



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
April 13, 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 April 13, 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	Ted Japp
Larry Bradley	Tim McCormick
Fred Conley	Kevyn Sopinski
Phil Davidson	Jim Thompson
Tim Fowler	

ADOPTION OF AGENDA:

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Bradley 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 Director(s) from the April 13, 2023, Board of Directors Meeting are excused:

Josh Henningsen
Rich Tesar.

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

BE IT RESOLVED that the March 9, 2023, Papio-Missouri River NRD Board Meeting minutes and the March 8, 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 9-yea.

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on April 6, 2023. The District's February 10, 2023 through March 9, 2023, expenditures were published in the Washington County Enterprise on March 17, 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. Natural Resources Conservation Service Report: Andy Bohnenkamp, District Conservationist, gave the report of NRCS activities for the month of April.
- B. Nebraska Association of Resources Districts – NARD Board of Directors Meeting and NRD’s Annual Washington D.C. Meeting: Director Fowler provided an update to the NARD Board of Directors meeting and the NRD’s Annual Basin Tour. Directors McCormick and Thompson gave an update on the NRD’s Annual Meeting that was held in Washington D.C. on March 18-22, 2023.
- C. Legislative Report – Catalyst Public Affairs: General Manager John Winkler provided an update to ongoing Legislative activities.

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

SUBCOMMITTEE REPORTS:

A. Ad-Hoc Consultant Selection Subcommittee Meeting RFP for Papillion Creek Watershed Partnership Management Plan Update: Director McCormick reported that the Ad-Hoc Consultant Selection Subcommittee met on April 6, 2023, and gave a brief recap of the meeting.

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

Ad-Hoc Recommendation 1: Consultant Selection Interviews: Recommendation that a contract be negotiated with Houston Engineering with RDG to provide professional services to update the Papillion Creek Watershed Partnership Management Plan.

Director Japp asked how long the updated PCWP Management Plan would be in effect. Lori Laster briefed the proposed plan update would run for five years, beginning in June of 2024. Director McCormick stated both firms that submitted proposals were equally qualified to do this work.

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

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

B. Programs, Projects and Operations Subcommittee: Director Conley reported that the PPO Subcommittee met on April 11, 2023, and gave a brief recap of the meeting.

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

PPO Recommendation 1: Wehrspann Sediment Dam Evaluation: Recommendation that Policy 15.2 Purchasing-Professional Services be waived and that the General Manager be authorized to execute the proposed Professional Services Agreement with HDR Engineering for the Wehrspann Sediment Dam Evaluation, in an amount not-to-exceed \$143,860, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Thompson asked about HDR’s suggested plans for repair(s), as briefed at the Tuesday Subcommittee Meeting. Martin Cleveland addressed his questions and provided a timeline of low hazard and high hazard dam inspections.

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

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

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

PPO Recommendation 2: Contract Amendment 4 with HDR for WP4: Recommendation that the General Manager be authorized to execute Amendment #4 with HDR Engineering, Inc. for Professional Engineering Services for modifications to the Final Design of the WP4 Project in an amount not-to-exceed \$64,872, bringing the total contract amount to \$3,663,826 subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Bonnett asked what prompted the need to modify the Final Design Plans for the WP4 Project. Lori Laster said that by removing some of the items from the original plan, it would save approximately \$1,000,000 from the project. She added that there would be no changes to the public’s access or to fish and wildlife habitat.

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

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

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

PPO Recommendation 3: Interlocal Agreement with City of Omaha and CHI for Sorensen Trail: Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the City of Omaha and CHI Health for the Sorensen Trail, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

Director Thompson addressed the General Manager on the City of Omaha’s involvement in trail projects. All questions were addressed.

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

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

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

PPO Recommendation 4: Platte River Bridge Trail Agreement: Recommendation that the General Manager be authorized to execute the proposed Trail Agreement with the State of Nebraska, Department of Transportation for the Platte River Bridge Trail 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 9-yea.

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

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

PPO Recommendation 5: Platte River Bridge Trail Final Plans and Cost Estimate: Recommendation that the following resolution be adopted:

**APPROVAL OF PRELIMINARY PLANS, SPECIFICATIONS, AND ESTIMATES
(PS&E)**

Papio-Missouri River Natural Resources District
Resolution No. _____

WHEREAS: Papio-Missouri River Natural Resources District (LPA) and State of Nebraska (State) entered into an LPA Program Agreement for State to assist LPA in the development and construction of an LPA Federal-aid transportation project;

WHEREAS: The State or the design consultant has developed the project plans to the point where they are ready to submit to State’s PS & E Section for final edits for a bid letting;

WHEREAS: The LPA Program Agreement requires the LPA to review the preliminary PS & E package and either request modification or approve them as acceptable at this stage;

WHEREAS: LPA wishes to approve the preliminary PS & E package as prepared.

Be It Resolved by the Board of Directors of the Papio-Missouri River Natural Resources District that:

The Chairperson, Kevyn Sopinski, is hereby authorized to sign and submit this resolution to the State signifying the LPA’s approval of the preliminary PS & E package.

NDOT Project Number: MAPA-77(62)

NDOT Control Number: 22770

NDOT Project Description: Platte River Bridge Trail

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

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

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

PPO Recommendation 6.a.: FY 2024 Urban Cost Share Program - Urban Conservation Assistance Applications: Recommendation that applications from the City of Omaha for \$30,000 and SID 276 Portal Ridge for \$30,000, SID 503 West Dodge Station for \$30,000, and SID 55 Andersen Meadows Estates for \$30,000 for a total of \$120,000 be approved; subject to funding in the FY 2024 Budget.

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

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

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

PPO Recommendation 6.b.: FY 2024 Urban Cost Share Program - Recreation Area Development Applications: Recommendation that applications from Blair for \$50,000, Hubbard for \$14,750, La Vista for \$50,000, Omaha for \$50,000 and \$50,000, Papillion for \$50,000 and \$11,000, and South Sioux City for \$50,000, for a total of \$325,750, be approved; subject to funding in the FY 2024 Budget.

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

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

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

PPO Recommendation 6.c.: FY 2024 Urban Cost Share Programs - Trails Assistance Applications: Recommendation that applications from Fort Calhoun for \$42,716, Omaha for \$557,279, SID 313 Garden Oaks for \$250,000, SID 328 Sumtur Crossing for \$114,000, and South Sioux City for \$55,335, for a total of \$1,019,330 be approved; subject to funding in the FY 2024 Budget.

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

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

C. Finance, Expenditures, and Legal Subcommittee: Director Bradley reported that the FEL Subcommittee met on April 11, 2023 and gave a brief recap of the meeting. He stated that Paul Grieger, DA Davidson and Tyler Mullen, Baird Holm led a discussion on current bond market conditions. No action was taken by the Subcommittee.

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

FEL Recommendation 1: Nebraska CLASS Public Fund Investment: Recommendation that the following Resolution be adopted:

WHEREAS, NEB. Const. art. XV, § 18(1) authorizes local government entities to exercise their powers and functions, including financing, jointly or in cooperation with other governmental entities and Nebraska law express allows public agencies to invest surplus or excess funds;

WHEREAS, NEB. REV. STAT. § 13-804 authorizes public agencies to enter into interlocal agreements in order for such agencies to take joint or cooperative action;

WHEREAS, the Nebraska Cooperative Liquid Assets Securities System Trust (“Nebraska CLASS Trust”) has been formed pursuant to the provisions of the Interlocal Cooperation Act, NEB. REV. STAT. §§ 13-801 to 13-827;

WHEREAS, the Declaration of Trust and Interlocal Agreement and an Information Statement relating to the Nebraska CLASS Trust have been presented to this Governing Body;

WHEREAS, the Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become Participants of such trust;

WHEREAS, this Governing Body deems it advisable for this Public Agency to adopt and enter into the Declaration of Trust and become a participant of the Nebraska CLASS Trust for the purpose of the joint investment of this Public Agency’s money with those other public agencies so as to enhance the investment earnings accruing to each such public agency,

NOW THEREFORE, be it resolved as follows:

1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, by becoming a Participant of the Nebraska CLASS Trust, and the Declaration of Trust and Interlocal Agreement, as amended from time to time, is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.
2. The Trustees of the Nebraska CLASS Trust are hereby designated as having official custody of this Public Agency’s monies which are invested in accordance with the Declaration of Trust.
3. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as Trustees of the Nebraska CLASS Trust from time to time if elected as such pursuant to the Declaration of Trust.
4. The Key Contact and Authorized Signatories are those persons listed on the Trust Registration Form attached hereto and incorporated herein. The Authorized Signatories are authorized by the Participant to direct the investment of such Participants’ investment funds and to take all such actions deemed necessary or desirable to carry out the activities otherwise authorized by this Resolution, subject to the Authorized Signatories’ obligation to take such actions only in the name of and for the benefit of this Participant.
5. The Key Contact and Authorized Signatories may be changed from time to time by written notice to Nebraska CLASS.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

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

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

Excused Absence - Henningsen, Tesar
Absent - Henningsen, Tesar

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

FEL Recommendation 2: RFP for Auditing Services: Recommendation that the General Manager be authorized to execute a contract for auditing services with BerganKDV, LLC for FY2023 through FY2027, subject to approval as to form by the District's Legal Counsel.

Director Thompson said he thinks District Policy should be reassessed prior to requesting proposals for auditing services.

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

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

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

FEL Recommendation 3: Washington County Rural Water, Customer Contract Costs Account (10-01-4080) over 110%: Recommendation that Account (10-01-4080) Washington County Rural Water, Customer Contract Costs be allowed to exceed 110% of the budgeted amount up to a maximum of \$130,000.

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

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

TREASURER'S REPORT:

•• **MOTION NO. 15:** It was moved by Director Fowler 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: (l) claims listed in the March 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 March 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 9-yea.

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

CHAIRMAN’S REPORT: Chairman Sopinski gave an update on Earth Day and Arbor Day and recognized the Directors that will be attending.

GENERAL MANAGER'S REPORT: GM Winkler reviewed his report with the Board. The report is posted to the District’s website. He also addressed the Food Donation Event being held for Offutt Air Force Base’s Airman’s Attic. Donations can be made before April 18th.

INFORMATIONAL ITEMS:

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

April 22, 2023	Earth Day Omaha, 11:00 a.m.-6 p.m., Elmwood Park, Omaha
May 2 & 3, 2023	Water Works, 10:00 a.m.-1:30 p.m., Schramm Education Center, Gretna
May 9, 2023	Papio NRD Subcommittee Meetings, 4:00 p.m., NRC
May 11, 2023	Papio NRD Board of Directors Meeting, 4:00 p.m., NRC
May 29, 2023	Papio NRD Offices Closed for Memorial Day

B. Next Meeting – The next scheduled meeting of the Papio NRD Board of Directors will be held on May 11, 2023, 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 April 13, 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 April 13, 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