

Agenda Item: 7.A.



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
January 11, 2018**

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 11, 2018. 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
Ted Japp	John Weise

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Fowler seconded by Director Bradley 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, F. Conley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Weise, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Gruenewald
Absent	-	Gruenewald

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Thompson and seconded by Director F. 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 January 11, 2018, Board of Directors Meeting is excused:

Mark Gruenewald.

Agenda Item 7. A.

BE IT RESOLVED that the December 14, 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 10-yea.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on January 4, 2018. The District's November 12, 2017 through December 14, 2017, expenditures were published in the Papillion Times on December 20, 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, NRCS District Conservationist at the Omaha NRCS office, gave his report on NRCS activities. Neil's report is posted to the website and attached to these meeting minutes.

B. Nebraska Association of Resources Districts: Director Tesar reported the upcoming NARD Legislative Conference being held on January 23-24, 2018, at the Embassy Suites in Lincoln, NE. He also provided an update on the budgetary reductions to the Riparian Vegetation Management Task Force. Over the past two years the budget has gone from \$1million to \$475 thousand dollars, with new legislation proposing a further reduction to \$250 thousand dollars. He suggested NRDs work to get the funding increased.

C. Legislative Report: General Manager Winkler provided the Legislative update. He briefed that the Legislature is introducing Bills until January 18th and added there is discussion in cutting

the Water Sustainability Fund from \$10 million to \$5 million. It should not impact projects that has received obligated funding, only new project allocations

PUBLIC HEARING ON PROPOSED Right-of-Way Acquisition Donation of King Lake Lot from ENCAP:

Chairperson David Klug appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 7:12 p.m. and submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - Omaha World Herald January 1, 2018
- Exhibit 3** November 28, 2017 Email Communication from Dan Esch and Response from John Winkler
- Exhibit 4** Map of Project

Adam Charlsen, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504. At this hearing, the District explained that the subject property was offered voluntarily as a donation to the District, and the District’s reasons for accepting property. The owner of the property has chosen to donate the property to the District, therefore, the property acquisition is voluntary. The District will hear and consider any objections from any person. Lori Laster provided explanation of the District’s buyout program and the lot donation from Eastern Nebraska Community Action Partnership (ENCAP). She stated the proposed property is free of structures and would only require minimum maintenance by the District. Hearing Officer Winkler opened the floor to the public. No one offered testimony. There was discussion by Directors. Hearing Officer Winkler reminded the Board that this is a Public Hearing required by State Statute and that a proposal would be brought before the Board for action in a future meeting. Hearing Office Winkler closed the Public Hearing at 7:22 p.m.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative, and Public Affairs Subcommittee: Director Fred Conley reported that the Personnel, Legislative, and Public Affairs Subcommittee met on January 9, 2018, 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: 2018 Affirmative Action Policy: Recommendation that the amendments to the Papio-Missouri River NRD’s Affirmative Action Policy for 2018, be adopted and incorporated into the District Policy Manual.

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

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

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

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

PLPA Recommendation #2: Introduce Legislation in the 2019 Nebraska Legislative Session to Extend the Papio NRD's General Obligation Bonding Authority to the Year 2029: Recommendation that the General Manager be authorized to immediately begin work within the legislative process to seek passage of legislation to extend bonding authority past the sunset date of December 31, 2019.

Roll call vote was held on motion. The motion carried on a vote of 7-yea and 3-nay.

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on January 9, 2018, 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: Platte River Trail, Phase 1 (MoPac Trail) Project Professional Service Contract Closeout: It is recommended that Ehrhart Griffin & Associates be paid a close out amount of \$48,797.69 for their professional services contract for the Platte River Trail, Phase 1 Project.

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

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

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

PPO Recommendation #2: Amendment to JEO Consulting Group Professional Services Agreement for the Independent External Peer Review of Missouri River R-613 and R-616 Levee Accreditation Project: It is recommended that the General Manager be authorized to execute the proposed Amendment #1 to the Professional Services Agreement with JEO Consulting Group, Inc. for the Independent External Peer Review for the Missouri River R-613 and R-616 Federal Levee Accreditation Project in the amount of \$69,618, making the total maximum not-to-exceed agreement amount \$277,374, 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, F. Conley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Weise, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Gruenewald
Absent	-	Gruenewald

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

PPO Recommendation #3: Groundwater Monitoring Joint Funding Agreement with USGS: It is recommended that the General Manager be authorized to execute the Joint Funding Agreement with USGS for the 2018-2021 Groundwater Quality Monitoring with a not-to-exceed amount of \$582,800, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was Director discussion on how the Groundwater Funding Agreement relates to the Groundwater Management Plan that was brought before the Board last month. Paul Woodward addressed all questions and concerns. He added this agreement is a continuation of groundwater monitoring that USGS has done for the District for many years.

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

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

•• **MOTION NO. 8:** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #4: Amendment to Cole Creek Interlocal Agreement with City of Omaha: It is recommended that the General Manager be authorized to execute the Fifth Addendum to the Cole Creek Flood Mitigation Program Agreement with the City of Omaha for an additional \$750,000 bringing the total District contribution for the project to \$3,350,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was extensive discussion on the interlocal agreement with the City of Omaha and the long-term solutions to the existing problems at Cole Creek. Amanda Grint explained the actions that have been accomplished to date and added that the referenced study would include new rainfall and hydrology information that would help set the priorities for the program moving forward.

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

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

TREASURER'S REPORT:

•• **MOTION NO. 9:** It was moved by Director John Conley and seconded by Director Klug 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, 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 December, 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, F. Conley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Weise, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Gruenewald
Absent - Gruenewald

LEGAL UPDATE: Adam Charlsen, District Legal Counsel, had nothing to report.

CHAIRPERSON’S REPORT: The Chairman had nothing to report.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board. His report had been posted to the District’s website. Director Thompson added that D.A. Davidson will be inducted into the Nebraska Business Hall of Fame on February 1, 2018.

INFORMATIONAL ITEMS:

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

January 15, 2018	Martin Luther King Day – P-MRNRD Offices Closed
January 23-24, 2018	NARD Legislative Conference, Lincoln, NE
January 25, 2018	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
January 27-31, 2018	National Association of Conservation Districts 2018 Annual Meeting, Nashville, TN
February 6, 2018	P-MRNRD Subcommittee Meetings
February 8, 2018	P-MRNRD Board Meeting
February 19, 2018	President’s Day – P-MRNRD Offices Closed

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on February 8, 2018, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:51 p.m.

NOTE: These minutes reflect the actions and votes taken at the January 11, 2018, 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 11, 2018, 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