



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
October 13, 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 Street, Omaha, NE on October 13, 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	Rick Kolowski
John Conley	Dorothy Lanphier
Scott Japp	Rich Tesar
David Klug	Jim Thompson

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug 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 absences of the following Directors from the October 13, 2011, Board of Directors Meeting are excused:

Fred Conley
Gus Erickson
Tim Fowler

Agenda Item 7. A.

BE IT RESOLVED that the September 8, 2011 Papio-Missouri River NRD Board meeting minutes are approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on October 6, 2011. The District's August 12-September 8th, 2011, expenditures were published in the Papillion Times on September 28th, 2011. 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: Chuck Leinen briefed the Board on NRCS activities. A full report is posted to the website.

B. Nebraska Association of Resources Districts: Director Tesar briefed the Board on the NARD Annual Conference held in Kearney, Nebraska on September 26-27, 2011. The next meeting of NARD Directors is scheduled for November 6-7, 2011 in Gothensburg, Nebraska, and Director Tesar stated he would be in attendance.

C. Lower Platte River Corridor Alliance Report: Megan Sittler's LPRCA Report was distributed to the Board. A full report is posted to the website.

D. Legislative Update: Tim Gay from Husch Blackwell Sanders updated the Board on the upcoming Legislative Sessions and the status of Legislative Resolutions LR 257, LR 273, LR 314, LR 332, and LR 309. A copy of his handout is included in these minutes.

SUBCOMMITTEE REPORTS:

A. Executive Subcommittee: Director Rick Kolowski reported that the Executive Subcommittee met on October 11, 2011, and gave a brief recap of the meeting.

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

EXEC Recommendation #1: P-MRNRD 2011 Redistricting of Precinct Boundaries: Recommendation that the MAPA redistricting Scenario 4 map, presented to the Subcommittee's meeting on October 11, 2011, be adopted as the new Board of Director election subdistrict boundary map for the Papio-Missouri River Natural Resources District and incorporated in the Board's minutes; and, that copies of the Scenario 4 map be certified to the Douglas and Sarpy County Election Commissioners on or before Friday, November 25th, 2011.

- **AMENDMENT NO. 1 TO MOTION NO. 3** It was moved by Director Japp and seconded by Director Lanphier to amend the motion to adopt the MAPA redistricting Scenario 3 map as the new Board of Director election subdistrict boundary map.

Shawn Merlotz addressed the Board. There was discussion.

Roll call vote was held on the amended motion. The motion failed on a vote of 3-yea and 5-nay.

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

- **AMENDMENT NO. 2 TO MOTION NO. 3** It was moved by Director Lanphier and seconded by Director Japp to amend the motion to adopt the MAPA redistricting Scenario 1 as the new Board of Director election subdistrict boundary map.

There was discussion. General Manager Winkler reiterated that MAPA was only given the direction to follow the guidance of the law, follow the election precinct lines, and to keep directors in their existing Districts. All of the scenarios offered are in compliance with the law. There was further discussion.

Roll call vote was held on the amended motion. The motion failed on a vote of 2-yea and 6-nay.

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

•• **CALL THE QUESTION** It was moved by Director Tesar and seconded by Director Klug to call the question.

Roll call vote was held to call the question. The motion carried unanimously.

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

Roll call vote was taken on the original motion to adopt Scenario 4 as the new Board of Director election subdistrict boundaries for the Papio-Missouri River Natural Resources District. The motion carried on a vote of 6-yea, 1-nay and 1 abstention.

Voting Yea - Bradley, Conley (John), Japp, Lanphier, Klug, Kolowski, Tesar, Thompson
 Voting Nay - Japp
 Abstaining - Lanphier
 Excused Absence - Conley (Fred), Erickson, Fowler
 Absent - Conley (Fred), Erickson, Fowler

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on October 11, 2011, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Elkhorn River 240th Street Bank Stabilization Project: Recommend that the following resolution be adopted:

RESOLUTION OF ADOPTION OF THE
 PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
 ELKHORN 240TH STREET BANK STABILIZATION PROJECT

BE IT RESOLVED that the Board of Directors of the Papio-Missouri River NRD hereby finds and determines that the Elkhorn River Bank Stabilization Project, to protect 240th Street from erosion damage, and the interim project that Tetra Tech, the District’s consulting engineers, has recommended be performed in advance thereof, will be predominantly of general benefit to the District, with only an incidental special benefit, and should be carried out by the District;

and that, accordingly, the General Manager, for and on behalf of the District, is hereby authorized to execute an amended agreement with Tetra Tech for the design of such interim project for a not-to-exceed fee of \$149,852; authorized to execute for and on behalf of the District an Interlocal Cooperation Act agreement with Sarpy County, in the form as presented to this meeting, pursuant to which the District and such County agree to share equally the costs of engineering and construction of such interim project; authorized to solicit sealed bids for the interim project; and, authorized to award a District contract for construction of such interim project, containing such terms as the General Manager determines necessary and legal counsel approves as to form, to the firm that the General Manager determines is the lowest responsible bidder.

There was discussion. Director Lanphier asked for clarification as the material she received gave two options for the recommended solution to correct the erosion damage. General Manager Winkler stated the resolution was for option 1, the temporary solution and that option 2 would be brought back to the Board for their consideration and approval.

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

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

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

PPO Recommendation #2: Professional Services Contract with JEO Consulting for design of Elkhorn River Bank Stabilization near Waterloo Levee:
Recommendation that that the General Manager be authorized to execute a revised Interlocal Agreement with the Village of Waterloo for additional costs up to \$32,595 for the cost of design of bank stabilization to protect the Waterloo levee, that will be predominantly of general benefit to the District, with only an incidental special benefit, and should be carried out by the District; subject to any further changes deemed necessary by the General Manager and District Legal Counsel.

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

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

Absent - Conley (Fred), Erickson, Fowler

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

PPO Recommendation #3: FY 2012 Long Range Implementation Plan – Recommend that the Fiscal Year 2012 Long Range Implementation Plan should be laid over until the November 8, 2011, PPO Subcommittee Meeting.

Director Lanphier requested that an AdHoc Committee be established to discuss the LRIP. There was discussion.

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

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

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

PPO Recommendation #4: Missouri River Floodway Purchase Program in Sarpy County – Recommendation that the General Manager be authorized to execute for and on behalf of the District an Interlocal Cooperation Act Agreement with the City of Bellevue and Sarpy County which calls for the District to sponsor and apply for FEMA Hazard Mitigation Grant Program funding for floodway buyouts of all properties in the Elbow Bend and Iske Place areas of Sarpy County and provides that the District, Sarpy County and the City of Bellevue will equally share the non-federal costs of those acquisitions, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Lanphier addressed the issue of how the district would approach purchasing the property, as the home owner's only lease the land their homes are on. Staff stated that the District would be working with the property owners to purchase the property under the Floodway Purchase Program. There was further discussion.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 2-nay.

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

•• **MOTION NO. 8**

PPO Recommendation #5: Missouri River Floodway Purchase Program in Washington County Recommendation that the General Manager be authorized to execute for and on behalf of the District an Interlocal Cooperation Act Agreement with Washington County that calls for the District to sponsor and apply for FEMA Hazard Mitigation Grant Program funding for eligible floodway buyouts in Washington County, provides that the District and Washington County will equally share the non-federal costs of those acquisitions, up to a maximum District contribution of \$250,000, and contains such other terms and conditions as deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Shawn Merlotz addressed the Board. General Manager Winkler stated that the funding for the Floodway Purchase Program will come out of the FY 2012 budget.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 2-nay.

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

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on October 11, 2011 and gave a brief recap of the meeting.

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

FEL Recommendation #1: Papillion Creek Watershed Structure W-3 Rehabilitation Project
Permanent Ingress/Egress – Recommend that the District Legal Counsel be directed to initiate legal proceedings to quiet the District’s title to the permanent access easement to Papiro Creek Watershed Structure W-3 that has been obtained by the NRD’s adverse prescriptive use for more than 10 years.

Director Japp addressed staff as to why we would proceed with permanent Ingress/Egress since the District already has right-of-way access to this property. Martin Cleveland stated that the current right-of-way is not useable and that it would be cost prohibited to build a retaining wall on the property in order for staff to gain access. There was further discussion.

Roll call vote was held on motion. The motion carried on a vote of 6-yea, 1-nay and 1-abstention.

Voting Yea	-	Bradley, Conley (John), Klug, Kolowski, Tesar, Thompson
Voting Nay	-	Japp

Abstaining - Lanphier
Excused Absence - Conley (Fred), Erickson, Fowler
Absent - Conley (Fred), Erickson, Fowler

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

FEL Recommendation #2.: Waterloo River Access Area 01-06-285-4479 Account Over 110%
- Recommendation that the contract limitation for account 01-06-285-4479 be authorized to exceed 110%.

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

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

TREASURER'S REPORT:

- **MOTION NO. 11:** It was moved by Director John Conley and seconded by Director Thompson 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 September, 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 September, 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.

Roll call vote was held on motion. The motion carried on a vote of 6-yea, 1-nay and 1-abstention.

Voting Yea - Bradley, Conley (John), Klug, Kolowski, Tesar, Thompson
Voting Nay - Japp
Abstaining - Lanphier
Excused Absence - Conley (Fred), Erickson, Fowler
Absent - Conley (Fred), Erickson, Fowler

CHAIRPERSON'S REPORT:

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

BE IT RESOLVED that the following be adopted as the schedule for Papiio-Missouri River NRD Board of Directors meetings for calendar year 2012:

January 12, 2012	July 12, 2012
February 9, 2012	August 9, 2012
March 8, 2012	September 13, 2012
April 12, 2012	October 11, 2012
May 10, 2012	November 8, 2012
June 14, 2012	December 13, 2012

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

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

Chairperson Kolowski stated the NARD Annual Conference held in Kearney, Nebraska was a very good meeting and thanked staff and directors for their attendance. He also complimented all involved in the successful opening of the new Blair Service Center. Chairperson Kolowski commented that redistricting must be completed every 10 years and although it is never an easy task it has been approved.

GENERAL MANAGER'S REPORT: General Manager Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. He also reported that the meeting for LR 257 has not yet been scheduled. Winkler concluded his report on the Blair Service Center. He stated the Open House was well attended by many members of the community and noted the article run in the Blair Pilot-Tribune with congratulatory ads offered by Cargill, McKinnis Roofing and Sheet Metal, Jensen Plumbing and Heating, AUSS Construction, American Broadband, and JC Excavation.

INFORMATIONAL ITEMS:

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

October 27, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 8, 2011	P-MRNRD Subcommittee Meetings
November.10, 2011	P-MRNRD Board Meeting
November 11, 2011	Veteran's Day – P-MRNRD Offices Closed
November 17, 2011	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
November 24-25, 2011	Thanksgiving Holiday – P-MRNRD Offices Closed
December 6, 2011	P-MRNRD Subcommittee Meetings
December 8, 2011	P-MRNRD Board Meeting
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

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on November 10, 2011 at 7:00 p.m. at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:19 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 October 13, 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