



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
November 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 November 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 | Ted Japp |
| Fred Conley | David Klug |
| John Conley | Patrick Leahy |
| Tim Fowler | Rich Tesar |
| Mark Gruenewald | Jim Thompson |
| | John Wiese |

ADOPTION OF AGENDA:

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

Prior to the adoption of the agenda, Chairperson Klug added item 8.E. Natural Resources Commission Report – Jim Thompson to the agenda.

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

- | | | |
|-----------------|---|--|
| Voting Yea | - | Bradley, F. Conley, J. Conley, 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 Tesar and seconded by Director 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 November 9, 2017, Board of Directors Meeting are excused:

None.

Agenda Item 7.A.:

BE IT RESOLVED that the October 12, 2017, 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 11-yea.

Voting Yea	-	Bradley, F. Conley, J. Conley, 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 November 2, 2017. The District's September 15 through October 12, 2017, expenditures were published in the Douglas County Post-Gazette on October 24, 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: Director Tesar stated the NARD Board of Directors met on November 6, 2017, in Beatrice, NE, and provided informational update of the Committee meeting.

C. Nebraska Airboat Association: General Manager Winkler stated that he, Director Tesar, and staff member Kyle Winn, met with Jay Kern, President of the Nebraska Airboat Association about his concerns regarding the parking situation at the District's Platte River Landing. The

meeting addressed all of Mr. Kern’s questions/concerns, and he waived his request to address the Board. The General Manager added that Mr. Kern asked him to pass on his appreciation for all of the District’s river access points that are used by members of his Association.

D. Legislative Report – Husch Blackwell: Tim Gay and Ron Sedlacek provided an update on Legislative activities. Their report can be heard on the District’s podcast at www.papionrd.org.

E. Nebraska Natural Resources Commission: Director Thompson provided a report on the Natural Resources Commission’s Quorum Committee meeting that was held in Gothenburg, NE, on November 8 and 9. The next Committee meeting is scheduled for November 20th. His full report can be heard on the District’s podcast at www.papionrd.org.

SUBCOMMITTEE REPORTS:

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

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

PPO Recommendation #1.: Grant Requests and District Cost Share for Glacier Creek Prairie Preserve: Recommendation that the General Manager be authorized to submit applications to the NRCS ACEP-ALE program and the Peter Kiewit Foundation to fund the purchase of 101 acres north of Allwine Prairie as part of the Allwine Prairie/Glacier Creek Expansion Project, and, upon the condition that grant awarded funds and other contributions are insufficient to purchase the full 101 acres, the General Manager is authorized to execute an Interlocal Agreement with UNO for a District contribution of up to \$300,000 paid at a maximum of \$150,000 per year in FY19 and FY20 for the purchase of the 101 acres (North Tract) of Glacier Creek Preserve 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 11-yea.

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

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

PPO Recommendation #2.: Amendment Number 2 to Professional Services Contract with HDR Engineering for Zorinsky Basin 2: Recommendation that the General Manager be authorized to execute Amendment No. 2 to the

Professional Services Agreement with HDR Engineering, Inc. for the Zorinsky Water Quality Basin Number 2 project in a not-to-exceed amount of \$56,200, bringing the total contract not-to-exceed amount to \$1,335,860, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

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

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

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

PPO Recommendation #3.: Renewal of USGS Maintenance Agreement for Papio Floodwarning System Gage: Recommendation that the General Manager be authorized to execute the proposed Joint Funding Agreement with the USGS in the amount of \$158,040 in District funds for the operation of the District's floodwarning system for 2018, subject to changes deemed necessary by the General Manager.

Director Japp had questions regarding the history of the Joint Funding Project with USGS and costs of the renewal agreement from those of previous years. Staff member Amanda Grint and the General Manager addressed concerns.

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

Voting Yea - Bradley, F. Conley, J. Conley, 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 #4: Dedication of Right-of-Way and Easements to the City of Papillion for 120th Street Improvements: Recommendation that the General Manager be authorized to execute the proposed Temporary Construction Easement, Permanent Storm Sewer and Drainage Easement and Dedication of Street Right-of-Way to the City of Papillion for the 120th Street Improvements, 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 11-yea.

Voting Yea	-	Bradley, F. Conley, J. Conley, 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 #5: Lower Platte River Basin Coalition Interlocal Agreement #2: Recommendation that the General Manager be authorized to execute the proposed Lower Platte River Basin Water Management Plan Coalition Interlocal Agreement #2, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

The following individual addressed the Board:

➤ Shawn Melotz, 10404 N. 132nd Street, Omaha, NE

There was discussion by Directors. Staff stated the District's cost to enter into this agreement would be minimal. The 7 NRDs involved in the Coalition are supportive of proposed Basin Water Management Plan. The agreement will be analyzed and reassessed in 5 years.

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

Voting Yea	-	Bradley, F. Conley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay	-	Gruenewald
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 #6: Waterloo, NE Groundwater Elevation and Temperature Gage Joint Funding Agreement with USGS: Recommendation that the General Manager be authorized to execute the proposed Joint Funding Agreement with U.S. Geological Survey in the amount of \$3,890 in District Funds for operation of the Waterloo, NE groundwater elevation and temperature gage through September 2018, 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 11-yea.

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

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

PPO Recommendation #7.A: West Papio Trail (Giles Road to Millard) – Bids Received for Construction: Recommendation that the General Manager be authorized to execute a contract with Valley Corporation for construction of the West Papio Trail – Giles Road to Millard Project, in the bid amount of \$2,712,822.38, 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 and 1-nay.

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

•• **MOTION NO. 10:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #7.B: West Papio Trail (Giles Road to Millard) – Big Muddy Workshop Contract Amendment for Construction Administrative Services: Recommendation that the General Manager be authorized to execute the proposed Amendment No. 1 to the professional services with Big Muddy Workshop, Inc. for the West Papio Trail - Giles Road to Millard Project, in the amount not-to-exceed \$203,839.00 for a new total contract amount of \$612,991.00, 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 and 1-nay.

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

Absent - None

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

Director Tesar stated that an update on the Draft Fiscal Year 2017 Audit was presented to the Subcommittee. This was an informational item and no action was taken by the Subcommittee.

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

LEGAL UPDATE: Chairperson Klug stated there was nothing to report.

CHAIRPERSON'S REPORT: Chairperson Klug briefed the National Association of

Conservation Districts' is holding their Annual Meeting on January 27-31, 2018, in Nashville, Tennessee. Directors Fowler and Thompson will be representing the District at this event.

GENERAL MANAGER'S REPORT: General Manager Winkler reviewed the GM Report with the Board. He said the Board needed to take action to waive the Director's Policy 20.0(A)(4) for Public Hearings on the Proposed Groundwater Management Plan, Proposed Amendment to the Groundwater Rules and Regulations, and Proposed Designation of Groundwater Management Area. The District is holding three Public Hearings as listed below:

- November 30, 2017 @ 6:30 p.m. – Dakota City Field Office, 1505 Broadway, Dakota City, NE
- December 7, 2017 @ 6:30 p.m. – First Northeast Bank of Nebraska, 2nd Floor Conference Room, 448 South 13th Street, Tekamah, NE
- December 14, 2017 @ 7:00 p.m. – Natural Resources Center, 8901 S. 154th Street, Omaha, NE (being held as part of the Papio-Missouri River NRD Board of Directors meeting)

••**MOTION NO. 12:** It was moved by Director Tesar and seconded by Director F. Conley that the following resolution be adopted:

WHEREAS the District is required to submit a Groundwater Management Plan to the Department of Natural Resources for review and approval pursuant to the Ground Water Management and Protect Act.

WHEREAS the District is required to approve and implement the Groundwater Management Plan upon approval by the Department of Natural Resources.

WHEREAS the District, before approving such Groundwater Management Plan, must hold a public hearing to provide an explanation of the proposed plan as well as hear comments from the public.

WHEREAS the District may adopt rules and regulations and amend those rules and regulations to discharge the administrative duties required under the Ground Water Management and Protect Act.

WHEREAS the District, before adopting or amending the rules and regulations, must hold a public hearing to provide an explanation of the proposed rules and regulation as well as hear comments from the public.

WHEREAS the District may designate a Groundwater Management Area under the Ground Water Management and Protect Act to control certain groundwater usage.

WHEREAS the District, before designating a Groundwater Management Area, must hold a public hearing to provide an explanation of the geographic area to be designated, the effects on property owners within the designated areas as well as hear comments from the public.

WHEREAS the District plans to have numerous public hearings in different areas of the district to explain the general nature of the Groundwater Management Plan, the purpose of the amendment to the Groundwater rules and regulations, and the designation of the Groundwater Management Area.

WHEREAS Policy 20.0(A)(4) requires that a Member of the Board be the presiding officer of any non-adjudicatory public hearing.

BE IT RESOLVED that the Board authorizes the District Management and Staff to conduct the required public hearings scheduled in November and December 2017 for the Groundwater Management Plan, the amendment to the District's Groundwater rules and regulations, and the District's designation of the Groundwater Management Area.

BE IT RESOLVED that the Board waives Policy 20.0(A)(4) for these public hearings to allow District Management and Staff to serve as the presiding officer for the above-described hearings.

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

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

The General Manager introduced Asmarie Labao, student with the Young Southeast Asian Leaders Initiative. Asmarie has been a guest of the District for the past 30 days, working with staff to learn about natural resource management. Asmarie shared his Nebraska experience with the Board.

INFORMATIONAL ITEMS:

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

- | | |
|----------------------|---|
| 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 |
| December 12, 2017 | P-MRNRD Subcommittee Meetings |
| December 14, 2017 | P-MRNRD Board Meeting |
| December 25, 2017 | Christmas Holiday – P-MRNRD Offices Closed |

B. Next Meeting - December 14, 2017, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:00 p.m.

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