



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
June 14, 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 June 14, 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 Larry Bradley and seconded by Director Patrick Leahy 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	-	Gruenewald
Absent	-	Gruenewald

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Rich Tesar and seconded by Director Tim 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 June 14, 2018, Board of Directors Meeting are excused:

Mark Gruenewald

Agenda Item 7. A.

BE IT RESOLVED that the May 10, 2018, Pappio-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, Wiese, 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 June 7, 2018. The District's April 13, 2018 through May 10, 2018 expenditures were published in The Burt County Plaindealer on May 22, 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 stated that the NRCS Douglas/Sarpy office staff will be moving to the Blair office as of August 1, 2018. Neil's report is posted to the website and attached to these minutes.

B. Nebraska Association of Resources Districts: Director Rich Tesar gave a report on the NARD Board Meeting and Southeast Nebraska NRD Basin Tour that occurred on June 11-12, 2018.

C. Legislative Report – Husch Blackwell: Ron Sedlacek, Government Relations Representative, gave the Legislative Report. He briefed the Board on the legislative candidates for the November general election. The Legislature will open their 90-day session on Jan. 9, 2019.

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

**SUBCOMMITTEE REPORTS:**

A. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on June 12, 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.:* Legal Services Contract with Husch Blackwell, LLP: Recommendation that the General Manager be authorized to execute the proposed contract, for a two-year period, from July 1, 2018 through June 30, 2020, with Husch Blackwell, LLP for the provision of legal services per the terms and conditions outlined in the attached agreement subject to any changes deemed necessary by the General Manager.

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 - Gruenewald  
Absent - Gruenewald

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on June 12, 2018, and gave a brief recap of the meeting.

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

*PPO Recommendation #1.:* Amendment #3 to Papillion Creek Watershed Partnership’s Stage IV Services – Update of Papillion Creek Watershed Plan Agreement with HDR Engineering: Recommendation that the General Manager as Administering Agent of the Papillion Creek Watershed Partnership be authorized to execute the Stage IV Services – Update of Papillion Creek Watershed Plan Agreement for Profession Services Amendment No. 3 with HDR Engineering, Inc. in a not-to-exceed amount of \$150,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Patrick Leahy asked when the update and fee structure would come before the board. Staff responded that those items are addressed in the amendment.

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 - Gruenewald  
Absent - Gruenewald

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

*PPO Recommendation #2.:* Contract Amendment with Stantec Consulting Services, Inc. for Papio Hydraulic Modeling: Recommendation that the General Manager be authorized to execute the proposed contract Amendment No. 1 with Stantec Consulting Services, Inc. for an update of the Papillion Creek Watershed hydraulic modeling in an amount not-to-exceed \$67,379.84, bringing the total contract amount to \$497,061.65, 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	-	Gruenewald
Absent	-	Gruenewald

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

*PPO Recommendation #3.:* West Douglas County Trail Preliminary Engineering Supplemental Agreement #2: Recommendation that the Board adopt the resolution provided by NDOT authorizing the General Manager to execute Supplemental Agreement #2 between the District and Ehrhart Griffin & Associates (EGA) for preliminary engineers for the West Douglas County Trail for a cost not-to-exceed \$92,893.78, bringing the total contract amount to \$288,019.58, 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	-	Gruenewald
Absent	-	Gruenewald

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

*PPO Recommendation #4.:* Amendment to Trail License Agreement with Quest Property, LLC: Recommendation that the General Manager be authorized to execute

the Amendment to Trail License Agreement with Quest Property, LLC for use of District right of way along Harry Andersen Avenue at Q Street, 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	-	Gruenewald
Absent	-	Gruenewald

C. Finance, Expenditure and Legal Subcommittee: Director Jim Thompson reported that the FEL Subcommittee met on June 12, 2018, and gave a brief recap of the meeting.

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

*FEL Recommendation #1.:* Purchase Agreement for MUD sites near the Confluence of the Platte/Missouri Rivers: Recommendation that the General Manager be authorized to execute a Purchase Agreement with the Metropolitan Utilities District of Omaha, in the amount of \$790,000 for 152.38 acres of land for the Missouri River Corridor Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Project Manager Paul Woodward stated that this agreement also serves as the first purchase for the levee improvements. Director Jim Thompson stated that 80% of the purchase is covered by a Nebraska Environmental Trust grant and the NRD's 20% portion would amount to \$158,000. Paul answered Director Ted Japp's question about the amount of land that will be used for the levee.

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

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

*FEL Recommendation #2.:* Land Acquisition for West Papillion Regional Basin Number 1 (WP1): Recommendation that the General Manager be authorized to execute a purchase agreement with Celebrity Homes, Inc. for the purchase of approximately 5 acres, to be verified by survey, for

\$47,000 per acre, for the construction of the WP1 regional detention basin 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 10-yea.

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

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

*FEL Recommendation #3.:* Land Acquisition for West Papillion Regional Basin Number 7 (WP7): Recommendation that the General Manager be authorized to execute a Purchase Agreement with FMR Ygnacio I, LLC, a Delaware limited liability company, in the amount of \$157,700 for 3.582 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 10-yea.

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

**TREASURER’S REPORT:**

•• **MOTION NO. 11:** It was moved by Director John Conley and seconded by Director Jim Thompson 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 May 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 May 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	-	Gruenewald
Absent	-	Gruenewald

**CHAIRPERSON'S REPORT:** No report was given.

**GENERAL MANAGER'S REPORT:** General Manager John Winkler reviewed the GM Report with the Board. He reported the following staff changes: Kaylyn Kelly, former NRD/NRCS Program Assistant, has been hired as the NRD's Natural Resources Educator; and Kyra Peterson hired as District Accountant due to the retirement of Barb Sudrla. GM Winkler stated that Dam Site 15A – Flanagan Lake will have a grand opening on June 27, 2018. He also reported that the District has been awarded \$1.5 million in the USACE FY 2018 Work Plan to update the Papillion Creek Watershed study which is the first step toward continuing construction of District projects. 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:

June 27, 2018	Flanagan Lake Grand Opening, 10:30 a.m., 168 <sup>th</sup> and Fort Streets
June 28, 2018	Papillion Creek Watershed Partnership Meeting, 10 a.m., NRC
July 4, 2018	4 <sup>th</sup> of July Holiday, P-MRNRD Offices Closed
July 10, 2018	P-MRNRD Subcommittee Meetings
July 12, 2018	P-MRNRD Board Meeting

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on July 12, 2018 at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 7:36 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the June 14, 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 June 14, 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