



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
September 8, 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 September 8, 2022. The meeting was called to order by Chairman Kevyn Sopinski 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:

Patrick Bonnett	Tim McCormick
Larry Bradley	Kevyn Sopinski
Fred Conley	Rich Tesar
Phil Davidson	Jim Thompson
Ted Japp	

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Tesar 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 9-yea.

Voting Yea	-	Bonnett, Bradley, Conley, Davidson, Japp, McCormick, Tesar, Thompson, Sopinski
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 Davidson 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 Directors from the September 8, 2022 Board of Directors Meeting are excused:

Tim Fowler.

Agenda Item 7.A., 7.B., 7.C., and 7.D.:

BE IT RESOLVED that the August 11, 2022 Papio-Missouri River NRD Board meeting minutes, the August 10, 2022 Dakota County Rural Water Advisory Board meeting minutes, the September 6, 2022 Budget Hearing and Budget Summary meeting minutes, and the September 6, 2022 Special Hearing to Set Final Tax Request meeting minutes are approved as printed.

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

Voting Yea	-	Bonnett, Bradley, Conley, Davidson, Japp, McCormick, Tesar, Thompson, Sopinski
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 September 1, 2022. The District's July 15, 2022 through August 11, 2022 expenditures were published in the Dakota County Star on August 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 September. The report has been posted to the District's website.
- B. Nebraska Association of Resources Districts: Director Tesar noted that the NARD Annual Conference will be held September 26-27, 2022 in Kearney, NE.
- C. Legislative Report: General Manager Winkler stated there was nothing to report.

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

PUBLIC HEARING ON ACQUISITION OF REAL PROPERTY FOR 319 WATER RETENTION BASIN:

Chairman Sopinski appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:03 p.m. and submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - ◆ Washington County Pilot Tribune & Enterprise – August 23, 2022
 - ◆ Omaha World Herald, August 22, 2022
 - ◆ Omaha World Herald, September 1, 2022
- Exhibit 3** Project Location Map
- Exhibit 4** Land Acquisition & Design Map

Adam Charlsen, 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 “Dunker Dam” Project, which is part of the District’s Water Quality Practices Program. Project Manager Armando Zarco 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 4:10 p.m. and returned the floor to Chairman Sopinski.

SUBCOMMITTEE REPORTS:

A. Programs, Projects, and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on September 6, 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.a.: Urban Drainageway Interlocal Agreements with P-MRNRD for Cost Share – Bellevue, Quail Creek: Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Bellevue for the Quail Creek Project for a total amount up to \$1,500,000 with first year funding of \$200,000 no earlier than FY 2023, 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 9-yea.

- Voting Yea - Bonnett, Bradley, Conley, Davidson, Japp, McCormick, Tesar, Thompson, Sopinski
- 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 #1.b.: Urban Drainageway Interlocal Agreements with P-MRNRD for Cost Share – Bellevue, Whitted Creek: Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Bellevue for the Whitted Creek Project for a total amount up to \$1,500,000 with first year funding of \$200,000 no earlier than FY 2024, 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 9-yea.

Voting Yea - Bonnett, Bradley, Conley, Davidson, Japp, McCormick, Tesar, Thompson, Sopinski
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 #1.c.: Urban Drainageway Interlocal Agreements with P-MRNRD for Cost Share – Papillion, 84th & Valley Road: Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Papillion for the 84th & Valley Road Project for a total amount up to \$1,080,000 with first year funding of \$180,000 no earlier than FY 2023, 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 9-yea.

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

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

PPO Recommendation #1.d.: Urban Drainageway Interlocal Agreements with P-MRNRD for Cost Share – Sarpy County, Buffalo Road Channel: Recommendation that the General Manager be authorized to execute

the Interlocal Agreement with Sarpy County for the Buffalo Road Channel Project for a total amount up to \$1,291,566 with first year funding of \$175,000 no earlier than FY 2023, 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 9-yea.

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

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

PPO Recommendation #1.e.: Urban Drainageway Interlocal Agreements with P-MRNRD for Cost Share – Omaha, Oakbrook Creek: Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Omaha for the Oakbrook Creek Project for a total amount up to \$1,500,000 with first year funding of \$200,000 no earlier than FY 2024, 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 9-yea.

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

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

PPO Recommendation #1.f.: Urban Drainageway Interlocal Agreements with P-MRNRD for Cost Share – Thomas Creek: Recommendation that the General Manager be authorized to execute the amendment to the Interlocal Agreement with the City of Omaha for the Thomas Creek Project for a total amount up to \$780,000 with the final funding of \$563,801 no earlier than FY 2023, 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 9-yea.

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

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

PPO Recommendation #2.a.: Trails Assistance Interlocal Agreement with P-MRNRD for Cost Share – LaVista, Applewood Creek Trail: Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of LaVista for the Applewood Creek Trail Project for a total amount up to \$250,000 with reimbursement no earlier than FY 2023, 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 9-yea.

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

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

PPO Recommendation #2.b.: Trails Assistance Interlocal Agreement with P-MRNRD for Cost Share – LaVista, Omaha, North Downtown Pedestrian Bridge (“Baby Bob”): Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Omaha for the North Downtown Pedestrian Bridge Project for a total amount up to \$750,000 with first year funding of \$250,000 no earlier than FY 2023, 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 9-yea.

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

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

PPO Recommendation #3: Amendment 2 to Interlocal Agreement with Sarpy County and Papillion for WP6 and WP7: Recommendation that the General Manager be authorized to execute the proposed Second Amendment to the Interlocal Cooperation Act Agreement with the City of Papillion and Sarpy County for the Papio Watershed Regional Flood Control Detention Basins WP-6 and WP-7, 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 9-yea.

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

- **MOTION NO. 12:** It was moved by Director Conley that the following recommendation be adopted:

PPO Recommendation #4: Contract Amendment 2 with HDR for Flanagan Wetland Monitoring: Recommendation that the General Manager be authorized to execute the proposed Professional Services Contract Amendment between the District and HDR Engineering, Inc. for monitoring services for Flanagan Lake, increasing the maximum contract fee to \$73,988, 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 9-yea.

Voting Yea	-	Bonnett, Bradley, Conley, Davidson, Japp, McCormick, Tesar, Thompson, Sopinski
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 September 6, 2022 and gave a brief recap of the meeting.

- **MOTION NO. 13:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #1: P-MRNRD FY 2023 Tax Levy and Adoption of Budget: Recommendation that the following resolutions be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the attached budget document incorporated herein by reference, showing Total Requirements of \$105,050,485 as follows,

Operating Budget	\$80,135,732
Project and Operations Cash Reserves	\$24,914,753

and Property Tax Requirement of \$30,185,894.24 (\$23,807,503.04 general and \$6,378,391.20 bond) be and is hereby adopted as the Fiscal Year 2023 budget of the Papio-Missouri River Natural Resources District.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing held on September 6, 2022, as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

- 1. The FY 2023 property tax request be set at \$30,185,894.24 (\$23,807,503.04 general and \$6,378,391.20 bond).**
- 2. The total assessed value of property differs from last year's total assessed value by 8.57%.**
- 3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.032852 per \$100 of assessed value.**
- 4. The Papio-Missouri River Natural Resources District proposes to adopt a property tax request that will cause its tax rate to be \$0.034758 per \$100 of assessed value.**
- 5. Based on the proposed property tax request and changes in other revenue, the total operating budget of Papio-Missouri River Natural Resources District will decrease from last year by 6%.**
- 6. And that a copy of this resolution be certified and forwarded to the County Clerks within the District prior to September 20, 2022.**

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

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

•• **MOTION NO. 14:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #2: Vacation of Dam Site 8A Easement: Recommendation that the General Manager be authorized to execute the proposed Vacation of Easement for the Dam Site 8A site and execute the new easement, 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 9-yea.

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

•• **MOTION NO. 15:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #3: Union Dike Improvement Project Area Residual Funds: Recommendation that the General Manager be authorized to instruct Dodge County that all residual funds obtained through special assessments of the Union Dike Improvement Project Area be distributed to the Papio-Missouri River Natural Resources District and that such funds be deposited in the Papio-Missouri River Natural Resources District's General Fund.

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

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

•• **MOTION NO. 16:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #4: No Name Dike High Ground Easement Purchase – Lot 1 Sokol Camp Replat 1 - Schnatz: Recommendation that the General Manager be authorized to execute the proposed purchase agreement with Andrew and Kimberly Schnatz for the purchase price of \$36,000 for Lot 1 Sokol Camp Replat 1 permanent easement, for No Name Dike Flood Reduction Project High Ground Easement 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 motion. The motion carried on a vote of 9-yea.

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

•• **MOTION NO. 17:** It was moved by Director Tesar that the following recommendation be adopted:

FEL Recommendation #5: Land Acquisition for Dam Site 12: Recommendation that the General Manager be authorized to execute a purchase by the District from Gottsch Family Farms, Tract 8 for the Dam Site 12 Project for the purchase price of \$1,885,500, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

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

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

TREASURER'S REPORT:

•• **MOTION NO. 18:** It was moved by Director Bonnett and seconded by Director Thompson 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 August 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 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 August 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	-	Bonnett, Bradley, Conley, Davidson, Japp, McCormick, Tesar, Thompson, Sopinski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Fowler
Absent	-	Fowler

CHAIRMAN'S REPORT:

A. Notification of Resignation of Director Danny Begley to fill Vacancy in Subdistrict #7:

- **MOTION NO. 19:** It was moved by Chairman Sopinski and seconded by Director Thompson that the following resolution be adopted:

BE IT RESOLVED that the following resolution is hereby adopted and approved.

Process for Filling the Board Vacancy Created by the Resignation of Director Danny Begley:

1. The General Manager is hereby authorized and directed to contact newspapers serving Subdistrict #7 with the text of a public notice of the board vacancy and to request publication of said notice on September 12th and September 19th, 2022. The notice is to include a request for interested persons to submit applications to fill said vacancy on or before September 29, 2022.
2. The General Manager is hereby authorized and directed to provide official written notice of the board vacancy to the Secretary of State as provided by law.
3. It is hereby further resolved that this process and schedule is necessary to avoid an undue

burden on the board, the citizens of Subdistrict #7 and the taxpayers of the Papio-Missouri River NRD in that this process provides time for public notice of the vacancy, time for applications from interested persons to fill the vacancy and will avoid the undue burden and expense of holding a special board meeting just days prior to the next regular board meeting on October 13th, 2022.

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

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

Chairman Sopinski concluded his report with a reminder of the Scrap Tire Collection begin held Friday, September 9th from 8:00 a.m. – 3:00 p.m. at the Sarpy County Fairgrounds.

GENERAL MANAGER'S REPORT: The General Manager reviewed his written report with the Board and noted that the report had been posted to the website.

INFORMATIONAL ITEMS:

A. Future Meetings:

September 9, 2022	Sarpy County Scrap Tire Collection, 8:00 AM – 3:00 PM, at Sarpy County Fairgrounds
September 10, 2022	World O! Water, Chalco Hills Recreation Area, 1-4 PM
September 26-27, 2022	NARD Annual Meetings, Kearney, NE
October 11, 2022	P-MRNRD Subcommittee Meetings, at 4:00 PM, at NRC
October 13, 2022	P-MRNRD Board Meeting, at 4:00 PM, at NRC

B. Next Meeting – The next scheduled meeting of the P-MRNRD Board of Directors will be held on October 13, 2022 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 4:30 p.m.

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