

**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
March 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. 154<sup>th</sup> Street, Omaha, NE on March 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
Mark Gruenewald	Jim Thompson
Ted Japp	

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Tesar 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 9-yea.

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Thompson and seconded by Director John 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 absences of the following Director(s) from the March 9, 2017, Board of Directors Meeting are excused:

Tim Fowler  
John Wiese

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

BE IT RESOLVED that the February 9, 2017, Papio-Missouri River NRD Board meeting minutes and the February 8, 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 9-yea.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on March 2, 2017. The District's January 13-February 9, 2017, expenditures were published in the Washington County Enterprise on February 17, 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 Tesar gave the report on the NARD Board of Directors meeting, which was held March 5-6, 2017, in Lincoln, NE. He stated that the NARD dues will likely increase by 4% over the next 2 years. Tesar added the NARD is hosting National Envirothon. During next month's report Tesar will provide information regarding NRDs additional funding to the NARD for the Envirothon event.
- C. Legislative Report – Husch Blackwell: Tim Gay updated the Board on issues related to the Natural Resources Districts in the 2017 Legislative Sessions. There was discussion by Directors. Mr. Gay's handout is attached to the file copy of the meeting minutes and his

report can be heard on the podcast at [www.papionrd.org/about-nrd/podcasts](http://www.papionrd.org/about-nrd/podcasts).

## **SUBCOMMITTEE REPORTS:**

A. 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 March 2, 2017, and gave a brief recap of the meeting.

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

*Ad Hoc for the PCWRDB Recommendation #1:* Consultant Selection Interviews: It is recommended that contracts be negotiated with FYRA Engineering for the WP2 project, with HDR Engineering, Inc. for the WP4, DS12, and DS19 projects, and with Olsson Associates for the WP1 and DS7 projects.

The following individual addressed the Board:

- Grant Melotz - 10404 N. 132nd Street, Omaha, Nebraska

There was discussion by Directors regarding how the District would pay for the projects, the timeline for completion, and why the 6 projects were combined into a single RFP. Assistant General Manager Marlin Petermann explained the goals of the 2014 Watershed Plan and added that the District is in partnership with other city and county agencies in support of these projects. He added that the 5 year projected costs have been included in 2016 Long Range Implementation Plan and the project completions would take between 5 to 10 years.

*Amended motion:* It was moved by Director Fred Conley and seconded by Director Bradley to award FYRA Engineering the WP2 and WP4 projects, taking WP4 away from HDR Engineering, Inc.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 4-yea, 3-nay and 2-abstentions.

Voting Yea	-	Bradley, Conley (Fred), Thompson, Klug
Voting Nay	-	Conley (John), Leahy, Tesar
Abstaining	-	Gruenewald, Japp
Excused Absence	-	Fowler, Wiese
Absent	-	Fowler, Wiese

Roll call vote was held on the original motion. The original motion passed on a vote of 7-yea and 2-nay.

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

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

Staff member Amanda Grint and John Engel, HDR Engineering, gave an update on the Zorinsky Basin Number 2 project. No action taken by the Subcommittee.

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

*PPO Recommendation #1:* Update to the Groundwater Management Plan: It is recommended that the District approve the proposed preliminary draft of the Papio-Missouri River NRD's updated Groundwater Management Plan and that the General Manager be authorized to submit such plan to the Nebraska Department of Natural Resources for review, 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 8-yea and 1-nay.

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

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

*PPO Recommendation #2.:* Interlocal Cooperative Agreement for the Nebraska GeoCloud and Airborne Electromagnetic (AEM) Data Integration Project: It is recommended that the General Manager be authorized to execute an Interlocal Cooperative Agreement with nine other Natural Resources Districts to support the Nebraska GeoCloud and Airborne Electromagnetic (AEM) Data Integration project with a total District financial contribution of \$10,200, equally distributed in FY18, FY19, and FY20, 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-yea.

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

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

*PPO Recommendation #3.:* Platte River Trail Phase 1 (MOPAC Trail) Construction Engineering Services Agreement Supplement No. 2: It is recommended that the General Manager be authorized to execute Supplemental Agreement No. 2 between the District and Ehrhart Griffin & Associates for Construction Engineering Services for the Platte River Trail, Phase 1 (MoPac Trail) for an increase in costs not-to-exceed \$11,472.57 and that the following resolution be adopted:

Whereas: Papio Missouri Natural Resources District and Ehrhart Griffin & Associates, have previously executed a Construction Engineering Services Agreement (BK1308) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: Papio Missouri Natural Resources District understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: Papio Missouri Natural Resources District and Ehrhart Griffin & Associates wish to enter into a construction engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Board of Directors of the Papio Missouri Natural Resources District, Nebraska that: John Winkler, General Manager of the Papio Missouri Natural Resources District is hereby authorized to sign the attached Construction Engineering Services Supplemental Agreement No. 2 between the Papio Missouri Natural Resources District and Ehrhart Griffin & Associates.

NOOR Project Number: STPB-77(49)

NOOR Control Number: 22191

NOOR Project Description: Platte River Trail - Phase 1

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 1-nay.

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

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

*PPO Recommendation #4.:* Elkhorn River Improvement Project Area (IPA) Operation and Maintenance Assessment: It is recommended that a special assessment for the operation and maintenance of the Elkhorn River Bank Stabilization Improvement Project Area be levied against the benefited parcels in the total amount of \$20,000 for calendar year 2017, and that the following Resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that each of the lots and parcels of ground in Douglas County, Nebraska, identified in the “2017 Assessment Schedule,” attached hereto as Exhibit “A” and incorporated herein by reference, has been specially benefited by the District’s program of operation and maintenance upon the construction and capital improvements involved with the District’s Elkhorn River Bank Stabilization Improvement Project; that special benefits from such program of operation and maintenance are correctly set out in the respective amounts appearing opposite the designation of said lots and parcels of ground in said schedule; that such respective amounts appearing opposite said lots and parcels of ground in said schedule are hereby levied as special assessments against such lots and parcels of ground; and, that said assessments shall become due fifty (50) days after date, to-wit: shall become due on May 1, 2017, and may be paid within said time without interest, but if not paid by May 1, 2017, each such assessment shall draw interest at the rate of nine per cent (9%) per annum from and after date until delinquent; and, from and after date that each installment become delinquent, shall draw interest at the rate of fourteen per cent (14%) per annum until paid.

BE IT FURTHER RESOLVED that the Secretary of the District shall certify a copy of this levy resolution to the County Clerk and County Treasurer of Douglas County, Nebraska, for spreading the same on the tax records of such County, and such special assessments shall be collected by the County Treasurer as provided by law.

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

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

C. Finance, Expenditures and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on March 7, 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.:* Land Acquisition for West Papio 1 and West Papio 2 Regional Detention Basins: It is recommended that the General Manager be authorized to execute a purchase agreement with Celebrity Homes, Inc. for the purchase of approximately 35 acres, to be verified by survey, for \$52,000 per acre, for the construction of the WP1 regional detention basin project and a purchase agreement with Celebrity Homes, Inc. for the purchase of approximately 13 acres, to be verified by survey, for \$43,000 per acre, for the construction of the WP2 regional detention basin project 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 8-yea and 1-nay.

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

**TREASURER'S REPORT:**

- **MOTION NO. 9:** 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 February, 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 February, 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 8-yea and 1-nay.

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

**LEGAL UPDATE:** Brent Meyer, Husch Blackwell updated the Board on current litigation. He stated that tomorrow he plans to file dismissal paperwork to the court regarding the Camden case. That will complete all open litigation with the District.

**CHAIRPERSON'S REPORT:** Chairperson David Klug had nothing additional to report.

**GENERAL MANAGER'S REPORT:** Marlin Petermann reviewed the GM Report with the Board. He added that the February 2017, Municipal Water Leader magazine, published an article, "Blowing Ice Out of the Water on the Lower Platte River" written by staff member Amanda Grint. Director Thompson informed the Board that the Nebraska Natural Resources Commission is scheduled to meet on June 20<sup>th</sup>, 2017 in Kearney, Nebraska.

**INFORMATIONAL ITEMS:**

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

March 18, 2017	West Papio Trail, Neighborhood Meeting, 4:30 p.m., Saint John Vianney, 5801 Oak Hills Drive, Omaha
March 18-22, 2017	NRDs Annual Washington D.C. Conference
March 23, 2017	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
April 11, 2017	P-MRNRD Subcommittee Meetings
April 13, 2017	P-MRNRD Board Meeting
April 22, 2017	Earth Day Omaha, 11:00 a.m.-6:00 p.m., Elmwood Park, Omaha
April 27, 2017	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC



B. Next Meeting – April 13, 2017, at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 7:55 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the March 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](http://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 March 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.

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Richard Tesar  
District Secretary