



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

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 November 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
John Conley	Rick Patterson
Dick Connealy	John Schwope
Tim Fowler	Rich Tesar
David Klug	Jim Thompson
Rick Kolowski	

ADOPTION OF AGENDA:

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

ADOPTION OF CONSENT AGENDA:

- **MOTION NO. 2:** It was moved by Director Connealy 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 November 8, 2007, Board of Directors Meeting:

None

Agenda Item 7 A.:

BE IT RESOLVED that the October 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), Conley (John), Connealy, Fowler, Klug, Kolowski, Lanphier, Patterson, Schwope, Tesar, Thompson
Voting Nay	-	None
Abstaining	-	None
Absent	-	None

PROOFS OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on November 1, 2007. The District's September, 2007, expenditures were published in the Blair Pilot-Tribune on October 30, 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. He showed aerial photos of Wetland Reserve Program areas and Conservation Reserve Program Wetland areas in Dakota County after a rain event in October.

B. Nebraska Association of Resources Districts Report: Director Fowler reported that the NARD Board met on November 5, 2007 at the Homestead National Monument. He noted that the major topic of discussion was the insurance program. He also announced the dates for the following meetings: NARD Legislative Conference in Lincoln, February 5-6, 2008; NARD Washington DC Trip, March 8-12, 2008. He also stated that the National Association of Conservation Districts Northern Plains meeting will be held in Omaha. Tentative dates are June 8-10, 2008. The tentative date for the NARD Basin Tour of the Loop Basin is June 16-17, 2008.

C. Lower Platte River Corridor Alliance: Rodney Verhoeff, LPRCA Coordinator, reported on LPRCA activities over the past month. He noted that bids had been received for the Camp Ashland River Obstruction Removal Project – Phase II and that the low bid of \$309,949 from Valley Corporation was accepted. Work is scheduled to begin in mid-November.

SUBCOMMITTEE REPORTS:

A. Finance, Expenditures and Legal Subcommittee: Director Connealy reported that the FEL Subcommittee met on November 6, 2007 and gave a brief recap of the meeting.

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

FEL Recommendation #1a&b: Review and Recommendation on MoPac Trail (Hwy 50 to Lied Bridge):

a. Amendment to Resolution for Right of Way Acquisition for Educational Lands and Funds Tracts – Recommendation that the following resolution be adopted:

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that the September 14, 2006, resolution of the Board of Directors, concerning the acquisition of MOPAC TRAIL right-of-way from the Nebraska Board of Educational Lands and Funds, should be, and is hereby, amended as follows:

RESOLUTION

WHEREAS, on its own motion, the Papio-Missouri River Natural Resources District (hereinafter "the DISTRICT") has proposed the MOPAC Trail Project in Sarpy County, Nebraska (hereinafter "the PROJECT"); and,

WHEREAS, the DISTRICT has identified interests in certain lands and easements that are necessary to be acquired for the PROJECT, that is, ~~the fee simple title to~~ permanent trail easements over Parcels ED-A, ED-B and ED-H; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G (all such interests hereinafter being referred to collectively as the PROPERTY); each such parcel being described in a respective document captioned "Description and Sketch," all marked in the DISTRICT'S files as Exhibits 1 through 8, and incorporated herein by reference, all such parcels comprising the PROPERTY presently being owned by the State of Nebraska Board of Educational Lands and Funds (hereinafter "the STATE BOARD"),

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the DISTRICT as follows, to-wit:

A. The PROJECT will be a public recreational pedestrian and bicycle trail, extending along the south side of State Highway 32, from Highway 50 to the former MOPAC RR bridge over the Platte River, and the PROJECT is a plan, facility, work and program relating to development and management of recreational and park facilities, within the contemplation of Section 2-3229, R.R.S., 1943; and, therefore, the DISTRICT is authorized to undertake the PROJECT;

B. The PROJECT is of a predominantly general benefit to the DISTRICT with only incidental special benefit, within the contemplation of Section 2-3252, R.R.S., 1943; and the PROJECT therefore should be carried out with any available funds of the DISTRICT,

C. For purposes of the PROJECT it is necessary that the DISTRICT acquire the PROPERTY described above, that is, ~~the fee simple title to permanent trail easements over Parcels ED-A, ED-B and ED-H; permanent drainage easements over Parcels ED-C and ED-D; and, temporary construction easements over Parcels ED-E, ED-F and ED-G; to-wit:~~

(1) In taking ~~the fee title to permanent trail easements over~~ Parcels ED-A, ED-B and ED-H the DISTRICT acquires the following permanent rights (and reserves in the STATE BOARD and its successors and assigns, the following easement-reserved rights) over Parcels ED-A, ED-B and ED-H:

~~—Reserved easement: The permanent, full, and free right, liberty and authority to enter upon and use, for ingress and egress to and from public road right-of-way, the driveway(s) and field entrance(s), constructed by the DISTRICT in Parcels ED A, ED B that intersect with the public trail improvements constructed by the DISTRICT in such described parcel of land; provided, that such reserved right includes the STATE BOARD'S right to remove snow and ice from such driveway(s) and field entrance(s) but does not include any duty on the part of the STATE BOARD to maintain or repair such trail improvements, driveway(s) or field entrance(s); and, does not include any right on the part of the STATE BOARD to park vehicles on or otherwise obstruct the public use of such trail improvements; and,~~

Permanent Trail Easement: The DISTRICT

hereby acquires the permanent, right, liberty and authority to enter Parcels ED-A, ED-B and ED-H and therein design, construct, operate, maintain, repair, replace, regulate and use public bicycle and pedestrian trail improvements; reserving, however, in the STATE BOARD, and its successors and assigns, the reserved right to use the portions of the road(s), driveway(s) and field entrance(s) in Parcels ED-A, ED-B and ED-H that intersect with the public trail improvements constructed by the DISTRICT, and the reserved right to remove snow and ice from such portions of such roads, driveway(s) and field entrance(s), without any duty on the part of the STATE BOARD, its successors and assigns, to otherwise maintain or repair such trail improvements within such intersections; provided, however, such reserved rights do not reserve in the STATE BOARD, its successors and assigns, the right to park vehicles on such intersecting trail improvements or otherwise obstruct the public use of such intersections for trail purposes; and, provided, further, the DISTRICT shall not be deemed to have hereby acquired, for its trail users, any right-of-way over motorized vehicles using such road(s), driveway(s) or field entrance(s); and, the DISTRICT shall maintain signs, using language determined by the DISTRICT, advising its trail users that such cross-traffic is not required to yield the right-of-way; and,

(2) In taking the permanent easements over Parcels ED-C and ED-D the DISTRICT acquires the following permanent rights, to-wit:

Permanent Drainage Easement: The permanent, full, and free right, liberty and authority to enter upon and use said Parcels ED-C and ED-D for purposes of construction, operation, maintenance, repair, replacement, and regulation of drainage improvements appurtenant to the Project, such drainage improvement easement rights hereby acquired including, without limitation, the construction, operation, maintenance, repair, replacement and regulation of drainage culverts and other conduits and extensions thereof, embankments, headwalls, channels, swales, erosion prevention measures

and other surface water drainage improvements associated with and appurtenant to the Project; and,

(3) In taking the temporary easements over Parcels ED-E, ED-F and ED-G the DISTRICT acquires the following temporary rights, to-wit:

Temporary Construction Easement: The temporary, full, and free right, liberty and authority to enter upon and use said Parcels ED-E, ED-F and ED-G for ingress and egress; construction materials storage; equipment maintenance, storage and maneuvering; and, any for other lawful purposes necessary, convenient or incidental to the District's construction of the Project or the aforesaid drainage improvements, during the period of such construction.

D. The DISTRICT has retained a licensed real estate appraiser to appraise the fair market value of the PROPERTY; and, the DISTRICT, through its negotiators, has offered to the STATE BOARD an amount of money equal to the damages as appraised by such appraiser;

E. Economic and physical feasibility necessitate that the PROJECT be constructed on the PROPERTY; and,

G. Approvals by other agencies are not required.

BE IT FURTHER RESOLVED THAT the District's legal counsel should be and is hereby authorized and directed to initiate the filing of an application with the STATE BOARD, on behalf of the District, for a hearing before the Board of Appraisers for Educational Lands and Funds, to ascertain and determine the damages from the District's taking of the Property, pursuant to the procedures provided by Sections 72-214, et seq., R.R.S., 2003.

- b. Easement on Kantor Parcel – Recommendation that the General Manager be authorized to execute a purchase agreement with James and Patricia Kantor to acquire right-of-way for the Mopac Trail (Hwy 50 to Lied Bridge) Project.

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

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

B. Personnel, Legislative and Legal Subcommittee: Director Schwope reported that the PLPA Subcommittee met on November 6, 2007 and gave a brief recap.

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

PLPA Recommendation #1: Additional Compensation for Ryan Trapp while Serving as Assistant Park Superintendent (May 1 – October 1, 2007) – Recommendation that Ryan Trapp be paid the amount of \$2,074.38 for serving as Assistant Park Superintendent for the period of May 1, 2007 through October 1, 2007.

There was discussion.

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

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

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

PLPA Recommendation #2 Addition to Wage and Salary Administration Program – Compensation for Temporary Duty – Recommendation that the following paragraph be added to Section VII – Wage and Salary Adjustment of the District’s Wage and Salary Administration Program Manual:

E. Compensation For Temporary Duty: If an employee temporarily serves in the capacity of a higher grade position for an extended period of time (minimum of one month or 20 working days, consecutively), the General Manager shall have the authority to provide additional compensation to that employee for that period according to the general guideline of one-half the difference between the midpoints for the salary grade of the higher grade position and the employee’s position.

Roll call vote was held on the motion. The motion carried on a vote of 7-yea and 4-nay.

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

C. Programs, Projects and Operations Subcommittee: Director Kolowski reported that the PPO Subcommittee met on November 6, 2007 and gave a brief recap of the meeting.

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

PPO Recommendation #1 Interlocal Agreement for Lower Platte River Instream Flows – Recommendation that the General Manager be authorized to execute the proposed Lower Platte River Coalition Interlocal Agreement, subject to minor changes deemed necessary by the General Manger and accepted as to form by District Legal Counsel.

Marlin Petermann noted that the Interlocal Agreement had been updated and referred Directors to the draft Agreement dated November 8, 2007. He indicated the scope of purpose had been narrowed by deleting 3.d. - “If necessary, legally challenge any decisions or actions by DNR.” The revision also allows for full and associate members. The updated agreement is attached to the file copy of the meeting minutes.

The following individuals addressed the Board:

- Marian Maas, Ph.D., 13005 S. 33rd Circle, Bellevue, NE. A copy of Dr. Maas’ statement is attached to file copy of the meeting minutes
- Cynthia Timmermier, 14688 County Road 40, Kennard, NE
- Melissa Konecky, P.O. Box 293, Mead, NE. Copies of maps distributed by Ms. Konecky are attached to the file copy of the meeting minutes.
- Lynn Moorer, 404 S. 27th St., Lincoln, NE, representing Mike Ryan. A copy of a handout distributed by Ms. Moorer is attached to the file copy of the meeting minutes.
- Shawn Melotz, 10404 N. 132nd St., Omaha, NE

There was extended discussion. GM Winkler stated that the intent of the Coalition was to form a group to work within the system to ensure that the instream flow designation is right. He indicated that any legal action would be the last resort and that any legal action would have to go through this Board.

Roll call vote was held on the motion. The motion carried on a vote of 6-yea and 5-nay.

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

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

PPO Recommendation #2. Papio Creek Watershed Structure S-31 Bids – Recommendation that the General Manager be authorized to execute a contract with

Thompson Construction, Inc., for a total base bid of \$445,583.00 for construction of the Papio Creek Watershed Structure S-31 Rehabilitation Project.

The following individual addressed the Board:

- Shawn Melotz, 10404 N. 132nd St., Omaha, NE

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

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

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

PPO Recommendation #3. Bids for Vehicles and Equipment – Recommendation that the following bids be accepted:

- A. Two – 2008, Compact/Mid-Size Extended Cab, 4WD, Pickup Trucks (Bid Item A): Recommendation that the lowest and best bid of \$34,318 from Anderson Ford be accepted with trade-in of the District’s 2000 Chevrolet S-10, 4WD, Pickup Truck.
- B. One – 2008, Mid-Size, 4WD, Sport Utility Vehicle (Bid Item B): Recommendation that the lowest and best bid of \$20,263 from Anderson Ford be accepted for a hybrid engine sport utility vehicle with trade-in of the District’s 2003, Ford Explorer, 4WD, Sport Utility Vehicle.
- C. One – 2008, John Deere, 5425, Agricultural Tractor (Bid Item C): Recommendation that the lowest and best bid of \$35,998 from A&M Green Power be accepted.
- D. One – 2008 Side-Dump Trailer (Bid Item D): Recommendation that the lowest and best bid of \$35,298.88 from Smith Co. Side Dump Trailers be accepted.

Director John Conley expressed concern regarding the lack of bids received. It was suggested that staff solicit bids from outside the District and perhaps extend the amount of time to submit bids to 30 days. There was also discussion regarding the purchase of a hybrid vehicle.

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

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

TREASURER'S REPORT:

- **MOTION NO. 9:** It was moved by Director John Conley and seconded by Director Connealy that the following resolution be adopted:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the October, 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 October, 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:

- Shawn Melotz, 10404 N. 132nd St., Omaha, NE

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

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

CHAIRPERSON'S REPORT:

A. P-MRNRD Board of Directors' Meeting Schedule for 2008

- **MOTION NO. 10:** It was moved by Director Connealy and seconded by Director Fowler that the following resolution be adopted:

BE IT RESOLVED that the following be adopted as the schedule for Papio-Missouri River NRD Board of Directors meetings for calendar year 2008:

January 10, 2008	July 10, 2008
February 14, 2008	August 14, 2008
March 13, 2008	September 11, 2008
April 10, 2008	October 9, 2008
May 8, 2008	November 13, 2008
June 12, 2008	December 11, 2008

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

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

B. "Troubled Waters" Movie: Chairperson Thompson reported that he had seen the movie "Troubled Waters" at the Filmstreams Theatre. He stated that it was an excellent movie and encouraged all to attend if the opportunity arose.

C. Saddle Creek Relocation Update: Chairperson Thompson noted that the flooding issue in the midtown area around the Saddle Creek/University of Nebraska Medical Center is still an on-going problem. A public meeting is scheduled for November 14, 2007 at 6:00 p.m. at the OPS TAC Building to review the revised plans.

Chairperson Thompson also reported that the Nebraska Music Educators Association had selected Director Rick Kolowski as the Outstanding School Administrator for 2007.

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.

Rich Lombardi briefed the Board on legislative issues. He pointed out that the 100th Legislature, Second Session, is scheduled to convene on Wednesday, January 9, 2008 and that the first ten days is when legislation is introduced. He noted that in the meantime the Legislature is conducting interim study hearings. He indicated that he felt that the hearing held at the Papio-

Missouri River NRD on September 27th regarding LR 94 had been very successful. He stated that follow up meetings with the Members of the Natural Resources Committee are being scheduled to answer questions brought up at the hearing.

Mr. Winkler reminded Directors that a Strategic Planning Session is scheduled for Saturday, December 8, 2007 at Mahoney State Park, Peter Kiewit Lodge, Abel Nebraska Room from 9:00 a.m. – 2:00 p.m. Please mark your calendars.

INFORMATIONAL ITEMS:

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

November 12, 2007	P-MRNRD Offices Closed – Veterans’ Day Holiday
November 14, 2007	Saddle Creek/UNMC Public Meeting, OPS TAC Building, 5 th Floor Cafeteria, 3215 Cuming Street at 6:00 p.m.
November 15, 2007	Papillion Creek Watershed Partnership Meeting, 1:00 p.m. at Douglas County Environmental Services, 3015 Menke Circle
November 19-20, 2007	2007 Nebraska State Irrigation Association/Nebraska Water Resources Association Convention, Kearney, NE
November 22-23, 2007	P-MRNRD Offices Closed – Thanksgiving Holiday
December 8, 2007	Strategic Planning Session – December 8, 2007 at Mahoney State Park, Peter Kiewit Lodge, Abel Nebraska Room, 9:00 a.m. – 2:00 p.m.
December 11, 2007	P-MRNRD Subcommittee Meetings
December 13, 2007	P-MRNRD Board Meeting
December 25, 2007	P-MRNRD Offices Closed – Christmas Holiday
January 1, 2008	P-MRNRD Offices Closed – New Years Holiday
January 8, 2008	P-MRNRD Subcommittee Meetings
January 10, 2008	P-MRNRD Board Meeting
January 21, 2008	P-MRNRD Offices Closed – Martin Luther King Holiday
January 22, 2008	3 NRD Meeting to Discuss Lower Platte River Corridor Alliance, Mahoney State Park, 3:00 – 8:00 p.m.
February 10-13, 2008	National Association of Conservation Districts 2008 Annual

Meeting, Reno, NV

February 12, 2008 P-MRNRD Subcommittee Meetings

February 14, 2008 P-MRNRD Board Meeting

B. Next Meeting: The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on December 13, 2007 at the NRC.

ADJOURNMENT: Being no further business, the Chairperson declared that the meeting was adjourned at 10:25 p.m.

I, the undersigned, Secretary of the Papiio-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 November 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