

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

None to Date

Agenda Item 7 A.:

BE IT RESOLVED that the October 11, 2007, Papio-Missouri River NRD Board meeting minutes be approved as printed.

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

BE IT RESOLVED that the minutes of the November 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. Review and Recommendation on MoPac Trail (Hwy 50 to Lied Bridge)
 - a. Amendment to Resolution for Right of Way Acquisition for Educational Lands and Funds Tracts – 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, should be, and is hereby, amended as follows:

RESOLUTION

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, ~~the fee simple title to~~ permanent trail easements over Parcels ED-A, ED-B and ED-H; 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 8, 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, ~~the fee simple title to~~ permanent trail easements over Parcels ED-A, ED-B and ED-H; 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 ~~the fee title to~~ permanent trail easements over Parcels ED-A, ED-B and ED-H the DISTRICT acquires the following permanent rights (and reserves in the STATE BOARD and its successors and assigns, the following easement-reserved rights) over Parcels ED-A, ED-B and ED-H:

~~Reserved easement: The permanent, full, and free right, liberty and authority to enter upon and use, for ingress and egress to and from public road right of way, the driveway(s) and field~~

~~entrance(s), constructed by the DISTRICT in Parcels ED-A, ED-B that intersect with the public trail improvements constructed by the DISTRICT in such described parcel of land; provided, that such reserved right includes the STATE BOARD'S right to remove snow and ice from such driveway(s) and field entrance(s) but does not include any duty on the part of the STATE BOARD to maintain or repair such trail improvements, driveway(s) or field entrance(s); and, does not include any right on the part of the STATE BOARD to park vehicles on or otherwise obstruct the public use of such trail improvements; and,~~

Permanent Trail Easement: The DISTRICT hereby acquires the permanent, right, liberty and authority to enter Parcels ED-A, ED-B and ED-H 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 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 yield the right-of-way; 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,

G. 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 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.

- b. Easement on Kantor Parcel – Recommendation that the General Manager be authorized to execute a purchase agreement with James and Patricia Kantor to acquire right-of-way for the Mopac Trail (Hwy 50 to Lied Bridge) Project.

***Agenda Item 9.B. – Personnel, Legislative and Public Affairs Subcommittee**

BE IT RESOLVED that the minutes of the November 6, 2007, Personnel, Legislative and Public Affairs are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted and approved.

1. Additional Compensation for Ryan Trapp while Serving as Assistant Park Superintendent (May 1 – October 1, 2007) – Recommendation that Ryan Trapp be paid the amount of \$2,074.38 for serving as Assistant Park Superintendent for the period of May 1, 2007 through October 1, 2007.
2. Addition to Wage and Salary Administration Program – Compensation for Temporary Duty – Recommendation that the following paragraph be added to Section VII – Wage and Salary Adjustment of the District's Wage and Salary Administration Program Manual:

E. Compensation For Temporary Duty: If an employee

temporarily serves in the capacity of a higher grade position for an extended period of time (minimum of **one** month or **20** working days, consecutively), the General Manager shall have the authority to provide additional compensation to that employee for that period according to the general guideline of one-half the difference between the midpoints for the salary grade of the higher grade position and the employee's position.

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

BE IT RESOLVED that the minutes of the November 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. Interlocal Agreement for Lower Platte River Instream Flows – Recommendation that the General Manager be authorized to execute the proposed Lower Platte River Coalition Interlocal Agreement, subject to minor changes deemed necessary by the General Manger and accepted as to form by District Legal Counsel.
2. Papio Creek Watershed Structure S-31 Bids – Recommendation that the General Manager be authorized to execute a contract with Thompson Construction, Inc., for a total base bid of \$445,583.00 for construction of the Papio Creek Watershed Structure S-31 Rehabilitation Project.
3. Bids for Vehicles and Equipment – Recommendation that the following bids be accepted:
 - A. Two – 2008, Compact/Mid-Size Extended Cab, 4WD, Pickup Trucks (Bid Item A): Recommendation that the lowest and best bid of \$34,318 from Anderson Ford be accepted with trade-in of the District's 2000 Chevrolet S-10, 4WD, Pickup Truck.
 - B. One – 2008, Mid-Size, 4WD, Sport Utility Vehicle (Bid Item B): Recommendation that the lowest and best bid of \$20,263 from Anderson Ford be accepted for a hybrid engine sport utility vehicle with trade-in of the District's 2003, Ford Explorer, 4WD, Sport Utility Vehicle.
 - C. One – 2008, John Deere, 5425, Agricultural Tractor (Bid Item C): Recommendation that the lowest and best bid of \$35,998 from A&M Green Power be accepted.

- D. One – 2008 Side-Dump Trailer (Bid Item D): Recommendation that the lowest and best bid of \$35,298.88 from Smith Co. Side Dump Trailers be accepted.

***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 October, 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 October, 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.

***Agenda Item 11. A. - P-MRNRD Board of Directors Meeting Schedule for 2008:**

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meetings for calendar year 2008:

January 10, 2008	July 10, 2008
February 14, 2008	August 14, 2008
March 13, 2008	September 11, 2008
April 10, 2008	October 9, 2008
May 8, 2008	November 13, 2008
June 12, 2008	December 11, 2008