

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
December 12, 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 December 12, 2019. 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:

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 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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Conley and seconded by Director McCormick 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 December 12, 2019 Board of Director Meeting are excused:

Tim Fowler.

Agenda Item 7.B.:

BE IT RESOLVED that the November 13, 2019 Dakota County Rural Water Advisory Board Meeting minutes are approved as printed.

Prior to the roll call vote Director Gruenewald asked to have the November 14, 2019 Board meeting minutes removed from the consent agenda vote.

Roll call vote was held on the consent agenda minus the referenced meeting minutes. The motion carried on a vote of 8-yea and 2-nay.

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

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

Agenda Item 7.A.:

BE IT RESOLVED that the November 14, 2019 Papio-Missouri River NRD Board Meeting minutes are approved as printed.

Prior to the roll call vote on the approval of the November 14, 2019 Board meeting minutes, Director Gruenewald made a motion to make a modification of the minutes. The motion failed for lack of a second.

Roll call was held on the approval of the November 14, 2019 Board meeting minutes. 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 December 5, 2019. The District's October 11 through November 14, 2019 expenditures were published in the Douglas County Post-Gazette on November 20, 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: Andy Bohnenkamp, NRCS Resource Conservationist reported on NRCS activities. His report can be heard on the District's podcast.

B. Nebraska Association of Resources Districts: Director Tesar reported the NARD Legislative Conference will be meeting on January 28-29, 2020 in Lincoln, NE and encouraged the Board members to attend.

C. Nebraska Natural Resources Commission: Director Bradley reported the NNRC will be meeting on December 18, 2019 in Kearney, NE.

D. National Association of Conservation Districts: Chairperson Thompson reported that Director Fowler and Director Sopinski would be representing the District at the National Association of Conservation Districts annual meeting being held in Las Vegas, NV on February 8-12, 2020.

SUBCOMMITTEE REPORTS:

A. Ad Hoc Consultant Selection Subcommittee RFP for Construction Stormwater Inspections Southern Sarpy Watershed Partnership: Director Bradley reported that the Ad Hoc Subcommittee RFP for Construction Stormwater Inspections Southern Sarpy Watershed Partnership met on December 5, 2019 and gave a brief recap of the meeting.

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

Ad Hoc SSWP Recommendation #1: Consultant Selection Interviews: Recommendation that JEO Consulting Group, Inc. be ranked first to negotiate a contract for the Southern Sarpy Watershed Partnership Construction Stormwater Inspections and that SCS Engineers be ranked second.

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

B. Personnel, Legislative and Public Affairs Subcommittee: Director Conley reported that the PLPA Subcommittee met on December 10, 2019 and gave a brief recap of the meeting.

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

PLPA Recommendation #1: 2020 Pay Program Administration Manual: Recommendation that the proposed amendments to the Papio-Missouri River NRD Pay Program Administration Manual for 2020 be adopted and incorporated into the District's Policy Manual.

Director Japp had questions about the Pay Program Pay Grade Mid-Points. Administrative Coordinator Jean Tait addressed Directors questions.

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:

PLPA Recommendation #2: Update to the District's Employee Handbook: Recommendation that the proposed amended language to the Papio-Missouri River NRD Employee Handbook be adopted and incorporated into the District's Policy Manual.

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

C. Ad Hoc Consultant Selection Subcommittee RFP for the Little Papio Channel Culverts Rehabilitation Project Professional Services: Director Conley reported that the Ad Hoc Subcommittee RFP for the Little Papio Channel Culverts Rehabilitation Project Professional Services met on December 10, 2019 and gave a brief recap of the meeting.

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

Ad Hoc Little Papio Project Recommendation #1: Initial Screening of Proposals for Consultant Selection Interviews: Recommendation that the Subcommittee request interviews with FYRA Engineering, HDR, and Olsson in the order presented, on January 2, 2020 at 4:00 p.m.

Director Wiese stated that he would not be able to attend the consultant interviews being held on January 2, 2020.

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

D. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on December 10, 2019 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Lower Platte River Consortium Drought Contingency Plan: Recommendation that the Lower Platte River Drought Contingency Plan, dated October 2019, 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

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

PPO Recommendation #2: Lied Bridge Debris Removal Contract: Recommendation that the General Manager be authorized to execute a contract with National Concrete Cutting, Inc. in an amount of \$211,250 for the Lied Bridge Debris Cleanup 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 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. 10:** It was moved by Director Conley that the following recommendation be adopted:

PPO Recommendation #3: Memorandum of Agreement with USDA, NRCS: Recommendation that the General Manager be authorized to execute the proposed Memorandum of Agreement with USDA-NRCS, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

The following individual addressed the Board:

- Craig Derickson, State Conservationist, Natural Resources Conservation Service Nebraska

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

PPO Recommendation #4: Potential Violation of District's Erosion & Sediment Control Rules and Regulations: Recommendation that the District find Mr. Cornwell to be in probable violation of the District's Erosion & Sediment Control Rules and Regulations.

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

PPO Recommendation #5: NRD Historical Remains Discovery Policy: Recommendation that the following policy be incorporated into the District's Directors Policy Manual as follows:

If any NRD personnel or its contractors discover any previously unknown historic, archeological or paleontological remains while conducting District activities they are to immediately notify the NRD General Manager or Assistant General Manager of what they have found and its location.

Required federal, state or tribal coordination will be initiated to determine the appropriate course of action (i.e. if the remains warrant recovery effort and/or historic designation).

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

E. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on December 10, 2019 and gave a brief recap of the meeting.

•• **MOTION NO. 13:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #1: Fiscal Year 2019 Audit Report: Recommendation that the FY2019 Audit Report prepared by BerganKDV be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.

Chairperson Thompson complimented Carey Fry and the staff, on a clean audit and their excellent work in the Accounting Department.

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. 14:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #2: Condemnation for Property Located within the R613/R616 Missouri River Levee Project: Recommendation that the General Manager be authorized to execute a purchase agreement with Horse Creek Farms, a Colorado Partnership, in the amount of \$153,000 for an area containing 33.092 acres of land for the Missouri River R-613/R-616 Levee Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel, in exchange for the dismissal with prejudice of Horse Creek Farms' appeal of the condemnation award in District Court of Sarpy County, Nebraska.

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

TREASURER'S REPORT:

- **MOTION NO. 15:** 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 November, 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 November, 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 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

TAKE FROM THE TABLE AND CONSIDERATION OF AMENDMENTS TO DISTRICT POLICY 4.0 PROPOSED AT THE BOARD OF DIRECTORS MEETING ON NOVEMBER 14, 2019:

- **MOTION NO. 16:** It was moved by Director Conley and seconded by Director Tesar to take item 4.0 Board Meetings – Regular Monthly Meetings from the table.

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. 17:** It was moved by Director Conley and seconded by Director Begley that the changes to District Policy 4.0 Board Meetings – Regular Monthly Meetings be approved and incorporated in the District’s Policy Manual.

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

DIRECTOR GRUENEWALD’S REQUEST FOR REIMBURSEMENT OF EXPESNES:

- **MOTION NO. 18:** It was moved by Director Conley and seconded by Director Tesar that the following resolution be adopted:

BE IT RESOLVED, the following resolution is hereby adopted and approved:

WHEREAS, Director Mark Gruenewald, through his counsel, made a demand for payment of expenses as a NRD Director in the amount of \$4,066.08 and for payment of attorney’s fees in the amount of \$1,160.00, to the Papio-Missouri River Natural Resources District (the “District”) on November 15, 2019, in exchange for Director Gruenewald submitting a completed W-9 form; and,

WHEREAS, Director Mark Gruenewald, through counsel, demanded such payment be made by Friday, November 22, 2019, despite being informed of District’s Policy that such expenditures must be voted on and approved through the District’s Treasurer’s Report by the NRD Board; and,

WHEREAS, Director Mark Gruenewald, to date, has failed to provide the District Staff with any

tax documentation which would allow the District Staff to process his requested expenses reimbursement in compliance with the Internal Revenue Code; and,

BE IT RESOLVED, Director Mark Gruenewald's request for reimbursement of expenses as a NRD Director and attorney's fees made on November 15, 2019 is denied. Any future request by Director Mark Gruenewald for per diem and reimbursement of expenses shall be denied until he provides a completed W-4 IRS form to District Staff.

BE IT FURTHER RESOLVED, District's legal counsel is to issue a demand letter to Director Mark Gruenewald for reimbursement of attorney's fees and costs incurred by the District as a result of his behavior, actions and demands and pursue all remedies available under law for recovery of such expenses.

Brent Meyer, District Legal Counsel updated the Board regarding the events surrounding the non-payment of Director Gruenewald's expenses and the reasoning for the recommended resolution. There was extensive Director discussion. The following individual addressed the Board:

- Angela Schmit, Schmit Law Firm, 1246 Golden Gate Dr. Suite 3, Papillion, NE

After additional discussion, Brent Meyer, recommended that the Resolution as presented, be the action the Board votes on. Director Conley made a motion to call the question.

Call the Question A motion was made by Director Conley and seconded by Director Tesar to call the question and cease discussion.

Roll call vote was held on motion to call the question. The motion carried on a vote of 8-yea and 2-nay.

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

Roll call vote was held on the original motion. The original 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:

A. Censure of Director Mark Gruenewald:

- **MOTION NO. 19:** It was moved by Director Tesar and seconded by Director Sopinski

that the following resolution be adopted:

The Board of Directors of the Papio-Missouri River Natural Resources District hereby expresses its strong disapproval of Director Mark Gruenewald's apparent disregard of the Director's Code of Conduct adopted by the Board on April 14, 2011; his efforts to unfairly discredit the Board, Management and staff of the District; his refusal to adhere to proper and appropriate District procedures and requirements; and, his rude and abusive behavior towards fellow Directors, Management and staff of the District, all of such conduct resulting in harm to the District and detriment to the public.

There was discussion by members of the Board. Director Tesar made a motion to call the question.

Call the Question A motion was made by Director Tesar and seconded by Director Conley to call the question and cease discussion.

Roll call vote was held on motion to call the question. The 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

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

B. P-MRNRD Employee Service Awards: Chairperson Thompson recognized the following District Employees for their years of service to the District:

- | | |
|---|----------|
| ➤ Joe Riebe, Survey Crew Chief | 5 Years |
| ➤ Mark Wille, Medium Equipment Operator | 5 Years |
| ➤ Eric Williams, Natural Resources Planner | 5 Years |
| ➤ Lori Laster, Stormwater Management Engineer | 10 Years |
| ➤ Tom Pleiss, Assistant Park Superintendent | 20 Years |
| ➤ Jim Becic, Environmental Coordinator | 35 Years |
| ➤ Keith Butcher, Heavy Equipment Operator | 35 Years |
| ➤ Marlin Petermann, Assistant General Manager | 45 Years |

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:

December 25, 2019	Christmas Holiday - P-MRNRD Offices Closed
January 1, 2020	New Year's Holiday - P-MRNRD Offices Closed
January 7, 2020	P-MRNRD Subcommittee Meetings
January 9, 2020	P-MRNRD Board Meeting
January 20, 2020	Martin Luther King, Jr. Day - P-MRNRD Offices Closed
January 23, 2020	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. at the NRC
January 28-29, 2020	NARD Legislative Conference, Lincoln, NE
February 8-12, 2020	NACD 2020 Annual Meeting, Las Vegas, NV

B. Next Meeting – January 9, 2020 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 8:48 p.m.

NOTE: These minutes reflect the actions and votes taken at the December 12, 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 December 12, 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