



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
December 8, 2022**

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER: A regular meeting of the Papiro-Missouri River Natural Resources District Board of Directors was held at the Natural Resources Center, 8901 S. 154th Street, Omaha, NE on December 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	Josh Henningsen
Larry Bradley	Ted Japp
Fred Conley	Kevyn Sopinski
Phil Davidson	Rich Tesar
Tim Fowler	Jim Thompson

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 the motion. The motion carried on a vote of 10-yea.

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Fowler 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 December 8, 2022, Board of Director Meeting are excused:

Tim McCormick.

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

BE IT RESOLVED that the November 10, 2022, Papio-Missouri River NRD Board Meeting minutes and the November 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	-	Bonnett, Bradley, Conley, Davidson, Fowler, Henningsen, Japp, Tesar, Thompson, Sopinski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	McCormick
Absent	-	McCormick

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on December 1, 2022. The District's October 14 through November 10, 2022, expenditures were published in the Douglas County Post-Gazette on November 23, 2022. The Chairman 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. The report is posted to the website and attached to the file copy of the meeting minutes.

B. Nebraska Association of Resources Districts: Director Rich Tesar reported the NARD Legislative Conference is scheduled to be held on January 24-25, 2023, in Lincoln, NE.

SUBCOMMITTEE REPORTS:

A. Personnel, Legislative and Public Affairs Subcommittee: Director Japp reported that the PLPA Subcommittee met on December 6, 2022, and gave a brief recap of the meeting.

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

PLPA Recommendation #1.: Amendments to the Papio NRD's 2023 Pay Program Administration Manual: Recommendation that the proposed amendments to the

Papio NRD's Pay Program Administration Manual for 2023 be approved and incorporated to the District's Policy Manual and that a one-time inflationary bonus of \$1,000 be given to each full-time employee.

Director Thompson stated that awarding employees with a bonus is unprecedented, that employees receive pay raises every year, and that he is concerned that employees will expect bonuses in years to come. He offered an amended motion.

Amended Motion: It was moved by Director Thompson and seconded by Director Tesar to amend the PLPA Subcommittee's recommendation to exclude the one-time inflation bonus of \$1,000.

Roll call vote was held on the amended motion. The motion failed on a vote of 3-yea, 6-nay, and 1-abstention.

Voting Yea	-	Bonnett, Tesar, Thompson
Voting Nay	-	Bradley, Conley, Davidson, Fowler, Japp, Sopinski
Abstaining	-	Henningsen
Excused Absence	-	McCormick
Absent	-	McCormick

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

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

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

PLPA Recommendation #2: Amendments to the Papio NRD's 2023 Employee Handbook: Recommendation that the proposed amendments to the Papio NRD's 2023 Employee Handbook be approved and incorporated to the District's Policy Manual.

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

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

B. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on December 6, 2022, 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: Amendment 4 with Schemmer for Platte River Bridge Trail: Recommendation that the Board adopt the Resolution provided by NDOT authorizing the General Manager to execute a Supplemental Agreement between the District and Schemmer Associates for the Platte River Bridge Trail project, with total cost not-to-exceed \$320,864.55, 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 10-yea.

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

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

PPO Recommendation #2: Glacier Creek Mitigation Credit Prices: Recommendation the General Manager be authorized to set and sell the Glacier Creek wetland credits at a price of \$100,000/credit and the stream credits at a price of \$97/credit.

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

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

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

PPO Recommendation #3: Change Order 15 with Graham Construction for Missouri River Levee Improvements: Recommendation that the General Manager be authorized to approve Change Order 15 with Graham Construction Inc. for modifications to the Missouri River R-613 and R-616 Federal Levee Systems, bringing the total construction contract price to \$28,295,434.65.

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

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

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

PPO Recommendation #4: Agreement with Lower Elkhorn and Lower Platte South NRD's for River Observation Cameras: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the Lower Platte South NRD and the Lower Elkhorn NRD and the proposed agreement with USGS for the Elkhorn/Platte River Cameras 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 10-yea.

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

C. Finance, Expenditure, and Legal Subcommittee: Director Tesar reported that the FEL Subcommittee met on December 6, 2022, and gave a brief recap of the meeting.

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

FEL Recommendation #1: Fiscal Year 2022 Audit: Recommendation that the FY2022 Audit Report prepared by BerganKDV be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.

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

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

Absent - McCormick

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

FEL Recommendation #2: Douglas County Buyout Purchase Agreement - Anderson: Recommendation that the General Manager be authorized to execute the proposed purchase agreement with Mary Anderson, for property located at 5907 N. 242nd Avenue, Valley, Nebraska for the purchase price of \$56,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Japp asked if there were future purchases being negotiated. Project Manager Lori Laster stated there is grant funding to cover other properties. There are 12-15 properties in King Lake, 1 in Washington county, and 6 in Sarpy county. The period of performance for the grant ends in September of 2023 and all District's work will be completed by the end of this fiscal year.

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

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

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

FEL Recommendation #3: No Name Dike High Ground Easement Purchase, Lot #45 - Cahoy: Recommendation that the General Manager be authorized to execute the proposed purchase agreement with Philip and Bernice Cahoy for the purchase price of \$1,700 for Lot #45 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 the motion. The motion carried on a vote of 10-yea.

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

Director Tesar stated the Subcommittee took no action on agenda item 4, Land Acquisition for Dam Site 7.

- **MOTION NO. 12:** It was moved by Director Tesar and seconded by Director Fowler that the following recommendation be accepted:

FEL Recommendation #4: Land Acquisition for WP-1: Recommendation that the General Manager be authorized to execute the proposed purchase agreement with Taulborg Family, LLC for the purchase of 18.06 acres for the construction of the WP-1 Flood Control Reservoir project for the total amount of \$1,354,500, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Japp asked where the funding was coming from for this purchase. Assistant General Manager Grint stated it was included in the FY 2022 budget.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 1-nay.

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

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 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 November 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 10-yea.

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

LEGAL UPDATE – NO NAME DIKE CONDEMNATION REPORT OF APPRAISERS:

Brent Meyer, legal counsel for the District updated the Board on the final report of appraisers on the Otwell condemnation. They awarded \$40,000 in valuation. The District’s valuation was \$37,500. The District has the option to accept the option and depositing the funds to get the land rights or appeal. Both Brent and the General Manager agreed it best to accept the report, deposit the funds, plus appraiser fees, then the District will have access to the property. The property owner has the right to appeal. This is the final permanent easement needed for the No Name Dike Flood Reduction Project High Ground Easement Project.

- **MOTION NO. 14:** It was moved by Chairman Sopinski and seconded by Director Tesar that the following recommendation be adopted and approved:

Recommendation that the General Manager be authorized to deposit \$40,000.00, plus the amount of the Board of Appraisers’ Fees as set by the court, with the Douglas County Court for the partial taking of property known Lots 39 and 40 of the Sokol Camp Addition, Douglas County, Nebraska (Christian Otwell); and furthermore that the District not appeal the Board of Appraisers’ award as set forth in the Final Report of Appraisers filed in Civil Action No. CI-22-17669 Douglas County Court, Nebraska.

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

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

CHAIRPERSON’S REPORT:

A. Nebraska Association of Resources District Director Service Award: Chairman Sopinski recognized Director Rich Tesar for his 30 years of service to the District.

B. Papio NRD Employee Service Awards: Chairman Sopinski recognized the following District Employees for their years of service to the District:

- Marge Stark, Water Supply Secretary 35 years
- Jason Schnell, Medium Equipment Operator 30 years
- Terry Schumacher, Land & Water Programs Coordinator 30 years
- Mike McNaney, Survey/GIS Coordinator 20 years
- Amanda Grint, Assistant General Manager 15 years

- Justin Novak, Special Projects Manager 15 years
- Kaylyn Kelley, Natural Resources Educator 5 years
- Jennifer Stauss Story, Public Relations/Education Manager 5 years

On behalf of the Board, Chairman Sopinski thanked Carey Fry, Senior Accountant, and her staff on the wonderful work they do and the excellent results of the 2022 Audit.

GENERAL MANAGER'S REPORT: General Manager Winkler congratulated the Service Award recipients and reviewed his report with the Board. The report is posted to the District's website. GM Winkler concluded by wishing everyone a Merry Christmas and Happy New Year.

INFORMATIONAL ITEMS:

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

December 26, 2022	Papio NRD Offices Closed for Christmas
January 2, 2023	Papio NRD Offices Closed for New Year's Day
January 10, 2023	Papio NRD Subcommittee Meetings, 4:00 p.m., at NRC
January 12, 2023	Papio NRD Board Meeting, 4:00 p.m., at NRC5
January 16, 2023	Papio NRD Offices Closed for Martin Luther King Jr. Day
January 24-25, 2023	NARD Legislative Conference, Lincoln, NE

B. **Next Meeting –** The next scheduled meeting of the P-MRNRD Board of Directors will be held on January 12, 2023, at the NRC.

ADJOURNMENT: Being no further business, the Chairman declared that the meeting was adjourned at 4:40 p.m.

NOTE: These minutes reflect the actions and votes taken at the December 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 December 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