

**Finance, Expenditure and Legal  
Subcommittee Meeting Minutes  
November 7, 2018**

A meeting of the Papio-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 November 7, 2018. The meeting was called to order by Chairperson Tesar at 7:24 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 *	Mark Gruenewald	Marlin Petermann
David Klug		Ted Japp	Brent Meyer, Legal Counsel
John Conley		Jim Thompson	Nicole Gust
John Wiese			Carey Fry
Fred Conley **			Lori Laster
			Amanda Grint
			Paul Woodward
			Candi Sanders, NPAIT
			Patrick Bonnett
			Maria Rodriguez, Midwest ROW
			Other Staff Members

\* Absent

\*\* Alternate Voting Member

**ADOPTION OF AGENDA:**

- **It was moved by Director J. Conley and seconded by Director Klug 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, Klug, 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 November 1, 2018. The proof of publication affidavit is included with the file copy of these minutes.

**1. Review and Recommendation on Participation in the Nebraska Public Agency Investment Trust – Carey Fry and Candi Sanders, NPAIT**

Senior Accountant Carey Fry briefed the Directors on the current strategy for managing District cash beyond immediate needs. Carey explained that with interest rates rising and the District’s credit rate increased, it was time to look for other options to provide for better return on taxpayer money. Candi Sanders, NPAIT, briefed the Directors on the NPAIT cash management tool and its history. Carey explained that the District could benefit with more than 1% in annual interest with this essentially risk-free investment. Carey and Candi answered Director’s questions.

- It was moved by Director J. Conley and seconded by Director Klug that the Subcommittee recommend to the Board of Directors that the following resolution be adopted:

**WHEREAS, Nebraska law expressly allows public agencies to invest surplus or excess funds; and**

**WHEREAS, the Interlocal Cooperative Act, § 13-801 et seq. Neb. Rev. Stat. (Reissue 1991) provides that two or more public agencies may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities and may enter into joint agreements as may be deemed appropriate for such purposes when such agreements have been adopted by appropriate action by the governing bodies of the participating public agencies; and**

**WHEREAS, the Declaration of Trust (Interlocal Agreement) and an Information Statement relating to the Nebraska Public Agency Investment Trust have been presented to this Governing Body; and**

**WHEREAS, the Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become participants of such trust; and**

**WHEREAS, this Governing Body deems it advisable for this Public Agency to adopt and enter into the Declaration of Trust and become a participant of the Nebraska Public Agency Investment Trust for the purpose of the joint investment of this Public Agency's money with those other public agencies so as to enhance the investment earnings accruing to each such public agency.**

**NOW, THEREFORE, be it resolved as follows:**

- 1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, by becoming a participant of the Nebraska Public Agency Investment Trust, and the Declaration of Trust and Interlocal Agreement is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.**
- 2. a. This Public Agency hereby delegates all authority and duties which the law otherwise authorizes it to delegate in accordance with the Declaration of Trust. The following officers and officials of this Public Agency and the respective successors in office each are hereby designated as "Authorized Officials" and are authorized to take actions and execute any and all such documents as they deem necessary and appropriate to effectuate the entry by this Public Agency into the Declaration of Trust and to effectuate the investment and withdrawal of monies of the Public Agency from time to time in accordance with the Declaration of Trust:**

<b>Name:</b>	<b>John Winkler</b>
<b>Title:</b>	<b>General Manager</b>
<b>Name:</b>	<b>Marlin Petermann</b>
<b>Title:</b>	<b>Assistant General Manager</b>
<b>Name:</b>	<b>John Conley</b>
<b>Title:</b>	<b>Treasurer</b>
<b>Name:</b>	<b>Timothy Fowler</b>
<b>Title:</b>	<b>Assistant Treasurer</b>

**b. The Authorized Officials of this Public Agency hereby authorize the following “Authorized Signers” to invest the Public Agency’s available funds from time to time and to withdraw such funds from time to time in accordance with the provisions of the Declaration of Trust:**

<b>Name:</b>	<b>Carey Fry</b>
<b>Title:</b>	<b>Senior Accountant</b>
<b>Name:</b>	<b>Kyra Peterson</b>
<b>Title:</b>	<b>District Accountant</b>

**An Authorized Official of this Public Agency shall advise the Nebraska Public Agency Investment Trust of any changes in the Authorized Signers in accordance with the procedures established by the trust.**

- 3. The Trustees of the Nebraska Public Agency Investment Trust are hereby designated as having official custody of this Public Agency’s monies which are invested in accordance with the Declaration of Trust.**
- 4. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as Trustees of the Nebraska Public Agency Investment Trust from time to time if elected as such pursuant to the Declaration of Trust.**
- 5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.**

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

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

**2. Review and Recommendation on Arlington Buyout Purchase Agreement [Executive Session if Needed] – Lori Laster:**

Project Manager Lori Laster informed the Directors that the District has received grant funding through FEMA to purchase two properties in the floodplain in Arlington that have been repeatedly flooded. Lori explained that the District hired Valuation Service to appraise the properties, and that purchase agreements for the appraised value were presented to each property owner. Lori stated that LTM Rentals, LLC has accepted the appraisal value of \$72,000 for their property. Lori answered Director's questions.

- **It was moved by Director Klug and seconded by Director J. Conley that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute for and on behalf of the District the Purchase Agreement in the form as presented to this meeting providing for the purchase by the District from LTM Rentals, LLC, of property located at 460 N. 2<sup>nd</sup> Street, Arlington, Nebraska for the purchase price of \$72,000, subject to changes deemed necessary by the General Manager and approved 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, Klug, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

**3. Review and Recommendation on Land Acquisition for Graske Crossing [Executive Session if Needed] – Amanda Grint:**

Project Manager Amanda Grint reminded the Directors that a public hearing for land acquisition at Graske Crossing was held this past April, and that the proposed purchase agreement includes the purchase of land to be used for additional parking. Amanda explained that the District presented an offer and that a counter offer of \$36,000 was received which was slightly more than the independent appraisal due to the impact to the remaining farm land. Amanda answered Director's questions.

- **It was moved by Director J. Conley and seconded by Director Klug that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a purchase agreement with G & G Manufacturing Company, a Nebraska Corporation, in the amount of \$36,000 for 3.0 acres of land for the Graske Crossing 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, Klug, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

**4. Review and Recommendation on Land Acquisition for the Missouri River R613/R616 Levee Improvement Project [Executive Session if Needed] – Paul Woodward and Maria Rodriguez, Midwest ROW:**

- **It was moved by Chairperson Tesar and seconded by Director Klug that the Subcommittee move into Executive Session for the purpose of discussing land acquisition for the Missouri River R613/R616 Levee Improvement Project.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea. The Subcommittee went into Executive Session at 7:49 p.m.

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

- **It was moved by Director F. Conley and seconded by Director Klug that the Subcommittee come out of Executive Session.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea. The Subcommittee came out of Executive Session at 8:07 p.m.

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

- **It was moved by Director Klug and seconded by Director J. Conley that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a permanent easement purchase agreement with Darling National, LLC, a Delaware limited liability company, in the amount of \$1,000.00 for an area containing 16.037 acres of land for the Missouri River R613/R616 Levee Improvement 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, Klug, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

- **It was moved by Director Klug and seconded by Director J. Conley that the Subcommittee recommend to the Board that the General Manager be authorized to execute a permanent easement purchase agreement with Fairview Golf Company, Inc., a Nebraska corporation, in the amount of \$11,900.00 for an area containing 6.216 acres of land for the Missouri River R613/R616 Levee Improvement 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, Klug, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

- **It was moved by Director Klug 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 Rodney and Karen Iske, in the amount of \$157,400.00 for an area containing 14.303 acres of land for the Missouri River R613/R616 Levee Improvement 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, Klug, Wiese, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Bradley

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 8:09 p.m.