

**Finance, Expenditure and Legal  
Subcommittee Meeting Minutes  
May 8, 2018**

A meeting of the Pappio-Missouri River Natural Resources District’s Finance, Expenditure and Legal Subcommittee was held at the Natural Resources Center, 8901 South 154<sup>th</sup> Street, Omaha, NE, on May 8, 2018. The meeting was called to order by Chairperson Tesar at 7:08 p.m.

**QUORUM CALL:** Quorum call was taken. The following subcommittee members were in attendance.

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others in Attendance
Rich Tesar, Chairperson	Larry Bradley*	Tim Fowler	John Winkler
Jim Thompson		Ted Japp	Marlin Petermann
Fred Conley **		David Klug	Brent Meyer, Legal Counsel
John Conley			Nicole Gust
John Wiese			Zach Nelson
			Amanda Grint
			Martin Cleveland

- \* Absent
- \*\* Alternate Voting Member

**ADOPTION OF AGENDA:**

- **It was moved by Director J. Conley and seconded by Director F. Conley that the agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: F. Conley, J. Conley, Thompson, Wiese, Tesar  
 Voting Nay: None  
 Abstaining: None  
 Absent: Bradley

**PROOF OF PUBLICATION:** Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on May 3, 2018. The proof of publication affidavit is included with the file copy of these minutes.

**1. Review and Recommendation on Nebraska Department of Transportation Elk Creek Easement at Highway 20 [Executive Session – if needed] – Zach Nelson:**

Zach Nelson presented a brief summary of the Nebraska Department of Transportation’s plans to widen Highway 20 and add turning lanes and sidewalks. He explained that the project requires the installation of a new storm sewer culvert through the Elk Creek Levee. The NDOT is proposing to pay \$1,875 for a permanent easement for the improvements.

- **It was moved by Director J. Conley and seconded by Director F. Conley that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Acquisition Contract with the Nebraska Department of Transportation for a permanent**

**easement for construction and maintenance of a culvert and riprap in Elk Creek as part of the Highway 20 Widening Project near Jackson, NE, for a payment of \$1,875 to the District, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: F. Conley, J. Conley, Thompson, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

**2. Review and Recommendation on Temporary Construction Easement for WP6 [Executive Session – if needed] – Amanda Grint:**

Amanda Grint explained that a temporary grading easement was needed for Cornhusker Road work associated with the WP6 project. She stated that the District originally proposed 10% of the value of 0.774 acres needed based on the value of the land when appraised three years ago. The landowner countered with a 10% figure on \$70,000 per acre, for a total of \$10,840, based on recently sold land, and their belief that the work will make the land less valuable for farming and for future sale.

- **It was moved by Director F. Conley and seconded by Director J. Conley that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Temporary Construction Easement for the WP6 Project from ELEANOR R. PICCONI, Trustee of the Eleanor R. Picconi Revocable Trust, an undivided 1/3 interest; ANN L. WIECHERT and DON C. WIECHERT, Wife and Husband, as joint tenants with rights of survivorship, an undivided 1/3 interest; and DEAN A. WEISS, Trustee of the Dean A. Weiss Revocable Trust, an undivided 1/3 interest, for \$10,840, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: F. Conley, J. Conley, Thompson, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

**3. Review and Recommendation on Land Acquisition for WP6 [Executive Session – if needed] – Amanda Grint:**

This Item was removed from the agenda by General Manager Winkler.

**4. Review and Recommendation on Land Acquisition for WP7 [Executive Session – if needed] – Amanda Grint:**

Amanda Grint explained that B.H.I. Properties, Inc. (BHI) has a contract on land necessary for the WP7 project. She stated that BHI presented an offer to the District in which the District would purchase this land from the landowner with consent of BHI for \$45,000 per acre for 0.884 acres needed for the project, for a total of \$39,780.00.

- **It was moved by Director J. Conley and seconded by Director F. Conley that the Subcommittee recommend to the Board that the General Manager be authorized to execute a purchase agreement with Elaine L. Moore and Debra E. Young, Co-Successor Trustees of the Robert J. Haug Revocable Trust dated March 30, 2000, and Paul A. Haug, Trustee of the Paul A Haug Revocable Trust dated March 30, 2000, and B.H.I. Properties, Inc., in the amount of \$39,780 for**

**0.884 acres of land for the West Papillion Regional Basin Number 7 project, subject to such other terms and conditions as the General Manager determines necessary and District Legal Counsel approves as to form.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: F. Conley, J. Conley, Thompson, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

**5. Review and Recommendation on Account Over 110% Maintenance, Channels and Levees – Attorney Fees (01-03-591-4392) - Martin Cleveland:**

Martin Cleveland presented a summary on the attorney fees spent in FY 2018 related to the projects that contributed to the increased expense. He explained that he anticipates the budget account going over 110% with May expense.

- **It was moved by Director J. Conley and seconded by Director F. Conley that the Subcommittee recommend to the Board that Account #01 03 591 4392– Maintenance, Channels and Levees – Attorney Fees be allowed to exceed 110% of the budgeted amount up to \$25,000 without further Board approval.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea.

Voting Yea: F. Conley, J. Conley, Thompson, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 7:19 p.m.