



**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
July 12, 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. 154<sup>th</sup> Street, Omaha, NE on July 12, 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
Tim Fowler	John Schwope
David Klug	Rich Tesar
Rick Kolowski	Jim Thompson

**ADOPTION OF AGENDA:**

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

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

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

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2:** It was moved by Director Connealy 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 July 12, 2007, Board of Directors Meeting:

John Conley

Agenda Item 7 A.:

BE IT RESOLVED that the June 14, 2007, Papio-Missouri River NRD Board meeting minutes and the June 20, 2007 Thurston 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), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	Conley (John)
Absent	-	Conley (John)

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on July 5, 2007. The District's May, 2007, expenditures were published in the Dakota County Star on July 5, 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. He also showed a PowerPoint presentation comparing the soil loss and sediment delivery of several different conservation practices.

B. Nebraska Association of Resources Districts Report:

1. NARD Board Meeting – Director Tesar reported that the NARD Board met on June 18, 2007 at the Embassy Suites in Lincoln, NE.

2. Lower Platte Basin Tour – Director Tesar reported that the Lower Platte Basin Tour was held on June 18-19, 2007 and that he, Marlin Petermann and John Winkler attended. The tour visited project sites in the Lower Platte South NRD, Lower Platte North NRD and the Papio-Missouri River NRD. Highlights of the tour were the Antelope Valley Project in Lincoln and the Mead Super Fund Site.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator, reported on Alliance activities. A copy of the LPRCA Report is posted to the website. He reminded the Board of the following upcoming LPRCA events: Air Boat tour - July 20, 2007; LRPCA Quarterly meeting - July 24, 2007, at 9:30 a.m. at the P-MRNRD; and the Water Quality Open – September 5, 2007 at Quarry Oaks Golf Course.

**ANNUAL REVIEW OF PAPILLION CREEK WATERSHED PARTNERSHIP AGREEMENT:** Director Lanphier stated that she had asked that this item be placed on the agenda. One of the provisions of the Papio Creek Watershed Partnership Agreement that was approved by the Board on May 13, 2004, was that there be an annual review. She asked that this review be presented to the Board at the August 9, 2007 meeting.

**PUBLIC COMMENT AND INPUT ON P-MRNRD FY 2008 BUDGET:** General Manager John Winkler reviewed the proposed FY 2008 Budget. The floor was opened to the public. The following individuals addressed the Board:

- ➔ Doug Kagan, 12320 William St., Omaha, NE (A copy of Mr. Kagan’s statement is attached to the file copy of the minutes.)
- ➔ Tyler Mohr, 12101 Pawnee Road, Omaha, NE
- ➔ Shawn Melotz, 10404 N. 132<sup>nd</sup> St., Omaha, NE
- ➔ Mike Ryan, 11130 Jackson St., Omaha, NE

**SUBCOMMITTEE REPORTS:**

A. Programs, Projects and Operations Subcommittee: Director Tesar reported that the PPO Subcommittee met on July 10, 2007 and gave a brief recap of the meeting. He noted that the Subcommittee discussed the Logan Creek Waterline Crossing for Thurston County Rural Water and the Interlocal Agreement with Newport Hill for Trail and Storm Sewer Connections to Prairie View. No action was taken on either item.

B. Personnel, Legislative and Public Affairs Subcommittee: Director Schwope reported that the PLPA Subcommittee met on July 10, 2007 and gave a brief recap of the meeting.

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

*PLPA Recommendation #1*     Legislative Representative Contract Renewal – Recommendation that the General Manager be authorized to execute the proposed contract with American Communications Group, Inc., for the provision of intergovernmental and professional lobbying services per the terms and conditions outlined.

The following individuals addressed the Board:

- Bob Twiss, 422 Sherwood Dr., Gretna, NE 68028
- Rich Lombardi, American Communications Group, Inc., 1044 H St., Lincoln, NE

Roll call vote was held on the motion. The motion carried on a vote of 7-yea and 3-nay.

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

- **MOTION NO. 4**     It was moved by Director Connealy and seconded by Director Patterson that the process for hiring a Legislative Representative for the District for the next contract period be opened to other firms, with the process beginning April, 2008.

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

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

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

*PLPA Recommendation #2*     P-MRNRD Vehicle Use Policy – Recommendation that the following recommendations on District vehicle usage be adopted:

1. Employees who utilize a vehicle for commuting purposes have the option to utilize a personal vehicle for commuting purposes or can continue to utilize a District vehicle for commuting only after agreeing to reimburse the District a fair and equitable deduction from the employees pay. The employee would sign an agreement with the District to have funds withheld from their bi-weekly pay checks. In addition, for those employees who continue to utilize a District vehicle for commuting purposes, this expense will

be reviewed annually during their performance appraisal process and adjusted appropriately to reflect actual costs to the District for this benefit. This option would be adopted to address the six (6) vehicles that are being utilized for commuting purposes which are not required to respond to an emergency event on a 24/7 basis.

2. All employees utilize a District vehicle, when available, for attending District related functions and or conducting work related duties. Personal vehicle use should be discouraged for conducting District business unless no other transportation is available to the employee.
2. Vehicles should be eliminated through attrition whenever feasible.
3. Assigned vehicle usage should no longer be utilized in lieu of pay or as a reward for performance.
4. If the Board of Directors so desires to modify the existing vehicle use policy that the General Manager is required to follow the adopted policy and the existing contract be amended as necessary.

•• **SUBSTITUTE  
MOTION NO. 5**

It was moved by Director Tesar and seconded by Director Patterson that a review of the current and proposed vehicle policy be done by an impartial outside firm to be interviewed by the appropriate subcommittee and contracted by the Board to do a study involving, but not limited to, what other public governmental bodies are doing in regards to the driving home of vehicles by their employees and report back to the Board the benefits and any legal and financial liabilities, and true costs, i.e., vehicle cost, insurance, gas, maintenance, depreciation, to the District and to make a recommendation to the Board on constructing a new vehicle policy which is fair and equitable to the employees as well as the tax paying public.

There was extended discussion.

Roll call vote was held on the Substitute Motion. The Substitute Motion failed on a vote of 5-yea and 5-nay.

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

- **MOTION NO. 6** It was moved by Director Klug and seconded by Director Fred Conley that this item be tabled.

Roll call vote was held on the motion. The motion carried on a vote of 8-yea and 2-nay.

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

Chairperson Thompson asked Directors to submit any recommendations to the General Manager.

C. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on July 10, 2007 and gave a brief recap of the meeting.

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

*FEL Recommendation #1* FY 2008 Budget – Recommendation that the FY 2008 budget, as presented, be forwarded for review at the August 9, 2007, Budget Hearing with the provision that the General Manager be authorized to make necessary adjustments once final figures are available to achieve compliance of state statutes regarding the lid.

- **AMENDMENT NO. 1 TO MOTION NO. 7** It was moved by Director Patterson and seconded by Director Lanphier that the \$40,000 for funding of a possible sick leave buy back program for District employees be deleted from the FY 2008 budget.

Roll call vote was held on the amendment. The amendment carried on a vote of 6-yea and 4-nay.

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

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

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

Absent - Conley (John)

Director Connealy noted that the Subcommittee had discussed the Missouri River Trail Phase 2 Right of Way Acquisition for the Surfside North Tract. It was noted that the purchase agreement had not yet been signed, so no action was taken on this item.

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

*FEL Recommendation #3*      King Lake Purchase Agreement – Bannister Tract – Recommendation that the General Manager be authorized to execute the Purchase Agreement with Charles Bannister for the purchase price of \$39,840 to acquire 1.51 acres of improved and unimproved lots in King Lake, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel

- **MOTION NO. 9** It was moved by Director Schwope and seconded by Director Fred Conley that the King Lake Purchase Agreement – Bannister Tract be tabled until further information was provided by Legal Counsel.

Roll call vote was held on the motion. The motion failed on a vote of 4-yea and 6-nay.

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

Roll call vote was held on Motion No 8. The motion carried unanimously.

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

**TREASURER'S REPORT:**

- **MOTION NO. 10:** It was moved by Director Fred Conley and seconded by Director Lanphier 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 June, 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 June, 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.

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

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

**CHAIRPERSON’S REPORT:**

A. Report on P-MRNRD Environmental Audit - Chairperson Thompson noted that he had directed staff to conduct an environmental review of the District’s operations, policies and practices at the April Board meeting. An Ad Hoc Staff Committee, comprised of Jim Becic, Christine Jacobsen, Brad Mohrmann, Ralph Puls, Dick Sklenar and Jean Tait, was appointed to conduct this review. Jim Becic, presented the “White Paper”, entitled, A New Environmental Direction for the Papio-Missouri River Natural Resources District. The report is posted on the District website.

B. Vegetation Task Force Membership – Chairperson Thompson announced that Governor Heineman had appointed Director Rich Tesar as a member of the Vegetation Task Force. This Task Force was created as a result of LB 701, the comprehensive water billed signed into law during this year’s legislative session.

**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 also pointed out that a Papio Creek Watershed Partnership update would be included in his monthly report.



**ELECTION OF P-MRNRD OFFICERS:**

A. **Chairperson:** The floor was opened for nominations for Chairperson. Director Jim Thompson was nominated.

- **MOTION NO. 11** It was moved by Director Tesar and seconded by Director Connealy that the nominations cease and that a unanimous ballot be cast for Director Thompson as Chairperson.

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

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

B. **Vice-Chairperson:** The floor was opened for nominations for Vice-Chairperson. Director Rick Kolowski was nominated.

- **MOTION NO. 12** It was moved by Director Connealy and seconded by Director Thompson that the nominations cease and that a unanimous voice vote be cast for Director Kolowski as Vice-Chairperson.

Voice vote was held on the motion. The motion carried unanimously.

C. **Secretary:** The floor was opened for nominations for Secretary. Director Rich Tesar was nominated.

- **MOTION NO. 13** It was moved by Director Connealy and seconded by Director Fred Conley that the nominations cease and that a unanimous voice vote be cast for Director Tesar as Secretary.

Voice vote was held on the motion. The motion carried unanimously.

D. **Treasurer:** The floor was opened for nominations for Treasurer. Director John Conley was nominated.

- **MOTION NO. 14** It was moved by Director Connealy and seconded by Director Fred Conley that the nominations cease and that a unanimous voice vote be cast for Director John Conley as Treasurer.

Voice vote was held on the motion. The motion carried unanimously.

Chairperson Thompson noted that Treasurer John Conley had indicated that he would like to appoint Director Dave Klug as Assistant Treasurer.

**ELECTION OF NARD DIRECTOR AND ALTERNATE DIRECTOR:** The floor was opened for nominations for NARD Director and Alternate Director. Director Rich Tesar was nominated for NARD Director and Director Tim Fowler was nominated for Alternate Director.

- **MOTION NO. 15** It was moved by Director Connealy and seconded by Director Fred Conley that the nominations cease and that a unanimous voice vote be cast for Director Tesar as NARD Director and Director Tim Fowler as Alternate Director.

Voice vote was held on the motion. The motion carried unanimously.

- **MOTION NO. 16** It was moved by Director Connealy and seconded by Director Schwope that the following resolution be adopted:

BE IT RESOLVED that the following named persons be and are hereby elected officers of the Papio-Missouri River Natural Resources District for the coming year and until a successor has been elected: **Jim Thompson**, Chairperson; **Rick Kolowski**; Vice-Chairperson; **Rich Tesar**, Secretary; and, **John Conley**, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of **David Klug** as Assistant Treasurer is concurred in by the Board of Directors.

BE IT FURTHER RESOLVED that the presently designated Assistant Treasurer, Fred Conley, be and are hereby authorized to serve until such time as bonding is completed on the Assistant Treasurer designate.

BE IT FURTHER RESOLVED that **Rich Tesar** is hereby elected the Nebraska Association of Resources Districts Director for the coming year; and, **Tim Fowler** is hereby elected the Nebraska Association of Resources Districts Alternate Director for the coming year.

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

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

**INFORMATIONAL ITEMS:**

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

July 18, 2007	Omaha By Design Advisory Committee Meeting, 7:30 a.m., MAT Building
July 19, 2007	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
July 20, 2007	Lower Platte River Corridor Alliance Airboat Tour, 9:00 a.m.
July 24, 2007	Lower Platte River Corridor Alliance Quarterly Meeting, 9:30 a.m., P-MRNRD Board Room
August 7, 2007	P-MRNRD Subcommittee Meetings
August 9, 2007	P-MRNRD Board Meeting
September 3, 2007	Labor Day – P-MRNRD Offices Closed
September 5, 2007	Water Quality Open Golf Tourney, 12:30 p.m. at Quarry Oaks Golf Course
September 11, 2007	P-MRNRD Subcommittee Meetings
September 13, 2007	P-MRNRD Board Meeting
September 23-25, 2007	Nebraska Natural Resources Districts Annual Meeting, Kearney, NE

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on August 9, 2007 at the NRC.

**ADJOURNMENT:** Being no further business, at 11:00 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 July 12, 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.

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Richard Tesar  
District Secretary