



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
April 11, 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 April 11, 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:

Danny Begley	Tim McCormick
Larry Bradley	Kevyn Sopinski
Fred Conley	Rich Tesar
Mark Gruenewald	Jim Thompson
Ted Japp	John Wiese

**ADOPTION OF AGENDA:**

Prior to the roll call vote of the adoption of the agenda, Chairperson Thompson stated he was adding an Education Program presentation by Austen Hill.

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

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar 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 April 11, 2019 Board of Directors Meeting are excused:

Tim Fowler.

Agenda Item 7. A.

BE IT RESOLVED that the March 14, 2019 Papio-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	-	Begley, Bradley, Conley, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on April 4, 2019. The District's February 15, 2019 through March 14, 2019 expenditures were published in The Enterprise on March 22, 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:**

Austen Hill, District Education Programs Supervisor introduced program ambassadors Fin, a 3-year old barn owl and Sawyer, an Eastern screech owl to the Board. Austen explained the purpose, goals and objectives of the District's Education Department.

- A. Natural Resources Conservation Service Report: Neil Jensen, NRCS District Conservationist at the Omaha NRCS office, gave his report on NRCS activities. Neil's report is posted to the website and attached to the file copy of these minutes.
- B. Nebraska Association of Resources Districts – Report on NARD Washington D.C. Meeting: Director McCormick, Chairperson Thompson, and General Manager Winkler gave the report on the NRDs Annual Washington D.C. Meeting held March 31-April 3, 2019.
- C. Legislative Report – Husch Blackwell: General Manager Winkler provided the Legislative update. He informed the Board that LB 177 has advanced from General File to Select File on a 28-9 vote. This Bill will not be on the Legislative schedule again for a few weeks. General Manager Winkler said the Bill will not increase the amount of bonding dollars,

that it is an extension of the Natural Resources District's bonding authority for another 5 years.

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

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on April 9, 2019 and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Bids for Big Papio Creek Levee Culverts Project Phase 2: It is recommended that the General Manager be authorized to execute a contract with Graham Construction, Inc. in the amount of \$3,146,227.15 for the construction of the Big Papio Levee Culverts Project Phase 2, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Gruenewald voiced his concerns about spending dollars until there is clarity on the District's future spending obligations resulting from the recent flood event. Director Japp said he agrees with fiscal conservatism, then reiterated the need to approve this project. General Manager Winkler stated the District has received the 408 Permit from the USACE and added there was no need to delay the vote for this project.

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

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

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

*PPO Recommendation #2:* Nebraska Machinery Company – CAT Financial Government Lease-Purchase Agreement: It is recommended that the General Manager be authorized to execute an agreement with Nebraska Machinery Company – CAT Financial Government Lease-Purchase Program for the annual lease of two CAT 257D Multi Terrain Loaders and one CAT 305 E2CR Hydraulic Excavator, for a total of \$16,500, 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 - Begley, Bradley, Conley, Gruenewald, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson  
Voting Nay - None  
Abstaining - None  
Excused Absence - Fowler  
Absent - Fowler

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

*PPO Recommendation #3:* Vote on Local Disaster Emergency Declaration: It is recommended the following Resolution related to the Emergency Declaration for the March 2019 Flood be adopted:

WHEREAS, the Papio-Missouri River Natural Resources District (“NRD”) endured a natural disaster in March 2019 in the form of flooding of the Missouri, Elkhorn and Platte Rivers and their surrounding areas;

WHEREAS, prior to requesting state assistance under the Nebraska Emergency Management Act and federal assistance, the NRD must declare an emergency through a declaration under Neb. Rev. Stat. § 81-829.50;

WHEREAS, NRD Policy 15.4 allows for an Emergency Declaration which grants certain purchasing authority to NRD Management without having to follow certain purchasing NRD policies because of the emergency caused by the natural disaster;

WHEREAS, pursuant to NRD Policy 15.4, NRD Management obtained concurrence of six (6) non-signing Directors and sent a written declaration to the Chairperson to declare an emergency within the NRD as a result of the March 2019 flooding of the Missouri, Elkhorn and Platte Rivers; and

WHEREAS, the Chairperson Jim Thompson executed the Emergency Declaration for the NRD on March 21, 2019.

BE IT RESOLVED, that the Board of Directors declares the March 2019 flooding of the Missouri, Elkhorn and Platte Rivers and their surrounding areas is a natural disaster of emergency nature; and

BE IT FURTHER RESOLVED, that the Board of Directors approves the Emergency Declaration for the NRD signed on March 21, 2019 and grants NRD Management the authority set forth in the Emergency Declaration and NRD Policy 15.4.

Prior to holding the roll call on ratifying the Vote on Local Disaster Emergency Declaration, Chairperson Thompson asked each Director for their voluntary comments regarding the flooding disaster, including constituents comments they received. The Directors discussion can be heard on the District’s Podcast at [www.papionrd.org](http://www.papionrd.org). Director Gruenewald made motions to censure General Manager Winkler and Chairperson Thompson. Chairperson Thompson ruled Director Gruenewald out of order and noted Director Gruenewald’s motions failed for lack of a second.

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

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

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

*PPO Recommendation #4.a:* Urban Conservation Assistance Program: It is recommended that the applications from Gretna for \$30,000 and Sarpy County for \$24,000, for a total of \$54,000 be approved, subject to funding in the FY 2020 Budget.

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

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

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

*PPO Recommendation #4.b:* Urban Drainageway Program: It is recommended that the application from Sarpy County for \$303,115 be approved, subject to funding in the FY 2020 Budget.

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

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

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

*PPO Recommendation #4.c:* Recreation Area Development Program: It is recommended that the applications from Bennington for \$50,000, Fort Calhoun for

\$50,000, the Village of Homer for \$14,500, the City of Omaha for \$50,000 (Dewey Dog Park) and \$50,000 (Flanagan Lake Playground), and South Sioux City for \$14,669, for a total of \$229,169 be approved, subject to funding in the FY 2020 Budget.

Director Begley asked if there would be another opportunity to make changes to the Cost Share Applications for Recreation Area Development Program. Chairperson Thompson said changes can be made during the budget process.

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

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

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

*PPO Recommendation #4.d:* Trails Assistance Program: It is recommended that the applications from Gretna for \$82,670, Omaha for \$146,209, SID 503 for \$244,026, and South Sioux City for \$164,505, for a total of \$637,410 be approved, subject to funding in the FY 2020 Budget.

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

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

B. Finance, Expenditure and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on April 9, 2019 and gave a brief recap of the meeting.

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

*FEL Recommendation #1:* Legal Fees for Missouri River Levee Certification Account 01-03-560-4392 Over 110%: It is recommended that the Missouri River Levee Certification Attorney Fees account 01-03-560-4392 be allowed to exceed the budgeted amount up to \$190,000, without further Board approval.

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

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

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

*FEL Recommendation #2:* Maintenance, Channels and Levees – Maintenance Materials Account 01-03-591-4477 Over 110%: It is recommended that Maintenance, Channels and Levee – Maintenance Materials account 01-03-591-4477 be allowed to exceed the budgeted amount up to \$570,000, without further Board approval.

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

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

**TREASURER’S REPORT:**

- **MOTION NO. 12:** It was moved by Director Bradley and seconded by Director Conley 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 March 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 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 March 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 9-yea and 1-nay.

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

**LEGAL UPDATE:**

- **MOTION NO. 13:** It was moved by Director Tesar and seconded by Director Sopinski that the Board go into Executive Session to discuss pending litigation and land acquisition for the Missouri River R613/R616 Levee Improvement Project.

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

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

The Board went into Executive Session at 8:06 p.m.

- **MOTION NO. 14:** It was moved by Director Tesar and seconded by Director Conley that the Board return to General Session:

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

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

The Board returned to General Session at 8:15 p.m.

- **MOTION NO. 15:** It was moved by Tesar and seconded by Director Conley that BE IT RESOLVED the following recommendations are approved:



A. 1904 Farms, LLC et al- R-613 Tract 18: Recommendation that the General Manager be authorized to execute a permanent easement with 1904 Farms, LLC, a Nebraska limited liability company, as to 50% interest, Farmer's Daughter LLC, a Nebraska limited liability company, as to 25% interest, and Whiske Farms, LLC, a Nebraska limited liability company, as to 25% interest, in the amount of \$119,730.60 for an area containing 24.075 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.

B. 1904 Farms, LLC- R-613 Tract 19: Recommendation that the General Manager be authorized to execute a purchase agreement with 1904 Farms, LLC, a Nebraska limited liability company, in the amount of \$68,488.50 for an area containing 12.22 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 the motion. The motion carried on a vote of 9-yea and 1-nay.

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

**CHAIRPERSON'S REPORT:** Chairperson Thompson instructed Directors to contact Jennifer Stauss-Story if they would like to have their email address and phone number available on the District's website. He briefed that the new trail maps are now available. He concluded his report by saying he is considering establishing a committee to come up with a plan to aid in the completion of proposed trails as identified on the March 2019 Paths of Discovery Metro Area Trails Map.

**GENERAL MANAGER'S REPORT:** General Manager Winkler reviewed the GM Report with the Board. His report is posted to the website and attached to these minutes. He thanks the Board for their kind words regarding the handling of the flood emergency and thanked staff for their tireless efforts and professionalism during this time. There was no discussion on the Emergency Declaration Policy and a report on flood emergency purchases for March 2019 was given. Marlin Petermann gave a picture presentation on the March 2019 flood event.

**INFORMATIONAL ITEMS:**

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

April 13, 2019	Earth Day Omaha, 11:00 a.m.-5:00 p.m., Elmwood Park, Omaha
April 25, 2019	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
April 28, 2019	Sarpy County Earth Day, noon-4:00 p.m., Lied Activity Center, 2700 Arboretum Drive, Bellevue
May 7 & 8, 2019	Water Works Festival, 10:00 a.m.-1:30 p.m., Schramm Park SRA, 21502 West Hwy 31, Gretna
May 7, 2019	P-MRNRD Subcommittee Meetings
May 9, 2019	P-MRNRD Board Meeting
May 23, 2019	Papillion Creek Watershed Partnership Meeting, 10 a.m., NRC
May 27, 2019	Memorial Day – P-MRNRD Offices Closed

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on May 9, 2019 at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 9:02 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the April 11, 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 April 11, 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