

**Finance, Expenditure & Legal  
Subcommittee Meeting Minutes  
June 12, 2007**

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 June 12, 2007. The meeting was called to order by Chairperson Dick Connealy at 7:45 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>
J. Conley		Thompson	John Winkler
Connealy			Marlin Petermann
Fowler			Paul Woodward
Lanphier			Martin Cleveland
Patterson			Trent Heiser
			Paul Peters
			Jim Becic
			Pat Teer
			Emmett Egr
			Jean Tait
			Shawn Melotz
			Mike Ryan

**ADOPTION OF AGENDA**

- ❖ **It was moved by Director John Conley and seconded by Director Fowler that agenda be adopted.**

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
 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 June 7, 2007. The proof of publication affidavit is included with the file copy of these minutes.

**REVIEW OF FY 2008 DRAFT BUDGET:**

GM Winkler reviewed the draft budget summary fact sheet and his June 8, 2007 memo. Mr. Winkler noted several budget items; general administration expenses were down from last year, several program budgets were increased from last year, the budget is adequately funded,

necessary cash reserves are identified and accounted for and the property tax mill levy will be reduced next fiscal year. Several questions were raised regarding the need for a “Strategic Plan” to accompany the budget, the cash reserve account for Papio Reservoirs. He noted that this was the first review of the draft budget and that there were still several unknowns to be addressed such as final revenues and expenditures, treasurers’ balance, valuations, cash on hand, etc.

The following individual addressed the Subcommittee:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE

Dates to remember for PMRNRD FY 2008 Budget:

- Public input meeting at July 12, 2007 Board Meeting
- Budget hearing and adoption of FY 2008 Budget at August 9, 2007 Board Meeting.
- Set Tax Levy for FY 2008 at September 13, 2007 Board Meeting.

No Subcommittee action required at this time.

**MEMORANDUM OF UNDERSTANDING WITH HAWKINS CONSTRUCTION CO., NEBRASKA DEPARTMENT OF ROADS AND THE P-MRNRD FOR THE IMPLEMENTATION OF A SUPPLEMENTAL ENVIRONMENT PROJECT WITHIN THE LOWER PLATTE RIVER WATERSHED:**

GM Winkler reported that Hawkins Construction Co and the Nebraska Department of Roads recently entered into a settlement agreement with the Environmental Protection Agency which would resolve environmental allegations made by EPA concerning construction of the I-80 bridge crossing the Platte River near Mahoney State Park. One of the components of the settlement is the acquisition of conservation easements along the Platte River in the Schramm Park area. The MOU would allow the District to participate directly in this effort. The MOU holds minimal risk to the District and allows us to recover any administrative expenses from participating in the project from settlement funds.

- ❖ **It was moved by Director John Conley and seconded by Director Fowler that the Subcommittee recommends to the Board that the General Manager be authorized to execute the MOU to participate in the project as outlined in the MOU agreement.**

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
Voting Nay: None  
Abstaining: None  
Absent: None

**ACCOUNT OVER 110% - VEHICLE AND EQUIPMENT REPAIRS – (ACCT. #01 01-00 4052):**

Martin Cleveland reported that the Vehicle and Equipment Repairs account will exceed 110% of budget. This account is used for all District vehicle/equipment repair and parts. Mr. Cleveland explained the primary reason for this budget item exceeding 110% was a billing error made by one of the District’s vendors in which a debt was incurred in one fiscal year instead of divided over two fiscal years.

- ❖ **It was moved by Director Patterson and seconded by Director Fowler that the Subcommittee recommend to the Board that account #01-01-00-4052 Vehicles/Equipment Repairs be allowed to exceed 110% of the budgeted amount of \$110,000.**

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
Voting Nay: None  
Abstaining: None  
Absent - None

**LITTLE PAPIO CHANNEL PROJECT (CENTER STREET TO MERCY ROAD) LEFT BANK – DOUGLAS COUNTY REQUEST FOR RIGHT-OF-WAY RELEASE:** Martin Cleveland reviewed his May 31, 2007 memo with the Subcommittee. Several questions were raised pertaining to property access, future trail head locations, sewer outfall sites and the possibility of a direct donation to the University of Nebraska Foundation instead of transferring the property to Douglas County who in turn will transfer to the Foundation.

- ❖ **It was moved by Director John Conley, and seconded by Director Lanphier, that the Subcommittee table this item.**

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
Voting Nay: None  
Abstaining: None  
Absent - None

**PAPIO CREEK STRUCTURES (REHAB PROJECT) S-27, S-31 AND S-32 RIGHT-OF-WAY PURCHASE AGREEMENTS**

**AND**

**RIGHT-OF-WAY ACQUISITION AT PAPIO DETENTION BASIN SITE WP-RB5 – PINK FAMILY INVESTMENTS PARCEL**

- ❖ **It was moved by Director John Conley and seconded by Director Fowler that the Subcommittee to go into Executive Session for the purpose of discussing right-of-way acquisition for Papio Creek Structures S-27, S-31 and S-32 and Papio Detention Basin Site WP-RB5.**

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
Voting Nay: None  
Abstaining: None  
Absent - None

The Subcommittee went into Executive Session at 8:25 p.m.

- ❖ **It was moved by Director Lanphier and seconded by Director Fowler that the Subcommittee return to Regular Session.**

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
Voting Nay: None  
Abstaining: None  
Absent - None

The Subcommittee returned to Regular Session at 9:02 p.m.

The Subcommittee then considered the right-of-way acquisition for Papio Creek Structures S-27, S-31 and S-32.

- ❖ **It was moved by Director John Conley and seconded by Director Fowler that the Subcommittee recommend to the Board that the General Manager be authorized to execute purchase agreements for the acquisition of temporary and permanent easements subject as to form by District legal counsel for the following tracts:**

<b>Structure S-27</b>	<b>Raymond and Dean Fornoff</b>	<b>\$23,550</b>
	<b>James and Melinda Winterschild</b>	<b>\$ 1,800</b>
	<b>Dennis and Kathleen Hynes</b>	<b>\$ 1,360</b>
	<b>Paul and Karen Nowak</b>	<b>\$ 1,050</b>
<b>Structure S-31</b>	<b>Greater Omaha Investment Co.</b>	<b>\$72,700</b>
	<b>Darlene Miller</b>	<b>\$32,400</b>
<b>Structure S-32</b>	<b>Mark and Elizabeth Dietz</b>	<b>\$20,850</b>
	<b>Scott and Judith Dobbs</b>	<b>\$15,000</b>

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
Voting Nay: None  
Abstaining: None  
Absent - None

- ❖ **It was moved by Director Patterson and seconded by Director Fowler that the Subcommittee recommend to the Board that the General Manager be authorized to initiate eminent domain proceedings regarding Tract #1 (Moore) for Structure S-31.**

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

Voting Yea: J. Conley, Connealy, Fowler, Lanphier, Patterson  
Voting Nay: None  
Abstaining: None  
Excused Absence:

Paul Woodward then explained that West Papio Regional Detention Basin (No. 5) was originally proposed in response to increases in flooding within the West Papio watershed as determined by preliminary hydrology and hydraulics for the West Papillion Creek floodplain remapping. He noted that technical analysis showed that this basin in addition to 2 other basins directly east of WP-RB 5 would provide a tremendous benefit in reducing some of the increased 100 and 500 year flood flows. Woodward indicated that the reason this property was being considered for purchase was simply to prevent it from being platted and developed as originally proposed in the Pink Industrial Park 2 Preliminary Plat. This similar situation was encountered about 1 year ago when the District purchased land just east of Bennington to preserve Dam Site 8A.

The following individual addressed the Subcommittee:

- Mike Ryan, 11130 Jackson, Omaha, NE
- ❖ **It was moved by Director John Conley and seconded by Director Fowler that the Subcommittee recommend to the Board that the General Manager be authorized to negotiate an agreement for the purchase by the District from Pink Family Investments LLC of approximately 11.86 acres of land in Pink Industrial Park 2, necessary for the emergency spillway for the proposed South Papillion Creek detention structure, for the price of \$35,000 per acre, and for the purchase of necessary easements for the gross price of \$3,500, such agreement to contain such other terms and conditions as the General Manager determines necessary and Legal Counsel approves as to form.**

Roll call was taken on the motion. The motion carried on a vote of 3-yea and 2-nay.

Voting Yea: J. Conley, Connealy, Fowler  
Voting Nay: Lanphier, Patterson  
Abstaining: None  
Absent - None:

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 9:08 p.m.