

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
February 14, 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 February 14, 2008, Board of Directors Meeting:

Tim Fowler
Rich Tesar

Agenda Item 7 A.:

BE IT RESOLVED that the January 10, 2008, Papio-Missouri River NRD Board meeting minutes and the January 9, 2008, Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

***Agenda Item 9.A. – Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the February 12, 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. Report on Trail Users' Study – No action required.
2. City of Omaha Request for Improvements to the Cunningham Lake Marina - Recommendation that the City of Omaha's cost share request for improvements to the Cunningham Lake Marina in the amount of \$250,000 be approved, subject to funds being included in the District's Fiscal Year 2009 Budget.

3. Groundwater Management Plan – Agreement with USGS for Trends Analysis – Recommendation that the General Manager be authorized to execute an agreement with the U.S. Geological Survey to conduct an Analysis and Assessment of Groundwater Quality and Groundwater Quantity Monitoring as proposed, in addition to the routine sampling of groundwater wells in the District, up to a maximum District expenditure of \$298,860 in Fiscal Years 2008-2011, and that Account #05-00-4485 be allowed to go over 110% of the Budgeted amount on the FY 2008 Budget.
4. Little Papio Channel Project – Bids for Removal of Former Union Pacific Railroad Bridge G-18 – Recommendation that the General Manager be authorized to execute a Contract for Former Union Pacific Railroad Bridge G-18 Removal Project with McC, L.L.C., for their total bid of \$38,556.00.
5. Turtle Creek Structure #2 Rehabilitation Project – Professional Services Contract with HDR Engineering – Recommendation that the General Manager be authorized to execute the proposed Turtle Creek Watershed Structure #2 engineering services agreement with HDR Engineering with a maximum not to exceed \$55,500, subject to changes deemed necessary by the General Manager and approved to as to form by District Legal Counsel.
6. Tekamah-Mud Watershed Structure #4-1 Bank Stabilization Project Bids – Recommendation that the General Manager be authorized to execute a contract for Tekamah-Mud Watershed Structure 4-1 Bank Stabilization Project with Glup Construction for their total base bid of \$25,074.60.
7. Revised Ice Jam Explosive Services Contract – Recommendation that the General Manager be authorized to execute the revised proposed contract with Dykon Explosive Demolition Corporation, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

***Agenda Item 9.B. – Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the February 12,, 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. Mopac Trail Project – Board of Educational Lands and Funds Easements – Recommendation that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the September 14, 2006, resolution of the Board of Directors, concerning the acquisition of MOPAC TRAIL right-of-way from the Nebraska Board of Educational Lands and Funds, as amended by resolution of the Board of Directors on November 8, 2007, should be, and is hereby, further amended as follows:

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the DISTRICT") has proposed the MOPAC Trail Project in Sarpy County, Nebraska (hereinafter "the PROJECT"); and,

WHEREAS, the DISTRICT has identified interests in certain lands and easements that are necessary to be acquired for the PROJECT, that is, permanent trail easements over Parcels ED-A, ED-B and, ED-H and ED-I; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G (all such interests hereinafter being referred to collectively as the PROPERTY); each such parcel being described in a respective document captioned "Description and Sketch," all marked in the DISTRICT'S files as Exhibits 1 through 89, and incorporated herein by reference, all such parcels comprising the PROPERTY presently being owned by the State of Nebraska Board of Educational Lands and Funds (hereinafter "the STATE BOARD"),

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the DISTRICT as follows, to-wit:

- A. The PROJECT will be a public recreational pedestrian and bicycle trail, extending along the south side of State Highway 32, from Highway 50 to the former MOPAC RR bridge over the Platte River, and the PROJECT is a plan, facility, work and program relating to development and management of recreational and park facilities, within the contemplation of Section 2-3229, R.R.S., 1943; and, therefore, the DISTRICT is authorized to undertake the PROJECT;
- B. The PROJECT is of a predominantly general benefit to the DISTRICT with only incidental special benefit, within the contemplation of Section 2-3252, R.R.S., 1943; and the PROJECT therefore should be carried out with any available funds of the DISTRICT,
- C. For purposes of the PROJECT it is necessary that the DISTRICT acquire the PROPERTY described above, that is, permanent trail easements over Parcels ED-A, ED-B, and ED-H and ED-I; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G; to-wit:
 - (1) In taking permanent trail easements over Parcels ED-A, ED-B, and ED-H, and ED-I, the DISTRICT acquires the following permanent rights (and reserves in the STATE BOARD and its successors and assigns, the following reserved rights) over Parcels ED-A, ED-B, ED-H and ED-I:

Permanent trail easement: The DISTRICT hereby acquires the permanent, right, liberty and authority to enter Parcels ED-A, ED-B, and ED-H, and ED-I and therein design, construct, operate, maintain, repair, replace, regulate and use public bicycle and pedestrian trail improvements; reserving, however, in the STATE BOARD, and its successors and assigns, the reserved right to use the portions of the road(s), driveway(s) and field entrance(s) in Parcels ED-A, ED-B and ED-H, and ED-I that intersect with the public trail improvements constructed by the DISTRICT, and the reserved right to remove snow and ice from such portions of such roads, driveway(s) and field entrance(s), without any duty on the part of the STATE BOARD, its successors and assigns, to otherwise maintain or repair such trail improvements within such intersections; provided, however, such reserved rights do not reserve in the STATE BOARD, its successors and assigns, the right to park vehicles on such intersecting trail improvements or otherwise obstruct the public use of such intersections for trail purposes; and, provided, further, the DISTRICT shall not be deemed to have hereby acquired, for its trail users, any right-of-way over motorized vehicles using such road(s), driveway(s) or field entrance(s); and, the DISTRICT shall maintain signs, using language determined by the DISTRICT, advising its trail users that such cross-traffic is not required to stop; and,

- (2) In taking the permanent easements over Parcels ED-C and ED-D the DISTRICT acquires the following permanent rights, to-wit:

Permanent Drainage Easement: The permanent, full, and free right, liberty and authority to enter upon and use said Parcels ED-C and ED-D for purposes of construction, operation, maintenance, repair, replacement, and regulation of drainage improvements appurtenant to the Project, such drainage improvement easement rights hereby acquired including, without limitation, the construction, operation, maintenance, repair, replacement and regulation of drainage culverts and other conduits and extensions thereof, embankments, headwalls, channels, swales, erosion prevention measures and other surface water drainage improvements associated with and appurtenant to the Project; and,

- (3) In taking the temporary easements over Parcels ED-E, ED-F and ED-G the DISTRICT acquires the following temporary rights, to-wit:

Temporary Construction Easement: The temporary, full, and free right, liberty and authority to enter upon and use said Parcels ED-E, ED-F and ED-G for ingress and egress; construction materials storage; equipment maintenance, storage and maneuvering; and, any for other lawful purposes necessary, convenient or incidental to the District's construction of the Project or the aforesaid drainage improvements, during the period of such construction.

- D. The DISTRICT has retained a licensed real estate appraiser to appraise the fair market value of the PROPERTY; and, the DISTRICT, through its negotiators, has offered to the STATE BOARD an amount of money equal to the damages as

appraised by such appraiser;

- E. Economic and physical feasibility necessitate that the PROJECT be constructed on the PROPERTY; and,
- F. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT the DISTRICT'S legal counsel should be and is hereby authorized and directed to initiate the filing of an amended application with the STATE BOARD, on behalf of the DISTRICT, for a hearing before the Board of Appraisers for Educational Lands and Funds, to ascertain and determine the damages from the DISTRICT'S taking of the PROPERTY, pursuant to the procedures provided by Sections 72-214, et seq., R.R.S., 2003.

BE IT FURTHER RESOLVED THAT the General Manager should be and is hereby authorized and directed to prepare and install appropriate signs directing users of the MOPAC Trail to yield the right-of-way to motorized vehicles traveling on roads intersecting the MOPAC Trail.

***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 January, 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 January, 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.