

**Finance, Expenditure and Legal  
Subcommittee Meeting Minutes  
December 6, 2022**

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 December 6, 2022. The meeting was called to order by Chairman Tesar at 5:02 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 Present
Rich Tesar, Chairman		Patrick Bonnett	John Winkler
Larry Bradley, Vice-Chairman		Ted Japp	Amanda Grint
Phil Davidson		Jim Thompson	Brent Meyer, Legal Counsel
Josh Henningsen		Kevyn Sopinski	Nicole Gust
Tim McCormick			Carey Fry
Fred Conley**			Lori Laster
			Martin Cleveland
			Ian Ghanavati
			Gene Garrelts, BerganKDV
			Larry Jobeun, Attorney for HRC, LLC.
			David Vogtman, HRC, LLC.
			Justin Knapp, HRC, LLC.
			Other Staff Members

\* Absent

\*\* Alternate Voting Member

**ADOPTION OF AGENDA:**

- **It was moved by Director McCormick and seconded by Director Bradley that the agenda be adopted.**

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

Voting Yea: Bradley, Davidson, Henningsen, McCormick, 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 December 1, 2022. The proof of publication affidavit is included with the file copy of these minutes.

**1. Fiscal Year 2022 Audit – Carey Fry and Gene Garrelts, BerganKDV:**

Gene Garrelts, BerganKDV, provided a summary of the District’s 2022 Audit and answered Directors questions. Directors McCormick and Tesar congratulated Carey and her staff for their work.

- **It was moved by Director McCormick and seconded by Director Davidson that the Subcommittee recommend to the Board of Directors that that the FY2022 Audit Report, prepared by BerganKDV, be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.**

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

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

**2. Douglas County Buyout Purchase Agreement - Anderson – Lori Laster:**

Project Manager Lori Laster reminded the Directors that the District has received funding through FEMA to purchase 25 properties that were damaged in the March 2019 flooding, and that purchase agreements for the appraised value of each property were presented to the property owners. Lori stated that property owner Mary Anderson has accepted the appraised value of \$56,000 for her property. Lori let the Directors know that FEMA will cover 75% of the purchase price, and that the District share is \$14,000. Lori answered Directors questions.

- **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 for and on behalf of the District the Purchase Agreement in the form as presented to this meeting providing for the purchase by the District from Mary Anderson, of property located at 5907 N. 242nd Avenue, Valley, Nebraska for the purchase price of \$56,000, 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: Bradley, Davidson, Henningsen, McCormick, Tesar  
 Voting Nay: None  
 Abstaining: None  
 Absent: None

**3. No Name Dike High Ground Easement Purchase, Lot #45 – Cahoy [Executive Session if needed] – Martin Cleveland:**

Project Manager Martin Cleveland reminded the Directors of the proposed No Name Dike Flood Reduction Project and the need to obtain High Ground Permanent Easement and Restriction from property owners in the high ground area in order to ensure that the flood protection of No Name Dike is maintained. Martin stated that the District filed for eminent domain on Lot #45, but that the property owners, Philip and Bernice Cahoy signed a purchase agreement for the appraised value and because of this signing, the Cahoy's will be dismissed from condemnation proceedings. Martin answered Directors questions.

- **It was moved by Director Bradley and seconded by Director Davidson that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed Purchase Agreement with Philip and Bernice Cahoy for the purchase price of \$1,700 for Lot #45 permanent easement, for No Name Dike Flood Reduction Project High Ground Easement Project, subject to changes deemed necessary by the General Manager and approval as to form by Papio NRD Legal Counsel.**

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

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

**4. Land Acquisition for Dam Site 7 [Executive Session if needed] – Ian Ghanavati and Amanda Grint:**

Project Manager Ian Ghanavati briefed the Directors on the proposed Land Acquisition for Dam Site 7. Larry Jobeun, Attorney for HRC, LLC., addressed the Board regarding the contract price paid to the property owners by Hubbell Realty versus the appraisal price determined by the District hired appraisers. The District hired appraisers determined the value to be \$43,000 per acre for the Logemann parcel and \$51,000 per acre for the Mueller parcel. Both parcels were acquired by HRC Development LLC at a price of \$38,000 per acre. Mr. Jobeun requested, on behalf of Hubbell Realty, that the District Appraisal price be paid by the District for each respective parcel.

- **It was moved by Director Henningsen and seconded by Director Conley that the Subcommittee go into Executive Session for the purpose of discussing Land Acquisition for Dam Site 7.**

Roll call was taken on the motion. The motion carried on a vote of 5-yea. The Subcommittee went into Executive Session at 5:28 p.m.

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

Director Davidson left the meeting at 5:15 p.m.

- **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 4-yea. The Subcommittee came out of Executive Session at 5:49 p.m.

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

Director Conley left the meeting at 5:37 p.m.

This item failed in Subcommittee due to a lack of a motion to recommend the staff's recommendation. Director McCormick made the comment that the staff should continue to negotiate with HRC, LLC. for these parcels of land.

**5. Land Acquisition for WP-1 [Executive Session if needed] – Ian Ghanavati:**

- **It was moved by Director Bradley and seconded by Director Henningsen that the Subcommittee go into Executive Session for the purpose of discussing Land Acquisition for WP-1.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea. The Subcommittee went into Executive Session at 5:51 p.m.

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

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

Roll call was taken on the motion. The motion carried on a vote of 4-yea. The Subcommittee came out of Executive Session at 6:00 p.m

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

- **It was moved by Director Bradley and seconded by Director Tesar that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a purchase agreement with Taulborg Family LLC for the purchase of 18.06 acres for the construction of the WP-1 flood control reservoir project for the total amount of \$1,354,500, subject to 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 failed on a vote of 2-yea and 2-nay.

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

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 6:02 p.m.