

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
May 8, 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 Director from the May 8, 2014, Board of Directors Meeting is excused:

Tim Fowler

Agenda Item 7. A and B.

BE IT RESOLVED that the April 10, 2014 Papio-Missouri River NRD Board meeting minutes; and the April 9, 2014 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

***Agenda Item 10.A. – Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the May 6, 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. Draft Voluntary Integrated Management Plan for the Lower Platte River – Recommendation that the draft Integrated Management Plan for the portion of the District within the Lower Platte River Basin be adopted by the District.
2. Interlocal Agreement with Nebraska Game & Parks for Operation and Maintenance of the Danish Alps State Recreation Area Project – Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with the Nebraska Game and Parks Commission for the management, operation and maintenance of the Danish Alps State Recreation Area Project, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

***Agenda Item 10.B. – Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the May 6, 2014, 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. Refinance of the Washington County Rural Water #2 System Bank Loan – Recommendation that the General Manager be authorized to execute the proposed loan agreement with Washington County Bank, as presented to the Subcommittee, to refinance a portion of the Washington County Rural Water #2 System debt.
2. Excess Property Located at WP-5 – This item failed in Subcommittee.
3. Missouri River Floodway Purchase Program
 - a. Amendment to the Interlocal Agreement with City of Bellevue for 1600 Front Street – Recommendation that the General Manager be authorized to execute the proposed Amendment 1 to the Interlocal Agreement with the City of Bellevue for the Missouri River Floodway Purchase of the 1600 Front Street property in Sarpy County, Nebraska, calling for the total project cost to be increased to a not-to-exceed amount of \$60,500, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
 - b. Property Acquisition of 1600 Front Street – Recommendation that the General Manager be authorized to execute for, and on behalf of the District, the proposed purchase agreement in the form as presented to the Subcommittee, providing for the purchase by the District from Steven Wright of his property located at 1600 Front Street in Sarpy County, Nebraska, for the purchase price of \$45,000, subject to the adoption of the amended Interlocal Agreement by the City of Bellevue, and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
4. Dam Site 15A Land Acquisition – Recommendation that the Board of Directors reject the following counteroffers received from landowners for Papio Dam Site 15A Project tracts, that is, the counteroffer for Tract 1 in the amount of \$144,285, the counteroffer for Tract 2 in the amount of \$1,929,600, the counteroffer for Tract 4 in the amount of \$3,266,935, the counteroffer for Tract 7 in the amount of \$140,736, the counteroffer for Tracts 3 and 8 in the amount of \$2,532,972, the counteroffer for Tract 9 in the amount of \$15,200, the counteroffer for Tracts 13 and 15 in the amount of \$7,000,000, and the counteroffer for Tract 19 in the amount of \$36,450.

***Agenda Item 11. A.-I. - Financials**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the April, 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, and the Western Sarpy Drainage District, the project bills listed on the April, 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 13. – Negotiated Contract for District Legal Services**

Recommendation that the General Manager be authorized to execute a proposed agreement for District Legal Services with Husch Blackwell LLP, in the form as presented to this meeting.

***Agenda Item 16. – Taking from the Table Changes to the Tract 11 Acquisition for Dam Site 15A**

Motion: Take from the table and adopt the resolution that was proposed and tabled at the April Board meeting that provided as follows, to wit::

It is 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.

***Agenda Item 17. – Request for Authority to Appeal to the Nebraska Court of Appeals**

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River NRD that District Legal Counsel should be and is hereby authorized and directed to file and pursue on behalf of the District an appeal to the Nebraska Court of Appeals from the April 24, 2014, order of the District Court of Washington County in the case of *City of Fort Calhoun, etal. v. Papio-Missouri River NRD*, Case No. CI 13-184, such order denying the NRD’S motion for new trial on the District Court’s order overruling the NRD’S Motion to Dismiss the plaintiffs’ complaint.