

**Finance, Expenditure & Legal
Subcommittee Meeting
January 9, 2007
7:00 p.m.
Agenda**

Finance, Expenditure & Legal Subcommittee Members:

Dick Connealy, Chairperson
Tim Fowler, Vice-Chairperson
John Conley
Dorothy Lanphier
Richard Patterson

Alternate Members: John Schwope
Rich Tesar

Staff Liaison: Jim Becic
Jerry Herbster
Jack Lawless
Trent Heiser *

1. Meeting Called to Order – Chairperson Connealy
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson Connealy
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on P-MRNRD 2006 Audit – Jack Lawless and Jerry Bland and Hilary Allen, Bland Associates
7. Review and Recommendation on Western Sarpy Drainage Ditch – Martin Cleveland and Carol White, Lyman-Richey
 - a. Lyman-Richey Request for a Quit Claim Deed (Fairview Road to Capehart Rd)
 - b. Lyman-Richey Request for Amendment to Easement
8. Review and Recommendation on Missouri River Trail – Phase 2 – Interlocal Cooperation Act Agreement with Douglas County – Jim Becic
9. Adjourn

MEMORANDUM

To: FEL Subcommittee

Subject: FY2006 Audit

Date: January 3, 2007

From: Jack Lawless

It is staff's recommendation that the FEL Subcommittee recommend to the Board of Directors that the FY2006 Audit Report and management letter, prepared by Bland and Associates, be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

FROM: Martin P. Cleveland

SUBJECT: Western Sarpy Drainage Ditch ROW (Fairview Road to Capehart Road)
Lyman-Richey Corporation Request for a Quit Claim Deed At Former Schram Property

DATE: January 4, 2007

Lyman-Richey Corporation through SEC Accommodator LXV, LLC has purchased property between Fairview Road and Capehart Road and 240th Street and 252nd Street, southwest of Gretna, Nebraska for sand/gravel mining purposes. SEC Accommodator LXV, LLC is a single member limited liability corporation (LLC) for tax free real estate transactions and is an independent third party. In 6 months or less, the membership in this LLC will transfer to Lyman Richey and the property will be in Lyman Richey's name. Enclosed is a map of Lyman-Richey Corporation Property. The District acquired through its merger with Western Sarpy Drainage District, easements for the operation and maintenance of drainage ditches in this area.

It appears that the District has a deed for a portion of Lyman-Richey property (16.5 ft. wide strip) that is at the same location as a District drainage easement. See enclosed drawing. Lyman-Richey (via SEC Accommodator LXV, LLC) has requested that the District Quit Claim Deed the 16.5 ft. strip of land, which covers approximately 1 acre. This transaction would clean up ownership of this parcel and still provide for drainage ditch operation and maintenance via an existing easement.

It is management's recommendation that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to negotiate and execute a Quit Claim Deed for SEC Accommodator LXV, LLC for a 16.5 ft. wide strip of property in SE1/4 of Section 9, T13N, R10E, Sarpy County, Nebraska, subject to form as approved by District legal counsel.

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

FROM: Martin P. Cleveland

SUBJECT: Western Sarpy Drainage Ditch ROW (Fairview Road to Platteview Road)
Lyman-Richey Corporation Request for Amendment to Easement
Former First National/Hickey Property

DATE: December 27, 2006

Lyman-Richey has purchased property between Fairview Road and Platteview Road and 240th Street and 252nd Street, Southwest of Gretna, Nebraska for sand/gravel mining purposes. Enclosed is a map of Lyman-Richey Corporation property. The District acquired through its merger with Western Sarpy Drainage District, easements for the operation and maintenance of drainage ditches in this area. The proposed mining will obliterate 3 drainage ditches on the Lyman-Richey property (formerly owned by First National/Hickey).

The amendment to drainage ditch easement (see enclosure) will allow Lyman-Richey to mine sand/gravel on the site and still allow for local drainage to flow into and out of this property.

It is management's recommendation that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to negotiate and execute an Amendment to Drainage Ditch easement, subject to form as approved by District legal counsel.

Agenda Item 8.

MEMORANDUM

TO: Finance, Expenditure & Legal Subcommittee

RE: Missouri River Trail – Phase 2 – Interlocal Cooperation Act Agreement with Douglas County.

DATE: January 3, 2007

FROM: Jim Becic

Construction of the 1.2 miles of Phase 1 of the Missouri River Trail is essentially complete. This Phase 1 segment begins at the entrance to N.P. Dodge Park and ends across Ponca Creek to the north.

Phase 2 will continue north of Ponca Creek and proceed an additional 1.5 miles up North River Road to the Washington County line where it will connect to the Boyer Chute Trail. This Phase 2 section of trail will impact portions of the County Road (North River Road) and ROW for the construction of this project.

In December 2006, the Nebraska Department of Roads (NDOR) approved a funding request by the NRD for \$500,000.00 to assist in the construction costs for this trail segment.

This attached Interlocal Cooperation Act Agreement with Douglas County – required by the NDOR - has been approved as to form by the Douglas County Attorney and will be scheduled to place it on the Douglas County Board agenda as soon as it is approved by the NRD Board.

Management recommends that the subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Interlocal Cooperation Act Agreement between the County of Douglas, Nebraska and the Pappio-Missouri River Natural Resources District for the Missouri River Trail Project - Phase 2, subject to minor changes deemed necessary by the General Manager and approved as to form by District Legal Counsel. .