

**Finance, Expenditure & Legal Subcommittee
Meeting Minutes
May 11, 2010**

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, Nebraska, on May 11, 2010. The meeting was called to order by Chairperson Rich Tesar at 8:30 p.m.

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

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others in Attendance
Rich Tesar	Larry Bradley *	Fred Conley	John Winkler
Rick Kolowski		Tim Fowler	Marlin Petermann
Dorothy Lanphier		Scott Japp	Martin Cleveland
John Conley		David Klug	Trent Heiser
Jim Thompson **			Paul Peters
			Amanda Grint
			Lori Laster
			Shawn Melotz
			Gerald Vinduska
			John Knapp

* = Excused Absence

** = Alternate Voting Member

Adoption Of Agenda:

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

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

Voting Yea: Tesar, Kolowski, Thompson, J. Conley, Lanphier

Voting Nay: None

Abstaining: None

Excused Absence: Bradley

Absent: Bradley

Proof Of Publication: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on May 6, 2010. The Chairperson ordered the Proof of Publication recorded in the minutes of this meeting.

Accounts Over 110%:

a. **01 01-00 4397 – Employee Training** – General Manager Winkler stated that employee training budget for FY 2010 was \$12,500. The actual expenses to date are \$16,945.41. The major expense was \$5,500 for New Horizons IT training. The District was able to receive 20 day of security and technology training at a heavily reduced rate.

- **It was moved by Director Thompson, and seconded by Director Kolowski that the Subcommittee recommend to the Board that Acct#-0101004397 – Employee Training be allowed to exceed 110% of the budgeted amount.**

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

Voting Yea: Tesar, Kolowski, Thompson, J. Conley, Lanphier
Voting Nay: None
Abstaining: None
Excused Absence: Bradley
Absent: Bradley

b. **01 03-10 4410 – Western Sarpy/Clear Creek – Construction:**

Martin Cleveland stated that the Western Sarpy Clear Creek Flood Reduction Project received and additional \$4,000,000 in American Recovery and Reinvestment Act funding that was not anticipated at the time the budget for this fiscal year was formulated. Due to the unexpected funding, the project sponsors are being asked to contribute additional funding in order to complete additional work on the project.

The following individuals spoke to this item:

- Shawn Melotz
- Gerald Vinduska
- John Knapp

There was discussion.

- **It was moved by Director Thompson, and seconded by Director John Conley that the Subcommittee recommend to the Board that Acct#-01-03-10 4410 – Western Sarpy – Construction Cost be allowed to exceed 110% of the budgeted amount:**

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

Voting Yea: Tesar, Kolowski, Thompson, J. Conley
Voting Nay: Lanphier
Abstaining: None
Excused Absence: Bradley
Absent: Bradley

West Papio Regional Detention Basin 5 – Proposed Right of Way Acquisition:

Amanda Grint presented a parcel owned by DDF Enterprises, LLC for purchase for the WP-5 project. The Board had formerly approved proceeding with eminent domain on this parcel. However, the landowner has made a settlement offer of \$25,000 per acre which is 25% above appraised value. This offer, while greater than appraised value of the property, will save money by not going through the condemnation proceedings.

There was discussion.

- **It was moved by Director Thompson and seconded by Director Kolowski that the Subcommittee recommend to the Board that the following resolution be adopted:**

WHEREAS, for purposes of construction, operation and maintenance of its West Papillion Regional Basin No. 5 Project ("the PROJECT"), the Papio-Missouri River Natural Resources District ("the DISTRICT") has negotiated for the acquisition of the parcel of land in Sarpy County, Nebraska, referred to as Tract No. 11 in the DISTRICT'S plans for the PROJECT ("Tract No. 11"), owned by DDF ENTERPRISES, LLC, a Nebraska Limited Liability Company ("SELLER"); and,

WHEREAS, Tract No. 11 consists of 3.293 acres described and is depicted in the legal description and diagram, contained in the DISTRICT'S plans for the PROJECT and incorporated herein by reference as Exhibit "A"; and, the SELLER has proposed to sell Tract No. 11 to the DISTRICT for the sum of \$82,250; and,

WHEREAS, the Board of Directors of the DISTRICT hereby finds and determines that the purchase by the DISTRICT of Tract No. 11 would be of general benefit to the DISTRICT, with only an incidental special benefit; and further finds and determines that the DISTRICT should purchase Tract No. 11 for purposes of the PROJECT for the sum of \$82,250.

NOW, THEREFORE, BE IT RESOLVED that the General Manager of the DISTRICT should be and is hereby authorized to execute for and on behalf of the DISTRICT an agreement between the DISTRICT and the SELLER, providing for the purchase of Tract No. 11 by the DISTRICT for the sum of \$82,250, and containing such other terms and conditions as the General Manager determines reasonable and necessary and Legal Counsel approves as to form.

BE IT FURTHER RESOLVED that the General Manager of the DISTRICT is hereby authorized to execute for and on behalf of the DISTRICT such other and further documents and instruments, approved as to form by Legal Counsel, as the General Manager determines reasonable and necessary to effectuate the transaction herein described, and that the Treasurer and General Manager of the DISTRICT are hereby authorized to disburse DISTRICT funds in the amount provided by such purchase agreement.

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

Voting Yea: Tesar, Kolowski, Thompson, J. Conley, Lanphier
Voting Nay: None
Abstaining: None

Excused Absence: Bradley

Absent: Bradley

Report on W-3 Injunction Hearing:

- **It was moved by Director Thompson and seconded by Director Kolowski that the Subcommittee go into Executive Session to discuss the W-3 injunction hearing.**

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

Voting Yea: Tesar, Kolowski, Thompson, J. Conley, Lanphier

Voting Nay: None

Abstaining: None

Excused Absence: Bradley

Absent: Bradley

The Subcommittee went into Executive Session at 9:10 p.m.

- **It was moved by Director Thompson and seconded by Director Kolowski that the Subcommittee returned to Regular Session.**

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

Voting Yea: Tesar, Kolowski, Thompson, J. Conley, Lanphier

Voting Nay: None

Abstaining: None

Excused Absence: Bradley

Absent: Bradley

The Subcommittee returned to Regular Session at 9:13 p.m. No Subcommittee action required.

Adjournment: Being no further business, the meeting adjourned by acclamation at 9:15 p.m.