



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
January 10, 2013**

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE:** The Honorable J Russell Derr, Douglas County District Court Judge, administered the oath of office to the following Directors elected in the November, 2013 general election:

**Patrick Bonnett  
Curt Frost  
Scott Japp**

**Patrick Leahy  
Rich Tesar  
Ron Woodle**

**NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE**

**MEETING CALLED TO ORDER:** A regular meeting of the Papio-Missouri River Natural Resources District Board of Directors was held at the Natural Resources Center, 8901 S. 154<sup>th</sup> St., Omaha, NE on January 10, 2013. The meeting was called to order by Chairperson Fred Conley at 7:03 p.m.

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

Patrick Bonnett  
Fred Conley  
John Conley  
Tim Fowler  
Curt Frost

Scott Japp  
Dave Klug  
Patrick Leahy  
Rich Tesar  
Jim Thompson  
Ron Woodle

\* Director Tesar was out of the room during the Quorum Call, but was in attendance at the meeting.

**ADOPTION OF AGENDA:**

- **MOTION NO. 1** It was moved by Director Conley (John) and seconded by Director Klug that the agenda be adopted.

Prior to the roll call vote, Director Japp made a statement that at last month's meeting the Board failed to vote to approve the Chairperson's resignation as the District's "Chair". District's Legal Counsel said the Board could vote now to accept the written resignation of Chairperson Kolowski, as the Chairperson for the Papio-Missouri River NRD. The original motion to accept

the Board agenda was withdrawn.

- **MOTION NO. 1** It was moved by Director Thompson and seconded by Director Klug to accept the written resignation from Director Kolowski from his position as the Districts' Chairperson.

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. 2** It was moved by Director Conley (John) and seconded by Director Klug that the agenda be adopted.

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

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

\* Director Japp was out of the room during the roll call.

**ADOPTION OF CONSENT AGENDA:**

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

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

Agenda Item 3.A.:

BE IT RESOLVED that the following Director(s) have an excused absence from the January 10, 2013, Board of Directors Meeting:

None to Date.

Agenda Item 7 A.:

BE IT RESOLVED that the December 13, 2012 Papi-

Missouri River NRD Board meeting minutes be approved as printed.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on January 3, 2013. The District's November 9 – December 13, 2012, expenditures were published in the Papillion Times on December 19, 2012. 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 Tesar reported that the 2013 NARD Legislative Conference would be held January 29-30, 2013 at the Embassy Suites in Lincoln, NE. It was also noted in the agenda that the NARD Washington DC Conference would be held March 9-13, 2013.

C. Legislative Report – Husch Blackwell: Steve Grasz and Tim Gay gave the Legislative Update. It was reported that the 1<sup>st</sup> Session of the 103<sup>rd</sup> Nebraska Legislature convened on January 9<sup>th</sup> and will run until June 5<sup>th</sup>. Senator Greg Adams is the new Speaker of the Legislature. Members of the Natural Resources Committee have been named to include Senators Carlson, Brasch, Dubas, Haar, Johnson, Kolowski, Schilz, and Smith. As of January 10<sup>th</sup>, 2013, one hundred and fourteen (114) bills and two (2) constitutional amendments have been introduced. New bills may be introduced for the first 10 legislative days, or until January 23<sup>rd</sup>. The written report on LR 495 was made available to directors and information on LB 57 – Change provisions relating to grants from the Nebraska Environmental Trust Fund was given.

D. Lower Platte River Corridor Alliance Report: John Winkler briefed the Board on the purpose of the LPRCA and its memberships. Meghan's written report is posted to the website and is attached to these meeting minutes.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on January 8, 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:* Little Papio Channel near 74<sup>th</sup> and Howard – Keystone Trail Pedestrian Bridge Replacement Project Easement – It is recommended that the General Manager be authorized to execute an easement agreement for occupation of levee/channel right-of-way for the City of Omaha Keystone Trail Pedestrian Bridge Replacement Project, with such terms and provisions as deemed appropriate 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. 5** It was moved by Director John Conley and seconded by Director Klug that the following recommendation be adopted:

*PPO Recommendation #2:* Missouri River Levee System Certification Project – Nebraska Environmental Trust (NET) Grant Application – It is recommended that a setback of the Missouri River R-613 Levee not be pursued further and that the application for the Nebraska Environmental Trust Fund Grant be modified to provide for the acquisition of fee title or conservation easements in the area, rather than construction of a levee system.

Director Japp offered an amended motion to include rescinding the FYRA Engineering contract since the setback of the levee wasn't going to be required. It was seconded by Director Frost. The General Manager stated that the FYRA contract wasn't just to engineer the setback, but was to rehabilitate the levee and to ensure it meets with Federal Emergency Management Agency (FEMA) requirements. Director John Conley suggested bringing a change order to the original FYRA contract back to the Board for approval in February. Director Japp stated he would rescind his amended motion if the contract would be brought back to the Board. The Chairperson determined that the original motion is on the modification being made to the Nebraska Environmental Trust Grant and not with the FYRA contract and called for the roll call vote on the original motion.

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

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

*PPO Recommendation #3:* Interlocal Agreement with the City of Bellevue on the Missouri River Floodway Purchase of the 1600 Front Street Property – It is recommended that the General Manager be authorized to execute the proposed Interlocal Agreement with the City of Bellevue for the Missouri River Floodway Purchase of the 1600 Front Street property in Bellevue with a not-to-exceed cost of \$45,500; and, that the Missouri River Buyout FEMA HMGP grant be amended to include this property, 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

Staff member Amanda Grint provided an update on Waterloo’s Elkhorn River Bank Stabilization Project at the Tuesday night Subcommittee Meeting. No action was taken on this item.

**TREASURER'S REPORT:**

- **MOTION NO. 7** 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 December, 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 December, 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 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

**CHAIRPERSON’S REPORT:**

A. Appointment of P-MRNRD Standing Subcommittees: Chairperson Fred Conley reported that he had updated the standing subcommittees to include Directors Bonnett, Frost, Japp, Leahy and Woodle. He noted that changes to the standing subcommittees required Board approval.

•• **MOTION NO. 8** It was moved by Director Thompson and seconded by Director Fowler that the following resolutions be adopted:

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

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

B. Appointment of the Ad Hoc Consultant Selection Subcommittee – Missouri River Levee Certification Project Independent External Peer Review (IEPR): Chairperson Fred Conley reported that he appointed the following Directors to the Ad Hoc Consultant Selection Subcommittee as follows:

Dave Klug, Chairperson

John Conley, Vice-Chairperson  
Patrick Bonnett  
Jim Thompson  
Ron Woodle  
Patrick Leahy, Alternate

General Manager Winkler gave an update on the Request for Proposals that will be mailed out on January 11, 2013 for professional engineering services to provide Independent External Peer Review for Section 408 permitting through the U.S. Army Corps of Engineers (USACE) for the Missouri River R-613 and R-616 Levee Accreditation Project. A timetable for final selection of the firm and action is included as part of these minutes.

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

BE IT RESOLVED that Ad Hoc Consulting Selection Subcommittee appointments, as presented by the Chairperson, are hereby approved.

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

C. Taking from the Table and Consideration of Amendments to District Policies proposed at the Board of Directors meeting on December 13, 2012: Chairperson Fred Conley asked if the new Directors had the opportunity to review the District's Policies. After discussion it was decided to keep this item on the table until the February 14<sup>th</sup>, 2013 Board Meeting.

- **MOTION NO.10** It was moved by Director Klug and seconded by Director Japp to keep the Amendments to the District Policies 1.1 through 1.5 – Policy Manual, 15.0 through 15.9 – Purchasing, and 16.0 through 16.9 – Property tabled until the February 14<sup>th</sup>, 2013 Board Meeting.

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

**GENERAL MANAGER'S REPORT:**

GM Winkler explained to the new members of the Board the information placed on the GM Report. He reviewed each item on the report and stated that if any directors had questions concerning the report they should contact him directly. Director Japp inquired about the Camden lawsuit. The Chairperson asked to have this item placed on next month's Board agenda under Executive Session. The GM report has been posted to the website and is attached to these meeting minutes.

**INFORMATIONAL ITEMS:**

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

January 21, 2013	Martin Luther King Day – P-MRNRD Offices Closed
January 29-30, 2013	NARD Legislative Conference, Lincoln, NE
January 24, 2013	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
January 27-30, 2013	National Association of Conservation Districts 2013 Annual Meeting, San Antonio, TX
February 12, 2013	P-MRNRD Subcommittee Meetings
February 14, 2013	P-MRNRD Board Meeting
February 18, 2013	Presidents' Day - P-MRNRD Offices Closed
February 28, 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 February 14, 2013 at the NRC.

**ADJOURNMENT:** Being no further business, at 7:52 p.m. the Chairperson declared that the meeting was adjourned.

**NOTE:** These minutes reflect the actions and votes taken at the January 10, 2013 Board of Directors Meeting of the Papio-Missouri River NRD and are not an official transcript of the meeting. The audio cast of this meeting can be found on our website at [www.papionrd.org](http://www.papionrd.org).



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

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Richard Tesar  
District Secretary