



**PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
April 20, 2006
MINUTES**

MEETING CALLED TO ORDER: A special 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 April 20, 2006. The meeting was called to order by Chairperson Rich Jansen at 7:00 p.m.

QUORUM CALL: The following Directors were present for the Quorum Call:

Fred Conley	Joe Neary
John Conley	John Schwope
Dick Connealy	Rich Tesar
Rick Kolowski	Jim Thompson
Dorothy Lanphier	Rich Jansen

Chairperson Jansen announced that Director Tim Fowler had an excused absence.

ADOPTION OF AGENDA:

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

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

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

PROOF OF PUBLICATION OF MEETING NOTICE: Notice of the meeting was published in the Omaha World Herald on April 14, 2006. The Chairperson ordered the Proof of Publication recorded in the minutes of this meeting. (They are contained as part of the file copy of these minutes.)

PERSONNEL ISSUES:

Chairperson Jansen stated that the purpose of the meeting is to review and consider the reports, both of the Nebraska Auditor of Public Accounts and McGrath, North, Mullin & Kratz regarding allegations made with respect to Mr. Oltmans.

Mr. Pat Barrett and his law firm, McGrath, North, Mullin and Kratz, was hired by the Board to investigate the allegations made regarding Mr. Oltmans. Mr. Barrett then explained in detail the procedure to be followed at this meeting. Upon proper Motion, the Board convene in Executive Session to consider personnel matters and to receive the reports of the law firm and the Auditor of Public Accounts. After the reports are received, Mr. Oltmans and his counsel will be asked to join the Executive Session to receive notice of the allegations and answer questions with respect to the allegations. Mr. Oltmans will be given a full and fair opportunity to respond to any specific allegations relating to his Employment Contract.

After Executive Session, the Board will reconvene its general session and will allow public comment regarding the issue whether Mr. Oltmans should be retained or whether some other action is appropriate.

During the open session, the Board will entertain comments regarding the public's views regarding this matter. It should be remembered that the Board's investigation and consideration will focus on issues directly related to Mr. Oltmans' contract of employment. Views of the public regarding this issue should pertain to whether "cause" exists for the Board to terminate the Agreement of Mr. Oltmans.

Upon proper Motion, the Board may limit each side to 20 minutes to present its views regarding Mr. Oltmans' retention. Upon proper Motion, the Board may ask that each speaker confine themselves to 2 minutes to present their viewpoint and ask that members of the public who have the same viewpoint consolidate their time so as not to be repetitive and/or stray from the issue of Mr. Oltmans fitness to continue as the General Manager.

After hearing the viewpoints of those in attendance who wish to speak, the Board will consider any action that it deems necessary by virtue of the reports it has received and Mr. Oltmans' answers to questions from the Board and statements to the Board.

In advance, we appreciate the public's cooperation in adhering to these ground rules so that this hearing can be handled in a manner which is both constructive for the Board and in a manner which affords Mr. Oltmans all procedural due process to which he is entitled and permits a dignified consideration of the important issues that face this Board.

- **MOTION NO. 2** It was moved by Director Tesar and seconded by Director Fred Conley that the Board go into Executive Session to receive the report of counsel and the APA regarding the allegations made against Mr. Oltmans and to hear from Mr. Oltmans regarding same.

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

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

The Board went into Executive Session at 7:10 p.m.

- **MOTION NO. 3** It was moved by Director Fred Conley and seconded by Director Kolowski that the Board adjourn its' Executive Session and reconvene in Open Session to receive public comment on the issue regarding Mr. Oltmans' Employment Agreement and his retention.

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

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

The Board reconvened in Open Session at 11:30 p.m.

- **MOTION NO. 4** It was moved by Director Connealy and seconded by Director John Conley that the Board permit discussion on the issue of Mr. Oltmans' Employment Agreement and his retention.

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

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

- **MOTION NO. 5** It was moved by Director Fred Conley and seconded by Director Connealy that the public discussion regarding the issue of Mr. Oltmans' Employment Agreement and retention be limited to twenty (20) minutes per side and two (2) minutes per person to avoid repetitive testimony.

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

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

- **MOTION NO. 6** It was moved by Director Fred Conley and seconded by Director Thompson that discussion be limited to whether Mr. Oltmans has breached his Employment Agreement or performed any actions which substantially inhibits his ability to discharge his duties as that is the issue to be decided by the Board.

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

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

The Chairperson then opened the floor for public comments. The following individuals addressed the Board:

- ❖ Duane Wilcox, P. O. Box 176, Kennard, NE
- ❖ Tim Dreessen, 17330 Dutch Hall Road, Bennington, NE
- ❖ Shellie Dreessen, 1597 County Road P 25, Kennard, NE
- ❖ Matt Japp, Box 131, Kennard, NE
- ❖ Randy Graham, 9908 S. 175th Circle, Omaha, NE
- ❖ Bob Harper, Box 191, Kennard, NE

- **MOTION NO. 7** It was moved by Director Tesar and seconded by Director Connealy that the Board of Directors of the Papio-Missouri River Natural Resources District terminate the Employment Agreement of General Manager Steve Oltmans for violation of Paragraph 4 of the Employment Agreement on the grounds that Oltmans has “materially breached” the provisions of the Agreement and performed actions which substantially inhibit his ability to discharge his duties as General Manager, including, but not limited to “unprofessional conduct which interferes substantially with the continued performance of the duties of the General Manager.”

•• **SUBSTITUTE
MOTION**

It was moved by Director Fred Conley and seconded by Director Thompson that the Board of Directors of the Papio Missouri River Natural Resources District inform Mr. Oltmans that it is the Board's sense that he has materially breached the Employment Agreement and trust of the Board. In lieu of termination of his Employment Agreement for which the Board believes "cause" may exist, Mr. Oltmans be placed on one (1) year probation and required to renegotiate the terms of his Agreement to permit greater oversight by the Board and a revision of Paragraph 4 regarding the grounds for termination of the Agreement as a condition of continuing his employment. Further, it is moved that if Mr. Oltmans refuses to do so, that his Employment Agreement be terminated for violation of Paragraph 4.

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

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

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

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

•• **MOTION NO. 8**

It was moved by Director Tesar and seconded by Director Connealy that the Board of Directors of the Papio-Missouri River Natural Resources District direct legal counsel, McGrath, North, Mullin & Kratz, PC LLO, to prepare written notice to Mr. Oltmans of the termination of the Agreement in accordance with his Employment Agreement.

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

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

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

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that, until further resolution of the Board of Directors and notwithstanding any prior resolution or policy of the Board of Directors to the Contrary:

- a. Marlin Petermann, Assistant General Manager of the District, is hereby designated as the acting General Manager of the District with authority to exercise the duties and responsibilities of the General Manager of the District;
- b. The Administrative Coordinator of the District is hereby designated to co-execute checks or other instruments for the transfer of payment of District funds, under Board's policies 14.1 and 14.2, after being bonded as required by Board policy 14.5

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

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

ADJOURNMENT: Being no further business, at 11:50 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 April 20, 2006, 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