

**Finance, Expenditure and Legal
Subcommittee Meeting Minutes
February 11, 2014**

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 154th Street, Omaha, NE, on February 11, 2014. The meeting was called to order by Chairperson Tesar at 8:00 p.m.

Quorum Call: Quorum call was taken. The following subcommittee members were in attendance.

Subcommittee Present	Members	Subcommittee Members Absent	Other Directors Present	Others in Attendance
John Conley			Patrick Bonnett	John Winkler
Curt Frost			Fred Conley	Marlin J. Petermann
Ron Woodle			Scott Japp	Paul Peters
Jim Thompson (Vice-Chair)			Dave Klug	Jean Tait
Rich Tesar (Chairperson)			Patrick Leahy	Bill Brush
				Martin Cleveland
				Sonya Carlson
				Amanda Grint
				Brian Henkel
				Lori Laster
				Zach Nelson
				Terry Schumacher
				Eric Williams
				Kim Andersen
				Jack Borgmeyer, Midwest ROW
				Maria Rodriguez, Midwest ROW
				Justin Cherry, Teeboxx
				Aaron Martin, Teeboxx
				John Cambridge, HDR Engineering
				Merle Andersen

- * Absence
- ** Alternate Voting Member

Adoption of Agenda

- **It was moved by Director Thompson and seconded by Director Woodle that the agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea and 0-nay.

Voting Yea: J. Conley, Frost, Thompson, Woodle, Tesar
Voting Nay: None
Abstaining: None
Absent: None
Excused Absence: None

Proof of Publication: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on February 6, 2014. The proof of publication affidavit is included with the file copy of these minutes.

1. **Review and Recommendation on Floodway Purchase Program – Elbow Bend Buyout – Lori Laster:**

Staff member Lori Laster updated the Subcommittee on the FEMA Hazard Mitigation Grant that received funding to purchase 35 properties affected by the 2011 Missouri River Flooding. She stated that this is a voluntary program. The grant application included funding to allow for properties to be appraised at pre-flood, non-damaged value. The grant pays for 75% of the project cost and Nebraska Environmental Trust funds pay for an additional 12.5%. The remaining 12.5% of the project cost will be split equally between the District, the City of Bellevue, and Sarpy County.

a. Klemmensen Property:

Mitchell and Associates performed an appraisal on the property located at 14512 Elbow Bend Road that is owned by Michael and Joan Klemmensen, and assessed the market value of the property at \$180,000. The Klemmensen's agreed to sell this parcel at the appraised value of \$180,000. There was director discussion and it was noted that the demolition of the structures are additional costs but are covered in the grant application.

- **It was moved by Director J. Conley and seconded by Director Woodle that the Subcommittee recommends 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 Michael M. Klemmensen and Joan M, Klemmensen, the property located at 14512 Elbow Bend Road in Sarpy County, Nebraska, for the purchase price of \$180,000, 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 and 0-nay.

Voting Yea: J. Conley, Frost, Thompson, Woodle, Tesar
Voting Nay: None
Abstaining: None
Absent: None
Excused Absence: None

b. Madsen Property:

Mitchell and Associates performed an appraisal on the property located at 14310 Elbow Bend Road that is owned by Donald and Barbara Madsen, and assessed the market value of the

property at \$150,000. The Madsen's agreed to sell this parcel at the appraised value of \$150,000.

- **It was moved by Director J. Conley and seconded by Director Woodle that the Subcommittee recommends 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 Barbara Madsen and Donald W. Madsen, their property located at 14310 Elbow Bend Road in Sarpy County, Nebraska, for the purchase price of \$150,000, 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 and 0-nay.

Voting Yea: J. Conley, Frost, Thompson, Woodle, Tesar
Voting Nay: None
Abstaining: None
Absent: None
Excused Absence: None

2. Review and Recommendation on Little Papio Channel Project – UNO Nebraska Village Easements – Martin Cleveland and John Cambridge, HDR Engineering:

Staff member Martin Cleveland and John Cambridge, HDR Engineering, updated the Subcommittee on the UNO Nebraska Village and the proposed plans that will include a new arena and associated parking lots. The University has requested a temporary construction and permanent easement from the District for the 67th Street Bridge crossing of the Little Papio Channel. In exchange for no cost, the University will provide to the District an ingress/egress access easement at the four corners of the 67th Street Bridge which will give the District access from public streets to the channel. The previous channel maintenance access along the south property line would be released.

- **It was moved by Director Thompson and seconded by Director J. Conley that the Subcommittee recommends to the Board of Directors that the General Manager be authorized to execute the proposed easement agreement for co-occupation of Little Papio Creek Flood Control Channel Right-of-Way with the University of Nebraska and City of Omaha, accept a permanent access easement from the University of Nebraska and release an existing access easement to the University of Nebraska, subject to changes deemed necessary as approved by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea and 0-nay.

Voting Yea: J. Conley, Frost, Thompson, Woodle, Tesar
Voting Nay: None
Abstaining: None
Absent: None
Excused Absence: None

3. Review and Recommendation on the Kennard Lagoon Property – Amanda Grint:

Staff member Amanda Grint updated the Subcommittee on the 18 acre parcel that was transferred to the District from the Village of Kennard in 2010, in support of a regionalized wastewater system. In October 2013, the Board directed the General Manager to pursue the sale of this property. There were concerns that the access to the property crossed the Anderson property. Title work and survey confirms that part of the access is on the Anderson property. It is recommended the property be sold by sealed bid upon receipt of title to the entrance easement. It was noted that there has potentially been illegal dumping of trees on the property and that there are some gravel and concrete that was not cleaned up prior to the transfer from the Village of Kennard to the District. There was director discussion regarding the access and the illegal dumping. The directors discussed negotiations with the Andersen family to sell the property.

The following individuals addressed the Subcommittee:

Kim Andersen, 7093 County Road 29, Blair, NE

- **It was moved by Director J. Conley and seconded by Director Tesar that the Subcommittee recommends to the Board of Directors that the General Manager be authorized to accept sealed bids for the sale of the former Kennard Lagoon property, subject to such other terms and conditions determined necessary by the General Manager and approved as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion failed on a vote of 1-yea and 4-nay.

Voting Yea: J. Conley
Voting Nay: Frost, Thompson, Woodle, Tesar
Abstaining: None
Absent: None
Excused Absence: None

4. **Review and Recommendation on Dam Site 15A Land Acquisition – Lori Laster:**

Staff member Lori Laster updated the Subcommittee on the negotiations of land acquisition needed for the Dam Site 15A project.

- **It was moved by Director Thompson and seconded by Director J. Conley to go into executive session at 8:30 p.m.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea and 0-nay.

Voting Yea: J. Conley, Frost, Thompson, Woodle, Tesar
Voting Nay: None
Abstaining: None
Absent: None
Excused Absence: None

- **It was moved by Director Woodle and seconded by Director Thompson to come out of executive session at 8:44 p.m.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea and 1-abstention.

Voting Yea: J. Conley, Thompson, Woodle, Tesar
Voting Nay: None
Abstaining: Frost
Absent: None
Excused Absence: None

- **It was moved by Director Thompson and seconded by Director J. Conley that the Subcommittee recommends to the Board of Directors that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 10 in the amount of \$1,200,000 for 60 acres of land; authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 12 in the amount of \$680,000 for 14.624 acres of land; authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 14 in the amount of \$1,730,030 for 45.527 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 16 in the amount of \$1,506,710 for 35.874 acres of land, such purchase agreements to contain provisions for the owners to retain leases over such lands for the 2014 crop year (ending November 1, 2014) and such other terms and conditions as the General Manager deems necessary and approved as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea and 1-abstention.

Voting Yea: J. Conley, Thompson, Woodle, Tesar
Voting Nay: None
Abstaining: Frost
Absent: None
Excused Absence: None

Adjournment: Being no further business, the meeting adjourned by acclamation at 8:46 p.m.