



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
May 8, 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. 154th Street, Omaha, NE on May 8, 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	Rick Kolowski
John Conley	Dorothy Lanphier
Tim Fowler	Rick Patterson
Dave Klug	Jim Thompson

ADOPTION OF AGENDA:

- **MOTION NO. 1:** It was moved by Director Kolowski 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), Fowler, Klug, Kolowski, Lanphier, Patterson, Thompson
Voting Nay	-	None
Abstaining	-	None
Excused Absence:		Connealy, Schwope, Tesar
Absent	-	Connealy, Schwope, Tesar

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Klug and seconded by Director Fowler 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 May 8, 2008, Board of Directors Meeting:

Dick Connealy
John Schwope
Rich Tesar

Agenda Item 7 A.:

BE IT RESOLVED that the April 10, 2008, 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), Conley (John), Fowler, Klug, Kolowski, Lanphier, Patterson, Thompson
Voting Nay - None
Abstaining - None
Excused Absence: Connealy, Schwope, Tesar
Absent - Connealy, Schwope, Tesar

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on May 1, 2008. The District's March, 2008, expenditures were published in the Blair Pilot-Tribune on May 2, 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. Report on Carter Lake Rehab Project: Jeanie Eibes, Carter Lake Preservation Association, briefed the Board on the Carter Lake Rehab Project. She indicated that their mission was to improve the environmental qualities of the lake through cooperation with city, county, state and federal agencies, to ensure that the fishery and wildlife habitats continue to thrive and to showcase the lake as a metropolitan recreational area. She stated that the CLPA was asking the Board provide \$150,000 in cost share dollars to achieve their goal to "Fill the Lake by 2008." It was noted that no action was required on this issue at this time.

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 indicated that the principals in the Farm Bill negotiations announced that they had reached agreement on the Food, Conservation and Energy Act of 2008. The Bill should be voted on in

the House and Senate next week. The big question is whether the President will veto it and if so can Congress override the veto.

C. Lower Platte River Corridor Alliance Report: Rodney Verhoeff, LPRCA Coordinator reported that the Airboat Tour would be held on Friday, July 18, 2008. They are capping attendance at 45, and asked if any Directors were interested in participating to let him know as soon as possible. The next LPRCA Quarterly meeting will be held on July 8, 2008 at the NRC. He invited Directors to attend.

D. Legislative Report: Rich Lombardi reported that the 100th Legislature, Second Session, adjourned on April 17th. Mr. Lombardi recommended that the District provide orientation briefings to legislative candidates for public office during the next several months. He provided Directors with a listing of legislative candidates of interest for the 2008 elections.

PUBLIC HEARING ON THE WESTERN DOUGLAS COUNTY TRAIL PROJECT:

Chairperson Thompson appointed GM Winkler as hearing officer. Hearing Officer Winkler submitted the following exhibits:

- Exhibit 1 - Agenda
- Exhibit 2 - Proof of Publication --
 - Omaha World-Herald – April 17 and 24, 2008
 - Douglas County Post Gazette – April 22 and 29, 2008
- Exhibit 3 - Information Packet sent to Landowners
- Exhibit 4 - List of Landowners
- Exhibit 5 - PS Form 3811 – Return Receipts

Gerry Bowen noted that the trail is located between the City of Valley and the Village of Waterloo. He showed on a map the route of the trail and the tracts of property that would be required to acquire for the project.

The following individuals addressed the Board:

- Gerald Pesek, 2313 S. 91st St., Omaha, NE
- Elton Peterson, 3405 N. 264th St., Waterloo, NE
- Mike Ryan, 11130 Jackson, Omaha, NE

Legal counsel, Paul Peters, explained the eminent domain process and the landowners' rights to have legal counsel.

There were no further comments. Hearing Officer Winkler then closed the Public Hearing at 8:48 p.m. and returned the floor to Chairperson Thompson.

PUBLIC HEARING ON RECREATION AREA RULES AND REGULATIONS TO INCLUDE ERLKHORN RIVER PUBLIC ACCESS AT GRASKE CROSSING:

Chairperson Thompson appointed GM Winkler as hearing officer. Hearing Officer Winkler submitted the following exhibits:

- Exhibit 1 - Agenda

- Exhibit 2 - Proof of Publication --
 - Omaha World-Herald – April 30, 2008
- Exhibit 3 - Rules and Regulations for All District Recreation Areas

Jerry Herbster, Park Superintendent, explained that the proposed changes to the rules and regulations for the District Rec Areas would include the Elkhorn River Public Access at Graska Crossing. The rec area is located at the intersection of the Elkhorn River and West Dodge Road and will be open to the public late summer/early fall. He also noted that Walnut Creek Rec Area, which was transferred to the City of Papillion on October 1, 2007, was deleted from the Rules and Regulations.

Hearing Officer Winkler asked for testimony from the public. There were no comments. Mr. Winkler closed the Public Hearing at 8:54 p.m. and returned the floor to Chairperson Thompson.

SUBCOMMITTEE REPORTS:

A. Legislative Representative Ad Hoc Consultant Selection Subcommittee: Director Kolowski reported that the Ad Hoc Subcommittee met on May 6, 2008 and gave a brief recap of the meeting.

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

Ad Hoc Recommendation #1 Selection of Firms to be Interviewed for Legislative Representative – Recommendation that the firms of American Communications Group, Inc., and Husch, Blackwell, Sanders be interviewed to provide legislative representative services for the District.

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

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

B. Personnel, Legislative and Public Affairs Subcommittee: Director Fred Conley reported that the PLPA Subcommittee met on May 6, 2008, and gave a brief recap of the meeting.

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

PLPA Recommendation #1 Revisions to P-MRNRD Affirmative Action Plan – Recommendation that the proposed revisions to the P-MRNRD Affirmative Action Plan be adopted.

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

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

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

PLPA Recommendation #2 Amendment to District Sick Leave Policy – Recommendation that the P-MRNRD sick leave policy be amended to provide that each full time employee will be compensated for unused sick leave upon retirement, termination in good standing or death at the rate of 25% of salary, no payment of accumulated sick leave to be made to an employee in the event of termination for cause or resignation prompted by an action of the employee that could result in disciplinary action; and, that the P-MRNRD Sick Leave Policy is hereby amended to read as follows:

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.

~~No pay allowance will be granted for accrued but unused sick leave upon separation from employment. 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.~~

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.

Wellness Benefit: Each full time employee will be compensated for unused sick leave upon retirement, termination in good standing or death at the rate of 25% of salary. No payment of accumulated sick leave will be made to an employee in the event of termination for cause or resignation prompted by an action of the employee that could result in disciplinary action.

Amended: February 8, 2007; May 8, 2008

Director Patterson stated that he was considering making a substitute motion to address the entire employee benefit package. It was noted that the PLPA Subcommittee will be looking at the Wage and Salary Administration Program. It was suggested that, in addition to the Wage and Salary Administration Program, the PLPA should review the total employee benefit package. Director Lanphier inquired about the possibility of hiring a consultant to conduct the review.

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

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

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

PLPA Recommendation #3 Addition of Workplace Violence Policy to Employee Manual – Recommendation that the following Workplace Violence Policy be adopted and included in the Employee Policy Manual:

WORKPLACE VIOLENCE:

It is the District’s policy to promote a safe environment for its employees. The District is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior.

Violence, threats, harassment, intimidation and other disruptive behavior in our workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and will be subject to disciplinary action, criminal penalties or both. Violence, threats, harassment, intimidation and other disruptive behavior which occurs outside our workplace (including stalking) will not be tolerated and will be subject to disciplinary action, criminal penalties or both.

The employees’ cooperation is needed to implement this policy effectively and to maintain a safe working environment. If you observe or experience violent, threatening, harassing, intimidating or other disruptive behavior by anyone on District premises or on work location, report it immediately to a supervisor or to the General Manager. Of course, behavior that requires immediate attention should first be reported to law enforcement.

Supervisors who receive such reports should seek advice from the General Manager regarding investigating the

incident and initiating appropriate action. Employees suspected of violating this policy may be suspended pending an investigation. All reports and all information given during an investigation will be treated as confidentially as possible, subject to the need to conduct a full and fair investigation, and to inform the individuals involved.

Threats or assaults that require immediate attention by police should be reported to the General Manager and to the following:

Natural Resources Center	Sarpy County Dispatch	593-4111
O&M Shop	Sarpy County Dispatch	593-4111
Blair Field Office	Police	911 or 426-4747
Tekamah Field Office	Burt County Sheriff	911 or 374-2900
Walthill Field Office	Thurston Co. Sheriff	911 or 385-3018
Walthill O&M Shop	Thurston Co. Sheriff	911 or 385-3018
Dakota City Field Office	Emergency Police & Fire Local Police Local Fire	911 494-7512 494-7555

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

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

C. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on May 6, 2008, and gave a brief recap of the meeting.

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

PPO Recommendation #1 California Bend Environmental Restoration Project – Access Road Bids – Recommendation that the General Manager be authorized to execute a construction contract with Valley Corp. in the amount of \$57,675.00 for the California Bend environmental Restoration Project – Access Road Repair; and, due to the emergency nature of the project, that the bid bond and performance bond be waived.

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

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

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

PPO Recommendation #2 Equipment Purchases/Replacements for FY 2009 – Recommendation that the FY 2009 equipment purchases/requirements be approved, as presented to the Subcommittee, subject to FY 2009 Budget

There was discussion regarding the proposed equipment and vehicle purchases. It was noted that this was a starting point and that specific items could be discussed during the budgeting process.

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

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

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

PPO Recommendation #3 Recreation Areas Rules and Regulations to include Elkhorn River Access at Graske Crossing – Recommendation that the revised Recreation Area Rules and Regulations, to include Elkhorn River Access at Graske Crossing, be adopted.

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

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

- **MOTION NO. 10** It was moved by Director John Conley that the following recommendation be adopted:

PPO Recommendation #4 District Grant Acknowledgement Policy – Recommendation that following policy be adopted and included in the District Policy Manual:

22.3—Miscellaneous – District Grant Acknowledgement.

Sponsors receiving a District grant or cost share shall be required to publicly acknowledge the District’s contribution to the project on a prominently displayed permanent sign, plaque, or other fixture (containing the District’s logo), to be maintained by the Sponsor for the life of the project. Such acknowledgement shall also be contained on all temporary construction signs, in all media publicity about the project, and in all operation and maintenance agreements executed for the project. Compliance with all requirements may vary from project to project and can be negotiated with the General Manager on a case-by-case basis.

[May 8, 2008]

The following individual addressed the Board:

- Linda Ryan, 11130 Jackson, Omaha, NE

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

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

D. Finance, Expenditures and Legal Subcommittee: Director Fowler reported that the FEL Subcommittee met on May 6, 2008 and gave a brief recap of the meeting.

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

FEL Recommendation #1 Establishing a Flood Control and Water Quality Projects and Practices Special Reserve Fund – Recommendation that the following resolution be adopted:

WHEREAS, it is necessary that the Papio-Missouri River Natural Resources District (“the District”) provide for the timely availability of sufficient funds for future expenditures

required for the establishment, construction, operation and maintenance of flood control and water quality projects and practices, including but not limited to low-impact development best management measures, flood plain buyouts, dams, reservoir basins, and levees; and,

WHEREAS, it is foreseeable that the District's requirements for such funds in a future year will exceed the amounts available from the District's general funds, and that, in order to have sufficient funds for such purposes available when needed, it is necessary that the District establish a special reserve fund, as authorized by Section 13-503(9), R.R.S., 1997, enabling the District to set aside and accumulate District general funds for such purposes, that will not be available for expenditure for any other purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Pappio-Missouri River Natural Resources District that, the Pappio-Missouri River Natural Resources District Flood Control and Water Quality Projects and Practices Special Reserve Fund is hereby created for the purpose of enabling the District to set aside and accumulate District general funds to finance the future establishment, construction, operation and maintenance of flood control and water quality projects and practices, including but not limited to low-impact development best management measures, flood plain buyouts, dams, reservoir basins and levees, and that such funds will not be available for expenditure for any other purposes.

The following individuals addressed the Board:

- Kevin Probst, 19001 Green St., Washington, NE
- Marian Maas, 13005 S. 33rd Circle, Bellevue, NE (A copy of Dr. Maas' statement is attached to the file copy of these minutes.)

- **MOTION NO. 12** It was moved by Director Lanphier and seconded by Director Patterson that this issue be tabled until written policy is drafted and in place.

There was discussion. Director Lanphier pointed out that she felt that the District needs to develop clear criteria for disbursement of funds so that all projects are treated equally.

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

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

Excused Absence: Connealy, Schwope, Tesar
Absent - Connealy, Schwope, Tesar

Roll call vote was held on the Motion No. 11. The motion carried on a vote of 6-yea and 2-nay.

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

GM Winkler indicated that he would work with the District's auditor to establish rules and regulations for the Flood Control and Water Quality Projects and Practices Special Reserve Fund to bring before the Board.

TREASURER'S REPORT:

- **MOTION NO. 13:** 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 April, 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 April, 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), Fowler, Klug, Kolowski, Lanphier, Patterson, Thompson
Voting Nay - None

Abstaining - None
Excused Absence: Connealy, Schwope, Tesar
Absent - Connealy, Schwope, Tesar

CHAIRPERSON'S REPORT: Chairperson Thompson reported that Director Tesar was not at the Board meeting because he was representing the District at the Invasive Species Control Summit in Gering, NE.

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 reported that the District has been notified that the Workers Comp experience mod for FY 09 has been set at .77, which means that the District has earned a 23% credit on the base premium. Paul Woodward gave a brief report on the seven Papillion Creek Watershed Partnership Public Forums that were held February – March, 2008. Mr. Winkler also pointed out that the Papillion Creek Reservoirs 1 and 3c preliminary study report was completed and is posted to the District's website.

INFORMATIONAL ITEMS:

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

May 15, 2008	Papillion Creek Watershed Partnership Meeting, 10:00 a.m., NRC
May 22, 2008	Legislative Representative Ad Hoc Consultant Selection Subcommittee Meeting, 5:00 p.m. at NRC
May 26, 2008	Memorial Day Holiday – P-MRNRD Offices Closed
June 8-10, 2008	National Association of Conservation Districts Northern Plains Region Leaders Meeting, Lied Lodge and Conference Center, Nebraska City, NE
June 10, 2008	P-MRNRD Subcommittee Meetings
June 12, 2008	P-MRNRD Board Meeting
July 4, 2008	4 th of July Holiday – District Offices Closed
July 8, 2008	P-MRNRD Subcommittee Meetings
July 10, 2008	P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on June 12, 2008 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 9:40 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 May 8, 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.

Richard Tesar
District Secretary