

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
February 8, 2018**

***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 following Director(s) have excused absences from the February 8, 2018, Board of Directors Meeting:

Patrick Leahy
Rich Tesar.

Agenda Item 7 A.:

BE IT RESOLVED that the January 11, 2018, Papio-Missouri River NRD Board meeting minutes and the January 10, 2018, Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

***Agenda Item 9.A. – Programs, Projects and Operations Subcommittee:** The minutes of the February 6, 2018, 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. Construction Bids for Zorinsky Basin No. 2 Project: Recommendation that the General Manager be authorized to execute a contract with Valley Corporation Inc. for the construction of the ZB2 project for the bid amount of \$4,254,983.97, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
2. Union Dike Trench Drain Repair Project: Recommendation that the General Manager be authorized to execute a contract with Niewohner Construction, Inc. in the amount of \$103,560 for the construction of the Union Dike Trench Drain Repair Project, subject to

changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

3. Operations & Maintenance Outbuilding Project: Recommendation that the General Manager be authorized to execute a contract with Gingerich Structures, LLC in the amount of \$149,850 for the construction of the Operations & Maintenance Outbuilding Project without mid-span columns, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
4. Research Agreement with University of Nebraska Lincoln for a Vadose Zone Nitrate Study near Springfield, NE: Recommendation that the General Manager be authorized to execute the proposed research agreement with the University of Nebraska-Lincoln for a vadose zone nitrate study near Springfield, NE for a fixed cost of \$20,999, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
5. Groundwater Management Plan:

- A. Adoption of Proposed Groundwater Management Plan: Recommendation that the following resolution be adopted:

WHEREAS Natural Resources Districts have the legal authority to regulate groundwater in the State of Nebraska pursuant to Neb. Rev. Stat. § 46-702; and

WHEREAS Natural Resources Districts are required to maintain a groundwater management plan pursuant to Neb. Rev. Stat. § 46-709; and

WHEREAS the Papio-Missouri River Natural Resources District in its preparation of the proposed Groundwater Management Plan, with assistance from its consultant, actively solicited public comments and opinions and utilized and drew upon existing research, data and other information as required by Neb. Rev. Stat. § 46-710; and

WHEREAS the Papio-Missouri River Natural Resources District submitted the proposed Groundwater Management Plan to the Director of Natural Resources and obtained the Director's approval of the plan as required by Neb. Rev. Stat. § 46-711; and

WHEREAS the Papio-Missouri River Natural Resources District noticed and conducted multiple public hearings for the proposed Groundwater Management Plan in compliance with Neb. Rev. Stat. § 46-743.

BE IT RESOLVED, that the proposed Groundwater Management Plan is hereby adopted and approved in its entirety.

- B. Adoption of Proposed Rules and Regulations: Recommendation that the following resolution be adopted:

WHEREAS Natural Resources Districts have the legal authority to regulate groundwater in the State of Nebraska pursuant to Neb. Rev. Stat. § 46-702; and

WHEREAS Natural Resources Districts have the authority to promulgate rules and regulations to discharge their duties assigned under the Nebraska Ground Water Management and Protection Act to conserve groundwater resources; and

WHEREAS the Papio-Missouri River Natural Resources District proposes amendments to the current Groundwater Rules and Regulations to implement controls set forth in the proposed Groundwater Management Plan; and

WHEREAS the Papio-Missouri River Natural Resources District actively solicited public comment and input on the proposed rules and regulations and has noticed and conducted multiple public hearings in compliance with Neb. Rev. Stat. §§ 46-708 and 46-743.

WHEREAS the Papio-Missouri River Natural Resources District incorporated the information and input from the public in the proposed amendments to the Groundwater Rules and Regulations.

BE IT RESOLVED, that the proposed amendments to the Groundwater Rules and Regulations be adopted and approved and shall be incorporated into Appendix N of the District's Directors Policy Manual.

C. Adoption of the Proposed Groundwater Management Areas: Recommendation that the following resolution be adopted:

WHEREAS Natural Resources Districts have the legal authority to regulate groundwater in the State of Nebraska pursuant to Neb. Rev. Stat. § 46-702; and

WHEREAS Natural Resources Districts have the authority to establish groundwater management areas to accomplish the objectives of protection of groundwater quality and/ or groundwater quantity; and

WHEREAS the Papio-Missouri River Natural Resources District has identified the proposed Groundwater Management Areas in the proposed Groundwater Management Plan; and

WHEREAS the Papio-Missouri River Natural Resources District has submitted to and received approval from the Director of Natural Resources of the proposed Groundwater Management Plan which includes the proposed designation of Groundwater Management Areas; and

WHEREAS the Papio-Missouri River Natural Resources District actively solicited public comment and input on the proposed Groundwater Management Areas and has noticed and conducted multiple public hearings in compliance with Neb. Rev. Stat. §§ 46-708 and 46-743.

BE IT RESOLVED, that the area of the entire District, and all underlying groundwater, are designated as Groundwater Management Areas, as further described in the District's Groundwater Rules and Regulations, and shall be subject to the controls authorized by Neb. Rev. Stat. § 46-739.

***Agenda Item 9.B. – Finance, Expenditure and Legal Subcommittee:** The minutes of the February 6, 2018, Finance, Expenditure and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Land Acquisition for Zorinsky Basin No. 2 and Authorize Zorinsky Water Quality Basin No. 2 Land Rights Account 02-01-558-4430 to Exceed 110%: Recommendation that the General Manager be authorized to execute a purchase agreement with David F. Lanoha, Trustee of the David F. Lanoha Revocable Trust and Lanoha Pacific, Inc. for the purchase of 24.495 acres at a purchase price of \$1,224,750 and a purchase agreement with Skrupa Investment Company for the purchase of 3.834 acres and a permanent easement of 4.0 acres at a purchase price of \$392,603.38 for the Zorinsky Water Quality Basin 2 Project, and authorize Zorinsky Basin Land Rights account 02-01-558-4430 to exceed 110% of the budgeted amount, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
2. Account Over 110% Eastern Nebraska Water Resources Assessment – Contributions/Reimbursements/Cost Shares (01-05-191-4195): Recommendation that account 01-05-191-4195 (ENWRA – Contributions/Reimbursements/Cost Shares) be allowed to exceed 110% of the budgeted amount, with a maximum not-to-exceed amount of \$102,400 without further Board approval.

***Agenda Item 10. A.-J. – Financials**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the January 2018, 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 January 2018, 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.