



**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
March 8, 2012**

***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 March 8, 2012, Board of Directors Meeting is excused:

Rick Kolowski

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

BE IT RESOLVED that the February 9, 2012 Papio-Missouri River NRD Board Meeting minutes; the February 8, 2012 Dakota County Rural Water Advisory Board Meeting minutes; and the February 22, 2012 Washington County Rural Water #1 Advisory Board Meeting minutes are approved as printed.

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

BE IT RESOLVED that the minutes of the March 6, 2012, 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. Nebraska Land Trust Agreement – It is recommended that the General Manager be authorized to execute the proposed Addendum to the 18 March, 2009 “Agreement Between Papio-Missouri River Natural Resources District and Nebraska Land Trust for Cooperative Assistance” that allows for an additional three year District commitment in the amount of \$30,000/year.
2. NRCS Farm and Ranch Protection Program for Allwine Prairie/Glacier Creek Expansion Project – It is recommended that the General Manager be authorized to apply for NRCS Farm and Ranch Protection Program funding for the 76.16 acres north of Allwine Prairie as part of the Allwine Prairie/Glacier Creek Expansion Project.

3. Contract Amendment with Tetra Tech for the Accreditation of the R-613 and R-616 Levees – It is recommended that the General Manager be authorized to execute the proposed contract amendment to the professional services agreement with Tetra Tech, Inc., for the Missouri River Levee System Units R-613 and R-616 Certification Project, in the form as presented to the subcommittee, bringing the total not to exceed amount of the contract to \$1,234,821, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
4. Missouri River Levee System R-613 and R-616 Sediment Removal Project Bid – It is recommended that the General Manager be authorized to execute a contract for Missouri River Levee R-613 and R-616 Sediment Removal Project with Navarro Enterprise Construction, for their total base bid of \$226,570 with disposal of sediment at a Construction and Demolition Debris Landfill.
5. Urban Drainageway Program – City of Omaha Interlocal Agreements –
 - a. Saddle Creek – It is recommended that the Interlocal Agreement with the City of Omaha for the Saddle Creek Channel Improvement Project, in the form as presented to the Subcommittee, be approved in an amount not to exceed \$811,380.00, subject to minor changes deemed necessary by the General Manager, and accepted as to form by District Legal Counsel.
 - b. Rockbrook Creek – It is recommended that the Interlocal Agreement with the City of Omaha for the Rockbrook Creek Tributary Rehabilitation Project, in the form as presented to the Subcommittee, be approved in an amount not to exceed \$713,280.00, subject to minor changes deemed necessary by the General Manager, and accepted as to form by District Legal Counsel.
6. West Papillion Regional Basin Number 5 (WP5) Interlocal Agreement with the City of Papillion and Sarpy County – It is recommended that the General Manager be authorized to execute the proposed West Papillion Creek Flood Control Interlocal Agreement with the City of Papillion, SID 290 and Sarpy County, in the form as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
7. Purchase of a 2012 Compact/Mid-Size Truck with Remaining FY 2012 Budgeted Funds – It is recommended that the low and best bid of \$13,533 submitted by Gregg Young Chevrolet for a 2012 Chevrolet Colorado be accepted with trade-in of the District's 2005 Chevrolet Colorado, 4WD, Extended Cab, Pickup Truck, serial number 1GCDT196158188705.
8. Update on the Missouri River Floodway Purchase Program for Iske Place and Elbow Bend – No action taken at this time.

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

BE IT RESOLVED that the minutes of the March 6, 2012, meeting of the Finance, Expenditure and Legal Subcommittee are accepted, incorporated in these minutes, and the following resolution is approved and adopted.

1.

RESOLUTION

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District ("the DISTRICT") has proposed a project within the DISTRICT, in Dakota County, Nebraska, entitled the "Pigeon/Jones Creek Site 15 Project" ("the PROJECT"), consisting of the construction, operation and maintenance of a flood control dam and reservoir, public recreation facilities, channel improvements, flood storage facilities and wildlife habitat improvements.

The Board of Directors of the DISTRICT hereby finds and determines as follows, to-wit:

(a) The PROJECT has as its principal purposes flood prevention and control, sediment control and prevention of damages from flood water and sediment, development and management of fish and wildlife habitat, and development and management of recreational and park facilities.

(b) The PROJECT is a plan, facility, work and program within the contemplation of Section 3-3229, Neb.Rev.Stat., which authorizes the District 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. * * * *"

(c) The PROJECT is and will be of predominantly general benefit to the DISTRICT, with only incidental special benefit, within the contemplation of Section 2-3252, Neb.Rev.Stat., et seq; and, that the PROJECT should be carried out with any available funds of the DISTRICT.

(d) Certain parcels of land in Dakota County, Nebraska, hereinafter described (the "NECESSARY TRACTS"), owned by the parties hereinafter described ("the CONDEMNEDS") are necessary to be acquired by the DISTRICT in fee simple for construction, operation and maintenance of the PROJECT, to-wit:

1. Tract Nos. 6, 24 and 25, owned by Duane Rohde, etal, the legal descriptions for such tracts being marked as Exhibit A hereto, incorporated herein by reference, and shall be attached and incorporated in the DISTRICT'S official minutes of this meeting and resolution.

2. Tract Nos. 9 and 10, owned by Dennis D. Rohde, etal, the legal descriptions for such tracts being marked as Exhibit B hereto, incorporated herein by reference, and shall be attached and incorporated in the DISTRICT'S official minutes of this meeting and resolution.

(e) The DISTRICT has negotiated in good faith with the CONDEMNEDS in that the DISTRICT retained licensed real estate appraisers to appraise the damages from the DISTRICT'S acquisition of the NECESSARY TRACTS; the DISTRICT offered to the CONDEMNEDS amounts of money equal to the appraised fair market value of the damages that will be sustained by such CONDEMNEDS as a result of the DISTRICT'S acquisition of the NECESSARY TRACTS; and, the District's representatives made reasonable efforts by conference, telephone and correspondence to induce the CONDEMNEDS to accept the DISTRICT'S offers, but such offers have been refused,

and that counterproposals by such CONDEMNNEES are unreasonable and unacceptable to the DISTRICT. A memorandum more particularly describing such negotiations is marked as Exhibit C hereto, incorporated herein by reference, and shall be attached and incorporated in the DISTRICT'S official minutes of this meeting and resolution.

(f) The physical and hydrologic characteristics of various features of the PROJECT require that they be constructed in the locations of the NECESSARY TRACTS.

(g) Approvals by other agencies are not required.

(h) It is necessary that the DISTRICT exercise the power of eminent domain, granted to it by Section 2-3234, Neb.Rev.Stat., in order for the DISTRICT to acquire the NECESSARY TRACTS for the PROJECT.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the DISTRICT that the foregoing findings and determinations are hereby approved and adopted; and that,

1. In the absence of the acceptance within 10 days by Duane Rhode, etal, of the DISTRICT'S revised offer in the amount of \$769,000 for the aforesaid Tracts 6, 24, and 25 of the Pigeon/Jones Site 15 Project, Legal Counsel is hereby authorized and directed to institute an action in the County Court of Dakota County, Nebraska on behalf of the DISTRICT to acquire fee simple title to such tracts by eminent domain, pursuant to the procedures provided by Section 76-701, Neb.Rev.Stat., et seq.; and,

2. In the absence of the acceptance within 10 days by Dennis D. Rhode, etal, of the DISTRICT'S revised offer in the amount of \$880,000 for the aforesaid Tracts 9 and 10 of the Pigeon/Jones Creek Site 15 Project, Legal Counsel is hereby authorized and directed to institute an action in the County Court of Dakota County, Nebraska on behalf of the DISTRICT to acquire fee simple title to such tracts by eminent domain, pursuant to the procedures provided by Section 76-701, Neb.Rev.Stat., et seq.

***Agenda Item 10. A.-J. - Financials**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the February, 2012, 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, the Western Sarpy Drainage District and the Papillion Creek Watershed Partnership, the project bills listed on the February, 2012, 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.

**LEGAL DESCRIPTION
TRACT 6
ROHDE, TRUSTEE**

A LEGAL DESCRIPTION FOR A PORTION OF A TRACT OF LAND AS REFERRED TO IN INST. NO. 98-001846, RECORDS OF DAKOTA COUNTY, COMPOSED OF A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 7 EAST OF THE 6TH P.M., DAKOTA COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

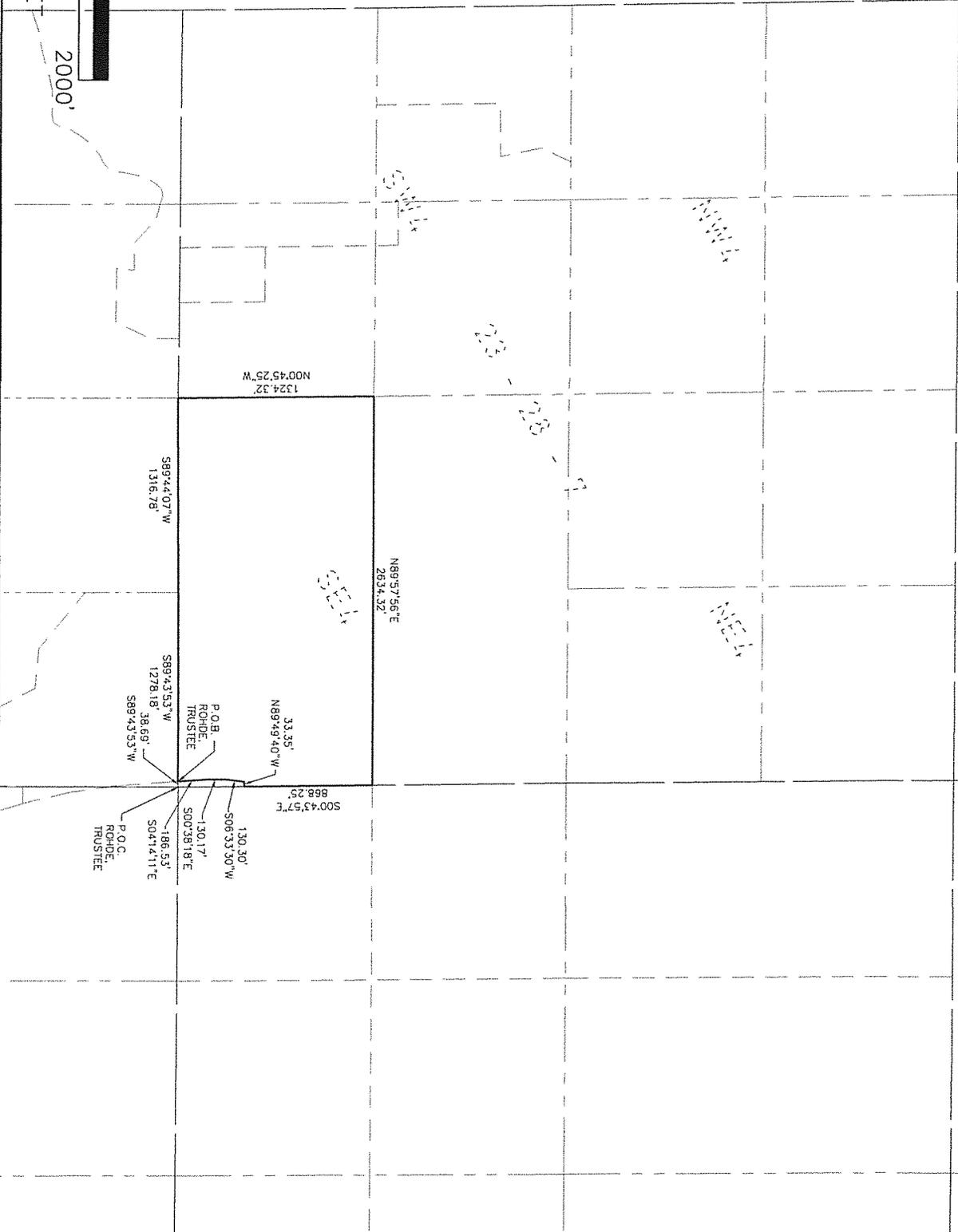
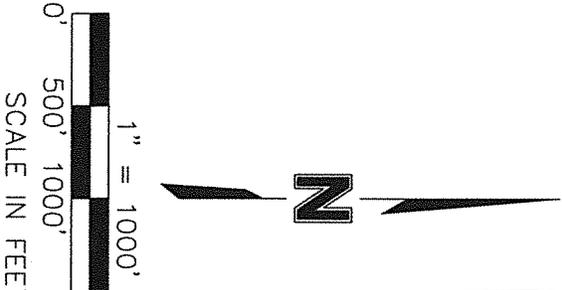
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23;; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89°43'53" WEST, A DISTANCE OF 38.69 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING, SOUTH 89°43'53" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,278.18 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°44'07" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,316.78 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°45'25" WEST ALONG THE WEST LINE OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,324.32 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 89°57'56" EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,634.32 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°43'57" EAST ALONG THE EAST LINE OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER, A DISTANCE OF 868.25 FEET TO A POINT; THENCE NORTH 89°49'40" WEST, A DISTANCE OF 33.35 FEET TO A POINT; THENCE SOUTH 06°33'30" WEST, A DISTANCE OF 130.30 FEET TO A POINT; THENCE SOUTH 00°38'18" EAST, A DISTANCE OF 130.17 FEET TO A POINT; THENCE SOUTH 04°14'11" EAST, A DISTANCE OF 186.53 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3,453,884.30 SQUARE FEET OR 79.29 ACRES, MORE OR LESS.

PROJECT NO: 007-1658
 DRAWN BY: MRJ
 DATE: 11.06.09

PIGEON CREEK TRACT 6

MOLSSON
 ASSOCIATES

1111 Lincoln Mall, Suite 111
 P.O. Box 84608
 Lincoln, NE 68501-4608
 TEL 402.474.6311
 FAX 402.474.5160



EXHIBIT

**LEGAL DESCRIPTION
TRACT 9 & 10
ROHDE**

A LEGAL DESCRIPTION FOR A PORTION OF A TRACT OF LAND AS REFERRED TO IN BOOK 109, PAGE 204, RECORDS OF DAKOTA COUNTY, COMPOSED OF A PORTION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 28 NORTH, RANGE 7 EAST OF THE 6TH P.M., DAKOTA COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

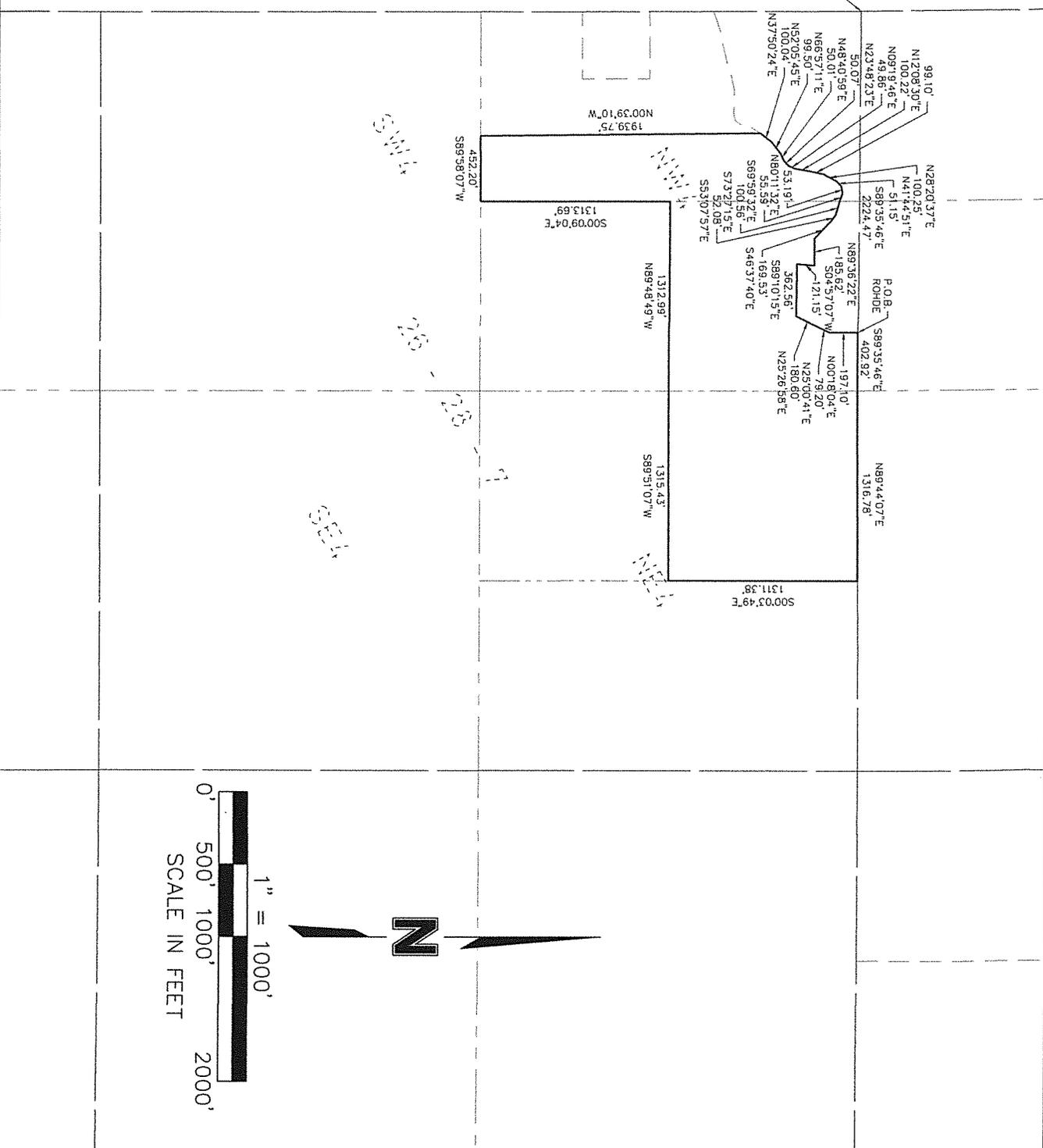
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'46" EAST, A DISTANCE OF 2,224.47 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING, SOUTH 89°35'46" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 402.92 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 89°44'07" EAST ALONG THE NORTH LINE OF NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 1,316.78 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°03'49" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,311.38 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89°51'07" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,315.43 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 89°48'49" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 1,312.99 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00°09'04" EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,313.69 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER; THENCE SOUTH 89°58'07" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 452.20 FEET TO A POINT; THENCE NORTH 00°39'10" WEST, A DISTANCE OF 1,939.75 FEET TO A POINT; THENCE NORTH 37°50'24" EAST, A DISTANCE OF 100.04 FEET TO A POINT; THENCE NORTH 52°05'45" EAST, A DISTANCE OF 99.50 FEET TO A POINT; THENCE NORTH 66°57'11" EAST, A DISTANCE OF 50.01 FEET TO A POINT; THENCE NORTH 48°40'59" EAST, A DISTANCE OF 50.07 FEET TO A POINT; THENCE NORTH 23°48'23" EAST, A DISTANCE OF 49.86 FEET TO

A POINT; THENCE NORTH 09°19'46" EAST, A DISTANCE OF 100.22 FEET TO A POINT; THENCE NORTH 12°08'30" EAST, A DISTANCE OF 99.10 FEET TO A POINT; THENCE NORTH 28°20'37" EAST, A DISTANCE OF 100.25 FEET TO A POINT; THENCE NORTH 41°44'51" EAST, A DISTANCE OF 51.15 FEET TO A POINT; THENCE NORTH 80°11'32" EAST, A DISTANCE OF 53.19 FEET TO A POINT; THENCE SOUTH 69°59'32" EAST, A DISTANCE OF 55.59 FEET TO A POINT; THENCE SOUTH 73°27'15" EAST, A DISTANCE OF 100.56 FEET TO A POINT; THENCE SOUTH 53°07'57" EAST, A DISTANCE OF 52.08 FEET TO A POINT; THENCE SOUTH 46°37'40" EAST, A DISTANCE OF 169.53 FEET TO A POINT; THENCE NORTH 89°36'22" EAST, A DISTANCE OF 185.62 FEET TO A POINT; THENCE SOUTH 04°57'07" WEST, A DISTANCE OF 121.15 FEET TO A POINT; THENCE SOUTH 89°10'15" EAST, A DISTANCE OF 362.56 FEET TO A POINT; THENCE NORTH 25°26'58" EAST, A DISTANCE OF 180.60 FEET TO A POINT; THENCE NORTH 25°00'41" EAST, A DISTANCE OF 79.20 FEET TO A POINT; THENCE NORTH 00°18'04" EAST, A DISTANCE OF 197.10 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 4,183,461.07 SQUARE FEET OR 96.04 ACRES, MORE OR LESS.

PROJECT NO: 007-1658
 DRAWN BY: MRJ
 DATE: 09/10/2009

PIGEON CREEK TRACTS 9 & 10

MOLSSON ASSOCIATES
 1111 Lincoln Mall, Suite 111
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 Lincoln, NE 68501-4608
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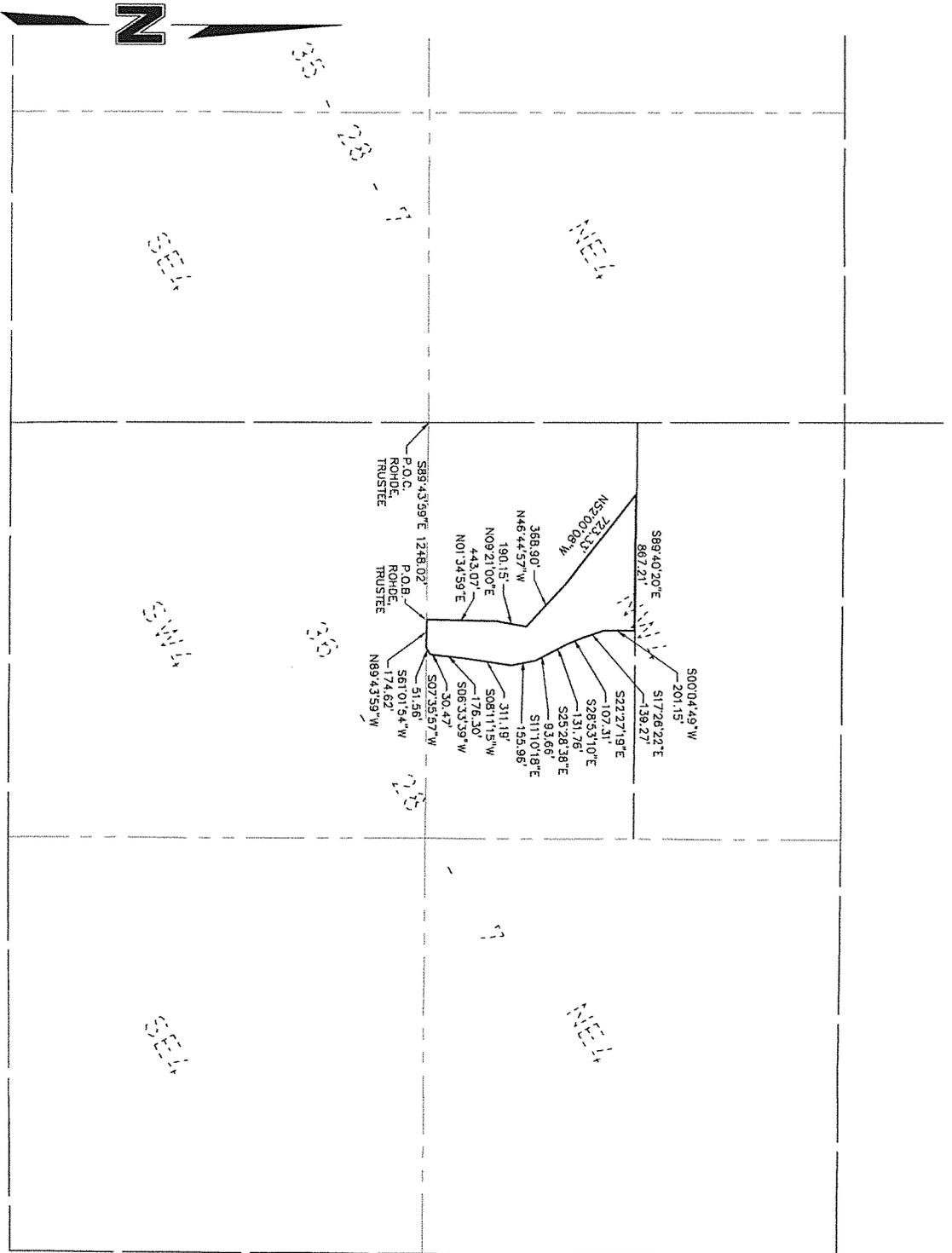
EXHIBIT

**LEGAL DESCRIPTION
TRACTS 24 & 25
ROHDE, TRUSTEE**

A LEGAL DESCRIPTION FOR A PORTION OF A TRACT OF LAND AS REFERRED TO IN INST. NO. 98-001846 AND IN INST. NO. 05-004299, RECORDS OF DAKOTA COUNTY, COMPOSED OF A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER, ALL IN SECTION 36, TOWNSHIP 28 NORTH, RANGE 7 EAST OF THE 6TH P.M., DAKOTA COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE EASTERLY ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36 ON AN ASSUMED BEARING OF SOUTH 89°43'59" EAST, A DISTANCE OF 1,248.02 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE NORTH 01°34'59" EAST, A DISTANCE OF 443.07 FEET TO A POINT; THENCE NORTH 09°21'00" EAST, A DISTANCE OF 190.15 FEET TO A POINT; THENCE NORTH 46°44'57" WEST, A DISTANCE OF 368.90 FEET TO A POINT; THENCE NORTH 52°00'08" WEST, A DISTANCE OF 723.33 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE SOUTH 89°40'20" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 867.21 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00°04'49" WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 201.15 FEET TO A POINT; THENCE SOUTH 17°26'22" EAST, A DISTANCE OF 139.27 FEET TO A POINT; THENCE SOUTH 22°27'19" EAST, A DISTANCE OF 107.31 FEET TO A POINT; THENCE SOUTH 28°53'10" EAST, A DISTANCE OF 131.76 FEET TO A POINT; THENCE SOUTH 25°28'38" EAST, A DISTANCE OF 93.66 FEET TO A POINT; THENCE SOUTH 11°10'18" EAST, A DISTANCE OF 155.96 FEET TO A POINT; THENCE SOUTH 08°11'15" WEST, A DISTANCE OF 311.19 FEET TO A POINT; THENCE SOUTH 06°33'39" WEST, A DISTANCE OF 176.30 FEET TO A POINT; THENCE SOUTH 07°35'57" WEST, A DISTANCE OF 30.47 FEET TO A POINT; THENCE SOUTH 61°01'54" WEST A DISTANCE OF 51.56 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER; THENCE NORTH 89°43'59" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 174.62 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 498,389.25 SQUARE FEET OR 11.44 ACRES, MORE OR LESS.

February 16, 2012



PROJECT NO: 007-1658
 DRAWN BY: MRJ
 DATE: 09/03/2009 Rev 02/16/12

PIGEON CREEK TRACTS 24 & 25

MOLSSON
 ASSOCIATES

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EXHIBIT