



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
September 12, 2024**

**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. 154<sup>th</sup> Street, Omaha, NE, on September 12, 2024. The meeting was called to order by Chairman Tim McCormick 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 Fowler
Larry Bradley	Ted Japp
Fred Conley	Tim McCormick
Phil Davidson	

**ADOPTION OF AGENDA:**

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

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

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

**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 Directors from the September 12, 2024, Board of Directors Meeting are excused:

Rich Tesar  
Jim Thompson.

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

BE IT RESOLVED that the August 8, 2024, Papio-Missouri River NRD Board meeting minutes, the September 10, 2024, Budget Hearing minutes, and the September 10, 2024, Special Hearing to Set Final Tax Request minutes are approved as printed.

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

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

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on September 5, 2024. The District's July 12, 2024 through August 8, 2024 expenditures were published in the Dakota County Star on August 15, 2024. 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: Kristin Schlueter, NRCS District Conservationist, gave the report on NRCS activities for the month of September. Her written report is posted on the District's website.
- B. Nebraska Association of Resources Districts: Director Fowler noted that the NARD Annual Conference will be held September 23-24, 2024 in Kearney, NE.
- C. Report on Nebraska Natural Resources Commission: Director Larry Bradley gave the report on the Natural Resources Commission activities.
- D. Legislative Report – Catalyst Public Affairs: Tim Gay updated the Board on the Special Session of the Legislature and provided Directors with a tentative 2025 Legislative Session Schedule.

Reports can be heard on the District's podcast at [www.papionrd.org/meeting-podcasts/](http://www.papionrd.org/meeting-podcasts/)

**PUBLIC HEARING ON ACQUISITION OF REAL PROPERTY FOR DAM SITE 19 PROJECT:**

Chairman McCormick appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:15 p.m. and submitted the following exhibits for the record:

- Exhibit 1**      Agenda
- Exhibit 2**      Proof of Publication of Hearing Notice
  - ◆ Omaha World Herald, September 4, 2024
  - ◆ Omaha World Herald, September 5, 2024
- Exhibit 3**      Preliminary Map of Papio Dam Site 19 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 at Papio Dam Site 19 Project. 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 owner of property to be acquired has previously contacted the District regarding this potential acquisition and is a willing-seller under applicable law.

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 from the public came forward to offer testimony.

Hearing Officer Winkler closed the Public Hearing at 4:19 p.m. and returned the floor to Chairman McCormick.

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects, and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on September 10, 2024, 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, Sarpy County, Cass County and SID 101 for Platte River Obstruction Removal Cost Share: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement to provide the required 10% cost share for the Federal CDBG-DR grant with funding sources and not-to-exceed amounts outlined in the memorandum; with any changes deemed necessary by the General Manager and District Legal Counsel.

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

Voting Yea      -      Bonnett, Bradley, Conley, Davidson, Fowler, Japp, McCormick  
Voting Nay      -      None  
Abstaining      -      None

Excused Absence - Tesar, Thompson  
Absent - Henningsen, Tesar, Thompson

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

*PPO Recommendation #2:* Interlocal Agreement with Lower Platte South NRD and Nebraska Game & Parks Commission for Removal of Tree Debris Lied Bridge Cost Share: Recommendation that the General Manager be authorized to execute the proposed Amendment to the Interlocal Agreement with the Lower Platte South Natural Resources District and the Nebraska Game and Parks Commission for the Trail Over Platte River Bridge (Lied Bridge), subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Japp asked if this project would be advertised and awarded under an open bid process. General Manager Winkler stated that it would, and the bids received would be brought back to the Board for their consideration and approval.

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

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

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

*PPO Recommendation #3:* Contract Amendment No. 1 with Felsburg, Holt & Ullevig for Sorenson to Girard Trail: Recommendation that the General Manager be authorized to execute the proposed Amendment No. 1 to the Professional Services Agreement between the District and Felsburg, Holt & Ullevig for the Sorenson to Girard Trail Connection Project for the maximum amount of \$39,015, bringing the total maximum not-to-exceed contract amount to \$136,813, 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 7-yea.

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

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

*PPO Recommendation #4:* Contract Amendment No. 2 with JEO Consulting for Southern Sarpy Stormwater Inspections: Recommendation that the General Manager be authorized to execute the proposed Amendment No. 2 with JEO Consulting for the Southern Sarpy Stormwater Inspections in an amount not-to-exceed \$663,160, bringing the total contract not-to-exceed amount to \$1,531,733, 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 7-yea.

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

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

*PPO Recommendation #5:* Nikolas Erosion and Sediment Control Complaint: Recommendation that the Board of Directors dismiss the complaint submitted by Mr. Nikolas as the complaint is a non-violation of the District's Erosion and Sediment Control Program.

The following individual addressed the Board:

- Michel Nikolas, 12115 N. 36<sup>th</sup> Street, Omaha, NE

District Legal Counsel Brent Meyer pointed out what the Board should do with this specific complaint, which is to determine if there has been a violation under the Erosion and Sediment Control Program and the Erosion and Sediment Control Act. His recommendation to the Board is to dismiss the complaint.

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

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

B. Finance, Expenditures and Legal Subcommittee: Director Bradley reported that the FEL Subcommittee met on September 10, 2024, 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:* Papio NRD FY 2025 Tax Levy and Adoption of Budget:  
Recommendation that the following Resolution be adopted:

WHEREAS, Nebraska Revised Statute 77-1632 provides that the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request; and

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

NOW, THEREFORE, the Governing Body of PAPIO-MISSOURI RIVER NRD resolves that:

- 1) The 2024-2025 property tax request be set at:  
General Fund: \$25,042,032.00  
Bond Fund: \$6,455,070.00
- 2) The total assessed value of property differs from last year's total assessed value by 8.59 percent.
- 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 0.028847 per \$100 of assessed value.
- 4) The Papio-Missouri River NRD proposes to adopt a property tax request that will cause its tax rate to be 0.029568 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 NRD will decrease last year's budget by 1.24 percent.
- 6) A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2024.

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

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

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

*FEL Recommendation #2:* First Right of Refusal for Surplus Land along Beltline Trail:  
Recommendation was to table this item.

The FEL Subcommittee voted unanimously to table this item. District Legal Counsel Brent Meyer stated the item died in subcommittee and that no action was required by the Board at this time.

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

*FEL Recommendation #3:* Right of Way Transfer to Sarpy County for Buffalo Road: Recommendation that the General Manager be authorized to execute a dedication for right-of-way form, deeding approximately 0.26 acres of land along the MoPac Trail to Sarpy County, 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 7-yea.

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

C. Executive Subcommittee: Chairman McCormick reported that the Executive Subcommittee met on September 10, 2024, and gave a brief recap of the meeting.

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

*EXE Recommendation #1:* Filling Sub-District #10 Vacancy: Recommendation that the following Resolution be adopted:

PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS  
Resolution

WHEREAS, the Chairperson of the Board of Directors of the Papio-Missouri River Natural Resources District has notified the Board of the resignation of Sub-District #10 Director Kevyn Sopinski; and,

WHEREAS, the Board of Directors has the responsibility and authority to select a successor,

NOW THEREFORE BE IT RESOLVED that Zachary Irvine be and is hereby appointed as Director of the Papio-Missouri River Natural Resources District for the remainder of the unexpired term of the Sub-District #10 position and until a successor is elected and qualified, with effective date of the appointment being September 12, 2024.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Secretary of State, State of Nebraska, as required by law.

*Amended Motion* It was moved by Director Japp and seconded by Director Bonnett that Jeff Salberg be selected to fill the Sub-District #10 Vacancy.

Roll call vote was held on the amended motion. The amended motion failed on a vote of 2-yea and 5-nay.

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

Roll call vote was held on the original motion. The original motion passed on a vote of 6-yea and 1-nay.

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

### **TREASURER'S REPORT:**

- **MOTION NO. 12:** 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: (1) claims listed in the August 2024 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 River Stabilization Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage Project, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watersheds Partnership project bills listed on the August 2024 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 7-yea.



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

**CHAIRMAN’S REPORT:**

A. Appointment of Ad-Hoc Consultant Selection Subcommittee RFP for Silver Creek Watershed Site 35A Project:

- **MOTION NO. 13:** It was moved by Director Conley and seconded by Director Bonnett that the following recommendation be adopted:

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

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

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

**GENERAL MANAGER'S REPORT:** The General Manager reviewed his written report with the Board. The report has been posted to the District’s website.

**INFORMATIONAL ITEMS:**

A. Future Meetings:

September 23-24, 2024 NARD Annual Meetings, Kearney, NE

October 8, 2024 Papio NRD Subcommittee Meetings, at 4:00 PM, at NRC

October 10, 2024 Papio NRD Board Meeting, at 4:00 PM, at NRC

B. Next Meeting – The next scheduled meeting of the Papio NRD Board of Directors will be held on October 10, 2024, at the NRC.

**ADJOURNMENT:** Being no further business, the Chairman declared that the meeting was adjourned at 4:47 p.m.

**NOTE:** These minutes reflect the actions and votes taken at the September 12, 2024, 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 September 12, 2024, 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