

**Papio-Missouri River Natural Resources District  
Board of Directors Meeting  
Suggested Resolution  
November 18, 2004**

**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 November 18, 2004 Board of Directors Meeting:

Rich Tesar

Agenda Item 6 A. &B.:

BE IT RESOLVED that the October 14, 2004, Papio-Missouri River NRD Board meeting minutes be approved as printed.

BE IT RESOLVED that the October 13, 2004 Dakota County Rural Water meeting minutes be approved as printed.

**Agenda Item 8.A.:**

BE IT RESOLVED that the November 4, 2004, minutes of the Silver Creek Watershed Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted or approved.

1. Recommendation that the General Manager be authorized to negotiate a professional service contract with Olson Associates as the first choice and if an agreement cannot be reached that he be authorized to negotiate with JEO Consulting Group, Inc., as the second choice of the Ad Hoc Subcommittee.

**Agenda Item 8.B.:**

BE IT RESOLVED that the November 16, 2004, minutes of the Western Douglas County Trails Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted or approved.

1. Recommendation that the minutes of the Western Douglas County Trail Ad Hoc Consultant Selection Subcommittee, indicating that the firms of Ehrhart Griffin and Associates, HGM Associates and BCDM be interviewed for the Western Douglas County Trails Project.

**Agenda Item 8.C.:**

BE IT RESOLVED that the November 16, 2004, minutes of the Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted or approved.

1. P-MRNRD FY 2004 Audit – Recommendation that the FY 20004 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. Interim Financing for Washington County Rural Water #2 – Recommendation that a line of credit be obtained from Wells Fargo Bank for interim financing up to \$3.3 million of the costs of construction of Washington County Rural Water Project #2.
3. West Branch Channel Project (90th Street to Giles Road) Right of Way Acquisition [Executive Session, if needed] – Recommendation that the General Manager be authorized to execute an exchange agreement with R.C.P., Inc., for Tract No. 6, for the amount of \$144,860 in favor of R.C.P., Inc.; an exchange agreement with Judith Frederick et al. for Tracts 2, 3, and 4, for the amount of \$230,840 in favor of Judith Frederick et al.; and, such additional documents to effectuate those transactions as deemed necessary by the General Manager and approved as to form by District Legal Counsel.
4. Western Sarpy/Clear Creek Flood Reduction Project – Sarpy County Side Riverside Cabins Purchase Agreements [Executive Session, if needed] – Recommendation that this issue be postponed until the full Board meets on Thursday, November 18, 2004.

**Agenda Item 8.D.:**

BE IT RESOLVED that the November 16, 2004, minutes of the Programs, Projects and Operations Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted or approved.

1. Construction Bids for Washington County Rural Water #2 Pump Station for City of Blair – Recommendation that the General Manager be authorized to execute a contract with Pospichal Construction, Inc., for construction for the City of Blair of the South Reservoir Pump Station, a component of Washington County Rural Water System #2, for the contract price of \$257,646.90.

2. Construction Bids for Washington County Rural Water #2 Distribution System Contract – Recommendation that the General Manager be authorized to execute a contract with BRB Constructors for the construction of the distribution system for Washington County Rural Water System #2 for the contract price of \$2,535,255.26.
3. City of Omaha Urban Drainageway Request for Additional Funds for Regency Storm Sewer Project – Recommendation that the City of Omaha request for an increase in funds for the Regency Storm Sewer Project from \$122,300 to \$258,690 be approved, and that the additional \$136,390 be included in the FY 2006 Budget.
4. Agreement with the City of Blair for Flood Mitigation Planning and Mapping Assistance – Recommendation that the General Manager be authorized to execute the Agreement with the City of Blair for Flood Mitigation and Mapping Assistance not to exceed \$25,000.
5. Public/Private Agreement for Dam Site 13 (192<sup>nd</sup> and Dodge Streets) with Dial Realty Co. – Recommendation that the proposed Agreement between the District and Dial Realty Development Corp. for Dam Site 13 should be approved.

The following detailed resolution is recommended:

#### RESOLUTION

WHEREAS, a District project has been proposed for purchase of rights-of-way for, and construction of, a multi-purpose flood control dam and reservoir at the site of the formerly-proposed Corps of Engineers' Papillion Creek and Tributaries Lakes Project Dam Site 13, on a tract of land between Dodge and Blondo Streets and west of 192<sup>nd</sup> Street in Douglas County; and,

WHEREAS, the formerly-proposed Corps of Engineers' Papio Dam Site 13 project was planned to be an integral part of the flood control for the Papillion Creek Watershed; and,

WHEREAS, the District's proposed Papio Dam Site 13 project will be an important part of a regional public recreation area that the City of Omaha is expected to develop, operate and maintain; and,

WHEREAS, the District's Dam Site 13 project would be accomplished pursuant to a proposed public/private partnership agreement between the District and Dial Realty Development Corp., a Nebraska corporation, presented to this meeting; and,

WHEREAS, this Board finds that such project should be carried out by the District,

NOW, THEREFORE, BE IT RESOLVED that this Board hereby determines that the District's project for purchase of rights-of-way and

construction of a flood control dam and reservoir at Dam Site 13, pursuant to the proposed agreement between the District and Dial Realty Development Corp., would be of general benefit to the District, with only an incidental special benefit, and that such project should be carried out with general funds of the District; and, that the General Manager should be, and is hereby, authorized and directed to execute such proposed agreement for and on behalf of the District, together with such amendments thereto as the General Manager determines necessary and District Legal Counsel approves as to form.

**Agenda Item 9. A.-I.:**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the October, 2004, 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 October, 2004, 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.