

**Finance, Expenditure and Legal  
Subcommittee Meeting Minutes  
July 6, 2021**

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 154<sup>th</sup> Street, Omaha, NE, on July 6, 2021. The meeting was called to order by Chairperson Tesar at 4:45 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 Present</b>
Rich Tesar, Chair	* Phil Davidson	Patrick Bonnett	John Winkler
Larry Bradley, Vice-Chair		Tim Fowler	Brent Meyer, Legal Counsel
Danny Begley		Ted Japp	Tracy Thompson
Fred Conley **		Kevyn Sopinski	Paul Grieger, D.A. Davidson
Tim McCormick		Jim Thompson	Martin Cleveland
			Amanda Grint
			Justin Novak
			Other Staff Members

- \* Absent
- \*\* Alternate Voting Member

**ADOPTION OF AGENDA:**

- **It was moved by Director Conley and seconded by Director Begley that the agenda be adopted.**

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

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
 Voting Nay: None  
 Abstaining: None  
 Absent: Davidson

**PROOF OF PUBLICATION:** Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on July 1, 2021. The proof of publication affidavit is included with the file copy of these minutes.

**1. Discussion and Presentation on Bond Proposals for the Papio Reservoirs Right-of-Way Purchase Requests – John Winkler and Paul Grieger, D.A. Davidson:**

General Manager John Winkler and Paul Grieger of D.A. Davidson presented potential bond schedules and timeline for the Papio Reservoirs Right-of-Way Purchase Requests. No action was taken by the Subcommittee. John, Amanda Grint, and Paul Grieger answered Directors questions.

**2. Review of FY 2022 Budget Draft 1 – John Winkler:**

General Manager John Winkler presented the first draft of the District’s Fiscal Year 2022 budget and reviewed the key components. Director Tesar noted that the second draft of the budget will be presented in

August and the budget will be adopted in September. No action was taken by the Subcommittee. John answered Directors questions.

**3. Review and Recommendation of FY 2022 Budget Lid Computation (1% Resolution) – John Winkler:**

General Manager John Winkler briefed the Subcommittee on the optional 1% increase to the restricted funds authority and explained how it was to be used if approved. John and Carey Fry answered Directors questions.

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

**BE IT RESOLVED THAT the Board of Directors of the Papio-Missouri River NRD approves an additional increase of 1% in Total 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 5-yea.

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Davidson

**4. Review and Recommendation of Account over 110% Account #01 03 4392-591 – Maintenance, Levees, Attorney Fees – Martin Cleveland:**

Project Manager Martin Cleveland reviewed Account #01 03 4392-591 Maintenance, Levees – Attorney Fees. He stated that due to the wide variety of legal services required in FY 2021, such as preparing the Interlocal Agreement with City of Omaha for Little Papio Channel Culverts Rehabilitation, updating permit forms for occupation of levee right-of-way (ROW), preparing ROW licenses for culvert rehabilitation, and preparing a new permit form for levee/channel access, the Anticipated Account Status with June expenses would be \$30,965.50, which is 110.6% over the budgeted amount of \$28,000 for Account #01 03 4392-591 Maintenance, Levees – Attorney Fees.

- **It was moved by Director McCormick and seconded by Director Conley that the Subcommittee recommend to the Board that Account #01 03 4392-591 – Maintenance, Levees, Attorney Fees be allowed to exceed 110% of the budgeted amount up to a maximum of \$31,000.00.**

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

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Davidson

**5. Review and Recommendation of Big Elk Lake Property Transfer – Amanda Grint:**

Project Manager Amanda Grint reminded the Directors that the adjacent land around Big Elk Lake (formerly WP7) had been purchased by a developer around the time that the District purchased land for the WP7 project. She stated that some minor complications resulted from the vacation of 108<sup>th</sup> St. which divided the former road right-of-way equally between the District and the developer who platted the adjacent land. Amanda presented the proposed areas that the District will quitclaim to the developer and indicated the

portion of the vacated right-of-way that the developer has quitclaimed to the District for the lake's main entrance. Amanda answered Directors questions.

- **It was moved by Director McCormick and seconded by Director Bradley that the FEL Subcommittee recommend to the Board of Directors, that the General Manager be allowed to execute Quitclaim Deeds for the transfer of a portion of Outlot Z to Richland Homes, LLC and portions of Outlots AA and Lot 390 to Woodland Homes, Inc., subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

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

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Davidson

**6. Review and Recommendation of Land Rights for the Elk Creek Levee Repairs – Roost Property [Executive Session – if needed] – Justin Novak:**

- **It was moved by Director McCormick and seconded by Director Bradley that the Subcommittee move into to Executive Session for the purpose of discussing land rights.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea. The Subcommittee went into Executive Session at 5:08 p.m.

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Davidson

- **It was moved by Director McCormick and seconded by Director Bradley that the Subcommittee come out of Executive Session.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea. The Subcommittee came out of Executive Session at 5:18 p.m.

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Davidson

- **It was moved by Director McCormick and seconded by Director Bradley that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a purchase agreement with Darlene L. Roost Revocable Trust, Dated December 29, 2000 for a not to exceed amount of \$71,379 for an area containing 6.18 acres of land and temporary easement rights for the Elk Creek Levee Repair Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Director Thompson asked legal counsel what effect the purchase resolution would have on the eminent domain condemnation process that was approved at the May 2021 Board meeting. Brent Meyer agreed that the motion should be amended to include approval of the dismissal of the condemnation suit.

- **It was moved by Director McCormick and seconded by Director Bradley that the Subcommittee recommend to the Board of Directors that Legal Counsel dismiss the petition**

**to condemn and that the General Manager be authorized to execute a purchase agreement with Darlene L. Roost Revocable Trust, Dated December 29, 2000 for a not to exceed amount of \$71,379 for an area containing 6.18 acres of land and temporary easement rights for the Elk Creek Levee Repair Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

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

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Davidson

Roll call was taken on the original motion as amended. The motion carried on a vote of 5-yea.

Voting Yea: Begley, Bradley, Conley, McCormick, Tesar  
Voting Nay: None  
Abstaining: None  
Absent: Davidson

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 5:21 p.m.