



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
June 14, 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 June 14, 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 F. Conley 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 Klug and seconded by Director F. 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 from the June 14, 2012, Board of Directors Meeting is excused:

None to Date

Agenda Item 7. A., 7.B., and 7.C.

BE IT RESOLVED that the May 10, 2012 Papio-Missouri River NRD Board Meeting Minutes; the May 23, 2012 Washington County Rural Water Advisory Board #1 Meeting Minutes; and the June 7, 2012 Washington County Rural Water Advisory Board #2 Meeting Minutes are approved as printed.

Roll call vote was held on the motion. The motion carried on a vote of 10 yeas 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 June 7, 2012. The District's April 13- May 10, 2012, expenditures were published in the Burt County Plaindealer on May 23, 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, NRCS District Conservationist, briefed the Board on NRCS activities. The NRCS will be holding a Local Working Group Meeting that provides advice on the USDA conservation programs. The meeting will be held in the Blair USDA Service Center on June 28, 2012 at 1:30 p.m. Neil's written report is posted to the website.

B. Nebraska Association of Resources Districts: Director Tesar reported on the NARD Board Meeting. He stated that the NARD Medical Insurance will be increasing by 15% effective July 2012. Marlin Petermann briefed the Directors on the NARD Basin Tour.

C. Legislative Report: Ron Sedlacek, Husch Blackwell, gave update on the legislative issues being discussed in the Natural Resources Committee. There are 11 studies being

considered by the committee, 4 of main interest to this Board. LR 495, LR556, LR539 and LR482. The number one priority study is LR495 – Interim study to examine the flood control needs of Omaha and the greater Omaha metropolitan area. A hearing date has yet to be scheduled.

Also debated was the issue of a proposal to divide the Papio-Missouri River NRD.

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

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Klug report that the PLPA Subcommittee met on June 12, 2012 and he gave a brief recap of the meeting.

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

PLPA Recommendation #1: Legislative Representative Contract Renewal with Husch Blackwell – Recommendation that the General Manager be authorized to execute for and on behalf of the District a contract with Husch Blackwell, LLP, for the provision of continued intergovernmental and professional lobbying services for the District, per the terms and conditions outlined in the proposed contract presented to the subcommittee meeting.

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on June 12, 2012 and he gave a brief recap of the meeting.

Amanda Saunders Flynn from the USGS gave an update on the USGS Groundwater Quality Monitoring Program. No action was taken on this item.

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

PPO Recommendation #1: Bid Opening for the Platte River Landing Site Improvements – Recommendation that Valley Corp be awarded the contract for the Platte River Landing Site Improvements for the total sum of \$56,000.

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

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

Director Bradley was out of the room during the roll call.

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

PPO Recommendation #2: Glacier Creek Wetland/Stream Mitigation Bank Professional Services Contract Amendment #2 with Benesch – Recommendation that the General Manager be authorized to execute the proposed Professional Services Agreement Amendment #2 between the District and Alfred Benesch & Company for the Glacier Creek stream and wetland mitigation bank project, bringing the total not to exceed contract amount to \$176,544, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

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

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

Director Bradley was out of the room during the roll call.

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

PPO Recommendation #3: Professional Services Contract with HDR Engineering for Phase 3 of West Papillion Regional Basin Number 5 (WP5) – Recommendation that the General Manager be authorized to execute the proposed Professional Services Agreement Amendment #3 between the District and HDR Engineering, Inc. for the WP5 project, bringing the total not to exceed contract amount to \$3,135,988, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Roll call vote was held on the motion. The motion carried on a vote of 9 yeas and 2 nays.

Voting Yea - Bradley, F. Conley, J. Conley, Erickson, Fowler, Klug, Tesar, Thompson, Kolowski
Voting Nay - Lanphier, 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 #4: Western Sarpy/Clear Creek Flood Reduction Project – Amendment to Interlocal Agreement with Sarpy County – Recommend that the General Manager be authorized to execute the proposed Amendment to the Interlocal Cooperation Act Agreement with Sarpy County for the Western Sarpy Clear Creek Flood Control Project, subject to changes 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 10 yeas 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. 8** It was moved by Director John Conley and seconded by Director Klug that the following recommendation be adopted:

PPO Recommendation #5: Big Papio Creek Levee Project (Cornhusker Road to Giles Road) Fricke Farm Drainage Study Proposal – Recommendation that the District’s Ad Hoc Selection Committee procedure provided by Policy 16.2 be waived and that the General Manager be authorized to execute the proposed professional services agreement with Lamp Rynearson and Associates, for the not-to-exceed maximum amount of \$27,000 for the Fricke Farm Drainage Study, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel, and also subject to agreement by the City of Papillion to reimburse 50% of the actual costs for such study.

Director Lanphier asked how much this study would cost the District. Staff stated it would cost the District \$13,500 as 50% would be paid by the City of Papillion.

Roll call vote was held on the motion. The motion carried on a vote of 9 yeas and 2 nays.

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

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

PPO Recommendation #6: Big Papio Creek Levee Project (Q Street to Harrison Street) – Ralston Creek Outlet Drainage Structure Design Services – Recommendation that the District’s Ad Hoc Selection Committee procedure provided by Policy 16.2 be waived and that the General Manager be authorized to execute the proposed Professional Services Contract with E & A Consulting Group for the Ralston Creek Outlet Drainage Structure Project with the maximum not-to-exceed amount of \$43,500, subject to changes 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 9 yeas and 2 nays.

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

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

PPO Recommendation #7: Elk Creek Emergency Watershed Protection Project – NRCS Cooperative Agreements – Recommendation that the General Manager be authorized to execute Cooperative Agreements with the Natural Resources Conservation Service for up to \$1,400,000 of additional work, calling for a 25% District cost share of up to \$350,000, for the Elk Creek Emergency Watershed Protection Project near Jackson, NE, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

There was brief discussion on the transfer of prior year funds from a drainage ditch account in order to pay for this project.

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 John Conley and seconded by Director Erickson that the following recommendation be adopted:

PPO Recommendation #8: Missouri River Floodway Purchase Program in Sarpy County – Recommendation that the General Manager be authorized to (a) fully execute for and on behalf of the District the proposed Interlocal Agreement with the City of Bellevue and Sarpy County for the Missouri River Floodway Purchase Program, (b) contract with Olsson Associates for professional services to assist with the application process to obtain federal and state funding for the program, and (c) contract with MAPA to assist with administration of the program, such contracts to be subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked about MAPA’s involvement in this project. Staff stated that MAPA is providing the District with required services in the implementation of the Federal grants the District will receive for this program. Directors were reminded that all expenditures and land purchases will be brought before the Board for their approval. MAPA will be paid for administrative services to include: title work, appraisals, coordinating with the landowners and the tracking of required FEMA paperwork i.e. quarterly reports, etc.

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

PPO Recommendation #9: Flood Mitigation Assistance Program – [died in Subcommittee for lack of a motion].

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

PPO Recommendation #10: Western Douglas County Trails Supplemental Environmental Agreement with Felsburg, Holt and Ulevig – Recommendation that the General Manager be authorized to execute the Supplemental Agreement with Felsburg, Holt and Ulevig, discussed at the meeting of the Subcommittee, with a not-to-exceed maximum of \$14,146.67, subject to changes 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 10 yeas 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

C. Finance, Expenditure and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on June 12, 2012 and he gave a brief recap of the meeting.

•• **MOTION NO. 13** It was moved by Director Tesar and seconded by Director Bradley that the following recommendation be adopted:

FEL Recommendation #1: Account over 110% - Well Abandonment Program (01-05-189-4195) – Recommendation that account 01-05-189-4195, Well Abandonment Program be allowed to exceed 110% of the budgeted amount with a maximum not-to-exceed amount of \$20,000.

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. 14** It was moved by Director Tesar and seconded by Director Bradley that the following recommendation be adopted:

FEL Recommendation #2a: Review of FY 2013 Budget – No action required.

FEL Recommendation #2b: 1% Increase to the Budgeted Restricted Funds for Lid Calculation – Recommendation that the following resolution be adopted:

RESOLUTION

BE IT RESOLVED THAT the Board of Directors of the Papio-Missouri River NRD approves an additional increase of 1% in the Total Unused Restricted Funds Authority, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.

Roll call vote was held on the motion. The motion carried on a vote of 9 yeas and 2 nays.

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

TREASURER'S REPORT:

- **MOTION NO. 15:** 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 May, 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 May 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 of an invoice paid within the financial report.

Roll call vote was held on the motion. The motion carried on a vote of 9 yeas and 2 nays.

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

CHAIRPERSON'S REPORT: The Chairperson briefed the Board on his attendance at the University of Nebraska – Lincoln, 2012 Water for Food Conference. He also commented on the Pigeon/Jones Groundbreaking Ceremony.

A. Appointment of Lower Platter River Voluntary Integrated Management Plan Ad Hoc Consultant Selection Subcommittee:

Rick Tesar, Chairperson
Fred Conley
John Conley
Gus Erickson
Dave Klug
Jim Thompson, Alternate

Brian Henkel gave a brief overview of the project. There was discussion on the Ad Hoc Selection process and how much this project going to cost the District. Staff explained that this program will be implemented over a 3 year period and that the FY 2013 budget has \$60,000 identified for this project.

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 thanks staff and Directors for their efforts in making the Pigeon/Jones Groundbreaking Ceremony a success.

INFORMATIONAL ITEMS:

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

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

August 7, 2012 P-MRNRD Subcommittee Meetings
August 9, 2012 P-MRNRD Board Meeting
August 25, 2012 World of Water Festival

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on July 12, 2012 at 7:00 p.m. at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:15 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 June 14, 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