

**Finance, Expenditure & Legal  
Subcommittee Meeting Minutes  
April 7, 2009**

A meeting of the Papio-Missouri River Natural Resources District's Finance, Expenditure & Legal Subcommittee was held at the Natural Resources Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska, on April 7, 2009. The meeting was called to order by Chairperson Tesar at 6:40 p.m.

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

<b>Subcommittee Members Present</b>	<b>Subcommittee Members Absent</b>	<b>Other Directors Present</b>	<b>Others in Attendance</b>
Larry Bradley		Fred Conley	John Winkler
John Conley		Tim Fowler	Shawn Melotz
Rick Kolowski		Scott Japp	Paul Peters
Dorothy Lanphier		Dave Klug	NRD Staff
Rich Tesar		John Schwope	Kent Clausen
		Jim Thompson	

**Adoption Of Agenda**

- **It was moved by Director Conley and seconded by Director Kolowski that agenda be adopted.**

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

Voting Yea: Bradley, Conley (John), Kolowski, Lanphier, Tesar  
 Voting Nay: None  
 Abstaining: None  
 Absent: None

**Proof Of Publication:** Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on April 2, 2009. The Chairperson ordered the Proof of Publication recorded in the minutes of this meeting.

**ACCOUNTS OVER 110%:**

- Account No. 01 04-00 4382 – Elk/Pigeon Creek: Dick Sklenar briefed the Subcommittee noting that the bid for repairs to a portion of the Elk Creek levee in Dakota County was \$198,743.75, which was higher than anticipated. There is \$85,000 budgeted for Elk/Pigeon Creek repairs in the FY 2009 budget.

- **It was moved by Director John Conley and seconded by Director Kolowski that Acct. No. 01 04-00 4382 – Elk/Pigeon Creek be allowed to exceed 100% of the budgeted amount.**

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

Voting Yea: Bradley, Conley (John), Kolowski, Lanphier, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: None

➤ Account No. 01 03-10 4410 – Western Sarpy – Construction: Martin Cleveland explained that due to earlier than anticipated Flood Control Project Construction, the Corps of Engineers has requested that the District provide \$568,000 for the local sponsor share (35% of project cost) of the construction costs. This must be paid prior to commencement of construction scheduled for April-May, 2009. There is \$300,000 budgeted for construction costs in FY 2009.

- **It was moved by Director Kolowski and seconded by Director John Conley that Acct. No. 01 03-10 4410 – Western Sarpy Construction be allowed to exceed 110% of the budgeted amount.**

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

Voting Yea: Bradley, Conley (John), Kolowski, Lanphier, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: None

**Western Sarpy Clear Creek Levee Project – Right Of Way Acquisition On Melvin Bundy Property (252<sup>nd</sup> And Platteview Road):** Martin Cleveland showed the location of the Bundy property required for levee construction. The proposed warranty deed is for 15.357 acres. The appraised value for the deed is \$72,240 (\$4,700 per acre). The landowner and management have negotiated and settled on a value of \$76,700 for fee simple title and Mr. Bundy signed a Purchase Agreement for the proposed warranty deed on April 7, 2009.

- **It was moved by Director Bradley and seconded by Director Lanphier that the Subcommittee recommend to the Board that the General Manager be authorized to execute the Purchase Agreement for warranty deed with Melvin E. Bundy for the amount of \$76,700 and such additional documents to effectuate those transactions as 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 5-0.

Voting Yea: Bradley, Conley (John), Kolowski, Lanphier, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: None

**Agreement With Washington County Prohibiting The District From Building Dams In Washington County:**

- **It was moved by Director Japp and seconded by Director Lanphier that the NRD sign an agreement with the Board of Supervisors of Washington County that the NRD will not build any flood control structures over 20 acres without the approval of the County Board.**

Director Japp noted that this was the same wording as the amendment to LB 160. A letter from Kevin Propst, Chairman of the Washington Village Board of Trustees was distributed.

Director Thompson asked if it was permissible to accept a motion from a Director who was not a member of the FEL Subcommittee.

- **It was moved by Director John Conley and seconded by Director Lanphier that the Subcommittee waive the requirement regarding membership and accept Director Japp's motion.**

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

Voting Yea: Bradley, Conley (John), Kolowski, Lanphier  
Voting Nay: Tesar  
Abstaining: None  
Absent: None

There was discussion. District Legal Counsel Paul Peters explained that the current Board could not bind future Boards to any such agreement. GM Winkler noted that an amendment has been added to LB 160 by the Natural Resources Committee that gives counties the authority to disapprove of a reservoir project in their county over 20 acres. If LB 160 is adopted, that particular amendment becomes state statues which would have far more power than any type of agreement the Board could sign. Also, the PCWP plan that was presented on February 14<sup>th</sup> calls for no reservoirs in Washington or in Douglas County zoning jurisdiction.

**Substitute Motion**     **It was moved by Director Kolowski and seconded by Director John Conley the original motion be amended to state that the Board should encourage the Papillion Creek Watershed Partnership members and Washington County to adopt the proposed Partnership plan and to support the passage of LB 160 by the Nebraska Legislature as presented to general file.**

There was discussion. Kent Clausen from the Washington County Board commented that the County Board was not supporting LB 160, but if it passes, they do support the amendments, i.e., no reservoir over 20 acres could be built without coming through the county board. If LB 160 does not pass, Washington County would like a contract stating that the County Board would have some say so over building reservoirs in the county.

- **It was moved by Director Lanphier that the discussion be tabled until June.**

The motion died due to a lack of a second.

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

Voting Yea: Bradley, Conley (John), Kolowski, Tesar

Voting Nay: None

Abstaining: Lanphier

Absent: None

**Adjournment:** Being no further business, the meeting adjourned by acclamation at 7:29 p.m.

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