

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**  
**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN INTERLOCAL COOPERATION**  
**AGREEMENT FOR THE STABILIZATION OF HELL CREEK NEAR HARRISON STREET**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, an agreement has been proposed with Douglas County, and the City of LaVista, Nebraska for the stabilization Hell Creek in areas where continued or potential erosion may compromise the structural integrity of Harrison Street.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT, pursuant to the statutory authority set forth above, the Chairman of this Board, together with the County Clerk, be and hereby are authorized to execute on behalf of this Board an agreement made pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801 to 827 (Reissue 2007), for the stabilization of Hell Creek at Bridge No. 03010 near Harrison Street, a copy of which is attached hereto.

DATED this 24<sup>th</sup> day of February 2009.

Moved by Rich Jansen, seconded by Tom Richards, that the above Resolution be adopted. Carried.

<b>YEAS:</b>	<b>NAYS:</b>	<b>ABSENT:</b>
<u>[Signature]</u>	<u>none</u>	<u>none</u>
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	<b>ABSTAIN:</b>
<u>[Signature]</u>	_____	<u>none</u>
<u>[Signature]</u>	_____	_____

ATTEST:

[Signature]  
County Clerk



Approved as to form:

[Signature]  
Deputy County Attorney

## INTERLOCAL AGREEMENT HELL CREEK AND HARRISON STREET

This Interlocal Agreement is made and entered into this 24<sup>th</sup> day of February, 2009, by and between Douglas County, Nebraska, Sarpy County, Nebraska and the City of LaVista, Nebraska.

### WITNESSTH:

WHEREAS, in order to promote the health and safety of the residents of all parties to this Agreement pursuant to the authority granted to the parties per the Nebraska Interlocal Cooperation Act, the parties desire to effectuate the stabilization of Hell Creek at Bridge No. 03010 near Harrison Street as shown on a map attached hereto as *Exhibit "A"* and incorporated herein by reference, and;

WHEREAS, this project is known as Douglas County Project No. SP-2008(03) and;

WHEREAS, Douglas County, Sarpy County, and the City of LaVista wish to outline their respective duties and responsibilities and the sharing of costs for the design and construction costs for this improvement.

NOW, THEREFORE, the following is agreed between the parties hereto:

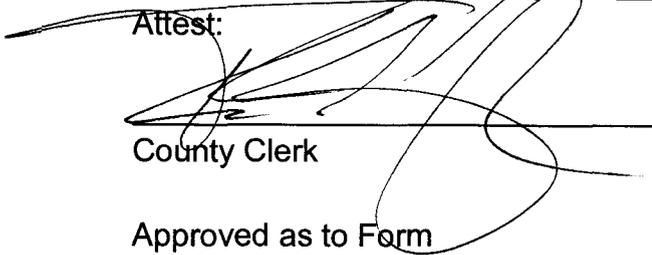
- 1) Douglas County will act as the agent for all parties to this Agreement in the execution of the contract and general supervision of the work and administration of the contract for the project, and Douglas County accepts said agency. Douglas County will not enter into any agreements or contracts affecting this project without prior approval of Sarpy County and the City of LaVista. No separate legal entity is hereby created.
- 2) Douglas County will prepare the plans and specifications and provide the inspection for the construction of the improvements. The final plans and specifications shall be subject to the approval of Sarpy County and the City of LaVista, which approval shall not be unreasonably withheld.
- 3) The total cost of this project is estimated to be \$ 63,864.00 with Douglas County paying 50%, Sarpy County 25%, and the City of LaVista 25% (see EXHIBIT "B").
- 4) The cost of the project shall include the design, construction costs, testing costs, and any other miscellaneous costs required to repair drainage structures, stabilize and rip rap along Hell Creek at Bridge No. 03010 near Harrison Street.

- 5) Upon the acceptance of the contract for construction of the project, Douglas County will bill Sarpy County and the City of LaVista for their share of the costs. If, at the completion of the work said payments made by Sarpy County and the City of LaVista are more than the actual cost, Douglas County shall refund the excess payments to Sarpy County and the City of LaVista.
- 6) No Change Order to the construction contract shall cause a contract increase exceeding five percent (5%) of the contract price without prior approval of all parties.
- 7) This Agreement shall remain in effect until repair of Hell Creek at Bridge No. 03010 near Harrison Street is completed. Amendments hereto shall be made in writing.
- 8) Binding Effect. This Interlocal Agreement shall be binding upon the respective parties hereto.
- 9) No elected official or any officer or employee of Douglas County, Sarpy County, or City of LaVista shall have a financial interest, direct or indirect, in this Agreement.
- 10) Douglas County, Sarpy County, or the City of LaVista shall not, in performance of this Agreement, discriminate or permit discrimination against any person because of race, sex, age, national origin, or political benefits or affiliations of federal or state laws.
- 11) Nondiscrimination Clause. The parties to this agreement shall not, in the performance of the agreement, discriminate or permit discrimination in violation of federal or state laws or local ordinances because of race, color, sex age, disability, political or religious opinion, affiliations or national origin.
- 12) Drug Free Policy. The parties to this agreement agree to establish, and maintain, a drug free workplace policy.
- 13) This instrument contains the entire Agreement of the parties and shall be binding upon the successors and assigns of the respective parties. No amendment, deletions, or additions shall be made to this Agreement except in writing.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials there unto duly authorized as of the dates below indicated.

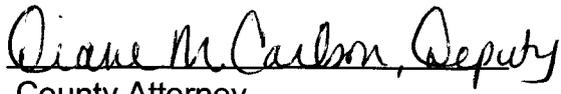
Executed by Douglas County this 10<sup>th</sup> day of February, 2009.

Attest:

  
\_\_\_\_\_  
County Clerk

By:   
\_\_\_\_\_  
Chair, County Board

Approved as to Form

  
\_\_\_\_\_  
County Attorney

Executed by Sarpy County this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_

\_\_\_\_\_  
Chair, County Board

Approved as to Form

\_\_\_\_\_  
County Attorney

Executed by LaVista, Nebraska this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials there unto duly authorized as of the dates below indicated.

Executed by Douglas County this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Chair, County Board

Approved as to Form

\_\_\_\_\_  
County Attorney

Executed by Sarpy County this 24<sup>th</sup> day of February, 2009.

Attest:

Debra J. Houghtaling  
County Clerk



Joni Jones  
Chair, County Board

Approved as to Form

[Signature]  
County Attorney

Executed by LaVista, Nebraska this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

Approved as to Form

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials there unto duly authorized as of the dates below indicated.

Executed by Douglas County this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Chair, County Board

Approved as to Form

\_\_\_\_\_  
County Attorney

Executed by Sarpy County this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Chair, County Board

Approved as to Form

\_\_\_\_\_  
County Attorney

Executed by LaVista, Nebraska this 20<sup>th</sup> day of February, 2009.

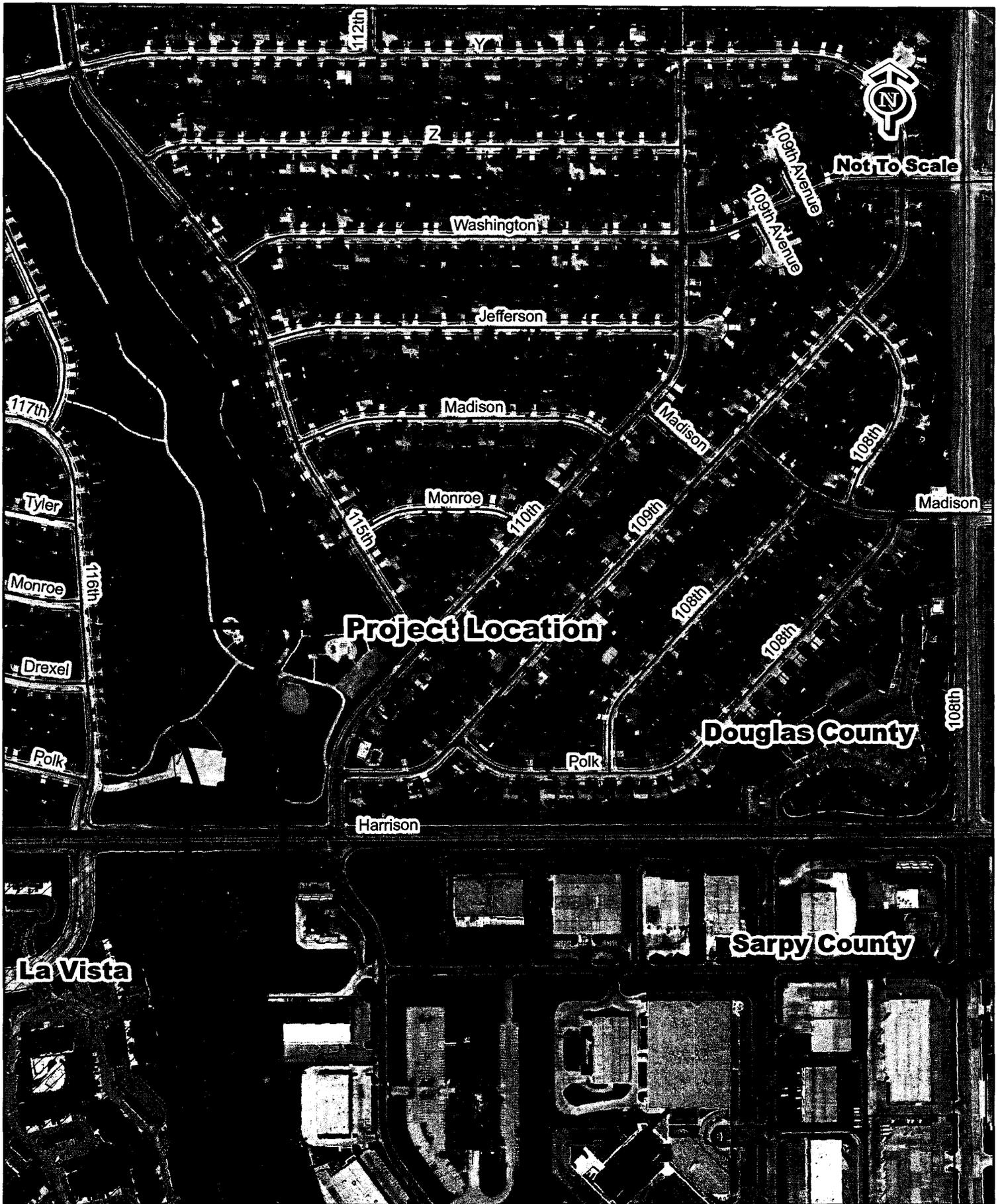
Attest:

Pamela A. Duethe  
City Clerk

By: [Signature]  
Mayor

Approved as to Form

[Signature]  
City Attorney



**PROJECT NO. SP-2008(3)**

**HELL CREEK STABILIZATION - HARRISON ST @ 110th ST  
BRIDGE NO. C002803010**

**EXHIBIT - A**

**PROPOSAL**

Schedule of Contract Items and Bid Prices  
ENGINEER'S ESTIMATE

Item No.	Description	Quantity	Unit	Unit Price	Amount
1	CLEARING AND GRUBBING GENERAL	1	LS	\$13,500.00	\$13,500.00
2	CLEARING AND GRUBBING TREES OVER 9" TO 18"	4	EA	\$400.00	\$1,600.00
3	EARTHWORK (EXCAVATION)	168	CY	\$12.00	\$2,016.00
4	EARTHWORK (EMBANKMENT)	381	CY	\$12.00	\$4,572.00
5	REMOVE TIMBER PILE	34	EA	\$200.00	\$6,800.00
6	REMOVE 36" CULVERT PIPE	4	LF	\$25.00	\$100.00
7	REPAIR COMBINATION CURB AND GUTTER	40	LF	\$25.00	\$1,000.00
8	REPAIR 4" CONCRETE SIDEWALK	246	SF	\$5.00	\$1,230.00
9	CONSTRUCT 36" CORRUGATED METAL PIPE CULVERT	22	LF	\$70.00	\$1,540.00
10	CONSTRUCT 36" P.C.C. COLLAR	1	EA	\$1,500.00	\$1,500.00
11	CONSTRUCT ROCK RIP-RAP - TYPE "A"	466	TONS	\$38.00	\$17,708.00
12	CONSTRUCT ROCK RIP-RAP - TYPE "B"	271	TONS	\$38.00	\$10,298.00
13	SEEDING, TYPE III (EROSION CONTROL)	0.25	ACRES	\$8,000.00	\$2,000.00

Total Bid: \$ \$63,864.00

<u>Jurisdiction</u>	<u>Percent</u>	<u>Cost</u>
Douglas County, NE	50%	\$31,932.00
Sarpy County, NE	25%	\$15,966.00
La Vista, NE	25%	<u>\$15,966.00</u>
<b>TOTAL</b>		<b>\$63,864.00</b>

**BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, NEBRASKA**

**BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS THAT:**

The Chairman be and is hereby authorized to execute the Interlocal Agreement between Douglas County, Nebraska, Sarpy County, Nebraska, and the City of LaVista, Nebraska, copies of which are attached hereto and incorporated herein by reference on the proposed stabilization of Hell Creek at Bridge No. 03010 on Harrison Street, Douglas County Project No. SP-2008(03).

This Agreement outlines each party's duty and responsibility, and the sharing of costs for the design and construction costs. It is estimated the cost of this project will be approximately \$63,864.00, with Douglas County paying 50%, Sarpy County 25%, and the City of LaVista 25%.

DATED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2010.

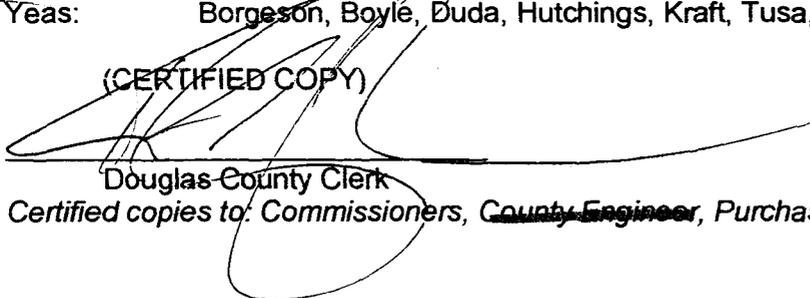


Motion by Tusa, second by Boyle to approve. I move the adoption of the resolution.

Adopted: ~~February 10, 2009~~

Yeas: ~~Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers~~

(CERTIFIED COPY)

  
Douglas County Clerk

Certified copies to: ~~Commissioners, County Engineer, Purchasing, Clerk~~

Resolution No. 108  
ADOPTED: February 10, 2009

# THOMAS A. LYNAM

SARPY COUNTY SURVEYOR

• 15100 SOUTH 84th STREET • PAPILLION, NEBRASKA 68046 • 402.339.4606 • FAX: 402.339.6555 •

## Memo

**To:** Sarpy County Board of Commissioners

**From:** Tom Lynam, Sarpy County Surveyor *TAL*

**Date:** 02/11/2009

**Re:** *Recommendation on Hell Creek Stabilization*

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I recommend approval of the Agreement with The City of LaVista and Douglas County for the Hell Creek Stabilization Project which will protect the Harrison Street Bridge over the creek. The approximate location is at 111<sup>th</sup> and Harrison Street.

This is a joint project and the cost breakdown is as follows: 50% Douglas County, 25% Sarpy County, and 25% City of LaVista. The estimated costs are \$16,000.

I am unable to attend the February 24<sup>th</sup>, 2009 Board meeting, as I will be out of town. If you have any questions, please contact Rich Weber at 339-4606 Ext. 112.