

**Programs, Projects, and Operations  
Subcommittee Meeting Minutes  
January 7, 2020**

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 154<sup>th</sup> Street, Omaha, NE, on January 7, 2020. The meeting was called to order by Chairperson Conley at 4:11 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		Danny Begley	John Winkler
Tim Fowler, Vice-Chairperson		Larry Bradley	Marlin Petermann
Ted Japp		Tim McCormick	Brent Meyer, Legal Counsel
Kevyn Sopinski		Jim Thompson	Nicole Gust
Rich Tesar			Amanda Grint
			Lori Laster
			Justin Novak
			Eric Williams
			Melissa Campbell, JEO
			Jeremy Hollembeak, Baird Holm LLP
			Other Staff Members

- \* Absent
- \*\* Alternate Voting Member

**ADOPTION OF AGENDA:**

- **It was moved by Director Fowler and seconded by Director Sopinski that the agenda be adopted.**

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

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

**PROOF OF PUBLICATION:** Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on January 2, 2020. The proof of publication affidavit is included with the file copy of these minutes.

**1. Review and Recommendation on Contract with Dykon Explosive Demolition Corp. for Ice Jam Explosive Services – Amanda Grint:**

Project Manager Amanda Grint explained that beginning in 2008 the District has contracted with Dykon for ice jam explosive services, fulfilling the District’s responsibility to an Interlocal Cooperation Act Agreement – Platte River Ice Jam Removal. Amanda explained why staff believes Dykon to be the best

qualified contractor for the ice jam demolition and gave the highlights of the proposed contract. She stated that the contract would be in place for five years beginning January 2020. Amanda answered Directors questions.

- **It was moved by Director Tesar and seconded by Director Japp that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed contract for explosive services with Dykon Explosive Demolition Corporation for Platte River Ice Jam Removal, 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: Fowler, Japp, Sopinski, Tesar, Conley  
Voting Nay: None  
Abstaining: None  
Absent: None

**2. Review and Recommendation on Resolution for Participation in the District’s Multi-Hazard Mitigation Plan – Lori Laster:**

Project Manager Lori Laster briefed the Directors on the progress of the Multi-Hazard Mitigation update. FEMA requires that the plan be updated every five years. The update must be completed in 2021. Lori stated that FEMA also requires certain steps be completed to participate in the plan, including adopting a Resolution for Participation.

- **It was moved by Director Sopinski and seconded by Director Fowler that the Subcommittee recommend to the Board that the following resolution be adopted:**

**“Whereas, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure, and**

**Whereas, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and**

**Whereas, the Papio-Missouri River Natural Resources District is proposing to serve as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities,**

**Therefore, be it resolved the Papio-Missouri River Natural Resources District hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve.”**

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

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

**3. Review and Recommendation on Conservation Agreement E&S Complaint (Todd Cornwell) – Justin Novak:**

Field Representative Justin Novak reminded the Directors that at the December 12, 2019 Board Meeting, the District found Todd Cornwell to be in probable violation of the District's Erosion & Sediment Control Rules and Regulations. Justin briefed the Directors on how the District, NRCS and Mr. Cornwell have been working toward solutions to help Mr. Cornwell be in compliance with this policy. On December 27, 2019, the District and Mr. Cornwell signed the Conservation Agreement and Conservation Plan for Completion. Justin and District Legal Counsel Brent Meyer answered Directors questions.

The following members of the public addressed the Subcommittee:

- Jeremy Hollembeak, Baird Holm LLP, 1700 Farnam St., Suite 1500, Omaha, NE
- **It was moved by Director Fowler and seconded by Director Sopinski that the Subcommittee review and recommend to the Board that the Conservation Agreement and Conservation Plan for Completion proposed for Todd Cornwell's property be approved, and upon completion of the Conservation Plan, Mr. Cornwell will be in compliance with the District's Erosion and Sediment Rules and Regulations.**

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

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

**4. Review and Recommendation on Property Rights Acquisition from Union Pacific for Western Douglas County Trail – Eric Williams:**

Project Manager Eric Williams briefed the Directors on the design, construction and plans for the Western Douglas County Trail Project, as well as Nebraska Department of Transportation's (NDOT) involvement in securing needed property rights. Eric explained that design changes have been applied to the trail bridge structure which crosses over Union Pacific (UP) rail lines. Updated plans were submitted to UP, and NDOT is now facilitating an agreement between the District and UP. Eric answered Directors questions.

- **It was moved by Director Tesar and seconded by Director Fowler that the Subcommittee recommend to the Board that the General Manager be authorized to execute an agreement to acquire, or assist in the acquisition of, property rights from Union Pacific with the following conditions: (1) If Union Pacific adds an additional track at this particular location, the NRD will be responsible for having the crash wall constructed; and (2) If the proposed pedestrian bridge creates drainage issues on the existing tracks, the NRD will be responsible for the installation of an adequate drainage mitigation system.**

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

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

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 4:54 p.m.