

**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
December 12, 2002**

MINUTES

PLEDGE OF ALLEGIANCE

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. 154th Street, Omaha, Nebraska, on December 12, 2002. Public notice of the meeting was posted at all District offices.

The meeting was called to order by the Chairperson, Fred Conley, at 8:00 p.m.

QUORUM CALL: The following Directors were in attendance:

John Conley	Barb Nichols
Dick Connealy	Pete Rubin
Melissa Gardner	Rich Tesar
Tim Heller	Fred Conley
Joe Neary	

Tim Krajicek was also in attendance.

Chairperson Fred Conley noted that Director Rich Jansen had an excused absence.

Director Tesar raised a point of order noting that Tim Krajicek's name had been omitted from the quorum call. Chairperson Conley asked Paul Peters, District Legal Counsel, about Mr. Krajicek's status. Mr. Peters indicated that Sarpy County District Judge William Zastera had signed an injunction ordering Mr. Krajicek to be seated; however, Mr. Krajicek had not posted a bond to accompany the injunction, as required by Sec. 25-1067 of Nebraska statutes; therefore, the injunction was not operative. Chairperson Fred Conley ruled that Mr. Krajicek would not be seated as a member of the Board.

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Conley (John) and seconded by Nichols that the following resolution be adopted:

BE IT RESOLVED that the agenda be adopted.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence – Jansen

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Connealy and seconded by Nichols 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 Directors have excused absences from the December 12, 2002, Board of Directors Meeting:

Rich Jansen

Agenda Item 7:

BE IT RESOLVED that the November 14, 2002, Papio-Missouri River NRD Board meeting minutes be approved as printed.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence – Jansen

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on December 5, 2002. The District's October 2002, expenditures were published in the Papillion Times on December 5, 2002. 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. Natural Resources Conservation Service Report: Don Doty, District Conservationist at the Omaha NRCS office, reported on NRCS activities for the past month. A copy of his report is attached to the file copy of the minutes.

B. Nebraska Natural Resources Association Report: Director Pete Rubin reported that the NARD Legislative Conference would be held January 28 - 29, 2002 at the Embassy Suites in Lincoln. He urged all Directors to attend. He also noted that the NARD Washington DC Conference had been scheduled for March 17-19, 2003.

C. Nebraska Natural Resources Commission Report: Beverly Donaldson, NNRC Metropolitan Area Representative, reported on NNRC activities. She noted that the NNRC had met November 21, 2002 in Lincoln and that the Commission had obligated an additional \$139,000, effective immediately, to the Western Sarpy/Clear Creek Project for Component #3 – Right of Way. She also indicated that the NNRC had scheduled a caucus meeting on January 16, 2003 at the Lewis and Clark NRD to elect Commission Members from the Missouri Tribs River Basin. She stated that she would like to serve another term. GM Oltmans noted that NNRC Commissioner Vince Kramper had also indicated he would be willing to serve another term.

SUBCOMMITTEE REPORTS:

A. Joint Programs, Projects and Operations/Finance, Legal and Expenditures Subcommittee Meeting: Director Tim Heller reported that the Joint FEL/PPO Subcommittee met on December 10, 2002, and gave a brief report of the meeting.

- **MOTION NO. 3:** It was moved by Heller and seconded by Connealy that the following recommendation be adopted:

Recommendation #1 Chalco Hills Boulevard Rehab Project – Recommendation that the General Manager be authorized to execute a professional services contract with Sides & Associates, Inc., for the Chalco Hills Recreation Area Boulevard Improvement Project for a maximum fee of \$46,515, subject to approval as to form by District Legal Counsel.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea and 2-nay.

Voting Yea - Conley (John), Connealy, Gardner, Heller, Nichols, Rubin, Conley (Fred)

Voting Nay - Neary, Tesar

Abstaining - None

Absent - None

Excused Absence – Jansen

- **MOTION NO. 4:** It was moved by Heller and seconded by Gardner that the following recommendation be adopted:

Recommendation #2 Boyer Chute Wildlife Refuge Land Acquisition — Recommendation that the General Manager be authorized to enter into a purchase agreement with Lane A. Rogers to acquire a 19.96 acre tract within the boundaries of the Boyer Chute National Wildlife Refuge in Washington County, NE, for \$54,000, subject to approval as to form by the District’s Legal Counsel, and that the General Manager be authorized to subsequently sell this tract to the US Fish and Wildlife Service for the District’s original purchase price, plus any additional legal costs incurred by the District.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - None
Excused Absence – Jansen

- **MOTION NO. 5:** It was moved by Heller and seconded by Connealy that the following recommendation be adopted:

Recommendation #3: A Sediment Solution for Papio-Missouri River Natural Resources Districts – Recommendation that the District staff report to the Board of Directors by April, 2003, after further investigation in the use of erosion control bonds and an update on the progress of the Papillion Creek Watershed Partnership.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - None
Excused Absence – Jansen

- **MOTION NO. 6:** It was moved by Heller and seconded by Conley (John) that the following recommendation be adopted:

Recommendation #4: Land Rights Acquisition from Wright Investments, Inc. for the California Bend Project – Recommendation that the General Manager be authorized to settle the NRD’s eminent domain appeal for the California Bend Project with Wright Investments, Inc., such settlement to include a total right-of-way acquisition price of \$459,724, a grant to Wright Investments, Inc., of a permanent access easement along approximately 1,000 feet of field road on the west edge of the California Bend Project, and necessary revisions to existing easements, as the General Manager determines are required and District Legal Counsel approves as to form.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence – Jansen

- **MOTION NO. 7:** It was moved by Tesar and seconded by Connealy that the following recommendation be adopted:

Recommendation #5.a: Acquisition of Jansen Property for Western Sarpy/Clear Creek Project - Lyman Richey, Inc. Lease Agreement – Recommendation that the General Manager be authorized to execute the proposed Sand and Gravel Lease Agreement with Lyman-Richey Corporation on the Jansen property for the Western Sarpy/Clear Creek Flood Control Project.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence – Jansen

- **MOTION NO. 8:** It was moved by Tesar and seconded by Neary that the following recommendation be adopted:

Recommendation #5.b: Acquisition of Jansen Property for Western Sarpy/Clear Creek Project - Legal Representation of the District in Jansen Eminent Domain Proceedings – Recommendation that the law firm of Fraser, Stryker, Meusey, Olson, Boyer and Block, P.C., be retained at a fixed rate of \$160 per hour to handle eminent domain proceedings for the District's acquisition of a portion of the Jansen property for the Western Sarpy/Clear Creek Flood Control Project.

It was noted that Roger Shiffermiller was at the meeting representing the law firm Frazer, Stryker, Meusey, Olson, Boyer and Block.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None
Absent - None
Excused Absence – Jansen

TREASURER'S REPORT:

- **MOTION NO. 9:** It was moved by Conley (John) and seconded by Rubin 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 November, 2002, 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 Dakota County, Thurston County and Washington County rural water supply project and the Elkhorn River Bank Stabilization Project, the Elkhorn River Breakout Project, the Union Dike Improvement Project Area, the Elk/Pigeon Creek Drainage Project and the Western Sarpy Drainage Improvement Project Area operating accounts the project bills listed on the November, 2002, 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.

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)
Voting Nay - None
Abstaining - None
Absent - None
Excused Absence – Jansen

CHAIRPERSON'S REPORT:

A. Take from the Table and Approve Amendments to P-MRNRD Policy Manual:

- **MOTION NO. 10:** It was moved by Rubin and seconded by Heller that the amendments to the P-MRNRD Policy Manual be taken from the table.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence – Jansen (Rich)

- **MOTION NO. 11:** It was moved by Rubin and seconded by Heller that the following resolution be adopted:

BE IT RESOLVED that the following amendments be adopted by the Board of Directors and incorporated into the P-MRNRD Directors Policy Manual, pursuant to P-MRNRD Policy 1.5:

4.5 Board Meetings – Conduct of Meetings

5.7 Subcommittees – Bad Weather Postponement of Meetings

10.0 Conflict of Interest (add Nebraska State Statutes as Appendix)

12.7 General Manager – Monthly Report

14.0 Financial - Depositories

14.1 Financial – Investments

14.5 Financial – Fidelity Bonds

16.0 District Property – Construction and Maintenance Equipment Rental

16.3 District Property – Repair and Maintenance

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None

Excused Absence – Jansen

B. P-MRNRD Standing Subcommittee Appointments:

- **MOTION NO. 12:** It was moved by Connealy and seconded by Neary that the following resolution be adopted:

BE IT RESOLVED that Standing Subcommittee appointments, as presented by the Chairperson, are hereby approved effective January, 2003.

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

Voting Yea - Conley (John), Connealy, Gardner, Heller, Neary, Nichols, Rubin, Tesar, Conley (Fred)

Voting Nay - None

Abstaining - None

Absent - None
Excused Absence – Jansen

C. Attendance at Upcoming Meetings:

1. NACD Annual Conference, February 3-7, 2002, in Reno, NV – The Chair indicated that Directors John Conley and Melissa Gardner would be representing the District.

2. NARD Washington, D.C., Conference, March 16-20, 2002 – Chairperson Fred Conley asked that if any Directors were interested in this trip to contact him.

D. Special Presentations: The following P-MRNRD Directors were recognized for their years of service on the Board of Directors:

- ➔ **Tim Heller**
- ➔ **Tim Krajicek**

E. P-MRNRD Employee Years of Services Awards: The following P-MRNRD employees were recognized for their years of service with the District:

❖ Ron Gouker , Building Custodian	5 years
❖ Rod Kinning , Conservation Technician	5 years
❖ JoLene Kohout , Accounting Assistant	5 years
❖ Keith Lienemann , Heavy Equipment Operator	5 years
❖ Linda Ellett , Administrative Secretary - Omaha	10 years
❖ Kevin Kudlac , Office Assistant	10 years
❖ Jason Schnell , Medium Equipment Operator	10 years
❖ Terry Schumacher , Field Representative – Blair	10 years
❖ Marty Thieman , Lead Groundskeeper	10 years
❖ Margie Stark , Accounting Asst., Dakota County RW	15 years
❖ Evelyn Maslonka , Field Office Secretary – Tekamah	25 years

GENERAL MANAGER'S REPORT:

General Manager Oltmans noted that Directors had received a written copy of the GM's report. He distributed information regarding the upcoming public meetings regarding the Missouri River pedestrian bridge design on December 17th in Council Bluffs and December 18th at the Peter Kiewit Conference Center. He also noted that a press conference is scheduled for December 17th at 10:00 a.m. at Rick's Café and invited Directors to attend.

He then handed out status reports for several cost share programs administered by the Nebraska Department of Natural Resources. Staff members Ralph Puls and Gerry Bowen reviewed the following programs: Soil and Water Conservation Fund, Water Well Decommissioning Cash Fund and the Natural Resources Water Quality Fund.

Director Pete Rubin then briefed the Board on Water Policy Task Force activities.

INFORMATIONAL ITEMS:

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

December 25, 2002	Christmas – P-MRNRD Offices Closed
January 1, 2003	New Years Day – P-MRNRD Offices Closed
January 7, 2003	P-MRNRD Subcommittee Meetings, NRC
January 9, 2003	P-MRNRD Board Meeting, NRC
January 16, 2003	Nebraska Natural Resources Commission Caucus, Lewis and Clark NRD, Hartington, NE
January 20, 2003	Martin Luther King Day – P-MRNRD Offices Closed
Jan. 28-29, 2003	Nebraska Association of Resources Districts Legislative Conference, Embassy Suites, Lincoln, NE
February 9-13, 2003	National Association of Conservation Districts Annual Meeting, Orlando, FL
February 11, 2003	P-MRNRD Subcommittee Meetings
February 13, 2003	P-MRNRD Board Meeting
March 11, 2003	P-MRNRD Subcommittee Meetings
March 13, 2003	P-MRNRD Board Meeting
March 17-19, 2003	Nebraska Association of Resources Districts Washington D.C. Trip, Capitol Holiday Inn

B. Other Information Items: There were none.

C. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on January 9, 2003, at the NRC.

ADJOURNMENT:

Being no further business, the meeting adjourned at 8:45 p.m. by acclamation.

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 December 12, 2002, 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 for 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.

Richard W. Jansen
District Secretary