



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
November 8, 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 November 8, 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:

Larry Bradley	Ted Japp
Fred Conley	David Klug
John Conley	Rich Tesar
Mark Gruenewald	Jim Thompson
	John Wiese

ADOPTION OF AGENDA:

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

Prior to the roll call vote, Director Gruenewald made a motion to add his Director Expense Claim to the agenda. Legal Counsel informed Director Gruenewald that under Nebraska law an action item cannot be added to a published agenda within twenty-four hours of the public meeting unless the item is of an emergency nature. Legal Counsel informed Director Gruenewald that his Director Expense Claim is not of an emergency nature and cannot be added to the meeting's agenda.

Roll call vote was held on the original motion. The motion carried on a vote of 8-yea and 1-nay.

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director J. Conley and seconded by Director Bradley 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 November 8, 2018 Board of Directors Meeting are excused:

Tim Fowler
Patrick Leahy.

Agenda Item 7.A.:

BE IT RESOLVED that the October 11, 2018 Papio-Missouri River NRD Board Meeting Minutes are approved as printed.

Prior to the roll call vote, Director Gruenewald made a motion to remove the October 11, 2018 meeting minutes from the consent agenda. The motion failed for lack of a second.

Roll call vote was held on the original motion. The motion carried on a vote of 8-yea and 1-nay.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on November 1, 2018. The District's September 14 through October 11, 2018 expenditures were published in the Douglas County Post-Gazette on October 23, 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, gave the Board an update on NRCS activities. Neil Jensen's report is posted to the website and attached to the file copy of these meeting minutes.

B. Nebraska Association of Resources Districts: Director Tesar stated the NARD Board of Directors will meet on November 12, 2018 in Holdrege, NE.

C. Legislative Report – Husch Blackwell: Ron Sedlacek submitted a written report on Legislative activities. His report is attached to the file copy of these meeting minutes.

Chairperson Thompson provided an update on the Nebraska Natural Resources Commission that recently met to rank and score project applications submitted for funding through the Water Sustainability Fund. The full Board will meet on December 18th to make their project award decisions.

SUBCOMMITTEE REPORTS:

A. Papio PL-566 Work Plan Ad Hoc Consultant Selection Subcommittee: Director David Klug reported that the Papio PL-566 Work Plan Ad Hoc Consultant Selection Subcommittee met on November 1, 2018 and gave a brief recap of the meeting.

•• **MOTION NO. 3:** It was moved by Director Klug that the following recommendation be adopted:

Ad Hoc Recommendation #1: Consultant Selection Interviews: Recommendation that FYRA Engineering be ranked first to negotiate a contract for the Papio PL-566 Work Plan and that HDR Engineering be ranked second.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1-nay.

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

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on November 7, 2018 and gave a brief recap of the meeting.

Director J. Conley stated a presentation on the Draft Lower Platte Consortium Drought Contingency Plan was given by Project Manager Paul Woodward and John Engel, HDR Engineering, Inc. No action was taken by the Subcommittee on this item.

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

PPO Recommendation #1: Amend District Policy 16.7 District Property - Donation Recognition and District Policy 9.3 PPO Subcommittee - Jurisdiction: Recommendation that the proposed amended language to District Policy 16.7 and Policy 9.3 be approved and incorporated into the District’s Policy Manual; and furthermore, it is recommended that the proposed amendments be tabled for consideration at the next regular meeting of the Board per District Policy.

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

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

C. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on November 7, 2018 and gave a brief recap of the meeting.

•• **MOTION NO. 5:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #1: Participation in the Nebraska Public Agency Investment Trust: Recommendation that the following Resolution be adopted:

WHEREAS, Nebraska law expressly allows public agencies to invest surplus or excess funds; and

WHEREAS, the Interlocal Cooperative Act, § 13-801 et seq. Neb. Rev. Stat. (Reissue 1991) provides that two or more public agencies may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities and may enter into joint agreements as may be deemed appropriate for such purposes when such agreements have been adopted by appropriate action by the governing bodies of the participating public agencies; and

WHEREAS, the Declaration of Trust (Interlocal Agreement) and an Information Statement relating to the Nebraska Public Agency Investment Trust have been presented to this Governing Body; and

WHEREAS, the Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become participants of such trust; and

WHEREAS, this Governing Body deems it advisable for this Public Agency to adopt and enter into the Declaration of Trust and become a participant of the Nebraska Public Agency Investment Trust for the purpose of the joint investment of this Public Agency's money with those other public agencies so as to enhance the investment earnings accruing to each such public agency.

NOW, THEREFORE, be it resolved as follows:

1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, by becoming a participant of

the Nebraska Public Agency Investment Trust, and the Declaration of Trust and Interlocal Agreement is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.

2. a. This Public Agency hereby delegates all authority and duties which the law otherwise authorizes it to delegate in accordance with the Declaration of Trust. The following officers and officials of this Public Agency and the respective successors in office each are hereby designated as “Authorized Officials” and are authorized to take actions and execute any and all such documents as they deem necessary and appropriate to effectuate the entry by this Public Agency into the Declaration of Trust and to effectuate the investment and withdrawal of monies of the Public Agency from time to time in accordance with the Declaration of Trust:

Name:	John Winkler
Title:	General Manager
Name:	Marlin Petermann
Title:	Assistant General Manager
Name:	John Conley
Title:	Treasurer
Name:	Timothy Fowler
Title:	Assistant Treasurer

- b. The Authorized Officials of this Public Agency hereby authorize the following “Authorized Signers” to invest the Public Agency’s available funds from time to time and to withdraw such funds from time to time in accordance with the provisions of the Declaration of Trust:

Name:	Carey Fry
Title:	Senior Accountant
Name:	Kyra Peterson
Title:	District Accountant

An Authorized Official of this Public Agency shall advise the Nebraska Public Agency Investment Trust of any changes in the Authorized Signers in accordance with the procedures established by the trust.

3. The Trustees of the Nebraska Public Agency Investment Trust are hereby designated as having official custody of this Public Agency’s monies which are invested in accordance with the Declaration of Trust.
4. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as Trustees of the Nebraska Public Agency

Investment Trust from time to time if elected as such pursuant to the Declaration of Trust.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1-nay.

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

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

FEL Recommendation #2: Arlington Buyout Purchase Agreement: Recommendation that the General Manager be authorized to execute a purchase agreement with LTM Rentals, LLC, for the property located at 460 N. 2nd Street, Arlington, Nebraska, in the amount of \$72,000, 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 8-yea and 1-nay.

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

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

FEL Recommendation #3: Land Acquisition at Graske Crossing: Recommendation that the General Manager be authorized to execute a purchase agreement with G & G Manufacturing Company, a Nebraska corporation, in the amount of \$36,000 for 3.0 acres of land for the Graske Crossing project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Japp asked what the District was going to do with the land once purchased. General Manager Winkler stated it would be used as a parking lot.

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

Voting Yea - Bradley, F. Conley, J. Conley, Gruenewald, Japp, Klug, Tesar, Wiese, Thompson

Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Leahy
Absent - Fowler, Leahy

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

FEL Recommendation #4.a: Land Acquisition for Missouri River R613/R616 Levee Improvement Project – Darling National LLC, R-613 TRACTs 20, 22, and 23: Recommendation that the General Manager be authorized to execute a permanent easement purchase agreement with Darling National, LLC, a Delaware limited liability company, in the amount of \$1,000 for an area containing 16.037 acres of land for the Missouri River R613/R616 Levee Improvement 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 8-yea and 1-nay.

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

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

FEL Recommendation #4.b: Land Acquisition for Missouri River R613/R616 Levee Improvement Project – Fairview Golf Company, Inc., R-613 TRACT 32: Recommendation that the General Manager be authorized to execute a permanent easement purchase agreement with Fairview Golf Company, Inc., a Nebraska corporation, in the amount of \$11,900 for an area containing 6.216 acres of land for the Missouri River R613/R616 Levee Improvement 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 8-yea and 1-nay.

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

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

FEL Recommendation #4.c: Land Acquisition for Missouri River R613/R616 Levee Improvement Project – Rodney and Karen Iske, R-616 TRACTs 19-21: Recommendation that the General Manager be authorized to execute a purchase agreement with Rodney and Karen Iske, in the amount of \$157,400 for an area containing 14.303 acres of land for the Missouri River R613/R616 Levee Improvement Project, subject to such other terms and conditions as the General Manager determines necessary and District Legal Counsel approves as to form.

Director Wiese asked why the cost of this acquisition was more than that for the Darling and Fairview parcels. Project Manager Paul Woodward explained the Iske property is a land purchase, while the Darling and Fairview properties were for permanent easements.

Roll call vote was held on motion. The motion carried on a vote of 8-yea and 1-nay.

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

TREASURER'S REPORT:

- **MOTION NO. 11:** It was moved by Director J. 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 October, 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 October, 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 8-yea and 1-nay.

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

CHAIRPERSON'S REPORT: Chairperson Thompson gave his congratulations to Directors that ran in the General Elections. He also congratulated Project Manager Eric Williams for being elected to the OPPD Board. In observation of the upcoming Veteran's Day Holiday, the Chairperson concluded his report by recognizing and thanking Veterans for their service to the Country.

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

INFORMATIONAL ITEMS:

- A. **Future Meetings:** Project Manager Amanda Grint stated the USACE would be holding Public Open Houses on Scoping for the Papillion Creek Water Study. The first one will be held on December 3rd, at Concordia High School and second will be on December 5th at the NRC. Both Open Houses will run from 5:30 p.m.-7:30 p.m. Project Manager Paul Woodward reminded the Board that the Public Open House on the Lower Platte River Drought Contingency Plan is being held on December 5 at the Lower Platte South NRD. The Chairperson reviewed the following upcoming meetings with the Directors:

November 12, 2018	P-MRNRD Offices Closed for Veteran's Day
November 22-23, 2018	P-MRNRD Offices Closed for Thanksgiving Holiday
November 29, 2018	Papillion Creek Watershed Partnership Meeting 10:00 a.m., NRC
December 11, 2018	P-MRNRD Subcommittee Meetings
December 13, 2018	P-MRNRD Board Meeting
December 25, 2018	P-MRNRD Offices Closed for Christmas

- B. Next Meeting - December 13, 2018 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 7:34 p.m.

NOTE: These minutes reflect the actions and votes taken at the November 8, 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 November 8, 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