



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
August 9, 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 August 9, 2018. The meeting was called to order by Chairperson Jim Thompson 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:

Fred Conley	David Klug
John Conley	Patrick Leahy
Tim Fowler	Jim Thompson
Ted Japp	

ADOPTION OF AGENDA:

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

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director J. Conley and seconded by Director Klug 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 absence(s) of the following Director(s) from the August 9, 2018 Board of Directors Meeting is excused:

Larry Bradley
Rich Tesar
John Wiese.

Agenda Item 7. A.:

BE IT RESOLVED that the July 12, 2018 Pappio-Missouri River NRD Board meeting minutes are approved as printed.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on August 2, 2018. The District's June 15, 2018 – July 12, 2018, expenditures were published in the Dakota County Star on July 19, 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's written report is posted to the website and attached to the file copy of these minutes.

B. Nebraska Association of Resources Districts: Director Tim Fowler informed the Board the 2018 NARD Annual Conference will be held in Kearney, Nebraska on September 24-25, 2018.

C. Legislative Report – Husch Blackwell: The Chairperson stated there was nothing to report.

PUBLIC COMMENT AND INPUT ON P-MRNRD FY 2019 BUDGET: General Manager Winkler provided updates that were made to the second draft of the budget. He then opened the floor to the public to give comment and input on the FY 2019 Budget. The following individuals addressed the Board:

- Doug Kagan, Nebraska Taxpayers for Freedom, 416 S. 130th Street, Omaha, NE (a copy of Mr. Kagan's written testimony is attached to the file copy of these minutes)

The Public Hearings to adopt the FY 2019 budget and to set the property tax levy is scheduled for September 13, 2018.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Consultant Selection Subcommittee Request for Proposals for Professional Services to Update P-MRNRD Multi-Jurisdictional Multi-Hazard Mitigation Plan: Director Tim Fowler reported that the Ad Hoc Consultant Selection Subcommittee Request for Proposals for Professional Services to Update P-MRNRD Multi-Jurisdictional Multi-Hazard Mitigation Plan met on August 7, 2018 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Professional Services Contract with JEO Consulting Group Inc. – Recommendation that the General Manager be authorized to execute a professional services contract with JEO Consulting Group Inc. to update the District’s Multi Hazard Mitigation Plan for a maximum fee of \$199,902.31 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 motion carried on a vote of 7-yea.

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on August 7, 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: Agreement with Department of the Army for the Papillion Creek Feasibility Study – Recommendation the General Manager be authorized to execute the proposed Agreement with the Department of the Army for the Papillion Creek Feasibility Study subject to changes deemed necessary by the General Manager and approval by District Legal Counsel.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

Absent - Bradley, Gruenewald, Tesar, Wiese

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

PPO Recommendation #2: Amendment No. 3 to Professional Services Contract with HDR Engineering for Zorinsky Basin 2 – Recommendation that the General Manager be authorized to execute Amendment No. 3 to the Professional Services Agreement with HDR Engineering, Inc. for the Zorinsky Water Quality Basin Number 2 project in an amount not-to-exceed \$107,700 bringing the total contract not-to-exceed amount to \$1,443,560, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was discussion regarding the mitigation areas and the land identified to be sold back to the original seller. Project Manager Amanda Grint and General Manager Winkler addressed questions and concerns.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

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

PPO Recommendation #3: NDEQ 319 Application for the Papillion Creek Watershed Enhanced Water Quality Conservation Practices Program – Recommendation that the General Manager be authorized to execute and submit a Nebraska Department of Environmental Quality 319 application for 60% of the eligible project costs for the Papillion Creek Watershed Enhanced Water Quality Conservation Practices Program, subject to changes deemed necessary by the General Manager.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

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

PPO Recommendation #4: City of Bellevue B-Cycle Program – Recommendation that the District fund half the cost of the Bellevue B-Cycle program in FY 2019, up to a maximum District contribution of \$21,500.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

C. Finance, Expenditures and Legal Subcommittee: Director Jim Thompson reported that the FEL Subcommittee met on August 7, 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: FY 2019 Budget – Draft 2 – Recommendation that the FY 2019 draft budget be forwarded for review at the September 13, 2018 Budget Hearing with the provision that the General Manager be authorized to make necessary adjustments once final figures are available to achieve compliance of state statutes regarding the lid.

Amended Motion: It was moved by Director Japp and seconded by Director Klug to amend the original motion to lower the mill levy for valuation increases that exceed the estimated 2.5%.

There was discussion on the issue.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 2-yea and 5-nay.

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

Roll call vote was held on the original motion. The original motion carried on a vote of 6-yea and 1-nay.

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

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

FEL Recommendation #2: FY 2019 Budget – Lid Computation (1%) Resolution – Recommendation that the following resolution be adopted:

BE IT RESOLVED that the Board of Directors of the Papio-Missouri River NRD approves an additional increase of 1% in Total Restricted Funds Authority, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.

The General Manager reminded that Board that approval of the motion would require an affirmative vote of 75% of the quorum.

Roll call vote was held on the motion. The motion failed on a vote of 4-yea and 3-nay.

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

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

FEL Recommendation #3: Thompson Creek Levee Improvement Project Permanent Easement Agreement with City of LaVista – Recommendation that the General Manager be authorized to execute the proposed Thompson Creek Permanent Easement Agreement with the City of LaVista, 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 motion carried on a vote of 7-yea.

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

- **MOTION NO. 11:** It was moved by Director Jim Thompson that the following recommendation be adopted:

FEL Recommendation #4: Land Acquisition for West Papillion Regional Basin Number 4 (WP4) – Recommendation that the General Manager be authorized to execute for and on behalf of the District the Purchase Agreement in the form as presented at this meeting providing for the purchase of 20.27 acres by the District from LV Partners, LLC from the property located at 204th Street and Schram Road in Sarpy County,

Nebraska for the purchase price of \$1,010,000, payable in three annual installments for the WP-4 Regional Detention Basin Project, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

TREASURER'S REPORT:

- **MOTION NO. 12:** 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: (1) claims listed in the July, 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 July, 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 7-yea.

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

CHAIRPERSON’S REPORT-APPOINTMENT OF P-MRNRD STANDING SUBCOMMITTEE

- **MOTION NO. 13:** It was moved by Director Thompson and seconded by Director J. Conley that the following resolution be adopted:

BE IT RESOLVED that Standing Subcommittee appointments, as presented by the Chairperson, are hereby approved.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea.

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

GENERAL MANAGER'S REPORT: GM Winkler reviewed his report with the Board and noted that the report had been posted to the website.

INFORMATIONAL ITEMS:

A. Future Meetings:

August 23, 2018	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. at NRC
September 3, 2018	Labor Day Holiday – P-MRNRD Offices Closed
September 8, 2018	World O! Water, Chalco Hills noon to 4:00 p.m.
September 11, 2018	P-MRNRD Subcommittee Meetings
September 13, 2018	P-MRNRD Board Meeting in Dakota City, NE
September 11-13, 2018	Husker Harvest Days
September 24-25, 2018	NARD Annual Conference, Kearney, NE
September 27, 2018	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., at NRC

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on September 13, 2018 at the Dakota City Field Office.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:40 p.m.

NOTE: These minutes reflect the actions and votes taken at the August 9, 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 August 9, 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