



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 11, 2016**

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 Street, Omaha, NE on February 11, 2016. The meeting was called to order by Chairperson David Klug 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	Rich Tesar
Tim Fowler	Jim Thompson
Curt Frost	Ron Woodle

ADOPTION OF AGENDA:

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

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

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

Director Leahy arrived at 7:04 p.m., immediately following the roll call vote.

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Fred Conley and seconded by Director John 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 Director(s) from the February 11, 2016, Board of Directors Meeting is excused:

None to date.

Agenda Item 7.A. and Agenda Item 7.B.:

BE IT RESOLVED that the January 14, 2016, Papio-Missouri River NRD Board meeting minutes and the January 13, 2016, 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 10-yea and 1-nay.

Voting Yea	-	Bonnett, Fred Conley, John Conley, Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Klug
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 4, 2016. The District's December 11, 2015 through January 14, 2016 expenditures were published in the Papillion Times on January 27, 2016. 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. Neil's report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts: Director Tesar gave the report on the NARD Legislative Conference which was held January 26-27, 2016, in Lincoln, NE.

C. National Association of Conservation Districts 70th Annual Meeting: Director Thompson gave the report on the NACD 70th Annual Meeting which was held January 30-February 3, 2016, in Reno, NV.

D. Legislative Report – Husch Blackwell: Tim Gay gave the report on Legislative activities. His report can be heard on the podcast at www.papionrd.org/about-nrd/podcasts.

E. Lower Platte River Corridor Alliance Report: Meghan Sittler briefed her January report of Lower Platte River Corridor Alliance activities. Her written report is posted to the website and attached to these meeting minutes.

F. Ames Storm Reconstruction Presentation: Staff member Amanda Grint gave a presentation on the Ames Storm Reconstruction Project. Her report can be heard on the podcast at www.papionrd.org/about-nrd/podcasts.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Consultant Selection Subcommittee for the Zorinsky Water Quality Basin Number 2 Project Professional Services: Director Rich Tesar reported that the Ad Hoc Consultant Selection Subcommittee for the Zorinsky Water Quality Basin Number 2 Project Professional Services met on February 9, 2016, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Initial Screening of Proposals for Consultant Selection Interviews: Recommendation that the Subcommittee request interviews with HDR Engineering and Olsson Associates, in the order presented, on March 3, 2016, at 6:00 p.m. and further; that the Board affirmatively waive the requirement found in District Policy No. 15.2(G)(2) that the Ad Hoc subcommittee interview 3 firms, and allow the Ad Hoc subcommittee to proceed with interviewing the 2 firms identified above.

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

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

B. Personnel, Legislative, and Public Affairs Subcommittee: Director Fred Conley reported that the Personnel, Legislative, and Public Affairs Subcommittee met on February 9, 2016, and gave a brief recap of the meeting.

- **MOTION NO. 4:** It was moved by Director Fred Conley that the following recommendation be adopted:

PLPA Recommendation #1: 2016 Legislative Bills: Recommendation that the Board of Directors of the Papio-Missouri River Natural Resources District officially ratifies the 2016 NARD Summary of Legislative Bills and directs the General Manager and the Government Relations

Consultant to take such appropriate action to support or oppose the positions identified as such through the legislative process.

The following individual addressed the Board:

- Julie Harris, 1818 Dodge Street, Omaha, NE, Executive Director, Nebraska Bicycling Alliance

Amended Motion: It was moved by Director Thompson and seconded by Director Leahy to amend the original motion and move to support LB 716.

There was additional discussion by Directors.

Roll call vote was held on the amended motion. The amended motion carried on a vote of 6-yea, 3-nay, and 2-abstentions.

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

Director Japp inquired as to the District's position on LR 378CA – Constitutional amendment to guarantee the right to engage in certain farming and ranching practices. There was discussion.

Amended Motion: It was moved by Director Japp and seconded by Director Frost to amend the original motion and move to support LR 378CA.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 3-yea, 7-nay, and 1-abstention.

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

Roll call vote was held on the original motion as amended. The motion carried on a vote of 8-yea, 1-nay, and 2-abstentions.

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

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on January February 9, 2016, and gave a brief recap of the meeting.

- **MOTION NO. 5:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #1: Fort Calhoun Litigation Settlement Agreement and Water Supply Contract: Recommendation that the General Manager be authorized to execute the proposed Fort Calhoun Litigation Settlement Agreement and Water Supply Contract, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Directors Japp and Frost had questions regarding the Water Supply Contract. Zach Nelson addressed their concerns.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea, 1-nay, and 2-abstentions.

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

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

PPO Recommendation #2: Amendment No. 2 to Professional Services Contract with FYRA Engineering for Big Papio Levee Culverts Project: Recommendation that the that the General Manager be authorized to execute Contract Amendment No. 2 to the Professional Services Contract with FYRA Engineering, Inc. for the Big Papio Levee Culverts Project in the amount of \$39,185, making the maximum not-to-exceed contract amount \$263,053, subject to changes deemed necessary by the General Manger and approved as to form by District Legal Counsel.

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

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

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

PPO Recommendation #3: Bids Received for Pigeon/Jones Creek Grade Control Structure PJ-8: Recommendation that the General Manager be authorized to execute a contract with Detlefsen Construction for the construction of Pigeon/Jones Creek Grade Control Structure PJ-8 in the bid amount of \$137,361.12, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 11-yea.

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

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

PPO Recommendation #4.: Change Order to McArdle Grading Co. Contract for Papio Dam Site 15A: Recommendation that the General Manager be authorized to execute the proposed change order to the McArdle Grading Co. contract for the Papio Dam Site 15A project in the amount of \$1,486,763.92, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 9-yea, 1-nay, and 1-abestention.

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

•• **MOTION NO. 9:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #5.: LPRCA Water Quality Monitoring Network Agreement: Recommendation that the District continue to partner in the traditional LPRCA Water Quality Monitoring Network at Louisville, Ashland, and Waterloo, and partner in adding nitrate monitoring at the Waterloo station, and subject to participation by MUD, LPSNRD, and LPNNRD, partner in adding a new site at Leshara including nitrate monitoring.

Meghan Sittler, Lower Platte River Corridor Alliance Coordinator, answered questions regarding

the commitment of MUD and Lincoln Water Supply, and their proposed financial contributions to the network agreement.

Amended Motion: It was moved by Director Leahy and seconded by Director Thompson that the District continue to partner in the traditional LPRCA Water Quality Monitoring Network at Louisville, Ashland, and Waterloo; partner in adding nitrate monitoring at the Waterloo station; and partner in adding a new site at Leshara to include nitrate monitoring subject to additional participation by MUD, LPSNRD, and LPNNRD; all for a total not-to-exceed District contribution of \$138,026 over fiscal years 2017, 2018, and 2019.

Roll call vote was held on the amended motion. The amended motion carried on a vote of 6-yea, 2-nay, and 3-abstentions.

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

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

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

D. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on February 9, 2016, and gave a brief recap of the meeting.

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

FEL Recommendation #1: Right-of-Way Acquisition for West Papillion Regional Basin Number 7: Recommendation that the General Manager be authorized to execute a purchase agreement for Tracts 4 and 5 for \$42,000 per acre, for an estimated 41 acres of land for the West Papillion Regional Basin Number 7 project, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Frost expressed his concerns regarding the purchase price of the parcels. The General Manager stated that the District has a set process for land acquisitions which includes; getting an appraisal, making an offer, negotiating prices, and bringing the best offer to the Board for their decision. The General Manager further stated that this is a willing seller - willing buyer situation, that the purchase price for the land is a fair offer, and that not approving the recommended

purchase agreement could potential cost the District substantially more money in the future.

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

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

TREASURER'S REPORT:

- **MOTION NO. 11:** 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, 2016, 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 Rural Water System, 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, 2016, 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 9-yea and 2-nay.

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

LEGAL UPDATE: David Newman, District Legal Counsel, gave an update on the garnishment

actions the District is pursuing regarding the Douglas County District Court's sanctions award against Director Japp. The District is moving forward to collect the money awarded to the District.

CHAIRPERSON'S REPORT: Chairman Klug asked the General Manager to brief the Board on the District's priorities for its applications for funding from the Water Sustainability Fund. General Manager Winkler gave a historical account of actions taken to get funding for the Missouri River R613 and R616 Levee Systems repair and sited the possible impacts it would have on Offutt Air Force Base, the cities, counties, and State of Nebraska if the District's application for funding is not approved by the Water Sustainability Fund. Director Thompson updated the Board on the process the Nebraska Natural Resource Commission uses to review and prioritize Water Sustainability Fund applications and stated an Ad Hoc Committee has been assigned and will meet on April 19th to review and prioritize the 27 projects submitted. The full Commission will meet on June 27th and 28th to review, ratify, or change all ranked projects. The General Manager reiterated that the District's number one priority is the funding for the Levee Project.

- **MOTION NO. 12:** It was moved by Chairman Klug and seconded by Director Tesar that the following resolution be adopted:

BE IT RESOLVED that the Board hereby declares that its highest priority application for financial support from the Water Sustainability Fund is the application for Modifications of the Missouri River Levee Systems R-613 and R-616, commonly referred to as the Missouri River Levee Project.

BE IT FURTHER RESOLVED that the Board hereby directs the General Manager not to withdraw any of the District's submitted applications for financial support from the Water Sustainability Fund.

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

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

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

INFORMATIONAL ITEMS:

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

February 15, 2016	Presidents Day – P-MRNRD Offices Closed
February 25, 2016	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

March 3, 2016	Ad Hoc Consultant Subcommittee for Zorinsky Water Quality Basin # 2 Project – Consultant Interviews
March 8, 2016	P-MRNRD Subcommittee Meetings
March 10, 2016	P-MRNRD Board Meeting
March 12-16, 2016	NARD Washington D.C. Conference
March 24, 2016	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

B. Next Meeting – March 10, 2016, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 9:04 p.m.

NOTE: These minutes reflect the actions and votes taken at the February 11, 2016, 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 11, 2016, 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