

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
July 10, 2014**

***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 absence of the following Director(s) from the July 10, 2014, Board of Directors Meeting is excused:

None to date.

Agenda Item 7. A., and 7.B.:

BE IT RESOLVED that the June 12, 2014 Papio-Missouri River NRD Board meeting minutes and the June 11, 2014 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

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

BE IT RESOLVED that the minutes of the July 8, 2014, 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. Proposed Easements for the North Shore Phase 3 Development (SID 292) on WP-5 Project Property – Recommendation that the General Manager be authorized to execute the Permanent Storm Sewer and Drainage Easement, Temporary Construction Easement, and the Permanent Sanitary Sewer Easements with SID 292 on the WP-5 project property, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
2. Nebraska Environmental Trust (NET) Grant Application for Installation of Solar Panel Array and an Information and Education Component at the P-MRNRD

Headquarters – Recommendation that the General Manager be authorized to submit a \$110,000 project request to the Nebraska Environmental Trust at a 75% NET (\$82,500.00), 25% NRD (\$27,500.00) cost share for the installation of a solar array and informational kiosk at the NRD Headquarters.

3. Candlewood Lake Dam Drawdown Repairs Project Bid Opening - Recommendation that the General Manager be authorized to execute a contract with Eriksen Construction, for the construction of the Candlewood Lake Dam Drawdown Repairs Project, as presented to the Subcommittee, in a not-to-exceed amount of \$52,300, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
4. PL-566 Site 15B Interlocal Agreement with SID 564 (Grove Ridge) – Recommendation that the General Manager be authorized to execute the proposed Interlocal Cooperative Agreement with SID 564 of Douglas County (Grove Ridge), for Papio Watershed Structure D-15B, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
5. Thompson Creek Interlocal Agreement with City of La Vista – Recommendation that the General Manager be authorized to execute the proposed Interlocal Cooperative Agreement with the City of La Vista, Nebraska, for the Thompson Creek Levee Improvement Project, as presented to the Subcommittee, subject to changes deemed necessary by the General Manger and approved as to form by District Legal Counsel.
6. Thompson Creek Levee Improvement Project Relocation Agreement with Omaha Public Power District (OPPD) – Recommendation that the General Manager be authorized to execute the proposed Agreement with Omaha Public Power District for relocation of OPPD facilities impacted by the Thompson Creek Levee Improvement Project, as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
7. Lower Platte River Weed Management Program Amendment to the Interlocal Agreement – Recommendation that the General Manager be authorized to execute the Amended Interlocal Cooperation Agreement for the Lower Platte River Phragmites Management Program, as presented to the Subcommittee, and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

BE IT RESOLVED that the following amended recommendation of the Subcommittee are hereby adopted and approved as amended.

8. Pigeon Creek Levee Emergency Repair – Recommendation that the General Manager be authorized to use the Informal Competitive Bidding procedures provided by District Policy 15.6.B for the acquisition of emergency services of engineers, contractors, and vendors of other property or services, not limited to the \$50,000 policy threshold, as the General Manager determines necessary to repair the Pigeon Creek Levee breach that occurred in the Elk/Pigeon Creek Improvement Area in Dakota County and take necessary steps to effect those repairs. In addition to waiving the \$50,000 policy limitation of District Policy 15.6.B, the Board hereby

waives the requirements of bid and performance bonds normally required by District Policies 15.7 and 15.8 for those emergency services obtained for the repair of the Pigeon Creek Levee breach.

9. West Douglas County Trail System Supplemental Agreement for Professional Engineering Services with Ehrhart, Griffin & Associates – Recommendation that the General Manager be authorized to execute a Supplemental Agreement between the District and Ehrhart, Griffin & Associates for Engineering Services for the Western Douglas County Trail Project, Phase 1 & 2, for an increase in costs not-to-exceed \$35,520.59.
10. Final Adoption of the Integrated Management Plan for the Lower Platte River – Recommendation that the Integrated Management Plan for the Lower Platte River Basin portion of the District be adopted, as presented to the Subcommittee, and incorporated into the District's Policy Manual.

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

BE IT RESOLVED that the minutes of the July 8, 2014, meeting of the Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted and approved.

1. FY 2015 Budget – Draft 1 – No action was taken by the Subcommittee.
2. Proposed Increase to the Thurston County Rural Water Rate Schedule – Recommendation that the General Manager be authorized to set a new increased rate schedule for the Thurston County Rural Water System, to be effective September 1, 2014, as presented to the Subcommittee.

BE IT RESOLVED that the following amended recommendations of the Subcommittee are hereby adopted and approved as amended.

3. Dam Site 15A Land Acquisition –
 - a.) Recommendation that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 1 in the amount of \$144,285 for 9.619 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 7 in the amount of \$140,736 for 8.796 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 13-15 in the amount of \$5,490,885 for 129.317 acres of land, such purchase agreements to contain provisions for the owners to retain leases over such lands for the 2014 crop year (expiring on or before November 15, 2014) and such other terms and conditions as the General Manager deems necessary and Legal Counsel approves as to form.

And:

Negotiations for Dam Site 15A Tracts 5 and 6:

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (“the DISTRICT”) has proposed to construct, operate and maintain the Dam Site 15A Project (“the PROJECT”), consisting of a multi-purpose flood control darn, reservoir and public recreational project, as generally described and depicted in the DISTRICT’S plans for the PROJECT, including the diagram presented to this meeting and incorporated herein by reference as Exhibit “A”; and,

WHEREAS, the PROJECT is a plan, facility, work and program within the contemplation of Neb. Rev. Stat. § 2-3229, which provides as follows, to-wit:

2-3229 Districts; purposes. The purposes of natural resources districts shall be to develop and execute, through the exercise of powers and authorities granted by law, plans, facilities, works, and programs relating to (1) erosion prevention and control, (2) prevention of damages from flood water and sediment, (3) flood prevention and control, (4) soil conservation, (5) water supply for any beneficial uses, (6) development, management, utilization, and conservation of ground water and surface water, (7) pollution control, (8) solid waste disposal and sanitary drainage, (9) drainage improvement and channel rectification, (10) development and management of fish and wildlife habitat, (11) development and management of recreational and park facilities, and (12) forestry and range management.

and,

WHEREAS, the Board of Directors of the DISTRICT does hereby find and determine as follows, to-wit:

A. The PROJECT is reasonable and feasible and is and will be of predominantly general benefit to the DISTRICT, with only incidental special benefit, within the contemplation of Neb. Rev. Stat. § 2-3252; and, the PROJECT should be carried out with any available funds of the DISTRICT; and,

B. The DISTRICT has identified certain parcels of land in Douglas County, Nebraska (“the ACQUISITION PARCELS”) that, because of the public uses that will be made of PROJECT lands, waters and facilities, are necessary to be acquired in fee simple for purposes of construction, operation and maintenance of the PROJECT, to-wit:

Tract 5 (Kuker), described and depicted in the legal description and diagram presented to this meeting and incorporated in this resolution by this specific reference as Exhibit “B”; and,

Tract 6 (Thompson), described and depicted in the legal description and diagram presented to this meeting and incorporated in this resolution by this specific reference as Exhibit “C”; and,

C. The District has negotiated in good faith with the respective owners of the ACQUISITION PARCELS (“the LANDOWNERS”) in that the District has retained a professional real estate appraiser who has appraised and determined the total fair market values of the ACQUISITION PARCELS and the damages that will be sustained by the respective LANDOWNERS as a result of the DISTRICT’S acquisition of fee simple title to the ACQUISITION PARCELS (“the APPRAISED COMPENSATION”); the District offered to the LANDOWNERS amounts of money equal to the APPRAISED COMPENSATION; and, the

District's representatives made reasonable efforts by personal contacts, telephone conferences, correspondence and other methods to negotiate in good faith with the LANDOWNERS and to induce them to accept the APPRAISED COMPENSATION, but that the DISTRICT'S offers have been refused, counter-proposals by the respective LANDOWNERS are unreasonable and unacceptable to the District, and such negotiations have failed and are at an impasse; and,

D. Economic and physical feasibility necessitate that the PROJECT be constructed in Douglas County, as designed by the DISTRICT, alongside the current channel of the North Branch West Papillion Creek and its tributaries at the locations of the ACQUISITION PARCEL; and,

E. The DISTRICT has obtained the necessary approvals for the PROJECT from the United States Corps of Engineers, including specifically a permit issued pursuant to Section 404 of the Clean Water Act, 33 U.S.C. § 1344; and,

F. Fee simple title to the land in the ACQUISITION PARCELS is necessary to be acquired by the DISTRICT for the PROJECT, among other things, in order to provide for permanent pool storage and periodic flood pool inundations; in order to provide for construction, operation and maintenance of public recreational improvements; in order to provide for any necessary future utility relocations and stabilization measures; and, in order to satisfy the public access requirements of Neb. Rev. Stat. § 2-3290.01(4); and,

G. It is necessary that the DISTRICT exercise the right of eminent domain, granted to it by Neb. Rev. Stat. § 2-3234, in order to acquire fee simple title to the ACQUISITION PARCELS for purposes of the PROJECT.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the DISTRICT that the foregoing findings and determinations should be and are hereby made and adopted; and that, in the absence of voluntary conveyances of fee title to the respective ACQUISITION PARCELS to the DISTRICT for the APPRAISED COMPENSATION, the DISTRICT'S Legal Counsel should be, and 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, pursuant to the procedures governing eminent domain provided by Neb. Rev. Stat. § 76-701, *et seq.*, for the appointment of appraisers to ascertain and determine the damages that will be sustained by the respective LANDOWNERS from the DISTRICT'S acquisition of fee title to the ACQUISITION PARCELS.

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

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the June, 2014, 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 Rural Water Supply System, 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 June, 2014, 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.

***Agenda Item 14. and 15. – Election of P-MRNRD Officers and NARD Director and Alternate Director**

BE IT RESOLVED that the following directors be and are hereby elected officers of the Papio-Missouri River Natural Resources District for the coming year and until a successor has been elected: _____, Chairperson; _____, Vice-Chairperson; _____, Secretary; and _____, Treasurer.

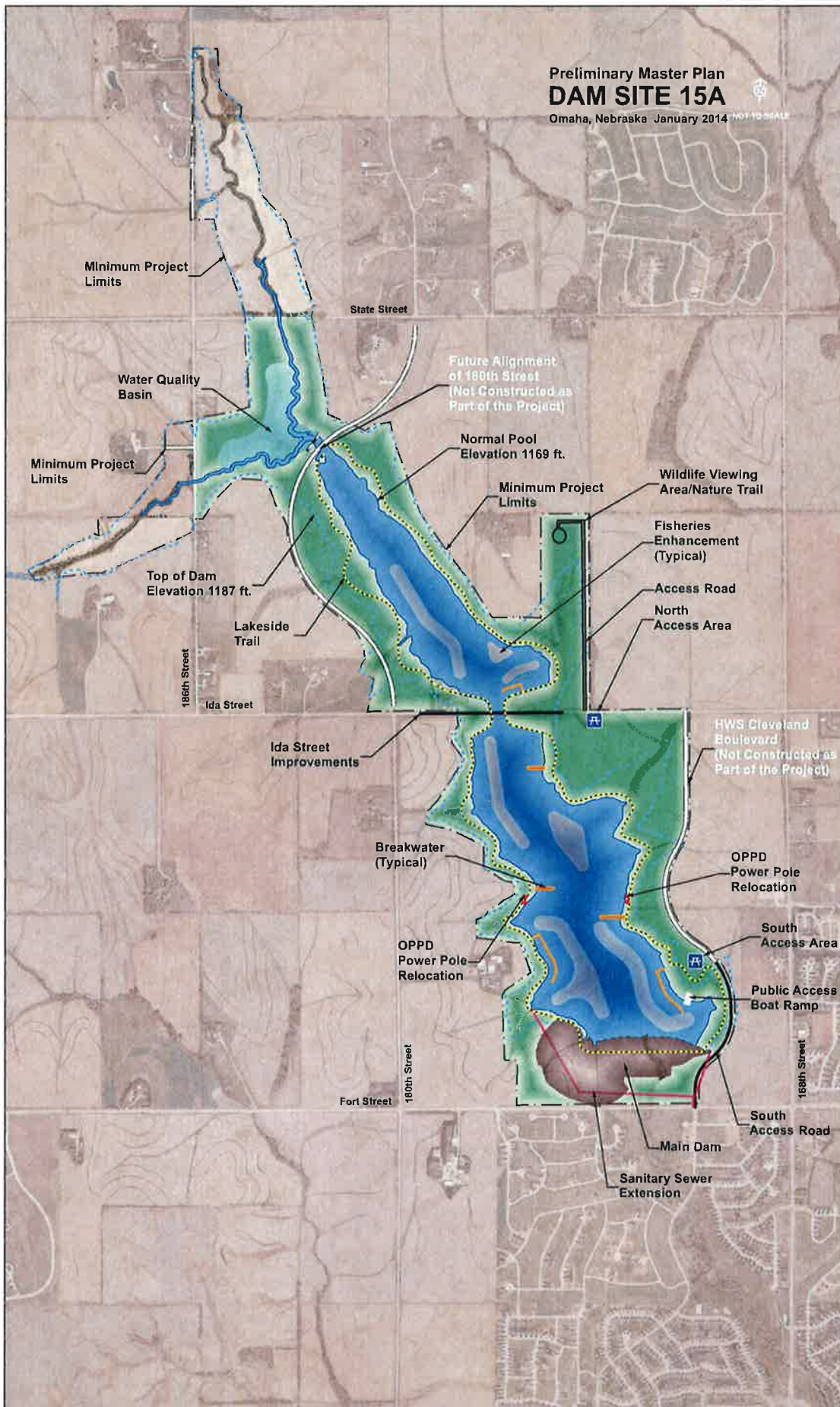
BE IT FURTHER RESOLVED that the Treasurer's written designation of _____ as Assistant Treasurer is concurred in by the Board of Directors.

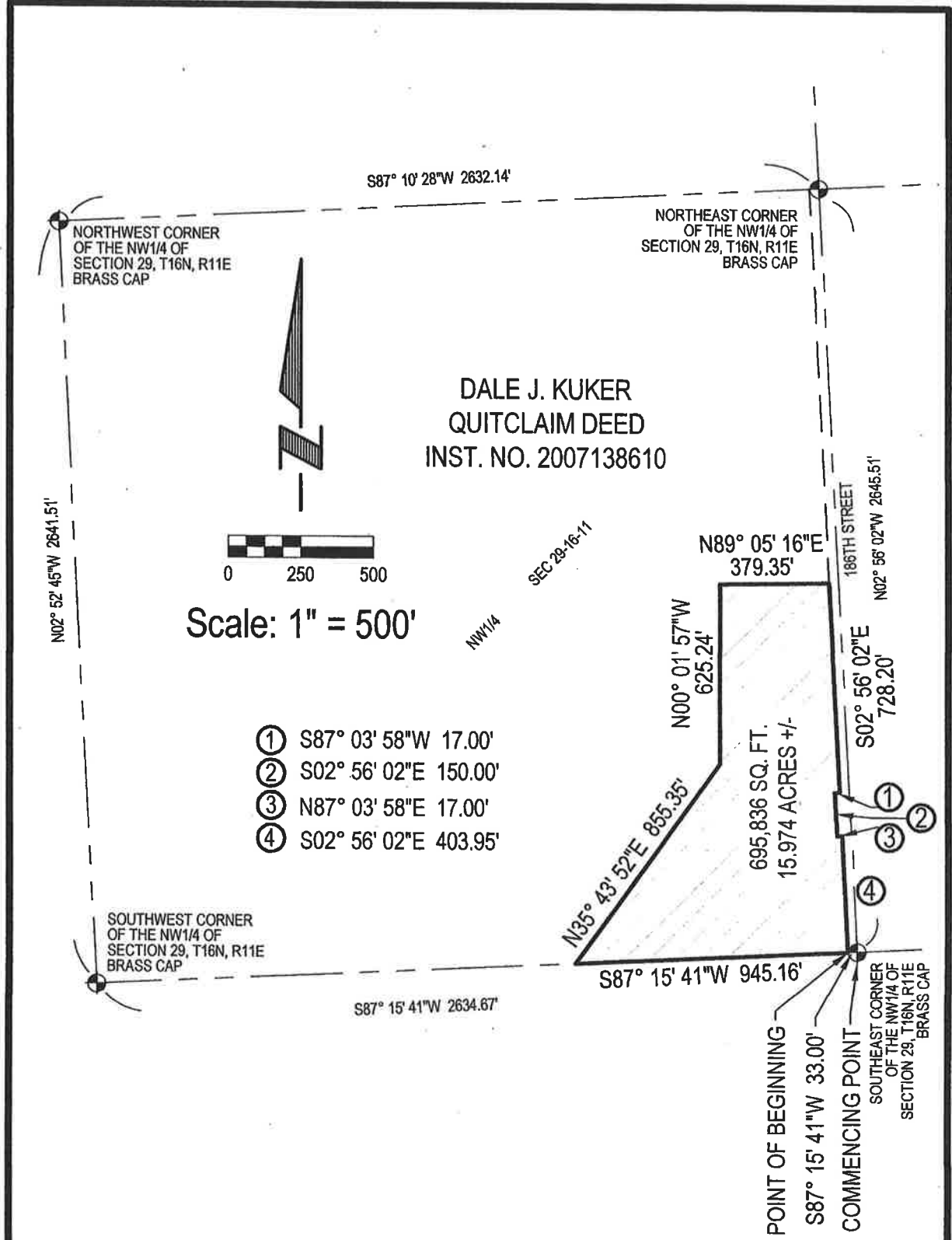
BE IT FURTHER RESOLVED that the presently elected Treasurer, _____, and the designated Assistant Treasurer, _____, be and are hereby authorized to serve until such time as bonding is completed on the Treasurer-elect and the Assistant Treasurer designate.

BE IT FURTHER RESOLVED that _____ is hereby elected the Nebraska Association of Resources Districts Director for the coming year and that _____ is hereby elected the Nebraska Association of Resources Districts Alternate Director for the coming year.

Preliminary Master Plan DAM SITE 15A

Omaha, Nebraska January 2014





DALE J. KUKER
QUITCLAIM DEED
INST. NO. 2007138610

Scale: 1" = 500'

- ① S87° 03' 58"W 17.00'
- ② S02° 56' 02"E 150.00'
- ③ N87° 03' 58"E 17.00'
- ④ S02° 56' 02"E 403.95'

PAGE 1 OF 2
SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION



E & A CONSULTING GROUP, INC.

Engineering • Planning • Environmental & Field Services
330 North 117th Street Omaha, NE 68154 Phone: 402.895.4700

Drawn by: FCE	Chkd by: <i>[Signature]</i>	Scale: 1" = 500'	Date: 11/02/2012
Job No.: P2009.336.001		Book No.: 3966	

TRACT 5
PART OF THE NW1/4 OF
SECTION 29, T16N, R11E,
DOUGLAS COUNTY,
NEBRASKA

LEGAL DESCRIPTION:

DALE J. KUKER
QUITCLAIM DEED
INSTRUMENT NO. 2007-138610

A TRACT OF LAND LOCATED IN PART OF THE NW1/4 OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NW1/4 OF SECTION 29; THENCE S87°15'41"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID NW1/4 OF SECTION 29, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 186TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S87°15'41"W ALONG SAID SOUTH LINE OF THE NW1/4 OF SECTION 29, A DISTANCE OF 945.16 FEET; THENCE N35°43'52"E, A DISTANCE OF 855.35 FEET; THENCE N00°01'57"W, A DISTANCE OF 625.24 FEET; THENCE N89°05'16"E, A DISTANCE OF 379.35 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF 186TH STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF 186TH STREET ON THE FOLLOWING 5 DESCRIBED COURSES; THENCE S02°56'02"E, A DISTANCE OF 728.20 FEET; THENCE S87°03'58"W, A DISTANCE OF 17.00 FEET; THENCE S02°56'02"E, A DISTANCE OF 150.00 FEET; THENCE N87°03'58"E, A DISTANCE OF 17.00 FEET; THENCE S02°56'02"E, A DISTANCE OF 403.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 695,836 SQUARE FEET OR 15.974 ACRES, MORE OR LESS.

PAGE 2 OF 2
SEE PAGE 1 OF 2 FOR DRAWING

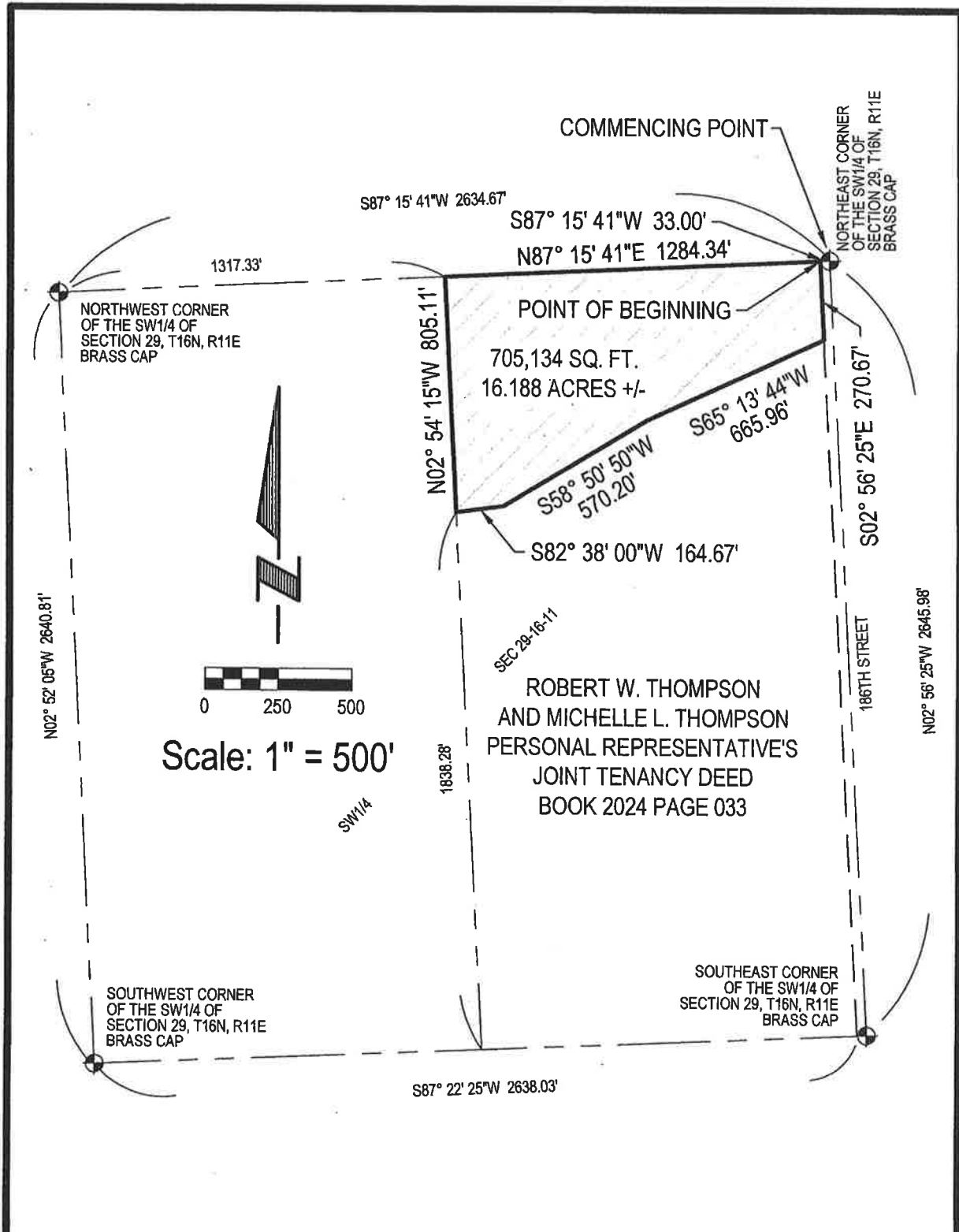


E & A CONSULTING GROUP, INC.

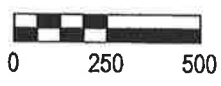
Engineering • Planning • Environmental & Field Services
330 North 117th Street Omaha, NE 68154 Phone: 402.896.4700

Drawn by: FCE | Chkd by: JH | Scale: 1" = 500' | Date: 11/02/2012
Job No.: P2009.336.001 | Book No.: 3966

TRACT 5
PART OF THE NW1/4 OF
SECTION 29, T16N, R11E,
DOUGLAS COUNTY,
NEBRASKA



Scale: 1" = 500'



PAGE 1 OF 2
SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION

 Engineering Answers	E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services <small>330 North 117th Street Omaha, NE 68154 Phone: 402.995.4700</small>			TRACT 6 PART OF THE EAST 1/2 OF THE SW1/4 OF SECTION 29, T16N, R11E, DOUGLAS COUNTY, NEBRASKA
	Drawn by: FCE Chkd by: <i>SH</i> Scale: 1" = 500' Date: 11/02/2012 Job No.: P2009.336.001 Book No.: 3966			

franke 11/5/2012 8:08:01 AM K:\Projects\2009\336\p01\Srvy\Bdry\BNDY-DAM_SITE_15A_AQU-000.dwg

LEGAL DESCRIPTION:

ROBERT W. THOMPSON AND MICHELLE L. THOMPSON
PERSONAL REPRESENTATIVE'S JOINT TENANCY DEED
BOOK 2024 PAGE 033

A TRACT OF LAND LOCATED IN PART OF THE EAST 1/2 OF THE SW1/4 OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SW1/4 OF SECTION 29; THENCE S87°15'41"W (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID SW1/4 OF SECTION 29, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 186TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S02°56'25"E ALONG SAID WEST RIGHT-OF-WAY LINE OF 186TH STREET, A DISTANCE OF 270.67 FEET; THENCE S65°13'44"W, A DISTANCE OF 665.96 FEET; THENCE S58°50'50", A DISTANCE OF 570.20 FEET; THENCE S82°38'00"W, A DISTANCE OF 164.67 FEET TO A POINT ON THE WEST LINE OF SAID EAST 1/2 OF THE SW1/4 OF SECTION 29; THENCE N02°54'15"W ALONG SAID WEST LINE OF THE EAST 1/2 OF THE SW1/4 OF SECTION 29, A DISTANCE OF 805.11 FEET TO THE NORTHWEST CORNER OF SAID THE EAST 1/2 OF THE SW1/4 OF SECTION 29; THENCE N87°15'41"E ALONG SAID NORTH LINE OF THE SW1/4 OF SECTION 29, A DISTANCE OF 1284.34 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 705,134 SQUARE FEET OR 16.188 ACRES, MORE OR LESS.

PAGE 2 OF 2
SEE PAGE 1 OF 2 FOR DRAWING



E & A CONSULTING GROUP, INC.

Engineering • Planning • Environmental & Field Services
330 North 117th Street Omaha, NE 68154 Phone: 402.886.4700

TRACT 6
PART OF THE EAST 1/2
OF THE SW1/4 OF
SECTION 29, T16N, R11E,
DOUGLAS COUNTY,
NEBRASKA

Drawn by: FCE | Chkd by: *FCE* | Scale: 1" = 500' | Date: 11/02/2012
Job No.: P2009.336.001 | Book No.: 3966

franke 11/5/2012 8:15:36 AM

K:\Projects\2009\336\p01\Srvy\Bdry\BNDY-DAM_SITE_15A_AQU-000.dwg