

**Finance, Expenditure & Legal
Subcommittee Meeting Minutes
September 8, 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 154th Street, Omaha, Nebraska, on September 8, 2009. The meeting was called to order by Chairperson Tesar at 7:25 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 *	Scott Japp	John Winkler
Rick Kolowski		David Klug	Marlin Petermann
Fred Conley **		Jim Thompson	Dick Sklenar
Dorothy Lanphier		Tim Fowler	Paul Peters
John Conley			Pat Teer
			Carey Fry
			Jean Tait
			Amanda Grint
			Trent Heiser
			Ross Hoppock
			Lori Laster
			Brian Henkel
			Shawn Melotz, Public

* Excused Absence

** Alternate Voting Member

ADOPTION OF AGENDA

- **It was moved by Director Tesar 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, F. Conley, 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 September 3, 2009. The proof of publication affidavit is included with the file copy of these minutes.

FY 2010 BUDGET – SET PROPERTY TAX LEVY – 0.032756: General Manager Winkler noted that the Board adopted the FY 2010 budget at the August 13, 2009 Board meeting with a property tax request of \$16,667,693.63. Pursuant to final valuations being received from County Assessors', the final tax levy would be set at 0.032756/\$100. Director Japp distributed a letter from Steven Menche, Washington County Assessor, noting that Washington County had been notified of denials of exemptions under the Employment and Investment Growth Act and the Nebraska Advantage Act which could result in a change of over \$200,000,000 in the 2009 certified taxable valuation. The denials could be appealed and reversed.

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

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing held on September 10, 2009, as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

- 1. The FY 2010 property tax request be set at \$16,667,693.63 with a tax levy of 0.032756/\$100.**
- 2. And, that a copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 13, 2009.**

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

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

Voting Nay: None

Abstaining: None

Excused Absence: Bradley

Absent: Bradley

REQUEST FOR INCREASE IN HOURLY RATE FOR LEGAL SERVICES – PAUL PETERS, DISTRICT LEGAL COUNSEL: Paul Peters, District Legal Counsel, addressed the Subcommittee and referenced his August 18, 2009 letter explaining the reasons for his request for raising his legal fees.

- **It was moved by Director Kolowski and seconded by Director John Conley that the Subcommittee recommend to the Board that Paul Peters, District Legal Counsel, be authorized to increase his billing rate to \$145 per hour for legal services performed for the District.**

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

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

PAPIO WP-5 RIGHT OF WAY ACQUISITION:

- **It was moved by Director Fred Conley and seconded by Director Kolowski to go into Executive Session for the purpose of discussing the WP-5 right of way acquisitions.**

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

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

The Subcommittee went into Executive Session at 7:42 PM.

- **It was moved by Director John Conley and seconded by Director Kolowski 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: Tesar, Kolowski, F. Conley, J. Conley, Lanphier
Voting Nay: None
Abstaining: None
Excused Absence: Bradley
Absent: Bradley

The Subcommittee returned to Regular Session at 7:51 p.m.

- **It was moved by Director Fred Conley and seconded by Director Kolowski that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed purchase agreements for Tract 7 (LEN Properties Tract) in the amount of \$882,720 for 18.56 acres of land and for Tract 8 (Eurich Property) in the amount of \$2,574,160 for 61.76 acres of land for the West Papillion Regional Basin No. 5 project, subject to such other terms and conditions 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 to 0.

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

Voting Nay: None

Abstaining: None

Excused Absence: Bradley

Absent: Bradley

ADJOURNMENT: Being no further business, the meeting adjourned by acclamation at 7:53 p.m.

/pt/com/fel/2009/September/sep09_fel_minutes