



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
May 10, 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 May 10, 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      |               |

**ADOPTION OF AGENDA:**

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

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director F. Conley and seconded by Director J. 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 May 10, 2018, Board of Directors Meeting are excused:

Mark Gruenewald  
John Wiese

Agenda Item 7. A.

BE IT RESOLVED that the April 12, 2018, Papio-Missouri River NRD Board meeting minutes and the April 11, 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 9-yea.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on May 3, 2018. The District's March 9, 2018 through April 12, 2018 expenditures were published in The Enterprise on April 20, 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 upcoming Southeast Nebraska NRD Basin Tour scheduled for June 11-12, 2018.

C. Legislative Report – Husch Blackwell: No Report was given.

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 4:**

Chairperson David Klug appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 7:07 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 30, 2018
- Exhibit 3** Map of land acquisition area and West Papillion Regional Basin Number 4 Project layout

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 4, 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 Lori Laster 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.

The following individual addressed the Board:

- Martin Pelster, 2120 S 72nd St #1200, Omaha, NE 68124

Hearing Officer Winkler closed the Public Hearing at 7:11 p.m.

**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 7:11 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 and West Papillion Regional Basin Number 1 Project layout

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 7:14 p.m.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on May 8, 2018, and gave a brief recap of the meeting.

A presentation on the District's 2017 USGS Groundwater Quality Monitoring was given by Paul Woodward and Amanda Flynn, USGS. 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.:* Contract Amendment 1 with Olsson Associates for WPI Regional Detention Basin: Recommendation that the General Manager be authorized to execute the proposed Amendment 1 to the Professional Services Agreement between the District and Olsson Associates for the West Papio Site 1 and Dam Site 7 Project in an amount of \$932,214, bringing the total maximum not-to-exceed contract amount to \$2,151,469, 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 9-yea.

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

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

*PPO Recommendation #2.:* FY 2019 Equipment Requirements: It is recommended the proposed FY 2019 Equipment Requirements be approved as presented to the Subcommittee, subject to funding in the FY 2019 Budget.

Director Leahy questioned the line item for Board room upgrades. General Manager Winkler indicated that \$25,000 was in the budget for possible audio/visual upgrades and electronic voting; all subject to available funds.

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

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

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

*PPO Recommendation #3.:* Chalco Hills Recreation Area Soccer Complex Lease: It is recommended the District enter into a Management/Lease

Agreement with the Omaha Sports Complex per the terms and conditions outlined in the agreement as presented and to approve any changes deemed necessary by the General Manager and District Legal Counsel.

Director Leahy asked about the budget allocation of the soccer lease revenue. General Manager Winkler responded that the revenue would become part of the District's general fund.

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

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

B. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on May 8, 2018, and gave a brief recap of the meeting.

•• **MOTION NO. 6:** It was moved by Director Rich Tesar that the following recommendation be adopted:

*FEL Recommendation #1.:* Nebraska Department of Transportation Elk Creek Easement at Highway 20: Recommendation that the General Manager be authorized to execute the proposed Acquisition Contract with the Nebraska Department of Transportation for a permanent easement for construction and maintenance of a culvert and riprap in Elk Creek as part of the Highway 20 Widening Project near Jackson, NE, for a payment of \$1,875 to the District, 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 9-yea.

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

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

*FEL Recommendation #2.:* Temporary Construction Easement for WP6: Recommendation that the General Manager be authorized to execute the proposed Temporary Construction Easement for the WP6 Project from ELEANOR R. PICCONI, Trustee of the Eleanor R. Picconi Revocable Trust, an undivided 1/3 interest; ANN L. WIECHERT and DON C. WIECHERT, Wife and Husband, as joint tenants with

rights of survivorship, an undivided 1/3 interest; and DEAN A. WEISS, Trustee of the Dean A. Weiss Revocable Trust, an undivided 1/3 interest, for \$10,840, 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 9-yea.

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

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

*FEL Recommendation #3.:* Land Acquisition for WP7: Recommendation that the General Manager be authorized to execute a purchase agreement with Elaine L. Moore and Debra E. Young, Co-Successor Trustees of the Robert J. Haug Revocable Trust dated March 30, 2000, and Paul A. Haug, Trustee of the Paul A Haug Revocable Trust dated March 30, 2000, and B.H.I. Properties, Inc., in the amount of \$39,780 for 0.884 acres of land for the West Papillion Regional Basin Number 7 project, 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 9-yea.

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

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

*FEL Recommendation #4.:* Account Over 110% Maintenance, Channels and Levees – Attorney Fees (01-03-591-4392): Recommendation that account #01-03-591-4392 Maintenance, Channels and Levees – Attorney Fees be allowed to exceed 110% of the budgeted amount, up to \$25,000 without further Board approval.

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

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

Excused Absence - Gruenewald, Wiese  
Absent - Gruenewald, Wiese

**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 April 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 April 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 9-yea.

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

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

**CHAIRPERSON’S REPORT:** The Chairperson appointed the members of the Hazard Mitigation Plan Ad Hoc Consultant Selection Subcommittee. Members include: Fowler, Chairperson; Bradley, F. Conley, Japp, Wiese, committee members; and Thompson, alternate committee member.

**GENERAL MANAGER'S REPORT:** General Manager Winkler reviewed the GM Report with the Board. He stated that for the 10th year in a row, the District has been selected as a National Safety Council, Nebraska Safest Company Award winner. General Manager Winkler thanked the

Safety Committee for their efforts and all employees for being safe at work and noted that employee safety is reflected in lower premiums for Workers Compensation coverage. He thanked Directors Japp and Fred Conley and Chairperson Klug for attending the award luncheon with the Committee. Chairperson Klug added his thanks to the Safety Committee and District employees for their safety record. The GM 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:

May 24, 2018	Papillion Creek Watershed Partnership Meeting, 10 a.m., NRC
May 28, 2018	Memorial Day – P-MRNRD Offices Closed
June 12, 2018	P-MRNRD Subcommittee Meetings
June 14, 2018	P-MRNRD Board Meeting

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on June 14, 2018 at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 7:28 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the May 10, 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 May 10, 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