



**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
September 14, 2006**

***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 September 14, 2006, Board of Directors Meeting:

Fred Conley
Dick Connealy
Tim Fowler

Agenda Item 7 A.:

BE IT RESOLVED that the August 10, 2006, Papio-Missouri River NRD Board meeting minutes and the August 9, 2006 Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

***Agenda Item 10.B. – MoPac Trail (Hwy 50 to Chalco Hills) Ad Hoc Consultant Selection Subcommittee**

BE IT RESOLVED that the minutes of the September 12, 2006, MoPac Trail (Hwy 50 to Chalco Hills) Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee is hereby adopted and approved.

1. Selection of Consulting Firms to be Interviewed – Recommendation that that the firms of Ehrhart Griffin & Associates, HGM Associates, Lamp Rynearson & Associates, and The Schemmer Associates be interviewed for the MoPac Trail (Hwy 50 to Chalco Hills) Design.

***Agenda Item 10.C. – Personnel, Legislative and Public Affairs Subcommittee**

BE IT RESOLVED that the minutes of the September 12, 2006, Personnel, Legislative and Public Affairs Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Resolutions to be Considered at the NARD Annual Conference – Recommendation that the Papio-Missouri River NRD take the following positions on resolutions to be considered at the NARD Annual Conference:

Reso #	Description	Recommended Position
2006-1	State Funding for Ethanol Facility Water Offsets, Tri-Basin NRD	Monitor
2006-2	Basin Evaluation Every Five Years, Lower Elkhorn NRD	Monitor

2. Proposed SOS Nebraska (Stop Over Spending) Constitutional Amendment – Recommendation that the Papio-Missouri River NRD oppose the SOS effort.

***Agenda Item 10.D. – Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the September 12, 2006, 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. FY 2007 Budget:

⊗ SET PROPERTY TAX REQUEST FOR FY 2007 – 0.038444/\$100

WHEREAS, Section 77-1601.02 of Nebraska Revised Statutes provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interests of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

1. **The FY 2007 property tax request be set at \$16,608,383.19 with a tax levy of 0.038444/\$100.**

2. A copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 13, 2006.

2. Amendment to Bland and Associates Audit Proposal – Recommendation that the Acting General Manager be authorized to execute the audit agreement with Bland and Associates for a total compensation amount of \$37,400, providing for an additional \$400 for reimbursement of miscellaneous expenses.
3. Amendments to Policy 22.1 Miscellaneous – Papio-Missouri River NRD “Paperless Project” – Recommendation that the following amendments to District Policy 22.1 – Miscellaneous – Papio-Missouri River NRD “Paperless Project,” as proposed to the Subcommittee, be adopted and incorporated in the District Policy Manual:

22.1 Miscellaneous – Papio-Missouri River NRD “Paperless Project”: The Papio-Missouri River NRD “Paperless Project” is an authorized project of the District. The purpose of the “Paperless Project” is to provide the P-MRNRD Board of Directors, staff and general public access to Subcommittee and Board information and to move to a paperless office concept.

To achieve this, each elected P-MRNRD Director will be issued a laptop computer. Laptop will be returned to the District office once the Director has left office. The following is the policy concerning Directors’ e-mail addresses/internet/printing needs be adopted:

Directors’ e-mail – The present P-MRNRD e-mail system will be retained and each Director will have their e-mail address or phone number listed on the District web page, if they so desire.

Printing – Each Director shall be given a choice of using his or her own printer, or using a printer supplied by the District. If the Director uses his or her own printer the Director can be reimbursed \$.05 per copy for any copies made pertaining to District business. This expense will be submitted as part of the Director’s monthly expense claim form.

Internet Services – Each Director shall be allowed up to ~~\$25.00~~ **\$40.00** per month for reimbursement of the cost of internet service. This expense will be submitted as part of the Director’s monthly expense claim form.

Internet Services (Out of Town – Hotel Visits) – While conducting District business while out of town, each Director may be reimbursed ~~up to \$10~~ **the actual cost** per day for the ~~cost of~~ internet connections.

All Subcommittee and Board of Director Information will be posted to the Papio-Missouri River NRD website (www.papionrd.org). The posting schedule is as follows:

Subcommittee Information: Subcommittee Agendas and background information

will be posted to the website at least 5 days prior to the Subcommittee meeting date. Agendas and staff recommendation memos will be e-mailed to Directors at least 5 days prior to the Subcommittee meeting date.

Board Meeting Information: Draft Board agenda and other available information will be posted to the website at least 5 days prior to the meeting date. Draft agenda will be e-mailed to Directors at least 5 days prior to the meeting date.

Final agenda, Subcommittee minutes, etc., will be posted to the website by 4:00 p.m. the day prior to the Board meeting. Final agenda will be e-mailed to Directors by 4:00 p.m. the day prior to the meeting date.

[February 14, 2002; March 13, 2003; April 10, 2003; October 9, 2003; [September 14, 2006](#)]

4. Purchase Agreement for Land Acquisition for Missouri River Trail - Duda Tract – Recommendation that that the Acting General Manager be authorized to execute the proposed Purchase Agreement in the amount of \$22,000.00 for the purchase of the Duda Tract for the Missouri River Trail Project.
5. Purchase Agreements for Floodway Properties – Recommendation that that the Purchase Agreement for the following floodway buyout properties, to-wit: (a) Lots 37 and 38, Q Street Acres, Douglas County, Nebraska; and (b) Lot 32, Beacon View, Sarpy County, Nebraska, be laid over for 30 days.
6. MoPac Trail (Hwy 50 to Lied Bridge) Right of Way Acquisition for Educational Lands and Funds Tracts - Recommendation that the following resolution be adopted:

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 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 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; provided, however,

(1) In taking the fee title to Parcels ED-A, ED-B and ED-H the DISTRICT reserves in the STATE BOARD and its successors and assigns, the following easement 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,

(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.

***Agenda Item 10.F. – Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the September 12, 2006, 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 with Sarpy County for Wastewater/Water Study – Phase 2 – Recommendation that the Acting General Manager be authorized to execute an interlocal agreement with Sarpy County, MAPA, and the Cities of Springfield and Gretna, as presented to the Subcommittee's meeting, for Phase 2 of the Sarpy County Water/Wastewater Treatment study in the amount of \$10,000, subject to changes deemed necessary by the acting General Manager and approved as to form by the District Legal Counsel.
2. Interlocal Agreement for Site Specific Probable Maximum Precipitation Study for Nebraska – Recommendation that the Acting General Manager be authorized to execute an interlocal agreement for the District to pay up to \$35,000 from the Papio Reservoirs Professional Services account as the District's share of the cost of a Statewide Probable Maximum Precipitation Study for the State of Nebraska, to be conducted by Applied Weather Associates.
3. Wetland Mitigation Bank Site Selection Study – Recommendation that the Wetland Bank Site Selection Report and the Purchase Agreement with Horgan Development Co. be laid over till the October, 2006, Subcommittee and Board meetings.

4. Papillion Creek Watershed Partnership Policies (P-MRNRD Policy 17.16 – District Programs – Urban Stormwater Management Program) – Recommendation that the District Policy 17.16 – Urban Stormwater Management be amended to incorporate the proposed Papillion Creek Watershed Partnership Stormwater Management Policies presented to the Subcommittee meeting.
5. Interlocal Agreement Between South Sioux City/P-MRNRD regarding Dakota County Rural Water Service Area – Recommendation that the Assistant General Manager be authorized to execute an agreement with the City of South Sioux City regarding future annexations by such City of portions of the Dakota County Rural Water Project service area, subject to changes deemed necessary by the Acting General Manager and approved as to form by District Legal Counsel.
6. Papio Creek Watershed Structures S-27, S-31 and S-32 Rehabilitation Project Appraisal and ROW Negotiation Services Proposals – Recommendation that the Acting General Manager be authorized to execute proposed contracts with Thomas E. Stevens and Associates for appraisal services, with a maximum cost of \$20,700, and with Midwest ROW Services, Inc., for negotiation services, with a maximum cost of \$22,800, subject to changes deemed necessary by the Acting General Manager and approved as to form by District Legal Counsel.
7. Report on District Vehicle Use Policy – Recommendation that the newly-appointed General Manager make a determination on employee use of vehicles within 90 days of commencement of employment.

***Agenda Item 11. A.-I. - Financials**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the August, 2006, 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 August, 2006, 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 12.A. – Appointment of Standing Subcommittees**

BE IT RESOLVED that _____ be appointed the P-MRNRD Representative on the Florence Futures Board of Directors.

***Agenda Item 12.B. – Appointment of Standing Subcommittees**

BE IT RESOLVED that consideration of the amendment to District Policies 2.1 Directors - Vacancies be taken from the table

BE IT RESOLVED that the following amendments to District Policy 2.1 Directors – Vacancies, be taken from the table, adopted and approved, and incorporated in the P-MRNRD Policy Manual, to-wit:

2.1 Directors - Vacancies. Sec. 2-3215 R.R.S., 1943, governs when a vacancy exists in the office of director. Unless the Board elects to use a different procedure, Any any such vacancy shall be filled in the following manner: (1) Notice of such vacancy shall be given by the Chairperson to the Board at the first regular meeting of the Board after notification has been received by the Chairperson of the vacancy; (2) the General Manager then shall publish notice of such vacancy and in such notice request that persons interested in being considered for appointment to the position submit a letter of application to the Board no later than two weeks prior to the next regular meeting of the Board; and, (3) at such next regular meeting of the Board ~~candidates~~ **such applicants** may appear before the Board, and, at such meeting, ~~from such slate of applicants,~~ the Board shall ~~nominate two persons by secret ballot, and~~ by majority resolution **either** elect one of such ~~nominees~~ **applicants** to fill such vacancy or order the General Manager to re-publish such notice of such vacancy.

[December 5, 1986; **September 14, 2006**