



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
June 11, 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 June 11, 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	Kevyn Sopinski
Tim Fowler	Rich Tesar
Mark Gruenewald	Jim Thompson
Ted Japp	John Wiese

ADOPTION OF AGENDA:

Amended Motion: Prior to the adoption of the agenda, Director Fowler made an amended motion to separate Agenda Item 12 into two parts. The first part to vote on the Husch Blackwell contract extension period; the second part to vote on the Cost Benefits Analysis for in-house legal counsel. The amended motion was seconded by Director Tesar.

- **MOTION NO. 1:** It was moved by Director Fowler and seconded by Director Tesar that the amended motion be adopted.

Roll call vote was held on amended motion. The amended motion failed on a vote of 5-yea and 5-nay.

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

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Fowler that the original 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, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - Conley
Absent - Conley

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 3:** It was moved by Director Tesar and seconded by Director Sopinski 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 June 11, 2020, Board of Directors Meeting are excused:

Fred Conley.

Agenda Item 7. A.

BE IT RESOLVED that the May 14, 2020, Pappio-Missouri River NRD 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, Fowler, Japp, McCormick, Sopinski, Tesar, Wiese, Thompson
Voting Nay - Gruenewald
Abstaining - None
Excused Absence - Conley
Absent - Conley

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on June 4, 2020. The District's April 10 through May 14, 2020, expenditures were published in The Burt County Plaindealer on May 26, 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, submitted a written report on NRCS activities. His report is posted to the District's website.
- B. Nebraska Association of Resources Districts Board Meeting and Basin Tour: Director Tesar reported on the NARD Directors meeting that was held on June 8, 2020, via Zoom. He stated that the NARD Board of Directors voted to approve a 7.5% increase in the medical insurance premium and a 0% increase to the dental insurance premium.
- C. Legislative Report – Catalyst Public Affairs: Catalyst Public Affairs has been submitting daily reports to the Board on Legislative matters and updates regarding the COVID-19 pandemic.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director Fowler reported that the PPO Subcommittee met on June 9, 2020 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Interlocal Agreement with City of Omaha for Zorinsky Basin 2: It is recommended that the General Manager be authorized to execute the Interlocal Agreement with the City of Omaha for the Zorinsky Water Quality Basin Number 2 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 9-yea and 1-nay.

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

•• **MOTION NO. 5:** It was moved by Director Fowler that the following

recommendation be adopted:

PPO Recommendation #2: Amendment No. 2 to Trail over Platte River Bridge Agreement with Lower Platte South NRD and Nebraska Game & Parks Commission:
It is recommended that the General Manager be authorized to execute the proposed Amendment No. 2 to the Interlocal Cooperation Agreement with the Lower Platte South Natural Resources District and the Nebraska Game & Parks Commission for the trail over Platte River Bridge (Lied Bridge), 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 9-yea and 1-nay.

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

TREASURER’S REPORT:

•• **MOTION NO. 6:** It was moved by Director Bradley and seconded by Director McCormick 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 May 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 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 May 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 9-yea and 1-nay.

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

TAKE FROM THE TABLE AND CONSIDERATION OF THE NAMING OF WEST PAPIILLION REGIONAL BASIN NUMBER 7 (WP7)

- **MOTION NO. 7:** It was as moved by Director Sopinski and seconded by Director Bradley that the naming of West Papillion Regional Basin Number 7 (WP7) be taken from the table.

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

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

- **MOTION NO. 8:** It was as moved by Director Gruenewald and seconded by Director Fowler that the West Papillion Regional Basin Number 7 (WP7) be named Big Elk Lake, per District Policy 16.7 – District Property – Donation Recognition and Naming of NRD Reservoirs, Recreation Areas and Other Property with signage to include Chief Big Elk’s native name of Oⁿ poⁿ Toⁿ gaⁿ.

The following individual addressed the Board:

- Glenna Slater, 3115 S. 69th Street, Omaha, NE

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

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

Absent - Conley

TAKE FROM THE TABLE AND CONSIDERATION OF THE EXTENSION OF DISTRICT LEGAL COUNSEL (HUSCH BLACKWELL) CONTRACT PROPOSED AT THE BOARD OF DIRECTORS MEETING ON MAY 14, 2020:

- **MOTION NO. 9:** It was as moved by Director Bradley and seconded by Director Japp that the Consideration of the Extension of District Legal Counsel (Husch Blackwell) Contract be taken from the table.

Roll call vote was held on motion. The motion carried on a vote of 6-yea and 4-nay.

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

There was director discussion on options should this item remain tabled until the next meeting of the Board. Chairperson Thompson stated that the legal contract expires on June 30, 2020, and that the District would need to take some action for a contract extension. Brent Meyer briefed that he would need to consult with Husch Blackwell's General Counsel to extend their contract beyond June 30th. There was additional discussion.

A motion was made by Director Sopinski which was seconded by Director Wiese to extend the Husch Blackwell contract until July 31st and table the item until the July Board meeting. The following individual addressed the Board:

- Hal Daub, 13330 California Street, Omaha, NE

After additional discussion, Director Wiese withdrew his second from the motion. The motion was then seconded by Director Fowler.

- **MOTION NO. 10:**

Amended Motion: It was moved by Director Sopinski and seconded by Director Fowler to amend the motion to give the General Manager the authority to extend the Husch Blackwell contract to July 31, 2020, and to table the issue until the next meeting of the Board of Directors.

Roll call vote was held on amended motion. The amended motion failed on a vote of 5-yea, 4-nay, and 1-absention.

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

Excused Absence - Conley
Absent - Conley

- **MOTION NO. 11:** It was as moved by Director Bradley and seconded by Director Begley that the proposed legal services agreement with Husch Blackwell be extended for one (1) year, for a period to begin on July 1, 2020 to June 30, 2021, that the General Manager prepare a Cost Benefits Analysis for District in-house legal counsel, and the District advertise a Request for Qualifications, in accordance with District Policy for legal services to begin on July 1, 2021.

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

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

LEGAL UPDATE: Brent Meyer asked that the Board move into Executive Session to discuss potential litigation that involves the NRD and asked that Director Gruenewald not attend the Executive Session as he is a potential adverse party and his presence waives the attorney-client privilege, as we'll be discussing possible litigation against him.

- **MOTION NO. 12:** A motion was made by Director Tesar and seconded by Director Bradley to move into Executive Session for the discussion of potential litigation involving the District and that Director Gruenewald be directed to leave the room during the session.

Roll call vote was held on motion to move into Executive Session. The motion carried on a vote of 9-yea and 1-nay.

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

The Board moved into Executive Session at 5:06 p.m.

- **MOTION NO. 13:** A motion was made by Director Tesar and seconded by Director Fowler to return to General Session.

Roll call vote was held on motion to return to General Session. The motion carried on a vote of 9-yea and 1-abstention.

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

The Board returned to General Session at 5:16 p.m.

CHAIRPERSON’S REPORT – CENSURE OF DIRECTOR MARK GRUENEWALD:

- **MOTION NO. 14:** It was as moved by Director Tesar and seconded by Director Sopinski that the following Resolution be adopted and approved:

RESOLUTION OF CENSURE

The Board of Directors of the Papio-Missouri River Natural Resources District hereby expresses its strong disapproval of Director Mark Gruenewald’s continued disregard of the Code of Conduct adopted by the Board on April 14, 2011; his efforts to unfairly discredit the Board, Management, staff and legal counsel 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, staff and legal counsel of the District, all of such conduct resulting in harm to the District and detriment to the public.

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

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

The Chairperson provided information on additional events. The audio can be heard on the District’s podcast at www.papionrd.org.

GENERAL MANAGER'S REPORT: General Manager Winkler reviewed the GM Report with the Board. His written report is posted to the website and the audio can be heard on the District’s podcast at www.papionrd.org.

INFORMATIONAL ITEMS:

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

June 25, 2020	Papillion Creek Watershed Partnership Meeting, 10 a.m., NRC
July 3, 2020	4 th of July Holiday, P-MRNRD Offices Closed

July 7, 2020 P-MRNRD Subcommittee Meetings, 4:00 p.m.
July 9, 2020 P-MRNRD Board Meeting, 4:00 p.m.
July 23, 2020 Papillion Creek Watershed Partnership Meeting, 10 a.m., NRC

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on July 9, 2020, at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 5:34 p.m.

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