



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
January 14, 2021**

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. 154th Street, Omaha, NE on January 14, 2021. The meeting was called to order by Chairperson Jim Thompson at 4:00 p.m.

OATH OF OFFICE: Brent Meyer, District Legal Counsel with Husch Blackwell, administered the oath of office to the following Directors elected in the November 2020 general election.

**Danny Begley
Patrick Bonnett
Larry Bradley**

**Phil Davidson
Ted Japp
Rich Tesar**

NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE

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

Danny Begley
Patrick Bonnett
Larry Bradley
Fred Conley
Phil Davidson
Tim Fowler

Ted Japp
Tim McCormick
Kevyn Sopinski
Rich Tesar
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 the motion. The motion carried on a vote of 11-yea.

Voting Yea - Begley, Bonnett, Bradley, Conley, Davidson, Fowler, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None

Abstaining - None
Excused Absence - None
Absent - None

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director McCormick 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 January 14, 2021, Board of Directors Meeting is excused:

None to date.

Agenda Item 7. A.

BE IT RESOLVED that the December 10, 2020, Papio-Missouri River NRD Board Meeting minutes are approved as printed.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on January 7, 2021. The District's November 13, 2020 – December 10, 2020, expenditures were published in the Papillion Times on December 14, 2021. 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, submitted a written report on NRCS activities for the month of January. The report has been posted to the District's website.

B.1. NARD Risk Pool Dividend Transfer: Director Tesar and General Manager Winkler briefed the Board on the events of May 30, 2020, that resulted in the NARD office being

destroyed by a fire and the need to proceed with the NARD Risk Pool Dividend transfer to allow them to purchase a new building.

- **MOTION NO. 3:** It was moved by Director Tesar and seconded by Director McCormick that the following Resolution be adopted:

**Resolution of the Board of Directors of the
Papio-Missouri River Natural Resources District**

WHEREAS, the current NARD and NARD Risk Pool office was destroyed by a fire on May 30, 2020.

WHEREAS, the NARD Board does not want to ask districts to contribute tax proceeds toward purchasing a building but use reserve funds from three sources instead.

WHEREAS, at the September 29, 2020 NARD and NARD Risk Pool Board meetings, the boards approved the following combination of funds: NARD General Operations (\$200,000), NRD Foundation (\$100,000) and NARD Risk Pool (\$900,000). The funds would be combined in the NARD Foundation to purchase the building. A \$900,000 loan will be obtained for the balance of the building.

WHEREAS, there is a current tenant in part of the building with a lease through 2028, which will be transferred to the NARD Foundation upon closing. That lease income will assist in making the payments on the building.

WHEREAS, the NARD staff has been working with the Nebraska Department of Insurance (department) to make sure we are accounting for the proceeds under the Nebraska Intergovernmental Risk Act. Further, the NARD Board wants to properly account for the combination of funds to eventually pay back all three entities for the contribution made toward the purchase. Communication began with the department in July 2020 and was asked if the transfer should be treated as a dividend, loan or donation.

WHEREAS, on December 1, 2020 the department determined the best action to account for the funds would be to treat the transfer of funds from the Risk Pool as a dividend with each district assigning the dividend on the same day to the NARD Foundation for the purposes of buying a building.

WHEREAS, on December 11, 2020 the Board of Directors of the Nebraska Association of Resources Districts Intergovernmental Risk Management Pool Association (“NARD Risk Pool”) declared a dividend to be issued December 28, 2020, totaling \$900,000 to be evenly distributed to the 23 Natural Resources Districts (“Districts”) with the intention that the Districts will ratify and assign their full portion of the dividend to the Nebraska Association of Resources Districts Foundation (“NARD Foundation”) for the purpose of purchasing an office building.

WHEREAS, the NARD Risk Pool Representative of the district, as a Participating Employer in the NARD Risk Pool, has attested and consented to the assignment of its pro rata share of the dividend to the NARD Foundation.

THEREFORE, LET IT BE RESOLVED, that the District Office, as a Participating Employer in the NARD Risk Pool, hereby ratifies and consents to the assignment of its pro rata share of the dividend to the NARD Foundation for the purposes of purchasing an office building.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

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

B.2. NARD Legislative Conference, January 26-27, 2021: Director Tesar reported the NARD Legislative Conference would be limited to the number of in-person attendees. Virtual meetings will be scheduled for those wanting to participate via Zoom. He added that he, Director Fowler and General Manager Winkler would be representing the District.

C. Legislative Report – Catalyst Public Affairs: Tim Gay and Jim Grotrian briefed the Board on the opening session of the 107th Nebraska Legislature. They briefed the Board on the Bills of Interest to the P-MRNRD and identified the Senators that make up the Natural Resources Committee.

PUBLIC HEARING – DOUGLAS COUNTY HMGP ACQUISITION PROJECT:

Chairperson Thompson appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 4:34 p.m. Hearing Officer Winkler submitted the following exhibits for the record:

- Exhibit 1** - Agenda
- Exhibit 2** - Proof of Publication of Hearing Notice
 - Omaha World Herald – January 4, 2021
 - Omaha World Herald – January 7, 2021
- Exhibit 3** - December 19, 2020, Public Hearing Notice and Information Packet sent to Landowners
- Exhibit 4** - Location Map
- Exhibit 5** - Map of Proposed Acquisition Properties

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 proposed land acquisition for the Douglas County Hazard Mitigation Grant Program Project. 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. This program requires for sellers to voluntarily enter into the proposed acquisitions, and therefore, the owners will be willing sellers under applicable law. Amanda Grint stated that through the FEMA HMGA approved grant, FEMA will pay for 75% of the cost to purchase and demolish the proposed 25 residential structures, then the lots would remain open space through deed restrictions in perpetuity. The other 25% would be paid for by the District. Hearing Officer Winkler opened the floor to the public. No one from the public came forward to offer testimony.

Hearing Officer Winkler closed the Public Hearing at 4:43 p.m. and returned the floor to Chairperson Thompson.

PUBLIC HEARING – SARPY COUNTY HMGP ACQUISITION PROJECT:

Chairperson Thompson appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 4:43 p.m. Hearing Officer Winkler submitted the following exhibits for the record:

- Exhibit 1** - Agenda
- Exhibit 2** - Proof of Publication of Hearing Notice
 - Omaha World Herald – January 4, 2021
 - Omaha World Herald – January 7, 2021
- Exhibit 3** - December 19, 2020, Public Hearing Notice and Information Packet sent to Landowners
- Exhibit 4** - Location Map
- Exhibit 5** - Map of Proposed Acquisition Properties

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 proposed land acquisition for the Sarpy County Hazard Mitigation Grant Program Project. 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. This program requires for sellers to voluntarily enter into the proposed acquisitions, and therefore, the owners will be willing sellers under applicable law. Amanda Grint stated that through the FEMA HMGA approved grant, FEMA will pay for 75% of the cost to purchase and demolish the proposed 6 residential structures, then the lots would remain open space through deed restrictions in perpetuity. The other 25% would be paid for equally by the District and the City of Bellevue. Hearing Officer Winkler opened the floor to the public. No one from the public came forward to offer testimony. Hearing Officer Winkler closed the Public Hearing at 4:51 p.m. and returned the floor to Chairperson Thompson.

PUBLIC HEARING – WASHINGTON COUNTY HMGP ACQUISITION PROJECT:

Chairperson Thompson appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 4:51 p.m. Hearing Officer Winkler submitted the following exhibits for the record:

- Exhibit 1** - Agenda
- Exhibit 2** - Proof of Publication of Hearing Notice
 - Omaha World Herald – January 4, 2021
 - Omaha World Herald – January 7, 2021
- Exhibit 3** - December 19, 2020, Public Hearing Notice and Information Packet sent to Landowners
- Exhibit 4** - Location Map
- Exhibit 5** - Map of Proposed Acquisition Properties

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 proposed land acquisition for the Washington County Hazard Mitigation Grant Program Project. 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. This program requires for sellers to voluntarily enter into the proposed acquisitions, and therefore, the owners will be willing sellers under applicable law. Amanda Grint stated that through the FEMA HMGA approved grant, FEMA will pay for 75% of the cost to purchase and demolish the proposed 6 residential structures, then the lots would remain open space through deed restrictions in perpetuity. 25% would be paid for equally by the District and the Village of Arlington for the five structures located in Arlington and the District would pay 25% for the remaining structure located near the Boyer Chute. Hearing Officer Winkler opened the floor to the public. The following individual provided testimony:

➤ John O'Dell, 8303 N. 230th Street, Elkhorn, NE

Hearing Officer Winkler closed the Public Hearing at 4:58 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 January 12, 2021 and gave a brief recap of the meeting.

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

PLPA Recommendation 1: P-MRNRD Affirmative Action Policy for 2021: It is recommended that the Papio-Missouri River NRD's Affirmative Action Policy 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 10-yea.

Voting Yea	-	Begley, Bonnett, Conley, Davidson, Fowler, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

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

B. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on January 12, 2021 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: Updates to District Policy Manual, Appendix H, Rules and Regulations Rural Water Supply Systems: Recommendation that the proposed updates to the District's Policy Manual, Appendix H – Rules and Regulations Rural Water Systems be approved, 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 11-yea.

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

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

PPO Recommendation 2: Purchase of Additional Land Located Adjacent to the Blair Field Office: Recommendation that the General Manager be authorized to execute the proposed purchase agreement with the City of Blair for the purchase of 1.8 acres in the amount of \$100,000, contingent upon no reported issues from the environmental investigation, and changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Japp asked about the timeline of purchasing the property. General Manager Winkler said the District would budget for and purchase in the next fiscal year.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

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

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

PPO Recommendation 3: Platte River Bridge Trail Project, Amendment to the Professional Services Agreement with Schemmer: Recommendation that the following Resolution be adopted:

**RESOLUTION
PRELIMINARY ENGINEERING SERVICES AGREEMENT –
BK1928 SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS: Papio-Missouri River NRD and Schemmer Associates have previously executed a preliminary engineering services agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

WHEREAS: Papio-Missouri River NRD understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

WHEREAS: Papio-Missouri River NRD and Schemmer Associates wish to enter into a supplemental preliminary engineering services agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

BE IT RESOLVED: by the Board of Papio-Missouri River NRD, Nebraska that:

John Winkler, General Manager of the Papio-Missouri River NRD, is hereby authorized to sign the attached preliminary engineering services Supplemental Agreement No.1 between Papio-Missouri River NRD and Schemmer Associates.

Papio-Missouri River NRD is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

Director Japp asked if construction had begun on the project. General Manager Winkler stated it had not.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

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

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

PPO Recommendation 4: Western Douglas County Trail, Construction of New Bridge Agreement with Union Pacific Railroad Company: Recommendation that the General Manager be authorized to execute the proposed Construction of New Pedestrian Bridge Agreement with the Union Pacific Railroad Company and the Nebraska Department of Transportation, and to execute the required 0.18 acre Permanent and 1.88 acre Temporary Easements, at a price of \$8,060, all for the Western Douglas County Trail 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 11-yea.

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

C. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on January 12, 2021 and gave a brief recap of the meeting.

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

FEL Recommendation 1.: Permanent Easement for 180th and Giles Road Improvements at WP2 with Sarpy County: It is recommended that the General Manager be authorized to execute the proposed Permanent Easement for 180th and Giles Road improvements at WP2 to Sarpy County, 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 11-yea.

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

D. Ad Hoc Consultant Selection Subcommittee RFP of Professional Services for the Beltline Trail: Director Conley reported that the Ad Hoc Selection Subcommittee RFP of Professional Services for the Beltline Trail met on January 12, 2021 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation 1.: Initial Screening of Proposals for Consultant Selection Interviews: It is recommended that the Subcommittee request interviews with Big Muddy Workshop, Ehrhart Griffin & Associates, and Schemmer Associates, in the order presented on February 4, 2021 at 4:00 p.m.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

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

TREASURER'S REPORT:

- **MOTION NO. 11:** It was moved by Director Fowler and seconded by Director Bradley 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 December, 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 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 December, 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.

Roll call vote was held on motion. The motion carried on a vote of 11-yea.

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

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

CHAIRPERSON’S REPORT:

A. Appointment of P-MRNRD Standing Subcommittees: Chairperson Thompson reported that he had updated the standing subcommittees to include newly elected Directors Bonnett and Davidson. He noted that changes to the standing subcommittees required Board approval.

•• **MOTION NO. 12** It was moved by Director Davidson and seconded by Director Begley that the following resolution be adopted:

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

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

Voting Yea - Begley, Bonnett, Bradley, Conley, Davidson, Fowler, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence: None
Absent - None

Chairperson Thompson gave his State of the Papio-Missouri River NRD address for 2020. His report has been posted to the District's website.

GENERAL MANAGER'S REPORT: GM Winkler congratulated the newly elected and re-elected representatives to the Board and reviewed the GM Report with the Board and noted that the report had been posted to the website. He stated the Directors Orientation will be scheduled prior to the February meetings.

INFORMATIONAL ITEMS:

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

January 18, 2021	Martin Luther King Day – P-MRNRD Offices Closed
January 26-27, 2021	NARD Legislative Conference, Lincoln, NE
January 21, 2021	P-MRNRD Hazard Mitigation Plan Virtual Open House, 5:00 – 7:00 p.m. Zoom Meeting ID: Meeting ID: 819 5420 8955 Direct Link: https://us02web.zoom.us/j/81954208955
February 3, 2021	USACE Papillion Creek and Tributaries Lakes, Nebraska General Reevaluation Report Virtual Public Meeting, (login information to be determined)
February 4, 2021	Ad Hoc Consultant Selection Subcommittee Meeting RFP of Professional Services for the Beltline Trail, 4:00 p.m., at NRC
February 9, 2021	P-MRNRD Subcommittee Meetings, 4:00 p.m., at NRC
February 11, 2021	P-MRNRD Board Meeting, 4:00 p.m., at NRC
February 15, 2021	President's Day – P-MRNRD Offices Closed
February 18, 2021	Southern Sarpy Watershed Partnership Meeting, 10:00 a.m., at NRC
February 25, 2021	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., at NRC

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on February 11, 2021, at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 5:26 p.m.

NOTE: These minutes reflect the actions and votes taken at the January 14, 2021, 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 a meeting of the Board of Directors of the District held on January 14, 2021, 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