



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
December 8, 2011**

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 December 8, 2011. 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	Scott Japp
Fred Conley	Dave Klug
John Conley	Dorothy Lanphier
Gus Erickson	Jim Thompson
Tim Fowler	Rick Kolowski

ADOPTION OF AGENDA:

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

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	None
Absent	-	Tesar
Excused Absence	-	Tesar

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** 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 absence of the following Director from the December 8, 2011, Board of Directors Meeting is excused:

Rich Tesar.

Agenda Item 7. A,B,C.

BE IT RESOLVED that the November 10, 2011 Papio-Missouri River NRD Board meeting minutes; the November 9, 2011 Dakota County Rural Water Advisory Board meeting minutes and the November 29, 2011 Thurston 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 9 – yea and 1 – nay.

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Klug, Lanphier, Thompson, Kolowski
Voting Nay - Japp
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on December 1, 2011. The District's October 14 – November 10, 2011 expenditures were published in the Douglas County Post-Gazette on November 22, 2011. 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. His written report is posted to the website.

B. Nebraska Association of Resources Districts: Chairperson Kolowski reported that the NARD Legislative Conference is scheduled for January 24-25, 2012 in Lincoln.

C. Legislative Update: John Winkler gave the Legislative Update. The Legislature is currently gearing up for the 2012 session. The weekly Legislative Hearing Schedules are included in the General Manager's Report.

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 reported that the PLPA Subcommittee met on December 6, 2011 and he gave a brief recap of the meeting.

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

PLPA Recommendation #1: Amendments to P-MRNRD Pay Program Administration Manual for Calendar Year 2012 – Recommendation that the following adjustments to the P-MRNRD Pay Program for CY 2012 be adopted:

- The Compensation Structure (salary ranges) should be increased by 2.0% for 2012.
- The Merit Matrix should be increased to 3% for 2012.
- The COLA adjustment should be 0% for 2012.

There was brief discussion.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Lanphier, Klug, Thompson, Kolowski
Voting Nay	-	Japp
Abstaining	-	None
Absent	-	Tesar
Excused Absence	-	Tesar

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on December 6, 2011 and he gave a brief recap of the meeting.

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

PPO Recommendation #1: Elkhorn River 240th Street Bank Stabilization Project Bids – Recommendation that the General Manager be authorized to execute a contract with Melvin Sudbeck Homes in the amount of \$178,637.75 for construction of the Elkhorn River – 240th Street Bank Stabilization Project.

The Board questioned Gerry Bowen in regards to title searches and easements. Mr. Bowen confirmed that the District has obtained all easements in order to move forward with the construction.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Lanphier, Klug, Thompson, Kolowski
Voting Nay - Japp
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

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

PPO Recommendation #2: Elkhorn River IPA Bank Stabilization Project Bid - Recommendation that the General Manager be authorized to execute a contract with Ho Chunk Builders in the amount of \$1,020,995.30 for construction of the Elkhorn River IPA Bank Stabilization Project.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

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

PPO Recommendation #3: Western Douglas County Trails Contract with Felsburg Holt & Ulevig for Environmental Services – Recommendation that the General Manager be authorized to execute a professional services agreement with Felsburg, Holt and Ulevig for the Western Douglas County Trails Project, with a maximum not-to-exceed fee in the amount of \$11,398.74, and that the following resolution be adopted:

RESOLUTION

SIGNING OF AN ENGINEERING SERVICES AGREEMENT

Papio Missouri River Natural Resources District

Whereas: Papio-Missouri River Natural Resources District is developing two transportation projects for which it intends to obtain Federal funds;

Whereas: Papio-Missouri River Natural Resources District as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: Papio-Missouri River Natural Resources District and Felsburg Holt & Ulevig wish to enter into an Engineering Services Agreement to provide Preliminary Engineering Services for the Federal-aid projects.

Be It Resolved: By the Board of Directors of Papio-Missouri River Natural Resources District, Nebraska that: John Winkler, General Manager, is hereby authorized to sign the attached Engineering Services Agreement between Papio-Missouri River Natural Resources District and Felsburg Holt & Ulevig

NDOR Project Numbers: DPU=28(87) and DPU-28(102)

NDOR Control Numbers: 22227 and 22227A

NDOR Project Descriptions: West Douglas County Trail Phases 1 & 2

Adopted this 8th day of December, 2011 at Omaha, Nebraska.

Chairperson

Attest:

Secretary

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Lanphier, Japp, Klug, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

•• **MOTION NO. 7** It was moved by Director John Conley and seconded by Director Fowler that the following recommendation be adopted:

PPO Recommendation #4: Silver Creek Watershed Structure #11 Construction Observation Services – Recommendation that the maximum not to exceed amount for professional services provided in the NRD’S contract with Olsson Associates for the Silver Creek Watershed Structure #11 Construction Observation Service be increased to \$639,263.24.

Paul Woodward asked to address the Board. He wanted to clarify the position of Olsson Associates and stated that all of the Observation Services performed were covered within the

scope of services and that most of the added costs would be paid to the Subcontractor (Norm Koester, P.E.). There was discussion.

Roll call vote was held on the motion. The motion carried on a vote of 7 – yea and 3 – nay.

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Thompson, Kolowski
Voting Nay - Japp, Klug, Lanphier
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

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

PPO Recommendation #5: Silver Creek Watershed Structure #14 Stabilization Project Construction Bids – Recommendation that the General Manager be authorized to execute a contract with Glup Construction Inc., for construction of the Silver Creek Watershed Structure #14 Stabilization Project for their total base bid of \$28,597.50.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

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

PPO Recommendation #6: MUD Creek Bank Stabilization Project Construction Bids – Recommendation that the General Manager be authorized to execute a contract with Midwest Dumpers Inc., for construction of the Mud Creek Bank Stabilization Project for their total base bid of \$53,865.00.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

Director John Conley concluded his report by stating staff had reported on the update of the Missouri River Levee System Units R-613 and R-616 Sandbag, Debris and Levee Closure Structure Removal Project and that no action was required.

C. Finance, Expenditures and Legal Subcommittee: Director Thompson reported that the FEL Subcommittee met on December 6, 2011 and he gave a brief recap of the meeting.

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

FEL Recommendation #1: FY 2011 Audit - Recommendation that the FY 2011 Audit Report and management letter, prepared by Orizon CPAs, LLC, be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

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

FEL Recommendation #2: Pigeon/Jones Site 15 Project Right of Way Purchase Agreements – Recommendations:

- that the revised NRD offer for Tract 5 be \$143,764 for 23.24 acres;
- that the revised NRD offer for Tracts 29 & 33 be \$89,040 for 18.0 acres;
- that the Landowner counter-offers for Tract 5; Tracts 9 & 10; Tracts 6, 24, & 25; Tracts 29 & 33; and, Tracts 35 & 36, all be rejected; and,
- that the General Manager be authorized to execute a purchase agreement for Tract 12 in the amount of \$6,600 for 0.5 acres, all subject to such other terms and conditions as the General Manager determines necessary and Legal Counsel approves as to form.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Lanphier, Thompson, Kolowski
Voting Nay - Klug
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

- **MOTION NO. 12** It was moved by Director Thompson and seconded by Director Bradley that the following recommendation be adopted:

FEL Recommendation #3.: Retainer Agreement for District Legal Services – Recommendation that the Board approve the proposed retainer agreement with attorney Paul F. Peters per the terms and conditions outlined in said agreement, for a term period of three (3) years beginning on January 1, 2012.

SUSTITUTE MOTION: It was moved by Director Lanphier and seconded by Japp that line 7 of the retainer agreement be updated to remove the words “Unless excused by Client’s General Manager for good cause”.

There was discussion.

Roll call vote was held on the substitute motion. The motion failed carried on a vote of 2 – Yea 8 – nay.

Voting Yea - Japp, Lanphier
Voting Nay - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Klug, Thompson, Kolowski
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

Roll was immediately taken on motion 12. The motion carried unanimously.

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Japp, Klug, Lanphier, Thompson, Kolowski
Voting Nay - None
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

- **MOTION NO. 13** It was moved by Director Thompson and seconded by Director Erickson that the following recommendation be adopted:

FEL Recommendation #4.: Flood Mitigation and Mapping Program Professional Services Account 01-03-551-4400 Over 110% – Recommendation that Account # 01-03-551-4400 be allowed to exceed 110% of the budgeted amount.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Klug, Thompson, Kolowski
Voting Nay - Japp, Lanphier
Abstaining - None

Absent - Tesar
Excused Absence - Tesar

- **MOTION NO. 14** It was moved by Director Thompson and seconded by Director Klug that the following recommendation be adopted:

FEL Recommendation #5: Chalco Hills Accounts 01-06-264-4477 and 01-06-264-4479 Over 110% – Recommendation that Accounts # 01-06-264-4477 and 01-06-264-4479 be allowed to exceed 110% of the budgeted amount.

Director Lanphier inquired as to what happens when an account exceeds 110%. The General Manager explained that once an account exceeds the 110% amount charges can still be processed against the account. In this case, no further expenses are expected to be processed against either of the referenced accounts. She requested a list of all accounts over 110%. The General Manager stated staff would provide this information to her. There was further discussion.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Klug, Lanphier, Thompson, Kolowski
Voting Nay - Japp
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

TREASURER'S REPORT:

- **MOTION NO. 15:** It was moved by Director John Conley and seconded by Director Fred Conley 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 November, 2011, 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 November, 2011, 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.

Director Japp asked Dick Sklenar various questions about the possibility of extending the water system to support the Village of Rosalie in Thurston County. JEO Engineering is working with the Village Board to look at alternatives for providing drinking water to the Village before Nebraska Department of Health and Human Services issues an Administrative Order. High levels of nitrates have been found in the drinking water, and while it doesn't pose a threat to many adults, it could have an adverse effect on infants and children. It would require running 10 miles of 6 inch piping from Thurston County Rural Water System to the Village of Rosalie at the cost of approximately \$650,000.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Erickson, Fowler, Klug, Lanphier, Thompson, Kolowski
Voting Nay - Japp
Abstaining - None
Absent - Tesar
Excused Absence - Tesar

CHAIRPERSON'S REPORT:

A. P-MRNRD Employee Years of Service Awards: The following P-MRNRD employees were recognized for their years of service with the District:

- Dennis Cady – Conservation Technician, Walthill 5 Years
- Sonya Carlson – Receptionist/Accounting Assistant 5 Years
- John Winkler – General Manager 5 Years
- Terry Keller – Medium Equipment Operator 25 Years
- Darlene Hensley – Program Assistant, Blair 30 Years
- Emmett Egr – Information/Education Coordinator 35 Years

GENERAL MANAGER'S REPORT: GM Winkler briefed the Board on the status of his City/County Board visits in Sarpy and Douglas Counties. He has received nothing but positive feedback and stated that 99% of everyone he spoke with had nothing but wonderful things to say about the District, our programs, and staff. Upon the completion of Douglas County he will schedule visits to Washington, Burt, Thurston and Dakota Counties. He also reviewed the GM Report with the Board and noted that the report had been posted to the website. In conclusion John expressed his appreciation to the Board members and staff for all their continued efforts and support throughout the year and wished everyone a happy holiday season!

Director Japp asked if there was going to be a follow up to the floodway buyout in Bellevue since the City of Bellevue's Board didn't approve it. The GM explained that the buyout was a three way agreement between the City of Bellevue, Sarpy County and the District; to date we have not

any concrete information that shows the City wants to move forward with the program. Time is quickly running out for the FEMA application date. It was also noted that the District has had little to no contact for a buyout in Washington County and that Douglas County is working on a buyout, but the District hasn't received any firm information at this time.

Director Fred Conley and Chairperson Kolowski wanted to express their thanks for all the hard work staff does and also wished everyone a wonderful holiday!

INFORMATIONAL ITEMS:

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

December 15, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
December 26, 2011	Christmas Holiday – P-MRNRD Offices Closed
January 2, 2012	New Year's Holiday – P-MRNRD Offices Closed
January 10, 2012	P-MRNRD Subcommittee Meetings
January 12, 2012	P-MRNRD Board Meeting
January 16, 2012	Martin Luther King Day – P-MRNRD Offices Closed
January 24-25, 2012	NARD Legislative Conference, Lincoln, NE
Jan. 29-Feb. 1, 2012	National Association of Conservation Districts 2012 Annual Meeting, Las Vegas, NV
February 7, 2012	P-MRNRD Subcommittee Meetings
February 9, 2012	P-MRNRD Board Meeting
February 20, 2012	Presidents' Day - P-MRNRD Offices Closed

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

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:54 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 December 8, 2011, 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