



**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
April 10, 2014**

***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 absence of the following Directors from the April 10, 2014, Board of Directors Meeting are excused:

Tim Fowler
Rich Tesar

Agenda Item 7.A., and 7.B.

BE IT RESOLVED that the March 13, 2014 Papio-Missouri River NRD Board Meeting minutes and the March 12, 2014 Dakota County Rural Water Advisory Board Meeting minutes be approved as printed.

***Agenda Item 9.A. – Ad Hoc Consultant Selection Subcommittee for District Legal Services**

BE IT RESOLVED that the minutes of the April 1, 2014, meeting of the Ad Hoc Consultant Selection Subcommittee for District Legal Services are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Assign the Ranking of Law Firms – Recommendation that the District should attempt to negotiate an agreement with Husch Blackwell for District legal services; and, if the District is unable to reach an agreement with Husch Blackwell, the District should commence negotiations with Baird Holm.

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

BE IT RESOLVED that the minutes of the April 8, 2014, 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. Proposed Food Vending Operation for Elkhorn River Access Sites at West Dodge Road and West Maple Street – Recommendation to deny the proposed request by Anthony Swirzcek to operate a mobile food vending service during Elkhorn River Access site operating hours.
2. Kramper Lake/Danish Alps Recreation Area:
 - a. Bid Opening for Recreation Area Project – Recommendation that the General Manager be authorized to execute a contract with Dixon Construction Company for the construction of Kramper Lake/Danish Alps Recreation Area Project in the base bid amount of \$4,609,835.59, with adoption of Change Order No. 1 to revise the construction contract amount to \$4,192,567.59, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
 - b. Phase VI of Contract Amendment with Olsson Associates – 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, by \$142,270.00 to \$1,875,853.00, subject to approval as to form by District Legal Counsel.
3. Draft Voluntary Integrated Management Plan for the Lower Platte River – This was an information update and no action was taken by the Subcommittee.
4. Platte River Landing Site Improvements Phase 3 Project Bids – Recommendation that the General Manager be authorized to execute a contract with Valley Corp. for the construction of the Platte River Landing Phase 3 Base Bid, with adoption of Alternate #1, Alternate #2 and Alternate #3, for a total contract amount of \$111,850.00, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
5. Papillion Creek Watershed Partnership (PCWP) Watershed Management Plan Update and Interlocal Agreement – Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement for the continuation of the Papillion Creek Watershed Partnership among the communities of Bellevue, Boys Town, Gretna, La Vista, Omaha, Papillion, Ralston, Sarpy County and the Papio-Missouri River NRD, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
6. Urban Cost Share Programs:
 - a. Recreation Area Development Program – Recommendation that the Recreation Area Development Program applications from the City of Blair for \$27,552, the City of Omaha for \$50,000, the City of Papillion for \$20,000, and South Sioux City for \$50,000, for a program total of \$147,552, be approved, subject to funding in the FY 2015 Budget.
 - b. Urban Drainageway Program – Recommendation that the Urban Drainageway applications from the City of La Vista for \$412,000, Huntington Park SID 374 for

\$826,452, and the City of Waterloo for \$89,512, for a program total of \$1,836,184, be approved, subject to funding in the FY 2015 Budget.

- c. Urban Conservation Assistance Program – Recommendation that the Urban Conservation Assistant Program applications from the City of Omaha for \$30,000, \$18,924 and \$4,800, and the two applications from South Sioux City for \$30,000 and \$30,000, for a program total of \$113,724, be approved, subject to funding in the FY 2015 Budget.
 - d. Trails Assistance Program – Recommendation that the Trails Assistance Program cost share application from the City of Papillion for \$32,673, the City of Bennington for \$84,196, Sarpy County for \$125,000 and South Sioux City for \$57,886, for a program total of \$299,755, be approved, subject to funding in the FY 2015 Budget.
 - e. Lake Dredging Program – [There were no program applications received for FY 2015 and no action was taken by the Subcommittee.]
7. Lake Dredging Program Assistance Increase, SID 249 Savanna Shores – Recommendation that the Board approve an increase in District funding for the Lake Dredging Program (cost share recipient Savanna Shores) by \$9,700 for a total of \$50,000, in order to complete this project.
 8. Supplemental Agreement for Professional Services:
 - a. Platte River Trail System (MOPAC Trail) – Ehrhart, Griffin & Associates:
[This was an information update and no action was taken by the Subcommittee].
 - b. West Douglas County Trail System – Fellsburg, Holt & Ullevig:
Recommendation that the Board authorize the General Manager to execute the proposed Supplemental Agreement No. 3 between the District and Fellsburg, Holt and Ullevig for preliminary NEPA Engineering Services for the West Douglas County Trail, Phases 1 and 2, providing for an increase in engineering fees by an amount not-to-exceed \$4,581.23.

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

BE IT RESOLVED that the minutes of the April 8, 2014, meeting of the Finance, Expenditure and Legal Subcommittee are accepted, incorporated in these minutes, and the following resolution is approved and adopted.

1. Western Sarpy Clear Creek Flood Reduction Project Accounts over 110% –Be it resolved that Western Sarpy/Clear Creek accounts for Professional Services; Construction, Land Rights and Attorney Fees should be allowed to exceed the budgeted amounts; that the General Manager should be authorized to seek short term financing from Wells Fargo Bank, N.A, for a term of up to a 3 years, for an amount up to \$2,831,651, to pay for the necessary construction contribution to U.S. Army Corps of Engineers for the Western Sarpy/Clear Creek Flood Reduction Project; and, that, to enable such financing, the General Manager should be and is hereby

authorized to execute for and on behalf of the District the documents and instruments identified in the Summary of Proposed Terms and Conditions provided to the District with Wells Fargo Bank's letter dated April 9, 2014, after approval as to form by District Legal Counsel.

2. Dam Site 15A Land Acquisition:

a. Changes to Tract 11 Acquisition Limit – Resolved, that the General Manager is hereby directed to modify the plans for the Papio Dam Site 15A Flood Control Reservoir and Recreation Area Project to incorporate the entire 40-acre Vollmer tract into the project Master Plan, the Board hereby finding that such plan modification, and the acquisition of fee simple title to such tract by the District, are necessary for the purposes of the flood control, wildlife habitat and recreation features of the project.

b. Proposed Purchases – Recommendation that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 17 in the amount of \$1,624,071 for 33.486 acres of land, and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 18 in the amount of \$4,284,360 for 95.208 acres of land, such purchase agreements to contain provisions for the owners to retain leases over such lands for the 2014 crop year (ending November 1, 2014), and such other terms and conditions as the General Manager deems necessary and approved as to form by District Legal Counsel.

3. Kennard Lagoon Property – Recommendation that the General Manager of the District should be and is hereby authorized and directed to sell the former Kennard sewer lagoon property, legally described as Tax Lots 75 and 95 in Section 5, Township 17 North, Range 11 East of the 6th P.M., Washington County, Nebraska, to Andersen Farms, Ltd for the amount of \$125,000; and, further authorized to execute a purchase agreement, deed and such other documents that he determines are necessary to effectuate such transaction and are approved as to form by District Legal Counsel.

***Agenda Item 10. A.-I. - Financials**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the March, 2014, 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 and the Papillion Creek Watershed Partnership, the project bills listed on the March, 2014, 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. – A Resolution of Commendation**

Be it resolved that the Board of Directors of the Papio-Missouri River Natural Resources District hereby commends District General Manager John Winkler for his initiative, persistence and leadership in organizing and directing the successful effort by the District and others to obtain a commitment by the federal government to provide its promised funding for the completion of the Western Sarpy County flood control levee project, saving the District and other local agencies from being required to expend many millions of dollars of local funds to complete such project.