



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
October 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 October 12, 2017. The meeting was called to order by Chairperson Fred Conley 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 | Ted Japp |
| Fred Conley | Patrick Leahy |
| John Conley | Rich Tesar |
| Tim Fowler | Jim Thompson |
| Mark Gruenewald | John Wiese |

ADOPTION OF AGENDA:

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

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea	-	Bradley, J. Conley, Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Klug
Absent	-	Klug

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Bradley 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 Director(s) from the October 12, 2017, Board of Directors Meeting are excused:

David Klug.

Agenda Item 7. A.:

BE IT RESOLVED that the September 14, 2017, Papio-Missouri River NRD Board Meeting Minutes and the September 13, 2017, Dakota County Rural Water Advisory Board Meeting Minutes are approved as printed.

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea	-	Bradley, J. Conley, Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Klug
Absent	-	Klug

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on October 5, 2017. The District's August 11-September 14, 2017, expenditures were published in the Dakota County Star on September 21, 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, Omaha NRCS District Conservationist, gave the Board an update on NRCS activities. Neil Jensen's report is posted to the website and attached to the file copy of these meeting minutes.

B. Nebraska Association of Resources Districts: Directors Tesar and Thompson gave an update on the NARD Annual Meeting that was held on September 24-26, 2017, in Kearney, NE. Director Tesar stated the NARD Board voted on Resolution 2017-1 Natural Disaster Assistance Funding through NEMA and Resolution 2017-2 Surface Water Leasing for Groundwater Recharge. Resolution 2017-1 passed on a vote of 110-yea, 0-nay and Resolution 2017-2 passed on a vote of 89-yea and 31-nay. He added the NARD had received proposals for lobby contract proposals. Zulkoski & Weber received the contract and will begin services on January 1, 2018. Director Thompson commented on the strong relationships that exist within the 23 NRDs.

C. Legislative Report – Husch Blackwell: Steve Grasz announced Kaitlin Reece is a new addition to Husch Blackwell's Government Affairs team. Kaitlin is a former staff member to

Senator Sue Crawford and brings good bipartisan addition to the team. He added that Tim Gay has scheduled/requested 20 individual meetings with State Senators in the coming week. Steve concluded by briefing that Tim Gay is currently working on a presentation on the landscape for 2018, to be presented at the November meeting.

D. Presentation on Papio Reservoir Funding: Amanda Grint gave a presentation on funding for the Papio Reservoirs. She briefed that funding comes from annual watershed fees, annual funds from the P-MRNRD's general fund and grant opportunities. The General Manager provided additional comments on infrastructure projects that can be ready to go in six months. He also briefed on possible funding opportunities. There was additional discussion on bonding authority and request for reauthorization of bonding for the P-MRNRD. The General Manager stated it would be up to the Board to make that request, and added that although not impossible, it would be a tough fight at this time.

PUBLIC HEARING – on Proposed Right-of-Way Acquisition Arlington Buyout Project:

Chairperson Fred Conley 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 Affidavit
 - ◆ The Pilot-Tribune – October 3, 2017
 - ◆ Omaha World Herald – October 5, 2017
- Exhibit 3** October 5, 2017 Public Hearing Notice and Information Packet sent to Landowners (Certified Mail)
- Exhibit 4** Certified Mail Return Receipts for Information Packet mailed to Landowners
- Exhibit 5** Map of Project

Steve Grasz, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504, that each owner of property to be acquired by the District has the right legal representation to negotiate, accept, or reject the offer made by the District for proposed acquisition. Lori Laster, Project Manager, gave a presentation of the project. The FEMA grant will cover 100% of purchase and demolition of one property and 90% of the other. She added that per the terms of the federal grant, the District cannot use eminent domain to acquire the property for the project. Winkler opened the floor to the public.

Hearing Officer Winkler closed the Public Hearing at 7:35 p.m. and returned the floor to Chairperson Fred Conley.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on October 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.: 2017 Market Analysis of District Job Descriptions: Recommendation that the 2017 Market Analysis, as presented to the Subcommittee, be approved.

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

Voting Yea - Bradley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - Klug
Absent - Klug

B. Programs, Projects and Operations Subcommittee: Director Jim Thompson reported that the PPO Subcommittee met on October 10, 2017, and gave a brief recap of the meeting.

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

PPO Recommendation #1.: Bids for the 2018 District Vehicles and Equipment: Recommendation that the following bids be accepted:

Bid Item A – One, 2018 Crew Cab 4WD, ½ Ton Pickup Truck: Recommendation that the lowest and best bid of \$21,246 from Gene Steffy for one, 2018 Ram 1500 Crew Cab be accepted with trade-in of the District’s 2011 Chevy Silverado, 4WD, Extended Cab Pickup Truck, serial number 1GCRKPE34BZ248957; and that

Bid Item B – Two, 2018 SUV, AWD Vehicles: Recommendation that the lowest and best bid of \$49,196 from Gene Steffy for two, 2018 Jeep Grand Cherokees be accepted with trade-in of the District’s 2013 Chevy Equinox Crossover, serial number 2GNFLCEK7D6233651 and the District’s 2010 Ford Escape Hybrid, serial number 1FMCU5K35AKB18956.

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea - Bradley, J. Conley, Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - None
Abstaining - None
Excused Absence - Klug
Absent - Klug

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

PPO Recommendation #2.: Interlocal 2. Big Papio Levee Culverts Phase 2 Rehab Project Interlocal Agreement with City of Omaha: Recommendation that the

General Manager be authorized to execute the Big Papio Levee Culverts Phase 2 Rehab Project Interlocal Agreement with the City of Omaha, subject changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Gruenewald stated the Interlocal Agreements for this project were not legal documents as the documents were not signed. He was informed that the documents could not be signed without the Boards approval. Director Gruenewald made a motion to table. The motion failed for lack of a second.

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

Voting Yea - Bradley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - Klug
Absent - Klug

•• **MOTION NO. 6:** It was moved by Director Jim Thompson that the following recommendation be accepted:

PPO Recommendation 3.: Interlocal Agreement with City of Papillion for West Papillion Creek Levee Accreditation: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the City of Papillion for Phase 1 of the West Papillion Levee Accreditation with a maximum not-to-exceed District contribution of \$167,152, 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 and 1-nay.

Voting Yea - Bradley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - Klug
Absent - Klug

•• **MOTION NO. 7:** It was moved by Director Jim Thompson that the following recommendation be adopted:

PPO Recommendation #4: FY 2018 Long Range Implementation Plan (LRIP): Recommendation that the Fiscal Year 2018 Long Range Implementation Plan be approved.

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

Voting Yea - Bradley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, F.

Voting Nay - Conley
Abstaining - Gruenewald
Excused Absence - None
Absent - None

- **MOTION NO. 8:** It was moved by Director Jim Thompson that the following recommendation be adopted:

PPO Recommendation #5: Western Douglas County Trail Change Order to Professional Services Contract with Felsburg, Holt, and Ullevig for Environmental Review: Recommendation that the Board adopt a resolution provided by NDOT authorizing the General Manager to execute a Supplemental Agreement between the District and Felsburg Holt & Ullevig (FHU) for NEPA Engineering Services for the West Douglas County Trail for a cost not-to-exceed \$44,700.07, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Roll call vote was held on motion. The motion carried on a vote of 10-yea.

Voting Yea - Bradley, J. Conley, Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - None
Abstaining - None
Excused Absence - Klug
Absent - Klug

C. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on October 10, 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.: Refinance Flood Protection and Water Quality Enhancement Bonds, Series 2018 Partial Advance Refunding Series 2013: Recommendation that the Board authorize the refinancing of 2013 Series Flood Control and Water Quality Enhancement Bonds, subject to approval by District Legal Counsel and the General Manager.

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

Voting Yea - Bradley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - Klug
Absent - Klug

TREASURER'S REPORT:

- **MOTION NO. 10:** It was moved by Director John Conley and seconded by Director Bradley 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, 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 Supply System, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage District, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watershed Partnership project bills listed on the September, 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 10-yea.

Voting Yea	-	Bradley, J. Conley, Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Klug
Absent	-	Klug

LEGAL UPDATE:

Steve Grasz, District Legal Counsel, asked that the Board to move to Executive Session for the purpose of discussing on-going litigation.

- **MOTION NO. 11:** It was moved by Director Leahy and seconded by Director Bradley that the Board move to Executive Session.

Roll call vote was held to move to Executive Session at 7:49 p.m. The motion carried on a vote

of 9-yea and 1-nay.

Voting Yea - Bradley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - Klug
Absent - Klug

- **MOTION NO. 12:** It was moved by Director Tesar and seconded by Director J. Conley that the Board return to General Session.

Roll call vote was held to move to General Session at 7:56 p.m. The motion carried on a vote of 10-yea.

Voting Yea - Bradley, J. Conley, Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - None
Abstaining - None
Excused Absence - Klug
Absent - Klug

CHAIRPERSON'S REPORT:

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

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meetings for calendar year 2018:

January 11, 2018	July 12, 2018
February 8, 2018	August 9, 2018
March 8, 2018	September 13, 2018
April 12, 2018	October 11, 2018
May 10, 2018	November 8, 2018
June 14, 2018	December 13, 2018

The November 2018, Subcommittee Meetings will be held on Wednesday, November 7th due to General Elections being held on Tuesday, November 6th.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea.

Voting Yea - Bradley, J. Conley, Fowler, Gruenewald, Japp, Leahy, Tesar, Thompson, Wiese, F. Conley
Voting Nay - None
Abstaining - None
Excused Absence - None
Absent - None

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website. Martin Cleveland presented on the proposed construction of the budgeted, Operation and Maintenance Equipment Shed. The project is expected to be bid in November and brought to the Board for their approval in December.

INFORMATIONAL ITEMS:

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

- | | |
|----------------------|--|
| October 26, 2017 | Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC |
| November 7, 2017 | P-MRNRD Subcommittee Meetings |
| November 9, 2017 | P-MRNRD Board Meeting |
| November 10, 2017 | Veteran's Day – P-MRNRD Offices Closed |
| November 16, 2017 | Papillion Creek Watershed Partnership Meeting 10:00 a.m., NRC |
| November 23-24, 2017 | Thanksgiving Holiday – P-MRNRD Offices Closed |

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

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:04 p.m.

NOTE: These minutes reflect the actions and votes taken at the October 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 October 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