



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
April 12, 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. 154<sup>th</sup> Street, Omaha, NE on April 12, 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 Wiese    |

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Tesar and 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, Wiese, Klug |
| Voting Nay      | - | None   |
| Abstaining      | - | None   |
| Excused Absence | - | None   |
| Absent          | - | Gruenewald   |

**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 April 12, 2018, Board of Directors Meeting are excused:

None to date.

Agenda Item 7. A.

BE IT RESOLVED that the March 8, 2018, Papio-Missouri River NRD Board meeting minutes and the March 14, 2018, 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, F. Conley, J. Conley, Fowler, Japp, Leahy, Tesar, Thompson, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	Gruenewald

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on April 5, 2018. The District's February 9, 2018 through March 8, 2018 expenditures were published in The Enterprise on March 16, 2018. 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 minutes.

B. Nebraska Association of Resources Districts: Director Tesar gave a report on the NARD Board of Directors meeting held on March 12, 2018 and the NRD Managers meeting held on March 7, 2018 in Lincoln, Nebraska. Chairperson Klug gave a report on the NRDs Annual Washington D.C. Conference held on March 17-22, 2018.

C. Legislative Report – Husch Blackwell: General Manager Winkler provided the Legislative update.

Presentations can be heard on the District's podcast at [www.papionrd.org](http://www.papionrd.org).

**PUBLIC HEARING on the Land Acquisition at West Papillion Regional Basin Number 1:**

Chairperson David Klug appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 7:17 p.m. and submitted the following exhibits for the record:

- Exhibit 1**      Agenda
- Exhibit 2**      Proof of Publication of Hearing Notice
  - Omaha World Herald April 5, 2018
- Exhibit 3**      Map of land acquisition area
- Exhibit 4**      Preliminary map of West Papillion Regional Basin Number 1 Project

Brent Meyer, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504. The District explained that the nature and necessity of the proposed land acquisition at West Papillion Regional Basin Number 1, and the reason for selecting this location. The owner of property to be acquired by the District has the right to be represented by an attorney and to negotiate and accept or reject the offer made by the District for the proposed acquisition. The owner of property to be acquired has previously contacted the District regarding this potential acquisition and is a willing-seller under the applicable law. At this hearing the District will hear and consider any objections from any person. Project Manager Amanda Grint noted that the purpose of the project is for flood control and, also that the Public Hearing is only for one parcel of the project as shown on the map. Hearing Officer Winkler opened the floor to the public. No one offered testimony. Hearing Officer Winkler closed the Public Hearing at 7:20 p.m.

**PUBLIC HEARING on the Land Acquisition at Graske Crossing:**

Chairperson David Klug appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 7:20 p.m. and submitted the following exhibits for the record:

- Exhibit 1**      Agenda
- Exhibit 2**      Proof of Publication of Hearing Notice
  - Omaha World Herald April 5, 2018
- Exhibit 3**      Map of land acquisition area

Brent Meyer, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504. The District explained that the nature and necessity of the proposed land acquisition at Graske Crossing, and the reason for selecting this location. The owner of property to be acquired by the District has the right to be represented by an attorney and to negotiate and accept or reject the offer made by the District for the proposed acquisition. The owner of property to be acquired has previously been in contact with the District regarding this potential acquisition and is a willing-seller under the applicable law. At this hearing the District will hear and consider any objections from any person. Project Manager Amanda Grint stated the purpose of the land acquisition for Graske Crossing, located at Skyline Drive and Elkhorn Road, is to expand parking for the public recreational river access. Hearing Officer Winkler opened the floor to the public. No one offered testimony. Hearing Officer Winkler closed the Public Hearing at 7:23 p.m.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on April 10, 2018, and gave a brief recap of the meeting.

Presentations on the Papillion Creek Watershed Reservoirs DS-7, DS-12, DS-19, WP-1, WP-2, and WP-4 were given by HDR Inc., Olsson Associates, and FYRA Engineering. No action was taken by the Subcommittee.

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

*PPO Recommendation #1.a.:* Nebraska Game and Parks Commission Operations Agreement – Summit Lake State Recreation Area: It is recommended the General Manager be authorized to pay an annual \$40,000 District contribution to the Nebraska Game and Parks Commission for the next four fiscal years (2019-2022) to assist in the operation and management of Summit Lake State Recreation Area, beginning on or about July 1, 2018, and furthermore; the District cost share 50/50 with the Nebraska Game and Parks Commission in FY 2019, for electrical campground expansion at 13 camping pad sites at Summit Lake Recreation Area, for a not-to-exceed District cost share amount of \$50,000 be approved, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Japp inquired to the number of users that utilized the recreation area last year. General Manager Winkler said Nebraska Game and Parks would have that information.

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, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	Gruenewald

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

*PPO Recommendation #1.b.:* Nebraska Game and Parks Commission Operations Agreement – Danish Alps State Recreation Area: It is recommended the General Manager be authorized to execute the proposed first addendum to the Interlocal Agreement with the Nebraska Game and Parks Commission for the management, operation, and maintenance of the Danish Alps State Recreation Area, 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, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	Gruenewald

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

*PPO Recommendation #2:* Amendment 3 to Professional Services Contract with FYRA Engineering for WP6 and WP7: It is recommended the General Manager be authorized to execute Amendment 3 to the Professional Services Agreement between the District and FYRA Engineering for construction administration services for the WP6 and WP7 projects in an amount of \$1,155,504, bringing the total maximum not-to-exceed contract amount to \$2,677,359, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Thompson asked if this would be the last amendment to FYRA’s professional services contract. General Manager Winkler stated this amendment should take it through project completion for administrative services.

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, Wiese, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	Gruenewald

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

*PPO Recommendation #3:* Agreement with NRCS for the Regional Conservation Partnership Program for Papillion Creek Site WP-1 Dam: It is recommended the General Manager be authorized to execute the Statement of Work with the Natural Resources Conservation Service for the Papillion Creek Site WP-1 Dam, 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 carried on a vote of 10-yea.

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

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

*PPO Recommendation #4:* Pigeon/Jones Site 15 Outlet Repair Project: It is recommended the General Manager be authorized to execute a contract with Detlefsen Construction LLC in the amount of \$30,436.80 for the construction of the Pigeon/Jones Site 15 Outlet Repair Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was discussion regarding the original project design. Project Manager Martin Cleveland provided explanation and pictures of the erosion that requires outlet repair.

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

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

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

*PPO Recommendation #5:* Elkhorn River Improvement Project (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 2018, 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 “2018 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 the date of the levy, to-wit: shall become due on June 1, 2018, and may be paid by June 1, 2018 without interest, but if not paid by June 1, 2018, each such assessment shall draw interest at the rate of nine per cent (9%) per annum from the date of the levy 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 10-yea.

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

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

*PPO Recommendation #6.a.:* Urban Conservation Assistance Program: It is recommended the applications from SID 276 Portal Ridge for \$30,000 and SID 518 Elkhorn View Estates for \$30,000, for a total of \$60,000 be approved, and;

*PPO Recommendation #6.b.:* Urban Drainageway Program: It is recommended the applications from Omaha for \$80,000 and from Papillion for \$120,400, for a total of \$200,400 be approved and;

*PPO Recommendation #6.c.:* Recreation Area Development Program: It is recommended the applications from Blair for \$13,000, Decatur for \$20,000, Herman for \$5,000, Homer for \$22,681, Papillion for \$50,000, and South Sioux City for \$50,000, for a total of \$160,681 be approved, and;

*PPO Recommendation #6.d.:* Trails Assistance Program: It is recommended the applications from SID 441 for \$75,000 and Walthill for \$53,450 for a total of \$128,450, be approved and;

*PPO Recommendation #6.e.:* Lake Dredging Program: It is recommended the application from SID 441 for \$100,000 be approved, all subject to funding in the FY 2019 Budget.

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

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

Abstaining - None  
Excused Absence - None  
Absent - Gruenewald

**TREASURER'S REPORT:**

- **MOTION NO. 10:** 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 March 2018, 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 March 2018, 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, Wiese, Klug  
Voting Nay - None  
Abstaining - None  
Excused Absence - None  
Absent - Gruenewald

**LEGAL UPDATE:** Brent Meyer, Husch Blackwell stated there was nothing to report.

**CHAIRPERSON'S REPORT:** Chairperson Klug stated he had nothing to report.

**GENERAL MANAGER'S REPORT:** General Manager Winkler reviewed the GM Report with the Board. His report is posted to the website and attached to these minutes.



**INFORMATIONAL ITEMS:**

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

- |                 |  |
|-----------------|--|
| April 21, 2018  | Earth Day Omaha, 11:00 a.m.-5:00 p.m., Elmwood Park, Omaha                                   |
| April 26, 2018  | Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC                               |
| April 29, 2018  | Sarpy County Earth Day, noon-4:00 p.m., Lied Activity Center, 2700 Arboretum Drive, Bellevue |
| May 1 & 2, 2018 | Water Works Festival, 10:00 a.m.-3:00 p.m. Aksarben Aquarium, 21502 NE-31, Gretna            |
| May 8, 2018     | P-MRNRD Subcommittee Meetings  |
| May 10, 2018    | P-MRNRD Board Meeting  |
| May 24, 2018    | Papillion Creek Watershed Partnership Meeting, 10 a.m., NRC                                  |
| May 28, 2018    | Memorial Day – P-MRNRD Offices Closed  |

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on May 10, 2018 at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 7:45 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the April 12, 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](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 April 12, 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.

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Richard Tesar, District Secretary