

**Finance, Expenditure & Legal  
Subcommittee Meeting Minutes  
June 9, 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 June 9, 2009. The meeting was called to order by Chairperson Rich Tesar at 8:15 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>
Rich Tesar		Fred Conley	John Winkler
Rick Kolowski		Tim Fowler	Marlin Petermann
Larry Bradley		Scott Japp	Brian Henkel
Dorothy Lanphier		Dave Klug	Pat Teer
John Conley		Jim Thompson	Ross Hoppock
			Carey Fry
			Barbara Sudrla
			Lori Laster
			Amanda Grint
			Martin Cleveland
			Penny Burch
			Emmett Egr
			Jim Becic
			Ralph Puls
			Paul Peters, Dist. Legal Counsel
			Jack Borgmeyer, Midwest ROW
			Shawn Melotz

**Adoption Of Agenda**

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

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

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 June 4, 2009. The Chairperson ordered the Proof of Publication recorded in the minutes of this meeting.

## **Review of FY 2010 Budget – Draft 1**

GM Winkler pointed out that this was the 1<sup>st</sup> draft of the 2010 budget and that this was basically a work in progress. He pointed out that the draft reflects a 2.5% increase in valuations – final valuations will not be available until mid-August. He also noted that \$500,000 was budgeted for Necessary Cash Reserve and \$11,800,000 had been used for the estimated cash on hand. He also noted that the draft budget shows an expenditure of \$4.8 million to be transferred out of the general fund in FY 2010 to the Flood Control and Water Quality Programs and Projects Special Reserve Fund. He noted that with the passage of LB 160 the District was granted bonding authority which gives the NRD greater flexibility in funding flood control and water quality projects and programs. Staff continues to work with Bond Counsel to determine a bond funding strategy that will maximize District resources and protect the interest of property taxpayers throughout the District. He reported that the staff is looking at using bonding authority funding for the following projects: Floodway Purchase (including Waterloo levee); Western Sarpy/Clear Creek and for the implementation of the PCWP Watershed Management Plan. He then reviewed the draft FY 2010 Budget and answered questions.

The following individual addressed the Subcommittee:

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

There was discussion. No Subcommittee action required at this time.

**1% Increase To The Budgeted Restricted Funds For Lid Calculation:** GM Winkler explained that pursuant to state statutes the District has the ability to increase its base restrict funds by 2.5%, plus allowable growth. Growth numbers are not available until mid-August. State statutes also allow the District an additional 1% increase to the budgeted restricted funds if approved by a super majority vote of the Board (9 affirmative votes). He noted that this will not increase property taxes, but will help build the base for restricted funds for future budgets. There was discussion.

- **It was moved by Director Conley (John) and seconded by Director Kolowski that the following resolution be adopted:**

**BE IT RESOLVED THAT the Board of Directors of the Papio-Missouri NRD approves an additional increase of 1% in the Total Unused Restricted Funds Authority, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.**

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

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

Voting Nay: Lanphier

Abstaining: None

Absent: None

**Account Over 110% - Account #01 03-12 4400 – Project Maintenance – Professional Services:** Martin Cleveland explained that as a result of the Whitted Creek Stream Restoration Project professional services expenditures occurring earlier than anticipated and W-3

professional services activities that were not included in the FY 2009, Account #01 03-12 4400 has exceeded 110% of the FY 2009 budgeted amount.

- **It was moved by Director John Conley and seconded by Director Kolowski that the following account be allowed to exceed 110% of the budgeted amount:**
  - **Account #01 03-12 4400 – Project Maintenance Professional Services**

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

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

**Glacier Creek Project:** Chairperson Tesar noted that the Subcommittee needed to go into Executive Session to discuss this item.

- **It was moved by Director John Conley and seconded by Director Kolowski that Subcommittee go into Executive Session to discuss the Glacier Creek Project purchase agreement.**

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

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

The Subcommittee went into Executive Session at 8:52 p.m.

- **It was moved by Director Kolowski and seconded by Director John Conley that the Subcommittee return to Regular Session.**

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

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

The Subcommittee returned to Regular Session at 9:15 p.m.

- **It was moved by Director Kolowski and seconded by Director Bradley that the following resolution be adopted.**

***Be it resolved, that the General Manager be and is hereby authorized to execute for and on behalf of the District a purchase agreement, substantially in the form as presented to this meeting, together with such changes therein as the General Manager determines necessary and District***

legal counsel approves as to form, providing for the purchase by the District from N S The Heritage, LLC, of 83.1 acres of land in Sections 23 and 24, Township 16 North, Range 11 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska (the “Glacier Creek Parcel”), for the purchase price of \$1,100,000, such lands to be used by the District for development of a channel and wetlands mitigation bank; *be it further resolved* that the General Manager be and is hereby authorized to execute for and on behalf of the District a Interlocal Cooperation Act agreement between the District and the Board of Regents of the University of Nebraska, substantially in the form as presented to this meeting together with such changes therein as the General Manager determines necessary and District legal counsel approves as to form, providing for a contribution by the University of Nebraska in the amount of \$519,000.00 towards the purchase of the aforesaid land, and providing for a transfer of title to such land to the Board of Regents of the University of Nebraska for its use and management as an extension of its Allwine Prairie project, and, *be it further resolved* that this Board does hereby find and determine that such activities by the District will be of predominantly general benefit to the District, with only an incidental special benefit.

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

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

**Papio WP-5 Right of Way Acquisition:** Chairperson Tesar noted that the Subcommittee needed to go into Executive Session to discuss this item.

- **It was moved by Director John Conley and seconded by Director Kolowski that Subcommittee go into Executive Session at to discuss Papio WP-5 right of way acquisition.**

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

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

The Subcommittee went into Executive Session at 9:20 p.m.

- **It was moved by Director John Conley and seconded by Director Bradley that the Subcommittee return to Regular Session.**

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

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

Abstaining: None  
Absent: None

The Subcommittee returned to Regular Session at 9:45 p.m.

No action was taken on Papio WP-5 right of way acquisition.

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 9:46 p.m.

/pt/com/fel/2009/june/jun09\_fel\_minutes