

**Programs, Projects, and Operations
Subcommittee Meeting Minutes
December 10, 2019**

A meeting of the Papio-Missouri River Natural Resources District’s Programs, Projects, and Operations Subcommittee was held at the Natural Resources Center, 8901 South 154th Street, Omaha, NE, on December 10, 2019. The meeting was called to order by Chairperson Conley at 6:59 p.m.

QUORUM CALL: Quorum call was taken. The following subcommittee members were in attendance.

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others Present
Fred Conley, Chairperson	Tim Fowler *	Danny Begley	John Winkler
Larry Bradley **		Mark Gruenewald	Marlin Petermann
Ted Japp		Tim McCormick	Brent Meyer, Legal Counsel
Kevyn Sopinski		Jim Thompson	Tracy Thompson
Rich Tesar		John Wiese	Paul Woodward
			Terry Schumacher
			Justin Novak
			John Engel, HDR
			Andy Bohnenkamp, NRCS
			Jeremy Hollebeak, Baird Holm
			John Erickson
			Rod Scheer
			Mark Ondracek
			Other Staff Members

* Absent

** Alternate Voting Member

ADOPTION OF AGENDA:

- **It was moved by Director Bradley and seconded by Director Tesar that the agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: Bradley, Japp, Sopinski, Tesar, Conley

Voting Nay: None

Abstaining: None

Absent: Fowler

PROOF OF PUBLICATION: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on December 5, 2019. The proof of publication affidavit is included with the file copy of these minutes.

1. **Review and Recommendation on Lower Platte River Consortium Drought Contingency Plan – Paul Woodward and John Engel, HDR:**

Project Manager Paul Woodward reviewed purpose and funding of the Lower Platte River Consortium formed in August 2016 by the District, the Lower Platte South NRD (LPSNRD), Lower Platte North NRD (LPNNRD), City of Lincoln, Metropolitan Utilities District (MUD), and Nebraska Department of Natural Resources (NDNR). The Consortium’s study of the lower Platte sub-basin water supply has led to the development of the Lower Platte River Drought Contingency Plan which was approved by the U.S. Bureau of Reclamation September 30, 2019, as a requirement of their Water Smart Grant funding. The cost of the plan is \$551,000 and funded with each entity contributing \$26,000; and grants in the amounts of \$200,000 from the US Bureau of Reclamation and \$195,000 from the Water Sustainability Fund. Each entity’s Board will consider adoption of the Drought Contingency Plan and implementation only requires participation in annual drought monitoring meetings or phone calls and to share available data on drought conditions. Paul and John Engel answered Directors questions.

- **It was moved by Director Japp and seconded by Director Sopinski that the Subcommittee recommend to the Board of Directors that the Lower Platte River Drought Contingency Plan, dated October 2019, be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: Bradley, Japp, Sopinski, Tesar, Conley
Voting Nay: None
Abstaining: None
Absent: Fowler

2. Review and Recommendation on Lied Bridge Debris Removal Contract – Eric Williams:

Project Manager Eric Williams reviewed the March 2019 flooding damage to the Lied Bridge, the previous debris removal bid opening in November and the specifications for re-bidding the project in December. Eric presented the bid summary for the Lied Bridge Debris Removal Contract. Six (6) bids were opened on December 3, 2019, and ranged from \$211,250 to \$749,500. The apparent low bid of \$211,250 was submitted by National Concrete Cutting, Inc. from Council Bluffs, Iowa. The District has not previously worked with this contractor. District Staff contacted the contractor’s references and is confident that National Concrete Cutting, Inc. will satisfactorily complete the work as specified. Eric indicated that the project is eligible for 75% FEMA reimbursement and Nebraska Game and Parks Commission is responsible for the 25% local cost. Eric and Asst. General Manager Marlin Petermann answered Directors questions.

- **It was moved by Director Sopinski and seconded by Director Tesar that the Subcommittee recommend to the Board of Directors 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 was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: Bradley, Japp, Sopinski, Tesar, Conley
Voting Nay: None
Abstaining: None
Absent: Fowler

3. Review and Recommendation on Memorandum of Agreement with USDA, NRCS – Terry Schumacher:

Land & Water Programs Coordinator Terry Schumacher presented the proposed Memorandum of Agreement (MOA) between the United States Dept. of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and the District. The MOA outlines the importance of working together for the conservation, protection and enhancement of soil, water and related natural resources. The MOA also

identifies the roles and responsibilities of each entity and does not modify existing regulations or agency responsibilities or commit either party to activities beyond the scope of their respective mission and statutory authorities. Terry introduced Andy Bohnenkamp, NRCS District Conservationist and answered Directors questions.

- **It was moved by Director Bradley and seconded by Director Sopinski that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Memorandum of Agreement with the USDA, NRCS subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: Bradley, Japp, Sopinski, Tesar, Conley
Voting Nay: None
Abstaining: None
Absent: Fowler

4. Review and Recommendation on Potential Violation of District’s Erosion & Sediment Control Rules and Regulations – Justin Novak:

Field Representative Justin Novak and Brent Meyer, Legal Counsel reported that on November 21, 2019 two Erosion & Sediment complaints were submitted by Baird Holm LLP on behalf of (A) Mark Ondracek, 3476 Golden Eagle Circle, and (B) Rod Scheer, 3510 Golden Eagle Circle, Blair, NE, against Michael Cornwell (Farm 5696 Tract 4434, 65.7 acres) for excessive sediment deposits on their properties. A field review by District staff attributed the continued sediment damage to the failure of the terraces system constructed last spring on the Cornwell property. Justin indicated that in the farm’s current state, Mr. Cornwell is not meeting the NRCS’s allowable soil loss due to non-functioning terraces. Justin outlined the options that the Committee can take action upon under the District's Rules. Justin, Brent, Terry Schumacher, General Manager John Winkler and Andy Bohnenkamp answered Directors questions.

The following members of the public addressed the Subcommittee

- Jeremy Hollebeak, Baird Holm LLP, 1700 Farnam St., Suite 1500, Omaha, NE
- Mark Ondracek, 3476 Golden Eagle Circle, Blair, NE
- Rod Scheer, 3510 Golden Eagle Circle, Blair, NE

- **It was moved by Director Bradley and seconded by Director Sopinski that the Subcommittee review and recommend to the Board that the Papio-Missouri River NRD find Mr. Cornwell to be in probable violation (Option D) of the District’s Erosion & Sediment Rules & Regulations.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: Bradley, Japp, Sopinski, Tesar, Conley
Voting Nay: None
Abstaining: None
Absent: Fowler

5. Review and Recommendation on NRD Historical Remains Discovery Policy – Director Larry Bradley:

Director Larry Bradley presented the proposed NRD Historical Remains Discovery Policy and outlined the reasons to for adoption. Director Bradley and John Winkler answered Directors questions.

- **It was moved by Director Bradley and seconded by Director Sopinski that the Subcommittee recommend to the Board of Directors 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 was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: Bradley, Japp, Sopinski, Tesar, Conley
Voting Nay: None
Abstaining: None
Absent: Fowler

ADJOURNMENT: Being no further business, the meeting adjourned by acclamation at 8:22 p.m.