



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
April 10, 2008**

**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> Street, Omaha, NE on April 10, 2008. The meeting was called to order by Chairperson Jim Thompson at 8:00 p.m.

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

Fred Conley	Dorothy Lanphier
John Conley	Rick Patterson
Dick Connealy	John Schwope
Tim Fowler	Rich Tesar
Dave Klug	Jim Thompson
Rick Kolowski	

**ADOPTION OF AGENDA:**

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

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

Voting Yea	-	Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	None

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Tesar and seconded by Director Kolowski 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 following Director(s) have an excused absence from the April 10, 2008, Board of Directors Meeting:

None to date.

Agenda Item 7 A. and B.:

BE IT RESOLVED that the March 13, 2008, Papio-Missouri River NRD Board meeting minutes and the March 12, 2008, Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

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

Voting Yea	-	Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	None

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on April 3, 2008. The District's February, 2008, expenditures were published in the Blair Pilot-Tribune on April 1, 2008. The Chairperson ordered the Proofs of Publication recorded in the minutes of this meeting. (They are contained as part of the file copy of these minutes.)

**AGENCY AND ASSOCIATION REPORTS:**

A. Cole Creek Urban Stream Restoration Project Report: Dave Lampe, Lamp Rynearson & Associates, presented a conceptual design that incorporated stabilization and protection of Cole Creek from Sorensen Parkway south to Hartman Ave., parallel to 66<sup>th</sup> Street. The total estimated cost of the project is \$1.4 million. It was noted that the City of Omaha had made application to participate in the District's Urban Drainage Program. The cost share requested is \$851,800.

The following individual addressed questions to Mr. Lampe:

➤ Forrest Japp, Box 131, Kennard, NE

B. Natural Resources Conservation Service Report: Verlon Barnes, NRCS District Conservationist at the Omaha NRCS office, reported on NRCS activities for the past month. He noted that a lot of programs/projects were on hold until the Farm Bill is passed.

C. Nebraska Association of Resources Districts Report: Director Tesar noted that there had been no NARD meetings since the last Board meeting.

D. Legislative Report: Rich Lombardi reported that the Legislature adjourns on April 17<sup>th</sup>. Mr. Lombardi noted that a bracket motion was adopted on LB 880 which basically ended debate on the bill. He thanked the Board and staff for their time and being constantly available in Lincoln when needed. He also acknowledged the leadership and support of Senator Kopplin and Senator Gay and their respective staffs. He also indicated that the tours, briefings, etc., sponsored by the District were very helpful to communicate the challenges facing the Papio-Missouri River NRD.

E. Nebraska Natural Resources Commission Report: Vince Kramper, NNRC Commissioner reported that the Commission office is now sending out a one page summary of Commission activities. He noted that the Commission had unsuccessfully tried to get an additional \$7 million in the Resources Development Fund through the Legislature. He noted that this was more than likely a result of the gloomy revenue forecast for the State.

F. Nebraska Environmental Trust Fund Report: Vince Kramper reported that this is the 15<sup>th</sup> year the Trust has been awarding grants and over \$112 million has been awarded. He indicated that the Board met on February 7, 2008 in Lincoln and recommended funding of 75 projects for \$14,223,518 in grants. He also reported that the Trust would be reinstating the mini-grant program in September. The next Board meeting will be held July 24 and 25, 2008 in Alma, NE.

### **SUBCOMMITTEE REPORTS:**

A. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on April 8, 2008 and gave a brief recap of the meeting.

•• **MOTION NO. 3** It was moved by Director Connealy that the following recommendation be adopted:

*FEL Recommendation #1* P-MRNRD 2007 Audit – Recommendation that the FY2007 Audit Report and management letter, prepared by Bland and Associates, 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.

The following individual(s) addressed the Board:

- Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE
- Kevin Propst, Washington, NE

There was discussion regarding the audit. Director Lanphier pointed out that in the future Directors should receive a bound copy of the audit.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson  
 Voting Nay - None  
 Abstaining - None  
 Absent - None

•• **MOTION NO. 4** It was moved by Director Connealy that the following recommendation be adopted:

*FEL Recommendation #2* Purchase of Eagle Ridge Development Company Property for the Rumsey Station Wetland Project – Recommendation that the General Manager be authorized to execute the proposed agreement with Eagle Ridge Development Company providing for the purchase by the District of 25.86 acres of land in the SE1/4 of Section 25, Twp 14 N, R12E, Sarpy County, Nebraska, for the price of \$334,540, subject to a satisfactory Phase I Environmental Assessment and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel, the Board of Directors hereby also determining that the project for which this purchase is made will be predominantly for the general benefit of the District with only an incidental special benefit.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson  
 Voting Nay - None  
 Abstaining - None  
 Absent - None

•• **MOTION NO. 5** It was moved by Director Connealy that the following recommendation be adopted:

*FEL Recommendation #3* Policy regarding Requests for Information – Recommendation that the following policy be adopted and included in the Directors Policy Manual:

**22.2 – Miscellaneous - Public Record Availability**

1. Any person may examine public records maintained by the District during the District’s business hours, make memoranda or abstracts from such records, or make copies of such records, upon written request to the General Manager of the District for an appointment to view such records at its Omaha office.
  - a. A request letter and its envelope should be addressed to the District’s Omaha office, marked

“Records Request,” and include the requester’s name, mailing address and day time telephone number in the event the District needs to contact the person.

- b. The request should reasonably describe the records being sought and, whenever possible, include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. The District does not conduct research to determine what records to provide.
  - c. If the request does not sufficiently describe the records to allow the District to locate them, the District may require additional information be provided.
  - d. A written request for the District to provide copies of records shall be considered an agreement that the person requesting the copies will pay 25 cents per copy made by the District on a standard 8½ x 11 inch sheet of paper. Original records shall not be removed from the District’s premises.
  - e. The District will not provide copies of materials that are subject to copyright law.
2. Upon receipt of a written request for access to or copies of a public record, the District will provide the requested record(s) for examination, or the copies requested, as soon as practicable but no later than four (4) business days after the written request is received; except that, if the entire request cannot reasonably be fulfilled within four business days due to significant difficulty or extensiveness of the request, the District will notify the requester in writing as to the reasons for the delay, including the earliest practicable date for fulfilling the request, and provide an estimate of the expected cost of any copies and an opportunity for the requester to modify or prioritize the items within the request.
3. Any person requesting photographic or other copies of public records must pay for the cost of reproduction in the amount of 25 cents per copy made on standard 8 ½ x 11 inch paper. Any person requesting maps, aerial photographs, digital disks or audio copies must pay the cost of reproduction in an amount determined by the District to cover the actual costs of making the records available. Charges for sales tax, and postage if necessary, shall be assessed on all requests.
4. The District may withhold records in accordance with Neb. Rev. Stat. 84-712.05. Any reasonably segregable public portion

of such record shall be provided upon request after deletion of the portions which may be withheld.

5. Any person denied a request for public records by the General Manager or his or her designee shall receive a written response in accordance with Neb. Rev. Stat. 84-712.04. Any person denied a request for public records may seek review in accordance with Neb. Rev. Stat 84-712.03.

[April 10, 2008]

The following individual addressed the Board:

- Mike Ryan, 11130 Jackson, Omaha, NE

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1 – nay.

Voting Yea	-	Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwoppe, Tesar, Thompson
Voting Nay	-	Connealy
Abstaining	-	None
Absent	-	None

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on April 8, 2008, and gave a brief recap of the meeting.

- **MOTION NO. 6** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #1*      Proposal to House UNL Extension in Dakota County - Recommendation that the District offer office space to UNL Extension in the District's Dakota County Service Center at a rental rate of \$20,000 per year in Fiscal Years 2009 and 2010, and at a rental rate of \$10,000 per year in Fiscal Year 2011; and, that the Interlocal Cooperation Act Agreement between the District and Dakota County be amended to limit that County's maximum payment for road design, land rights, demolition and construction at Pigeon Jones Site #15 to \$300,000.

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

Voting Yea	-	Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwoppe, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	None

Director John Conley reported that the PPO Subcommittee was updated on the Helicopter Electromagnetic (HEM) survey by Dana Devine, Eastern Nebraska Water Resource Assessment Project.

- **MOTION NO. 7** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #3* Fontenelle Nature Association Request to Cost Share on Watershed Stabilization Study – Recommendation that the application from Fontenelle Nature Association for cost sharing for the NET Watershed Stabilization Study be approved in the amount of \$10,000, subject to funding in the FY 2009 Budget and Corps of Engineers’ approval of Section 22 funding.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Absent - None

- **MOTION NO. 8** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #4* FY 09 Urban Cost Share Program Applications – Recommendation that the applications of the following entities be approved, subject to funding in the FY 2009 Budget, and that the Board determine that their respective programs will be predominantly for the general benefit of the District with only an incidental special benefit:

- RECREATION AREA DEVELOPMENT PROGRAM: City of South Sioux City for \$15,125, City of Papillion for \$35,793, and the City of Blair for \$50,000 be approved, for a total of \$100,918, subject to funding in the FY 2009 budget.
- TRAILS ASSISTANCE PROGRAM: City of LaVista for \$52,367, the City of Bennington for \$41,428, the City South Sioux City for \$16,820, the City of Springfield for \$56,439, the City of Papillion for \$49,896, and the City of Fort Calhoun for \$17,040 be approved, for a total of \$233,990, subject to funding in the FY 2009 budget.
- URBAN DRAINAGEWAY PROGRAM: Brookhaven SID for \$499,500, the City of Papillion for \$54,900, the City of Valley for \$38,850, the City of Bellevue for \$54,073, the City of Omaha (Keystone Trail) for \$71,650, the City of Omaha (Cole Creek) for \$851,800, and the City of Omaha (Cambridge Oaks) for \$70,800,

for a total of \$1,641,573, subject to funding in the FY 2009 Budget.

- URBAN CONSERVATION ASSISTANCE PROGRAM: City of Papillion for \$22,440, and City of South Sioux City for \$25,000, for a total of \$47,440 be approved, subject to funding in the FY 2009 budget.

The following individual addressed the Board regarding the City of Omaha Cole Creek Urban Drainageway Program application:

- Forrest Japp, Box 131, Kennard, NE

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Absent - None

- **MOTION NO. 9** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #5* Papillion Creek Bank Stabilization Project Bids – Recommendation that the General Manager be authorized to execute a contract for rock rip-rap bank stabilization work at six sites on the Papillion Creek System with Midwest Dumpers, Inc., for its total base bid of \$326,150.

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

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson  
Voting Nay - None  
Abstaining - None  
Absent - None

C. Personnel, Legislative and Public Affairs Subcommittee: Director Schwope reported that the PLPA Subcommittee met on April 8, 2008, and gave a brief recap of the meeting. He noted that the Subcommittee recommended that the revisions to the P-MRNRD Wage and Salary Administration Project for 2008 be tabled.

- **MOTION NO. 10** It was moved by Director John Conley and seconded by Director Schwope that the recommendation of the Subcommittee be discharged and that the revisions to the P-MRNRD Wage and Salary Administration Program for 2008 be taken off the table:



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

Voting Yea	-	Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	None

Director John Conley distributed revised wage and salary information in that salary grades 1, 19, 20 and 21 were removed from the equation resulting in midpoints showing a 0.3% increase for salary grade 2 and a 4.4% increase for salary grade 21. A copy of the revised salary information is attached to the file copy of the minutes. The “n” factor would be 3.9% for calendar year 2008. There was discussion

- **MOTION NO. 11** It was moved by Director John Conley and seconded by Director Schwope that the revised midpoints be approved and that the “n” factor of 3.9%, be used to compute Adjustment Factors for calendar year 2008 and that the changes be effective January 1, 2008.
  
- **SUBSTITUTE MOTION TO MOTION NO. 11** It was moved by Director Tesar and seconded by Director Lanphier that the District continue with the Hayes System that is currently in place for 2008; that the midpoints and “n” factor of 4.8% as originally proposed at the April 8, 2008 PLPA Subcommittee meeting be approved and that the changes be effective January 1, 2008, and that an Ad Hoc Subcommittee be appointed to investigate a new system to use in the future.

It was suggested that instead of appointing an ad hoc subcommittee, the Personnel, Legislative and Public Affairs Subcommittee should conduct the investigation into a new wage and salary system.

Director Tesar withdrew his motion. Director Lanphier withdrew her second.

- **SUBSTITUTE MOTION TO MOTION NO. 11** It was moved by Director Tesar and seconded by Director Lanphier that the District continue with the Hayes System that is currently in place for 2008; that the midpoints and “n” factor of 4.8% as originally proposed at the April 8, 2008 PLPA Subcommittee meeting be approved and that the changes be effective January 1, 2008, and that the Personnel, Legislative and Public Affairs Subcommittee be assigned to investigate a new wage and salary system to use in the future.

Director John Conley noted that there should be a deadline for completion of this investigation and suggested October 1, 2008. Director Tesar stated he felt that was a good idea and asked that this be included in the substitute motion as a friendly amendment. Director Lanphier also agreed. The substitute motion would read as follows:

- **SUBSTITUTE MOTION TO MOTION NO. 11** It was moved by Director Tesar and seconded by Director Lanphier that the District continue with the Hayes System that is currently in place for 2008; that the midpoints and “n” factor of 4.8% as originally proposed at the April 8, 2008 PLPA Subcommittee meeting be approved and that the changes be effective January 1, 2008 and that the Personnel, Legislative and Public Affairs Subcommittee be assigned to investigate a new wage and salary system to use in the future and that the report be completed by October 1, 2008.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

Voting Yea	-	Conley (Fred), Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	Conley (John), Connealy
Abstaining	-	None
Absent	-	None

**TREASURER'S REPORT:**

- **MOTION NO. 12:** It was moved by Director John Conley and seconded by Director Fowler 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 March, 2008, 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 March, 2008, 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 unanimously.

Voting Yea - Conley (Fred), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson  
 Voting Nay - None  
 Abstaining - None  
 Absent - None

**CHAIRPERSON’S REPORT:**

A. Appointment of Legislative Representative Ad Hoc Consultant Selection Subcommittee – Chairperson Thompson advised the Board that he had appointed the following Directors to serve on the Legislative Representative Ad Hoc Consultant Selection Subcommittee:

Rick Kolowski – Chairperson  
 Jim Thompson – Vice-Chairperson  
 Rich Tesar  
 David Klug  
 Tim Fowler

**GENERAL MANAGER'S REPORT:** GM Winkler noted that his report had been posted to the website and asked Directors to contact him if there were any questions. He briefed the Board on the issue of the Corps of Engineers and levee recertification. He reported that the Corp is going to be re-certifying levees throughout the country as a result of FEMA remapping. He indicated that the District was going to be a test case in the Midwest and that our current levee system will have a difficult time in meeting the new criteria.

**INFORMATIONAL ITEMS:**

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

<b>April 19, 2008</b>	<b>Earth Day Omaha, Elmwood Park</b>
April 29, 2008	Lower Platte River Corridor Alliance Quarterly Meeting, 9:30 p.m., Nebraska Game and Parks Commission, Lincoln, NE
May 2-3, 2008	Nebraska Trails Conference, Grand Island, NE
May 6-7, 2008	Water Works, Schramm Aquarium
May 6, 2008	P-MRNRD Subcommittee Meetings
May 8, 2008	P-MRNRD Board Meeting
May 15, 2008	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC

May 26, 2008

Memorial Day Holiday – P-MRNRD Offices Closed

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on May 8, 2008 at the NRC.

**ADJOURNMENT**: Being no further business, the Chairperson declared that the meeting was adjourned at 10:10 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 April 10, 2008, 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