

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
March 8, 2007**

***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 March 8, 2007, Board of Directors Meeting:

None to date.

Agenda Item 7 A.:

BE IT RESOLVED that the February 8, 2007, Papio-Missouri River NRD Board meeting minutes be approved as printed.

***Agenda Item 9.A. – Public Involvement Ad Hoc Consultant Selection Subcommittee**

BE IT RESOLVED that the minutes of the February 20, 2007, Public Involvement Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted and approved.

1. Firm to be Hired – Recommendation that the General Manager be authorized to negotiate a professional services contract with Issues Management Solutions, as the first choice, and if an agreement cannot be reached, that he be authorized to negotiate with Lovgren Marketing Group, as the second choice, to provide public involvement/public information services related to the Papillion Creek Watershed Partnership and its efforts toward improved water quality and flood control in Douglas and Sarpy Counties.

***Agenda Item 9.B. - Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the March 6, 2007, 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. City of Omaha and Back to the River, Inc. Cost Share Request for Missouri River Pedestrian Bridge Park Project – Recommendation that the District assist Back to the River Inc.’s fundraising efforts by cost sharing with the City of Omaha in the amount of \$200,000 for construction of the Missouri River Pedestrian Bridge Park Project; and that the General Manager be authorized to provide such funds to the City upon the City’s execution of the District’s Recreation Area Development Program’s Special Operation and Maintenance Agreement.
2. Papio Dam Sites 1 and 3C Preliminary Design/Study Contract with HDR
 - a. Contract Amendment No. 1 – Development of Regional Detention Facility Alternative – Recommendation that the General Manager be authorized to execute the proposed Amendment No. 1 to the professional services contract with HDR Engineering, Inc. for the Papio Reservoir Sites 1 and 3C Preliminary Design/Study, increasing the maximum contract fee to \$720,594.
 - b. Review of Contract Status and Additional Services – No action required at this time.
3. Missouri River Trail Phase 2 Agreement with Nebraska Department of Roads – Recommendation that the General Manger be authorized to execute the Resolution and Project Agreement between the District and the Nebraska Department of Roads for the Missouri River Trail – Phase 2 Project.
4. MoPac Equestrian Trail Bids – Recommendation that the General Manager be authorized to execute a construction contract in the amount of \$49,392.48 with Camden Excavating for the MoPac Equestrian Trail Project, subject to approval by the Nebraska Game and Parks Commission.
5. Interlocal Agreement with SID on PL566 Site S-27 – Recommendation that the General Manager be authorized to sign an Interlocal Cooperation Act Agreement for Trail Reconstruction with Fox Ridge Estates and Heartland Hills SIDs, subject to approval as to form by legal counsel.
6. Logo on Washington County Rural Water #2 Water Tower – Recommendation that staff investigate options for NRD signage within the site of Washington County Rural Water #2 service area.

***Agenda Item 9.C. - Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the March 6, 2007, Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted and approved.

1. Missouri River Trail – Phase 2 –Right of Way

- a. Stratbucker Tract – Recommendation that the following resolution concerning Stratbucker Land Company, Ltd., right of way for the Missouri River Trail Project be adopted:

RESOLUTION

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the District") has proposed to construct, operate and maintain the Missouri River Trail Project (hereinafter "the Project"); and,

WHEREAS, the District has identified certain permanent and temporary easements (hereinafter referred to collectively as "the Easements") necessary to be acquired by the District for the Project, the Easements being identified in the proposed purchase agreement (hereinafter referred to as "the District's Offer") heretofore submitted by the District to Stratbucker Land Company, Ltd. (hereinafter referred to as "the Owner"), owner of the fee simple title to the land that will be affected by the acquisition of the Easements, and the District has negotiated in good faith with the Owner for the voluntary purchase of the Easements, but that such negotiations have failed and the District has not been able to voluntarily acquire the Easements for the Project and must acquire the same by the exercise of eminent domain.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hereby makes the following findings and determinations, to-wit:

A. The Project is a plan, facility, work and program relating to development and management of recreational and park facilities, within the contemplation of Section 3-3229, R.R.S., 1997, which authorizes the District to "... develop and execute, through the exercise of powers and authorities granted by law, plans, facilities, works, and programs relating to ... (11) development and management of recreational and park facilities" Therefore, the District is authorized to undertake the Project; and,

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., 1997; and, the Project therefore should be carried out with any available funds of the District; and,

C. For purposes of construction, operation and maintenance of the Project it is necessary that the District acquire the Easements as the same are identified in the District's Offer heretofore submitted to the Owner; and,

D. The District has negotiated in good faith with the Owner in that the District retained an licensed real estate appraiser to appraise the damages from the acquisition of the Easements; the District offered to the Owner an amount of money equal to the full fair market value of the damages from the acquisition of the Easements, as appraised by such appraiser; and, the District's representatives made reasonable efforts by in-person conference, telephone and correspondence to induce the Owner to accept the District's Offer, but that the District's Offer has been refused, all counter-offers made by the Owner are unreasonable and unacceptable to the District, and such negotiations in good faith therefore have failed and the negotiations are at an impasse; and,

E. It is necessary that the District exercise the right of eminent domain, granted to it by Section 2-3234, R.R.S., 1997, in order to acquire the Easements for the Project; and,

F. Economic and physical feasibility necessitate that the Project be constructed in the location of the Easements; and,

G. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT, in the absence of a voluntary grant of the Easements to the District in accordance with the District's Offer, legal counsel for the District 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, for the appointment of appraisers to ascertain and determine the damages from the District's taking of the Easements, pursuant to the procedures governing eminent domain, as provided by Section 76-701, et seq., R.R.S., 1997.

- b. Graves Tract – Recommendation that the General Manager be authorized to execute the proposed Purchase Agreement with Donald and Janet Graves and Irma Graves in the amount of \$9,843.00 for the Missouri River Trail Project – Phase 2.
2. MoPac Trail (Hwy 50 to Lied Bridge) Right of Way Acquisition - Ash Grove Parcel – Recommendation that the General Manager be authorized to execute a purchase agreement in the amount of \$5,290.00 with Ash Grove Cement Company to acquire right-of-way for the Mopac Trail (Hwy. 50 to Lied Bridge) Project, and that Account #01-06-04-4430 (Trails right-of way) be allowed to exceed 110% of budget.
3. Western Sarpy/Clear Creek Project Eminent Domain Case – NRD v. Hansen – Recommendation that the General Manager be authorized to stipulate a settlement of the District's appeal from the December 21, 2004, award of appraisers by the Sarpy County Court Board of Appraisers to landowner Phillips Hansen, for the NRD's taking of two

permanent easements for the Western Sarpy/Clear Creek Project, such settlement calling for a District payment of \$40,000.00.

***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 February, 2007, 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 February, 2007, 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/march/2007/mar07_resolutions