



**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
September 14, 2017**

***Agenda Item 4 - Agenda**

BE IT RESOLVED that the agenda be adopted.

***Agenda Item 5 – Consent Agenda**

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 September 14, 2017, Board of Directors Meeting are excused:

John Conley
Mark Gruenewald
Rich Tesar
John Wiese.

Agenda Item 7. A. and 7.B.

BE IT RESOLVED that the August 10, 2017, Papio-Missouri River NRD Board Meeting minutes and the August 9, 2017, Dakota County Rural Water Advisory Board Meeting minutes are approved as printed.

***Agenda Item 11.A. – Personnel, Legislative and Public Affairs Subcommittee**

BE IT RESOLVED that the minutes of the September 12, 2017, meeting of the Personnel, Legislative and Public Affairs Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Resolutions to be considered at the 2017 NARD Annual Conference: Be it resolved that the P-MRNRD Voting Delegate and/or Alternate should be and is hereby authorized to vote on the 2017 resolutions being considered at the NARD Annual Conference in the manner as recommended in the table below:

Resolution #	Description
2017-1	Natural Disaster Assistance Funding Through NEMA. Submitted by Little Blue NRD. Recommendation: Support

2017-2	Surface Water Leasing for Groundwater Recharge. Submitted by Tri-Basin NRD Recommendation: Support
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*Agenda Item 11.B. – Programs, Projects and Operations Subcommittee

BE IT RESOLVED that the minutes of the September 12, 2017, meeting of the Programs, Projects and Operations Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Phase VIII of Engineering Contract with Olsson Associates for Professional Services for Pigeon/Jones Site 12A: Recommendation that the General Manager be authorized to execute an amendment to increase the maximum, not-to-exceed amount of the professional services contract with Olsson Associates for the Pigeon Jones Site 15 Project, to \$2,443,975.00, subject to changes deemed necessary by General Manager and approval as to form by District Legal Counsel.
2. US Highway 34 Bike and Walking Trail Interlocal Agreement: Recommendation that the General Manager be authorized to execute the Interlocal Cooperation Agreement for the US Highway 34 Bike and Walking Trail, with the District's cost not-to-exceed \$200,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
3. West Papio Trail (Giles to Millard Road) Construction Interlocal Agreement with Omaha, La Vista: Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Omaha and City of La Vista for construction of West Papio Trail Giles Road to Millard Expansion, with District cost not-to-exceed \$2,250,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
4. USACE Section 22 Streambed Degradation Study:
 - a. Planning Assistance to States Agreement: Recommendation that the General Manager be authorized to execute the Planning Assistance to States Agreement with the Department of the Army, with the District cost for Phase 1 and Phase 2 of the Streambed Degradation Study not-to-exceed \$25,000, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
 - b. Interlocal Agreement with City of Omaha: Recommendation that the General Manager be authorized to execute the Interlocal Agreement with the City of Omaha for the USACE Section 22 Streambed Degradation Study, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

*Agenda Item 11.C. – Finance, Expenditures and Legal Subcommittee

BE IT RESOLVED that the minutes of the September 12, 2017, meeting of the Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Adoption of the FY 2018 Budget and Set Property Tax Levy at 0.037797 for the FY 2018 Budget: Recommend that the following resolutions be adopted:

It is recommended that the following resolutions be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the attached budget document incorporated herein by reference, showing Total Requirements of \$66,775,193 as follows:

Operating Budget	\$66,725,193
Uninsured Liability Sinking Fund	\$50,000

and Property Tax Requirement of \$23,726,440.65 be and is hereby adopted as the Fiscal Year 2018 budget of the Papio-Missouri River Natural Resources District.

WHEREAS, Nebraska Revised Statute §77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held on September 14, 2017, as required by law, to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

1. The FY 2018 property tax request be set at \$23,726,440.65 with a tax levy of 0.037797/\$100.
2. And, that a copy of this resolution be certified and forwarded to the County Clerks for the Counties within the District prior to September 20, 2017.

***Agenda Item 12. A.-J.- Treasurer's Report**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the August, 2017, 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 August, 2017, 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.

***Agenda Item 14.A. – Review and Recommendation to Indemnify General Manager John Winkler and Director/Treasurer John Conley from all Claims and Expenses Related to Small Claims Court Action**

BE IT RESOLVED that the following resolution be adopted:

RESOLUTION

WHEREAS on or about August 15, 2017, a Claim was filed in the Small Claims Court of Washington County, Nebraska by Mr. Mark B. Gruenewald against Mr. John Winkler and Mr. John Conley; and

WHEREAS the basis stated for the Claim is that “the Defendants failed to pay reimbursement of expenses per state 2-3218;” and

WHEREAS a request to dismiss the Claim and instead pursue reimbursement of expenses pursuant to normal processes and procedures including compliance with applicable tax forms was disregarded; and

WHEREAS on or about September 6, 2017, the Claim was transferred to the regular docket of the County Court of Washington County; and

WHEREAS Policy 2.4 of the Papio-Missouri River Natural Resources District provides, “The District shall indemnify each person who was or is a party to any . . . pending . . . action . . . by reason of the fact that he or she is or was a director [officer, employee] of the District against expenses in excess of insurance coverage, including attorneys fees . . . reasonably incurred in connection with such action, suit or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the District”; and

WHEREAS Policy 2.4 of the Papio-Missouri River Natural Resources District also provides, “Any indemnification under this policy shall be made by the District only as authorized in the specific case upon a determination that indemnification of the director [officer, employee] is proper in the circumstances because he or she has met the applicable standard of care”; and

BE IT RESOLVED that pursuant to Policy 2.4 of the Papio-Missouri River Natural Resources District, the Board hereby finds and determines Mr. John Conley and Mr. John Winkler acted in good faith and in a manner consistent with the best interests of the District in connection with all matters underlying the Claim filed by Mark B. Gruenewald; and

BE IT FURTHER RESOLVED the Board determines indemnification of Mr. John Conley and Mr. John Winkler for all expenses set forth in Policy 2.4 in connection with the Claim and any related litigation is proper under the circumstances and is hereby approved in accordance with the provisions set forth in Policy 2.4.