



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
August 11, 2016**

PLEDGE OF ALLEGIANCE

NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE

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 St., Omaha, NE on August 11, 2016. The meeting was called to order by Chairperson David Klug at 7:00 p.m.

QUORUM CALL: The following Directors were present for the Quorum Call:

Patrick Bonnett	Dave Klug
Fred Conley	Rich Tesar
John Conley	Jim Thompson
Curt Frost	Ron Woodle

ADOPTION OF AGENDA:

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

Roll call vote was held on the motion. The motion carried on a vote of 7-yea and 1-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Frost
Abstaining	-	None
Excused Absence	-	Fowler, Leahy
Absent	-	Fowler, Leahy

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2** It was moved by Director Tesar and seconded by Director F. Conley 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 following Director(s) has an excused absence from the August 11, 2016, Board of Directors Meeting:

Tim Fowler and Patrick Leahy.

Agenda Items 7.A. and 7.B.:

BE IT RESOLVED that the July 14, 2016, Papio-Missouri River NRD Board meeting minutes and the July 13, 2016, 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 7-yea and 1-nay.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Tesar, Thompson, Woodle, Klug
Voting Nay	-	Frost
Abstaining	-	None
Excused Absence	-	Fowler, Leahy
Absent	-	Fowler, Leahy

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on August 4, 2016. The District's June 10 - July 14, 2016, expenditures were published in the Burt County Plaindealer on July 27, 2016. The Chairperson ordered the Proofs of Publication be 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 these meeting minutes.

B. Nebraska Association of Resources Districts Report: Director Tesar stated that the NARD Annual Conference will be held in Kearney, Nebraska on September 25-27, 2016. He encouraged Directors to attend.

C. Legislative Report – Husch Blackwell: Steve Grasz gave the Legislative Report. His report can be heard on the District's Board Meeting August 2016 podcast.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler's written report is posted to the website and attached to these meeting minutes.

PUBLIC HEARING ON THE DISTRICT’S EROSION AND SEDIMENT CONTROL PROGRAM RULES AND REGULATIONS: Chairperson Klug appointed General Manager Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:08 p.m. The Hearing Officer submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Notice of Public Hearing
 - Omaha World-Herald, July 23, 2016
 - Omaha World-Herald, July 30, 2016
 - Omaha World-Herald, August 4, 2016
 - Omaha World-Herald, August 6, 2016
- Exhibit 3** Explanation of Purpose of Hearing
- Exhibit 4** Memo to the Board of Directors
- Exhibit 5** Amended District Erosion and Sediment Control Program Rules and Regulations
- Exhibit 6** Nebraska Statutes (Sections 2-4601 to 2-4613) Erosion and Sediment Control Act
- Exhibit 7** Nebraska Department of Natural Resources letter of recommendation dated August 1, 2016 and the June 27, 2016 Nebraska Natural Resources Commission meeting minutes

GM Winkler briefed the audience on the exhibits being submitted as a part of the Public Hearing. The District’s Attorney, Steve Grasz, explained the purpose and necessity of the hearing per Neb. Revised Statute 2-4607. Terry Schumacher explained the amended changes to the District’s Erosion and Sediment Control Program Rules and Regulations. There was director discussion but no public comment. Hearing Officer Winkler closed the Public Hearing at 7:15 p.m. and returned the floor to Chairperson Klug.

•• **MOTION NO. 3** It was moved by Director Thompson and seconded by Director Tesar that the following recommendation be adopted:

Public Hearing Recommendation #1: Amended District Erosion and Sediment Control Program Rules and Regulations: Recommendation that the proposed Papio-Missouri River NRD’s Erosion and Sediment Control Program Rules and Regulations be adopted and incorporated in the District’s Policy Manual as Appendix I.

Roll call was held on the motion. The motion carried on a vote of 7-yea and 1-nay.

Voting Yea - F. Conley, J. Conley, Frost, Tesar, Thompson, Woodle, Klug
 Voting Nay - Bonnett
 Abstaining - None
 Excused Absence - Fowler, Leahy
 Absent - Fowler, Leahy

PUBLIC COMMENT AND INPUT ON P-MRNRD FY 2017 BUDGET: General Manager Winkler opened the floor to the public to give comment and input on the FY 2017 Budget. The following individuals addressed the Board:

- Wade Junker, 12404 Pawnee Road, Omaha, NE on behalf of Shawn Melotz, 10404 N. 132nd Street, Omaha, NE (a copy of Ms. Melotz’s testimony is attached to the file copy of these minutes)
- Doug Little, 1619 N 102 Street, Omaha, NE on behalf of Doug Kagan, 416 S. 130th Street, Omaha, NE Nebraska Taxpayers for Freedom (a copy of Mr. Kagan’s testimony is attached to the file copy of these meeting minutes)

The General Manager made corrections to inaccuracies made during testimony. He added that the overall budget has decreased over the past five years. There was additional discussion. The Public Hearings to adopt the FY 2017 budget and to set the property tax levy is scheduled for September 8, 2016.

SUBCOMMITTEE REPORTS:

A. Executive Subcommittee to Fill Vacancy in Sub-district #1: Chairperson David Klug reported that the Executive Subcommittee met on August 9, 2016, and gave a brief recap of the meeting.

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

EXE Recommendation #1: Candidate(s) to Advance for Further Consideration at August 11, 2016, Board Meeting - Recommendation that the following Resolution be adopted:

PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS
Resolution

WHEREAS, the Chairperson of the Board of directors of the Papio-Missouri River Natural Resources District has notified the Board of the untimely death of Sub-district #1 Director R. Scott Japp; and,

WHEREAS, the Board of Directors has the responsibility and authority to select a successor,

NOW THEREFORE BE IT RESOLVED that William Rhea, III be and is hereby appointed as Director of the Papio-Missouri River Natural Resources District for the remainder of the unexpired term of the Sub-district #1 position and until a successor is elected and qualified, with effective date of the appointment being August 11, 2016.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Secretary of State, State of Nebraska, as required by law.

The following individual addressed the Board:

- Ted Japp, 13514 County Road P30, Blair, NE

Director Frost suggested the Board select from one of the neutral candidates that applied for the Sub-district #1 vacancy, that being Brian Smith, Tanna Wirtz, or Dennis Zolck. Director Frost made a motion to nominate Brian Smith to fill the Sub-district #1 vacancy. The motion failed for lack of a second.

Director Bonnett made a motion to nominate Vince Kramper to fill the Sub-district 1 vacancy, based on Mr. Kramper's prior service, institutional knowledge and the fact he is not seeking placement on the ballot. The motion was seconded by Director Frost. The two candidates being considered by the Board are William Rhea III and Vince Kramper. District Legal Counsel briefed the Board on the process for selection. During the roll call, Directors will be asked to vote their candidate of choice by name. The candidate receiving the major votes will fill the vacancy and will be sworn in later in the meeting.

Roll call was held. William Rhea III received 5-votes and Vince Kramper received 3-votes.

Voting William Rhea, III	- F. Conley, J. Conley, Tesar, Thompson, Klug
Voting Vince Kramper	- Bonnett, Frost, Woodle
Excused Absence	- Fowler, Leahy
Absent	- Fowler, Leahy

B. Ad Hoc Consultant Selection Subcommittee for the Little Papio Channel Stabilization Project: Chairperson John Conley reported that the Ad Hoc Consultant Selection Subcommittee for the Little Papio Channel Stabilization Project met on August 9, 2016, and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1: Professional Services Contract with HDR Engineering - Recommendation that the General Manager be authorized to execute the proposed Professional Services Agreement with HDR Engineering for the Little Papio Channel Stabilization Project for the maximum not to exceed amount of \$398,228.00, 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.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Leahy
Absent	-	Fowler, Leahy

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on August 9, 2016, and gave a brief recap of the meeting.

•• **MOTION NO. 6** It was moved by Director John Conley that the following

Subcommittee recommendation be adopted:

PPO Recommendation #1: West Branch Channel Bank Stabilization Project – Recommendation that the General Manager be authorized to execute a contract with Niewohner Construction Inc. in an amount not-to-exceed \$486,570.00 for the construction of the West Branch Channel Bank Stabilization Project.

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

Voting Yea - Bonnett, F. Conley, J. Conley, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Leahy
Absent - Fowler, Leahy

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

PPO Recommendation #2: Lower Platte River Consortium Interlocal Agreement - Recommendation that the General Manager be authorized to execute an Interlocal Agreement for the Platte River Consortium with the Lower Platte South NRD, Lower Platte North NRD, City of Lincoln, Metropolitan Utilities District, and Nebraska Department of Natural Resources for a maximum cost-share of up to \$40,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel; and further that the District's Assistant General Manager and Groundwater Management Engineer be respectfully designated as the District's representative and alternate to the Consortium.

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

Voting Yea - Bonnett, F. Conley, J. Conley, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Leahy
Absent - Fowler, Leahy

•• **MOTION NO. 8** It was moved by Director John Conley that the following Subcommittee recommendations be adopted on the Washington County Rural Water System and Lakeland Estates Water Company:

PPO Recommendation #3.a.: WCRW System – Lakeland Estates Water Company Water Supply Agreement - Recommendation that the General Manager be authorized to execute the proposed Washington County Rural Water System and Lakeland Estates Water Company Water Supply

Agreement, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel and subject to project financing approval at the District's September Board Meeting.

There was director discussion regarding this agreement. Director Frost stated his opposition while Director Bonnett stated that he supports the agreement and cited it as another great example of working with small local entities, to cut red tape that, in this case, is for the improvement of drinking water.

Roll call was held on the motion. The motion carried on a vote of 7-yea and 1-abstention.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	Frost
Excused Absence	-	Fowler, Leahy
Absent	-	Fowler, Leahy

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

PPO Recommendation 3.b.: Bids Received for the WCRW System Main Extension – Lakeland Connection Project Construction Contract - Recommendation that the General Manager be authorized to execute a contract with Eriksen Construction for the construction of the Washington County Rural Water – Lakeland Connection Project in the bid amount of \$226,362.75, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel and subject to project financing approval at the District's September Board Meeting.

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

Voting Yea	-	Bonnett, F. Conley, J. Conley, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Leahy
Absent	-	Fowler, Leahy

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

PPO Recommendation #4: Hell Creek Grade Stabilization Project Change Order #1 - Recommendation that the General Manager be authorized to execute the proposed Change Order to the Valley Corporation construction contract for the Hell Creek Grade Control Stabilization Project in the amount of \$129,339.86, bringing the total contract amount to \$883,993.23, 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.

Voting Yea - Bonnett, F. Conley, J. Conley, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Leahy
Absent - Fowler, Leahy

D. Finance, Expenditure and Legal Subcommittee: Director Rich Tesar reported that the FEL Subcommittee met on August 9, 2016, and gave a brief recap of the meeting.

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

FEL Recommendation #1: Lower Platte River Corridor Alliance FY 2017 Budget - Recommendation that the Fiscal Year 2017 Budget for the Lower Platte River Corridor Alliance in the amount of \$166,078, be approved, subject to funds being included in the District's FY 2017 Budget.

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

Voting Yea - Bonnett, F. Conley, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Leahy
Absent - Fowler, Leahy

*Director John Conley was out of the room during the roll call vote.

•• **MOTION NO. 12** It was moved by Director Rich Tesar that the following Subcommittee recommendation be adopted:

FEL Recommendation #2: FY 2017 Budget – Draft 2 – Recommendation that the FY 2017 draft budget be forwarded for review at the September 8, 2016 Budget Hearing with the provision that the General Manager be authorized to make necessary adjustments once final figures are available to achieve compliance of state statutes regarding the lid.

Directors shared their thoughts regarding the FY 2017 Budget.

Roll call was held on the motion. The motion carried on a vote of 7-yea and 1-abstention.

Voting Yea - Bonnett, F. Conley, J. Conley, Tesar, Thompson, Woodle, Klug
Voting Nay - None

Abstaining - Frost
Excused Absence - Fowler, Leahy
Absent - Fowler, Leahy

TREASURER'S REPORT:

- **MOTION NO. 13** It was moved by Director John Conley and seconded by Director Thompson 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 July, 2016, 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 Project, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy Drainage District, the project bills listed on the July, 2016, 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 8-yea.

Voting Yea - Bonnett, F. Conley, J. Conley, Frost, Tesar, Thompson, Woodle, Klug
Voting Nay - None
Abstaining - None
Excused Absence - Fowler, Leahy
Absent - Fowler, Leahy

OATH OF OFFICE ADMINISTERED TO NEWLY-APPOINTED DIRECTOR FROM SUB-DISTRICT #1: Lori Laster, P-MRNRD Project Manager, then administered the Oath of Office to William Rhea, III, newly-elected Director from Sub-district #1.

CHAIRPERSON'S REPORT: Chairperson Klug welcomed Bill to the Board of Directors and he thanked the applicants who took the time and effort to apply and participate in the selection process.

GENERAL MANAGER'S REPORT: GM Winkler reviewed the GM Report with the Board

and noted that the report had been posted to the website. He updated the Board on a meeting he had with the La Vista Police Department regarding the recent bridge tragedy that resulted in the death of one local teenager and the injury of another. The District, La Vista Police, BNSF railroad and other local entities are working to deter individuals from being on the tracks. He also provided a status update on the Water Well Decommissioning Program. Over the past two years the District averaged 19 applications for well decommissioning. Last year the District raised its cost-share assistance and received 50 applications. The District is ranked 3rd in the state on well closings, which results in getting individuals on a municipal or rural water system and eliminates contamination that can be found in wells.

LEGAL UPDATE [*Executive Session – if needed*]: Steve Grasz, District’s Legal Counsel, recommended that the Board move to Executive Session.

- **MOTION NO. 14** It was moved by Director Thompson and seconded by Director Bonnett to move to Executive Session at 8:25 p.m. for the purpose of discussing legal issues.

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

Voting Yea	-	Bonnett, F. Conley, J. Conley, Frost, Rhea, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Leahy
Absent	-	Fowler, Leahy

- **MOTION NO. 15** It was moved by Director Bonnett and seconded by Director Frost to return to open Session at 8:39 p.m.

Roll call vote was held to return to open session. The motion carried on a vote of 9-yea.

Voting Yea	-	Bonnett, F. Conley, J. Conley, Frost, Rhea, Tesar, Thompson, Woodle, Klug
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler, Klug
Absent	-	Fowler, Klug

INFORMATIONAL ITEMS:

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

August 25, 2016	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
August 25, 2016	LPRCA 2016 Water Quality Open at Quarry Oaks Golf Course, 11:00 a.m. check-in

September 6, 2016 P-MRNRD Subcommittee Meetings

September 8, 2016 P-MRNRD Board Meeting in Dakota City

September 13-15, 2016 Husker Harvest Days, 9000 W. Husker Highway, Wood River, Nebraska

September 25-27, 2016 NARD Annual Conference, Kearney, Nebraska

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on September 8, 2016, at the Dakota City Field Office.

ADJOURNMENT: Being no further business, at 8:40 p.m. the Chairperson declared that the meeting was adjourned.

NOTE: These minutes reflect the actions and votes taken at the August 11, 2016, 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 the meeting of the Board of Directors of the District held on August 11, 2016; 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