



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
March 10, 2016**

PLEDGE OF ALLEGIANCE

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 March 10, 2016. The meeting was called to order by Chairperson David Klug at 7:00 p.m.

NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE

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

Patrick Bonnett	Dave Klug
Fred Conley	Patrick Leahy
John Conley	Rich Tesar
Curt Frost	Jim Thompson
Scott Japp	Ron Woodle

ADOPTION OF AGENDA:

- **MOTION NO. 1** It was moved by Director Tesar and seconded by Director Fred Conley 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, Fred Conley, John Conley, Frost, Japp, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2** It was moved by Director John Conley and seconded by Director Tesar 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 excused absences from the March 10, 2016, Board of Directors Meeting:

Tim Fowler.

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

BE IT RESOLVED that the February 11, 2016, Papio-Missouri River NRD Board Meeting minutes and the February 10, 2016, Dakota County Rural Water Advisory Board Meeting minutes be approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on March 3, 2016. The District's January 15, 2016 – February 11, 2016 expenditures were published in the Washington County Enterprise on February 19, 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 from the NRCS Omaha Office gave the March report on NRCS activities. Neil's written report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts Report: Director Tesar reported on the NARD Board of Directors meeting that was held on March 7, 2016, at the National Guard Camp in Lincoln, NE. He briefed that new officers were elected to the NARD Board. Jim Bendfeldt (CPNRD) was elected as President, Larry Reynolds (TBNRD) as Vice-President, and David Potter (LPSNRD) as Secretary/Treasurer. Director Japp asked for a copy of the RISK Pool Health Plan and the NARD's Financial/Budget Report.

C. Legislative Report – Husch Blackwell: Tim Gay and Steve Grasz gave the report on Legislative activities. They briefed the Board on the Bills of Interest and provided Directors a chart of those bills reflecting the current status. The Bills of Interest chart has been included to

the file copy of these minutes. Their report can be heard on the podcast at www.papionrd.org/about-nrd/podcasts.

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

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 March 3, 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: Consultant Selection Interviews – It is recommended that HDR Engineering, Inc. be ranked first for the Zorinsky Water Quality Basin Number 2 Project Professional Services and request they prepare a detailed scope of services and cost estimate for the project; and that Olsson Associates be ranked second.

Director Leahy asked what factor(s) lead the committee to choose HDR over Olsson Associates. Director Tesar explained the Committee's decision.

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

Voting Yea	-	Bonnett, Fred Conley, John Conley, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Japp
Abstaining	-	Frost
Excused Absence	-	Fowler
Absent	-	Fowler

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on March 8, 2016, and gave a brief recap of the meeting.

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

PPO Recommendation #1: West Papio Trail License Agreement: It is recommended the General Manager be authorized to execute the License Agreement with Quest Properties, LLC for use of District right of way along Harry Andersen Avenue at Q Street, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked why the District wasn't selling the property requested by Quest Properties. David Newman, District Legal Counsel, explained that the ROW is protected under the National Trails Act and stated that there will be no transfer of property. Jim Lang of Laughlin, Peterson and Lang, representing Quest Properties LLC, answered additional questions. Director Bonnett applauded the District and Quest Properties for this partnership.

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

Voting Yea	-	Bonnett, Fred Conley, John Conley, Leahy, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Japp
Abstaining	-	Frost
Excused Absence	-	Fowler
Absent	-	Fowler

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

PPO Recommendation #2: Daniell Trail Amended and Restated Interlocal Agreement – It is recommended that the General Manager be authorized to execute the proposed Amended and Restated Interlocal Cooperation Agreement for construction of the Daniell Trail, 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 on a vote of 10-yea.

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

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

PPO Recommendation #3: Big Papio Levee Culverts Project – It is recommended that the General Manager be authorized to reject all of the February 24, 2016, bids for the construction of the Big Papio Levee Culverts Project and rebid the project.

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

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

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

PPO Recommendation #4: Little Papio Creek Channel Stabilization Project (W. Center and 68th Street) Change Order No. 1 and Contract Amendment No. 1 – It is recommended that the General Manager be authorized to execute proposed Change Order No. 1 in the amount of \$45,926 (\$55,396 - \$9,470) to the contract with Bayshore Contractors LLC, bringing the total construction contract amount to \$219,706; and also execute proposed Amendment No. 1 in the amount of \$12,730 to the contract with HDR Engineering Inc., bringing the total professional services contract not-to-exceed amount to \$147,484, all for the Little Papillion Creek Channel Stabilization Project located near 68th and West Center Road.

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

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

C. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on March 8, 2016, and gave a brief recap of the meeting.

- **MOTION NO. 8** It was moved by Director Rich Tesar that the following recommendation be adopted:

FEL Recommendation #1: Elkhorn River Improvement Project Area (IPA) Assessments – 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 2016, and that the following Resolution be adopted:

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 “2016 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 (50) days after date, to-wit: shall become due on May 1, 2016, and may be paid within said time without interest, but if not paid by May 1, 2016, 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.

There was discussion by Directors.

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

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

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

FEL Recommendation #2: General Legal Expenses – over 110% of Budget – It is recommended that Account 01-01-000-4392, General and Administrative Legal Fees be allowed to exceed 110% of budget.

There was discussion by Directors. Director Japp asked that letters from Nebraska State Accountability and Disclosure Commission and Douglas County Court be entered into the file copy of the meeting minutes.

Roll call was held on the motion. The motion carried on a vote of 7-yea, 1-nay, and 2-abstentions.

Voting Yea	-	Bonnett, Fred Conley, John Conley, Leahy, Tesar, Thompson, Klug
Voting Nay	-	Frost
Abstaining	-	Japp, Woodle
Excused Absence	-	Fowler
Absent	-	Fowler

TREASURER'S REPORT:

- **MOTION NO. 10** 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: (1) claims listed in the February, 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 February, 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 was held on the motion. The motion carried on a vote of 8-yea and 2-nay.

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

LEGAL UPDATE: David Newman, District Legal Counsel, stated there was nothing new to report.

CHAIRPERSON'S REPORT:

- **MOTION NO. 11** It was moved by Chairman Klug and seconded by Director John Conley that the following resolution be adopted:

BE IT RESOLVED that the Board hereby declares that it shall withdraw its application for the Modifications of the Missouri River Levee Systems R-613 and R-616, commonly referred to as

the Missouri River Levee Project, from consideration for funding through the Water Sustainability Fund in the event the Nebraska legislature appropriates no less than \$13.7 million to the District for said project.

BE IT FURTHER RESOLVED that the Board authorizes the General Manager to withdraw said application following confirmation that the said appropriation has been enacted into law.

Director Thompson recommended a friendly amendment to the resolution to include the words “has been enacted into law” to the original motion. Chairperson Klug and Director John Conley agreed to the friendly amendment. Thompson said the Nebraska Natural Resources Commission should finish their rankings by April 19th. There was addition discussion regarding the withdrawing of the Water Sustainability Fund application for the R-613 and R-616 project.

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

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

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM report with the Board and asked directors to contact him if they had questions. He added that NET will be airing of Keeping Nebraska Local on March 24th at 8:00 p.m. and again on March 27th at 1:30 p.m. 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:

March 12-16, 2016	NRDs Annual Washington D.C. Conference
March 24, 2016	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 12, 2016	P-MRNRD Subcommittee Meetings
April 14, 2016	P-MRNRD Board Meeting
April 16, 2016	Earth Day Omaha, 11:00 a.m. - 6:00 p.m., Elmwood Park
April 28, 2016	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

B. Next Meeting – April 14, 2016, at the NRC.

ADJOURNMENT: Being no further business, at 8:02 p.m. the Chairperson declared that the meeting was adjourned.

NOTE: These minutes reflect the actions and votes taken at the March 10, 2016, 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.

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 March 10, 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