



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
March 10, 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. 154<sup>th</sup> Street, Omaha, NE on March 10, 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

**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 10-yea.

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Bonnett 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 of the following Director(s) from the March 10, 2022, Board of Directors Meeting is excused:

Tim Fowler.

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

BE IT RESOLVED that the February 10, 2022, Papio-Missouri River NRD Board Meeting minutes and the February 9, 2022, 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 10-yea.

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on March 3, 2022. The District's January 14, 2022-February 10, 2022, expenditures were published in the Washington County Enterprise on February 18, 2022. 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 March. The written report has been posted to the District's website.

B. Nebraska Association of Resources Districts, NARD Legislative Conference: Director Tesar gave the report on the NARD Board of Directors Meeting that was held March 7, 2022, in Lincoln, NE.

C. Nebraska Natural Resources Commission: Director Bradley gave the report on the NNRC meeting that was held February 23, 2022, in Kearney, NE.

D. Legislative Report – Catalyst Public Affairs: Tim Gay, Catalyst Public Affairs gave the report on legislative activities. Chairperson Thompson read LR 297 to commemorate the accomplishments of Marlin J. Petermann, Assistant General Manager of the Papio-Missouri River NRD who passed away on December 22, 2021.

All agency reports can be heard on the District’s podcast at [www.papionrd.org/meeting-podcasts/](http://www.papionrd.org/meeting-podcasts/)

**PUBLIC HEARING ON PROPOSED RIGHT-OR-WAY ACQUISITION NO NAME DIKE HIGH GROUND EASEMENT PROJECT:**

Chairperson Thompson appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:29 p.m. and submitted the following exhibits for the record:

- Exhibit 1**      Agenda
- Exhibit 2**      Notice of Proposed Acquisition and Notice of Public Hearing
- Exhibit 3**      Proof of Publication of Hearing Notice Affidavit
  - ◆ Omaha World Herald, February 28, 2022
  - ◆ Omaha World Herald, March 3, 2022
- Exhibit 4**      Project Location Map
- Exhibit 5**      List of Landowners sent Certified Mail
- Exhibit 6**      Notice of Proposed Acquisition and Notice of Public Hearing
- Exhibit 7**      Certified Mail Return Receipts
- Exhibit 8**      Notice of Proposed Acquisition and Notice of Public Hearing
- Exhibit 9**      Union Dike Fact Sheet
- Exhibit 10**     Sokol Camp Addition Lot Number Map
- Exhibit 11**     No Name Dike High Ground Easement Diagram
- Exhibit 12**     High Ground Easement Elevation Table
- Exhibit 13**     National Flood Hazard Layer Map

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 No Name Dike High Ground Easement Project and Project Manager Martin Cleveland explained the history, purpose, and scope 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 seller(s) 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. The following individuals offered testimony:

- Frank Thiel, 29011 Platte River Plaza, Waterloo, NE 68069
- Joe Blankman, 1312 S. 93<sup>rd</sup> Avenue, Omaha, NE 68124
- Frank Kroupa, 17795 Shadow Ridge Drive, Omaha, NE 68130

Hearing Officer Winkler closed the Public Hearing at 4:53 p.m. and returned the floor to Chairperson Thompson.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects, and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on March 8, 2022 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:* Elkhorn River Improvement Project Area (IPA) Operation & Maintenance Assessment: Recommendation that the following Resolution be adopted:

Elkhorn River Bank Stabilization Improvement Project  
Annual Operation and Maintenance Assessment

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that each of the lots and parcels of ground in Douglas County, Nebraska, identified in the “2022 Assessment Schedule,” attached hereto as Exhibit “A” and incorporated herein by reference, has been specially benefited by the District’s program of operation and maintenance upon the construction and capital improvements involved with the District’s Elkhorn River Bank Stabilization Improvement Project; that special benefits from such program of operation and maintenance are correctly set out in the respective amounts appearing opposite the designation of said lots and parcels of ground in said schedule; that such respective amounts appearing opposite said lots and parcels of ground in said schedule are hereby levied as special assessments against such lots and parcels of ground; and, that said assessments shall become due fifty (50) days after date, to-wit: shall become due on April 29, 2022, and may be paid within said time without interest, but if not paid by April 29, 2022, each such assessment shall draw interest at the rate of nine per cent (9%) per annum from and after date until delinquent; and, from and after date that each installment become delinquent, shall draw interest at the rate of fourteen per cent (14%) per annum until paid.

BE IF FURTHER RESOLVED that the Secretary of the District shall certify a copy of this levy resolution to the County Clerk and County Treasurer of Douglas County, Nebraska, for spreading the same on the tax records of such County, and such special assessments shall be collected by the County Treasurer as provided by law.

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

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

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

*PPO Recommendation 2:* No Name Dike High Ground Project, Professional Services Agreement with Midwest Right of Way: Recommendation that Policy 15.2 Purchasing-Professional Services be waived and that the General Manager be authorized to execute the proposed Professional Services Agreement with Midwest Right of Way Services, Inc. for the No Name Dike High Ground Project, with the maximum not to exceed amount of \$58,500, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Chairperson Thompson reminded the Board that Midwest Right of Way is being tasked to coordinate the acquisition of permanent easements at Sokol Camp, that was discussed during the Public Hearing part of this meeting.

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

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

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

*PPO Recommendation 3:* Little Papio Creek Channel Culverts Rehabilitation Project, Group A Construction Bids: Recommendation that the General Manager be authorized to execute a contract with MC Wells Contracting, LLC in the amount of \$4,491,531 for the construction of the Little Papio Creek Channel Culverts Rehabilitation Project – Group A, 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 10-yea.

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

B. Finance, Expenditures, and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on March 8, 2022 and gave a brief recap of the meeting.

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

*FEL Recommendation 1:* 319 Big Papio Creek Cost Share Funds Exceeding FY 22 Budget: Recommendation that the transfer of \$50,000 from account 01-04-4195-507 to account 01-04-4195-503 be adopted and is hereby approved.

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

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

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

*FEL Recommendation 2:* Land Acquisition for West Papillion Regional Basin Number 1 (WP-1): Recommendation that the General Manager be authorized to execute a purchase agreement with Daniel D. and Alice J. Van Anne, for the purchase of 7.53 acres for the construction of the WP1 regional detention basin project for the total amount of \$489,450, 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 10-yea.

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

**TAKE FROM THE TABLE AND CONSIDERATION OF THE GROUNDWATER MONITORING JOINT FUNDING AGREEMENT WITH USGS CARRIED OVER FROM THE BOARD OF DIRECTORS MEETING HELD FEBRUARY 10, 2022**

•• **MOTION NO. 8:** It was moved by Chairperson Thompson and seconded by Director Bonnett to take from the table and consideration of the Groundwater **TAKE FROM THE TABLE** Monitoring Joint Funding Agreement with USGS carried over from the Board of Directors meeting held February 10, 2022.

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

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

There was extensive discussion on the USGS breakdown of the renewal fees for the 4-year groundwater monitoring project. General Manager Winkler stated the district could not do the necessary work cheaper or get like testing results if we were to bring this work in-house. The results of groundwater monitoring test are factored into the District's Groundwater Management Plan, which is approved by the State of Nebraska. There was additional discussion.

- **MOTION NO. 9:** It was moved by Director Conley, on behalf of the PPO Subcommittee's February 8, 2022, recommendation that the General Manager be authorized to execute the Joint Funding Agreement with USGS for the 2022-2026 Groundwater Quality Monitoring Project in an amount not to exceed \$622,500, 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 and 2-nay.

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

**TREASURER'S REPORT:**

- **MOTION NO. 10:** 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: (1) claims listed in the January 14, 2022 through February 10, 2022, 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 January 14, 2022 through February 10, 2022, 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 - Fowler  
Absent - Fowler

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

**CHAIRPERSON'S REPORT:** Chairperson Thompson gave a report on the District's Overtime Comparison from 2000-2021. General Manager Winkler stated the reduction in overtime was a team effort to become operationally efficient and effective without sacrificing service to constituents. The Chairperson concluded his report by updating the Board and attendees on the P-MRNRD candidates running in the May 10 primary. He encourages everyone to get out and vote.

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed his report with the Board. The written report is posted to the website.

**INFORMATIONAL ITEMS:**

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

April 12, 2022	P-MRNRD Subcommittee Meetings, 4:00 p.m., at NRC
April 14, 2022	P-MRNRD Board Meeting, 4:00 p.m., at NRC

B. **Next Meeting:** The next scheduled meeting of the P-MRNRD Board of Directors will be held on April 14, 2022, at the NRC.

**ADJOURNMENT:** Being no further business, the Chairperson declared that the meeting was adjourned at 5:31 p.m.

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

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Richard Tesar,  
District Secretary