



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
February 9, 2023**

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 February 9, 2023. 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	Tim McCormick
Phil Davidson	Kevyn Sopinski
Tim Fowler	Jim Thompson

ADOPTION OF AGENDA:

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Fowler and seconded by Director Bradley 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 February 9, 2023, Board of Directors Meeting is excused:

Rich Tesar.

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

BE IT RESOLVED that the January 12, 2023, Papio-Missouri River NRD Board Meeting minutes and the January 11, 2023, 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, McCormick, Thompson, Sopinski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Tesar
Absent	-	Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on February 2, 2023. The District's December 9, 2022 – January 12, 2023, expenditures were published in the Sarpy County Times on January 25, 2023. 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. Easterseals Presentation: Kyle Gilster, Husch Blackwell, introduced the members of the Camp Easterseals Nebraska team. Dr. Carole Patrick, Jami Biodrowski, and Tim Mettenbrink gave the presentation on the proposed “Camp Easterseals Nebraska”, which is to be homed on the former Dana College campus. Rod Storm, City Administrator for the City of Blair addressed the Board, expressing support of the camp. Application for available cost share dollars to support the camp’s stormwater management plan, erosion control plan, habitat management, and roads & trails projects is anticipated. The camp is expected to open in 2025.

- B. Natural Resources Conservation Service Report: Andy Bohnenkamp, District Conservationist, provided a written report on NRCS activities for the month of February. It is attached to the file copy of the meeting minutes.

- C. Legislative Report – Catalyst Public Affairs: Tim Gay provided an update to ongoing Legislative activities.

Presentations can be heard on the District’s podcast <https://www.papionrd.org/about/meeting-podcasts/>.

PUBLIC HEARING ON ACQUISITION OF REAL PROPERTY FOR THE WP2 PROJECT:

Chairman Sopinski appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:35 p.m. and submitted the following exhibits for the record:

Exhibit 1	Agenda
Exhibit 2	Proof of Publication of Hearing Notice <ul style="list-style-type: none">◆ Omaha World Herald, January 30th, 2023◆ Omaha World Herald, February 2nd, 2023
Exhibit 3	Preliminary Site Map of West Papillion Regional Basin No. 2
Exhibit 4	Map of Proposed Land Acquisition for West Papillion Regional Basin No. 2
Exhibit 5	Public Hearing Notice and Information Packet sent to Landowners by Certified Mail (January 24 th , 2023)
Exhibit 6	List of Landowners mailed Hearing Notice
Exhibit 7	Certified Mail Return Receipts for Information Packet mailed to Landowners

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 West Papillion Regional Basin Number 2 Project. Project Manager Ian Ghanavati 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. Each owner 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 individual addressed the Board:

- Patrick Sullivan, 1246 Golden Gate Drive, Suite 1, Papillion, NE (on behalf of a property owner)

Hearing Officer Winkler closed the Public Hearing at 4:49 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 February 7, 2023, 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: Interlocal Agreement with Lower Platte South NRD for River Observation Cameras: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the Lower Platte South NRD 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, McCormick, Thompson, Sopinski
Voting Nay - None
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation 2: Construction Bids for No Name Dike: Recommendation that the General Manager be authorized to execute a contract with Nelson and Rock Contracting Inc. in a not-to-exceed amount of \$176,025.00 for the construction of the No Name Dike Culvert Rehabilitation Project at Station 47+65, 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, McCormick, Thompson, Sopinski
Voting Nay - None
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation 3: Kramper Lake Water Main Extension Bids: Recommendation that the General Manager be authorized to execute a contract with Penro Construction Co., in a not-to-exceed amount of \$3,094,108.31 for the construction of Kramper Lake Water Main Extension 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, McCormick, Thompson, Sopinski
Voting Nay - None
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation 4: Elkhorn River Improvement Project Area 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 “2023 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 March 9, 2023, to-wit: shall become due on April 28, 2023, and may be paid within said time without interest, but if not paid by April 28, 2023, 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 - Bonnett, Bradley, Conley, Davidson, Fowler, Henningsen, Japp, McCormick, Thompson, Sopinski
Voting Nay - None
Abstaining - None
Excused Absence - Tesar
Absent - Tesar

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

PPO Recommendation 5: Interlocal Agreement with Sarpy County for Buffalo Road Project: 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 \$1,500,000, with initial reimbursement funding no earlier than FY 2023, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Henningsen had questions on how approving this agreement would impact future funding for the Urban Drainageway Program. Eric Williams addressed his questions and Director Thompson provided information on the District's budget process.

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, Henningsen, McCormick, Thompson, Sopinski
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Tesar
Absent	-	Tesar

B. Finance, Expenditure, and Legal Subcommittee: Director Bradley reported that the FEL Subcommittee met on February 7, 2023, and gave a brief recap of the meeting.

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

FEL Recommendation 1: Fort Street Right-Of-Way Dedication to Douglas County: Recommendation that the General Manager be authorized to execute the proposed Right-of-Way Dedication Agreement, Permanent Drainage Easements, and Temporary Construction Easements for the WP-1 project site, 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, McCormick, Thompson, Sopinski
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Tesar
Absent	-	Tesar

TREASURER'S REPORT:

•• **MOTION NO. 9:** 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 January 2023, 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 2023, 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 the motion. The motion carried on a vote of 10-yea.

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

CHAIRMAN’S REPORT:

A. Appointment of Ad-Hoc Consultant Selection Subcommittee RFP for Papillion Creek Watershed Partnership Management Plan Update:

•• **MOTION NO. 10:** It was moved by Director Thompson and seconded by Director Fowler that the following resolution be adopted:

BE IT RESOLVED that the Ad-Hoc Consultant Selection Subcommittee appointments, as presented by the Chairman are hereby approved.

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

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

B. NARD Washington D.C. Trip, March 19-22, 2023: Chairman Sopinski informed the Board that Directors McCormick and Thompson would be representing the District at the NARD Washington D.C. Trip.

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

INFORMATIONAL ITEMS:

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

February 16, 2023	Conservation Ag Open House, 5:30 p.m. – 8:30 p.m., Kennard Auditorium, Kennard, NE
February 20, 2023	Papio NRD Offices Closed for President's Day
March 7, 2023	Papio NRD Subcommittee Meetings, 4:00 p.m., NRC
March 9, 2023	Papio NRD Board of Directors Meeting, 4:00 p.m., NRC
March 19-12, 2023	NARD Washington D.C. Trip, Embassy Suites 900 10 th NW, DC

B. Next Meeting – The next scheduled meeting of the Papio NRD Board of Directors will be held on March 9, 2023, at the NRC.

ADJOURNMENT: Being no further business, the Chairman declared that the meeting was adjourned at 5:01 p.m.

NOTE: These minutes reflect the actions and votes taken at the February 9, 2023, 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 February 9, 2023, 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