

**Papio-Missouri River Natural Resources District  
Board of Directors Meeting  
Suggested Resolution  
August 12, 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 August 10, 2004 Board of Directors Meeting:

None to date.

Agenda Item 6 A.& B.:

BE IT RESOLVED that the July 8, 2004, Papio-Missouri River NRD Board meeting minutes be approved as printed.

**Agenda Item 9.A.:**

BE IT RESOLVED that the August 10, 2004, minutes of the Programs, Projects and Operations Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted or approved.

1. Amendment No. 2 to Papillion Creek Watershed-Stage II Study Agreement with HDR Engineering to Add Financing Options Assessment of Multi-Reservoir Analysis

➤ Recommendation that the following resolution be adopted:

“WHEREAS, the intent of the Papio-Missouri River Natural Resources District is to develop plans for Papio Watershed Dam Sites 1 and 3C that are consistent with the following goals and objectives:

1. Minimize acres taken from the tax rolls,
2. Maximize dollars received by original landowners for land rights,
3. Minimize tax dollars that are spent by the District to develop such projects, and
4. Maximize the tax valuation of Washington County.

THEREFORE, BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the District shall first complete its preliminary plans for Dam Sites 1 and 3C and thereafter hold a series of public meetings to study and determine the development methods that are most feasible for the District and most acceptable to the landowners, citizens and supervisors of Washington County.”

And

- Recommendation that the General Manager be authorized to execute Amendment No. 2 to the Papillion Creek Watershed Study – Stage II Contract with HDR Engineering, inc., and increase the maximum fee from \$370,000 to \$434,000.
- 2. Approval of Schematics and Preliminary Plans for the Amphitheater at Walnut Creek Recreation Area – Recommendation that the District give written approval to the preliminary plans for the Amphitheater, that the Papillion Area Concert Band (PACB) be required to provide final plans and cost estimates as required by the existing agreement, and that the lease between the District and the PACB clearly delineate that PACB will be responsible for operation and maintenance of the parking lot.
- 3. Draft Cooperative Agreement with Game and Parks for Youth Mentored Hunting on Vencil’s Island – Recommendation that the General Manager be authorized to negotiate an agreement with the Nebraska Game and Parks Commission for youth-mentored hunting and fishing on the Glasshoff tract at Vencil’s Island in Sarpy County with the provision that the youth water fowl hunting on the Glasshoff tract be limited to the current two-day youth season; and, that the agreement be brought back to the Board for approval.
- 4. Bids for Silver Creek Watershed Sites 32 and 33 – Recommendation that the bid of Glup Construction, Inc., in the amount of \$153,996.82 for construction of Silver Creek Sites 32 and 33 be approved and accepted, and that the General Manager be authorized to execute the necessary contract documents.
- 5. Contract Award for Washington County Rural Water #2 Water Tower – Recommendation that the bid from Landmark Structures in the amount of \$1,377,000 for construction of the Washington County Rural Water System #2 water tower be approved and accepted, and that the General Manager be authorized to execute the necessary contract documents.

**Agenda Item 9.B.:**

BE IT RESOLVED that the August 10, 2004, minutes of the Finance, Expenditure and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted or approved.

1. FY 2005 Budget:

**\* ADOPTION OF FY 2005 BUDGET**

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the attached budget document incorporated herein by reference, showing Total Requirements of \$31,831,456.31 (\$31,781,456.31 – general and \$50,000 – sinking fund) and Property Tax Requirement of \$14,975,911.03, be and is hereby adopted as the Fiscal Year 2005 budget of the Papio-Missouri River Natural Resources District.

BE IT FURTHER RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hold a Public Hearing to set the Final Property Tax Request and Tax Levy for Fiscal Year 2005 at the September 9, 2004 Board of Directors meeting, after final valuations have been received from Douglas, Sarpy, Dodge, Washington, Burt, Thurston and Dakota Counties.

2. Western Sarpy/Clear Creek Flood Reduction Project – Sarpy County Side Riverside Cabins Purchase Agreements [Executive Session, if needed] – Recommendations: (1) that the General Manager be authorized to execute a purchase agreement for the Site 8L (Closner) permanent levee easement calling for a purchase price of \$1,000; and (2) that, in accordance with the following resolution, eminent domain proceedings be filed by the DISTRICT to acquire the Site 2L (Hansen), 5L (Grothe), and 6L Vosler easements.

**RESOLUTION**

WHEREAS, the Papio-Missouri River Natural Resources District (hereinafter "the **DISTRICT**") has contractually agreed with the UNITED STATES OF AMERICA that the DISTRICT will co-sponsor the U. S. Army Corps of Engineers' WESTERN SARPY/CLEAR CREEK FLOOD REDUCTION PROJECT (hereinafter referred to as "the **PROJECT**"); and,

WHEREAS, the PROJECT is a plan, facility, work and program relating to prevention of damages from floodwater and sediment, and relating to flood prevention and control, all within the contemplation of Section 3-3229, R.R.S., 1997; and, therefore, the DISTRICT is authorized to participate in the PROJECT; and,

WHEREAS, the PROJECT is will provide 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 DISTRICT'S participation in the PROJECT should be financed with any available funds of the DISTRICT; and,

WHEREAS, as part of contractually agreeing to sponsor the PROJECT, the DISTRICT has agreed to acquire lands, easements and rights-of-way that are necessary for construction, operation and maintenance of the PROJECT; and,

WHEREAS, the DISTRICT has identified certain levee easements, flowage easements, and cabin-raise easements (hereinafter referred to collectively as "the **EASEMENTS**") in the respective forms as reflected in the DISTRICT'S files, which are necessary to be acquired by the DISTRICT for construction, operation and maintenance of certain portions or aspects of the PROJECT; and,

WHEREAS, the parcels of land over which the EASEMENTS must be acquired (hereinafter referred to collectively as "the **EASEMENT AREAS**") are particularly described in the legal descriptions referred to in the DISTRICT'S files as Site 2L (Hansen), Site 5L (Grothe) and Site 6L (Vosler); and,

WHEREAS, economic and physical feasibility, including the respective locations of the Platte River, existing levees, existing buildings, and other existing improvements, necessitate that the PROJECT occupy the EASEMENT AREAS; and,

WHEREAS, a professional real estate appraiser retained by the DISTRICT fully appraised the damages that will be sustained by the owners (including lessees) of the EASEMENT AREAS (hereinafter referred to collectively as "the **OWNERS**") as a result of the DISTRICT'S acquisition of the EASEMENTS; and,

WHEREAS, the DISTRICT retained negotiators who contacted the OWNERS on behalf of the DISTRICT and who offered to pay to the OWNERS amounts of the money equal to the full fair market value of the damages that will be sustained by the OWNERS as a result of the DISTRICT'S acquisition of the EASEMENTS, as such damages were appraised by the professional real estate appraiser retained by the DISTRICT; and,

WHEREAS, the DISTRICT'S negotiators have contacted the OWNERS, and have made repeated, reasonable efforts in person, by telephone and by other means to negotiate with the OWNERS, and to induce the OWNERS to voluntarily accept the DISTRICT'S offers of damages and voluntarily grant the EASEMENTS to the DISTRICT, but that such negotiations and inducements have failed and the DISTRICT has not been able to acquire the EASEMENTS on a voluntary basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT does hereby find, determine and resolve as follows, to-wit:

A. The statements made in the foregoing recitals are true and correct and are hereby adopted as the findings and determinations of this Board of Directors; and,

B. For purposes of the PROJECT it is necessary that the DISTRICT acquire the EASEMENTS; and,

C. In order for the DISTRICT to acquire the EASEMENTS, and in the absence of voluntary grants of the EASEMENTS to the DISTRICT, it is necessary that the DISTRICT exercise the right of eminent domain, granted to it by Section 2-3234, R.R.S., 1997; and,

D. Approvals by other agencies are not required to authorize such action; and,

E. The DISTRICT'S legal counsel should be, and is hereby, authorized and directed to initiate the filing of one or more petitions in the County Court of Sarpy 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, all pursuant to the procedures governing eminent domain, as provided by Section 76-701, et seq., R.R.S., 1997.

**Agenda Item 10. A.-H.:**

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

**Agenda Item: 11.A.:**

BE IT RESOLVED that consideration of amendment to District Policy 12.7 General Manager – Monthly Report be taken from the table.

BE IT RESOLVED that the amendments to the policy entitled “District Policy 12.7 General Manager – Monthly Report” be approved and incorporated into the District Policy Manual.

**Agenda Item: 11.D.**

BE IT RESOLVED THAT the resignation of Director Melissa Gardner be accepted; that District Policy 2.1 be waived; and that Director Gardner’s seat be left vacant until a new director from Subdistrict #7 is elected at the general and sworn in at the January, 2005, Board of Directors’ meeting.