



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
January 12, 2017**

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 Street, Omaha, NE on January 12, 2017. The meeting was called to order by Chairperson David Klug at 7:00 p.m.

OATH OF OFFICE: Steve Grasz, Senior Counsel with Husch Blackwell, administered the oath of office to the following Directors elected in the November 2016 general election.

**Larry Bradley
Mark Gruenewald
Ted Japp**

**Patrick Leahy
Rich Tesar
John Wiese**

NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE

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

Larry Bradley
Fred Conley
John Conley
Tim Fowler
Mark Gruenewald
Ted Japp

Dave Klug
Patrick Leahy
Rich Tesar
Jim Thompson
John Wiese

ADOPTION OF AGENDA:

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

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
 Voting Nay - None
 Abstaining - None
 Excused Absence - None
 Absent - None

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Jim Thompson and seconded by Director Tim 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 absences of the following Director(s) from the January 12, 2017, Board of Directors Meeting is excused:

None to date

Agenda Item 7. A.

BE IT RESOLVED that the December 8, 2016, Papio-Missouri River NRD Board Meeting minutes are approved as printed.

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

Voting Yea - Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
 Voting Nay - None
 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 January 5, 2017. The District's November 11, 2016 – December 8, 2016, expenditures were published in the Papillion Times on December 14, 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, District Conservationist at the Omaha NRCS office, gave the report on NRCS activities. The report is posted to the

website and attached to the file copy of the meeting minutes.

- B. Nebraska Association of Resources Districts: Director Tesar gave the report on the upcoming NARD Legislative Conference, to be held January 24-25, 2017, in Lincoln, NE. Staff members Jacobsen, Laster, Petermann, Williams, Woodward, and Winkler; as well as Directors Fred Conley, Fowler, Japp, Klug, Thompson and Tesar will be attending. The NACD 2017 Annual Meeting to be held January 27-February 1, 2017, in Denver, CO. Directors Fred Conley and Tim Fowler will be representing the District.
- C. Legislative Report – Husch Blackwell: Steve Grasz, District Legal Counsel introduced Legislative representatives Tim Gay and Ron Sedlacek to the Board. Mr. Gay and Mr. Sedlacek briefed the Board on Legislative activities. Their report can be heard on the District’s podcast. They also provided a written report to the Directors, which is attached to file copy of the meeting minutes.

PUBLIC HEARING ON THE ZORINSKY WATER QUALITY BASIN NUMBER 2 PROJECT:

Chairperson David Klug appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:31 p.m. Hearing Officer Winkler submitted the following exhibits for the record:

- Exhibit 1** - Agenda
- Exhibit 2** - Proof of Publication of Hearing Notice
Omaha World Herald –December 30, 2016
- Exhibit 3** - Proof of Publication of Hearing Notice
Omaha World Herald – January 5, 2017
- Exhibit 4** - A Community-Based Watershed Management Plan for Zorinsky Lake, March 1999
- Exhibit 5** - Zorinsky Water Quality Basins 1 and 2 Alternatives Analysis Report, by Olsson Associates, July 2009
- Exhibit 6** - Project Location Map
- Exhibit 7** - December 28, 2016 – Public Hearing Notice sent to Landowners (Certified Mail)
- Exhibit 8** - List of Landowners mailed Public Hearing Notice
- Exhibit 9** - Certified Mail Return Receipts for Public Hearing Notice mailed to Landowners

Brent Meyer, District Legal Counsel, noted the purpose of the hearing was to explain the nature and necessity of the project, the reasons for selecting the particular location and the right of each landowner to be represented by an attorney and to negotiate and accept or reject the offer of damages which will be sustained by the proposed acquisition and the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain.

Amanda Grint, Project Manager, explained that Zorinsky Water Quality Basin #2 was identified in the Community Based Watershed Management Plan as a protective measure to improve water quality in Zorinsky Lake. A project area map was shown. Mr. Winkler opened the floor to the public. The following individual provided testimony:

- Larry Jobeun, 11440 West Center Road, Omaha, NE representing Blue Sage Creek SID

Being there was not additional testimony, Hearing Officer Winkler closed the hearing at 7:45 p.m. and returned the floor to Chairperson Klug.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on January 10, 2017, and gave a brief recap of the meeting.

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

PLPA Recommendation #1: P-MRNRD Affirmative Action Policy for 2017: It is recommended that the amendments to the Papio-Missouri River NRD’s Affirmative Action Policy for 2017, be adopted and incorporated into the District’s Policy Manual.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on January 10, 2017, 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: Approve Lower Platte River Vegetation Management Account 04-05-193-4479 over 110% of Budget: It is recommended that account 04-05-193-4479 (Lower Platte River Vegetation Management – Contract Work) be allowed to exceed 110% of the Fiscal Year 2017 budgeted amount.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

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

PPO Recommendation #2: Naming Dam Site 15A – Dr. Susan LaFlesche Picotte: It is recommended that the Pappio-Missouri River Natural Resources District present a resolution to the City of Omaha that Dam Site 15A be officially named “Dr. Susan LaFlesche Picotte Lake and Recreation Area”. In conjunction with the Nebraska State Historical Society, the P-MRNRD will provide an appropriate marker recognizing the accomplishments of Dr. Picotte.

Director Thompson stated his reasons for naming Dam Site 15A “Dr. Susan LaFlesche Picotte Lake and Recreation Area”. There was additional discussion by Directors.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

Prior to the reading of the FEL Subcommittee report, Chairperson Klug instructed the Board move into executive session for the purpose of discussing ongoing litigation in the Camden case.

- **MOTION NO. 6:** It was moved by Director Rich Tesar and seconded by Director Tim Fowler that the Board move to Executive Session.

Roll call was taken on the motion. The motion carried on a vote of 11-yea. The Board went into executive session at 7:58 p.m.

Voting Yea:	Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay:	None
Abstaining:	None
Excused Absence:	None
Absent:	None

- **MOTION NO. 7:** It was moved by Director Rich Tesar and seconded by Director Tim Fowler that the Board come out of Executive Session.

Roll call was taken on the motion. The motion carried on a vote of 11-yea. The Board came out of executive session at 8:11 p.m.

Voting Yea: Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
 Voting Nay: None
 Abstaining: None
 Excused Absence: None
 Absent: None

C. Finance, Expenditures and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on January 10, 2017, 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: Papio Creek Watershed Structure W-3 ROW – Camden Family Trust v. PMRNRD Settlement: It is recommended that the General Manager be authorized to execute a settlement agreement for Papio Creek Watershed Structure W-3 permanent easement with Camden Family Trust, subject to terms and conditions deemed necessary by the General Manager and approval as to form by District Legal Counsel and that the District Legal Counsel be authorized to enter into a stipulation dismissing with prejudice the condemnation action currently pending in the District Court of Washington County, Nebraska.

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

Voting Yea - Conley (Fred), Conley (John), Fowler, Japp, Leahy, Tesar, Thompson, Wiese, Klug
 Voting Nay - Bradley, Gruenewald
 Abstaining - None
 Excused Absence - None
 Absent - None

TREASURER'S REPORT:

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the December, 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 December, 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 11-yea.

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

LEGAL UPDATE: Brent Meyer, District Legal Counsel stated he had nothing additional to report.

CHAIRPERSON’S REPORT:

A. Appointment of P-MRNRD Standing Subcommittees: Chairperson David Klug reported that he had updated the standing subcommittees to include Directors Bradley, Gruenewald, Japp, and Wiese. He noted that changes to the standing subcommittees required Board approval.

•• **MOTION NO. 10** It was moved by Chairperson David Klug and seconded by Director Rich Tesar that the following resolution be adopted:

BE IT RESOLVED that Standing Subcommittee appointments, as presented by the Chairperson, are hereby approved.

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

Voting Yea	-	Bradley, Conley (Fred), Conley (John), Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence:	-	None
Absent	-	None

Chairperson Klug appointed members to the Papillion Creek Watershed Regional Detention Basin Ad Hoc Consultant Selection Subcommittee. Members are Rich Tesar, Chairperson, Fred Conley, John Conley, Tim Fowler, Jim Thompson and David Klug, as Alternate.

GENERAL MANAGER'S REPORT: GM Winkler congratulated the newly elected and re-elected representatives to the Board and reviewed the GM Report with the Board and noted that the report had been posted to the website. He stated the Directors Orientation is scheduled for January 26th from 5:30 p.m. to 7:30 p.m.

INFORMATIONAL ITEMS:

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

January 16, 2017	Martin Luther King Day – P-MRNRD Offices Closed
January 24-25, 2017	NARD Legislative Conference, Lincoln, NE
January 26, 2017	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
Jan. 28-Feb. 1, 2017	National Association of Conservation Districts 2017 Annual Meeting, Denver, CO
February 7, 2017	P-MRNRD Subcommittee Meetings
February 9, 2017	P-MRNRD Board Meeting
February 20, 2017	President’s Day – P-MRNRD Offices Closed
February 23, 2017	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC

B. Next Meeting – February 9, 2017, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:19 p.m.

NOTE: These minutes reflect the actions and votes taken at the January 12, 2017, 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 January 12, 2017, 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