



- ✓ June 22, 2015, Omaha World-Herald article, Missouri River basin flood control puts birds at risk
- ✓ June 23, 2015, Omaha World-Herald article, Decision in Papillion-Springfield land dispute to wait a few weeks; Sarpy Board puts off action
- ✓ June 24, 2015, Omaha World-Herald article, Walkers, bikers could be part of Omaha's master plan
- ✓ June 26, 2015, Omaha World-Herald article, Midlands Voices: Water challenges must not be crises
- ✓ June 29, 2015, Omaha World-Herald article, Aquifer data raise red flags
- ✓ June 30, 2015, Omaha World-Herald article, Papillion likely to gain control of disputed land
- ✓ July 2, 2015, Omaha World-Herald article, Papillion hears from annexation foes
- ✓ July 2, 2015, Omaha World-Herald article, Water regulation problems aren't receding
- ✓ July 4, 2015, Omaha World-Herald article, At the mercy of Mother Nature, Elkhorn tubers go with the flow
- ✓ July 6, 2015, Omaha World-Herald article, Expectations are deep for Kramper Lake, recreation area set to open this week
- ✓ July 7, 2015, Omaha World-Herald article, A farmland tax surprise in Papillion's annexation: A sixfold increase for one family
- ✓ July 8, 2015, Omaha World-Herald article, Reviews mixed on state's proposed water-use rules
- ✓ July 8, 2015, Lincoln Journal Star article, Danish Alps recreation area opens Wednesday

## June 2015 Information/Education Report

### Information

- Continued preparations for Opening and Grand Opening of Kramper Reservoir
- Continued preparation of I&E budget recs
- Attended Public Relations Society luncheon
- Updated web site
- Updated Facebook page and Twitter
- Distributed news releases
- Continued scheduling of Information Campaign spots
- Published Summer 2015 *Spectrum*
- Answered e-mails received thru web site and distributed requested materials

### Education

#### June Programming Schedule:

- 1-5: Backyard Explorers NRD Day Camp, 20 kids
- 1: Millard Branch Library Program, Nature Hike, 60 people
- 8: Springfield Library Program, Reptiles, 30 people
- 10: Cub Scout Day Camp, Conservation/Animal Program, 150 scouts
- 11: Millard Branch Library Program, Owls, 60 people
- 15-19: Discovering Nature NRD Day Camp, 30 kids
- 23: Benson Branch Library Program, Snakes, 30 people
- 24: LaVista Library Program, Lizards, 30 people

### Planning:

- I&E Trailer clean/out load Summer Camps
- Updates/Monitoring of Papio-Missouri River NRD Facebook Page and Web Pages
- Press Release on River Access Sites
- Water Works—Review Evaluations
- General NRD Animal Care
- Geocaching Applications
- Outdoor Classroom Grant Applications
- Display Donation for Visitors Center
- Animal Donation for Education Programs
- Camp Teacher Help—W-9's/pay

### Meetings:

- MORE Nature Meeting
- Networking Weaving Webinar
- Watershed Education Toolbox Meeting/Conference Call



City of Omaha  
Jean Stothert, Mayor



Todd R. Schmaderer  
Chief of Police

May 29, 2015

**Omaha Police Department**  
*"To Serve and Protect"*  
505 South 15th Street  
Omaha, Nebraska 68102-2769  
(402) 444-5600  
fax (402) 444-5898  
[www.opd.cityofomaha.org](http://www.opd.cityofomaha.org)

Mr. John Winkler  
General Manager  
Papio-Missouri River NRD  
8901 South 154th Street  
Omaha, NE 68138

Dear Mr. Winkler:

During the days of May 7 through May 11, 2015, first responders from the metro area took part in search operations of the Elkhorn River for four-year-old Josue Ramirez-Marinero. On behalf of the Omaha Police Department, I would like to thank you and the members of your agency who assisted in this arduous task.

I am aware of the emotional and physical toll this type of assignment can take on a person. The efforts put forth were not easy, and the outcome was, unfortunately, not what we had hoped it would be. However, the contributions of your agency were invaluable in the process of recovering the little boy's body and providing closure for the family.

We are grateful for the assistance of your Boat Patrol, as well as the personnel from your agency who assisted in the water search. Please thank your personnel on our behalf and let them know of our appreciation for their tireless efforts during this search and recovery operation.

Sincerely,

Todd R. Schmaderer  
Chief of Police

chf010086

cc: Captain Kerry Neuman

**June, 2015**

[illegible]

Updated: June 15, 2015

## **Current and On-Going Projects P-MRNRD Legal Counsel**

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = Counsel Portion Completed

B = Next Board Meeting

- **Little Papio:** (Cleveland)
  - Culvert Repair Project Consultant Contract (W)
  - ★ City of Bellevue Interlocal on Culvert Repair Project (B)
- **Big Papio:** (Cleveland)
  - Culvert Repair Project Consultant Contract (W)
  - ★ City of Bellevue Interlocal on Culvert Repair Project (B)
- **West Branch:** (Cleveland)
  - ★ Land Exchange with Sarpy Co. (96<sup>th</sup> St.) (W)
- **Western Sarpy Dike:** (Cleveland/Petermann)
  - NRDs/NE-ARNG Interlocal for Camp Ashland Property (F)
  - Review NE-ARNG WSCC Chute Monitoring Right-of-Way (W)
- **Floodway Purchase Program:** (Laster/Grint)
  - ★ Iske Place Closings (W)
  - ★ King Lake Purchase Agreements and Closings (W)
- **Trail Projects:** (Williams)
  - ★ West Papio Trail, Union Pacific Rail Road Right-of-Way Review Rail Bank Provisions (N)
  - ★ Hell Creek Bridge Stabilization Interlocal Agreement Amendment with Omaha/La Vista (B)

- **Missouri River Corridor Project:** (Becic)
- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Schumacher/Cleveland)
  - ★ Papio W-3 Eminent Domain (Camden) (W)
  - Papio W-3 Access-Quiet Title Action (F)
  - Tek/Mud PL 566 Site 41A access (F)
  - ★ Papio PL 566 Site W-2 Issues (W)
- **Papio Watershed Dam Sites:** (Grint/Laster/Williams)
  - ★ Transfer Deed to City of Papillion for Prairie Queen (N)
  - ★ Contract/Agreement Amendments for DS-15A Sewer Modifications with HDR, Omaha, and McArdle (B)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
  - ★ Interlocal Agreement w/City of Omaha on NDEQ 319 Grant (B)
- **Missouri River R-613 and R-616 Levees:** (Cleveland/Woodward)
  - ★ Offutt AFB O&M Agreement (P)
- **Rural Water Projects:** (Nelson)
  - ★ Fort Calhoun Lawsuits on WCRW (W)
  - Northern Hills Estates III Water Main Extension Developer Agreement (N)
- **Other:**
  - ★ Elkhorn River 240<sup>th</sup> Street Land Acquisition Documents (W) (Williams)
  - ★ Glacier Creek Interlocal Agreement and Purchase Agreement w/UNO (W) (Grint)
  - ★ City of Blair Interlocal Agreement on Flood Mitigation Project (W) (Grint)
  - Chalco O&M Shop/156<sup>th</sup> Street ROW (W) (Cleveland)
  - ★ Chalco Hills Recreation Area Pedestrian Trail Agreement w/Sarpy County (W) (Cleveland)
  - ★ Chalco Hills RA – Road Repaving Sarpy County/La Vista Interlocal Agreement (B) (Nelson)

# **PAPILLION CREEK WATERSHED PARTNERSHIP**

## **MEETING MINUTES**



### **Partnership Meeting June 25, 2015 – 10:00 AM – Board Room Natural Resource Center, 8901 S 154<sup>th</sup> Street, Omaha, NE**

#### Attendants:

See attached sign-in sheet.

#### Purpose

A meeting of the Partnership was held on the above date in order to discuss topics stated in the attached agenda. The meeting began at approximately 10:08 am.

#### 1. Introductions

- An agenda, sign-up sheet, and handouts were distributed.

#### 2. WP-8 Flood Control Structure and Potential Development

- Amanda Grint discussed the WP-8 flood control concept plan that was included in the 2009 Watershed Management Plan. This structure was to be located southwest of 180<sup>th</sup> and Harrison Streets.
- Recently Sarpy County received a preliminary plat for the same area. The NRD then had HDR evaluate the WP-8 site to determine if the reservoir site was feasible.
- HDR's study determined that the concept plan as shown in the 2009 Watershed Management Plan would affect many existing residential lots. HDR then revised the concept plan for WP-8 to determine the feasibility of any type of flood control structure in this general area.
- Because the proposed dam is in an urban area, any storage facility would be required to meet the Nebraska Department of Natural Resource's high hazard dam regulations.
- Based on the required dam safety criteria, updated hydrologic and hydraulic analyses, and current residential development, HDR found that even with a minimal pool elevation, only 304 acre-feet could be provided which would result in a 10% reduction in peak flows on the South Papillion Creek immediately downstream of the confluence with the WP-8 tributary. This configuration would still impact 9 existing residential lots. The WP-8 project would also result in relocation of a major sewer line and power line.
- Due to these constraints, this does not appear to be a feasible project. The recommendation is that the project be removed by consensus of the Partners at this time. When the next implementation plan and Interlocal agreement is updated, the project would officially be removed from the plan.





- Nina Cudahy stated that it seems like the project would result in a large amount of funds expended for very little benefit.
- Bruce Fountain indicated that the Sarpy County Board would be voting on the proposed plat on July 14, 2015. Some documentation stating the intent of the Partnership with regard to WP-8 is needed to present to the County Board. He also stated that it is difficult to reserve reservoir sites from development when there is no money to purchase the land.
- Marlin Petermann stated that this is an issue throughout the watershed and several sites have current development pressure.
- John Kottmann asked how much has been collected in Watershed Fees to date and if this money could be earmarked for land purchase.
- Chris Solberg stated that it's more important to purchase the land at this point as these sites may not be available when there's money to build the structures.
- **After the discussion, there was consensus to remove WP-8 from the Watershed Management Plan due to the costs and impact of the project when the Interlocal agreement is updated next.**

### 3. Vote – Provide PCWP Funds for Development of Watershed Management Plan

- Amanda Grint stated the City of Omaha and the P-MRNRD have submitted a Project Implementation Plan (PIP) to develop a Water Quality Watershed Plan that will meet the EPA 9 Element format. This plan will cover all the area within the Papillion Creek Watershed as well as areas contributing to the Missouri River Watershed. If approved, funding will be available to develop the 9 Element plan that will then make all communities eligible for 319 funding for projects without developing a full water quality watershed plan.
- The total project cost is \$133,000. The grant will provide \$79,000. It is proposed that the Partnership will provide \$35,000, and the City of Omaha will provide the remaining \$19,000.
- Nina Cudahy stated that input will be needed from the partners on potential projects to include in the plan. Projects such as stream restorations, water quality basins and others that address non-point source pollution.
- John Kottmann asked how this plan would affect the NRD cost-share applications since the Urban Drainageway Program requires applicants to have applied for 319 funding in order to be eligible for NRD funding. If projects are not included in this plan, would the applicant be required to develop a new water quality watershed management plan? Marlin Petermann stated that the NRD could work with applicants if a project arises that is not included in this plan.
- **The Partnership voted 5-0 to approve the contribution of \$35,000 in Partnership funds to the development of the water quality watershed management plan. See attached vote sheet.**

### 4. Other Items of Interest

- Lori Laster handed out a flyer for the District's Hazard Mitigation Plan. This flyer gives a website and survey to gather public input on the hazards that are of the most concern for citizens in the area. Input from both public employees and the public is highly encouraged throughout the development of the plan.
- The 2015 Omaha Green Infrastructure Tour has been scheduled for July 9th. An email notice will be sent by UNL Extension soon with more details.

- In March 2016, UNO will host the Midwest LID Symposium and Design Competition. Steve Rodie will be coordinating the planning of the event. More information will be coming in the next few weeks.

#### 5. Next Meeting Date

- The next meeting will be held July 23, 2015 at 10am at the NRC building.

#### 6. Adjourn

- The meeting adjourned at approximately 11:21 am. An agenda, attendance list, and the handouts passed out at the meeting are available upon request.

Please contact Lori Laster at 444-6222 regarding any questions or comments concerning these meeting minutes.

**PAPILLION CREEK  
WATERSHED PARTNERSHIP**



**SIGN-IN SHEET**

**Partnership Meeting  
May 28, 2015 – 10:00 AM– Board Room  
Natural Resources Center, 8901 S 154<sup>th</sup> Street, Omaha, NE  
(Please Print)**

	<b>NAME &amp; EMPLOYER</b>	<b>MAILING ADDRESS STREET - CITY/ZIP</b>	<b>TELEPHONE &amp; EMAIL ADDRESS</b>
X	Lori Laster P-MRNRD	8901 S. 154 <sup>th</sup> Street Omaha, NE 68138	(402) 444-6222 llaster@papiionrd.org
X	Amanda Grint P-MRNRD	8901 S. 154 <sup>th</sup> Street Omaha, NE 68138	(402) 444-6222 agrint@papiionrd.org
X	Marlin Petermann P-MRNRD	8901 S. 154 <sup>th</sup> Street Omaha, NE 68138	(402) 444-6222 mpetermann@papiionrd.org
	Marty Grate Omaha Public Works	1819 Farnam St. Omaha, NE 68183	(402) 444-5225 mgrate@ci.omaha.ne.us
X	Nina Cudahy Omaha Public Works	5600 S. 10 <sup>th</sup> St. Omaha, NE 68107	(402) 444-3915 ncudahy@ci.omaha.ne.us
	Selma Kessler Omaha Public Works	5600 S. 10 <sup>th</sup> St. Omaha, NE 68107	(402) 444-3915 skessler@ci.omaha.ne.us
X	Jim Kee Omaha Public Works	5600 S. 10 <sup>th</sup> St. Omaha, NE 68107	(402) 444-3915 jkee@ci.omaha.ne.us
X	Bruce Fountain Sarpy County	1210 Golden Gate Dr. Papillion, NE	(402) 593-1555 bfountain@sarpy.com
X	Donna Lynam Sarpy County	1210 Golden Gate Dr. Papillion, NE	(402) 593-1555 dlynam@sarpy.com
	Scott Kardell Boys Town	355 McBreen Circle Boys Town, NE 68010	(402) 498-1135 scott.kardell@boystown.org
	Mark Stursma City of Papillion	122 E. Third St. Papillion, NE 68046	(402) 597-2060 mstursma@papillion.org
	Jeff Thompson City of Papillion	122 E. Third St. Papillion, NE 68046	(402) 898-9092 jefft@papillion.org
X	John Kottmann City of La Vista	8116 Park View Blvd. La Vista, NE 68128	(402) 331-4343 jkottmann@cityoflavista.org
X	Chris Solberg City of La Vista	8116 Park View Blvd. La Vista, NE 68128	(402) 331-4343 csolberg@cityoflavista.org
	Joe Soucie City of La Vista	8116 Park View Blvd. La Vista, NE 68128	(402) 331-4343 jsoucie@cityoflavista.org
	Dan Freshman City of Ralston	8220 Serum Ave. Ralston, NE 68127	(402) 331-4118 dfreshman@cityofralston.com
	Jerry Chancellor City of Ralston	8220 Serum Ave. Ralston, NE 68127	(402) 331-4118 jchancellor@cityofralston.com
	Chris Shewchuk City of Bellevue	501 Wall Street Bellevue, NE 68005	(402) 293-3000 chris.shewchuk@bellevue.net

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File: 535 "PCWP"

**PARTNERS**

**Bellevue Boys Town Gretna La Vista Omaha Papillion Ralston Sarpy County Papio-Missouri River NRD**

**PAPILLION CREEK  
WATERSHED PARTNERSHIP**



**SIGN-IN SHEET**

**Partnership Meeting**  
**May 28, 2015 – 10:00 AM– Board Room**  
**Natural Resources Center, 8901 S 154<sup>th</sup> Street, Omaha, NE**  
**(Please Print)**

	Tammi Palm City of Bellevue		
	Jeff Roberts City of Bellevue		
X	Kris Faris City of Gretna		
	Tammy Tisdale City of Gretna		
	Steve Perry City of Gretna		
X	Andy Szatko City of Omaha		andy.szatko@cityofomaha.org
✓	Lynn Dittmer MAPA	2222 Cuming St. Omaha, NE 68102	ldittmer@mapacog.org
	Adam Rupe JEO	2700 Fletcher Ave Lincoln, NE	arupe@jeo.com
	Kellan Strauch USGS	5231 S 19 <sup>th</sup> Street Lincoln, NE	kstrauch@usgs.gov
	Farlow Keith City of La Vista		

**PARTNERS**

**Bellevue Boys Town Gretna La Vista Omaha Papillion Ralston Sarpy County Papio-Missouri River NRD**

**PAPILLION CREEK  
WATERSHED PARTNERSHIP**



**Record of Vote**

**June 25, 2015 - 10:00 AM to 12:00 PM – Board Room  
Natural Resources Center, 8901 S. 154<sup>th</sup> Street, Omaha, NE**

**Vote to support the development of and use \$35,000 from the Partnership Fund to help cover the local share of the EPA 319 Grant for the basin-wide water quality watershed management plan.**

<b>Community</b>	<b>Voting Representative</b>	<b>Vote</b>
<b>Bellevue</b>		
<b>Boys Town</b>		
<b>Gretna</b>	<b>Kris Farris</b>	<b>Yes</b>
<b>La Vista</b>	<b>John Kottmann</b>	<b>Yes</b>
<b>Omaha</b>	<b>Nina Cudahy</b>	<b>Yes</b>
<b>Papillion</b>		
<b>Ralston</b>		
<b>Sarpy County</b>	<b>Bruce Fountain</b>	<b>Yes</b>
<b>P-MRNRD</b>	<b>Marlin Petermann</b>	<b>Yes</b>



## **World-Herald editorial: Protect Offutt AFB from floods** OPINION 6-13-15

The Papio-Missouri River Natural Resources District has been smart to prioritize protection of Offutt Air Force Base land from flooding.

The district has spent \$2 million on engineering and would like to move dirt by 2017. But it could use some federal and state help. Soon.

Offutt is the Omaha area's second-largest employer, more than 10,000 people. It has an annual economic impact of about \$1.3 billion and plays a vital role in the nation's defense.

Much of the base's land abuts the Missouri River and Papillion Creek. Neighboring land stretches south to the Platte River.

All that land is protected by 19 miles of levees, but new federal regulations have moved the goal posts. Those levees and drainage systems now require about \$25 million in upgrades to be certified by the Federal Emergency Management Agency.

Without that certification, much of the land could be reclassified as flood plain, leaving future Offutt expansion in doubt.

That could then put the base at risk of stagnating or, worse, being marked for closure. The feds rarely, if ever, build where it might flood.

The base's future is tied to the repairs, David Brown, president of the Greater Omaha Chamber of Commerce, told The World-Herald. If land behind the levees reverts to flood plain, he said, "It essentially becomes impossible to develop."

Last month, NRD leaders joined Bellevue Mayor Rita Sanders on a trip to Washington to seek \$10 million in federal help for the work.

They met with the Nebraska delegation, whose members told them they would seek a process to help fund needed levee improvements.

One of their first targets is getting the levees on a list of Defense Department community development projects, the Bellevue Leader reports.

Those behind the levee effort also hope to secure \$10 million from Nebraska's new state water sustainability fund, a steep but worthwhile goal.

There's little the state water fund could invest in that would return more bang for taxpayers' bucks.

If successful, the remaining \$5 million in costs would be split among the NRD, Bellevue, Omaha and Sarpy County. That seems a common-sense investment.

If the feds or state won't chip in, NRD General Manager John Winkler says the group will focus on rebuilding the northern levee, nearest to the base.

But that shouldn't be where the effort stops. Local officials have worked since 2010 to get the levees re-certified by FEMA. Now, officials in Washington and Lincoln should do their part to help protect Offutt from flooding.

So the men and women who defend our country can worry about their missions, not high water.

## **World-Herald editorial: FURTHERMORE** OPINION 6-13-15

Here is more lamentable evidence of how painfully drought can weigh on the agricultural economy: Farmers on the California-Oregon border have been told their water supply for irrigation will be cut in half due to the extraordinarily dry conditions. That's further evidence, too, of the benefits of responsible water management as shown by Nebraska's natural resources districts and of the importance of research into drought-resistant crops and advanced irrigation technology.



## Fred Conley fights proposed federal contract ban; HUD alleges conflicts of interest while he served on OHA board



The U.S. Department of Housing and Urban Development is considering banning Omaha elected official Fred Conley from participating in federal contracts. The proposed action, called debarment, is based on allegations that Conley had conflicts of interest while serving on the Omaha Housing Authority Board of Commissioners. Essentially, the action, if approved by an administrative law judge with HUD, would prohibit Conley from doing business with the federal government. That could cause problems with Conley's functions as an elected board member of two local government entities: Metropolitan Community College and the Papio-Missouri River Natural Resources District.

Conley, who served on the OHA board from 2009 to 2013, is contesting the allegations. A hearing is set for Thursday in Washington D.C. before an administrative law judge within HUD. Conley "has a good case," said his attorney, David Domina. "We do think we'll probably prevail on it." HUD officials declined to comment on the case and have not responded to formal requests for documents. Conley referred questions to Domina. "I can't talk a lot about it because it's in litigation," Conley said.

The allegations go back to two matters that came up at the Omaha Housing Authority in 2009 and 2010 while Conley was on the agency's board, according to Domina and documents obtained by The World-Herald from the OHA.

One had to do with a nonprofit corporation, Collateral Guarantee Fund Inc. The corporation signed a contract in June 2010 to rent space atop OHA apartment towers for low frequency radio transmitters, for a radio station called The One. The contract set rent at \$456 a month per tower. But it didn't actually require Collateral Guarantee Fund to pay any money. The station could pay for the tower space by broadcasting free ads for the housing authority. At the time, housing authority procurement staff criticized the contract, saying it didn't follow HUD procurement procedures, according to a memo. HUD officials allege that Conley had a conflict of interest because he was on the board of both Collateral Guarantee Fund and the housing authority. But Domina said Conley had no conflict of interest. Conley made no money from the deal and "didn't have anything to do with (the contract)," Domina said. The OHA board did not vote on the contract. It was approved by then-OHA Executive Director Stanley Timm, according to documents. "Fred didn't negotiate it," Domina said. "Fred didn't sign it. ... He didn't know about the contract for the use of the towers. He first learned of the existence of the contract when HUD sent him a letter and said they were going to debar him for it." That notice was sent July 24, 2014, Domina said.

The other conflict of interest allegation has to do with an office Conley used in the headquarters of the Davis Cos. The firm, headed by Dick Davis, has a number of companies, including an insurance brokerage that did business with the Omaha Housing Authority. Davis Insurance Agency Inc. brokered a workers' compensation insurance arrangement for the housing authority with Liberty Mutual Insurance, Domina said. Conley and the rest of the OHA board voted to approve the contract with Liberty Mutual, Domina said. But he said the board did not vote on a contract with Davis Insurance. Conley's position, Domina said, is that the office arrangement created no conflict of interest for him. Domina said that the office provided no financial benefit to Conley and that Conley had no involvement in the housing authority's business with the Davis Cos. But the OHA general counsel at the time, George Achola, advised Conley in 2009 that he should disclose his relationship with the Davis Cos. as a potential conflict of interest, according to OHA records. That led to a heated exchange between Conley and Achola at the OHA board's Nov. 19, 2009, meeting, according to meeting minutes. The issue had come up because Conley was using an email address with a Davis Cos. identification. Achola had sent a query about the matter to the Nebraska Accountability and Disclosure Commission. Conley said in the meeting that he would not file a disclosure statement, that Achola's action bordered on harassment and that might take legal action if Achola persisted, according to the minutes. On Tuesday, Domina said the office was leased by a jazz festival for which Conley volunteered. He said Conley used the office for festival business. Conley stopped using the Davis Cos. email when the issue was raised, Domina said. Davis Cos. disclosed the jazz festival office arrangement in its subsequent dealings with the housing authority, Domina said.

He called Conley's defense "pretty simple, straightforward: Not guilty." Domina said the current action should have no effect on Conley's function on the NRD and Metro boards. But theoretically, if HUD were to debar Conley, that could prevent him from deliberating or voting on federal contracts with Metro or the NRD. "One of the reasons it's important to him is he doesn't want it to," Domina said.

### **Levee funding vital to Offutt's future**

In reference to the June 13 World-Herald editorial ("Protect base from floods"), the Papio-Missouri River NRD is saddled with a \$25 million unfunded federal mandate from FEMA to improve the levee system that protects Offutt Air Force Base, Omaha's wastewater treatment plant, the Highway 34 bridge, major rail lines and the metro area's future economic development. Thus far the state and local jurisdictions are committed to assist in funding the levee improvements, without any help from the federal government and Congress.

Here is a little reality check. Offutt provides over \$1.3 billion in yearly economic impact to the state and is the second-largest employer. It is estimated that this area has the potential to generate \$8 billion to \$10 billion of economic investment and create 14,000 to 18,000 jobs for Nebraska citizens. Offutt's future and the future economic health of our community rest on the NRD successfully improving this levee system to attain FEMA accreditation.

I believe it would behoove our congressional representatives to make this an immediate priority and find the required federal resources to guarantee that this mandate is satisfied. If anything happens to Offutt and our brave men and women of the Fighting 55th before the next election, the only job our federal representatives will have is finding a new one.

Tammy Nielsen, Fremont, Neb.



## Costs put trail extension on hold

By Eugene Curtin

*Leader Associate Editor*

Plans to extend the trail system in southwest Bellevue might be put on hold after the sole bid submitted came in almost double the estimated cost.

Public Works Director Jeff Roberts said initial costs estimates were \$460,000, of which \$215,000 would be paid by the City of Bellevue and the rest divided between Sarpy County, the Papio-Missouri River Natural Resources District and

the sanitary and improvement districts through which the trail would pass.

The sole bid submitted came in at almost \$900,000, Roberts said, a figure that will force the city to review its plans.

"We will have to decide whether we want to do a portion of it or hold off and re-bid since we got just the one bid," Roberts said. "It may or may not go this year. It might get pulled because of the high bid."

Plans call for the trail to be extended from approximately 34th Street and Spring Boulevard in the Two Springs subdivision, travel northeast along Rahn Boulevard in the Piper's Glen subdivision to a point where it hooks up with the existing trail in the Blackhawk subdivision, and then head to a place slightly north of 25th Street.

From there it would cross 25th Street and head north along 24th Street to Lynnwood Drive.

## At 6-hour hearing, Fred Conley disputes HUD's conflict-of-interest allegations

*By Christopher Burbach / World-Herald staff writer*



The workings of a north Omaha jazz festival and suddenly controversial Omaha businessman Dick Davis joined federal regulations as central topics Thursday at a hearing to determine whether longtime Omaha elected official Fred Conley violated federal conflict-of-interest rules. Conley confronted the allegations Thursday in a six-hour hearing held in Washington, D.C., and Omaha by video teleconference.

The U.S. Department of Housing and Urban Development proposes to ban Conley from participating in federal contracts. Such a ban, called a debarment, could affect Conley's service on two elected boards, the Papio-Missouri River Natural Resources District and Metropolitan Community College.

Conley's case is before an administrative judge in HUD's Office of Hearings and Appeals. Conley appeared in HUD offices in the Zorinsky Federal Building downtown. A HUD lawyer laid out the case against Conley.

Conley failed to disclose two business relationships while serving on the Omaha Housing Authority Board from 2009 to 2013, argued David Scruggs, a HUD trial attorney. One was Conley's office space at Davis Companies, which the housing authority paid for insurance brokerage services while Conley was on the board. The other was Conley's membership on the board of Collateral Guarantee Fund, a nonprofit corporation with ties to Davis Companies and its CEO, Dick Davis.

The Housing Authority signed a contract in 2010 with Collateral Guarantee Fund for a low-wattage radio station to lease space for transmitters on OHA towers. Scruggs said Conley violated federal, state and Omaha Housing Authority rules by not disclosing his relationships.

A witness, former OHA Finance Director Timothy Bohling, testified that Conley was involved in OHA insurance bids and procurement policy while maintaining an office at Davis Companies. Bohling produced a copy of a resolution that Conley had proposed to the OHA board that would have cemented the Housing Authority's relationship with Davis as its insurance broker. Conley withdrew the proposal, Bohling testified. Bohling, who left the Housing Authority in 2013, is now audit director for BH Media Group, which owns The World-Herald.

HUD employee Meghan Anderson, who led an extensive 2012 review of the Omaha Housing Authority, said Conley used a Davis Companies email address when communicating with her team. That raised concerns of a potential conflict of interest, she said. Further research confirmed there was an actual conflict, Anderson said. Conley's attorney, David Domina, disputed that.

"This case is about perceived conflicts that were not reality," Domina said. He said Conley and Davis have been friends since high school and had served on community organization boards together. But Domina said Conley received no money or other financial benefit from Davis while on the OHA board and did not involve himself in business between the Housing Authority and Davis.

Conley testified that the office space at Davis Companies was a cubicle that was rented by the North Omaha Foundation for Human Development. Conley said he uses that foundation, a nonprofit corporation, as the fiscal agent for a jazz festival that he organizes as a volunteer. He said grant money goes to the foundation, and he uses the money to pay festival expenses.

Housing Authority attorney George Achola advised Conley in 2009 to disclose his relationship with Davis Companies in writing to the Nebraska Accountability and Disclosure Commission. Conley refused to do so, according to OHA board meeting minutes. He testified Thursday that he talked with an NADC official about the office and felt no need to declare it in writing, because he believed it was not a conflict of interest.

As for the radio tower deal, Conley said he didn't negotiate the deal, and didn't even know about it until HUD notified him in 2014 that it was part of the department's case against him.

Domina, in opening arguments, talked about Conley's history as Omaha's first black City Council member, and an NRD board member for more than 20 years. Domina asked HUD Administrative Judge H. Alexander Manuel to dismiss the government's proposed action against Conley. "We would ask that Fred Conley's decades of selfless service to the community of Omaha not be blemished by a debarment order," Domina said.

A ruling is more than two months away. Voluminous written evidence has been filed in the case. The attorneys have until mid-August to file post-hearing briefs.

### **Find remedy for South Platte flooding**

This is the third consecutive year the South Platte River has flooded in western and central Nebraska and beyond. Again property is destroyed, swarms of insects take control, and wildlife is displaced. Lives were lost this year.

Weather can't be controlled, but one would think a properly planned reservoir on the South Platte would control Colorado water and store it for dry times.

There has been talk of such a project near Lexington, but I feel one further west is essential. Political leaders of the past (Norris, Strunk, etc.) would get the ball rolling, but now?

I urge Nebraskans to find a solution to a constant problem. I would prefer my property not be under water as it has been for a month.

Dennis Beavers, Cozad, Neb.

# Missouri River basin flood control puts birds at risk

Worries in the Missouri River basin have shifted from drought to flooding in the past month, and the scramble to do something about river levels is expected to cause casualties among the nests of endangered and threatened birds along the river.

Unlike free-flowing rivers, the Missouri River is controlled — in part, by six massive dams in the upper part of its watershed. This spring, excessive rains above and below the dams has created problems for the Army Corps of Engineers in terms of setting releases of water from those reservoirs.

Jodi Farhat, the corps official who oversees releases, said management of the water is expected to affect nests below Gavins Point Dam this summer.

Here's why:

- » To lessen flooding downstream, the corps is reducing releases from its dams to below-normal levels for several weeks.
- » Immediately below Gavins Point Dam, the lessened releases will expose greater expanses of sandbars, which will entice piping plovers and least terns to establish nests.
- » In July, some of those nests are likely to flood when the corps increases releases to more normal levels to accommodate a barge's scheduled trip upriver.

Joel Jorgensen of the Nebraska Game and Parks Commission said one year's reduction in nesting success won't be a long-term setback. Plovers and least terns can bounce back if good habitat exists along the river, he said.

Farhat said people need not worry that this year will bring a recurrence of 2011, when heavy snowmelt and high rains caused months of flooding.

"This is not a repeat of 2011," Farhat said.

At this time in 2011, more than 90 percent of the flood capacity in the reservoirs was full, she said. This year, the amount is 29 percent, she said.

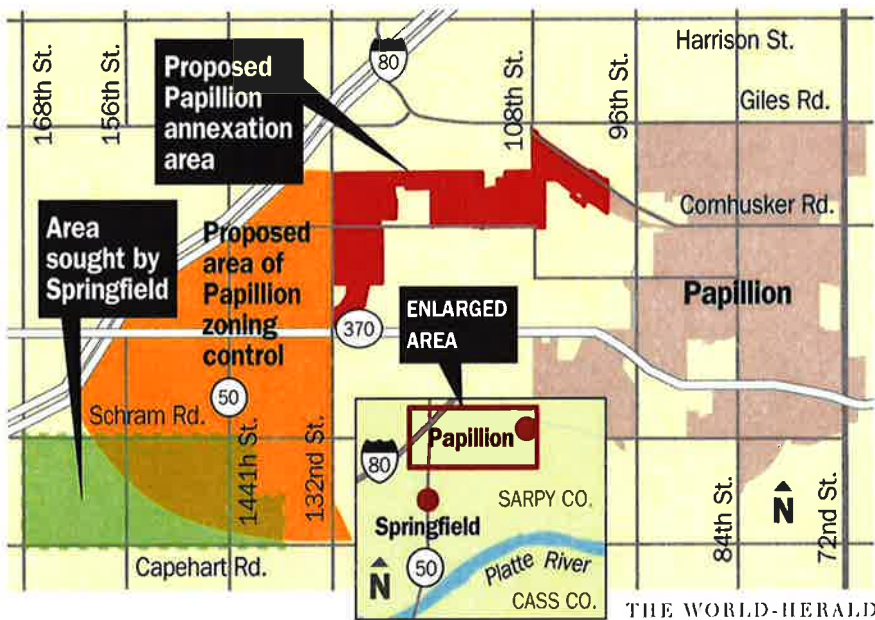
*By Nancy Gaarder / World-Herald staff writer*

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## Decision in Papillion-Springfield land dispute to wait a few weeks; Sarpy Board puts off action

*By Emily Nohr / World-Herald staff writer*



A decision in the land dispute between Papillion and Springfield will wait at most a few weeks.

Tuesday, the Sarpy County Board postponed competing requests from the cities asking the county to cede zoning control over contested land around Highway 50 and Schram Road. The county will take up the items by July 14.

Springfield needs county approval for it to gain zoning control over the area. Springfield Mayor Mike Dill says that area resonates with his city.

Though Papillion doesn't need the county's approval, the city requested that the county give Papillion zoning control over the disputed land to protect its proposal to annex westward and extend the city's zoning authority.

Papillion's full annexation plan needs approval from its City Council. But Papillion still needs to hold a meeting for a public hearing and a meeting for final approval.

City Administrator Dan Hoins has said the city is considering additional special meetings to expedite its process.

The disputed land has attracted the \$200 million Travelers Co. data center and is expected to attract more data centers and other development. Both cities say the land is part of their future growth.

## **Walkers, bikers could be part of Omaha's master plan**

*By Roseann Moring / World-Herald staff writer*

Omaha walkers and bicyclists could soon have a more formal place in the city's master plan.

The Omaha Planning Board and City Council are set to consider adopting a "complete streets" addition to the master plan. Such an addition would offer policies that give greater consideration to pedestrians, cyclists, wheelchairs and mass transit in new or renovated Omaha streets.

About 700 other communities have similar ordinances, said Derek Miller, Omaha's transportation planner.

"We're just meeting market trends, following market trends," he said.

Councilman Chris Jerram, who was on the working committee to develop the document, described the proposal as "a review process to be built into every project."

Miller, Omaha's city engineer and officials from Omaha By Design briefed the council on the proposal on Tuesday.

City officials said the city already does many of the things in the plan — the proposal codifies the city's current processes.

"It doesn't mandate anything at this time," Miller said.

Miller also stressed what it will not do: "It doesn't mean we'll have bike lanes on every street." Councilman Pete Festersen said he wants to make sure the proposal is adequately funded as Mayor Jean Stothert works on her 2016 budget proposal.

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# Midlands Voices: Water challenges must not be crises

*By Dan Glickman and Clayton Yeutter*

*The writers have both served as U.S. secretary of agriculture. Glickman is a co-chairman of AGree. Yeutter is a native of Eustis, Nebraska.*

If we could see groundwater levels dropping inexorably beneath our feet, just as previous generations watched topsoil blow away during the Dust Bowl, it would frighten us. We can't see it, but it is happening, so we need to do something about it.

Americans are realizing that depletion of our water supply is as real as the Dust Bowl. Halting soil erosion became a rallying cry in the 1930s, and we may now need an even more aggressive effort in water conservation.

Water is the new oil but far more important since our very lives depend on it. Seventy percent of global fresh water withdrawals are for agricultural purposes, and with urban populations exploding, rural-urban conflicts over water are inevitable.

Until now, those of us in the high Plains haven't worried much about water shortages because we've been blessed with a magnificent underground water supply, the Ogallala Aquifer. It's one of this country's most valuable resources, but some parts are now being depleted much faster than they are being recharged. New irrigation wells must each year be drilled deeper. What happens when new wells no longer strike water?

On a broader scale, we must figure out how to provide the water our farms need if we are to have food to eat, while also meeting the water needs of rapidly growing urban areas.

California, with a severe drought raging into its fourth year, demonstrates the complex trade-offs involved. Drought is stressing both underground and surface water supplies. As a consequence, more rigorous regulation of water uses and users is underway.

But regulation is at best a partial answer to any resource crisis. It is rarely an efficient answer, and it is never a good long-term answer. We must look elsewhere for innovative and lasting solutions.

What we can and should do immediately is harness the knowledge and ingenuity of American producers and researchers (public and private) in developing crop and livestock production systems that will thrive on significantly less water than is provided to them today. That calls for investments in agricultural research designed to confront water supply challenges.

We have outstanding research capabilities at the U.S. Department of Agriculture, at our land grant universities and in the private sector. But we need intense focus on the critical issues of our day, including water supply. When laser-focused, research can be revolutionary, whether by developing drought-resistant crops and breeds, improving conservation or inventing new water storage or desalinization techniques.

A new report from AGree, which seeks to drive positive change in the food and agriculture system by connecting and challenging leaders from diverse communities to catalyze action and elevate food and agriculture as a national priority, can be found at [www.foodandagpolicy.org](http://www.foodandagpolicy.org). This report asserts that we need to scrutinize and modernize funding mechanisms for agricultural research, thereby fostering innovation and ensuring coordination among the various research entities. In other words, are there research silos that need to be dismantled or critical priorities that we are not adequately addressing?

As former secretaries of agriculture, we know how difficult it is to effect systemic change. Where water is concerned, we also know time is of the essence. We encourage Congress to show leadership by holding hearings.

Public investment in agricultural research yields an extraordinary return, on the order of 10 to 1. But we want to do even better by eliminating duplication and identifying the most impactful research opportunities. When our nation commits to solving a complex problem, we solve it.

Agricultural research had a lot to do with putting the Dust Bowl behind us. It can help solve our water challenges, too, but only if we address them now.

## OPINION

# World-Herald editorial: Aquifer data raise red flags

POSTED: MONDAY, JUNE 29, 2015

New findings from NASA provide sobering evidence about the world's need to manage its water resources responsibly. About one-third of the world's largest aquifers face severe stress, according to two new NASA reports.

"The red flags are that over half of the world's biggest aquifers are being depleted," said Jay Famiglietti, a professor of earth system science at the University of California-Irvine, who co-authored the reports. "They are past sustainability tipping points, and a third of those big aquifers — 13 of those — are seriously distressed."

In the United States, the aquifers facing the most severe depletions are beneath California's Central Valley and along the Gulf Coast. NASA didn't classify the Ogallala Aquifer as being in crisis because its overall condition is still relatively stable, although parts of it, such as those in Texas and Kansas, are experiencing major depletion.

A recent report from the U.S. Geological Survey provided useful data about aquifer conditions in the Plains region. Since the Eisenhower era, the survey found, the average water level in Nebraska has seen a decline of 0.3 feet, the lowest of any of the Plains states. Another way to say it is that the amount of water in underground storage in Nebraska has fallen during that time by only 0.1 percent.

That's a major contrast with Texas, where the average water level has fallen some 41.2 feet since the 1950s. The figure for Kansas also is dramatic: an average decline of 25.5 feet.

The new NASA reports looked at 37 major aquifers around the world and found that 21 have declined, many of them in arid or semi-arid regions. Of those, 13 are classified as "highly stressed," "extremely stressed" or "overstressed." The three aquifers in the worst condition are the Arabian Aquifer System, which supplies water to more than 60 million people; the Indus Basin aquifer of northwestern India and Pakistan; and the Murzuk-Djado Basin in northern Africa.

The new findings, NASA says, mean "that significant segments of Earth's population are consuming groundwater quickly without knowing when it might run out."

For the studies, NASA satellites studied the aquifers by measuring changes in the Earth's gravity affected by masses of underground water.

Aquifers aren't the only water resources that need to be part of cooperative management. A key example in our country is the overstressed Colorado River Basin. Western states are in ongoing negotiations over ways to relieve the burden on the river system.

Famiglietti, a co-author of the NASA reports, emphasizes that "given how quickly we are consuming the world's groundwater reserves, we need a coordinated global effort to determine how much is left."

The ag research by the state university systems in Nebraska and Iowa can make major contributions to that global effort. The crop-science advances and other agricultural innovations our universities provide can have great value. The work by the University of Nebraska's Daugherty Water for Food Institute is directly relevant to this global challenge. The institute is well positioned, through its network of international partners and array of scientific research, to make significant contributions. And the National Oceanic and Atmospheric Administration has underscored the leadership of the University of Nebraska-Lincoln on water issues by announcing that UNL will be home to a new Drought Risk Management Research Center to coordinate drought monitoring and preparedness responses among federal agencies. Nebraskans have long understood the need for sound water management. As the NASA studies show, it's a lesson the entire world needs to embrace.

# Papillion likely to gain control of disputed land

Omaha World-Herald - TUESDAY, JUNE 30, 2015

By Emily Nohr / World-Herald staff writer

The City of Springfield says its time has run out in the race with Papillion for control over a section of western Sarpy County land. Because of a decision to hold special, accelerated meetings, Papillion will most likely get zoning authority of the disputed land near Highway 50 and Schram Road.

But Springfield Mayor Mike Dill isn't ruling out the possibility that his city could do something more, and at least two members of the Sarpy County Board would still like to see the cities negotiate. Faced with competing requests from Papillion and Springfield to cede zoning authority, the County Board said last week that the matter wasn't a county issue and urged the cities to work out a deal. After the meeting, board members said they realized that Springfield was probably out of time.

Originally, Papillion planned to hold a public hearing for its annexation and zoning proposal at a regularly scheduled City Council meeting on July 7. Had the plan gotten final approval on July 21, it would have gone into effect 15 days later on Aug. 5. Then, at last week's County Board meeting, Papillion City Administrator Dan Hoins announced plans to speed up Papillion's process. Pending the public hearing and a meeting for final approval on Wednesday and Thursday, Papillion's plans now could go into effect July 17.

The timing is important because the city whose proposal goes into effect first will get zoning control of the disputed area — prime development land that both cities consider part of their future growth territory.

Papillion's new schedule doesn't give Springfield time to catch up, said Springfield City Administrator Kathleen Gottsch. Had the County Board approved Springfield's plan, Gottsch said, Springfield's regularly scheduled meetings would have kept up with Papillion's process. Now, she said, Springfield can't speed up its own schedule to keep up with Papillion. County Board member Jim Thompson said that if he had understood the urgency, he would have suggested that the board vote at last week's meeting. Instead, the board postponed requests from both cities, saying the board would take up the items by July 14.

During the meeting, Dill warned that waiting too long "would pretty much kill our prospects." "Mike Dill tried to tell us but didn't make it very clear," Thompson said.

Board member Jim Warren said he didn't see the timing problem until after the meeting. He believed that if the county ceded zoning control of the land to Springfield by July 14, Springfield could simply bring the matter back to its City Council for approval.

Board member Don Kelly said he thought that if the board ceded control to Springfield by July 14, Papillion couldn't take control of that area. Kelly said he now hopes that the area will develop and that the county and Papillion will come together to help Springfield find a way to finance its sewer facility expansion.

Warren said he still believes that there are workable compromises. "Papillion has said they will be open to negotiations once the annexation is done. And I think the people of Papillion, they're people of their word, and I think they will," he said.

The contested area is small compared to Papillion's overall westward annexation and zoning extension plans. Papillion's plan would take Prairie Queen Recreation Area into city limits, while the city's zoning authority would extend west to Interstate 80 and south to roughly Capehart Road.

Springfield sought zoning control over some of that area, from Schram Road to Capehart Road and 168th Street to the east side of Highway 50.

Dill said he still wants to sit down and talk boundaries with Papillion. For now, he said, Springfield is still looking at all of its options. "We're not giving up by any means," Dill said.

Hoins said he won't call it until July 17, the date Papillion's plan would go into effect. Once he realized the cities were in a race, Hoins said he aimed to give his City Council the "shortest possible time frame within the law." "We've positioned ourselves the best way we could," he said.

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# Papillion hears from annexation foes

POSTED: THURSDAY, JULY 2, 2015

*By Emily Nohr / World-Herald staff writer*

Seven opponents sounded off Wednesday at a public hearing on Papillion's westward annexation proposal. Many voiced concern that the Sarpy County city is overextending its reach.

Mary Ellen Leaders said she would rather the city wait to act and work out a boundary agreement with Springfield. "I just think it makes good common sense for you people, as adults, to slow this baby down," she said. "Let's do it right."

City officials maintain the proposal is part of the city's natural growth pattern.

In May, Papillion announced its plan to bring Prairie Queen Recreation Area into city limits and extend its zoning jurisdiction to Interstate 80. But the zoning area stretches into an area Springfield sees as its future.

In an effort to gain control of the land, Springfield asked the Sarpy County Board to cede a soon-to-develop area south of Highway 50 and Schram Road. Papillion countered by submitting a similar request to the County Board.

Pending county approval of Springfield's plan, the cities were briefly in a race to see whose proposal would go into effect first.

Then, last week, the County Board deferred action and, after Papillion decided to hold special meetings to speed up its annexation and zoning control extension process, it became clear Papillion would likely get authority of the disputed area.

The Papillion City Council is set to vote on its plan Thursday, the last of three required readings. If approved, it would go into effect July 17.

Wednesday, Marvin Leaders offered a letter from the Sarpy County Farm Bureau opposing the plan.

Ken Iverson said the plan puts Springfield in a tough spot by affecting its ability to grow north, and called the city's decision to expedite its approval process "poor tactics." "It's just not necessary, and I think Springfield deserves a chance," Iverson said.

"And another thing, to call all these special meetings, something is not right, that you have to kind of sneak it through."

Papillion officials have emphasized the plan would protect its future growth area, and ensure access to I-80.

# World-Herald editorial: Water regulation problems aren't receding

POSTED: THURSDAY, JULY 2, 2015

Federal regulators are moving ahead with their "waters of the U.S." requirements. These rules expand the types of water bodies that require ag producers to obtain costly, time-consuming permits for a range of farming activities.

The U.S. Environmental Protection Agency refers to the new regulations as its "final rule" on the matter. In many ways, though, there's nothing final about the situation.

The debate and complaints are likely to continue in full force, and understandably so.

Many bodies of water not previously subject to federal control will now be subject to permitting when landowners want to make changes such as dredging, putting in drainage ditches or installing small dams or terracing.

Americans can agree on the importance of protecting water quality. The issue is that the regulations step beyond anything authorized by Congress and raise major concerns about the practical burdens placed on ag producers.

Despite regulators' claims that things are now defined neatly, uncertainty and disagreement continue about just which small streams, ponds and low-lying farmland come under the federal permitting process.

Mike Linder, who headed Nebraska's Department of Environmental Quality from 1999 to 2013, has studied details of the final rule. "They made some pretty significant changes," he said. "They answered some of the questions that came up during the comment period, but I think they still have created a pretty confusing and fairly expensive rule."

Gone are the EPA's earlier provisions to expanded federal authority to include puddles, stormwater and wastewater facilities, and groundwater. Public comments rightly pushed back against those troubling attempts at federal overreach.

Other concerns remain. The new rule provides a definition of the type of ditches subject to federal authority. But strong disagreement is expected when regulators try to apply that definition.

In defending its revamped rule, the EPA notes that it has added specifics — involving stream-bed high water marks, 100-year floodplain designations, 100- to 1,500-foot distances — not included in its earlier version.

The reality, though, is that even with the new specifics, complications will arise in many cases when it comes time to determine which small water bodies have a genuine connection to the larger ones traditionally subject to federal regulation.

The likely result, not surprisingly, will be legal action. Indeed, Nebraska this week joined a dozen other states in a legal challenge to the regulations, arguing that the rules wrongly broaden federal authority.

John Winkler, general manager of the Papio-Missouri River Natural Resources District, also voices concern. "This 'modified' rule is still federal government overreach," he told The World-Herald. "It is simply an inflexible, unfunded, one-size-fits-all federal regulation applied across an entire nation. Conditions vary across a small watershed in the Papio, let alone the entire U.S."

Legislation continues to bubble in Congress to rein in the EPA's actions, but it's an open question whether lawmakers can find consensus and the votes to override a likely presidential veto.

If Congress falters, the main battlefield likely will be in the courts and in the nation's rural areas, where many ag producers regrettably will find themselves beset by new costs and delays until the courts, someday, resolve the matter.

## At the mercy of Mother Nature, Elkhorn tubers go with the flow

Doug Miller knows the Elkhorn River. The 51-year-old Omaha resident grew up playing on the banks of the Platte River tributary. More recently he has spent a decent amount of time tubing down the Elkhorn.

He was back there again Friday, surrounded by nearly 20 friends and relatives, all eager to get the holiday weekend started with a leisurely float down the river and some cold beverages along the way.

“It’s an easy river,” Miller said. “At normal flow, it doesn’t move too fast.” The key word there is “normal.” For much of the season so far, public access along the Elkhorn River has been restricted because of heavy rainfall in the spring.

“It’s definitely been closed more than it’s been opened,” said John Winkler, general manager of the Papio-Missouri River Natural Resources District, which oversees three access points along the Elkhorn and another on the Platte.

That means less fun for kayakers, canoers and tube riders, and also less business for a handful of commercial entities that have emerged along the river in recent years. Traditionally the Niobrara River has been considered the region’s tubing destination, but companies such as Tubing & Adventures and Uncle Scott’s Outfitters are poking holes in that idea.

“They get a lot of people out,” Winkler said.

At Tubing & Adventures, a campground southwest of Omaha, owner Brock Beran expects close to 700 tubers this weekend. The first busload of customers left the camp around 10:30 a.m. Friday and unloaded at Graskie Crossing near West Dodge Road, with tubers making the approximately four-hour float back to camp.

Beran said his business has boomed in its seven seasons, growing from an inventory of 20 tubes to 400, and a single-person staff to 20 employees on weekends. Customers pay \$20 per tube. But ultimately Beran’s business, camping included, depends on access to the NRD’s access sites and his ability to offer tubing. “It’s just something you deal with,” he said. “In this business, you’re at the mercy of Mother Nature.”

Even for companies with private access to the Elkhorn, the same holds true. Bill Novak operates the RiverWest Park campground near 233rd Street and West Maple Road. He contracts with the tubing provider Uncle Scott’s Outfitters, which picks up customers at the park and delivers them to a private launch point called Blackshirts Bend, where they can play games on the beach and eat lunch before shoving off down the river.

Still, his customers are influenced by the status of those NRD access points. “When the river is deemed unsafe for entering, they tend to cancel their camping,” Novak said.

Jill and Steve Evers are in their eighth season operating Tank Down the Elkhorn, which depends entirely on the Elkhorn Crossing access site near 252nd Street and Bennington Road. Their “tanks” are something close to floating picnic tables, which they rent at \$140 per trip down the river. Each is big enough to accommodate four passengers, their life jackets and, critically, a cooler.

Wearing matching “I Got Tanked on the Elkhorn” T-shirts, the Everses are relieved to be back on the river. Though they had just one party Friday, they’re booked solid with 14 tanks on Saturday and expect an even bigger turnout next weekend.

In the meantime, they’ll keep in touch with the NRD on a near-daily basis and monitor the river themselves through an online resource that provides constant gauge readings.

“I look at that all the time,” Steve Evers said. “I can see what it’s doing upstream, all the way to Atkinson.”

Michelle Swanson took 10 family members to Elkhorn Crossing to tank down the river on Friday. She’d planned the trip for more than a month and stayed up-to-date on the river levels as the weeks went by. As late as Thursday, she worried that rain might keep them off the river.

“I was, like, ‘Here we go again,’ ” Swanson said. “I didn’t know if we’d be able to go. It’s just been crazy this year.”

But the levels kept low — less than 5 feet along the gentle river — and access remained open. And when noon arrived, the Swansons drifted into the current and around a bend and into their weekend.

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# Expectations are deep for Kramper Lake, recreation area set to open this week

POSTED: MONDAY, JULY 6, 2015

By David Hendee / World-Herald staff writer

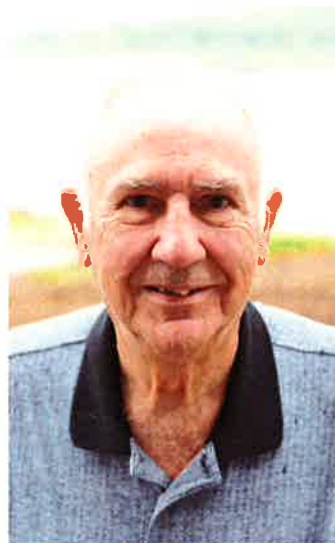
**MATT MILLER/THE WORLD-HERALD**

A grebe takes flight on the lake. Danish Alps State Recreation Area, featuring 226-acre Kramper Lake, will have an equestrian trail, two campgrounds, showers, playground, fishing, and no-wake boating.



Below: Ericka Niles (left) and Alisha Sewalson, both with Sewalson Contracting, dig around a hookup at the RV campground at the Danish Alps State Recreation Area.

Right: Rick “Digger” O’Dell, owner of Digger’s Dusty Rose bar and grill in Hubbard, is expanding his space to serve more customers.



Left: Jeff Fields, superintendent of Ponca State Park, said he expects birdwatchers to flock to the area.

Middle: Terry Schumacher, land and water programs coordinator with the Papio-Missouri River Natural resources district, serves as the recreation area's project manager.

Right: Vince Kramper, 83, is the namesake of Kramper Lake. He served for decades on the boards of the Nebraska Environmental Trust and the Nebraska Natural Resources Commission.

## Grand Dedication

- » 11 a.m., Aug. 1 (tentative)
- » Public luncheon
- » 9 a.m. to 4 p.m. activities: kayaking, fishing, naturalist program, boat tours and others

HUBBARD, Neb. — Digger O'Dell's days of keeping the lights off and the door locked at his restaurant on Sundays could be coming to an end.

The opening of Nebraska's newest state recreation area is expected to draw an estimated 50,000 anglers, campers, hikers, mountain bikers and horseback riders annually to this village of 234 people — and, except for the few who will slip in on back roads, they'll all pass by Digger's Dusty Rose bar and grill. The park and lake promise to be a bigger attraction than the village's Hoot Owl Days every August.

"It's been a long time coming," said owner Rick "Digger" O'Dell. "It should be a good opportunity for this area. There were a lot of people who didn't think it would ever happen." It is happening, but the site 10 miles southwest of South Sioux City remains a work in progress.

Danish Alps State Recreation Area and its Kramper Lake are scheduled to quietly open Wednesday. It has been 16 years since the Omaha-based Papio-Missouri River Natural Resources District started looking to develop a comprehensive flood-control project in this northeast Nebraska watershed. The recreation area was a secondary benefit of the \$18.7 million project, but it's been No. 1 in the minds of thousands of people in the Nebraska-Iowa-South Dakota region itching for a new place to launch a boat, pitch a tent and park a recreational vehicle. Danish Alps provides a 226-acre lake and 520 acres of park land.

Marguerite Cain at the Hubbard Mini-Mart — the only store, gas station and ATM in town — said people have been stopping in nearly daily to ask where to find the lake and what they'll find there. She points them straight south up a hill and then shows them a map posted on a dining room wall. "Everyone is very excited," she said. "It's going to be quite awesome. It'll be a lot of fun." Cain, who has never fished, said she has been seeking advice from anglers about what to add to the store inventory. "We've been getting in worms, rubber worms, hooks and string," she said. "Anything that goes with fishing. Ice will be a big thing."

The project is owned by the NRD and managed by the Nebraska Game and Parks Commission. The site will be operated as a satellite of Ponca State Park with a seasonal staff of four. A Nebraska park entry permit is required for each vehicle entering the recreation area, including at the Richard Conneally Day Use Area off the county road on the east side of the lake.

When the gate opens, anglers will find a new fishery stocked with largemouth bass, crappie, bluegill, channel catfish and walleye. No minnows or other live bait fish are permitted. Watercraft are limited to 5 mph so they create no damaging wake. The reservoir, which Jones Creek filled last year, covers manmade shoals created on the lake bottom for aquatic habitat. The lake is 50 feet deep at the dam and an average of 19 feet deep.

Campers will find two campgrounds with electrical hookups. The Jones Creek RV Campground provides sweeping views from its 44 sites on a tiered hillside. The Pigeon Creek Equestrian Campground's 29 slips include 14 paddocks for horses. Both campgrounds have showers. There also is a primitive tent campground. Campgrounds will be first-come, first-served this year. Game and Parks will review the no-reservation policy next year, said Jeff Fields, superintendent at Ponca State Park.

One boat ramp will accommodate two boats at a time. It includes a 30-foot dock.



There are two day-use areas. One features a playground. Both have picnic shelters, restrooms, picnic tables and access to fishing breakwaters and a 3.2-mile crushed limestone walking trail around the lake. A 10-mile equestrian trail will be developed this summer.

Emmett Egr, a spokesman for the Papio-Missouri River NRD, said the combination of an equestrian campground and scenic horse trails will make the site a popular destination for horse riders.

Fields said he expects birdwatchers to flock to the area. It has already attracted ducks, geese and shorebirds. Fields said viewing blinds may be added for the spring and fall migration seasons.

Hunting will be permitted in the upper reaches of the recreation area south of the county road that crosses the lake. It is expected to attract dove, deer and turkey hunters.

Workers last week spread tons of small rock on parking lots, installed signs and fire pits, set out picnic tables, hooked up water lines in the showers and powered up lights and outlets. Grass is growing. Trees will be planted. Terry Schumacher of Blair, the NRD's project manager, said the wet spring slowed progress but contractors and work crews were scrambling to be ready for this week's soft opening.

The Danish Alps name is a playful nod to the steep terrain surrounding the lake and recognition of Danish immigrants who settled in the area. Old Danish Cemetery, a small graveyard on private property between Hubbard and nearby Jackson, is populated with Andersen, Christiansen, Mogensen and Petersen stones. Kramper Lake is named for Dakota City farmer and conservationist Vince Kramper, 83, who served for decades on the boards of the Nebraska Environmental Trust and the Nebraska Natural Resources Commission.

"I'm very humbled," Kramper said. "We need more areas like this in Nebraska. There are only so many places to go." Kramper, who was instrumental in launching the project and keeping it alive, said it had unprecedented cooperation and support of local landowners. No land was taken by condemnation.

Village Clerk Charlene Jensen said she hasn't heard if the recreation area is attracting entrepreneurs seeking to capitalize on the lake and campgrounds. Fields said Game and Parks may seek proposals for operating a canoe and kayak concession.

In addition to Digger's Dusty Rose and the Mini-Mart, the village has another bar, a beauty shop, trucking company, post office and Catholic and Lutheran churches.

Anticipation for the opening has been building for years. Cain, who sells pizza, cheeseburgers and other hot food at the Mini-Mart, said a local 12-year-old told her several years ago that he wanted the job of delivering pizza to campers and anglers at the lake. She told him he wasn't old enough to drive. "I will be," he replied. Cain retired and sold the convenience store last week to K.C. Larson of nearby Jackson. She plans eventually to work part time at the store.

Next door at Digger's Dusty Rose, O'Dell has added a new dining room and updated the kitchen. He plans to bring a 2,300-square-foot adjoining room back into use as part of restaurant. An outdoor beer garden is ready. He bought the bar and grill 11 years ago expecting the recreation area to open. "A lot of locals were against the project because they like their small-town atmosphere," O'Dell said. "But for the most part, everybody's now excited to see the project come to an opening. Everybody should benefit."

O'Dell serves a sandwich lunch menu and broasted fish and chicken during the week. He offers steaks on weekends.

"When the lake opens, we'll probably start opening Sunday," he said. "We're hoping."

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# A farmland tax surprise in Papillion's annexation: A sixfold increase for one family



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By Emily Nohr / *World-Herald* staff writer

For the past 160 years, a quarter-section of farmland west of Papillion has carried the Weiss name.

As suburban growth has approached, the land has held a special designation that held down its property taxes in the face of Sarpy County's booming land values.

Now, the Weiss property — whose acquisition in 1855 predates Papillion's founding as a city — has been drawn into the controversy over Papillion's annexation.

As Papillion annexes west, the Weiss land will be brought into Papillion city limits and will no longer qualify for the greenbelt tax break.

Without the greenbelt designation, property taxes on the 153 acres owned by Eleanor Picconi of Elkhorn and her siblings, Ann Wiechert and Dean Weiss, are set to increase sixfold — from \$12,700 annually to an estimated \$76,000 a year.

Picconi said the taxes will be 2½ times what the family makes from renting the land to a farmer, and they'll be pushed into selling. "This has really been sprung on us," said Picconi, 75. "Our taxes are going to be out of this world."

The Weiss land is west of Papillion between 120th and 114th Streets. La Vista city limits are to the north, and Cornhusker Road runs along on the southern edge of the property.

The siblings' great-grandfather, Herman Weiss, bought the land before the Homestead Act, Picconi said. The land was passed from generation to generation, and Picconi's father, Elmer Weiss, left it to his three children.

Born and raised on the land, the siblings in 1989 formed the WEAD Partnership, which today owns the property. Picconi said the land has been farmed every year since 1855. It is currently planted with corn and soybeans.

In May, Papillion announced plans for a major westward annexation that would bring the new Prairie Queen Recreation Area into city limits and extend the city's zoning jurisdiction to Interstate 80.

To reach the recreation area, the city followed a path from its new public works facility to the Fidelity Investments data center to the Weiss land and to the Pink Industrial Park. The Weiss property is a link in the city's path to complete the annexation.

After moving up meetings to accelerate the plan, the Papillion City Council approved the annexation Thursday. It's set to go into effect on July 17. Wiechert, who lives in Iowa, said the rush has given her family no chance to make preparations to sell the land. "There's no time," said Wiechert, 72. "There's no warning to speak of." Added Picconi, "The city, they know what they want to do, and we're not going to have much to say about it."

City Administrator Dan Hoins initially reached out to the family to share the plans for the annexation. According to Picconi, Hoins told her that the property taxes would go up "probably a couple thousand dollars" a year if the plan went through.

But after talking to the Assessor's Office, Picconi realized it would be much more. Hoins acknowledged that he unintentionally gave Picconi an incorrect estimate.

Hoins said how property is assessed is not a city decision, and he said he encouraged Picconi to work with County Assessor Dan Pittman.

At a public hearing on the annexation last week, city officials were sympathetic to the family's situation but unsure what assurances they could make. Two additional properties in the area will lose greenbelt status when annexed. Pittman estimated that taxes on the properties, which are owned by private companies, will increase from a combined \$5,300 annually to a combined \$37,400 annually.

City Attorney Karla Rupiper said the county assessor told her that property loses greenbelt status once it comes into city limits but that there could be "another process where there can be other discounting."

Pittman said land within city limits could be eligible for a special valuation if the property is subject to a conservation or preservation easement and the city agrees to it. Hoins and Papillion Mayor David Black said they would write a letter to the county advocating that the land maintain greenbelt status, a designation that allows land near development to be valued based on its agricultural use instead of its market value, in the short term.

But City Councilman Tom Mumgaard questioned making promises if the city doesn't have a say in how land is assessed. About half the Weiss land already has been designated as the site of a future flood control reservoir.

Hoins said that even if the family had to pay higher taxes for a period of time, the land remaining after the Papio-Missouri River Natural Resources District acquires property for the reservoir will be "very valuable."

NRD General Manager John Winkler said reservoir projects have been planned since at least 2006 near 114th Street north of Cornhusker Road and farther east near 108th Street and south of Cornhusker Road.

The projects are in the preliminary design phase, and the NRD could start acquiring property in the next year and a half, Winkler said. The projects could be built by 2018 or 2019, he said.

"We negotiate with them on the amount of land we need for the project only," Winkler said. "If they want us to buy the whole section, we work with them to do that."

Picconi said her family had heard rumblings over the years about plans for a reservoir. Dean Weiss, who lives in Iowa, said he read about it in the newspaper. Picconi said the reservoir would most likely take up most of the family land, leaving some remaining along the northern and southern edges for development. Hoins said the city would help the family develop the remaining land.

Family members realized that the land would be developed one day, but they think Papillion's annexation is moving the process faster than expected.

The Sarpy County Farm Bureau is supporting the Weiss family by writing a letter to the City Council opposing the plan, pointing to the Weiss farmland.

In the letter signed by the bureau president, John Knapp, the group questions how the city plans to compensate the family for the increase in property taxes.

"We don't want to fight with anybody, but you know, this is pretty ridiculous," Dean Weiss, 67, told the City Council at the public hearing last week. "Put yourself in our shoes. You talk about the good of the city. Our forefathers built this city."

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# Reviews mixed on state's proposed water-use rules

WEDNESDAY, JULY 8, 2015

*By David Hendee / World-Herald staff writer*

KEARNEY, Neb. — The water needs of one of every two Nebraskans would be at risk during dry periods if a state agency adopts new proposed rules, according to Omaha's Metropolitan Utilities District.

Omaha- and Wahoo-based Natural Resources Districts, however, said the changes are needed for the long-term protection of Nebraska underground and surface water resources.

The conflicting testimony came Tuesday during a Nebraska Department of Natural Resources public hearing on a proposed rule that describes the scientific data and other information the agency would consider in assessing water supplies and uses in any basin or stream.

The proposed rules have been six years in the making. They boil down how the agency would determine when water demand was on the verge of outpacing supply. In the agency's technical jargon, it would determine when an area is "fully appropriated."

MUD is concerned that periods of flooding in the lower Platte River in eastern Nebraska, for example, could skew what is necessary for the basin's water supply in dry years, said Rick Kubat, an MUD government relations attorney. In 2012, for example, the City of Lincoln imposed water restrictions due to low stream flow in the Platte in July and August. River flows dropped to below 500 cubic feet per second for 33 consecutive days during those months. In June, however, flows in the flooding Platte hit 7,540 cfs.

Kubat said MUD is concerned that the draft rules are focused on averages for measuring what is necessary for total basin water supply. If the proposed rules were in place in 2012, the lower Platte would have been classified as having adequate water, despite the July-August drought, he said.

MUD provides water to more than 600,000 Nebraskans in the Omaha metropolitan area. It relies on the Platte to provide about half of its water capacity through seepage from the river into aquifers.

In addition to MUD's wellfields, the lower Platte provides water for the cities of Fremont, Lincoln, Louisville and Papillion — or about half of all Nebraskans. Audubon Nebraska and Central Nebraska Public Power and Irrigation District expressed similar concerns.

In a letter from Marian Langan, executive director, Audubon Nebraska said it is not apparent that the Natural Resources Department's approach of balancing water supplies over time takes into account timing issues related to when and how water moves across the state.

"Water will likely not be present when needed, though the calculations will show that it is," Langan wrote.

Mike Drain, Central's natural resources director, said current state law makes it clear that an area should be considered fully appropriated if pumping underground water causes water shortages.

"We think that condition clearly exists in the Platte River today," he said in a later interview. "The proposed rule does not make any determination of what might causing certain water shortages, but instead only seeks to compare water supplies and demands to see whether they are in balance." Drain said timing is everything with water supply and use.

"One of the most egregious problems with the proposed rule is that it counts unusable excess flows as if they were available to meet water demand," he said. "It is not unusual for there to be times where the flow in the stream far exceeds demands at that time, while at other times the demand will far exceed the available supply." Drain said any appropriate comparison of water supply and demand should compare the two as they occur.

Marlin Petermann, assistant general manager of the Papio-Missouri River Natural Resources District, said the proposal would provide better methods to measure and protect water resources.

John Miyoshi, general manager of the Lower Platte North Natural Resources District in Wahoo, said he supports the proposal because it would use elastic scientific methods to take advantage of new data.

“You need to have some trust in DNR that they’re going to do the right thing,” he said in an interview.

If an area is designated as fully appropriated, local Natural Resources Districts are required to develop integrated management plans with the State Natural Resources Department. The plans dictate how a district plans to sustain its water supply for irrigators, municipalities and other users.

“Our goal is never be declared fully appropriated,” Miyoshi said. “You lose the flexibility of local control when you’re partnered with the state.” Miyoshi said the proposed rules would help the Lower Platte North and other districts have a better understanding of much water is available and how much is being consumed.

He said the new proposal gives local water managers the opportunity to maximize use of surface and underground supplies. The district hosts one MUD wellfield and part of a Lincoln wellfield.

“We’re a huge exporter of water to Omaha and Lincoln,” Miyoshi said.

Jesse Bradley, programs director for the State Natural Resources Department, said the agency would like to have the new rules in place before the end of year so they can be used in annual basin evaluations. The governor and attorney general must sign the rules before they go into effect.

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# Danish Alps recreation area opens Wednesday



RIC FOWLER/NEBRASKALAND MAGAZINE

An aerial photo shows Kramper Reservoir-Danish Alps Recreation Area, also called Pigeon-Jones Site No. 15, a new reservoir built by the Papio-Missouri River Natural Resources District near Hubbard in Dakota County.

By [ALGIS LAUKAITIS](#) | [LINCOLN JOURNAL STAR](#)

The recreation area was created as part of a comprehensive plan to provide flood- and erosion-control benefits in the 20,000-acre Pigeon-Jones Creek Watershed in Dakota County in northeast Nebraska.

The 746-acre project includes parkland, two RV campgrounds with a total of 65 hookups, a boat ramp and 226-acre Kramper Lake, which has been stocked with largemouth bass, crappie, bluegill, channel catfish and walleye, Nebraska Game and Parks Commission said in a news release.

Regulations in effect include no live bait fish and no-wake boating only.

An equestrian trail will be developed this summer.

Owned by Omaha-based Papio-Missouri River Natural Resources District, the Danish Alps area will be managed by Game and Parks. State park entry permits will be required.

A dedication ceremony is set for Aug. 1 at 11 a.m., followed by a public luncheon.