative Report – Husch Blackwell: Steve Grasz updated the Board on issues related to Natural Resources Districts in the 2013 Legislative Sessions. He briefed that there were 655 legislative bills and 6 constitutional amendments introduced in the 2013 Session. He updated the Board on the following Legislative Bills:

LB 57 – An Act relating to the Nebraska Environmental Trust Act.

LB 152 – An Act relating to eminent domain

LB 185 – An Act relating to natural resources districts to authorize state assistance for stream flow enhancement projects.

LB 186 – An Act relating to natural resources districts to restrict rule and regulation authority that a district may not promulgate any rule or regulation requiring an irrigation water right to apply manure to land.

LB 325 – An Act relating to natural resources districts relating to board approval of boundary changes, division, or merger.

LB 353 – An Act relating to natural resources districts to restrict rule and regulation authority that a district may not promulgate any rule or regulation requiring use of ground water irrigation to maintain a ground water irrigation water right.

LB 449 – An Act to include NRDs as a high elective office prohibiting them from holding other public offices.

LB 516 – An Act relating to water resources to adopt the Nebraska Water Legacy Act to change provisions relating to sales and use tax.

LB 517 – An Act relating to water management and establishes a Water Sustainability Project Task Force.

LB 574 – An Act relating to special assessments clarifies that certain assessments levied by a natural resources district, sanitary drainage district, sanitary and improvement district, special improvement district, county, city or village are levied and collected as special assessments.

LB 601 – An Act relating to natural resources districts would require notice for subcommittee meetings.

There was discussion on various ongoing issues relating to the 2013 Legislative Session.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler gave her report on the Lower Platte River Corridor Alliance. Her report is posted to the website and is 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 February 12, 2013, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Initial Screening of RFP's for Consultant Selection Interviews – It is recommended that the firms of HDR Incorporated, JEO

Consulting Group, and Olsson Associates be interviewed, in that order, to provide professional services for the Missouri River Levee Certification Project Independent External Peer Review.

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. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on February 12, 2013, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Mopac Trail (Platte River Trail Project – Hwy 50 to Lied Bridge) Construction Engineering Agreement with Ehrhart Griffin & Associates – It is recommended that the Board of Directors adopt the following resolution authorizing the General Manager to execute the following Task Order between the District and Ehrhart Griffin & Associates for Construction Engineering Services for the Mopac Trail (Platte River Trail Project – Highway 50 to Lied Bridge) for actual work performed with a not-to-exceed amount of \$364,358.

RESOLUTION
BOARD OF DIRECTORS
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

Signing of a Professional Services Agreement – BK1308
February 14, 2013

Whereas: Papio-Missouri River Natural Resources District is developing a transportation project for which it intends to obtain Federal funds;

Whereas: Papio-Missouri River Natural Resources District as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: Papio-Missouri River Natural Resources District and Ehrhart Griffin & Associates wish to enter into a Professional Services Agreement to provide construction engineering services for the Federal-aid project.

Be It Resolved: by the Board of Directors of the Papio-Missouri River Natural Resources District that:

John Winkler, General Manager of the Papio-Missouri River Natural Resources District Board of Directors, is hereby authorized to execute for and on behalf of the District the attached construction engineering services agreement between Papio-Missouri River Natural Resources District and Ehrhart Griffin & Associates.

NDOR Project Number: STPB-77(49)

NDOR Control Number: 22191

NDOR Project Description: Platte River Trail – Phase 1

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. 5** It was moved by Director John Conley and seconded by Director Klug that the following recommendation be adopted:

PPO Recommendation #2a: Ralston Creek Outlet Drainage Structure Replacement Project Bids – It is recommended that the General Manager be authorized to execute for and on the behalf of the District a Contract Agreement with ME Collins Contracting Co. Inc., containing such provisions as he determines necessary and District Legal Counsel approves as to form, for the construction of the Ralston Creek Outlet Drainage Structure Replacement Project with the total base bid amount of \$259,164.20.

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 #2b: Ralston Creek Outlet Drainage Structure Replacement Project – Request for Additional Professional Services with E & A Consulting Group – It is recommended that the General Manager be authorized to execute for and on the behalf of the District the Professional Services Additional Services Contract Agreement with E & A Consulting Group for the total contract maximum not-to-

exceed amount of \$12,760 and that the overall revised engineering services contract total of \$60,926, 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. 7** It was moved by Director John Conley and seconded by Director Fowler that the following recommendation be adopted:

PPO Recommendation #3: Elkhorn River IPA – Operation and Maintenance Assessment – It is recommended that a special assessment for operation and maintenance of the Elkhorn River Bank Stabilization Project be levied against benefited parcels in the total amount of \$20,000 for calendar year 2013.

RESOLUTION
BOARD OF DIRECTORS
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

Elkhorn River Bank Stabilization Improvement Project
Annual Operation and Maintenance Assessment
February 14, 2013

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that each of the lots and parcels of ground in Douglas County, Nebraska, identified in the “2013 Assessment Schedule,” attached hereto as Exhibit “A” and incorporated herein by reference, has been specially benefited by the District’s program of operation and maintenance upon the construction and capital improvements involved with the District’s Elkhorn River Bank Stabilization Improvement Project; that special benefits from such program of operation and maintenance are correctly set out in the respective amounts appearing opposite the designation of said lots and parcels of ground in said schedule; that such respective amounts appearing opposite said lots and parcels of ground in said schedule are hereby levied as special assessments against such lots and parcels of ground; and, that said assessments shall become due fifty days after date, to-wit: shall become due on April 5, 2013, and may be paid within said time without interest, but if not paid by April 5, 2013, each such assessment shall draw interest at the rate of 9 per cent per annum from and after date until delinquent; and, from and after date that each installment become delinquent, shall draw interest at the rate of fourteen per cent per annum until paid.

BE IT FURTHER RESOLVED that the Secretary of the District shall certify a copy of this levy resolution to the County Clerk and County Treasurer of Douglas County, Nebraska, for spreading the same on the tax records of such County, and such special assessments shall be collected by the County Treasurer as provided by law.

Director Japp asked staff if the farmers were contacted about the assessment. John Winkler stated it was not a requirement to notify them. Staff member Gerry Bowen stated this involves approximately 75 parcels and approximately 60 landowners and the increase is based upon the benefited units.

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

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

PPO Recommendation #4: Washington County Rural Water #2 Nebraska Department of Roads Acquisition of Controlled Access Along Highway 133 – It is recommended that the General Manager be authorized to accept the Department of Roads offer and execute all necessary documents regarding the acceptance of the \$250.00 compensation for controlled access and that the following resolution be adopted and approved.

RESOLUTION
BOARD OF DIRECTORS
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

Washington County Rural Water #2 Nebraska Department of Roads
Acquisition of Controlled Access Along Highway 133
February 14, 2013

BE IT RESOLVED that the Nebraska Department of Roads offer of \$250 in compensation is hereby accepted and the General Manager of the Papio-Missouri River Natural Resources District is hereby authorized and directed to execute for and on behalf of the District, all documents that he determines necessary to convey title to District property for highway purposes to the State of Nebraska, Department of Roads.

BE IT ALSO CERTIFIED that the Board of Directors of the Papio-Missouri River Natural Resources District has, and at the time of the adoption of said resolution had, full power and lawful authority to adopt the foregoing resolution and to confer the powers therein granted to the persons named who have full power and authority to exercise the same.

Direct Bonnett asked if the District owned the Northeast Corner of this parcel of land or if it was a permanent easement. Staff member Dick Sklenar stated that we only have a permanent easement for ingress and egress.

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. 9** It was moved by Director John Conley and seconded by Director Klug that the following recommendation be adopted:

PPO Recommendation #5: Nebraska Soil and Water Conservation Program Cost-Share Rate for Underground Outlets – It is recommended that the General Manager be authorized to execute the change in the NSWCP cost-share rate in the amount of \$6.12 per linear foot for underground outlets and submit the change to the Nebraska Natural Resources Commission for approval.

Director Frost asked staff what contractors charge for the underground outlets. Staff member Terry Schumacher stated that they charge \$6.12 per linear foot. Director Japp wanted to amend the motion to raise the cost of linear foot for terraces to \$1.93. Terry informed the Board that Nebraska Administrative Code, Chapter 5, Section 2, prevents such an increase; and that the Nebraska Natural Resources Commission would not accept the higher rate. There was additional discussion.

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

C. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on February 12, 2013, and gave a brief recap of the meeting.

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

FEL Recommendation #1: Line of Credit Application with Wells Fargo – It is recommended that the General Manager be authorized to execute for and on the behalf of the District such documents as he determines necessary

and District Legal Counsel approves as to form in order to establish a line of credit for the District at Wells Fargo Bank, Nebraska, NA.

The following individuals addressed the Board.

Wes Stamp, 6091 County Road P39, Fort Calhoun, NE 68023

There was discussion on the line of credit amount, interest rate, and terms that apply to the credit.

Amended Motion#1: It was moved by Director Klug and seconded by Director Japp to change the line of credit to \$1.5 million and to set the sunset date to May 15th, 2013. Director Bonnett added a friendly addition to make this an account payable priority and to be paid off as soon as we receive property tax receipts and that the account be closed.

Roll call was held on the motion. The motion failed on a vote of 5-yea and 6-nay.

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

There was additional discussion by the Board.

Amended Motion#2: It was moved by Director Klug and seconded by Director Fowler to amend the original motion of a line of credit of \$3 million and to establish the sunset date of February 14, 2014.

Roll call was held on the motion. Amended motion #2 passed 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

Roll call was held on the original motion as amended. The motion passed on a vote of 7-yea and 4-nay.

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

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

FEL Recommendation #2: Account over 110% - Election Fees (01-01-000-4191) – It is recommended that account 01-01-000-4191 Election fees, be allowed to exceed 110% of the budgeted amount of \$12,000.

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

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

FEL Recommendation #3: Account over 110% - Maintenance, Dams Attorney Fees (01-03-590-4392) – It is recommended that account 01-03-590-4392 Maintenance, Dams Attorney Fees, be allowed to exceed 110% of the budgeted amount of \$19,000.

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

D. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on February 12, 2013, and gave a brief recap of the meeting.

PLPA Recommendation #1a: LB 152 – For an Act relating to Eminent Domain – Motion failed in Subcommittee.

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

PLPA Recommendation #1b: LB 325 – For an Act relating to Natural Resources Boundaries – It is recommended that the Papio-Missouri River Natural Resources District officially oppose this bill as written.

The General Manager asked Steve Grasz, Husch Blackwell, if he could address the amendment

brought to the hearing. Steve noted that he hadn't seen the amendment in writing, but that the amendment only applied to the Papio-Missouri River NRD.

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

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

- **MOTION NO. 14** It was moved by Director Klug and seconded by Director John Conley that the following recommendation be adopted:

PLPA Recommendation #1c: LB 449 – For an Act relating to Elections – It is recommended that the Papio-Missouri River Natural Resources District officially oppose this bill as written.

There was discussion by the Board.

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

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

TREASURER'S REPORT:

- **MOTION NO. 15** 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: (l) claims listed in the January, 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 January, 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 had questions on four checks that were processed during this reporting period.

Roll call vote 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

CHAIRPERSON'S REPORT:

Taking from the Table and Consideration of Amendments to District Policies proposed at the Board of Directors meeting on December 13, 2013.

- **MOTION NO. 16** It was moved by Director Thompson and seconded by Director Klug to take item 1.1 through 1.5 – Policy Manual, item 15.0 through 15.9 – Purchasing and item 16.0 through 16.9 Property form the table and to incorporate the changes into the District's Policy Manual.

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

- **MOTION NO. 17** It was moved by Director Fowler and seconded by Director Klug to adopt and incorporate the changes to 1.1 through 1.5 – Policy into the District's Policy Manual.

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

Director Tesar addressed his concerns to the Board about the existing purchasing thresholds and recommended to support a change to Management's authority to contract for construction or professional services and to purchase personal property from \$20,000 to \$30,000. Director Thompson stated that the \$30,000 be applied to all items listed in A-E. The Board agreed to vote on each item individually.

- **MOTION NO. 18** It was moved by Director Tesar and seconded by Director Bonnett to adopt and incorporate the changes to District Policies 15.0 through 15.9 Purchasing Subparagraph A – Management's authority to contract or professional services and to purchase personal property would increase from \$20,000 to \$30,000 as amended and incorporate that change into the District's Policy Manual.

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

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

- **MOTION NO. 19** It was moved by Director Klug and seconded by Director Leahy to adopt and incorporate the changes to District Policies 15.0 through 15.9 Purchasing Subparagraph B – Management's authority to repair and maintain equipment and property would increase from \$7,500 to \$15,000 as amended and incorporate that change into the District's Policy Manual.

Director Thompson stated that the Board did not have to take a motion on the items that were taken off the table unless amended as written. It was pointed out by legal counsel that unless amended, the recommendations are considered approved as originally written.

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

- **MOTION NO. 20** It was moved by Director Tesar and seconded by Director Fowler to adopt and incorporate the changes to District Policies 15.0 through 15.9 Purchasing Subparagraph C – Management would be authorized to effectuate change orders for professional services up to 10% of the contracted amount, not-to-exceed \$30,000 as amended and incorporate that change into the District’s Policy Manual.

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

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

- **MOTION NO. 21** It was moved by Director Bonnett and seconded by Director Japp to adopt and incorporate the changes to District Policies 15.0 through 15.9 Purchasing Subparagraph D – Minimum contact amount where Performance Bonds would be increased from \$20,000 to \$25,000 as amended and incorporate that change into the District’s Policy Manual.

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

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

There was no change made to item E as taken off the table. Competitive bidding limit requirements would increase exempt bids to below \$5,000; informal bids for items \$5,000 to \$50,000 and formal bids above the amount of over \$50,000. Director Bonnett asked for clarification. The General Manager reiterated that unless an amendment was made to change the recommendation it passed automatically when taken from the table. No amendments were made by the Board.

- **MOTION NO. 22** It was moved by Director John Conley and seconded by Director Klug to adopt and incorporate the changes to 16.0 through 16.9 – Property as amended into the District’s Policy Manual.

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

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

GENERAL MANAGER'S REPORT:

GM Winkler gave his report. Director Thompson asked staff for an update on the South Omaha Trail Project. Gerry Bowen addressed the Board. The GM report has been posted to the website and is attached to these meeting minutes.

OTHER ITEMS: DIRECTOR JAPP

- **MOTION NO. 23** It was moved by Director Japp and seconded by Director Frost to suspend the Final Design Contract for Dam Site 15A.

There was discussion on the suspension of the Dam Site 15A Project. The following individuals addressed the Board.

Bob Stubbe, City of Omaha, 1819 Farnam Street, Omaha, NE – his testimony is attached and a part of these meeting minutes.

After further discussion, it was decided that staff should research the affect of pulling the contract with HDR for the design of Dam Site 15A and suggested this item be tabled to the PPO Subcommittee Meeting scheduled for March 12th. 2013.

Amended motion: It was moved by Director Klug and seconded by Director Japp to table this motion to the March 12th, 2013, PPO Subcommittee.

Roll call vote was held on the motion. The motion to table passed on a vote of 6-yea and 5-nay.

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

- **MOTION NO. 24** It was moved by Director Japp and seconded by Director Frost to table this item until staff brings additional information to the Subcommittee to suspend the Final Design and Alternative Design for the Missouri River Levee Certification.

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

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

Abstaining - None
Excused Absence: None
Absent - None

Paul Peters update on the lawsuit on the Papillion Creek Watershed Structure W-3, Camden Case. The General Manager instructed to Board to go into executive session to discuss this case.

- **MOTION NO. 25** It was moved by Director Fowler and seconded by Director Klug to go into Executive Session in order to discuss the Camden Lawsuit.

The Board went into Executive Session at 9:10 p.m.

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

- **MOTION NO. 26** It was moved by Director John Conley and seconded by Director Fowler to come out of Executive Session.

The Board came out of Executive Session at 9:27 p.m.

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

INFORMATIONAL ITEMS:

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

February 18, 2013	Presidents' Day - P-MRNRD Offices Closed
February 28, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
March 12, 2013	P-MRNRD Subcommittee Meetings
March 14, 2013	P-MRNRD Board Meeting


March 9-13, 2013	NARD Washington D.C. Conference
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

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on March 14, 2013 at the NRC.

ADJOURNMENT: Being no further business, at 9:30 p.m. the Chairperson declared that the meeting was adjourned.

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