



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
August 8, 2024**

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 August 8, 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	Ted Japp
Larry Bradley	Tim McCormick
Fred Conley	Rich Tesar
Phil Davidson	Jim Thompson
Josh Henningsen	

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 9-yea.

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Thompson 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(s) of the following Director(s) from the August 8, 2024, Board of Directors Meeting is excused:

Tim Fowler.

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

BE IT RESOLVED that the July 11, 2024, Papio-Missouri River NRD Board Meeting minutes and the July 10, 2024, 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 9-yea.

Voting Yea	-	Bonnett, Bradley, Conley, Davidson, Henningsen, Japp, Tesar, Thompson, McCormick
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 August 1, 2024. The District's June 14, 2024 through July 11, 2024 expenditures were published in the Dakota County Star on July 18, 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 submitted a written report on NRCS activities for the month of August.

B. Nebraska Association of Resources Districts: John Winkler reminded Directors the NRD's 2024 Annual Conference is being held in Kearney, NE on September 23-24, 2024. Director Tesar gave an update on Governor Pillen's requested meeting of Natural Resource District general managers and voting delegates which was held on July 30 at the NARD office.

C. Legislative Report: Tim Gay, Catalyst Public Affairs submitted a written report on legislative activities. His written report is part of the file copy of these minutes.

The audio of these reports can be heard on the District's podcast at www.papionrd.org/meeting-podcasts/.

PUBLIC COMMENT ON THE PAPIO NRD FY 2025 BUDGET: General Manager Winkler briefed the Board on the second draft of the FY 2025 budget. He then opened the floor to the

public to give comment and input on the proposed budget. The following individuals addressed the Board:

- Shawn Melotz, 10404 N. 132nd Street, Omaha, NE (a copy of Ms. Melotz’s written testimony is attached to the file copy of these minutes)
- Doug Kagan, Nebraska Taxpayers for Freedom, 416 S. 130th Street, Omaha, NE

The Budget Hearings Adoption of the Proposed FY 2025 Budget and Special Hearing to Set Tax Levy are scheduled for September 10, 2024.

PUBLIC HEARING ON ACQUISITION OF REAL PROPERTY FOR THE SORENSON TO GIRARD TRAIL CONNECTION:

Chairman McCormick appointed General Manager Winkler as the Hearing Officer. Hearing Officer Winkler called the hearing to order at 4:20 p.m. and submitted the following exhibits for the record:

- Exhibit 1** Agenda
- Exhibit 2** Proof of Publication of Hearing Notice
 - ◆ Omaha World Herald, July 29, 2024
 - ◆ Omaha World Herald, August 1, 2024
- Exhibit 3** Trail Corridor Map
- Exhibit 4** Parcel Map

Brent Meyer, Husch Blackwell, stated the Public Hearing was being held in accordance with Neb. Rev. Statute § 25-2504 and § 2-3234.04. The District explained the nature and necessity of the proposed land acquisition for the Sorenson to Girard Trail Connection. Project Manager Eric Williams 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 perceived willing seller; however, it 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 from the public came forward to offer testimony.

Hearing Officer Winkler closed the Public Hearing at 4:24 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 August 6, 2024, and gave a brief recap of the meeting.

Project Manager Philip Paitz and Mikaela Cherry, USGS gave a presentation on the 2023 Groundwater Quality Monitoring Results. No action was taken by the Subcommittee.

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

PPO Recommendation #1: Agreement with OMNI on Little Papio R-14 Replacement: Recommendation that the General Manager be authorized to execute the proposed Cost Share Agreement with OMG Midwest Inc. DBA Omni Engineering for replacement of the Little Papio Creek Levee/Channel Project Drainage Structure LP R-14 with a reimbursement maximum not-to-exceed amount of \$253,656.00, 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 9-yea.

Voting Yea - Bonnett, Bradley, Conley, Davidson, Henningsen, Japp, Tesar, Thompson, McCormick
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: Grant Agreement with NRCS for the Davis Creek Watershed WFPO Project: Recommendation that the General Manager be authorized to execute the proposed Notice of Grant Agreement Award with the Natural Resource Conservation Service for the Watershed Work Plan in the Davis Creek Watershed WFPO Project in an amount of \$900,853.00, 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 9-yea.

Voting Yea - Bonnett, Bradley, Conley, Davidson, Henningsen, Japp, Tesar, Thompson, McCormick
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: Amendment No. 1 with JEO Consulting Group for the Davis Creek Watershed WFPO Project: Recommendation that the General Manager be authorized to execute the proposed Amendment No. 1 with JEO Consulting Group for the Davis Creek Watershed WFPO Project in an amount not-to-exceed \$803,980.00, bringing the total contract not-to-exceed amount to \$832,510.00, 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 9-yea.

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

B. Finance, Expenditures and Legal Subcommittee: Director Bradley reported that the FEL Subcommittee met on August 6, 2024, and gave a brief recap of the meeting.

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

FEL Recommendation #1: FY 2025 Budget - Draft 2: Recommendation that the FY 2024 draft budget be forwarded for review at the September 10, 2024, Budget Hearing with the provision that the General Manager be authorized to make necessary adjustments once final figures are available to achieve compliance of state statutes regarding the lid.

The following individual addressed the Board:

➤ Mike Nikolas, 17534 Madison Street, Omaha, NE

Roll call vote was held on the motion. The motion carried on a vote of 8-yea, 1-abstention.

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

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

FEL Recommendation #2: Missouri River Levee System Unit R616-R613 OPPD Right-of-Way Easement: Recommendation that the General Manager be authorized to execute the proposed Right-of-Way easement for the Missouri River Levee System Unit R616-R613 Right-of-Way with Omaha Public Power District, 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 9-yea.

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

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

FEL Recommendation #3: License Agreement with NDOT for I-80 Widening: Recommendation that that General Manager be authorized to execute the Right-of-Way License Agreement with the Nebraska Department of Transportation for construction of improvements to the Interstate 80 highway bridge, 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 9-yea.

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

TREASURER'S REPORT:

- **MOTION NO. 9:** 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 July 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 Dakota County, Thurston County and Washington County Rural Water Supply System, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage District, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watershed Partnership project bills listed on the July 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 the motion. The motion carried on a vote of 9-yea.

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

CHAIRMAN’S REPORT – NOTIFICATION OF RESIGNATION OF DIRECTOR KEVYN SOPINSKI TO FILL VACANCY IN SUB-DISTRICT #10:

- **MOTION NO. 10:** It was moved by Director Bonnett and seconded by Director Conley that the following resolution be adopted:

Chairman’s Resolution Regarding Board Vacancy

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

Process for Filling the Board Vacancy Created by the Resignation of Director Kevyn Sopinski:

1. The General Manager is hereby authorized and directed to contact newspapers serving Sub-District #10 with the text of a public notice of the board vacancy and to request publication of said notice on August 12 and August 19, 2024. The notice is to include a request for interested person(s) to submit applications to fill said vacancy on or before August 29, 2024.
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 Sub-district #10 and the taxpayers of the Papio-Missouri River NRD in that this process provides time for public notice of the vacancy, time for applications form 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 September 12, 2024.

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

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

Immediately following the roll call vote on the Chairman’s Resolution, there was confusion among Board members on whether a separate vote was needed to accept the letter of resignation. Director Thompson made a point of order that this was covered under the Chairman’s resolution and that another vote was not needed.

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/Events:

September 2, 2024	Labor Day Holiday – P-MRNRD Offices Closed
September 7, 2024	World O! Water, noon – 4:00 p.m., Chalco Hills Recreation Area
September 10, 2024	Papio NRD Subcommittee Meetings, 4:00 p.m., at NRC
September 12, 2024	Papio NRD Board of Directors Meeting, 4:00 PM, at NRC
September 23-24, 2024	NARD Annual Conference, Kearney, NE

B. Next Meeting – The next scheduled meeting of the Papio NRD Board of Directors will be held on September 12, 2024, at the NRC.

ADJOURNMENT: Being no further business, the Chairman declared that the meeting was adjourned at 4:51 p.m.

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

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 August 8, 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.

Richard Tesar
District Secretary