

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
April 11, 2019**

***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 April 11, 2019 Board of Director Meeting are excused:

Tim Fowler

Agenda Item 7. A.

BE IT RESOLVED that the March 14, 2019 Papio-Missouri River NRD Board Meeting minutes are approved as printed.

***Agenda Item 9.A. – Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the April 9, 2019 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. Bids for Big Papio Creek Levee Culverts Project Phase 2: Recommendation that the General Manager be authorized to execute a contract with Graham Construction, Inc. in the amount of \$3,146,227.15 for the construction of the Big Papio Levee Culverts Project Phase 2, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
2. Nebraska Machinery Company – CAT Financial Governmental Lease-Purchase Agreement: Recommendation that the General Manager be authorized to execute an agreement with Nebraska Machinery Company – CAT Financial Government Lease-Purchase Program for the annual lease of two CAT 257D Multi Terrain Loaders and one CAT 305 E2CR Hydraulic Excavator, for a total of \$16,500, subject to changes deemed necessary by the General

Manager and approval as to form by District Legal Counsel.

3. Vote on Local Disaster Emergency Declaration: Recommendation that the following Resolution related to the Emergency Declaration for the March 2019 Flood be adopted:

WHEREAS, the Papio-Missouri River Natural Resources District (“NRD”) endured a natural disaster in March 2019 in the form of flooding of the Missouri, Elkhorn and Platte Rivers and their surrounding areas;

WHEREAS, prior to requesting state assistance under the Nebraska Emergency Management Act and federal assistance, the NRD must declare an emergency through a declaration under Neb. Rev. Stat. § 81-829.50;

WHEREAS, NRD Policy 15.4 allows for an Emergency Declaration which grants certain purchasing authority to NRD Management without having to follow certain purchasing NRD policies because of the emergency caused by the natural disaster;

WHEREAS, pursuant to NRD Policy 15.4, NRD Management obtained concurrence of six (6) non-signing Directors and sent a written declaration to the Chairperson to declare an emergency within the NRD as a result of the March 2019 flooding of the Missouri, Elkhorn and Platte Rivers; and

WHEREAS, the Chairperson Jim Thompson executed the Emergency Declaration for the NRD on March 21, 2019.

BE IT RESOLVED, that the Board of Directors declares the March 2019 flooding of the Missouri, Elkhorn and Platte Rivers and their surrounding areas is a natural disaster of emergency nature; and

BE IT FURTHER RESOLVED, that the Board of Directors approves the Emergency Declaration for the NRD signed on March 21, 2019 and grants NRD Management the authority set forth in the Emergency Declaration and NRD Policy 15.4.

4. FY 2020 Urban Cost Share Programs:

- a. Urban Conservation Assistance Program: Recommendation that the applications from Gretna for \$30,000 and Sarpy County for \$24,000, for a total of \$54,000 be approved, subject to funding in the FY 2020 Budget.
- b. Urban Drainageway Program: Recommendation that the application from Sarpy County for \$303,115 be approved, subject to funding in the FY 2020 Budget.
- c. Recreation Area Development Program: Recommendation that the applications from Bennington for \$50,000, Fort Calhoun for \$50,000, the Village of Homer for \$14,500, the City of Omaha for \$50,000 (Dewey Dog Park) and \$50,000 (Flanagan Lake Playground), and South Sioux City for \$14,669, for a total of \$229,169 be approved, subject to funding in the FY 2020 Budget.

- d. Trails Assistance Program: Recommendation that the applications from Gretna for \$82,670, Omaha for \$146,209, SID 503 for \$244,026, and South Sioux City for \$164,505, for a total of \$637,410 be approved, subject to funding in the FY 2020 Budget.

***Agenda Item 9.B. – Finance, Expenditure and Legal Subcommittee**

BE IT RESOLVED that the minutes of the April 9, 2019 meeting of the 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. Attorney Fees for Missouri River Levee Certification Account 01-03-560-4392 over 110%: Recommendation that the Missouri River Levee Certification Attorney Fees account 01-03-560-4392 be allowed to exceed the budgeted amount up to \$190,000, without further Board approval.
2. Maintenance, Channels and Levees – Maintenance Materials Account 01-03-591-4477 Over 110%: Recommendation that Maintenance, Channels and Levee – Maintenance Materials account 01-03-591-4477 be allowed to exceed the budgeted amount up to \$570,000, without further Board approval.

***Agenda Item 10. A.-J. – Financial Report**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the March 2019, 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 March 2019, 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 11. A. – Legal Update**

BE IT RESOLVED that the following recommendations are approved:

- A. 1904 Farms, LLC et al- R-613 Tract 18: Recommendation that the General Manager be authorized to execute a permanent easement with 1904 Farms, LLC, a Nebraska limited liability company, as to 50% interest, Farmer's Daughter LLC, a Nebraska limited liability company, as to 25% interest, and Whiske Farms, LLC, a Nebraska limited liability

company, as to 25% interest, in the amount of \$119,730.60 for an area containing 24.075 acres of land for the Missouri River R613/R616 Levee Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

- B. 1904 Farms, LLC- R-613 Tract 19: Recommendation that the General Manager be authorized to execute a purchase agreement with 1904 Farms, LLC, a Nebraska limited liability company, in the amount of \$68,488.50 for an area containing 12.22 acres of land for the Missouri River R613/R616 Levee Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.