

Agenda Item: 7.A.



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 9, 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 February 9, 2017. 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:

Larry Bradley	David Klug
Fred Conley	Patrick Leahy
John Conley	Rich Tesar
Tim Fowler	Jim Thompson
Mark Gruenewald	John Wiese
Ted Japp	

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Tesar and seconded by Director Conley (Fred) 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 Fowler and seconded by Director Conley (Fred) 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 February 9, 2017, Board of Directors Meeting are excused:

None to date

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

BE IT RESOLVED that the January 12, 2017, Papio-Missouri River NRD Board meeting minutes and the January 11, 2017, Dakota 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 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 February 2, 2017. The District's December 9, 2016 – January 12, 2017, expenditures were published in the Papillion Times on January 25, 2017. 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 Fowler gave the report on the NARD Legislative Conference, which was held January 24-25, 2017, in Lincoln, NE.
- C. National Association of Conservation Districts 71st Annual Meeting: Director Fowler

gave the report on the NACD 71st Annual Meeting, which was held January 28th-February 2, 2017, in Denver, CO. Topics of discussion included the administration changes in Washington D.C., the over regulation of government, the Farm Bill, and the Wetlands Protection Act. He added that Orval Gigstad, Director of the Nebraska Association of Resources Districts, assisted in Director Fowler's appointment as the NARD's Northern Plains Representative to the Urban Conservation Grant Program.

D. Legislative Report – Husch Blackwell: Tim Gay updated the Board on issues related to the Natural Resources Districts in the 2017 Legislative Sessions. He updated the Board on the following Legislative Bills:

LB027 – Change requirements for state agency contracts and powers and duties of the Auditor of Public Accounts as prescribed.

LB089 – Change published notice of hearing requirements under the Nebraska Budget Act as prescribed.

LB098 – Extend certain levy authority for natural resources districts.

LB154 – Exempt completion certification for dams or reservoir from filing fee

LB176 – Eliminate obsolete provisions related to milldams.

LB182 – Change powers and duties of the Dept. of Environmental Quality under the Drinking Water State Revolving Fund Act.

LB221 – Change the transfer from a fund.

LB390 – Change provisions relating to flood protection and water quality enhancement bonds.

There was discussion by Directors. A copy of Mr. Gay's handout is included in the file copy of these minutes. His report can be heard on the podcast at www.papionrd.org/about-nrd/podcasts.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Consultant Selection Subcommittee for the Southern Sarpy Watershed Management Plan: Director David Klug reported that the Ad Hoc Consultant Selection Subcommittee for the Southern Sarpy Watershed Management Plan met on February 7, 2017, and gave a brief recap of the meeting.

•• **MOTION NO. 3:** It was moved by Director David Klug that the following recommendation be adopted:

*Ad Hoc for the SSWP
Recommendation #1:*

Professional Services Contract with FYRA Engineering: It is recommended that the General Manager be authorized to execute a contract with FYRA Engineering to provide professional services for Phase I of the Southern Sarpy Watershed Management Plan, in a maximum not-to-exceed amount of \$400,640, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Directors inquired about how the \$400,640 would be paid by the Partnership and how many phases are included in the project. Staff addressed questions.

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. Ad Hoc Consultant Selection Subcommittee for the Papillion Creek Watershed Regional Detention Basin: Director Rich Tesar reported that the Ad Hoc Consultant Selection Subcommittee for the Papillion Creek Watershed Regional Detention Basin met on February 7, 2017, and gave a brief recap of the meeting.

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

Ad Hoc for the PCWRDB Recommendation #1: Initial Screening of Proposals for Consultant Selection Interviews:
It is recommended that the Subcommittee request interviews with FYRA Engineering, HDR Engineering, Inc., and Olsson Associates in the order presented, on March 2, 2017, at 6:30 p.m.

Director Tesar made an amended motion that the requirement for personal interviews and ranking of the firms in Policy 15.2 Purchasing-Professional Services be waived, and that the following firms negotiate with Management on the fee, detailed scope and schedule for the professional services requested for the projects designated as follows: HDR Engineering, Inc. - projects DS19 and DS12; FYRA Engineering - projects WP2 and WP4; and Olsson Associates - projects DS7 and WP1. The amended motion was seconded by Direct John Conley.

There was extensive discussion by Directors regarding the amended motion and District Policy 15.2 Purchasing – Professional Services. Staff member Amanda Grint and General Manager Winkler addressed questions and concerns of the Board.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 5-yea and 6-nay.

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

Director Leahy made an amended motion to the original Subcommittee recommendation to

include CH2M to the Consultant Selection Interview list, as originally recommended by staff. The amended motion was seconded by Director Gruenewald. There was additional discussion by the Directors. Director Fowler made final comments then called the question.

Roll call vote was held on the amended motion. The amended motion passed on a vote of 10-yea and 1-nay.

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

Roll call vote was held on the original motion as amended. The motion passed 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

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on February 7, 2017, and gave a brief recap of the meeting.

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

PPO Recommendation #1: Prairie Queen Subdivision Preliminary Plat: It is recommended that the General Manager be authorized to allow the advancement of the Prairie Queen Subdivision Preliminary Plat dated November 28, 2016, with the condition that a final plat not be approved until the Transfer Deed with the City of Papillion for Prairie Queen Recreation Area is executed.

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. 6:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #2.a.: USACE Section 22, Stream Degradation Study Letter of Intent - PCWP Funding Contribution: It is recommended that the General Manager be authorized to execute for and on behalf of the Papillion Creek Watershed Partnership, the expenditure of \$50,000, as part of the local contribution to the USACE Section 22 Stream Degradation Study.

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. 7:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #2.b.: USACE Section 22, Stream Degradation Study Letter of Intent - NRD Approval and Funding Contribution: It is recommended that the General Manager be authorized to submit the proposed Letter of Intent for the USACE Section 22 Stream Degradation Study and that the District contribute \$25,000 toward the study.

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. 8:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #3.: Papio PL-566 Site 21 Easement Vacation for WP-7 Project: It is recommended that the General Manager be authorized to execute the proposed Release of Easement for the Papio PL-566 S-21 structure, 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 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

D. Finance, Expenditures and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on February 7, 2017, and gave a brief recap of the meeting.

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

FEL Recommendation #1.: Union Dike Indemnification and Hold Harmless Agreement: It is recommended that the General Manager be authorized to execute the proposed Indemnification and Hold Harmless Agreement for Union Dike Access with NEBCO, Inc., subject to terms and conditions deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was discussion regarding the Hold Harmless Agreement. General Manager Winkler stated the agreement would be reviewed to ensure the District is protected and that the District is considering making repairs/improvements to access road 1.

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. 10:** It was moved by Director Rich Tesar that the following recommendation be adopted:

FEL Recommendation #2.: Account over 110% 02-01-555-4400 Dam Site 15A Professional Services: It is recommended that account 02-01-555-4400 (Dam Site 15A – Professional Services) be allowed to exceed 110% of the budgeted amount, with a maximum not-to-exceed amount of \$800,000 without further Board approval.

Director Japp had questions regarding the anticipated overages to this account. Staff member Lori Laster addressed his concerns.

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

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 January, 2017, 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 January, 2017, 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: There was nothing to report.

CHAIRPERSON'S REPORT: Chairperson David Klug asked staff member Emmett Egr to come forward to present the 2017 Partner in Economic Development award the District received from Sarpy County Economic Development Corporation. He then briefed that he and Director Jim Thompson would be representing the District at the NRDs Annual Washington D.C. meeting, on March 18-22, 2017.

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 stated that the NARD Risk Pool, which is the NRD Insurance Program, is doing quite well. Claims are down and the plan may show a profit this year, which will hold premiums down. The Risk Pool is a self-funded plan for employee health insurance. Also, the District's retirement is a defined contribution plan. The NARD is looking to make some changes to cut the administration costs and to give employees more flexibility in investment options.

INFORMATIONAL ITEMS:

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

February 20, 2017	Presidents' Day - P-MRNRD Offices Closed
February 23, 2017	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
February 24, 2017	Lower Platte River Corridor Alliance Quarterly Meeting, 9:00 a.m., Camp Ashland
March 2, 2017	Ad Hoc Consultant Subcommittee for the Papillion Creek Watershed Regional Detention Basin – Consultant Interviews
March 7, 2017	P-MRNRD Subcommittee Meetings
March 9, 2017	P-MRNRD Board Meeting
March 18-22, 2017	NARD Washington D.C. Conference
March 23, 2017	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

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

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:25 p.m.

NOTE: These minutes reflect the actions and votes taken at the February 9, 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 February 9, 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