



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
March 12, 2020**

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 March 12, 2020. The meeting was called to order by Chairperson Thompson at 4:00 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	Rich Tesar
Fred Conley	Jim Thompson
Mark Gruenewald	John Wiese
Ted Japp	

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Tesar 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	-	Begley, Bradley, Conley, Gruenewald, Japp, McCormick, Tesar, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Sopinski
Absent	-	Fowler, Sopinski

ADOPTION OF CONSENT AGENDA:

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

Agenda Item 3.A.:

BE IT RESOLVED that the absences of the following Directors from the March 12, 2020, Board of Directors meeting are excused:

Tim Fowler
Kevyn Sopinski

Agenda Item 7.A. and 7.B.:

BE IT RESOLVED that the February 13, 2020, Papio-Missouri River NRD Board Meeting Minutes and the February 12, 2020, 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	-	Begley, Bradley, Conley, Gruenewald, Japp, McCormick, Tesar, Wiese, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Sopinski
Absent	-	Fowler, Sopinski

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on March 5, 2020. The District's January 10, 2020, through February 13, 2020, expenditures were published in the Washington County Enterprise on February 21, 2020. 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, District Conservationist, gave the report of NRCS activities for the month of March.
- B. Nebraska Association of Resources Districts: Director Tesar gave the report on the NARD Board of Directors Meeting that was held March 9, 2020, in Lincoln, NE.
- C. Legislative Report – Catalyst Public Affairs: Kaitlin Reece and David Bracht gave the report on Legislative activities.

All of the agency reports can be heard on the District's podcast at www.papionrd.org/meeting-podcasts/.

PUBLIC HEARING – Land Acquisition for the West Papillion Regional Basin Number 2 Project:

Chairperson Thompson appointed GM Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:30 p.m. and submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice Affidavit
 ◆ Omaha World Herald – March 2 & 5, 2020
- Exhibit 3** Preliminary Site Map of West Papillion Regional Basin Number 2 Project
- Exhibit 4** Map of land acquisition area for West Papillion Regional Basin Number 2

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 for the West Papillion Regional Basin Number 2 Project and Project Manager Amanda Grint explained the purpose and location of the project. At this hearing the District will hear and consider any objections from any person regarding the project being considered. The owner of property to be acquired has previously contacted the District regarding this potential acquisition and is a willing seller under applicable law. Hearing Officer Winkler opened the floor to the public. No one offered testimony. Hearing Officer Winkler closed the Public Hearing at 4:33 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 March 10, 2020 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: Elkhorn River Improvement Project Area (IPA) Operation and Maintenance Assessment: It is recommended that a special assessment for the operation and maintenance of the Elkhorn River Bank Stabilization Improvement Project Area be levied against the benefited parcels in the total amount of \$20,000 for calendar year 2020 and that the following Resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that each of the lots and parcels of ground in Douglas County, Nebraska, identified in the “2020 Assessment Schedule,” attached hereto as Exhibit “A” and incorporated herein by reference, has been specially benefited by the District’s program of operation and maintenance upon the construction and capital improvements involved with the District’s Elkhorn River Bank Stabilization Improvement Project; that special benefits from such program of operation and maintenance are correctly set out in the respective amounts appearing opposite the designation of said lots and parcels of ground in said schedule; that such respective amounts appearing opposite said lots and parcels of ground in said schedule are hereby levied as special assessments against such lots and parcels of ground; and, that said assessments shall become due fifty (50) days after date, to-wit: shall become due on May 1, 2020, and may be paid within said time without interest, but if not paid by May 1, 2020, each such assessment shall draw interest at the rate of nine per cent

(9%) per annum from and after date until delinquent; and, from and after date that each installment become delinquent, shall draw interest at the rate of fourteen per cent (14%) per annum until paid.

BE IF FURTHER RESOLVED that the Secretary of the District shall certify a copy of this levy resolution to the County Clerk and County Treasurer of Douglas County, Nebraska, for spreading the same on the tax records of such County, and such special assessments shall be collected by the County Treasurer as provided by law.

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

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

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

PPO Recommendation #2: Easement Agreements for Access Drive at Prairie Queen with Ryan Companies: It is recommended that the General Manager be authorized to execute the Permanent Access Easement Agreement and Temporary Construction Easement Agreement with Ryan Companies for the WP-5 project property, 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.

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

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

PPO Recommendation #3: Amendment No. 5 to Professional Services Contract with HDR Engineering for Zorinsky Basin 2: It is recommended that the General Manager be authorized to execute Amendment No. 5 to the Professional Services Agreement with HDR Engineering, Inc. for the Zorinsky Water Quality Basin Number 2 project in an amount not to exceed \$205,900 bringing the total contract not to exceed amount to \$1,929,891, 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 and 1-nay.

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

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

PPO Recommendation #4: Amendment No. 4 to Professional Services Contract with FYRA Engineering for WP-6 and WP-7: It is recommended that the General Manager be authorized to execute the proposed Amendment 4 to the Professional Services Agreement between the District and FYRA Engineering for design and construction administration services for the WP6 and WP7 projects in an amount of \$92,904, bringing the total maximum not to exceed contract amount to \$2,770,263, 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 8-yea and 1-nay.

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

TREASURER'S REPORT:

•• **MOTION NO. 7:** 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: (l) claims listed in the February 2020 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 February 2020 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 and 1-nay.

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

LEGAL UPDATE: Brent Meyer, District Legal Counsel stated he had nothing to report.

CHAIRPERSON’S REPORT: Director Larry Bradley gave a slide show presentation from his recent trip to Peru. The Chairperson congratulated Directors Begley, Japp and Tesar for winning their respective Sub-District seats for the P-MRNRD Board. He also wished Directors Bradley and Wiese luck in their campaign for re-election to the P-MRNRD Board and Directors Conley and Gruenewald in their campaign for election to Nebraska State Legislature.

GENERAL MANAGER'S REPORT: GM Winkler reviewed his report with the Board and noted that the report had been posted to the website.

INFORMATIONAL ITEMS:

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

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| March 14-18, 2020 | NRDs Annual Washington D.C. Meeting - CANCELLED |
| March 26, 2020 | Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC |
| April 7, 2020 | P-MRNRD Subcommittee Meetings |
| April 9, 2020 | P-MRNRD Board Meeting |
| April 18, 2020 | Earth Day Omaha, 11:00 a.m.-6:00 p.m., Elmwood Park, Omaha |
| April 23, 2020 | Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC |

B. **Next Meeting** – April 9, 2020, at the NRC

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 4:59 p.m.

NOTE: These minutes reflect the actions and votes taken at the March 12, 2020, 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 March 12, 2020, 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