

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolution
June 8, 2005**

Agenda Item 3:

BE IT RESOLVED that the agenda be adopted.

Agenda Item 4:

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 an excused absence from the June 8, 2005 Board of Directors Meeting:

None to Date

Agenda Item 6 A.:

BE IT RESOLVED that the May 12, 2005, Papio-Missouri River NRD Board meeting minutes and the May 11, 2005, Dakota County Rural Water Advisory Committee meeting minutes be approved as printed.

Agenda Item 8.A.:

BE IT RESOLVED that the May 26, 2005, West Branch Tributary Crossing Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted or approved.

1. Firm to Be Hired for West Branch Tributary Crossings Design and Construction Administration: Recommendation that Ehrhart Griffin Associates be ranked first; Kirkham Michael Associates be ranked second and The Schemmer Associates be ranked third for West Branch Tributary crossing design and construction administration.

Agenda Item 8.B.:

BE IT RESOLVED that the June 7, 2005, Programs, Projects and Operations Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted or approved.

1. Cooperative Agreement for Shadow Lake Flood and Sediment Control Projects – Recommendation that the General Manager be authorized to execute the form of the

agreement with the City of Papillion, 370 L.L.C., S.I.D. 267, Shadow Lake Development L.L.C., and S.I.D. 264 for the Shadow Lake and Midlands Lake Flood & Sediment Control Projects as presented.

The following detailed resolution is recommended:

Whereas, a Cooperative Agreement pursuant to the Nebraska Interlocal Cooperation Act for the Shadow Lake Flood and Sediment Control Projects (“the Projects”), by and among the Pappio-Missouri River Natural Resources District (“the NRD”); The City of Papillion (“the City”); 370 LLC, a Nebraska Limited Liability Company (“370 LLC”); Sanitary and Improvement District No. 267 OF Sarpy County, Nebraska (“SID 267”); Shadow Lake Development, LLC, a Nebraska Limited Liability Company (“SLD LLC”); and, Sanitary and Improvement District No. 264 of Sarpy County, Nebraska (“SID 264”), has been proposed and presented to this meeting; and,

Whereas, pursuant to such Cooperative Agreement, among other things, SID 264 would construct a flood control structure (“the Shadow Lake Dam”) to detain flood waters of Midlands Creek, and a grade stabilization structure (“the Midlands Lake Dam”) approximately at the location where the NRD has had long-standing plans to construct grade stabilization structure S-30, a component of the NRD’s and United States Department of Agriculture Natural Resources Conservation Service’s Public Law 566 Papillion Creek Watershed Work Plan; the NRD would pay to SID 264 a sum not exceeding \$3,357,278.00 towards the cost of design and construction of the Shadow Lake Dam and the Midlands Lake Dam; and, the NRD would permanently operate and maintain such dams after their construction; and,

WHEREAS, this Board finds that such Projects should be carried out and that the NRD should execute such Cooperative Agreement, superseding the previously-proposed, un-executed agreement and this Board’s resolution thereon adopted at its May 12, 2005 meeting.

NOW, THEREFORE, BE IT RESOLVED that this Board hereby finds and determines that the Projects would be of predominantly general benefit to the NRD, with only an incidental special benefit, and that such Projects should be carried out with general funds of the NRD; that the Cooperative Agreement under the Interlocal Cooperation Act, among the NRD, the City, 370 LLC, SID 267, SLD LLC and SID 264, should be entered into by the NRD; and, that the General Manager should be, and is hereby, authorized and directed to execute such Cooperative Agreement for and on behalf of the NRD, together with such other and further instruments that the General Manager determines necessary to effectuate such Cooperative Agreement that are approved as to form by the NRD’s Legal Counsel.

2. Amendments to Pigeon/Jones Watershed Site 15 Professional Services Contract with Olsson Associates – Recommendation that the General Manager be authorized to execute the proposed amendment No. 1 to the Pigeon/Jones Creek Watershed Site #15 professional services contract with Olsson Associates, for preparation of a

Nebraska Resources Development Fund Feasibility Study and Application, for a maximum fee of \$228,289.

3. Draft Supplemental Watershed Plan for Rehabilitation of Structures S-27, S-31 and S-32 – Recommendation that the General Manager be authorized to execute the proposed Papillion Creek Watershed Supplemental Agreement No. 7 with NRCS rehabilitation for PL 566 Grade Stabilization Structures S-27, S-31 and S-32, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
4. Amendments to District's Wetland Mitigation Bank Instrument – Recommendation that the General Manager be authorized to incorporate the proposed Amendments into the District's Wetland Mitigation Banking Instrument, subject to approval by the US Army Corps of Engineers, Omaha District.
5. State Contract Purchase of GPS Survey Equipment – Recommendation that the District follow State purchasing policy to not advertise for bids and purchase the GPS Survey Equipment under State Contract #CA-6212, for a cost of \$25,077.51 from A&D Technical Supply.

Agenda Item 8.C.:

BE IT RESOLVED that the June 7, 2005, Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee are hereby adopted or approved.

1. Account(s) Over 110% - Recommendation that the following accounts be allowed to exceed 110% of the budgeted amount:
 - Acct # - 010100 4391 – Accounting Fees
 - Acct # - 010304 4810 – Equipment Allocation
 - Acct # - 0103134400 - Papio Dam Sites, Professional Services
 - Acct # - 010708 4400 – Missouri River Corridor, Professional Services
2. Review of FY 2006 Budget – Draft 1: Recommendation that the draft budget be amended to change Account #02 22 4226 – Educational Programs/Materials be reducing the Earth Day contribution from \$5,000 to \$1,000 and increasing Outdoor Classroom Grants from \$10,000 to \$14,000, and that the FY 2006 Draft 1 Budget be forwarded for review at the Public Input Meeting at the July 14, 2005 Board Meeting.
3. California Bend Condemnation Appeal [*Executive Session, if Needed*] – Recommendation that the District appeal from the verdict and judgment made in the Washington County District Court involving the award to Willie Arp Farms, Inc. in the California Bend Project eminent domain case.

Agenda Item 9. A.-I.:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1)

claims listed in the May 2005, 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/Clear Creek Project, the project bills listed on the May 2005, 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.