



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
January 12, 2012**

**PLEDGE OF ALLEGIANCE**

**NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE**

**MEETING CALLED TO ORDER:** A regular meeting of the Papio-Missouri River Natural Resources District Board of Directors was held at the Natural Resources Center, 8901 S. 154<sup>th</sup> St., Omaha, NE on January 12, 2012. The meeting was called to order by Chairperson Rick Kolowski at 7:00 p.m.

**QUORUM CALL:** The following Directors were present for the Quorum Call:

Larry Bradley	Dave Klug
Fred Conley	Dorothy Lanphier
John Conley	Rich Tesar
Tim Fowler	Jim Thompson
Scott Japp	Rick Kolowski

**ADOPTION OF AGENDA:**

- **MOTION NO. 1:** It was moved by Director Klug and seconded by Director Fowler that the agenda be adopted.

Roll call vote was held on the motion. The motion carried on a vote of 9 – yea and 1 – abstention.

Voting Yea	-	Bradley, F. Conley, J. Conley, Fowler, Klug, Lanphier, Tesar, Thompson, Kolowski
Voting Nay	-	None
Abstaining	-	Japp
Excused Absence	-	Erickson
Absent	-	Erickson

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Fred Conley that the following resolution be adopted:

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 3.A.:

BE IT RESOLVED that the absence of the following Director from the January 12, 2012, Board of Directors Meeting is excused:

Gus Erickson

Agenda Item 7. A.

BE IT RESOLVED that the December 8, 2011 Papio-Missouri River NRD Board meeting minutes are approved as printed.

Roll call vote was held on the motion. The motion carried on a vote of 9 – yea and 1 – nay.

Voting Yea	-	Bradley, F. Conley, J. Conley, Fowler, Klug, Lanphier, Tesar, Thompson, Kolowski
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	Erickson
Absent	-	Erickson

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on January 5, 2012. The District's November 11-December 8, 2011, expenditures were published in the Douglas County Post-Gazette on December 20, 2011. The Chairperson ordered the Proofs of Publication recorded in the minutes of this meeting.

**AGENCY AND ASSOCIATION REPORTS:**

A. Natural Resources Conservation Service Report: Neil Jensen, NRCS District Conservationist, briefed the Board on NRCS activities. His written report is posted to the website.

B. Nebraska Association of Resources Districts: Director Tesar reported that the NARD Legislative Conference is scheduled for January 24-25, 2012 in Lincoln. He also briefed that he would be attending the Nebraska Weed Management Summit on January 17 & 18, which is being held in Kearney, Nebraska and that the NARD Washington DC Conference is scheduled for March 11-14, 2012.

C. Lower Platte River Corridor Alliance Report: Meghan Sittler, LPRCA Coordinator, briefed the Board on the Lower Platter River Corridor Alliance activities. Her written report is posted to the website.

D. Legislative Report: Steve Grasz and Tim Gay from Husch Blackwell Sanders gave the Legislative Report.

E. City of Omaha Trails Report: Carlos Morales, City of Omaha Trails Bicycle/Pedestrian Coordinator gave a presentation on the future of City of Omaha Trails.

**PUBLIC HEARING – Big Papio Channel Re-Stablization Project:**

Chairperson Kolowski appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 8:04 p.m.

Hearing Officer Winkler submitted the following exhibits for the record.

- Exhibit 1 - Letters to Landowners
- Exhibit 2 - Notice of Public Hearing
- Exhibit 3 - Public Hearing Agenda
- Exhibit 4 - Project Existing Site Plan
- Exhibit 5 - Low-Flow Channel Re-stabilization Project Plans by HDR Engineering dated December 2, 2011
- Exhibit 6 - Supplemental Permanent Easements
- Exhibit 7 - Proof of Publication Affidavit for Public Hearing

Hearing Office Winkler introduced Paul Peters, who reported the purpose of the hearing and to explain the nature and necessity of the Project.

Martin Cleveland, Project Manager, briefed the Board on the scope of work to be accomplished on the project.

Mr. Winkler opened the floor to the public. No one addressed the Board.

Hearing Officer Winkler closed the Public Hearing at 8:10 p.m. and returned the floor to Chairperson Kolowski.

**SUBCOMMITTEE REPORTS:**

A. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on January 10, 2012 and he gave a brief recap of the meeting.

•• **MOTION NO. 3:** It was moved by Director Klug and seconded by Director Bradley that the following recommendation be adopted:

*PLPA Recommendation #1:* District Policy Appendix U – Affirmative Action Policy – Recommendation that the proposed revisions to the Papio-Missouri River NRD Affirmative Action Policy be adopted and incorporated into the Director’s Policy Manual as Appendix U.

Roll call vote was held on the motion. The motion carried unanimously.

Voting Yea - Bradley, F. Conley, J. Conley, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski  
Voting Nay - None  
Abstaining - None  
Excused Absence - Erickson  
Absent - Erickson

•• **MOTION NO. 4:** It was moved by Director Klug and seconded by Director Bradley that the following recommendation be adopted:

*PLPA Recommendation #2:* District Policy Appendix V – Family and Medical Leave and Family Military Leave Policy – Recommendation that the Papio-Missouri River NRD Family and Medical Leave and Family Military Leave Policy be adopted and incorporated into the Director’s Policy Manual as Appendix V.

Roll call vote was held on the motion. The motion carried unanimously.

Voting Yea - Bradley, F. Conley, J. Conley, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski  
Voting Nay - None  
Abstaining - None  
Excused Absence - Erickson  
Absent - Erickson

•• **MOTION NO. 5:** It was moved by Director Klug and seconded by Director Bradley that the following recommendation be adopted:

*PLPA Recommendation #3:* District Policy Appendix B – Employee Handbook – Recommendation that the update to the Papio-Missouri River NRD Employee Handbook be adopted and incorporated into the District’s Policy Manual as Appendix B.

Director Japp asked to make an amended motion to remove the references on page 11 of the Employee Handbook regarding the 25% payout of sick leave upon resignation or retirement. Director Lanphier seconded the amended motion. There was discussion. Since the Employee Handbook would be coming back to the PLPA Subcommittee for updates and/or revisions before the end of the year, Director Japp withdrew his amended motion.

Roll call vote was held on the original motion. The motion carried on a vote of 9 – yea and 1 - abstention.

Voting Yea - Bradley, F. Conley, J. Conley, Fowler, Klug, Lanphier, Tesar, Thompson, Kolowski  
Voting Nay - Japp

Abstaining - None  
Excused Absence - Erickson  
Absent - Erickson

B. Programs, Projects and Operations: Director John Conley reported that the PPO Subcommittee met on January 10, 2012 and he gave a brief recap of the meeting.

•• **MOTION NO. 6:** It was moved by Director John Conley and seconded by Director Fowler that the following recommendation be adopted:

*PPO Recommendation #1:* Future Feasibility Study for Regional Water Supply in Dakota and Thurston Counties – Recommendation that Management’s prior approval and signing of the partnership Agreement for a rural water supply appraisal investigation, as presented at the meeting, is hereby ratified.

Roll call vote was held on the motion. The motion carried unanimously.

Voting Yea - Bradley, F. Conley, J. Conley, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski  
Voting Nay - None  
Abstaining - None  
Excused Absence - Erickson  
Absent - Erickson

•• **MOTION NO. 7:** It was moved by Director John Conley and seconded by Director Klug that the following recommendation be adopted:

*PPO Recommendation #2:* Big Papio Channel (105<sup>th</sup> to Pacific) Re-stabilization Project Construction Bids – Recommendation that the General Manager be authorized to execute a contract for Big Papio Channel Re-stabilization Project with Chas. Vrana and Son Construction Co. for their total base bid of \$387,301 and alternate bid of \$12,600 for a grand total cost of \$399,901. Be it further resolved, that the Board finds that the project will be for the general benefit of the District with only our incidental special benefits.

Roll call vote was held on the motion. The motion carried unanimously.

Voting Yea - Bradley, F. Conley, J. Conley, Fowler, Japp, Klug, Lanphier, Tesar, Thompson, Kolowski  
Voting Nay - None  
Abstaining - None  
Excused Absence - Erickson  
Absent - Erickson

**TREASURER'S REPORT:**

- **MOTION NO. 8:** It was moved by Director John Conley and seconded by Director Klug that the following resolution be adopted:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (1) claims listed in the December, 2011, financial report; and, (2) any claims made prior to the next Board meeting for (a) earned salaries of District employees, (b) withholding taxes, (c) social security payments, (d) retirement program contributions, (e) utilities, (f) registration fees and expenses for upcoming meetings and conferences, (g) certified completed CAP and Special Project Area applications, (h) invoices which offer a credit or discount for payment made prior to the next Board meeting, (i) postage, and, (j) building and grounds contract expenses.

BE IT FURTHER RESOLVED that the Treasurer is authorized to pay, from the respective operating accounts of the Dakota County, Thurston County and Washington County #1 and Washington County #2 rural water supply projects, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy Drainage District, the project bills listed on the December 2011, financial report, and future claims for project utilities.

BE IT FURTHER RESOLVED that the financial reports be affixed to and made a part of the minutes.

Roll call vote was held on the motion. The motion carried on a vote of 8 – yea, 1 – nay, and 1 - abstention.

Voting Yea	-	Bradley, F. Conley, J. Conley, Fowler, Klug, Tesar, Thompson, Kolowski
Voting Nay	-	Japp
Abstaining	-	Lanphier
Excused Absence	-	Erickson
Absent	-	Erickson

**CHAIRPERSON’S REPORT:**

Chairperson Kolowski reminded the Board of the NARD Legislative Conference being held in Lincoln, NE. on January 24-25, 2012, and encouraged Directors to attend.

**GENERAL MANAGER'S REPORT:** GM Winkler reviewed the GM Report with the Board and noted that the report had been posted to the website.

GM Winkler then asked the Board for direction on Legislative Bills 732 and 931, as he will likely be giving testimony before the Board meets again on February 9, 2012. The GM wants to

ensure he accurately portrays the Board’s position in his testimony. Directors Lanphier and Japp opposed having to take a position on the items because they stated the items did not appear on the Board Agenda and felt that it was in violation of the Open Meetings Law. GM Winkler stated that the items were posted to the Board agenda 24 hours prior to the Board Meeting. Jean Tait, Administrative Coordinator, stated the final Board Agenda listing LB 732 and LB 931 as Agenda Item 13.1 and 13.2 was posted to the website prior to the 12:00 p.m. posting time on Wednesday, January 11, 2012 (the official time the Board Agenda was posted to the website was at 11:00 a.m. and also emailed to the Board of Directors at 3:25 p.m. as required by District Policy Manual 4.10 Board Meetings – Agenda Distribution). The Chairperson asked District Legal Counsel for an opinion and he stated the General Manager already clarified the issue; the items did appear on the Board Agenda and the Agenda was posted to the District website prior to 24 hours prior to the Board Meeting and that the Open Meetings Law was not in violation.

There was discussion by Director John Conley that he was concerned the wording of the resolution. Director Thompson requested that the words “as introduced” be removed from resolutions Agenda Item 13.1 and Agenda Item 13.2. There was further discussion.

- **MOTION NO. 9** It was moved by Director Thompson and seconded by Director F. Conley that the following recommendation be adopted:

Legislative Bill 732 – Recommendation that the General Manager be authorized to coordinate with the League of Cities and other stakeholders to oppose this bill.

Roll call vote was held on the motion. The motion carried on a vote of 7 – yea, 1 – nay and 2 abstentions.

Voting Yea	-	Bradley, F. Conley, J. Conley, Fowler, Tesar, Thompson, Kolowski
Voting Nay	-	Klug
Abstaining	-	Japp, Lanphier
Excused Absence	-	Erickson
Absent	-	Erickson

- **MOTION NO. 10** It was moved by Director Thompson and seconded by Director Klug that the following recommendation be adopted:

Legislative Bill 931 – Recommendation that the Board of Directors take a position of opposed to this bill as introduced.

Director Lanphier re-stated her position on discussing these items and that she didn’t feel the Board should take action as she felt it was in defiance of the Open Meetings Law. Chairperson Kolowski stated that there was no violation.

Roll call vote was held on the motion. The motion carried on a vote of 8 – yea, and 2 abstentions.

Voting Yea	-	Bradley, F. Conley, J. Conley, Fowler, Klug, Tesar, Thompson, Kolowski
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Voting Nay - None  
 Abstaining - Japp, Lanphier  
 Excused Absence - Erickson  
 Absent - Erickson

Other items appearing on the GM Report were discussed.

Director Japp then discussed his concerns about the Missouri River. He informed the Board that the USACE held a meeting in Yankton, South Dakota and asked if we had any staff members in attendance. Marlin Petermann stated we attended the meeting in Omaha. Director Japp then asked about a Floodway Buyout Meeting, and asked that a letter he received from Bill Pook, Region 5/6 Emergency Manager, be made part of the meeting record. This letter was not given to the Administrative Coordinator for inclusion.

GM Winkler stated the following for the record. When staff is invited to speak to various groups and/or constituents, staff has no control over who the requestor(s) has asked to be a part of their meeting. Our job is to provide a service, and that is what we do. That is the responsibility of the organizer. Also, last year the District was criticized for not taking a position on Legislative Bills being introduced to the Legislature. So this year I have asked for the Board's position by putting the items on the Agenda in the quickest way possible and we're being criticized by how it was brought before the Board. If the Board has a better way to address such items, please let the GM know. That concluded his report.

**INFORMATIONAL ITEMS:**

A. Future Meetings: The Chairperson reviewed the following upcoming meetings with the Directors:

January 16, 2012	Martin Luther King Day – P-MRNRD Offices Closed
January 24-25, 2012	NARD Legislative Conference, Lincoln, NE
January 26, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
Jan 29 – Feb 1, 2012	National Association of Conservation Districts 2012 Annual Meeting, Las Vegas, NV
February 7, 2012	P-MRNRD Subcommittee Meetings
February 9, 2012	P-MRNRD Board Meeting
February 20, 2012	Presidents' Day - P-MRNRD Offices Closed
February 23, 2012	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
March 6, 2012	P-MRNRD Subcommittee Meetings



March 8, 2012            P-MRNRD Board Meeting

March 11-14, 2012      NARD Washington D.C. Conference

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on February 9, 2012 at 7:00 p.m. at the NRC.

**ADJOURNMENT**: Being no further business, the Chairperson declared that the meeting was adjourned at 8:57 p.m.

I, the undersigned, Secretary of the Papio-Missouri River Natural Resources District, hereby certify that the foregoing are true and correct minutes of a meeting of the Board of Directors of the District held on January 12, 2012, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the District; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting.

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Richard Tesar  
District Secretary