



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 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 February 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:

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

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director F. 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 February 9, 2012, Board of Directors Meeting is excused:

None to Date

Agenda Item 7. A. and 7.B.

BE IT RESOLVED that the January 12, 2012 Papio-Missouri River NRD Board Meeting Minutes and the January 11, 2012 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 10–yea and 1-nay

Voting Yea	-	Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Lanphier, Tesar, Thompson, Kolowski
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 2, 2012. The District's November 11-December 8, 2011, expenditures were published in the Dakota County Star on January 26, 2012. The Chairperson ordered the Proofs of Publication be recorded in the minutes of this meeting.

AGENCY AND ASSOCIATION REPORTS:

A. Natural Resources Conservation Service Report: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities. His written report is posted to the website.

B. Nebraska Association of Resources Districts: Director Tesar reported on the Nebraska Weed Management Summit and the NARD Legislative Conference. He noted the possibility of the NRD working cooperatively on weed management in Nebraska. He also pointed out that the NARD Washington DC Conference is scheduled for March 10-14, 2012 and that Directors Tim Fowler and Jim Thompson and staff members John Winkler and Marlin Petermann would be representing the District.

C. Lower Platte River Corridor Alliance Report: Meghan Sittler's written report is posted to the website.

D. Legislative Report: Steve Grasz and Tim Gay, Husch Blackwell Sanders, gave the Legislative Report. Bills of interest were LB 732, 931, 950, 1134, and 731.

E. National Conservation Districts Association Annual Meeting, January 29-February 1, 2012, Las Vegas, NE: Chairperson Kolowski and Director Jim Thompson shared information from the Annual Meeting. Highlights mentioned were sessions on extreme weather events, the Farm Bill, green buildings, extracting underground resources and storm water issues.

SUBCOMMITTEE REPORTS:

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

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

PPO Recommendation #1: Interlocal Agreement with City of Omaha for Omaha Levee Rehabilitation – Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the City of Omaha for the Omaha Levee Rehabilitation providing cost sharing assistance up to \$2,000,000, in the form as presented to the subcommittee and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Lanphier asked about the timeline of this agreement. GM Winkler noted that this is in the current budget and similar to other cost shares the Papio NRD participates in.

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

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

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

PPO Recommendation #2: Lied Platte River Bridge Research Station – Recommendation that the General Manager be authorized to enter into a Memorandum of Understanding with the University of Nebraska for the Lied Platte River Bridge Research Station project in the form as presented to the subcommittee.

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

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

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

PPO Recommendation #3: MoPac Trail (Hwy. 50 to Lied Bridge) Engineering Fees – Contract with Ehrhart Griffin and Associates – Recommendation that the General Manager be authorized to execute proposed amendment No. 2 of the professional services contract with Ehrhart Griffin and Associates for the MoPac Trail Project (Hwy. 50 to Lied Bridge) increasing the not-to-exceed amount from \$323,903.68 to \$468,414.70.

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

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Thompson, Kolowski
 Voting Nay - Japp, Lanphier
 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 #4: Elkhorn River IPA – Operation and Maintenance Assessment – Recommend that the following resolution be adopted:

Resolution
 Board of Directors
 Papio-Missouri River Natural Resources District
 Elkhorn River Bank Stabilization Improvement Project
 Annual Operation and Maintenance Assessment
 February 9, 2012

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 “2012 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 March 30, 2012, and may be paid within said time without interest, but if not paid by March 30, 2012, each such assessment shall draw interest at the rate of nine per cent (9%) 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 (14%) per annum until paid.

BE IF 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.

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

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

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

PPO Recommendation #5: Missouri River Levee System Units R613 and R616 Cooperation Agreement with US Army Corps of Engineers Rehabilitation of Project – Recommendation that the Cooperation Agreements with the US Army Corps of Engineers for the rehabilitation of the Missouri River Levee System Units R613 and R616, as presented to the Subcommittee, be ratified.

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

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

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

PPO Recommendation #6: Missouri River Floodway Purchase Program for Iske Place and Elbow Bend – Recommendation that the General Manager write a letter to the City of Bellevue requesting reconsideration of its local cost-share contribution for the Federal Emergency Management Agency program for buyout of properties located at Iske Place and

Elbow Bend in Sarpy County, and that District staff further work with Bellevue officials to help remedy concerns by residents in said affected areas.

The following individual addressed the Board:

Esther Nowlin, 16401 Iske Place, Bellevue, NE

- **AMENDMENT**
NO. 1 TO
MOTION NO.8 It was moved by Director Lanphier and seconded by Director Japp to amend the motion adding, if the City of Bellevue refuses to cooperate, the Papio-Missouri River NRD would contribute their share.

There was discussion. Director Conley requested current cost shares with the City of Bellevue be made available. Director Lanphier requested the Missouri River Floodway Purchase Program for Iske Place and Elbow Bend be put on next month's agenda.

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

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

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

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

B. Finance, Expenditure and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on February 7, 2012 and he gave a brief recap of the meeting.

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

FEL Recommendation #1: Accounts over 110% - Accounting Fees (01-01-000-4391) and Service Awards and Leave Paid Out (01-01-000-4154) - Recommendation that accounts 01-01-000-4391, Accounting fees

and 01-01-000-4154 Service Awards and Leave Paid Out be allowed to exceed 110% of budgeted amounts.

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

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

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

FEL Recommendation #2: Western Sarpy Levee – USA (Department of the Army) Emergency Access Temporary License Agreement – Recommendation that the General Manager be authorized to execute an Emergency Access Temporary License Agreement with the USA (Department of the Army) for the Western Sarpy Levee Fairview Road Access, in the form as presented to the Subcommittee Meeting.

There was discussion regarding wording of the agreement. Paul Peters noted the agreement was reviewed and updates were made.

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

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

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

FEL Recommendation #3: Pigeon/Jones Site 15 Project Right of Way Purchase Agreements – Recommendation that Management be authorized and directed to increase the amounts of the offers made by the District to owners of rights-of-way needed by the District for the Pigeon-Jones Creek Site 15 Project, in accordance with the proposed schedule of revised offers dated February 7, 2012, presented by Management to the Finance, Expenditure and Legal Subcommittee in closed session on February 7, 2012, and maintained in the District’s confidential files.

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

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

C. Personnel, Legislative and Public Affairs Subcommittee: Director Klug reported that the PLPA Subcommittee met on February 7, 2012 and he gave a brief recap of the meeting.

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

PLPA Recommendation #1: Authorize the General Manager to Explore the Process and Requirements for a District Wide Ballot Initiative – Recommendation that the following resolution be adopted:

WHEREAS, the Papio-Missouri River Natural Resources District faces numerous challenges in the areas of flood control and water quality; and

WHEREAS, the funding necessary to address these challenges is beyond the means of the District’s annual Budget; and

WHEREAS, the Nebraska Legislature provided the District with authority in 2009, under certain limited conditions, to issue flood protection and water quality enhancement bonds in order to facilitate the efficient financing of necessary flood control and water quality enhancement projects; and

WHEREAS, the levy for such bonds may not exceed one cent on each one hundred dollars of taxable valuation and must be counted within the District’s existing tax levy limit, unless a ballot measure is initiated which seeks voter approval to authorize the District to levy an additional one cent on each hundred dollars of taxable valuation.

WHEREAS, the District’s statutory authority to issue such bonds expires on 12-31-2019 and the nearest statewide primary or general election after the current year is in 2014; and

WHEREAS, the Board will require additional information in order to make an informed decision whether or not to initiate voter consideration of exercising this additional bonding authority;

NOW, THEREFORE, be it resolved that the Board of Directors of the Papio-Missouri River Natural Resources District hereby authorizes and directs its General Manager to develop a plan and outline for Board consideration detailing the steps and factors involved in presenting a ballot issue to the District’s voters for approval or rejection of issuance of flood protection and water quality enhancement bonds.

There was discussion. Director Klug noted that he felt this was premature and it should be discussed in more detail at the Directors' Retreat. Director Lanphier questioned the intent of GM Winkler. Winkler noted this is not intended to have a District Wide Ballot Initiative on the 2012 ballot and is only to determine a checklist of steps required if the Board decided to support an initiative. The checklist will be brought back to the Board.

- **AMENDMENT** It was moved by Director Lanphier and seconded by Director
NO. 1 TO Japp to remove all wording after "water quality enhancement
MOTION NO. 12 bonds" in the third paragraph.

There was discussion.

Roll call vote was taken on the amended motion. The motion failed on a vote of 2-yea and 9-nay.

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

There was further discussion.

- **CALL THE** It was moved by Director Tesar and seconded by Director Erickson
QUESTION call the question.

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

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

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

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

TREASURER'S REPORT:

- **MOTION NO. 13:** 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 January, 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 January 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.

There was discussion.

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

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

*Director Fred Conley was not in the Meeting for the vote.

CHAIRPERSON’S REPORT:

Chairperson Kolowski mentioned the National Conservation Districts Association Conference he attended. He also stated how unique and powerful the structure of NRDs is, as well as, the advantage it gives Nebraska.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board

and noted that the report had been posted to the website. He informed the Board of an Integrated Management Process Meeting being held March 1, 2012, from 10am-3pm at the Lower Elkhorn NRD office in Norfolk.

INFORMATIONAL ITEMS:

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

February 20, 2012	Presidents' Day - P-MRNRD Offices Closed
February 23, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
March 6, 2012	P-MRNRD Subcommittee Meetings
March 8, 2012	P-MRNRD Board Meeting
March 10-14, 2012	NARD Washington D.C. Conference
March 22, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 10, 2012	P-MRNRD Subcommittee Meetings
April 12, 2012	P-MRNRD Board Meeting
April 26, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 8, 2012	P-MRNRD Subcommittee Meetings
May 10, 2012	P-MRNRD Board Meeting
May 24, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 28, 2012	Memorial Day – P-MRNRD Offices Closed

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on March 8, 2012 at 7:00 p.m. at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:35 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 February 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