



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
February 8, 2007
MINUTES**

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. 154th Street, Omaha, NE on February 8, 2007. 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
Dick Connealy	Rick Patterson
David Klug	Rich Tesar
Rick Kolowski	Jim Thompson

ADOPTION OF AGENDA:

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

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

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Fred Conley and seconded by Director

Connealy 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 February 8, 2007, Board of Directors Meeting:

John Conley
Tim Fowler
John Schwope

Agenda Item 7 A.:

BE IT RESOLVED that the January 11, 2007, Papio-Missouri River NRD Board meeting minutes be approved as printed.

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

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

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on February 1, 2007. The District's December, 2006, expenditures were published in the Dakota County Star on February 1, 2007. 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: Verlon Barnes, District Conservationist at the Omaha NRCS office, reported on NRCS activities for the past month. A copy of his report is posted to the website. Verlon also thanked the District for sponsoring a luncheon meeting for NRCS Chief, Arlen Lancaster, on January 31st. Mr. Lancaster was in Omaha to conduct a public hearing on the 2007 Farm Bill.

B. Nebraska Association of Resources Districts Report: Director Tesar noted that the NARD Legislative Conference was held January 23-24, 2007 at the Embassy Suites in Lincoln, NE. He thanked the Board for their participation. He also reported that the NARD Washington DC Trip would be held March 12-14, 2007. Directors Fred Conley, Kolowski and Thompson

and GM Winkler and Assistant GM Petermann will be representing the District.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator, reported on Alliance activities. Rodney announced that Doug Vrana has been hired as an intern to work with the LPRCA. He also indicated that tentative dates have been scheduled for the Airboat Tour (July 20, 2007) and the Water Quality Open (September 6, 2007).

SUBCOMMITTEE REPORTS:

A. Floodplain Mapping and Scoping Ad Hoc Consultant Selection Subcommittee: Director Tesar reported that the Ad Hoc Subcommittee met on February 6, 2007 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 BE IT RESOLVED that the minutes of the February 6, 2007, Floodplain Mapping and Scoping Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted and approved.

1. Contract with HDR Engineering, Inc., for Floodplain Mapping and Scoping – Recommendation that the General Manager be authorized to negotiate and execute a professional services contract with HDR Engineering, Inc., for the county-wide Floodplain Scoping calling for a maximum fee of \$164,900.

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

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

B. Zorinsky Water Quality Basin #2 Ad Hoc Consultant Selection Subcommittee: Director Kolowski reported that the Ad Hoc Subcommittee met on February 6, 2006 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 BE IT RESOLVED that the minutes of the February 6, 2007, Zorinsky Water Quality Basin #2 Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted

and approved.

1. Selection of Consulting Firms to be Interviewed for Zorinsky Water Quality Basin #2 – Recommendation that the firms of HDR Engineering, Inc, JEO Consulting Group, Olsson Associates, and CH2MHill be interviewed for the Zorinsky Water Quality Basin #2 Design.

The following individual addressed the Board:

- Mike Ryan, 11130 Jackson St., Omaha, NE

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

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

C. Public Involvement Ad Hoc Consultant Selection Subcommittee: Director Thompson reported that the Ad Hoc Subcommittee met on February 6, 2007 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 BE IT RESOLVED that the minutes of the February 6, 2007, Public Involvement Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation of the Subcommittee is hereby adopted and approved.

1. Selection of Consulting Firms to be Interviews for Public Involvement Consultant – Recommendation that the firms of Bailey Lauerman, Issues Management Solutions and Lovgren Marketing Group be interviewed for public involvement services to assist the Papillion Creek Watershed Partnership in developing and implementing a Public Information and Involvement Plan.

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

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

Excused Absence - Conley (John), Fowler, Schwowe
Absent - Conley (John), Fowler, Schwowe

D. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on February 6, 2007 and gave a brief summary of the meeting.

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

PLPA Recommendation #1 Amendments to P-MRNRD Employee Manual – Sick Leave and Annual Leave – Recommendation that the following changes in the Employee Manual be adopted:

ANNUAL LEAVE/VACATIONS:

Vacations must be earned before they can be taken. Vacations will be considered "earned" only to the extent that vacation time has been accrued according to the following schedule, and all conditions for using vacation have been met. The employee's date of hire will be the eligibility date for determining the amount of vacation earned.

Each full-time employee shall accrue annual leave bi-weekly at the following rates:

0 through 5 years of service -- 13 working days per year
6 through 10 years of service -- 18 working days per year
11 years of service or greater -- 23 working days per year

Employees may carry-over all unused annual leave days into the next calendar year; however, no employee will continue to accrue annual leave once he or she has accumulated 53 days of annual leave. ~~No more than thirty (30) days of annual leave may be carried over into the next calendar year on December 31.~~

No annual leave can be taken during the first six (6) months of employments.

All annual leave shall be scheduled in advance and taken at a time that is agreeable to the employee and your Supervisor. Any paid vacation more than ~~two weeks~~ **10 consecutive working days** in duration will require a minimum of ninety (90) days notice and approval of the General Manager.

Annual leave is accrued on a bi-weekly basis and an employee may not take more time than that which he/she has

already accrued and have available at the time annual leave is taken.

Employees will be paid for all accrued but unused vacation upon termination from employment.

Part-time employees will accrue annual leave on a pro-rata basis according to average hours worked. Temporary employees are not eligible for annual leave.

SICK LEAVE:

Each full time employee will accrue one and one-half (1-1/2) days per month sick leave. This leave may only be used in the case of actual sickness and/or for actual, necessary visits to doctors or dentists.

It is the purpose and intent of this plan to provide for eligible employees when they suffer the misfortune of an extended illness or disability. Therefore, to avoid possible abuse of this benefit, a physician's statement will be required by the District as verification of illness or accident, before sick leave benefits are paid when an employee has been absent for three (3) consecutive working days. Sick leave pay benefits for work related injury/accidents will be coordinated with Worker's Compensation benefits received by the employee.

The General Manager has the authority, in his discretion, to permit an employee to utilize sick leave to tend to the needs of his/her spouse and "immediate family." The term "immediate family" is defined to include spouse, children and parents of the employee and children and parents of employee's spouse. The use of sick leave for this purpose will require approval by the General Manager. An example of approved sick leave under this situation would be where an employee's spouse is ill and children require attention until other adequate arrangements can be made. The illness of a spouse requiring a doctor's attention would be a second example.

Accrued but unused sick leave may be carried forward from year to year, up to a cumulative total of 180 days. For those employees who have over 180 days of accumulated sick leave, their cap will be set at the amount of accumulated sick leave as of June 30, 1994. If an employee whose cap is over 180 days drops below 180 days of sick leave as of June 30th of any given year, that employee's cap would be re-established at 180 days.

Sick leave is neither an earned benefit that has independent cash value, nor a form of deferred compensation. Rather, it is an income protection program only for those employees who, while employed by the District, are absent from work due to the reasons stated in this policy. Therefore, conversion of sick leave accruals to pay in lieu of sick leave is not permitted. Likewise, no sick leave benefits are paid upon termination of employment for any reason. ~~No pay allowance will be granted for accrued but unused sick leave upon separation from employment.~~

Abuse of this sick leave policy may result in loss of the sick leave benefit and/or discharge.

Part-time and temporary employees are not eligible for sick leave.

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

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

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

PLPA Recommendation #2 P-MRNRD Wage and Salary Administration Program for 2007 – Recommendation that the following be adopted:

- a. Wage and Salary Pay Ranges - Recommendation that the wage and salary pay ranges for SG 2 and 3 remain at CY 2006 levels and that pay ranges for SG 4 through SG 21 be adjusted to the proposed ranges, as presented, and that the changes be effective January 1, 2007.
- b. Adjustment Guide Revisions ("n" Factor): Recommendation that an "n" Factor of 1% (average increase in midpoint values) be used to compute Adjustment Factors for Calendar Year 2007 and that the resulting Adjustment Guide be effective January 1, 2007.

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

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

Director Conley reported that the Subcommittee received an update on legislative issues. The Subcommittee was also informed that the District had received the insurance reserve assessment (\$90,000) from the NARD office. It was noted that \$127,000 had been budgeted for in the FY 2007 budget for this purpose.

E. Finance, Expenditures and Legal Subcommittee: Director Lanphier reported that the FEL Subcommittee met on February 6, 2007 and gave a brief recap of the meeting.

•• **MOTION NO. 8** It was moved by Director Lanphier that the following recommendation be adopted:

FEL Recommendations BE IT RESOLVED that the minutes of the February 6, 2007, Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted and approved.

1. MoPac Trail (Hwy 50 to Lied Bridge) Right of Way Acquisition – Kantor Tract and Hans Tract – Recommendation that the General Manager be authorized to execute purchase agreements in the amount of \$1,505.00 with James and Patricia Kantor, and in the amount of \$16,545.00 with Russell G. Hans, to acquire rights-of-way for the Mopac Trail (Hwy. 50 to Lied Bridge) Project.
2. Acquisition of Little Sioux Bend and Sandy Point Bend – Missouri River Corridor Project Sites – Recommendations that the General Manager be authorized to execute the proposed OFFER TO BUY REAL ESTATE calling for the purchase from the State of Iowa of 190.61 acres for the Middle Little Sioux Bend Missouri River Corridor Project site for the price of \$185,835.00; that the General Manager be authorized to execute the proposed OFFER TO BUY REAL ESTATE calling for the purchase from the State of Iowa of 321.39 acres for the Sandy Point Bend Missouri River Corridor Project site for the price of \$263,861.00; and, that the Board of Directors find and determine that the projects anticipated at these sites will be predominantly of general benefit of the District with only an incidental special benefit.

**Amendment
To Motion
No. 8 (#2)**

It was moved by Director Lanphier that the recommendation regarding the acquisition of Little Sioux Bend and Sandy Point be amended to include language to insure that the land be used for public purposes as required by statute.

District Legal Counsel, Paul Peters, pointed out that the Offers to Buy Real Estate from the State of Iowa for the two properties require that the land be held in trust for the public.

Director Lanphier withdrew her amendment.

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

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

F. Programs, Projects and Operations Subcommittee: Director Tesar reported that the PPO Subcommittee met on February 6, 2007 and gave a recap of the meeting.

•• **MOTION NO. 9** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #1 Re-Bidding of MoPac Equestrian Trail – Recommendation that the Mopac Equestrian Trail Project be modified as proposed to the Subcommittee and that competitive bids be sought on the amended project, for consideration in March.

The following individuals addressed the Board:

- Louis Riha, Highway 50 and Riha Road, Springfield, NE. Mr. Riha pointed out that he and his wife had donated the land in question. He stated that he did not feel that an equestrian trail was a good use of this land.
- Vicki Fraser, 13809 S. 127th St., Springfield, NE

Roll call vote was held on the motion. The motion carried on a vote of 5-yea and 3-nay.

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

•• **MOTION NO. 10** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #2 Tern and Plover Conservation Partnership Funding (Held over at the December 14, 2006 and January 11, 2007 Board Meetings) – Recommendation that the District provide financial assistance in the amount of \$5,000 to support the 2007 program activities of the Tern and Plover Conservation Partnership.

Renaë Held, Tern and Plover Conservation Partnership, answered questions regarding the Partnership’s organizational structure and mission.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 2-nay.

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

•• **MOTION NO. 11** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #3 Platte River Instream Flow Memorandum of Understanding – Recommendation that the General Manager be authorized to execute the proposed Memorandum of Agreement Relating to a Lower Platte River Basin Instream Flow Work Group.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 2-nay.

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

•• **MOTION NO. 12** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #4 Papio Creek Watershed Agreement No. 8 for Papio Creek Watershed P.L. 566 Structure W-3 – Recommendation that the General Manager be authorized to execute the proposed Papillion Creek Watershed Supplemental Agreement No. 8 with NRCS for rehabilitation of PL 566 Grade Stabilization Structure #W-3, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call vote was held on the motion. The motion carried on a vote of 5-yea and 3-nay.

Voting Yea - Conley (Fred), Connealy, Klug, Kolowski, Patterson
Voting Nay - Lanphier, Tesar, Thompson

Abstaining - None
Excused Absence - Conley (John), Fowler, Schwope
Absent - Conley (John), Fowler, Schwope

- **MOTION NO. 13** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #5 Waterloo Request for Additional Funds on Waterloo Trail Phases 2 and 3 – Recommendation that the Village of Waterloo’s request for an additional \$7,016.00, or a total of \$51,120.00, for cost share on Phase 2 and 3 of the Waterloo Trails Project be approved.

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

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

- **MOTION NO. 14** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #6 Papio Creek Bank Stabilization Project Bids – Recommendation that the General Manager be authorized to execute a contract for rock rip-rap bank stabilization work at three (3) sites on the Papillion Creek System with Midwest Dumpers, Inc., for their total base bid of \$199,820.

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

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

- **MOTION NO. 15** It was moved by Director Tesar that the following recommendation be adopted:

PPO Recommendation #7 Grant Contract with Nebraska Game and Parks Commission for Elkhorn River Public Access on West Dodge Road – Recommendation that the Trails Development Assistance Fund Project Agreement for the Elkhorn River public access on West Dodge be approved and that the General Manager be authorized to execute said Agreement.

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

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

TREASURER'S REPORT:

- **MOTION NO. 16:** 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 January, 2007, 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/Clear Creek Project, the project bills listed on the January, 2007, 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.

The following individual addressed the Board:

- Jennifer Andersen, 7272 County Road 25, Kennard, NE, presented a list of questions from Shawn Melotz (copy is attached to the file copy of these minutes).

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

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

CHAIRPERSON’S REPORT: Chairperson Thompson had nothing to report.

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 announced that the District had received a \$500,000 grant from the Environmental Trust Fund for the Missouri River Corridor Project Wetlands Reserve Program. He also pointed out that the District’s ice removal contractor had notified the District that he is terminating his contract. We are in the process of finding a replacement for Mr. Ranney. Rich Lombardi then updated the Board on legislative issues of interest to the District.

INFORMATIONAL ITEMS:

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

February 15, 2007	Papio DS 1 and 3C Steering Committee Meeting, 7:00 p.m. at Blair City Hall
February 20, 2007	Public Involvement Ad Hoc Consultant Selection Subcommittee
February 21, 2007	2007 Erosion Control Seminar, 7:30 a.m. – 12:30 p.m., Holiday Inn Central, Omaha, NE
March 1, 2007	Zorinsky Water Quality Basin #2 Ad Hoc Consultant Selection Subcommittee
March 6, 2007	P-MRNRD Subcommittee Meetings
March 8, 2007	P-MRNRD Board Meeting
March 12-14, 2007	NARD Washington DC Conference
April 10, 2007	P-MRNRD Subcommittee Meetings
April 12, 2007	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on March 8, 2007 at the NRC.

ADJOURNMENT: Being no further business, at 9:17 p.m. the Chairperson declared that the meeting was adjourned.

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 February 8, 2007, 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.

Richard Tesar
District Secretary