



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
January 10, 2019**

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 January 10, 2019. The meeting was called to order by Secretary Tesar at 7:00 p.m.

OATH OF OFFICE: The Honorable Stefanie A. Martinez administered the oath of office to the following Directors elected in the November 2018 general election.

**Fred Conley
Tim Fowler
Tim McCormick**

**Kevyn Sopinski
Jim Thompson**

Secretary Tesar turned the meeting over to Chairperson Thompson immediately following the oath.

NEBRASKA NATURAL RESOURCES COMMISSION CAUCUS: Leroy Sievers, Legal Counsel for the Department of Natural Resources and Bob Robles, Assistant Director of the Department of Natural Resources, explained the purpose and the process of selecting the Commissioners of the Nebraska Natural Resources Commission. Elected Commissioners serve four-year terms. A motion was made by Chairperson Jim Thompson to nominate Jeff Steffen as the Missouri River Tributaries Commissioner, and a motion was made by Chairperson Jim Thompson to nominate Director Larry Bradley as the Metropolitan Area Commissioner. No other nominees were named. Director Fred Conley made a motion to have the two nominees elected by unanimous consent. The motion carried unanimously.

NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE

QUORUM CALL: The following Directors were present for the Quorum Call:

Larry Bradley
Fred Conley
Tim Fowler
Mark Gruenewald
Ted Japp

Tim McCormick
Kevyn Sopinski
Rich Tesar
Jim Thompson
John Wiese

ADOPTION OF AGENDA:

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

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea - Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - None
Absent - None

ADOPTION OF CONSENT AGENDA:

Prior to the roll call vote of the Consent Agenda, Director Gruenewald made a motion to remove the December minutes as part of the Consent Agenda. Chairperson Thompson stated the December minutes was the only item on the Consent Agenda.

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Conley that the following resolution be adopted:

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 4.A.:

BE IT RESOLVED that the absences of the following Director(s) from the January 10, 2019 Board of Directors Meeting is excused:

None to date

Agenda Item 8. A.

BE IT RESOLVED that the December 13, 2018 Papio-Missouri River NRD Board Meeting minutes are approved as printed.

- Amended Motion:*** It was moved by Director Gruenewald and seconded by Director Conley that the December 13, 2018 meeting minutes be amended to reflect the changes as requested by Director Gruenewald.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 3-yea and 7-nay.

Voting Yea - Bradley, Conley, Gruenewald
Voting Nay - Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson

Abstaining - None
Excused Absence - None
Absent - None

Chairperson Thompson called for the vote on the approval of the December 13, 2018 Board meeting minutes. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea - Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - None
Absent - None

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on January 3, 2019. The District's November 9, 2018 – December 13, 2018 expenditures were published in the Papillion Times on December 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, District Conservationist, submitted a written report on NRCS activities for the month of January. The report is posted to the website and attached to the file copy of the meeting minutes.
- B. Nebraska Association of Resources Districts: Director Tesar gave the report on the upcoming NARD Legislative Conference to be held January 29-30, 2019 at the Embassy Suites in Lincoln, NE.
- C. Nebraska Natural Resources Commission: Chairperson Thompson gave the report on the NNRC Commission meeting that was held December 18, 2018 in Kearney, NE.
- D. Legislative Report – Husch Blackwell: General Manager Winkler gave the report on Legislative activities. The written report is attached to the file copy of the meeting minutes.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Conley reported that the PLPA Subcommittee met on January 8, 2019 and gave a brief recap of the meeting.

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

PLPA Recommendation #1: P-MRNRD Affirmative Action Policy for 2019: It is recommended that the amendments to the Papio-Missouri River NRD's Affirmative Action Policy for 2019 be adopted and incorporated in the District's Policy Manual.

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

Voting Yea - Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - None
Absent - None

B. Programs, Projects and Operations Subcommittee: Director Fowler reported that the PPO Subcommittee met on January 8, 2019 and gave a brief recap of the meeting.

Director Fowler stated Zach Nelson and Ken Halvorsen presented an Informational Report on the Lakeland Connection Project Initial Financial Managerial Water System Assessment, and Amanda Grint and Lindy Rogers provided an update on the West Papillion Levees. No actions were taken by the Subcommittee.

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

PPO Recommendation #1: Amendment No. 3 to Professional Services Contract with Benesch for Glacier Creek Stream and Wetland Mitigation Bank Project: It is recommended that the General Manager be authorized to execute the proposed Professional Services Agreement Amendment No. 3 with Alfred Benesch & Company for the Glacier Creek Stream and Wetland Mitigation Bank Project, bringing the total not-to-exceed contract amount to \$261,399, 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 9-yea and 1-nay.

Voting Yea - Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - None
Absent - None

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

PPO Recommendation #2: Platte River Bridge Trail Project Program Agreement with NDOT: It is recommended that the General Manager be authorized to execute the proposed Local Public Agency Program Agreement – Federal-Aid Funds with the Nebraska Department of Transportation for the Platte River Bridge Trail 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 the motion. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

C. Finance, Expenditures and Legal Subcommittee: Director Conley reported that the FEL Subcommittee met on January 8, 2019 and gave a brief recap of the meeting.

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

FEL Recommendation #1: Land Rights for West Papillion Regional Basin Number 7 (WP7), Account 02-01-557-4430, Over 110%: It is recommended that the account for WP7 Land Rights (02-01-557-4430) be allowed to exceed the budgeted amount up to \$200,000 without further approval by the Board.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

Land Acquisition for Missouri River Levee R613/R616 Levee Improvement Project

- **MOTION NO. 7:** It was moved by Director Tesar and seconded by Director Conley that the Board move into Executive Session for the purpose of discussing land acquisition for the Missouri River R613/R616 Levee Improvement Project.

Roll call was held on the motion. The motion carried on a vote of 10-yea. The Board went into Executive Session at 7:32 p.m.

Voting Yea	-	Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

- **MOTION NO. 8:** It was moved by Director Tesar and seconded by Director Fowler that the Board come out of Executive Session.

Roll call was held on the motion. The motion carried on a vote of 10-yea. The Board returned to General Session at 7:39 p.m.

Voting Yea - Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - None
Absent - None

It was moved by Director Conley and seconded by Director Tesar to make a friendly motion to add the Eric S. Dawson property to the Subcommittee's recommendation.

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

FEL Recommendation #2: Peter Ciaccio Living Trust - R-613 Tracts 29, 30: It is recommended that the General Manager be authorized to execute a permanent easement purchase agreement with Peter Ciaccio Living Trust Dated June 1, 2007, in the amount of \$20,106 for an area containing 4.772 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 was held on the motion. The motion carried on a vote of 10-yea.

Voting Yea - Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - None
Absent - None

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

FEL Recommendation #3: PCS Nitrogen Fertilizer – R-613 Tracts 6 and 7: It is recommended that the General Manager be authorized to execute a purchase agreement with PCS Nitrogen Fertilizer Limited Partnership, a Delaware limited partnership in the amount of \$186,623 for an area containing 37.532 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 was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

•• **MOTION NO. 11:** It was moved by Director Conley that the following recommendation be adopted:

FEL Recommendation #4: Arcadian Fertilizer LP (now owned by PCS Nitrogen) – R-613 Tract 8: It is recommended that the General Manager be authorized to execute a purchase agreement with Arcadian Fertilizer LP, a Delaware limited partnership, now owned by PCS Nitrogen Fertilizer Limited Partnership, a Delaware limited partnership, in the amount of \$115,877 for an area containing 23.716 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 was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

•• **MOTION NO. 12:** It was moved by Director Conley that the following recommendation be adopted:

FEL Recommendation #5: Eric S. Dawson – R-616 Tracts 13, 14, and 15: It is recommended that the General Manager be authorized to execute a purchase agreement with Eric S. Dawson in the amount of \$243,106.20 for an area containing 22.675 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.

Director Gruenewald made comments regarding the purpose of the project.

Roll call was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	Gruenewald

Abstaining - None
Excused Absence - None
Absent - None

TREASURER'S REPORT:

- **MOTION NO. 13:** It was moved by Director Fowler and seconded by Director Sopinski 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 December 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 Washington County, Dakota County, and Thurston County Water Supply System, the Elkhorn Breakout Project, the Elkhorn River Stabilization Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage Project, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watershed Partnership project bills listed on the December 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 and 1-nay.

Voting Yea - Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - None
Absent - None

Take from the Table and Consideration of Amendments to District Policies proposed at the Board of Directors Meeting on December 13, 2018:

- 2.7 Terms of Directors
- 15.0 through 15.9 Purchasing

- **MOTION NO. 14:** It was moved by Director Conley and seconded by Director Fowler to take item 2.7 Terms of Directors and items 15.0 through 15.9 Purchasing from the table and adopted and ordered to be incorporated in the District's Policy Manual.

Director Gruenewald asked Legal Counsel about the statutory requirements of Director terms. Brent Meyer addressed his question.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

CHAIRPERSON'S REPORT:

A. Appointment of P-MRNRD Standing Subcommittees: Chairperson Thompson reported the appointments of the standing subcommittees. He noted the appointments require Board approval.

- **MOTION NO. 15** It was moved by Chairperson Thompson and seconded by Director Tesar 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 10-yea.

Voting Yea	-	Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence:		None
Absent	-	None

B. Election of P-MRNRD Treasurer and Appointment of Assistant Treasurer: Chairperson Thompson opened the floor for nominations for Treasurer. Director Tesar nominated Director Fowler and Director Gruenewald nominated Director Bradley. The floor was closed by acclamation and secret ballots were cast.

Ballot Results Round One:	5 votes for Director Bradley and 5 votes for Director Fowler
Ballot Results Round Two:	5 votes for Director Bradley and 5 votes for Director Fowler
Ballot Results Round Three:	5 votes for Director Bradley and 5 votes for Director Fowler
Ballot Results Round Four:	5 votes for Director Bradley and 5 votes for Director Fowler
Ballot Results Round Five:	5 votes for Director Bradley and 5 votes for Director Fowler
Ballot Results Round Six:	6 votes for Director Bradley and 4 votes for Director Fowler

Treasurer Bradley ratified his appointment of Assistant Treasurer to Director Fowler

- **MOTION NO. 16** It was moved by Chairperson Thompson and seconded by Director Sopinski that the following resolution be adopted:

BE IT RESOLVED that Director Bradley is hereby elected Treasurer for the coming year and that the written designation of Director Fowler, as Assistant Treasurer, is hereby approved.

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

Voting Yea - Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence: None
Absent - None

C. Appointment of MAPA Representative:

- **MOTION NO. 17** It was moved by Chairperson Thompson and seconded by Director Bradley that the following resolution be adopted:

BE IT RESOLVED that Director Conley is hereby appointed as the District's representative to the Metropolitan Area Planning Agency Council of Elected Officials.

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

Voting Yea - Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - None
Abstaining - None
Excused Absence: None
Absent - None

D. Notification of Resignation of Director Patrick Leahy to Fill Vacancy in Subdistrict #7:

- **MOTION NO. 18** It was moved by Chairperson Thompson and seconded by Director Sopinski that the following resolution be adopted and approved:

Process for Filling the Board Vacancy Created by the Resignation of Director Patrick Leahy:

1. The General Manager is hereby authorized and directed to contact newspapers serving Subdistrict #7 with the text of a public notice of the board vacancy and to request publication of said notice on January 14th and 21st, 2019. The notice is to include a request for interested persons to submit applications to fill said vacancy on or before January 31, 2019.
2. The General Manager is hereby authorized and directed to provide official written notice of

the board vacancy to the Secretary of State as provide by law.

3. It is hereby further resolved that this process and schedule is necessary to avoid an undue burden on the board, the citizens of Subdistrict #7 and the taxpayers of the Papio-Missouri River NRD in that this process provides time for public notice of the vacancy, time for applications from interested persons to fill the vacancy, and will avoid the undue burden and expense of holding a special board meeting just days prior to the next regular board meeting on February 14, 2019.

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

Voting Yea	-	Bradley, Conley, Fowler, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence:		None
Absent	-	None

GENERAL MANAGER'S REPORT: GM Winkler congratulated the newly elected and re-elected representatives to the Board and reviewed the GM Report with the Board and noted that the report had been posted to the website. He stated the Directors Orientation will be held prior to the next Board of Directors meeting.

INFORMATIONAL ITEMS:

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

January 21, 2019	Martin Luther King Day – P-MRNRD Offices Closed
January 24, 2019	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
January 29-30, 2019	NARD Legislative Conference, Lincoln, NE
February 2-6, 2019	National Association of Conservation Districts 2019 Annual Meeting, San Antonio, TX
February 12, 2019	P-MRNRD Subcommittee Meetings
February 14, 2019	P-MRNRD Board Meeting
February 18, 2019	President’s Day – P-MRNRD Offices Closed
February 28, 2019	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC

B. Next Meeting – February 14, 2019, at the NRC

Requested corrections to January Online Minutes made at February 14, 2019 Meeting.

From "Director Gruenewald made comments regarding the purpose of the project" to "Again For the record, This Nation is 22T in debt the state is hundreds of millions in debt and that MO River Levee Bank Modification serves no benefit to anyone."

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:16 p.m.

NOTE: These minutes reflect the actions and votes taken at the January 10, 2019 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 January 10, 2019 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