



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
May 9, 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 May 9, 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:**

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Conley and seconded by Director Tesar 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 May 9, 2019 Board of Directors Meeting are excused:

Tim Fowler.

Agenda Item 7. A.

BE IT RESOLVED that the April 11, 2019 Papio-Missouri River NRD Board Meeting minutes and the April 10, 2019 Dakota County Rural Water Advisory Board Meeting minutes are approved as printed.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on May 2, 2019. The District's March 15, 2019 through April 11, 2019 expenditures were published in The Enterprise on April 19, 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, 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: Director Tesar reported that the next NARD Board Meeting would be held on June 10, 2019 at the Cobblestone Inn & Suites in Ord, NE. He added that the Loup Basin Tour will take place on June 10-11, 2019.
- C. Legislative Report – Husch Blackwell: General Manager Winkler reported that Governor Ricketts signed LB 177 into law which extends the Papio NRD's General Obligation Bonding Authority. He expressed his thanks to everyone for their support on this legislative issue.

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

**PUBLIC HEARING ON LAND ACQUISITION FOR THE PAPIO DAM SITE 19 PROJECT:**

Chairperson Thompson appointed General Manager Winkler as the Hearing Officer. Hearing

Officer Winkler called the hearing to order at 7:26 p.m. and submitted the following exhibits for the record:

- Exhibit 1**      Agenda
- Exhibit 2**      Proof of Publication of Hearing Notice
  - Omaha World Herald April 29, 2019 and May 2, 2019
- Exhibit 3**      Map of Proposed Land Acquisition Area
- Exhibit 4**      Preliminary Design Map of Papio Dam Site 19 Project

Brent Meyer, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504. The District explained the nature and necessity of the proposed land acquisition at Papio Dam Site 19 and the reason for selecting this location. Each owner of property to be acquired by the District has the right to be represented by an attorney and to negotiate and accept or reject the offer made by the District for the proposed acquisition. The owner of property to be acquired has previously contacted the District regarding this potential acquisition and is a willing-seller under applicable law. At this hearing, the District will hear and consider any objections from any person. Project Manager Lori Laster noted that the purpose of the project is for flood control and recreation for the Papillion Creek Watershed area. The District is looking to acquire approximately 16.7 acres of property for this project. Hearing Officer Winkler opened the floor to the public. The following individual addressed the Board:

- Lynette Roxburgh, 8787 S. 204<sup>th</sup> Street, Gretna, NE

Hearing Officer Winkler closed the Public Hearing at 7:36 p.m. and returned the floor to Chairperson Thompson.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on May 7, 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:*      Amendment #2 to JEO Consulting Group Professional Services Agreement for the Independent External Review of Missouri River R-613/R-616 Levee Accreditation: It is recommended that the General Manager be authorized to execute the proposed Amendment #2 to the Professional Services Agreement with JEO Consulting Group, Inc. for the Independent External Peer Review for the Missouri River R-613 and R-616 Federal Levee Accreditation Project in the amount of \$131,090, making the total maximum not-to-exceed agreement amount \$408,464, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Gruenewald addressed his concerns about project funding and the accreditation requirements.

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:* Phase IX of Engineering Contract with Olsson for Professional Services for Pigeon Jones Site 12A: It is recommended that the General Manager be authorized to execute an amendment to increase the maximum not-to-exceed amount of the professional services contract with Olsson for the Pigeon Jones Site 15 Project to \$2,508,499, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Japp asked if this would be the last expected change to the engineering contract for this project. Terry Schumacher and General Manager Winkler addressed his concerns.

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. 5:** It was moved by Director Conley that the following recommendation be adopted:

*PPO Recommendation #3:* Southern Sarpy Watershed Partnership Interlocal Agreement: It is recommended that the General Manager be authorized to execute the proposed five-year Interlocal Agreement for the continuation of the Southern Sarpy Watershed Partnership between the communities of Bellevue, Gretna, Papillion, Springfield, Sarpy County and the Papio-Missouri River Natural Resources District, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

The following individual addressed the Board:

➤ Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE

Chairperson Thompson stated that when this partnership was created for Sarpy County, the District was able to use the Papillion Creek Watershed Partnership as a template, while incorporating the changes needed from the lessons learned from the past. He said he was very happy with the

membership of the partnership since its inception. Director Wiese asked about other city's participation in the Partnership. General Manager Winkler stated that membership is based on being located within the jurisdiction of the watershed.

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. 6:** It was moved by Director Conley that the following recommendation be adopted:

*PPO Recommendation #4:* Southern Sarpy Watershed Partnership Professional Services Contract Amendment 2 with FYRA Engineering: It is recommended that the General Manager be authorized to execute the proposed contract amendment with FYRA Engineering to provide professional services for Phase II of the Southern Sarpy Watershed Management Plan in the amount of \$410,108, making the total maximum not-to-exceed agreement amount \$801,748, 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

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

*PPO Recommendation #5:* Papillion Creek Watershed Partnership Interlocal Agreement: It is recommended that the General Manager be authorized to execute the proposed five-year Interlocal Agreement for the continuation of the Papillion Creek Watershed Partnership between the communities of Bellevue, Boys Town, Gretna, La Vista, Omaha, Papillion, Ralston, Sarpy County and the Papio-Missouri River Natural Resources District, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was extensive discussion on the proposed Partnership Agreement, the necessity of flood control reservoirs versus low-impact structures, how the fee structure was assessed and the information that came from the economic study that was prepared by HDR Engineering in 2009. The following individual addressed the Board:

➤ Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE

*Motion to Table:* Motion was made by Director Gruenewald and seconded by Director Wiese to table this item until the June 13, 2019 Board of Directors Meeting.

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

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

*Call the Question:* Motion was made by Director Tesar to call the question.

Roll call vote was held on the motion to call the question. The motion to call the question carried on a vote of 7-yea and 3-nay.

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

Chairperson Thompson directed roll call on the original motion.

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

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

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

*PPO Recommendation #6:* Dakota County Rural Water System Rate Increase: It is recommended that the General Manager be authorized to set a new increased rate schedule, effective July 1, 2019 for the Dakota County Rural Water System and that the District's Policy Manual Appendix H- Rural Water Supply Systems be updated to incorporate the new rate schedule.

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

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

*PPO Recommendation #7:* FY 2020 Equipment Requirements: It is recommended that the proposed FY 2020 Equipment Requirements be approved as presented, subject to funding in the FY 2020 Budget.

Director Japp encouraged Board discussion on the FY 2020 Equipment Requirements. Chairperson Thompson reported that he had received a summary of the requested Board Room upgrades/equipment. There was discussion.

*Motion to Amend:* A motion was made by Director Tesar and seconded by Director McCormick to remove the requested Board Room Upgrades in the amount of \$37,000 from the FY 2020 Equipment Requirements.

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

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

It was noted that additional changes to the FY 2020 Equipment Requirements could be made during the budget process.

Roll call vote was held on the original motion as amended. 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. 10:** It was moved by Director Bradley and seconded by Director Begley 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 April 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 April 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. 11:** It was moved by Director Tesar and seconded by Director Conley that the Board go into Executive Session to discuss pending litigation.

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 8:53 p.m.



- **MOTION NO. 12:** It was moved by Director Tesar and seconded by Director McCormick 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 9:01 p.m.

**CHAIRPERSON’S REPORT:** Chairperson Thompson gave a detailed historical report on the District’s Bonding Authority process. His report can be heard on the District’s podcast at [www.papionrd.org](http://www.papionrd.org).

**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.

**INFORMATIONAL ITEMS:**

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

May 23, 2019	Papillion Creek Watershed Partnership Meeting, 10 a.m., NRC
May 27, 2019	Memorial Day – P-MRNRD Offices Closed
June 11, 2019	P-MRNRD Subcommittee Meetings
June 13, 2019	P-MRNRD Board Meeting

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on June 13, 2019 at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 9:16 p.m.

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