



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
February 14, 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. 154<sup>th</sup> Street, Omaha, NE on February 14, 2019. The meeting was called to order by Chairperson 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	Tim McCormick
Fred Conley	Kevyn Sopinski
Tim Fowler	Jim Thompson
Mark Gruenewald	John Wiese
Ted Japp	

**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.

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

**ADOPTION OF CONSENT AGENDA:**

Prior to the roll call vote of the Consent Agenda, Director Gruenewald asked that Agenda Item 7.A. Approval of the January 10, 2019 Papio-Missouri River NRD Board Meeting minutes be removed from the Consent Agenda. The Chairperson immediately called for the vote on Agenda

Item 7.B. Approval of the January 9, 2019 Dakota County Rural Water Advisory Board Meeting minutes.

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

7.B. Approval of the January 9, 2019 Dakota County Rural Water Advisory Board Meeting Minutes:

BE IT RESOLVED that the January 9, 2019 Dakota County Rural Water Advisory Board Meeting minutes are approved as printed.

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

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

- **MOTION NO. 3:** It was moved by Director McCormick and seconded by Director Fowler that the following resolution be adopted:

7.A. Approval of the January 10, 2019 Papio-Missouri River NRD Board Meeting Minutes:

BE IT RESOLVED that the January 10, 2019 Papio-Missouri River NRD Board Meeting minutes are approved as printed.

Prior to the roll call vote Director Gruenewald submitted a document of requested corrections to the January online minutes. Director Gruenewald's documentation has been added to the file copy of the January 10, 2019 meeting minutes as well as the online version of the meeting minutes.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on February 7, 2019. The District's December 14, 2018 through January 10, 2019 expenditures were published in the Papillion Times on January 23, 2019. 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, gave the report of NRCS activities for the month of February. Neil's report is posted to the website and attached to the file copy of the meeting minutes.
- B. Nebraska Association of Resources Districts: Director Fowler gave the report on the NARD Legislative Conference that was held January 29-30, 2019 at the Embassy Suites in Lincoln, NE.
- C. National Association of Conservation District Annual Meeting: Director Fowler gave the report on the NACD Annual Meeting that was held February 2-6, 2019 in San Antonio, TX.
- D. NRDs' Annual Washington D.C. Meeting, March 30-April 3, 2019: Chairperson Thompson reported the NRDs' Annual Washington D.C. meeting is being held March 30-April 3, 2019. He stated he would be attending and asked that any Director(s) interested in participating should contact him.
- E. Legislative Report – Husch Blackwell: General Manager Winkler gave the report on Legislative activities. His report can be heard on the District's podcast.

## **PUBLIC HEARING – Land Acquisition for Western Douglas County Trail Project:**

Chairperson Thompson appointed GM Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 7:20 p.m. and submitted the following exhibits for the record:

<b>Exhibit 1</b>	Agenda
<b>Exhibit 2</b>	Notice of Public Hearing
<b>Exhibit 3</b>	Proof of Publication of Hearing Notice Affidavit ◆ Omaha World Herald – February 4 <sup>th</sup> , 7 <sup>th</sup> , 2019
<b>Exhibit 4</b>	Project Design Map
<b>Exhibit 5</b>	Project Right-of-Way Map
<b>Exhibit 6</b>	Certified Mail Sent to Landowners

Brent Meyer, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 2-3234.04. The District explained the nature and necessity of the proposed land acquisition for the Western Douglas County Trail Project and Project Manager Eric Williams explained the purpose and location of the project. There are eight (8) parcels impacted by the trail, with six (6) distinct land owners. Right-of-way acquisition will be handled by the Nebraska Department of Transportation in accordance to their policies. At this hearing the District will hear and consider any objections from any person regarding the trail being considered. Hearing Officer Winkler opened the floor to the public. No one offered testimony. Hearing Officer Winkler closed the Public Hearing at 7:28 p.m. and returned the floor to Chairperson Thompson.

## **SUBCOMMITTEE REPORTS:**

- A. Executive Subcommittee: Chairperson Thompson reported that the EXE Subcommittee met on February 12, 2019 and gave a brief recap of the meeting. He explained the process to be used

to interview the Subdistrict #7 candidates during tonight's meeting. Candidates would be called in alphabetical order and given 5 minutes to make their presentation to the Board. After presentations were made nominations were taken from the Board.

- **MOTION NO. 4:** It was moved by Director Fowler and seconded by Director Sopinski to nominate Danny Begley. A motion was made by Director Gruenewald and seconded by Director Conley to nominate John Nelson. The Directors were called upon to name the candidate they recommended to fill the Subdistrict #7 vacancy.

Roll call was held to name a candidate. The roll call vote result was 7-Begley and 2-Nelson.

Voting for Danny Begley - Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Wiese  
Voting John Nelson - Gruenewald, Thompson

- **MOTION NO. 5:** It was moved by Director Conley and seconded by Director McCormick that the following Resolution be adopted:

*EXE Recommendation #1:* Filling the Subdistrict 7 Vacancy: It is recommended that the following Resolution be adopted:

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS  
Resolution

WHEREAS, the Chairperson of the Board of directors of the Papio-Missouri River Natural Resources District has notified the Board of the resignation of Subdistrict #7 Director Patrick Leahy; and,

WHEREAS, the Board of Directors has the responsibility and authority to select a successor,

NOW THEREFORE BE IT RESOLVED that Danny Begley be and is hereby appointed as Director of the Papio-Missouri River Natural Resources District for the remainder of the unexpired term of the Subdistrict #7 position and until a successor is elected and qualified, with effective date of the appointment being February 14, 2019.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Secretary of State, State of Nebraska, as required by law.

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

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

Danny Begley was sworn in immediately following the roll call vote.

B. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on February 12, 2019 and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Amendment No. 2 to Professional Services Agreement with HDR Engineering Inc. for the Little Papillion Creek Channel Project: It is recommended that the General Manager be authorized to execute the proposed Amendment No. 2 to Professional Services Agreement with HDR Engineering, Inc. in the amount of \$27,878 for the Little Papio Creek Channel Stabilization Project, bringing the total not-to-exceed amount to \$458,413, 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-abstention.

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

**Missouri River R613/R616 Levee Improvement Project:**

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

*PPO Recommendation #2.A:* Award of Bid for Project Construction: It is recommended that the General Manager be authorized to execute a contract with Graham Construction in an amount of \$22,811,811 for the construction of modifications to the Missouri River R-613/R-616 Levee Systems, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Gruenewald submitted written testimony on his position on raising the banks of the Missouri River Levee. His written testimony will become part of the file copy of the meeting minutes. Director Gruenewald's testimony can be heard on the District's podcast.

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

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	Begley
Excused Absence	-	Tesar
Absent	-	Tesar

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

*PPO Recommendation #2.B:* Amendment to Professional Services Contract with FYRA Engineering: It is recommended that the General Manager be authorized to execute the proposed amendment to the Professional Services Contract with FYRA Engineering, Inc. for the P-MRNRD Missouri River R-613/R-616 Federal Levee Certification Project, making the maximum not-to-exceed contract amount \$5,515,010, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Paul Woodward requested the PPO Subcommittee make a friendly amendment to the original motion to correct an administrative error which changes the maximum not-to-exceed contract amount to \$5,515,010. Subcommittee Chairperson Conley accepted the amendment on behalf of the Subcommittee.

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

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	Begley
Excused Absence	-	Tesar
Absent	-	Tesar

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

*PPO Recommendation #2.C:* Interlocal Agreement with City of Omaha for Relocation of Utilities Servicing the Papillion Creek Wastewater Treatment Plant: It is recommended that the General Manager be authorized to execute an Interlocal Agreement with the City of Omaha for Modifications to the Missouri River Levee System R-613/R-616 and Relocation of Utilities Servicing the Papillion Creek Wastewater Treatment Plant, 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 8-yea, 1-nay, and 1-abstention.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	Begley
Excused Absence	-	Tesar
Absent	-	Tesar

C. Finance, Expenditures and Legal Subcommittee: Chairperson Thompson reported that the FEL Subcommittee met on February 12, 2019 and gave a brief recap of the meeting.

- **MOTION NO. 10:** It was moved by Chairperson Thompson that the following

recommendation be adopted:

*FEL Recommendation #1:* Transfer of Funds from Construction to Land Rights for Zorinsky Water Quality Basin #2: It is recommended that the General Manager be authorized to transfer \$468,736 from Zorinsky Water Quality Basin #2 Construction 02-01-558-4410 into Zorinsky Water Quality Basin #2 Land Rights account 02-01-558-4430 in the FY 2019 budget.

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

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

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

*FEL Recommendation #2:* Approve Report of Appraisers for the Missouri River R613/R616 Levee Improvement Project: It is recommended that the General Manager be authorized to deposit \$222,668 with the Sarpy County Court for the following: \$105,655 for the damages for the partial taking of property known as R-613 Tract 15; \$ 87,382 for the damages for the partial taking of property known as R-613 Tract 18; \$25,806 for the damages of the partial taking of property known as R-613 Tract 19; \$3,825 to pay the Board of Appraisers' fees as required by law; and furthermore that the District not appeal the Board of Appraisers awards as set forth in the Report of Appraisers filed in Civil Action No. CI-18-5834, Sarpy County Court, Nebraska.

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

Voting Yea - Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Wiese, Thompson  
Voting Nay - Gruenewald  
Abstaining - Begley  
Excused Absence - Tesar  
Absent - Tesar

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

*FEL Recommendation #3:* Land Rights for Missouri River Levee Certification Account 01-03-560-4430 Over 110%: It is recommended that the Missouri River Levee Certification Land Rights account 01-03-560-4430 be allowed to exceed the budgeted amount, up to \$1,820,000 without

further Board approval.

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

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	Begley
Excused Absence	-	Tesar
Absent	-	Tesar

**TREASURER'S REPORT:**

- **MOTION NO. 13:** It was moved by Director Bradley and seconded by Director Fowler 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 January 2019 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 January 2019 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, 1-nay, and 1-abstention.

Voting Yea	-	Bradley, Conley, Fowler, Japp, McCormick, Sopinski, Wiese, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	Begley
Excused Absence	-	Tesar
Absent	-	Tesar

**CHAIRPERSON'S REPORT:** The Chairperson had nothing more to report.



**GENERAL MANAGER'S REPORT:** GM Winkler reviewed his report with the Board and noted that the report had been posted to the website. Director Japp briefed that he had the opportunity to work with staff member Justin Novak during a two-day presentation to Blair High School's Agri-Science Class. He stated that Justin did a great job! The Chairperson added that he had the opportunity to attend staff member Austen Hill's presentation at the NARD Legislative Conference and that he too did a great job!

**INFORMATIONAL ITEMS:**

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

February 18, 2019	President's Day – P-MRNRD Offices Closed
February 28, 2019	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
March 12, 2019	P-MRNRD Subcommittee Meetings
March 14, 2019	P-MRNRD Board Meeting
March 28, 2019	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
March 30-April 3, 2019	NRDs' Annual Washington D.C. Meeting

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

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 8:23 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the February 14, 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](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 February 14, 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.

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Richard Tesar  
District Secretary