



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
May 10, 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 May 10, 2012. The meeting was called to order by Chairperson Kolowski at 7:00 p.m.

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

Larry Bradley	Rick Kolowski
Fred Conley	Dave Klug
Gus Erickson	Rich Tesar
Scott Japp	Jim Thompson

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Fred Conley 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 Directors from the May 10, 2012, Board of Directors Meeting is excused:

John Conley
Tim Fowler
Dorothy Lanphier

Agenda Item 7. A. and 7.B.

BE IT RESOLVED that the April 12, 2012 Papio-Missouri River NRD Board Meeting Minutes and the April 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 7 -yea and 1 -nay.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on May 3, 2012. The District's March 9-April 12, 2012, expenditures were published in the Blair Pilot Tribune on April 25, 2012. The Chairperson ordered the Proofs of Publication recorded in the minutes of this meeting.

AGENCY AND ASSOCIATION REPORTS:

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

B. Nebraska Association of Resources Districts: Director Tesar noted the NARD Board Meeting and Basin Tour coming up June 11-12, 2012. Tours will be departing from and returning to the La Vista Embassy Suites.

C. Legislative Report: GM Winkler briefed the Board on updates received from Husch Blackwell Sanders. He stated that the 2nd Session of the Nebraska Legislature had adjourned in April and there is currently no schedule for an interim study.

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

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director Fred Conley reported that the PPO Subcommittee met on May 8, 2012 and he gave a brief recap of the meeting.

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

PPO Recommendation #1: Summit Lake Cost-Share Commitment between the Papio-Missouri River NRD and the Nebraska Game and Parks Commission: Recommend that the District contribute twenty thousand dollars (\$20,000.00) in Fiscal Year 2013, to the Nebraska Game and Parks Commission as a cost-share contribution to assist with construction of the thirty planned electrical campground locations at the Summit Lake State Recreational Area, in Burt County, Nebraska.

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

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

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

PPO Recommendation #2: Third Addendum to the Cole Creek Flood Mitigation Program Interlocal Agreement: Recommend that the General Manager be authorized to execute the Third Addendum to the Cole Creek Flood Mitigation Program Agreement with the City of Omaha providing for an additional \$250,000 contribution to the program, bringing the total District contribution for the program to \$2,350,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was discussion regarding applying for Federal funding and timing of the project. Lori Laster and Kirk Pfeffer, City of Omaha Public Works, stated locations of the three properties eligible for buyout and that all fell on a master list of properties meeting the cost to benefit ratio for FEMA funding. Pfeffer stated as houses become available for purchase along Cole Creek, a buyout would occur if funds are available. There are only three identified at this time and the approximate estimate, to include demolition and relocation, is at \$300,000. It was noted by GM Winkler that the addendum is a 50/50 cost-share between the City of Omaha and the NRD so all funds may not be used for these three properties.

- **AMENDMENT NO. 1 TO** It was moved by Director Thompson and seconded by Director Tesar to amend the motion to approve funding for only 806 N. 77th

MOTION NO. 4: Street at the cost-share of 50/50 with the City of Omaha.

There was discussion. It was noted that Directors would like to see appraisals of the properties. Pfeffer stated that the appraisal process has just begun and they would have those numbers at a later date. He also stated with the long-term process of buying houses along Cole Creek as they become available, it doesn't lend well to FEMA funding, but the next application process in August could be looked into. Marlin Petermann noted that the \$250,000 cost-share with City of Omaha has been looked at as an annual contribution to assist in floodplain buyouts.

- **AMENDMENT NO. 2 TO MOTION NO. 4:** It was moved by Director Tesar to amend the amended motion to approve funding for only 806 N. 77th Street and 834 N. 77th Street at the cost-share of 50/50 with the City of Omaha.

The amendment died due to lack of a second.

Roll call vote was held on the amended motion number 1. The motion failed on a vote of 1 -yea and 7 -nay.

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

Roll call vote was held on the original motion. The motion carried on a vote of 6 -yea and 2 -nay.

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

- **MOTION NO. 5:** It was moved by Director F. Conley and seconded by Director Klug that the following recommendation be adopted:

PPO Recommendation #3: Elk Creek Emergency Watershed Protection Project Cost Share Agreement with NRCS and Interlocal Agreement with Dakota County: Recommend that the proposed Interlocal Agreement with Dakota County and the proposed Cooperative Agreement with the Natural Resources Conservation Service for Elk Creek Emergency Watershed Protection Project near Jackson, NE, in the forms as presented to the Subcommittee meeting, subject to changes deemed necessary by the General Manger and approved as to form by District Legal Counsel.

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

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

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

PPO Recommendation #4.a.: Pigeon/Jones Creek Dam Site 15 Construction Project Bid Opening – Recommendation that the General Manager be authorized to execute the advertised contract with Dixon Construction Company for the construction of Pigeon/Jones Creek Dam Site 15 Watershed Project reflecting such contractor’s base bid of \$6,502,371.53, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Vince Kramper, Dakota City, NE, addressed the Board and stated local farmers and residents are very pleased with the Papio-Missouri River NRD’s work on the Pigeon/Jones Creek Dam Site 15 project and thanked the District.

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

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

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

PPO Recommendation #4.b.: Pigeon/Jones Creek Dam Site 15 Agreement with NeNPPD – Recommendation that the General Manager be authorized to execute contracts with Northeast Nebraska Public Power District providing for that power district’s relocation and installation of the power lines for the Pigeon/Jones Creek Dam Site 15 Watershed Project in the total not-to-exceed amount of \$150,000.00, containing provisions 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 carried on a vote of 7 -yea and 1 -nay.

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

Absent - J. Conley, Fowler, Lanphier

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

PPO Recommendation #5: Application for Road Structure Cost-Share Assistance – Washington County – Recommend that the Washington County Highway Department’s application for financial assistance on a road structure project located on County Road 38 over Walnut Creek, about 2 miles southeast of Arlington, Nebraska, be approved in the not-to-exceed amount of \$150,000 and subject to funding in the Fiscal Year 2013 Budget.

Roll call vote was held on the motion. The motion carried on a vote of 7 –yea, 0 –nay and 1 - abstention.

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

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

PPO Recommendation #6: FY 2013 Equipment Requirements– Recommendation that the FY 2013 Equipment Requirements, as presented to the Subcommittee be approved, subject to funding in the FY 2013 Budget.

Heather Guthridge addressed questions regarding maintenance costs to items. It was noted that if approved all items listed would be subject to line item veto during the budget process.

Roll call vote was held on the motion. The motion carried on a vote of 5 -yea and 3 -nay.

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

B. Finance, Expenditure and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on May 8, 2012 and he gave a brief recap of the meeting.

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

FEL Recommendation #1: Big Papio Channel Easement Grant to City of Omaha for Pacific Street Bridge Widening – Recommendation that the General

Manager be authorized to execute the grant of Permanent Easement or Permit to the City of Omaha for the Big Papillion Creek Pacific Street Bridge Widening Project, containing provisions 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 carried unanimously.

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

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

FEL Recommendation #2: Account Over 110% Pigeon/Jones Site 15 Land Rights (01-04-552-4430) – Recommend that the Pigeon/Jones Site 15 Land Rights - Account 01-04-552-4430 be allowed to exceed 110% of the budgeted amounts.

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

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

TREASURER'S REPORT:

- **MOTION NO. 12:** It was moved by Director F. 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 April, 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, the Western Sarpy Drainage District and Papillion Creek Watershed Partnership, the project bills listed on the April 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 the motion. The motion carried on a vote of 7 –yea and 1 -nay.

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

CHAIRPERSON’S REPORT: Chairperson Kolowski welcomed Vince and Dorothy Kramper and thanked them for coming to support the Pigeon/Jones Site 15 Recreation Area Construction Bid Award. He also congratulated them on celebrating their 55th wedding anniversary tonight. The Kramper’s have extended an invitation to host Dinner at the Farm before the September Board Meeting that we plan to hold in Dakota City. He thanked Vince for his time serving on the Environmental Trust Board and his work has been greatly noticed.

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

Director Tesar complimented staff for their work rehabbing the Elkhorn Crossing Recreation Area. Chairperson Kolowski also commended staff for their safety and security while on the job to receive the Award as one of the Safest Companies in Omaha.

INFORMATIONAL ITEMS:

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

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|--------------|---|
| May 17, 2012 | Burt County USDA Service Center Open House, Tekamah, NE from 1:00-3:00 p.m. |
| May 24, 2012 | Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC |
| May 28, 2012 | Memorial Day, P-MRNRD Offices Closed |
| June 7, 2012 | Pigeon/Jones Groundbreaking Ceremony, 11:00 a.m., at |

Pigeon/Jones Site 15 at 200th Street

June 11, 2012	NARD Board Meeting, Embassy Suites, La Vista, NE
June 11-12, 2012	NRD Basin Tour, (Tours will be departing and returning each day from the La Vista Embassy Suites)
June 12, 2012	P-MRNRD Subcommittee Meetings
June 14, 2012	P- MRNRD Board Meeting
July 4, 2012	4 th of July, P-MRNRD Offices Closed
July 9-10, 2012	Statewide I&E Meeting, at the NRC (Tour of District Projects beginning at noon on July 9 th)
July 10, 2012	P-MRNRD Subcommittee Meetings
July 12, 2012	P-MRNRD Board Meeting
July 26, 2012	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 June 14, 2012 at 7:00 p.m. at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:07 p.m.

I, the undersigned, Secretary of the Pappio-Missouri River Natural Resources District, hereby certify that the foregoing are true and correct minutes of a meeting of the Board of Directors of the District held on May 10, 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