



**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
April 14, 2011**

***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 from the April 14, 2011, Board of Directors Meeting is excused:

None to date

Agenda Item 7. A and B.

BE IT RESOLVED that the March 10, 2011 Papio-Missouri River NRD Board meeting minutes; and the March 9, 2011 Dakota County Rural Water Advisory Board meeting minutes are approved as printed.

***Agenda Item 11.A. – Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the April 12, 2011, 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. Papillion Creek Bank Stabilization Project Bids – Recommendation that the General Manager be authorized to execute a contract for rock riprap bank stabilization work at four (4) sites on the Papillion Creek System with Midwest Dumpers, Inc., for their total base bid of \$292,320.
2. Bids for Elkhorn Crossing Rec Area Site Improvement and Graske Crossing River Access Area Site Improvement – Recommendation that the General Manager be authorized to execute contracts with Thompson Construction in the amount of \$105,500.00 for site improvements at Elkhorn Crossing Recreation Area, and with Andersen Construction in the amount of \$59,905.00 for site improvements at Graske Crossing Recreation Area.

3. Urban Cost Share Programs:

- a. Recreation Area Development Program– Recommendation that the applications from the City of Dakota City for \$19,024, the Winnebago Tribe for \$15,059, the City of Omaha (Youngman Park) for \$50,000, and the City of Omaha (Ta-Ha-Zouka Park) for \$50,000 be approved, for a total of \$134,083, subject to funding in the FY 2012 budget.
- b. Urban Drainageway Program – Recommendation that the applications from Millard Park (Sarpy SID #162) for \$168,780, the City of LaVista for \$258,900, the City of Omaha (Rockbrook Creek) for \$713,280, Huntington Park (Douglas SID #374) for \$775,714, and the City of Bellevue for \$74,158, all be approved, subject to funding in the FY 2012 Budget.

And

Recommendation that the application from Douglas County for Hell Creek improvements in the amount of \$886,400.00 be approved, subject to funding in the Fiscal Year 2012 Budget.

And

Recommendation that the application from City of Omaha (Saddle Creek) in the amount of \$811,380.00 be approved, subject to funding in the Fiscal Year 2012 Budget.

And

Recommendation that the application from the City of Omaha (Sterling Ridge) in the amount of \$659,704.00 **not** be approved.

And

Recommendation that the application from the City of Bellevue be approved at the 50% cost-share rate, amounting to \$92,697.00, subject to funding in the Fiscal Year 2012 Budget.

- c. Urban Conservation Assistance Program – Recommendation that the applications from the City of Omaha for \$32,400 be approved, subject to funding in the FY 2012 budget.
- d. Trails Assistance Program – Recommendation that the revised application from the City of LaVista for \$44,530 be approved, subject to funding in the FY 2012 budget.
- e. Stormwater BMP – Recommendation that the District approve the Lincoln Place BMP application for \$10,000, the Bridlewood Rain Garden application for \$7,500, the Ralston Sports and Entertainment Center Rain Garden application for \$10,000, the Sandoz Elementary School Rain Garden application for \$10,000, and the

Heartland Hills Rain Garden application for \$10,000, (a total of \$47,500) for District Program 17.41, Stormwater BMP Program, subject to funding the in Fiscal Year 2012 budget.

4. Approval of Engineering Services with Lamp Rynearson for Big Papio Channel Gabion Repair project at 105th and Pacific – Recommendation that the District waive its consultant selection procedures and that the General Manager be authorized to execute a professional engineering services agreement for the Big Papio Channel Gabion Repair Project with Lamp Rynearson and Associates for the Big Papio Channel Gabion Repair Project with a maximum not to exceed fee of \$85,000 with such provisions as deemed necessary the General Manager, and approved as to form by District legal counsel.
5. Transfer of Funds from the Silver Creek Project into the CAP Programs (Requested by Director Japp) – No action taken.
6. MoPac Trail (Highway 50 to Chalco) Public Hearing Requirements – Recommendation that the following resolution be adopted:

Resolution

WHEREAS, in accordance with Section 2-3234.04, and prior to establishing the MOPAC (Hwy 50 to Chalco) Trail project, the District held a public hearing on April 14, 2011, and considered all of the following, to-wit:

- (1) The proposed route for the trail, including maps and illustrations, and the mode of travel to be permitted;
- (2) The areas adjacent to such route to be utilized by the district for scenic, historic, natural, cultural, or developmental purposes;
- (3) The characteristics that make the proposed route suitable as a trail;
- (4) The plans for developing, operating, and maintaining the proposed trail;
- (5) Any anticipated problems enforcing the proper use of the proposed trail or hazards to private real property adjacent to such trail;
- (6) The current status of the real property ownership and current and potential use of the real property in and along the proposed route;
- (7) The estimated cost of acquisition of the real property, or an interest therein, needed for the proposed route; and;
- (8) The extent and type of private real property interest needed to establish the proposed trail, the right-of-way acquisition process to be followed, and the circumstances under which eminent domain may be utilized.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Papio-Missouri River that, having followed the procedure under Section 2-3234.04, Neb. Rev. Stat., the Board of Directors hereby determines that the District should establish, develop and maintain the MOPAC (Hwy 50 to Chalco) Trail project and, for that purpose, the District should acquire private real property and interests therein by attempting to negotiate with the private real property owners affected by the trail, and should proceed in good faith to negotiate agreements with such owners for the private real property, or interests therein, needed for such purposes.

BE IT FURTHER RESOLVED by the Board of Directors that, in accordance with Section 2-3252, Neb. Rev. Stat., the Board of Directors does hereby also and further determine that the MOPAC (Hwy 50 to Chalco) Trail Project will be of predominantly general benefit to the District, with only an incidental special benefit, and should be developed and executed using any available funds of the District, including but not limited to those from the tax levied pursuant to Section 2-3225, Neb. Rev. Stat.

***Agenda Item 11.B. – Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the April 12, 2011, meeting of the 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. Request for Proposals for Auditing Services – No recommendation.
2. Account Over 110% - 1010 402 – 4630 – Building Maintenance – NRC – Recommendation that Acct.# 01 01-402-4630 – NRC Building Maintenance be allowed to exceed 110% of the budgeted amount.
3. Deposit of Funds for Papio Creek Structure W-3 Temporary Easement Extension – Recommendation that, in the event the Washington County Court Board of Appraisers (in the eminent domain temporary easement extension taking for the W-3 Rehabilitation Project, authorized at the March 10, 2011 meeting of the Board of Directors) has not filed in such court its report of awards by April 14, 2011, then upon the filing thereof the General Manager should be authorized to deposit, with the Washington County Court, the total amount of the Papio Creek Watershed Structure #W-3 Board of Appraisers awards for such temporary easement extension, if such awards in total do not exceed \$20,000; and, that expenses from account 510 4430-W-3 Rehabilitation Land Rights accordingly should be allowed to exceed 110% of budget amount.
4. Pigeon/Jones Site 15 Right of Way Acquisition – Recommendation that Management be and is hereby authorized and directed to increase the amounts of the offers made by the District to the owners of rights-of-way needed by the District for the Pigeon-Jones Creek Site 15 Project all in accordance with the proposed schedule of revised offers presented to the Finance, Expenditure and Legal Subcommittee in closed session on April 12, 2011 and maintained in the District's confidential files.

***Agenda Item 11.C. – Executive Subcommittee**

BE IT RESOLVED that the minutes of the April 12, 2011, meeting of the Executive Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Policy – 2.5 Directors – Code of Conduct for NRD Board of Directors and 2.6 – Directors – Handling Inappropriate Behavior – Recommendation that Policies 2.5 – Code of Conduct for NRD Board of Directors and 2.6 – Handling Inappropriate Behavior, in the form as presented to the Executive Subcommittee at its meeting on April 12, 2011, be adopted, effective immediately, and incorporated into the District's Policy manual.

***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 March, 2011, 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 March, 2011, 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/board-April/2011/apr11_resolutions