

**Papio-Missouri River Natural Resources District  
Board of Directors Meeting  
Suggested Resolutions/Recommendations  
June 14, 2007**

**\*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 following Director(s) have an excused absence from the June 14, 2007, Board of Directors Meeting:

None to date.

Agenda Item 7 A.:

BE IT RESOLVED that the May 10, 2007, Papio-Missouri River NRD Board meeting minutes; the May 9, 2007, Dakota County Rural Water Advisory Board meeting minutes; and, the May 23, 2007 Washington County Rural Water #1 Advisory Board meeting minutes be approved as printed.

**\*Agenda Item 9.A. – Personnel, Legislative and Public Affairs Subcommittee**

BE IT RESOLVED that the minutes of the June 12, 2007, Personnel, Legislative and Public Affairs Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted and approved.

1. P-MRNRD Participation in the NARD Insurance Pool – Recommendation that the NARD Intergovernmental Risk Management Pool Agreement and By-Laws be approved and that the following resolution be adopted:

## RESOLUTION

WHEREAS, the Nebraska Intergovernmental Management Act, *Neb.Rev.Stat.* § 44-4301, *et seq.*, (Reissue 2004) (the “Act”) permits two or more public agencies to make and execute an agreement providing for joint and cooperative actions to form, become members of, and operate a risk management pool for the purpose of providing to the members risk management services and insurance coverages in the form of group self-insurance and reinsurance and the Interlocal Cooperation Act of the State of Nebraska, *Neb.Rev.Stat.* § 13-801, *et seq.*, (Reissue 2004) (the “Interlocal Act”) (the “Act” and “Interlocal Act” collectively shall be referred to as the “Acts”) permits two or more public agencies to make and execute an agreement providing for joint and cooperative actions;

WHEREAS, the Board of this Natural Resources District Office (“NRD”) of the State of Nebraska desires to provide self-insured group health and dental insurance coverage to its employees and their dependents through the use of a risk management pool under the Act and the Interlocal Act;

WHEREAS, the Nebraska Association of Resources Districts Intergovernmental Risk Management Pool Association has been established by the NARD and adopting local natural resources district offices, effective as of July 1, 2007; and

WHEREAS, the Board believes it is in the best interests of its citizens to join with the Nebraska Association of Resources Districts and other local Natural Resources District offices of the State of Nebraska to establish, maintain, and operate a risk management pool to provide self-insured group health and dental insurance coverages for the employees and their dependents of such entities in accordance with the Acts and its applicable regulations.

NOW, THEREFORE, the Board of this hereby adopts the following resolutions:

RESOLVED, that the establishment, participation in, and operation of a risk management pool, the Nebraska Association of Resources Districts Intergovernmental Risk Management Pool Association, for the purpose of providing self-insured group health and dental insurance coverage, with reinsurance, for the employees and their dependents of this district office is hereby authorized and approved.

RESOLVED FURTHER, that the Nebraska Association of Resources Districts Intergovernmental Risk Management Pool Agreement, a copy of which is attached hereto as Exhibit “A” (“Pool Agreement”) and the By-Laws of the Nebraska Association of Resources Districts Intergovernmental Risk Management Pool Association, a copy of which is attached hereto as Exhibit “B” (“By-Laws”) are hereby authorized and approved.

RESOLVED FURTHER, that management is hereby authorized and directed to take such actions as may be necessary or appropriate to fully implement these resolutions, including, but not limited to, execution of the Pool Agreement and Bylaws and any other necessary documentation, preparation and submission of any proper and necessary regulatory filings and the preparation and distribution of proper notices and explanatory booklets and materials to employees and their dependents are hereby authorized and approved.

And

That Director Rich Tesar be appointed the P-MRNRD Representative on the NARD Risk Pool Board and Director Tim Fowler be appointed as the Alternate.

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

BE IT RESOLVED that the minutes of the June 12, 2007, 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. UNO Research Proposal for Impact of Omaha Reservoirs on Residential Property Values:
2. Amendment to the Dam Site 1 and 3C Preliminary Study Agreement for Professional Services with HDR Engineering – Recommendation that the General Manager be authorized to execute the proposed Amendment No. 2 to the professional services contract with HDR Engineering, Inc. for the Papio Reservoir Sites 1 and 3C Preliminary Design/Study, increasing the maximum contract fee to \$805,673, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
3. Revised Interlocal Agreement with the City of Omaha for Dam Site 13 Improvements – Recommendation that the General Manger be authorized to execute an Addendum to the Interlocal Agreement between the District and the City of Omaha for Dam Site 13 Improvements, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
4. Contract Award for Elkhorn River Public Access Site at West Dodge Road – Recommendation that the contract be awarded to Dostals Construction Co., in the amount of \$608,000 for the Elkhorn River Public Access Project at West Dodge Road.
5. West Branch Channel Project – Low Water Crossings Bids – Recommendation that the General Manager be authorized to execute a contract for West Branch Channel Project tributaries low water crossing project with ME Collins Contracting Company, Inc., for their total base bid of \$251,660.12, which includes constructing low water crossings at tributaries WW1 and 2.

**\*Agenda Item 9.C. - Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the June 12, 2007, Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted and approved.

1. Review of FY 2008 Draft Budget – No action required at this time.
2. Memorandum of Understanding with Hawkins Construction Co., Nebraska Department of Roads and the P-MRNRD for the Implementation of a Supplemental Environment Project within the Lower Platte River Watershed – Recommendation that the General Manager be authorized to execute the proposed Memorandum of Understanding with Hawkins Construction Company and the Nebraska Department of Roads for the implementation of a supplemental environment project within the Lower Platte River Watershed.
3. Account Over 110% - Vehicle and Equipment Repairs - (Acct. # 01 01-00 4052) – Recommendation that account #01-01-00-4052 Vehicles/Equipment Repairs be allowed to exceed 110% of budgeted amount of \$110,000.
4. Little Papio Channel Project (Center St. to Mercy Rd) Left Bank – Douglas County Request for Right of Way Release - Recommendation that this item be tabled.
5. Papio Creek Structures (Rehab Project) S-27, S-31 and S-32 Right of Way Purchase Agreements

- a. Purchase Agreements for S-27, S-31 and S-32:- Recommendation that the General Manager be authorized to execute purchase agreements for the acquisition of temporary and permanent easements subject as to form by District legal counsel for the following tracts:

Structure S-27	Raymond and Dean Fornoff	\$23,550
	James and Melinda Winterschild	\$ 1,800
	Dennis and Kathleen Hynes	\$ 1,360
	Paul and Karen Nowak	\$ 1,050
Structure S-31	Greater Omaha Investment Co.	\$72,700
	Darlene Miller	\$32,400
Structure S-32	Mark and Elizabeth Dietz	\$20,850
	Scott and Judith Dobbs	\$15,000

- b. Structure 31 - Moore (Tract #1) – Recommendation that the General Manager be authorized to initiate eminent domain proceedings regarding Tract #1 (Moore) for Structure S-31. Staff recommends that the following recommendation be adopted:

## RESOLUTION

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the District") has proposed a project to reconstruct PL-566 Watershed Grade Stabilization Project Sites S-27, S-31 and S-32 (hereinafter "the Projects"); and,

WHEREAS, the District has identified certain permanent and temporary easements (hereinafter referred to collectively as "the Easements") necessary to be acquired by the District for the Site S-31 Project, the Easements being identified in the proposed purchase agreement (hereinafter referred to as "the District's Offer") heretofore submitted by the District to Mary P. Moore (hereinafter referred to as "the Owner"), owner of the fee simple title to the land in the NE ¼ of the NW ¼ of Section 8-13-13, Sarpy County, Nebraska, that will be affected by the acquisition of the Easements, and the District has negotiated in good faith with the Owner for the voluntary purchase of the Easements, but that such negotiations have failed and the District has not been able to voluntarily acquire the Easements for the S-31 Project and must acquire the same by the exercise of eminent domain.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hereby makes the following findings and determinations, to-wit:

A. The Projects are plans, facilities, works and programs relating to development and management of (1) erosion prevention and control, (2) prevention of damages from flood water and sediment, (3) flood prevention and control, (4) soil conservation, ... development, management, utilization, and conservation of ground water and surface water, (7) pollution control, ... (9) drainage improvement and channel rectification, (10) development and management of fish and wildlife habitat," all within the contemplation of Section 2-3229, R.R.S., 1997, ...." Therefore, the District is authorized to undertake the Projects; and,

B. The Projects are of a predominantly general benefit to the District with only incidental special benefit, within the contemplation of Section 2-3252, R.R.S., 1997; and, the Projects therefore should be carried out with any available funds of the District; and,

C. For purposes of construction, operation and maintenance of the Project it is necessary that the District acquire the Easements as the same are identified in the District's Offer heretofore submitted to the Owner; and,

D. The District has negotiated in good faith with the Owner in that the District retained an licensed real estate appraiser to appraise the damages from the acquisition of the Easements; the District offered to the Owner an amount of money equal to the full fair market value of the damages from the acquisition of the Easements, as appraised by such appraiser; and, the District's representatives made reasonable efforts by in-person conference, telephone and correspondence to induce the Owner to accept the District's Offer, but that the District's Offer has been refused, all counter-offers made by the Owner are unreasonable and

unacceptable to the District, and such negotiations in good faith therefore have failed and the negotiations are at an impasse; and,

E. It is necessary that the District exercise the right of eminent domain, granted to it by Section 2-3234, R.R.S., 1997, in order to acquire the Easements for the Project; and,

F. Economic and physical feasibility necessitate that the S-31 Project be constructed in the location of the Easements; and,

G. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT, in the absence of a voluntary grant of the Easements to the District in accordance with the District's Offer, legal counsel for the District is hereby authorized and directed to initiate the filing of a petition in the County Court of Douglas County, Nebraska, on behalf of the District, for the appointment of appraisers to ascertain and determine the damages from the District's taking of the Easements, pursuant to the procedures governing eminent domain, as provided by Section 76-701, et seq., R.R.S., 1997.

6. West Papillion Creek Regional Detention Basin No. 5 - It is recommended that the following resolution be adopted to implement the subcommittee's recommendation:

#### RESOLUTION

BE IT RESOLVED, that the General Manager of the District should be and is hereby authorized to execute for and on behalf of the District a purchase agreement and associated cross-easements agreement, and such additional instruments as the General Manager determines necessary, to effectuate the purchase by the District from Pink Family Investments, L.L.C., of 11.86 acres of land (Outlot 2) in the unplatted parcel now known as proposed Pink Industrial Park 2, in Sarpy County, Nebraska, for the unit price of \$35,000 per acre, and the purchase of necessary easements for the gross price of \$3,500, all for a total purchase price of \$418,600, such parcel of real property being intended as the site for the emergency spillway for the proposed West Papillion Creek Regional Detention Basin No. 5, such purchase agreement and additional instruments to contain such other terms and conditions as the General Manager determines necessary and Legal Counsel approves as to form; such project hereby being determined to be of a predominantly general benefit to the District with only incidental special benefit within the contemplation of Section 2-3252, R.R.S., 1997, and it hereby being determined that it should be carried out with any available funds of the District; and, the General Manager of the District is further authorized and directed to execute for and on behalf of the District the final plat of Pink Industrial Park 2.

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the May, 2007, 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, 2007, 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.