



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
December 10, 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. 154<sup>th</sup> Street, Omaha, NE on December 10, 2020. The meeting was called to order by Chairperson Jim 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	Ted Japp
Larry Bradley	Kevyn Sopinski
Fred Conley	Rich Tesar
Mark Gruenewald	Jim Thompson

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Tesar and seconded by Director Sopinski that the meeting agenda be adopted.

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Bradley 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 December 10, 2020, Board of Directors Meeting are excused:

Tim Fowler, Tim McCormick and John Wiese.

Agenda Item 7.A.:

BE IT RESOLVED that the November 12, 2020, Papio-Missouri River NRD Board Meeting minutes are approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on December 3, 2020. The District's October 9 through November 12, 2020, expenditures were published in the Douglas County Post-Gazette on November 25, 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 reported on NRCS activities. His report can be heard on the District's podcast at [www.papionrd.org/meeting-podcasts/](http://www.papionrd.org/meeting-podcasts/).

B. Nebraska Association of Resources Districts: Director Rich Tesar reported the NARD Legislative Conference may be cancelled due to the Coronavirus pandemic. It is currently scheduled to be held on January 26-27, 2021, in Lincoln, NE.

C. Legislative Report – Catalyst Public Affairs: General Manager Winkler stated Catalyst Public Affairs didn't have any new updates from last month's presentation. Directors are receiving daily email updates from Catalyst.

**PUBLIC HEARING ON ELK CREEK NRCS/EWP LEVEE REPAIR PROJECT:**

Chairperson Thompson appointed GM Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:10 p.m. and submitted the following exhibits for the record:

<b>Exhibit 1</b>	Agenda
<b>Exhibit 2</b>	Proof of Publication of Hearing Notice Affidavit ♦ Dakota County Star – November 26, 2020 ♦ Omaha World Herald – December 3, 2020
<b>Exhibit 3</b>	Preliminary Site Map of Elk Creek NRCS/EWP Levee Repair Project and Map of Land Acquisition – Nelson Property
<b>Exhibit 4</b>	Preliminary Site Map of Elk Creek NRCS/EWP Levee Repair Project and Map of Land Acquisition – Hall Property
<b>Exhibit 5</b>	Preliminary Site Map of Elk Creek NRCS/EWP Levee Repair Project and Map of Land Acquisition – Roost Property
<b>Exhibit 6</b>	November 23, 2020 Public Hearing Notice sent to Landowners (Certified Mail)
<b>Exhibit 7</b>	List of Landowners mailed Public Hearing Notice
<b>Exhibit 8</b>	Certified Mail Return Receipts for Public Hearing Notice mailed to Landowners

Brent Meyer, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504. The District explained the nature and necessity of the Elk Creek NRCS/EWP Project and the reason for selecting this particular location. At this hearing the District will hear and consider any objections from any person regarding the project being considered. Each owner of property to be acquired by the District has the right to be represented by an attorney and to negotiate and accept or reject the offer made by the District for the proposed acquisition and has the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain. Hearing Officer Winkler opened the floor to the public. The following individual provided testimony:

- John Roost, DL Roost Trust, PO Box 1877 N. Sioux City, South Dakota

Hearing Officer Winkler closed the Public Hearing at 4:20 p.m. and returned the floor to Chairperson Thompson.

**SUBCOMMITTEE REPORTS:**

A. Personnel, Legislative and Public Affairs Subcommittee: Director Conley reported that the PLPA Subcommittee met on December 8, 2020 and gave a brief recap of the meeting.

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

*PLPA Recommendation #1:* 2021 Pay Program Administration Manual: Recommendation that the proposed amendments to the Papio-Missouri River NRD Pay Program Administration Manual for 2021 be adopted and incorporated to the District Policy Manual.

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

Voting Yea	-	Begley, Bradley, Conley, Japp, Sopinski, Tesar, Thompson
Voting Nay	-	Gruenewald
Abstaining	-	None

Excused Absence - Fowler, McCormick, Wiese  
Absent - Fowler, McCormick, Wiese

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

*PLPA Recommendation #2:* Update to the District’s Employee Handbook: Recommendation that the proposed amended language to the Papio-Missouri River NRD Employee Handbook and Safety Manual be adopted and incorporated to the District Policy Manual.

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

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

B. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on December 8, 2020 and gave a brief recap of the meeting.

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

*PPO Recommendation #1.a.:* P-MRNRD and LPNNRD 3D AEM Hydrogeologic Framework and Assessment – Professional Service Contract with Leonard Rice Engineering and JEO: Recommendation that the District’s procurement procedure Policy 15.2 be waived and the General Manager be authorized to execute a professional services agreement with LRE Water in the amount of \$306,000 for the P-MRNRD and LPNNRD 3D AEM Hydrogeologic Framework and Assessment 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.

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

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

*PPO Recommendation #1.b.:* P-MRNRD and LPNNRD 3D AEM Hydrogeologic Framework and Assessment – Interlocal Agreement with Lower Platte North NRD: Recommendation that the General Manager be authorized to execute

the Interlocal Agreement with the Lower Platte North NRD for the P-MRNRD and LPNNRD 3D AEM Hydrogeologic Framework and Assessment 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 7-yea and 1-nay.

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

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

*PPO Recommendation #2:* Unfunded Cooperative Agreement with USDA/NRCS: Recommendation that the General Manager be authorized to execute the proposed Unfunded Cooperative 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 held on the motion. The motion carried on a vote of 7-yea and 1-nay.

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

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

*PPO Recommendation #3:* Adopt Policy 17.3 – Conservation Assistance Programs, Papillion Creek Watershed 319 Incentives: Recommendation that the proposed amendment to District Policy 17.3 be adopted and incorporated to the District Policy Manual.

Director Gruenewald asked if this had to do with a Water Quality Modeling presentation given to the Board several months ago. Kyle Madsen addressed his questions.

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

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

- **MOTION NO. 9:** It was moved by Director Conley that the following recommendation be accepted:

*PPO Recommendation #4:* Amendment #1 to Professional Services Contract with JEO for Southern Sarpy Watershed Partnership Construction Stormwater Inspection Services: Recommendation that the General Manager be authorized to execute Amendment #1 to the professional service contract with JEO Consulting Group Inc. for the Southern Sarpy Watershed Partnership Construction Stormwater Inspections for a maximum not-to-exceed fee of \$868,573, 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 7-yea and 1-nay.

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

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

*PPO Recommendation #5:* Western Sarpy/Clear Creek Flood Control Project, Operation & Maintenance Addendum: Recommendation that the General Manager be authorized to execute the proposed Operation and Maintenance Addendum to the 2001 and 2003 Interlocal Cooperation Act Agreements with the Lower Platte North NRD, the Lower Platte South NRD and the Nebraska Army National Guard 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.

General Manager Winkler acknowledged Marlin Petermann for his efforts in getting this done.

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

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

C. Finance, Expenditure, and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on December 8, 2020 and gave a brief recap of the meeting.

- **MOTION NO. 11:** It was moved by Director Tesar that the following recommendation be accepted:

*FEL Recommendation #1:* Fiscal Year 2020 Audit: Recommendation that the FY2020 Audit Report prepared by BerganKDV be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.

General Manager Winkler acknowledged Carey Fry and her team for a flawless audit. Director Bradley addressed an item that was pointed out in the report regarding Wells Fargo. John Winkler addressed his concerns.

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

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

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

*FEL Recommendation #2:* Land Acquisition for West Papillion Regional Basin 1 (WP1): Recommendation that the General Manager be authorized to execute a purchase agreement with FRK Development LLC, for the purchase of 16.63 acres for the construction of the WP1 regional detention basin project for the total amount of \$1,450,381.90, 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 7-yea and 1-nay.

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

**TREASURER'S REPORT:**

•• **MOTION NO. 13:** It was moved by Director Bradley and seconded by Director Conley that the following resolution be adopted:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the November 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 Washington County, Dakota County, and Thurston County Water Supply System, the Elkhorn Breakout Project, the Elkhorn River Stabilization Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage Project, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watershed Partnership project bills listed on the November 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.

Director Gruenewald asked questions unrelated to the Treasurer's Report.

**Call the Question:** It was moved by Director Tesar and seconded by Director Sopinski to call the question and cease debate.

Roll call was held on the motion to call the question. The motion carried on a vote of 6-yea and 2-nay.

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

Roll call was held on the original motion to approve the Treasurer's Report. The motion carried on a vote of 7-yea and 1-nay.

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

**LEGAL UPDATE:** Brent Meyer, District Legal Counsel, stated he had nothing to report.

**CHAIRPERSON'S REPORT:**

A. Appointment of the Beltline Trail Professional Services Ad Hoc Selection Subcommittee:

•• **MOTION NO. 14:** It was moved by Director Begley and seconded by Director Conley that the following resolution be adopted:

BE IT RESOLVED that the Ad Hoc Subcommittee appointments, as presented by the Chairperson are hereby approved.

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



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

B. Staff research, assemble, and create a document; and forward that document to all Directors that illustrates the annual gross amount the NRD paid to Social Security for Directors, for years 2017, 2018, 2019, and up to November 30<sup>TH</sup> for 2020:

It was moved by Director Gruenewald that this document be created. The motion failed for lack of a second.

C. P-MRNRD EMPLOYEE SERVICE AWARDS: Chairperson Thompson recognized the following District Employees for their years of service to the District:

- Nicole Gust, Purchasing Agent/Files Administrator 5 Years
- Jon Krause, Field Representative 5 Years
- Paul Woodward, Groundwater Management Engineer 5 Years
- Lowell Roeber, Water Supply Superintendent 10 Years
- Kyle Winn, Water Supply Superintendent 10 Years
- Bill Woehler, Water Supply Operator 10 Years

D. SPECIAL PRESENTATION: Chairperson Thompson recognized departing Director Mark Gruenewald and Director John Wiese for their contributions to the District.

**GENERAL MANAGER'S REPORT:** General Manager Winkler congratulated the Service Award recipients then reviewed his report with the Board. The report is posted to the District website. He concluded by thanking his extraordinary staff for their hard work and wished everyone a Happy Holiday!

**INFORMATIONAL ITEMS:**

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

- |                   |  |
|-------------------|--|
| December 17, 2020 | Southern Sarpy Watershed Partnership Meeting, 10:00 a.m., at NRC |
| December 25, 2020 | Christmas Holiday – P-MRNRD Offices Closed                       |
| January 1, 2021   | New Year’s Holiday – P-MRNRD Offices Closed                      |
| January 12, 2021  | P-MRNRD Subcommittee Meetings, 4:00 p.m., at NRC                 |
| January 14, 2021  | P-MRNRD Board Meeting, 4:00 p.m., at NRC                         |
| January 18, 2021  | Martin Luther King Day – P-MRNRD Offices Closed                  |

January 21, 2021	Southern Sarpy Watershed Partnership Meeting, 10:00 a.m., at NRC
January 26-27, 2021	NARD Legislative Conference, Lincoln, NE
January 28, 2021	Papillion Creek Watershed Partnership, 10:00 a.m., at NRC

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on January 14, 2021, at the NRC.

Chairperson Thompson stated that Directors would be taking their Oaths of Office at the January 14<sup>th</sup>, 2021 Board of Directors meeting and stated that new Subcommittee positions would have to be assigned. He asked Directors to contact him if they have any preferences.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 4:57 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the December 10, 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](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 December 10, 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