

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
January 13, 2022**

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 13, 2022. 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
Patrick Bonnett	Tim McCormick
Larry Bradley	Kevyn Sopinski
Fred Conley	Rich Tesar
Phil Davidson	Jim Thompson
Tim Fowler	

ADOPTION OF AGENDA:

Prior to the roll call on the Adoption of Agenda Chairperson Thompson added Agenda Item 8.D., Natural Resource Commission Report – Director Bradley.

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Fowler and seconded by Director Conley 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 13, 2022 Board of Director Meeting are excused:

None to date.

Agenda Item 7.A.:

BE IT RESOLVED that the December 9, 2021 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 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 6, 2022. The District's November 11 through December 9, 2021, expenditures were published in the Papillion Times on December 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, gave his report on NRCS activities for the month of January.
- B. Nebraska Association of Resources Districts: Director Rich Tesar reported the NARD Legislative Conference is scheduled to be held on January 25-26, 2022, in Lincoln, NE.
- C. Legislative Report: Tim Gay, Catalyst Public Affairs, gave the report on legislative activities.
- D. Natural Resources Commission Report: Director Larry Bradley reported on the NNRC that met in December. He stated that they will meet again in the Spring.

Reports can be heard on the District's podcast at www.papionrd.org/meeting-podcasts/

PUBLIC HEARING ON ACQUISITION OF REAL PROPERTY FOR DAM SITE 12 PROJECT:

Chairperson Thompson appointed GM Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:25 p.m. and submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - ◆ Omaha World Herald, January 3, 2022
 - ◆ Omaha World Herald, January 6, 2022
- Exhibit 3** Preliminary Site Map of the Papio Dam Site 12 Project
- Exhibit 4** Map of land acquisition area for Papio Dam Site 12 Project

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 Papio Dam Site 12 Project and Project Manager Lori Laster explained the purpose and location of the 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. The proposed land acquisition is from a willing seller; however, the seller has the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain. At this hearing, the District will hear and consider any objections from any person. Hearing Officer Winkler opened the floor to the public. No one offered testimony. Hearing Officer Winkler closed the Public Hearing at 4:29 p.m. and returned the floor to Chairperson Thompson.

PUBLIC HEARING ON ACQUISITION OF REAL PROPERTY FOR DAM SITE 7 PROJECT:

Chairperson Thompson appointed GM Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:30 p.m. and submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - ◆ Omaha World Herald, January 3, 2022
 - ◆ Omaha World Herald, January 6, 2022
- Exhibit 3** Preliminary Site Map of the Papio Dam Site 7 Project
- Exhibit 4** Map of land acquisition area for Papio Dam Site 7 Project

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 Papio Dam Site 7 Project and Project Manager Amanda Grint explained the purpose and location of the 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. The proposed land acquisition is from a willing seller; however, the seller has the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain. At this hearing, the District will hear and consider any objections from any person. Hearing Officer Winkler opened the floor to the public. No one offered testimony. Project Manager Amanda Grint and General Manager Winkler answered Directors questions. Hearing Officer Winkler closed the Public Hearing at 4:34 p.m. and returned the floor to Chairperson Thompson.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Sopinski reported that the PLPA Subcommittee met on January 11, 2022 and gave a brief recap of the meeting.

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

PLPA Recommendation #1: District Affirmative Action Policy for 2022: Recommendation that the Papio-Missouri River NRD’s Affirmative Action Policy for 2022, be adopted and incorporated into the District Policy Manual.

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

B. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on January 11, 2022 and gave a brief recap of the meeting. He stated that Paul Woodward and John Engel, HDR, Inc., gave an update of the Lower Platte River Basin Management Plan and that no action was taken by the Subcommittee.

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

PPO Recommendation #1: Little Papio Inundation Mapping: Recommendation that the General Manager be authorized to execute a contract with USGS to complete the Little Papio Flood Inundation Mapping with a total District cost of \$69,5000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Project Manager Lori Laster and General Manager John Winkler answered Directors questions regarding FEMA maps, project costs, and the possibility of model revisions.

Roll call vote was held on motion. The motion carried on a vote of 7-yea and 4-nay.

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

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

PPO Recommendation #2: WP-4 Contract Amendment with HDR, Inc.: Recommendation that the General Manager be authorized to execute Amendment #2 with HDR Engineering, Inc. for Professional Engineering Services for modification to the Final Design of the WP-4 Project, in an amount not-to-exceed \$68,972, bringing the total contract amount to \$3,547,608, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

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

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

PPO Recommendation #3: Papio PL-566 Site S-6 Easement Vacation for the WP2 Project: Recommendation that the General Manager be authorized to execute the proposed Release of Easement for the Papio PL-566 S-6 structure, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

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

C. Finance, Expenditure and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on January 11, 2021 and gave a brief recap of the meeting.

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

FEL Recommendation #1: Douglas County Buyout Purchase Agreement, Cathy Sorenson: Recommendation that the General Manager be authorized to execute the purchase agreement providing for the purchase by the District from Cathy Sorensen, the property located at 24509 Laurel Avenue, Valley, Nebraska, for the purchase price of \$110,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

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

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

FEL Recommendation #2: Washington County Buyout Purchase Agreement, Murray Property: Recommendation that the General Manager be authorized to execute the purchase agreement for the purchase by the District from the Robert K. Murray Revocable Living Trust and the Sandra L. Murray Revocable Living Trust, the property located at 450 North Second Street, Arlington, Nebraska, for the purchase price of \$65,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

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

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

FEL Recommendation #3: Land Acquisition for Dam Site 12: Recommendation that the General Manager be authorized to execute a purchase agreement providing for the purchase by the District from Woodsonia 216-Fort, LLC, Tract 5 for the Dam Site 12 Project for the purchase price of \$3,882,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

The following individuals addressed the Board:

- Drew Snyder, 20010 Manderson Street, Elkhorn, NE 68022
- Stephanie Wilson, 1797 County Rd 6, Yutan, NE 68073

•• **MOTION NO. 10:** It was moved by Director McCormick and seconded by Director **MOTION TO LAY OVER** Fowler to lay over the resolution.

Legal Counsel Brent Meyer recommended that the Board go into Executive Session for the purpose of discussing Land Acquisition for Dam Site 12.

- **MOTION NO. 11:** It was moved by Director Conley and seconded by Director Bonnett that the Board move into Executive Session for the purpose of discussing land acquisition for Dam Site 12.

Roll call vote was held on motion. The motion carried on a vote of 11-yea. The Board went into Executive Session at 4:57 p.m.

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. 12:** It was moved by Director Davidson and seconded by Director Sopinski that the Board come out of Executive Session.

Roll call vote was held on motion. The motion carried on a vote of 11-yea. The Board came out of Executive Session at 5:36 p.m.

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

The following individual addressed the Board:

- Drew Snyder, 20010 Manderson Street, Elkhorn, NE 68022

Roll call vote was held on the motion to lay over. The motion to lay over failed on a vote of 5-yea and 6-nay.

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

Roll call was held on the original motion. The motion carried on a vote of 7-yea and 4-nay.

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

TREASURER'S REPORT:

- **MOTION NO. 13:** 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: (l) claims listed in the November 11, 2021 through December 9, 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 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 11, 2021 through December 9, 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.

Director Japp stated that part of the Treasurer's Report involved money paid out to him for work done on his farm property, and as such he would be abstaining.

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

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

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

CHAIRPERSON'S REPORT: Chairperson Thompson reflected on Assistant General Manager Marlin J. Petermann's legacy and offered Staff and Directors the opportunity to share their own memories of Marlin.

GENERAL MANAGER'S REPORT: General Manager Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website.

INFORMATIONAL ITEMS:

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

January 17, 2022	P-MRNRD Offices Closed for Martin Luther King Jr. Day
January 25-26, 2022	NARD Legislative Conference, Lincoln, NE
February 8, 2022	P-MRNRD Subcommittee Meetings, 4:00 p.m., at NRC
February 10, 2022	P-MRNRD Board of Directors Meeting, 4:00 p.m., at NRC
February 21, 2022	President's Day – P-MRNRD Offices Closed

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on February 10, 2022, at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 6:10 p.m.

NOTE: These minutes reflect the actions and votes taken at the January 13, 2022. 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 13, 2022, 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