



**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
December 9, 2010**

***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 Directors from the December 9, 2010, Board of Directors Meeting are excused:

None to date.

Agenda Item 7. A,B.,C.

BE IT RESOLVED that the November 10, 2010 Papio-Missouri River NRD Board meeting minutes; the November 10, 2010 Dakota County Rural Water Advisory Board meeting minutes and the November 22, 2010 Thurston County Rural Water Advisory Board meeting minutes are approved as printed.

***Agenda Item 10.A. – Personnel, Legislative and Public Affairs Subcommittee**

BE IT RESOLVED that the minutes of the December 7, 2010, 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. Amendments to P-MRNRD Pay Program Administration Manual for Calendar Year 2011 – Recommendation recommends that the following adjustments to the P-MRNRD Pay Program for CY 2011 be adopted:
 - The Compensation Structure (salary ranges) will not be adjusted for 2011, however will be reviewed again next year to determine the need for any possible adjustments.
 - The CY 2011 Merit Matrix will remain the same as 2010.
 - The CY 2011 will remain at 1.5%, the same as 2010 COLA.

2. NRD Flexible Spending Plan – Amendment #1 – Recommendation that the Board approve Amendment #1 to the NARD Flexible Benefits Plan.

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

BE IT RESOLVED that the minutes of the December 7, 2010, 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. Burt-Washington Drainage District Request for Funding for the Burt County Drainage Ditch Cut Off Project – Recommendation that the Burt-Washington Drainage District funding request for the Bruncker Ditch Cutoff Project be denied and that Management work with the Drainage District and NRCS to select a recommended Special Watershed Project Area for consideration of planning and implementation by the Board.
2. Nebraska Game and Parks Request for Cost Share Assistance for Debris Removal at Lied Platte River Bridge – Recommendation that the District cost share equally with the Nebraska Game and Parks Commission and the Lower Platte South NRD on the non-federal share of the cost for debris removal at the Lied Platte River Bridge resulting from the June, 2010 flood, in an amount not to exceed \$23,330.
3. Zorinsky Basin No. 1 Interlocal Agreement with City of Omaha – Recommendation that the General Manager be authorized to execute the proposed Interlocal Cooperation Act Agreement with the City of Omaha for the Zorinsky Water Quality Basin #1 Project.
4. Waterloo Levee Design Interlocal Agreement – Amendment #4 – Recommendation that the General Manager be authorized to execute a revised Interlocal Agreement with the Village of Waterloo that provides for the equal sharing of the levee design costs up to \$356,922 subject to changes deemed necessary by the General Manager and District Legal Counsel.

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

BE IT RESOLVED that the minutes of the December 7, 2010, 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. FY 2010 Audit - Recommendation Directors that the FY2010 Audit Report and management letter, prepared by Bland and Associates, be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.
2. Heron Haven Construction Fund Transfer – Recommendation Board that \$155,902 be transferred from the MoPac Trail - Construction Costs (Hwy 50 to Lied Bridge) to the Heron Haven Project and that a \$155,902 payment be sent by January 1, 2011 to the

US Army Corps of Engineers, Omaha District for design and implementation of the Heron Haven 206 Wetland Restoration Project.

3. Papio Creek Watershed Structure W-3:
 - a. Construction Change Order and 110% of Budget Item – Recommendation that the Assistant General Manager (as per agreement with NRCS) be authorized to execute Contract Modification No. 2 in the amount of \$144,073.08 with Pruss Excavation for the Papio W-3 Rehabilitation Project, that the Assistant General Manager be authorized to execute future contract modifications totaling a maximum of 10% of the original construction contract amount and that Account No. 510-4479-W-3 Rehabilitation Project be allowed to exceed 110% of the budgeted amount.
 - b. John and Mary Camden – Temporary Easement Extension – Recommendation that the General Manager be authorized to commence the right-of-way process to acquire an additional 6 month long temporary easement from John and Mary Camden for the continued construction of Papio Creek Watershed Structure W-3 Rehabilitation Project.
4. Dial Realty Note – Recommendation that the following resolution be adopted:

WHEREAS, on or about March 10, 2006, Dial Realty Development Corp. (“Dial”) delivered to the District a Deed of Trust, now recorded with the Douglas County Register of Deeds as Instrument No. 2006-037608, having as the trust property Lots 114 and 115 in Elk Ridge, and Lots 8 through 14 in Elk Ridge Replat 2, subdivisions in Douglas County, Nebraska, securing the future payment of \$580,000 of Dial’s contributions towards the cost of the Dam Site 13 Project in Douglas County; and,

WHEREAS, on or about October 26, 2010, the District served upon Dial, and recorded with the Douglas County Register of Deeds as Instrument No. 2010 099560, a Notice of Default alleging a breach by Dial of the terms of such Deed of Trust; and,

WHEREAS, Dial subsequently informed the District that it is unable to pay the debt secured by such Deed of Trust and offered to give to the District a deed to such secured property in lieu of foreclosure of such Deed of Trust and other collection efforts; and this Board of Directors has determined that it is in the best interests of the District that the District accept such offer and obtain title to the trust property without the need for further legal proceedings,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the General Manager of the District should be, and is hereby, authorized and directed to now accept Dial’s offer of a deed in lieu of foreclosure by the District of the Deed of Trust; and that the General Manager should be, and is hereby, authorized to cease further collection efforts on said debt, execute a release of liability by Dial Realty Development Corp. on the Deed of

Trust, and execute such other and further documents, approved as to form by District Legal Counsel, as the General Manager deems necessary to effectuate the transfer to the District of title to such trust property.

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the November, 2010, 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 #1 and Washington County #2 rural water supply projects, 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 November, 2010, 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.

/pt/board/board-Dec/2010/dec10_resolutions