

**Papio-Missouri River Natural Resources District  
Board of Directors Meeting  
Suggested Resolutions/Recommendations  
June 12, 2008**

**\*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 12, 2008, Board of Directors Meeting:

None to Date

Agenda Item 7 A.:

BE IT RESOLVED that the May 8, 2008, Papio-Missouri River NRD Board meeting minutes be approved as printed.

**\*Agenda Item 9.A. 1&2 – Legislative Representative Ad Hoc Consultant Selection Subcommittee**

BE IT RESOLVED that the minutes of the Legislative Representative Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. May 22, 2008 Meeting - Recommendation that the General Manager be authorized to negotiate a professional services contract with Husch, Blackwell, Sanders to provide legislative representative services to the District.
2. June 10, 2008 Meeting – Recommendation that the General Manager be authorized to execute the proposed professional services contract with Husch, Blackwell, Sanders, presented to the Subcommittee meeting, calling for provision of legislative representative services to the District for one year for a fee of \$60,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

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

BE IT RESOLVED that the minutes of the June 10, 2008, 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. Discussion regarding P-MRNRD Employee Benefit Package – No formal action taken.
2. Confidentiality Policy Revision – Recommendation that District Policy 22.0 Miscellaneous – Confidential Information be amended as follows:

#### **22.0 Miscellaneous – ~~Dissemination of Confidential Material~~ Information.**

- a. Directors, managers and employees of the District shall not disclose communications or information relating to the District that is protected by the attorney-client privilege, nor disclose information relating to the District imparted in communications made by or to any such person in official confidence when the public interest would suffer by the disclosure. [References: State v. District Judges, 273 Neb. 148; and, Nebraska Evidence Rule 509(1)]
- b. Confidential written communications by Legal Counsel to the District concerning litigation in progress shall be transmitted to the General Manager, who shall disseminate such communications as the Executive Subcommittee shall direct.
- c. Any confidential material posted to the District’s website for consideration at a Subcommittee or Board meeting can only be accessed by use of a pass word issued to Board members and designated staff.

[December 8, 1994; February 14, 2003; June 12, 2008]”

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

BE IT RESOLVED that the minutes of the June 10, 2008, 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. Review of FY 2009 Budget – Draft 1 – No action required at this time.
2. Special Reserve Fund Operational Procedures – Recommendation that the Special Reserve Fund Operating Procedures presented to the Subcommittee meeting be adopted and that the General Manager be authorized to execute the necessary steps outlined in the Special Reserve Fund Operating Procedures to establish the fund account and authorized to transfer eight million dollars (\$8,000,000) from the general fund to the Special Reserve Fund by June 30, 2008, as the fund account’s initial deposit.

3. Granting Ingress-Egress Driveway Agreement to C. Lloyd and Keith Kjeldgaard – Recommendation that the General Manager be authorized to execute the proposed Ingress-Egress Easement in favor of C. Lloyd Kjeldgaard and Keith Kjeldgaard, presented to the Subcommittee meeting, for the payment of \$400.

### \*Agenda Item 9.D. – Programs, Projects and Operations Subcommittee

BE IT RESOLVED that the minutes of the June 10, 2008 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. Turtle Creek Watershed Structure #2 Rehabilitation Project Bids – Recommendation that the General Manger be authorized to execute a contract with Negus-Sons, Inc., for a total base bid of \$497,186.04 for construction of the Turtle Creek Watershed Structure #2 Rehabilitation Project.
2. Waterloo Levee Evaluation Cost Share Agreement – Recommendation that the General Manger be authorized to execute an interlocal agreement with the Village of Waterloo providing for a District contribution of up to \$198,290, towards the cost of the design of improvements to such Village’s flood control levee.
3. FEMA Floodplain Mapping Grant Submittals for Douglas and Sarpy Counties and Washington County – Recommendation that the General Manger be authorized to apply to the Federal Emergency Management Agency (FEMA) under the FEMA Cooperating Technical Partners (CTP) Program, for CTP grants in the maximum obtainable amount (presently estimated to be \$169,100 for Washington County and \$375,000 for Douglas/Sarpy County) towards the cost of activities needed to produce digital floodplain maps, and that the General Manger be directed to apply for technical assistance, training, data and other assistance available from FEMA under the CTP Program to support such mapping activities; and, further , that the General Manager of the District be authorized to carry out the Washington County and Douglas/Sarpy County Floodplain Mapping projects and to execute, for and on behalf of the District, Applications for Federal Assistance for such FEMA CTP grants, a CTP Cooperative Agreement with FEMA, CTP Mapping Activity Statements, and such other applications, assurances, certificates, reports and other documents, and amendments thereto, as the General Manager determines necessary to obtain such CTP grants and other mapping activity assistance from FEMA.
4. Addition of 17.41 – District Programs – Stormwater BMP Program to District Policy Manual – Recommendation that the District adopt District Program 17.41, Stormwater BMP Program, in accordance with the proposed criteria and program guidelines and that the following be included in the District Policy Manual:

**17.41 - Stormwater Best Management Practice Program.** The Stormwater Best Management Practice (BMP) Program is an authorized program of the District to provide technical and financial assistance to local subdivisions of government who install innovative best management practices to control stormwater runoff and improve water quality.

#### A. Criteria for Assistance

- (1) Eligible projects will be constructed on publicly owned property involving the use of innovative best management practices to reduce stormwater runoff and/or improve water quality.
- (2) Each project must be sponsored by a local unit of government (including S&IDs) with authority and capability to carry out and maintain the project.
- (3) Eligible measures include:
  - (a) water quality measures (including but not limited to rain gardens, green roofs, bioswales, infiltration trenches);
  - (b) storm water management measures (including but not limited to rain barrels, bioretention, pervious pavement); and,
  - (c) new and innovative erosion and sediment control measures
- (4) The following are not considered eligible projects:
  - (a) piped, underground detention systems; and,
  - (b) standard silt fence, construction entrances, sediment basin riser pipes and other routine construction site erosion and sediment control measures
- (5) Approved projects may be implemented over a period of consecutive years.
- (6) All measures must be technically feasible and environmentally acceptable.

#### B. District Responsibilities

- (1) Administer the Stormwater BMP Program.
- (2) Review and prioritize all applications.
- (3) Provide 50% cost-sharing on all eligible costs of the project up to \$10,000 per project. Eligible costs shall include all costs associated with construction and construction observation. The following shall also apply:
  - (a) Sponsor's "in-house" design costs are not eligible for cost-sharing.
  - (b) Construction must be performed by a qualified contractor. Reimbursement for use of Sponsor's labor and equipment are not eligible costs.
- (4) The District may require construction of component parts in consecutive years.
- (5) The District must approve plans, specifications, and/or implementation schedules.
- (6) The District shall budget funds for the component parts of all approved projects. Previously approved projects have priority for funding.

### C. Sponsor Responsibilities

- (1) The sponsor shall submit an application on forms provided by the District (Stormwater Best Management Practice Program Application, Form 17.41, Manual of Standard Forms, Appendix E).
- (2) The sponsor shall submit preliminary plans with the application. The following items should be included:
  - (a) total estimated cost;
  - (b) implementation schedule, including estimated costs for component parts;
  - (c) preliminary design including expected stormwater runoff and water quality benefits; and,
  - (d) location maps.
- (3) The sponsor shall obtain all land rights for the project at no cost to the District.
- (4) The sponsor shall provide all future operation and maintenance on the project at no cost to the District.
- (5) The sponsor must comply with all local, state, and federal laws.
- (6) The sponsor must obtain all local, state, and federal permits necessary for the project.
- (7) The sponsor shall administer all contracts for design, construction and construction inspection.
- (8) The sponsor shall hold and save the District free from damages and claims due to the design, construction, operation and maintenance of the project.
- (9) The sponsor shall execute an agreement with the District which will outline these guidelines.

### D. Requesting Reimbursement

- (1) Upon completion of construction of each component, reimbursement may be requested by the sponsor by providing the following:
  - (a) Certificate of Completion, signed by a licensed, professional engineer.
  - (b) Copies of final pay estimates which shows total units, unit costs, and total component costs.
- (2) Progress payments on individual components will not be allowed.

(June 12, 2008)

5. MoPac Trail (Hwy 50 to Lied Bridge) Engineering Fees – Contract with Ehrhart Griffin and Associates – Recommendation that the General Manger be authorized to amend the professional services contract with Ehrhart Griffin and Associates to increase the “not-to-exceed” amount from \$238,046.45 to \$323,906.68.

**\*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 2008, 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 May, 2008, 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/2008/May/may08\_resolutions