



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
July 14, 2016**

**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 July 14, 2016. The meeting was called to order by Vice-Chairperson Tim Fowler at 7:00 p.m. Director Frost addressed the Board and asked for a minute of silence in tribute to Director R. Scott Japp’s service to the District. The following individual addressed the Board:

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

**NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE**

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

- |                 |               |
|-----------------|---------------|
| Patrick Bonnett | Patrick Leahy |
| Fred Conley     | Rich Tesar    |
| John Conley     | Jim Thompson  |
| Tim Fowler      | Ron Woodle    |
| Curt Frost      |               |

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Tesar and seconded by Director Bonnett 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	-	Bonnett, F. Conley, J. Conley, Frost, Leahy, Tesar, Thompson, Woodle, Fowler
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Klug
Absent	-	Klug

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Thompson 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 absence(s) of the following Director(s) from the July 14, 2016, Board of Directors Meeting is excused:

David Klug

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

BE IT RESOLVED that the June 9, 2016, Pappio-Missouri River NRD Board meeting minutes, the June 8, 2016, Dakota County Rural Water Advisory Board meeting minutes, and the June 21, 2016, Thurston 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 8-yea and 1-nay.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on July 7, 2016. The District's May 13, 2016 – June 9, 2016, expenditures were published in the Burt County Plaindealer on June 15, 2016. 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, Omaha NRCS office, gave the report on NRCS activities. His written report is posted to the website and attached to the file copy of these meeting minutes.

B. Nebraska Association of Resources Districts: Director Tesar gave the report on the NARD Board of Directors Meeting held on June 13<sup>th</sup> & 14<sup>th</sup> in York, Nebraska. He noted that the District's health insurance plan was discussed and stated there will be a 6.5% increase to the medical insurance premium and a 3.2% to the dental insurance premium for

the coming year. He added that David Potter is resigning as NARD secretary, in order to accept the position as Assistant General Manager at the Lower Platte South NRD.

C. Legislative Report – Husch Blackwell: Steve Grasz provided the Legislative update.

D. Lower Platte River Corridor Alliance Report: Meghan Sittler gave the report on the Lower Platte River Corridor Alliance. Her written report is posted to the website and attached to the file copy of these meeting minutes.

### **REPORT ON GROUNDWATER MANAGEMENT PLAN:**

Paul Woodward reported on the update to the Groundwater Management Plan. He added that the Stakeholders meeting for the Southern Group will be held on July 25<sup>th</sup> and the Stakeholders meeting for the Northern Group will be held on July 26, 2016.

### **SUBCOMMITTEE REPORTS:**

A. Ad Hoc Consultant Selection Subcommittee for the Little Papio Channel Stabilization Project: Director John Conley reported that the Ad Hoc Consultant Selection Subcommittee for the Little Papio Channel Stabilization Project met on July 7, 2016, and gave a brief recap of the meeting.

•• **MOTION NO. 3:** It was moved by Director John Conley that the following recommendation be adopted:

*Ad Hoc Little Papio Project: Consultant Selection Interviews:* Recommendation that HDR Engineering be ranked first for the Little Papio Channel Stabilization Project Professional Services and that they be asked to prepare a detailed scope of services and cost estimate for the project, that JEO Consulting be ranked second and EA Engineering be ranked third.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea.

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

A. Ad Hoc Consultant Selection Subcommittee for the West Papio Trail, Giles Road to Millard: Director Patrick Bonnett reported that the Ad Hoc Consultant Selection Subcommittee for the West Papio Trail, Giles Road to Millard met on July 12, 2016, and gave a brief recap of the meeting.

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

*Ad Hoc West Papio Trail: Recommendation #1*: Professional Services Contract with Big Muddy Workshop/JEO Consulting Group: Recommendation that the General Manager be authorized to execute a Professional Services Agreement with Big Muddy Workshop, for Phase 1 (design) of the West Papio Trail, Giles Road to Millard, in a not-to-exceed amount of \$409,152, 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 - Bonnett, F. Conley, J. Conley, Frost, Leahy, Tesar, Thompson, Woodle, Fowler  
Voting Nay - None  
Abstaining - None  
Excused Absence - Klug  
Absent - Klug

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on July 12, 2016, and gave a brief recap of the meeting.

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

*PPO Recommendation #1:* Resolution to Adopt the District’s Multi-Hazard Mitigation Plan – Recommendation that the following Resolution be adopted:

“**WHEREAS** the governing body of the Papio Missouri River Natural Resources District recognizes the threat that natural hazards pose to people and property within the District; and

**WHEREAS** the Papio Missouri River Natural Resources District has prepared a multi-hazard, multi-jurisdictional hazard mitigation plan, hereby known as the 2016 Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS** the Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Papio Missouri River Natural Resources District from the impacts of future hazards and disasters; and

**WHEREAS** adoption by the governing body of Papio Missouri River Natural Resources District demonstrates their commitment to the mitigation of hazards and achieving the goals outlined in the 2016 Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan.

**NOW, THEREFORE**, the governing body of Papio Missouri River Natural Resources District, does herewith adopt the 2016 Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety”.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea.

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

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

*PPO Recommendation #2:* Second Amended Interlocal Agreement for the Lower Platte River Invasive Vegetation Management Program – Recommendation that the General Manager be authorized to execute the Second Amended Interlocal Agreement with Lower Platte South NRD and Lower Platte North NRD for the Lower Platte River Invasive Vegetation Management Program, 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 - Bonnett, F. Conley, J. Conley, Frost, Leahy, Tesar, Thompson, Woodle, Fowler  
 Voting Nay - None  
 Abstaining - None  
 Excused Absence - Klug  
 Absent - Klug

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

*PPO Recommendation #3:* Proposed Easements for Thrasher Development on Tract 1, WP6 – Recommendation that the General Manager be authorized to execute the proposed Permanent Storm Sewer, Drainage and Stormwater Quality Basin Easement Agreement and the Temporary Grading Permit with Nancy J. Thrasher Irrevocable Family Trust on the WP6, Tract 1, project property, for the amount of \$78,512.50 to the 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:

- Dan Hoins, Papillion City Administrator, 122 E. 3<sup>rd</sup> Street, Papillion, NE

There was discussion among directors regarding the sale of the easements. General Manager Winkler and staff member Amanda Grint addressed questions. The General Manager reminded the Board that the City of Papillion will be taking immediate possession of the West Papillion Regional Basin Number 6 upon project completion.

Roll call vote was held on the motion. The motion carried on a vote of 5-yea, 3-nay, and 1-abstention.

Voting Yea - Bonnett, F. Conley, J. Conley, Woodle, Fowler  
Voting Nay - Leahy, Tesar, Thompson  
Abstaining - Frost  
Excused Absence - Klug  
Absent - Klug

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

*PPO Recommendation #4:* West Papio Trail, Giles Road to Millard Interlocal Agreement – Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the City of Omaha and City of La Vista for the Design Phase of the West Papio Trail, Giles Road to Millard, with District cost not-to-exceed \$270,000, 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 - Bonnett, F. Conley, J. Conley, Frost, Leahy, Tesar, Thompson, Woodle, Fowler  
Voting Nay - None  
Abstaining - None  
Excused Absence - Klug  
Absent - Klug

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

*PPO Recommendation #5.:* Amendment to the Western Sarpy/Clear Creek Interlocal Agreement with Sarpy County – Recommendation that the General Manager be authorized to execute the proposed Amendment to Interlocal Cooperation Act Agreement with Sarpy County for the Western Sarpy Clear Creek Flood Control 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 the motion. The motion carried on a vote of 8-yea and 1-abstention.

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

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

*PPO Recommendation #6.:* Whitted Creek Refinement Project – Recommendation that the General Manager be authorized to execute a contract with Valley Corporation, Inc. in a not-to-exceed bid amount of \$70,331.33 for the construction of the Whitted Creek Refinement Project.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea

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

- **MOTION NO. 11:** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #7.:* Amended District Erosion and Sediment Control Program Rules and Regulations – Recommendation that the proposed amended Papio-Missouri River NRD Erosion and Sediment Control Program Rules and Regulations be approved for consideration at a Public Hearing to be held at the August 2016, Board of Directors meeting.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 3-nay.

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

- **MOTION NO. 12:** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #8.:* Water Sustainability Fund Application for the Western Sarpy County Aquifer 3D Modeling Project – Recommendation that the General Manager be authorized to execute and submit a Water Sustainability Fund application in the amount of 60% of eligible costs for the Western Sarpy County Aquifer 3D Modeling Project, with the understanding that the U.S. Geological Survey will be contracted to perform the project under a future Joint Funding Agreement, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

There was director discussion on how the data from the modeling project would be used, the projected life of the project, and how often updates would be required. Staff member Paul Woodward and Amanda Flynn, USGS addressed questions.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 3-nay.

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

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on July 12, 2016, 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.:* FY 2017 Budget – Draft 1 – Recommendation that the first draft of the FY 2017 Budget be approved.

The following individuals addressed the Board:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> Street, Omaha, NE
- Doug Kagan, Taxpayers for Freedom, 416 S. 130<sup>th</sup> Street, Omaha, NE

General Manager Winkler reviewed the first draft of the FY 2017 Budget. He noted that county office valuations are received towards the end of August and that additional changes/updates will be made prior to the final approval.

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

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

•• **MOTION NO. 14:** It was moved by Director Tesar that the following recommendation be adopted:

*FEL Recommendation #2.:* Bids for Dam Site 15A Surplus Property – Recommendation that the General Manager be authorized to execute a purchase agreement with the Boyer Young Real Estate Company for the amount of \$325,710 for 10.857 acres of surplus property at the Papio Dam Site 15A 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 the motion. The motion carried on a vote of 9-yea.



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

**TREASURER'S REPORT:**

- **MOTION NO. 15:** 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 June, 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 System, 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 June, 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 motion. The motion carried on a vote of 8-yea and 1-abstention.

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

**LEGAL UPDATE:** Steve Grasz introduced Brent Meyer, new legal counsel to Husch Blackwell. Brent is originally from the Omaha area and has been practicing law in Atlanta, Georgia. Brent is currently working with staff on various District projects and we welcome him to our team.

**CHAIRPERSON'S REPORT:**

- **MOTION NO. 16:** It was moved by Director John Conley and seconded by Director Fred Conley that the following resolution is hereby adopted and approved:

**Chairman’s Resolution Regarding Board Vacancy**

BE IT RESOLVED that the following resolution is hereby adopted and approved.

Process for Filling the Board Vacancy Created by the Death of Director Scott Japp:

1. The General Manager is hereby authorized and directed to contact newspapers serving Sub-District #1 with the text of a public notice of the board vacancy and to request publication of said notice on July 18 and 25, 2016. The notice is to include a request for interested persons to submit applications to fill said vacancy on or before August 1, 2016.
2. The General Manager is hereby authorized and directed to provide official written notice of the board vacancy to the Secretary of State as provide by law.
3. It is hereby further resolved that this process and schedule is necessary to avoid an undue burden on the board, the citizens of Sub-District #1 and the taxpayers of the Papio-Missouri River NRD in that this process provides time for public notice of the vacancy, time for applications from interested persons to fill the vacancy, and will avoid the undue burden and expense of holding a special board meeting just days prior to the next regular board meeting on August 11, 2016.

Roll call vote was held on motion. The motion carried on a vote of 9-yea.

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

**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 informed the Board that Bob Weaver, District’s Washington D.C. Representative retired from his representation of the Papio-Missouri River NRD, Lower Platte North NRD and Lower Platte South NRDs at the end of June. The District is the process of working with the Lower Platte North and Lower Platte South NRDs to find new representation. Lori Laster gave a presentation on the Southern Sarpy Watershed Partnership.

**ELECTION OF P-MRNRD OFFICERS:**

The Chairperson turned the elections of P-MRNRD Officers over to Secretary Tesar.

A. **Chairperson:** The floor was opened for nominations for Chairperson. Director Rich Tesar nominated Director David Klug as Chairperson. There were no other nominations. Nominations were closed by acclamation.

B. **Vice-Chairperson:** The floor was opened for nominations for Vice-Chairperson. Director Patrick Leahy nominated Director Tim Fowler as Vice-Chairperson. There were no other nominations. Nominations were closed by acclamation.

C. **Secretary:** The floor was opened for nominations for Secretary. Director John Conley nominated Director Rich Tesar as Secretary. There were no other nominations. Nominations were closed by acclamation.

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director Jim Thompson nominated Director John Conley as Treasurer. There were no other nominations. Nominations were closed by acclamation.

Treasurer John Conley ratified his appointment of Assistant Treasurer to Director Patrick Leahy.

**ELECTION OF NARD DIRECTOR AND ALTERNATE DIRECTOR:**

The floor was opened for nominations for NARD Director and Alternate Director. Director Tim Fowler nominated Director Rich Tesar for NARD Director. There were no other nominations. Director Rich Tesar nominated Director Tim Fowler for NARD Alternate Director. There were no other nominations. Nominations were closed by acclamation.

•• **MOTION NO. 17:** It was moved by Director Thompson and seconded by Director Fred Conley that the following resolution be adopted:

BE IT RESOLVED that the following directors be and are hereby elected officers of the Papio-Missouri River Natural Resources District for the coming year and until a successor has been elected: David Klug, Chairperson; Tim Fowler, Vice-Chairperson; Rich Tesar, Secretary; and John Conley, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of as Patrick Leahy, Assistant Treasurer, is concurred in by the Board of Directors.

BE IT FURTHER RESOLVED that the presently elected Treasurer, John Conley, and the designated Assistant Treasurer, Patrick Leahy, be and are hereby authorized to serve until such time as bonding is completed on the Treasurer-elect and the Assistant Treasurer designate.

BE IT FURTHER RESOLVED that Rich Tesar is hereby elected the Nebraska Association of Resources Districts Director for the coming year and that Tim Fowler is hereby elected the Nebraska Association of Resources Districts Alternate Director for the coming year.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea.

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

**INFORMATIONAL ITEMS:**

A. Future Meetings:

July 28, 2016	Papillion Creek Watershed Partnership Meeting 10:00 a.m., at NRC
August 9, 2016	P-MRNRD Subcommittee Meetings
August 11, 2016	P-MRNRD Board Meeting
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

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on August 11, 2016, at the NRC

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 8:47 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the July 14, 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](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 July 14, 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.

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Richard Tesar  
District Secretary