



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
July 8, 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 July 8, 2021. The meeting was called to order by Chairperson 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
Patrick Bonnett	Tim McCormick
Larry Bradley	Kevyn Sopinski
Fred Conley	Rich Tesar
	Jim Thompson

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Tesar and seconded by Director McCormick 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	-	Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Davidson, Fowler
Absent	-	Davidson, Fowler

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Conley and seconded by Director Begley 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 8, 2021 Board of Directors Meeting are excused:

Phil Davidson
Tim Fowler.

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

BE IT RESOLVED that the June 10, 2021 Papio-Missouri River NRD Board Meeting minutes and the June 9, 2021 Dakota 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 9-yea.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on July 1, 2021. The District's May 14 through June 10, 2021 expenditures were published in the Burt County Plaindealer on June 22, 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 July. The written report has been posted to the District's website.

B. Legislative Report: Catalyst Public Affairs did not provide a report.

The audio of these reports can be heard on the District's podcast at www.papionrd.org/meeting-podcasts/.

SUBCOMMITTEE REPORTS:

A. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on July 6, 2021 and gave a brief recap of the meeting.

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

PPO Recommendation #1: Water Sustainability Fund Application for West Papillion Regional Basin 4: Recommendation that the General Manager be authorized to execute and submit a Water Sustainability Fund application for the West Papillion Regional Basin 4 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 - Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Davidson, Fowler
Absent - Davidson, Fowler

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

PPO Recommendation #2: Big Papio Levee Culverts Phase 2 – Graham Construction Contract Change Order #6: Recommendation that the General Manager be authorized to approve the Big Papio Levee Culverts Phase 2 Graham Construction Change Order #6, bringing the total construction contract amount to \$3,480,247.70, 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 - Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Davidson, Fowler
Absent - Davidson, Fowler

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

PPO Recommendation #3: Water Sustainability Fund Grant Application for the P-MRNRD IMP Water Quantity Monitoring Project: Recommendation that the General Manager be authorized to execute and submit a Water Sustainability Fund application for the P-MRNRD IMP Water Quantity Monitoring 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 - Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Davidson, Fowler
Absent - Davidson, Fowler

•• **MOTION NO. 6:** It was moved by Director Bradley and seconded by Director Conley to bring back the Groundwater Level Monitoring Sites Joint Funding Agreement with USGS and Amendment to Interlocal Agreement with Lower Platte North NRD which had failed in Subcommittee, and that the staff's recommendation be adopted:

PPO Recommendation #4: Groundwater Level Monitoring Sites Joint Funding Agreement with USGS and Amendment to Interlocal Agreement with Lower Platte North NRD: Recommendation that the Subcommittee recommend that the Board of Directors that the General Manager be authorized to execute a Joint Funding Agreement with U.S. Geological Survey for a total cost to the District of \$57,835 for the addition of continuous groundwater monitoring sites in the Platte and Elkhorn River valley, and furthermore that the General Manager be authorized to execute an amendment to the Groundwater Monitoring Interlocal Agreement with the Lower Platte North NRD for reimbursement of \$6,426.11 of such total cost, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Brent Meyer, District Legal Counsel instructed Directors Bradley and Conley to offer a friendly amendment to their motion, to have the recommendation for this item come from the Board of Directors and not the Subcommittee. The friendly amendment was agreed upon.

Directors had questions about the purpose, cost, and reasons to support the additional nine groundwater level monitoring sites covered by the referenced agreements. Paul Woodward addressed all questions.

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

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

B. Finance, Expenditures and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on July 6, 2021 and gave a brief recap of the meeting.

General Manager Winkler and Paul Grieger, D.A. Davidson presented information on Bond proposals for the Papio Reservoirs right-of-way purchase requests. No action was taken by the Subcommittee.

The 1st draft of the FY 2022 Budget was reviewed by the Subcommittee. No action was taken.

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

FEL Recommendation #1: FY 2022 Budget – Lid Computation (1% Resolution): Recommendation that the following resolution be adopted:

BE IT RESOLVED that the Board of Directors of the Papio-Missouri River NRD approves an additional increase of 1% in Total Restricted Funds Authority, pursuant to Neb. Rev. Stat. §§ 13-518 through 13-522.

This motion requires the affirmative vote of 75% of the members of the governing body constituting of the quorum in order to pass.

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

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

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

FEL Recommendation #2: Account over 110% Maintenance, Levees – Attorney Fees (01-03-4392-591): Recommendation that account #01-03-4392-591, Maintenance, Levees, Attorney Fees be allowed to exceed 110% of the budgeted amount, up to a maximum of \$31,000.

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

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

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

FEL Recommendation #3: Big Elk Lake Property Transfer: Recommendation that the General Manager be authorized to execute Quitclaim Deeds for the transfer of a portion of Outlot Z to Richland Homes, LLC and portions of Outlots AA and Lot 390 to Woodland Homes, Inc., 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 - Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Davidson, Fowler
Absent - Davidson, Fowler

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

FEL Recommendation #4: Land Rights for the Elk Creek Levee Repairs – Roost Property: Recommendation that Legal Counsel dismiss the petition to condemn and that the General Manager be authorized to execute a purchase agreement with Darlene L. Roost Revocable Trust, Dated December 29, 2000 for a not-to-exceed amount of \$71,379 for an area containing 6.18 acres of land and temporary easement rights for the Elk Creek Levee Repair 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 - Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Davidson, Fowler

Absent - Davidson, Fowler

C. Personnel, Legislative and Public Affairs Subcommittee: Director Sopinski reported that the PLPA Subcommittee met on July 6, 2021 and gave a brief recap of the meeting.

There was Director discussion on President Biden's Executive Order 14008 (30x30" plan). No action was taken by the Subcommittee.

TREASURER'S REPORT:

•• **MOTION NO. 11:** It was moved by Director Bradley and seconded by Director McCormick that the following resolution be adopted:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed on the May 14 through June 10, 2021 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 Supply System, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage District, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watershed Partnership project bills listed on the May 14 through June 10, 2021 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 9-yea.

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

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

CHAIRPERSON'S REPORT:

A. Appointment of the Ad Hoc Consultant Selection Subcommittee – RFP for the Davis Creek Watershed WFPO Project Professional Services:

- **MOTION NO. 12:** It was moved by Chairperson Thompson and seconded by Director Begley 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 vote was held on motion. The motion carried on a vote of 9-yea.

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

GENERAL MANAGER'S REPORT:

A. Discuss and Approve LR23 Report/Questionnaire Submitted to the Natural Resources Committee

General Manager Winkler explained the purpose of vote on the LR23 Report/Questionnaire that was submitted to the Nebraska Legislature's Natural Resources Committee for the purpose of their Interim Study to examine the progress of natural resources districts in fulfilling their originally intended purpose. He added that he has invited the Committee to hold any scheduled hearings on LR23 at our Omaha Office.

- **MOTION NO. 13:** It was moved by Director Conley and seconded by Director Bradley that the LR23 Report/Questionnaire submitted to the Natural Resources Committee on behalf of the Papio-Missouri River NRD, as presented by the General Manager is hereby approved.

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

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

The General Manager then gave his monthly report to the Board. The July GM Report is posted to the District's website.

ELECTION OF P-MRNRD OFFICERS:

The Chairperson turned the floor over to the Vice-Chairperson Conley, who then opened the floor for nominations for Chairperson.

A. **Chairperson:** Director Tesar nominated Director Thompson and Director Begley nominated Director Bradley for Chairperson. It was moved by Director Tesar and seconded by Director Sopinski to close the nominations. The floor was closed, and secret ballots were cast. Vote results: Director Thompson was elected as Chairperson. The floor was returned to Chairperson Thompson.

B. **Vice-Chairperson:** The floor was opened for nominations for Vice-Chairperson. Director McCormick nominated Director Conley and Director Tesar nominated Director Sopinski for Vice-Chairperson. It was moved by Director Bradley and seconded by Director Begley to close the nominations. The floor was closed, and secret ballots were cast. Vote results: Director Conley was elected as Vice-Chairperson.

C. **Secretary:** The floor was opened for nominations for Secretary. Director Bradley nominated Director Tesar as Secretary. There were no other nominations. Nominations were closed, and Director Tesar was elected as Secretary by acclamation.

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director Begley nominated Director Bradley and Director McCormick nominated Director Fowler as Treasurer. It was moved by Director Conley and seconded by Director Japp to close the nominations. The floor was closed, and secret ballots were cast. Vote results: Director Fowler was elected as Treasurer.

ELECTION OF NARD DIRECTOR AND ALTERNATE DIRECTOR:

The floor was opened for nominations for NARD Director and Alternate Director. Director Sopinski nominated Director Tesar. There were no other nominations. Nominations were closed and Director Tesar was elected as NARD Director by acclamation. Director Tesar nominated Director Fowler for the NARD Alternate Director. There were no other nominations. Nominations were closed, and Director Fowler was elected as NARD Alternate Director by acclamation.

- **MOTION NO. 14:** It was moved by Chairperson Thompson and seconded by Director
MOTION TO TABLE Tesar that the Treasurer's written designation of the Assistant Treasurer be tabled for consideration at the next regular meeting of the Board of Directors.

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

Voting Yea - Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson

Voting Nay - None
Abstaining - None
Excused Absence - Davidson, Fowler
Absent - Davidson, Fowler

- **MOTION NO. 15:** It was moved by Chairperson Thompson and seconded by Director 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: Jim Thompson, Chairperson; Fred Conley, Vice-Chairperson; Rich Tesar, Secretary; and Tim Fowler, Treasurer.

BE IT FURTHER RESOLVED that Director Rich Tesar is hereby elected the Nebraska Association of Resources Districts Director for the coming year and that Director 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 - Begley, Bonnett, Bradley, Conley, Japp, McCormick, Sopinski, Tesar, Thompson
Voting Nay - None
Abstaining - None
Excused Absence - Davidson, Fowler
Absent - Davidson, Fowler

INFORMATIONAL ITEMS:

A. Future Meetings/Events:

July 15, 2021	Southern Sarpy Watershed Partnership Meeting, 10:00 a.m., at NRC
July 22, 2021	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., at NRC
August 10, 2021	P-MRNRD Subcommittee Meetings
August 12, 2021	P-MRNRD Board Meeting

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on August 12, 2021 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 4:46 p.m.

NOTE: These minutes reflect the actions and votes taken at the July 8, 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 July 8, 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