Agenda Item: 12.

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: December 5, 2011

FROM: John Winkler, General Manager

A. <u>INFORMATION/EDUCATION REPORT</u>: The I&E Report detailing Information and Education activities for the month of November 2011, is attached for your review.

B. PERSONNEL/MISCELLANEOUS ITEMS:

- 1. The District has hired Bill Warren to replace Ron Lehman as the District's Operations and Maintenance Superintendent. Mr. Warren officially began his new position on Monday, November 21st. Bill started with the District in June of 1975, working as a part-time Equipment Operator, and was promoted to the position of Assistant Operations and Maintenance Superintendent in February 1978. I wish Bill success in his new position.
- 2. CH2M Hill received the American Council of Engineering Companies/Nebraska 2012 Engineering Excellence Awards, Merit Award for the Whitted Creek Stream Rehabilitation Project. The Engineering Excellence Awards will be featured in the Omaha World Herald Engineering insert scheduled for February 19th and in the Midland Business Journal on February 24th. Many congratulations to all staff members that worked with CH2M Hill on this project. Great job!
- 3. Connie Spellman, Director, Omaha by Design, sent a "letter of thanks" for the District's support to their organization for the past 10 years. Her letter is attached.
- 4. Kay Farrell, Nation Safety Council, Omaha, sent a "letter of thanks" for the District's contribution to the 2011 Safety and Health Council's Community Safety and Wellness Festival.
- C. <u>REPORT ON PURCHASES CONSTRUCTION SERVICES, PROFESSIONAL SERVICES AND PERSONAL PROPERTY</u>: Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of November, 2011. Please review this report and contact me if you have any questions.
- D. <u>CURRENT AND ON-GOING PROJECTS P-MRNRD LEGAL COUNSEL</u>: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of

November 14, 2011. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. <u>NEBRASKA UNICAMERAL LEGISLATURE - FIRST SESSION HEARING SCHEDULE</u>: The Interim Hearing Schedules of the Nebraska Unicameral are attached.

F. NEWS CLIPS:

- ✓ November 8, 2011, Omaha World Herald Article, Niobrara irrigators lose appeal
- ✓ November 16, 2011, Omaha World Herald Article, Sarpy board agrees to buy out homes
- ✓ November 21, 2011, Omaha World Herald Article, Omaha's flood bill at \$12 million
- ✓ November 27, 2011, Omaha World Herald Article, 2nd shot at buyout for flooded home
- ✓ November 28, 2011, Omaha World Herald Article, Carving out lane for bicyclists?
- ✓ November 29, 2011, Omaha World Herald Article, Bellevue vote scuttles 40-home buyout plan
- ✓ November 29, 2011, Bellevue Leader Article, Council rejects buyout proposal
- ✓ December 1, 2011, WOWT News Story, City Draws Line in the Sand

Word/Winkler/GM Reports/2011/december

November, 2011 Information/Education Report

Information

- Made plans for installation of river access interpretive signs
- Assisted with UNMC well testing program
- Updated Facebook and web site
- Assisted with hiring of new Education Asst.
- Continued planning for 2012 media campaign
- Completed review of draft Newsletter, Spectrum
- Worked on filing of digital photos
- Began work on 2012 Triumph of Agriculture Expo
- · Assisted with planning for Heron Haven groundbreaking

Education

Presentations

- o Owls/Owl Pellets to all Neihardt 4th graders: 100 students, 4 teachers
- o Frog/Turtle/ Animal Adaptations to all Arbor Park(Blair) 4th graders: 50 students, 1 teacher
- o Nonrenewable/renewable resources program to all Sandoz Elementary 3rd graders: 55 students, 3 teachers
- o Tiger Explorers, Nature Club, Turkey Presentation: 41 students
- Millard South Environmental Studies Class Owl Presentation: 14 students, 1 teacher
- o Morton Nature Club, Nonrenewable/renewable resources: 18 students, 1 teacher
- o Frog/Turtle Animal Adaptations to Fullerton Magnet Daisy Troop: 15 girls
- o Cub Explorers, Nature Club, Turkey Presentation: 37 students
- o Millard South Environmental Studies Class: Producer/Consumer/Omnivore/Carnivore: 14 students, 1 teacher
- Creighton University, Preservice Teacher workshop: Project Learning Tree/Project WET: 9 participants
- Met with Live Well Omaha Kids to work on QR codes/signage for Chalco Hills Recreation Area
- Started new Education Assistant, Austen Hill
- Started training on programming/supplies/NRD/time & expense sheets with Austen
- Started update of Nebraska LEP database
- Outdoor Classroom walk through with HHS, MPS, NRD, and Sandoz Staff
- Started Update on Federal and State Owl permits



November 10, 2011

Emily Holtzclaw CH2M Hill 222 South 15th Street, Suite 1402S Omaha, NE 68102

Emily,

It is with great pleasure to inform you that the CH2M Hill's entry in the ACEC/Nebraska 2012 Engineering Excellence Awards competition has received a Merit Award by the judging panel!

The CH2M Hill's Whitted Creek Stream Rehabilitation Project will receive a Merit Award during the Engineering Excellence Awards Banquet February 21st, 2012 at Hillcrest Country Club in Lincoln.

Formal invitations to the banquet will be mailed after the first of the year. Please invite your client/owner to join you for the evening where your project will be recognized and the award presented to your firm. Your firm and your client will be individually recognized from the podium for this achievement. If you would like to order additional awards for your client, please contact Bea by January 10th at 476-2572 or bea@acecnebraska.org for more information.

The Engineering Excellence Awards will be featured in the Omaha World Herald Engineering insert scheduled for February 19, 2012 and in the Midland Business Journal February 24th.

Again, congratulations to CH2M Hill on achieving engineering excellence! We look forward to celebrating with you and your clients on February 21st!

Best Regards,

MUKU

Jackie McCullough Executive Director



Omaha by Design c/o University of Nebraska at Omaha 6001 Dodge Street Omaha, NE 68182-0402 ph 402.554.4010 fx 402.554.4013 info@omahabydesign.org www.omahabydesign.org Nov. 18, 2011

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

Dear John:

As Omaha by Design wraps up its 10th year of service to the community in 2011, I wanted to take a moment to thank you for your past support.

We're pleased with the steady urban design and environmental progress Omaha had made in the last decade, and we intend to continue fueling this momentum by carrying on our work in 2012 and beyond.

Enclosed are two documents. The booklet, which serves as our 2010 annual report, chronicles the growth of Omaha by Design from its founding as Lively Omaha in 2001.

The second outlines one of our current projects, a print sale featuring the work of noted artist Allan Tubach. Proceeds from the sale of 100 signed and numbered prints will benefit the Preserve Omaha Public Art Fund. The original painting, valued at \$14,000, is also for sale. It's an amazing collection of the places and things that make our city great.

The cost of the print is \$395 framed or \$480 framed. We hope you'll consider making a purchase this gift giving season.

Happy Holidays!

Connie Spellman, director

Omaha by Design



Nebraska

November 21, 2011

John Winkler CEO Papio Missouri River Natural Resources District 8901 South 154th Street Omaha, NE 68138-3621

Dear John,

We are very grateful for the generous contribution to the 2011 Safety and Health Council's Community Safety & Wellness Festival.

Your sponsorship shows your concern for local families. It says you want our community to be safe and that your world is larger than your workplace. You are concerned community-wide about the families and individuals in the Midwest.

Thank you very much for partnering with us in promotion of safety in the Greater Omaha business community. Unintentional injuries are the 5th greatest cause of death overall and 1st for those ages 1 to 39. Your dollars will support the important efforts of the Council to prevent these injuries and you will be recognized for your significant gift as a Safety Friend in our Annual Report.

Sincerely,

National Safety Council, Greater Omaha Chapter

Kay Farrell
President/CEO

Inc. IRS Form

NOV 2 3 2011

11620 M Circle • Omaha, NE 68137-2231 • (402) 896-0454 • (800) 592-9004 Fax (402) 896-6331 • www.SafeNebraska.org

A private, not for profit 501(c) (3), nongovernmental, community-based service organization

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Douglas County Health Department

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KAY FARRELL

National Safety Council, Nebraska

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Director, School Safety, Omaha Public Schools

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KEVIN W. ORDWAY

Vice President of Operations, Nebraska Health Imaging

LOUIS POL, PHD

Dean, Business Administration, University of Nebraska Omaha

DENNIS ROURKE, CPCU, ALCM, ARM, SPRH

Consultant

DELLA SANDERS

Vice President, Safety Operations and Compliance,

Werner Enterprises, Inc.

STU SEVERSON

District Manager, United Parcel Service

DAVID G. SHARP, DO, CMD

Director, Internal Medicine Physicians, P.C.

ALAN SIMON

Chairman/CEO, Omaha Steaks International

RUTH SMITH

President, Norm's Door Service

JEFF SOUBA

President/CEO, Taste Traditions

JACK STRUYK, JR.

President, Lockton Companies

ROBERT STUBBE

Director, Public Works, City of Omaha

THOMAS WARREN, SR.

President/CEO, Urban League of Nebraska

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DAVID L. WILLIAMS, ARM

Vice President, Claims and Risk Controls, AON Risk Solutions

RACHEL WISE, PHD

COO, Building Bright Futures

WILLIAM "BILL" ZERSEN

President, Zersen Safety Associates

Ex Officio

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State Senator, Nebraska State Legislature, Bradford and Coenen, LLC

SUSAN BAZIS

Presiding Judge, Douglas County Court

WILLIAM (BILL) BIRKEL

President, Omaha Bar Association, McGrath North Law Firm

TIMOTHY F. DUNNING

Sheriff, Douglas County

KAY B. FARRELL

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Director, Nebraska Department of Roads

ALEX HAYES

Chief, Omaha Police Department

BILL HETZLER

Executive Director, Office on Safety, Nebraska Workforce Development

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President, Nebraska Nurses Association, District II

CATHERINE (CATHY) LANG

Commissioner of Labor, Nebraska Workforce Development

ROBERT LIKES

Attorney, Stinson, Morrison, Hecker, LLP

MICHAEL F. MCDONNELL

Chief, Omaha Fire and Rescue

E. BENJAWIN NELSON

United States Senator ADI POUR, PHD

Director, Douglas County Health Department

COLONEL DAVID SANKEY

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President, Independent Insurance Agents of Omaha, AON Risk Solutions

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Past President, Metropolitan Omaha Medical Society, Midwest Eye Care, PC

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President, Claas North America Holdings, Inc. President/CEO, Omaha Public Power District

E. BENJAMIN NELSON

United States Senator

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Director, Douglas County Health Department

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Chairman/CEO, Omaha Steaks International

Board Members – Emeritus

LORRAINE M. GILES WILLIAMT. OAKES

Report On Purchases Construction Services, Professional Services, Personal Property

November, 2011

Cost	\$10,000											
Company	Chem-Trol											
Item / Task	Brush Control Spraying											
Project Name	Western Sarpy Drainage Ditch					The second section of the second seco						
Date	Nov. 1, 2011											



Updated: November 14, 2011

Current and On-Going Projects P-MRNRD Legal Counsel

O = Top Priority

F = Future Work - No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- Little Papio: (Cleveland)
- Big Papio: (Cleveland)
 - **♦** Gabion Repair Project Easements (W)
- West Branch: (Cleveland)
 - o Land Exchange with Sarpy Co. (96th St.) (W)
- Western Sarpy Dike: (Cleveland)
 - O Saunders County side ROW agreement and easements (F)
 - NRDs/NE-ARNG Interlocal for Camp Ashland Property (N)
- Floodway Purchase Program: (Laster)
 - o Sarpy County/Bellevue Interlocal for Elbow Bend/Iske Park areas (P)
 - Purchase agreements and closing documents for King Lake Osborne Property(W)
 - Omaha Interlocal for Missouri River Buyouts (N)
- Trail Projects: (Bowen)
- Missouri River Corridor Project: (Becic)
 - o Interlocal Agreement w/Omaha on Omaha Levee and Floodwall (P)
- USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed: (Schumacher/Cleveland)
 - Pigeon/Jones Site 15 Purchase Agreements and closing documents (W)

- o Papio W-3 Eminent Domain (Camden) (F)
- Papio W-3 Access-Quiet Title Action (W)
- Papio Watershed Dam Sites: (Grint/Laster/Petermann)
 - o Interlocal agreement with Douglas County for DS 15A (W)
 - o Interlocal agreement with City of Omaha for DS 15A (F)
 - **②** Zorinsky Basin #1 − purchase agreements, deeds and easements (W)
 - o WP-5 Interlocal Agreement with Papillion and Sarpy County (P)
- Papio Creek Watershed Partnership (Stormwater): (Grint)
- Rural Water Projects: (Sklenar)
- Other:
 - o Prepare Interlocal Agreement w/UNO on Heritage Tract for Glacier Creek (Grint) (F)
 - Revised Waterloo Levee Interlocal for Elkhorn River Stabilization (Grint) (W)
 - Revised Sarpy Co. Elkhorn River/240th Street Interlocal for Interim Measures (Bowen) (W)
 - Elkhorn River/240th Street Project easement documents (Bowen) (W)

peters/project list/2011/November

NEBRASKA UNICAMERAL LEGISLATURE ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION WEEKLY SCHEDULE OF INTERIM COMMITTEE HEARINGS November 25, 2011

Tuesday, November 29, 2011

<u>Appropriations Committee and Health and Human Services Committee</u>

9:00 a.m. - Room 1524, State Capitol, Lincoln, NE

LR282 (Campbell) Interim study to provide for review, assessment, and recommendations relating to the implementation of the Nebraska Health Care Funding Act

Invited testimony taken first followed by open public testimony.

1:30 p.m. - Room 1524, State Capitol, Lincoln, NE

LR285 (Conrad) Interim study to examine the nursing shortage in Nebraska

Health and Human Services Committee

3:00 p.m. - Room 1524, State Capitol, Lincoln, NE

LR306 (Conrad) Interim study to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations and serving clients via the new system

Wednesday, November 30, 2011

Banking, Commerce and Insurance Committee and Health and Human Services Committee

9:00 a.m. - Room 1507, State Capitol, Lincoln, NE

LR85 (Pahls) Interim study to determine how insurance laws should be amended by the Legislature to respond to the provisions of the federal Patient Protection and Affordable Care Act

Banking, Commerce and Insurance Committee

1:30 p.m. - Room 1507, State Capitol, Lincoln, NE

LR219 (Pahls) Interim study to examine insurance coverage of services to treat individuals with autism

Monday, December 5, 2011

Children's Behavioral Health Oversight Committee

1:00 p.m. - Room 1510, State Capitol, Lincoln, NE

Hearing of the LB 603 (Children's Behavioral Health Oversight) Committee on Medicaid changes affecting children referred for treatment at institutions for mental disease/residential treatment facilities, and related changes to rules and regulations (Title 471, Chapter 32).

Health and Human Services Committee

10:00 a.m. - Room 1510, State Capitol, Lincoln, NE

LR197 (Nordquist) Interim study to examine issues relating to the implementation of an all-payer claims database in Nebraska

Judiciary Committee

9:00 a.m. - Room 1113, State Capitol, Lincoln, NE

LR288 (Ashford) Interim study to examine issues relating to standing for foster parents in removal proceedings

10:00 a.m. - Room 1113, State Capitol, Lincoln, NE

Studying policies and procedures associated with immigrants who come in contact with law enforcement at Federal, state, and local levels.

2:00 p.m. - Room 1113, State Capitol, Lincoln, NE

LR243 (McGill) Interim study to examine the extent of human trafficking in Nebraska in connection with labor and sex trafficking

If auxiliary aids or reasonable accommodations are needed for attendance at a hearing, please call the office of the Clerk of the Legislature at (402) 471-2271, or for persons with hearing and/or speech impairments, please call the Nebraska Relay System at (800) 833-7352 TTY or (800) 833-0920 Voice (24 hours notice is requested). Advance notice of ten business days is needed when requesting an interpreter.

The Interim Hearing Schedule is also available via the Internet at www.nebraskalegislature.gov

NEBRASKA UNICAMERAL LEGISLATURE ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION WEEKLY SCHEDULE OF INTERIM COMMITTEE HEARINGS November 18, 2011

Friday, November 18, 2011

Revenue Committee

10:00 a.m. - Room 1525, State Capitol, Lincoln, NE

LR350 (*Revenue Committee*) Interim study to examine issues pertaining to the process and procedures used to value and equalize real property

Tuesday, November 22, 2011

Nebraska Retirement Systems Committee **Note time change**

10:00 a.m. 9:00 a.m. - Room 1525, State Capitol, Lincoln, NE

LR210 (Nebraska Retirement Systems Committee) Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board

Tuesday, November 29, 2011

Appropriations Committee and Health and Human Services Committee

9:00 a.m. - Room 1524, State Capitol, Lincoln, NE

LR282 (Campbell) Interim study to provide for review, assessment, and recommendations relating to the implementation of the Nebraska Health Care Funding Act

Invited testimony taken first followed by open public testimony.

1:30 p.m. - Room 1524, State Capitol, Lincoln, NE

LR285 (Conrad) Interim study to examine the nursing shortage in Nebraska

Health and Human Services Committee

3:00 p.m. - Room 1524, State Capitol, Lincoln, NE

LR306 (*Conrad*) Interim study to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations and serving clients via the new system

Wednesday, November 30, 2011

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9:00 a.m. - Room 1507, State Capitol, Lincoln, NE

LR85 (Pahls) Interim study to determine how insurance laws should be amended by the Legislature to respond to the provisions of the federal Patient Protection and Affordable Care Act

Banking, Commerce and Insurance Committee

1:30 p.m. - Room 1507, State Capitol, Lincoln, NE

LR219 (Pahls) Interim study to examine insurance coverage of services to treat individuals with autism

Monday, December 5, 2011

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NEBRASKA UNICAMERAL LEGISLATURE ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION WEEKLY SCHEDULE OF INTERIM COMMITTEE HEARINGS November 11, 2011

Monday, November 14, 2011

Banking, Commerce and Insurance Committee and Health and Human Services Committee
9:00 a.m. Room 1507, State Capitol, Lincoln, NE-**Rescheduled for November 30, 2011**

LR85 (Pahls) Interim study to determine how insurance laws should be amended by the Legislature to respond to the provisions of the federal Patient Protection and Affordable Care Act

Banking, Commerce and Insurance Committee

Rescheduled for November 30, 2011

1:30 p.m. Room 1507, State Capitel, Lincoln, NE
LR219 (Pahls) Interim study to examine insurance coverage of services to treat individuals with autism

Friday, November 18, 2011

Agriculture Committee ****Canceled***

10:30 a.m. Room 1524, State Capitel, Lincoln, NE
LR324 (*Piroch*) Interim study to examine ways for the State of Nebraska to help facilitate an increase in the expert of Nebraska's agricultural products

1:30 p.m. Room 1524, State Capitel, Lincoln, NE
LR297 (*Carlson*) Interim ctudy to review the report of the Dept. of Agriculture pursuant to LB305, identifying authorities and recourses necessary to earny out a cooperative program of state meat and poultry inspection

Revenue Committee
10:00 a.m. - Room 1525, State Capitol, Lincoln, NE
LR350 (Revenue Committee) Interim study to examine issues pertaining to the process and procedures used to value and equalize real property

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3:00 p.m. - Room 1524, State Capitol, Lincoln, NE
LR306 (Conrad) Interim study to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations and serving clients via the new system

Wednesday, November 30, 2011

Banking, Commerce and Insurance Committee and Health and Human Services Committee
9:00 a.m. - Room 1507, State Capitol, Lincoln, NE **Rescheduled from November 14, 2011**

LR85 (Pahls) Interim study to determine how insurance laws should be amended by the Legislature to respond to the provisions of the federal Patient Protection and Affordable Care Act

Banking, Commerce and Insurance Committee **Rescheduled from November 14, 2011**
1:30 p.m. - Room 1507, State Capitol, Lincoln, NE
LR219 (*Pahls*) Interim study to examine insurance coverage of services to treat individuals with autism

Monday, December 5, 2011

Niobrara irrigators lose appeal

By David Hendee WORLD-HERALD STAFF WRITER

Niobrara River irrigators who sued after temporarily losing access to water have lost a second case in the U.S. Court of Appeals for the 8th Circuit.

The court Monday affirmed a decision made by U.S. District Judge Lyle Strom last year that the Nebraska Department of Natural Resources did not deprive irrigators of a constitutional right to a hearing before ordering them to shut off pumps during a low water period.

The lead Holt County landowners challenging the state were Gerard and Janet Keating of the Chicago area and Frank and Jane Krejci of Omaha. Both couples held state-granted rights to pump water from the Niobrara, which is in north-central Nebraska. The Keatings owned 6,700 acres in Holt County that were rented by Daryl and Makala Butterfield, also plaintiffs in the class-action case.

In Nebraska, those with older claims to water have rights senior to those with more recent claims, or junior rights.

The Keatings' lawsuit was prompted by Nebraska Public Power District's demand at the start of planting season in May 2007 that irrigators with water rights junior to those of NPPD pay the utility for the water or stop taking it. The district used water to produce electricity at Spencer Dam.

The Nebraska Department of Natural Resources, which administers river water, ordered junior Niobrara irrigators to halt pumping. The order was soon lifted when river conditions improved, but the legal challenge was under way.

The landowners said millions of dollars were at risk. They already had purchased seed and fertilizer, invested in irrigation equipment and contracted to sell harvested grain with the expectation that their water rights would allow them to tap the river as usual.

They said the state should have conducted a hearing to give them an opportunity to challenge the determination of water scarcity and the validity of pumping permits held by those with senior claims.

The appeals court rejected the argument, saying that when the state determines that a watershed no longer has the capacity to supply all permit holders, those with junior rights no longer have legitimate claims.

"Permit holders are warned that there are periods of time when water supply on the Niobrara River is insufficient to meet the demands of all appropriators," the appeals court judges wrote.

Contact the writer: 402-444-1127, david.hendee@owh.com

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Sarpy board agrees to buy out homes

By Kevin Cole WORLD-HERALD STAFF WRITER



A plan to buy out 45 flood-damaged homes along the Missouri River in Iske Park and Elbow Bend is now in the hands of the Bellevue City Council.

The Sarpy County Board agreed Tuesday to join with the Papio-Missouri River Natural Resources District, the Federal Emergency Management Agency and Bellevue on the \$3 million purchase plan.

The board agreed 4-1 on a resolution to participate as long as FEMA pays 75 percent of the costs and the county's contribution is capped at \$250,000.

Marlin Petermann of the Papio-Missouri River NRD told the commissioners that his agency would have "no problem" writing them into the agreement.

"I think this was a good step today for Sarpy County," Petermann said after the meeting. "This is also a good step toward providing for those residents of the county whose homes have been devastated by the flood."

The FEMA share of the buyout would come to \$2.25 million, with the NRD, Bellevue and the county splitting the other 25 percent, about \$250,000 each.

Board chairman Tom Richards said he feels strongly that Bellevue be part of the buyout because the city has annexed many of the properties that the program would seek to buy.

"If we approve this, it would be subject to the participation of Bellevue," Richards said. "That would have to be clear."

The Bellevue City Council on Monday tabled a decision on the agreement until its Nov. 28 meeting.

Council member Carol Blood said she had some of the same "language concerns" that the County Board addressed, but finding the money to participate in the program is the city's main concern.

"We are trying to do more with less and we don't have the money in our current budget for this (project)," Blood said.

"For me, personally, I want to help because we are talking about somebody's home."

Petermann said the buyout offers would be extended to an estimated 15 homes in Elbow Bend and 30 residences in Iske Park just south of Offutt Air Force Base.

About 25 of the home owners have indicated they would be open to discussing a buyout and the others have until Friday to submit a letter of interest.

If Bellevue agrees to join the NRD and Sarpy County in a buyout, an application must be submitted to the Nebraska Emergency Management Agency by Dec. 9. The state must then submit an application for the FEMA funds by Jan. 11.

Steve Braech, who owns a home in Iske Park, said he feels frustrated by Bellevue's building codes as he tries to make repairs. Many of the homes have already been condemned, Braech said, and the owners are feeling squeezed.

"The (buyout) money would have to be the right price becaue we have put a lot of money into cleanup already," Braech said. "What we really want is for the city to leave us alone and let us repair what the flood did to us."

Petermann said a buyout makes sense because the recurring flooding problem is costly to government agencies that must continually provide assistance.

"There is, of course, the possibility of developing the property for public access, but really the best thing is to just return the land to nature," Petermann said. "It could replace some of the wetland lost when the river channel changed."

Omaha's flood bill at \$12 million

By Nancy Gaarder Published Monday November 21, 2011 WORLD-HERALD STAFF WRITER

At first glance, Omaha's list of flood-related expenses — some 147 items long — is a dry accounting document.

The flood fight's biggest-ticket item: about \$5 million to pump the city dry until the Missouri River receded. That's the cost of leasing, operating, repairing and fueling nearly 100 pumps.

Some of the Herculean efforts came with hefty price tags. Among them:

» About \$1.4 million to protect the city's major sports and entertainment venues, TD Ameritrade Park and CenturyLink Center, as well as nearby businesses. Crews essentially re-plumbed the riverfront by tearing off a parking lot, cutting open a sewer and attaching pumps to it. The pumps brought stormwater up to the surface and discharged it across parking lots via a man-made stream to the Missouri River.

Other feats came at smaller costs, including:

» \$128,393 that officials say may have saved part of Offutt Air Force Base from a river-fed 15-foot geyser.

That late-June effort to plug the manhole geyser took place in Sarpy County, near Omaha's Papillion Creek Wastewater Treatment Plant.

Offutt deployed a Black Hawk helicopter with one-ton sandbags. When that didn't work, crews used an earth mover to reposition the bags, which still didn't hold.

What ultimately did the trick was the earth mover itself. Crews slid the machine's heavy shovel across the top of the manhole, shutting off most of the flow. The city left the excavator in place, sandbagged around it and successfully pumped away any excess water.

The city has spent \$12.2 million so far fighting the flood, said City Finance Director Pam Spaccarotella. When damage done to N.P. Dodge and Freedom Parks is added in, and repairs to the city's drainage system are fully tallied, that number will jump by the "tens of millions," said Marty Grate, the public works manager who oversaw much of the city's summer-long fight.

It will be early next year before the city has a solid idea of the total costs, Grate said.

City labor costs had totaled \$2.2 million as of early November, officials said.

In the end, the chunk that levee protection took was smaller than might be expected because the U.S. Army Corps of Engineers took over that work less than halfway through the battle. The corps stepped in after Omaha made an emergency request June 29, saying the city had exhausted its resources.

The city had spent \$1.8 million reinforcing the levee at three locations: near Eppley Airfield, near Ninth and Ida Streets and near Hickory Street. The city also spent more than \$600,000 extending the levee around the South Omaha sewer plant.

The good news is that Omaha taxpayers are getting some much-needed help.

Of the city's \$12.2 million in expenses, private insurance and federal and state disaster aid are expected to cover \$11 million, Spaccarotella said. Whether Omaha sees similar reimbursement rates for the remaining expenses remains to be seen.

In the meantime, Omaha is not considering a flood-related tax hike, Spaccarotella said. A \$5 million infusion from the city's insurer, Travelers, has helped the city's cash flow.

The lessons Grate learned from the flood are the kind that come only with experience. Officials now have a much better understanding of how water flows and pools in Omaha when it can't escape to the river.

"If we had to do it all over again, we could be much quicker in terms of knowing where to go and what to do about moving water after the floodgates are closed. We've certainly gained a lot of insight," he said. "It was totally uncharted territory ...

"I don't want to do it over again, but if we had to, we'd be much better prepared."

2nd shot at buyout for flooded homes

By John Ferak WORLD-HERALD STAFF WRITER

Spending \$3 million to remove 40 flood-prone homes south of Bellevue, some local officials say, would avoid the headache and expense of future emergency rescues and disaster relief.

But others question whether it's necessary for local and federal taxpayers to buy those homes when most of the owners can never rebuild anyway. And they note that property owners in that area along the Missouri River turned down a buyout offer 18 years ago.

"They had an opportunity in 1993 under a similar program," said Bellevue City Councilwoman Kathy Saniuk. "This is a second chance. How many chances does one get?"

On Monday, the Bellevue City Council will be asked to approve up to \$250,000 as the city's portion of the buyout plan. Sarpy County and the Papio-Missouri River Natural Resources District already have agreed to pay \$250,000 each, and the remaining \$2.25 million would come from the federal government.

If Bellevue rejects the plan, buyouts at Elbow Bend and Iske Park will be off the table because the county and NRD will not increase their share of the local cost, said John Winkler, the NRD's general manager.

"It's either three of us or none of us," Winkler said.

Some Bellevue officials question whether it's fair for Bellevue taxpayers to fund buyouts for an area outside the city limits, whose residents don't pay city property taxes.

"Do we have a financial obligation to them when they are not paying into the system?" Saniuk asked.

Bellevue is involved because its zoning jurisdiction now stretches into the area, thanks to the city's purchase of farmland south of Offutt Air Force Base to build the World Baseball Village softball complex. The city's code inspectors are responsible for determining whether the homes can be occupied.

Supporters of the plan contend the \$3 million expense is worthwhile because it would remove the chronic demand for emergency relief efforts in the area.

During 10 of the past 33 years, some property owners near Iske Park and Elbow Bend have received flood insurance payments totaling at least \$630,000. Others who did not carry flood insurance received individual assistance from the Federal Emergency Management Agency.

This summer's historic Missouri River flooding left all 13 houses or cabins in Elbow Bend destroyed beyond repair, Bellevue officials said. Only nine of the 27 homes in Iske Park can be repaired.

Marlin Petermann, assistant general manager of the Papio-Missouri NRD, said 32 of the estimated 40 property owners have expressed interest in taking the buyout. Property owners would be paid the pre-flood value of their homes, based on previous assessed valuations, minus any federal disaster assistance they've received this year.

"Many of them are seriously looking at this buyout," Petermann said. "We're moving them away from the water, out of harm's way. This is an opportunity to provide assistance to those that received a great loss in this flood."

If the six-member Bellevue council nixes the buyout plan, the condemned homes still must be removed, theoretically at the owner's expense. Owners can keep their property, but they cannot build new homes in the floodway. They could park campers or recreational vehicles on their empty lots for six months of the year, but would not be allowed to live there year-round, according to the NRD.

Since 1985, Steven Braesch has called Iske Park his permanent home. He endured minor flood damage in 1990, 1991, 1993, 1995 and 2010.

This summer's flood, by far, was the worst.

Floodwaters forced Braesch to leave in late May, and he has not been able to occupy his house since then. Bellevue inspectors did not condemn his residence and eight others, but he faces about \$1,500 in inspection costs and air quality tests before he can restore power.

Braesch is receiving federal aid to stay at Green Acres, a Bellevue trailer court.

"We're in limbo. I'm in a hard spot," said the 60-year-old retiree. "I almost have to take the buyout. We're kind of being forced into it."

He said Iske Park would not be much of a community anymore if only nine houses remain. He wishes federal and local governments would just leave him and the others alone.

"If I am willing to live in it, that's my problem," he said. "The river is the Mighty Mo. I deal with the river. We respect the river. It's my home. We've been through a number of floods, and that's brought the community closer."

After the 1993 flood, a similar buyout offer resulted in the demolition of 102 structures along the Missouri, including all 74 homes at nearby Holub's Place. It cost a total of \$5.1 million.

Iske Park residents were included in the 1993 buyout offer, but no one accepted.

Bellevue Councilman David Sanborn, who plans to vote against the city's participation, said one of the pitfalls of voluntary buyouts is that some owners may refuse to sell.

"We will keep having the same problem whenever the Missouri River comes over the banks," Sanborn said. "The solution would be to not allow any one of them to stay there, but now to do that, you're toying with property rights. It's certainly not an easy solution."

The federal program does not allow use of eminent domain to acquire private property.

Winkler said the NRD would be pleased if a majority of the 40 homes took the proposed buyout.

"Anytime we get a structure and people out of harm's way, I see that as a success," Winkler said.

The buyout program calls for demolishing the homes and leaving the land as public open space controlled by the NRD.

"It is possible that a public use such as a trail or park could be on that property," Winkler said.

Saniuk, who has not decided how to vote, noted that Bellevue did not budget for its \$250,000 share of the buyout.

On the other hand, she said, the city could wind up with unbudgeted demolition costs for uninhabitable properties if the owners walk away from the land.

"It's a tough issue," Saniuk said. "I can see merit on both sides."

Councilman Don Preister said he's leaning in favor of the buyout, although he has reservations.

"I don't feel good about using any taxpayer money to buy out people who choose to live there," he said. "I also don't feel good to abandon or ignore their need for help."

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Carving out lane for bicyclists?

By Jeffrey Robb WORLD-HERALD STAFF WRITER

Omaha transportation planners are considering a makeover of Harney Street through downtown and midtown to turn it into a useful route for pedestrians and bicyclists.

And one traffic lane for cars could find itself on the outs.

The project is just conceptual at this point, but it has gained traction during the city's development of a new Omaha transportation master plan.

The downtown segment of the so-called Harney Street Bikeway rated No. 1 in a ranking of 266 possible street, trail or other transportation projects.

Plans call for giving over one lane of automobile traffic to a trail, which would have its own designated lanes for walking and biking. The street is three or four lanes now, and by taking away one lane, that would leave two or three lanes for vehicles.

The concept is more involved than the on-street bike lanes installed on some city streets. Instead of just striping a bike lane, Harney Street would have a trail set off by a landscaped median.

Derek Miller, the city's transportation planner, said the project would promote "active transportation" and connect the high-profile areas of downtown, Midtown Crossing and the University of Nebraska Medical Center.

Though parts of that one-way eastbound route contain significant development, Miller said the project would make the underutilized areas in between more viable for economic development.

"It's kind of showcasing what we can do," Miller said.

The city's transportation master plan is trying to encourage alternatives for allowing people to get around, not just building more and wider streets. The plan, which the City Council will vote on next year, also aims to make better use of the city's existing street system while trying to attract more people to live in established parts of Omaha.

Talk of a Harney Street project first emerged from a workshop on the city's transportation plan.

The concept follows the model of the Indianapolis Cultural Trail, an urban bike and walking trail that connects the city's cultural districts and its major downtown arts, sports and entertainment venues. The 7.5-mile route, which was funded through \$62.5 million in government grants and private donations, has been praised for stamping Indianapolis as a progressive, innovative city.

In Omaha, early conceptual plans tout the possibility of creating the "Harney Cultural Trail," allowing people to see "the heart of Omaha, by foot or bike." Connecting routes could lead to South Omaha, the Henry Doorly Zoo, Durham Museum, north downtown, TD Ameritrade Park, CenturyLink Center, Joslyn Art Museum, Creighton University and north Omaha.

In its early stages, the project is winning fans.

Kevin Flatowicz-Farmer, a member of the ModeShift Omaha group that promotes transportation alternatives, said the project would provide an important east-west connection into downtown and provide a highly visible route to promote active transportation.

He said the route would put bicycling and walking on par with driving a car.

"People are being invited onto the street on their bicycles, they're being invited onto the street on foot," Flatowicz-Farmer said.

He said the changes also should not disrupt automobile traffic, because the street can handle many more cars than actually use it.

After completing the full transportation master plan, the city wants to study the Harney Street concept further. But Miller said that study, looking at design details and the impact on area properties, probably wouldn't start until 2013.

Determining the project's cost would be another part of that study. Miller didn't have an early estimate on the potential cost, although he said generally it could cost several million dollars.

The transportation plan's project list contains six segments to fully develop the Harney trail: 10th to 24th Streets; 24th to 42nd Streets; 42nd to 48th Streets through UNMC; and branches north up 24th Street to the Joslyn; north up 13th Street and then east on Capitol Avenue; and north up 13th Street and east on Cass Street.

How quickly the project moves to construction largely depends on funding.

If the city were to use federal funds, it would take years to go through that funding process, Miller said. It's possible, he said, that the city could try to raise private funds for the project and build it in phases.

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Bellevue vote scuttles 40-home buyout plan

■ Iske Park and Elbow Bend homeowners are shocked by the council's 4-2 vote.

By John Ferak WORLD-HERALD STAFF WRITER

A \$3 million local and federal government plan to buy about 40 flood-prone homes south of Bellevue was rejected Monday night.

The Bellevue City Council effectively killed the plan, voting 4-2 against a proposal to spend up to \$250,000 as the city's portion of the buyout plan.

The plan was contingent on Bellevue's par-

ticipation.

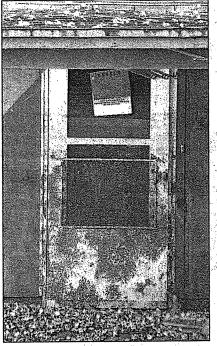
The two council members voting in favor of the plan were Don Preister and Carol Blood. Dave Sanborn, Kathy Saniuk, Scott Houghtaling and Steve Knutson opposed the buyout.

Mayor Rita Sanders presided over the meeting, but the mayor can vote only to break

Earlier this month Sarpy County and the Papio-Missouri River Natural Resources District agreed to pay \$250,000 each. The remaining \$2.25 million would have come from the federal government.

Supporters of the plan contended that the \$3 million price tag was worth it because it would remove the chronic demand for emergency relief in the area of Iske Park and El-

See Buyouts: Page 2



CHRIS MACHIAN/THE WORLD-HERALD

A flood-damaged house in Iske Park bears a condemnation notice earlier this month.

Buyouts: Vote upsets homeowners

Continued from Page 1

bow Bend.

About a dozen residents from those areas attended Monday's meeting, anticipating a favorable outcome. The buyout program would have provided preflood value for their homes and have allowed them to rebuild at another location.

The outcome of the vote appeared to surprise them.

And it made them mad.

One woman in the audience said council members should live in her house, which she said is marred by mold.

After the vote, longtime Elbow Bend resident Don Madsen tried to address the council, but Sanders told him the public had its opportunity for input at the previous council meeting two weeks ago.

She tried to move on to other matters on the agenda, but Madsen implored her for clarification on what the council's vote meant for them.

"The buyout was denied," Sanders explained.

"You people are crazy," Madsen barked as he left the room in disgust.

Prior to the vote, councilman Preister said he feared Bellevue could be stuck with a greater tab than \$250,000. If all the property owners choose to abandon their destroyed and water-damaged homes, the city will have to pay for demolition, he said.

Last summer's historic Missouri River flooding left all 13 houses or cabins in Elbow Bend destroyed beyond repair, Bellevue officials said. Only nine of the 27 homes in Iske Park can be repaired.

Yet Preister said he believed Bellevue had a "moral obligation" to step in and try to rectify the problem.

Blood, who joined Preister in supporting the buyout, said she empathized with the flooded property owners.

"We're talking about people, people who lost homes," Blood said.

But other council members questioned whether it was fair for Bellevue taxpayers to fund buyouts for an area outside the city limits, whose residents don't pay city property taxes.

"I don't think it would be financially responsible," Houghtaling said.

Bellevue denied previous requests for financial assistance from property owners at two mobile home parks within the city limits, Houghtaling said.

Meanwhile, city officials continue to grapple with budget belt-tightening, and most city employees will not receive salary increases, he said.

"We don't have the money in the budget," Houghtaling said.

Bellevue became involved in the buyout issue because its zoning jurisdiction now stretches into the area after it purchased farmland south of Offutt Air Force Base to build the World Baseball Village softball complex. The city's inspectors are responsible for determining whether the homes can be occupied.

Sanborn said he was disappointed that state government wasn't contributing to the buyout proposal, as it did after 1993 flooding that resulted in the demolition of 102 structures along the Missouri. That program cost \$5.1 million.

In that case, the state provided \$240,000 while Sarpy County and the NRD gave \$120,000 apiece.

"Some of the buildings and land will be a continued problem in the next flood we have," Sanborn predicted. "Bellevue is going to be involved in this forever."

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Council rejects buyout proposal

By Scott Stewart Leader Staff Writer

The City of Bellevue was asked to pay a third of a quarter of an estimated \$2.4 million to buy out about 30 houses south of the city damaged or destroyed by this summer's flooding.

But that roughly \$200,000 price tag was still too much.

The City Council voted 2-4 on a proposed agreement with the Papio-Missouri River Natural Resources District and Sarpy County to ask the Federal Emergency Management Agency to set up a voluntary buyout program for properties at Elbow Bend and Iske Place.

Despite votes of approval for the interlocal agreement from the Papio NRD and Sarpy County, the deal appears to be off the table with Bellevue's rejection Monday evening.

The NRD had suggested asking FEMA to pick up 75 percent of the cost to buyout the homes, with the three local governments splitting the remaining costs evenly.

Planning Director Chris Shewchuk told the council that about 30 people were interested in the program as of Monday.

After the council rejected the plan, the council members were met by a few heckles from the crowd, which overflowed into the council chamber's lobby.

Elbow Bend resident Don Madsen came up to the podium, despite being told he was out of order by Mayor Rita Sanders, to clarify that the council had voted down the proposal.

"You people are crazy," he said as he walked away.

In the lobby, Madsen said his father-in-law named Elbow Bend after building a home there in the early '50s. He said this was the first year the 1,489-square-foot property was under water because of Missouri River flooding.

Madsen said he couldn't understand why the city wouldn't help the residents if Bellevue doesn't want them down along the river.

Before taking the vote, the members of the council stated some of their reasons for their votes while peppering city staff with questions and clarifications.

Councilman Scott Houghtaling said the buyout would have been financially irresponsible after asking city employees to forego raises, cutting department budgets and already turning away property owners within city limits who asked for help preparing for the flood.

"I truly feel bad for the hardship that the flood has put on residents," he said. "That has been a very touchy subject."

Citing his prior criticism of the plan, Councilman Dave Sanborn said he felt no justifiable reason was given why Bellevue taxpayers should pay to buy out property outside city limits. He said city residents already would be paying for the program through the county and NRD.

Sanborn also complained that because the program was voluntary, it would mean some homes would continue to cause problems the next time it floods. He also said he felt the plan was unfair to those property owners who purchased flood insurance to protect themselves.

With the city budget already suffering from lost revenue, the source of the money for the buyout — whether it was raising taxes or again tapping community betterment funds, both ideas renounced by the council — was a common sticking point.

"How do you ask taxpayers to raise the mil levy to pay for it?" Houghtaling asked.

Councilman Don Preister, who championed the buyout, said he came to the meeting prepared to vote no but experienced a "personal dilemma" on how to vote. He asked Chief Building Official Mike Christensen how much it could cost the city if it rejected the buyout plan.

Christensen said he estimated it could cost up to about \$230,000 if everyone who is not allowed to rebuild walked away from their properties. He said that would be a worst-case scenario, with costs to board up and eventually demolish the homes.

City Attorney Patrick Sullivan said the properties would still have value, even though the land itself is not assessed at very much. He said the city could go through a foreclosure process if properties are abandoned and if liens would fail to recover the cost of demolitions.

Sullivan said the city could even consider removing Elbow Bend and Iske Place from the city's extra-jurisdictional zone, making the areas part of Sarpy County's jurisdiction again. He said the council could also simply choose to ignore the properties after boarding them up.

Preister balked at allowing the houses to remain standing in unsafe condition where they might attract youth looking for a place to hold a party. He said the city has a moral obligation to take action even if it lacks a legal responsibility to do so.

Before motioning to approve the buyout, Preister said he would prefer to see the city minimize its liability and take into account the consequence for the residents by approving the plan. But he said neither option was good, and the city will have to pay a lot of money either way.

"This one is a very tough, tough, tough vote for all of us," Preister said. "No matter which way we go, it's good and bad."

With Bellevue rejecting the proposal, the fate of those residents near the Missouri River is left uncertain. Only nine of the 45 homes affected by flooding are currently permitted to rebuild, based on the city's assessment of damage at the properties.

However, Elbow Bend resident Dave Sorich told the council he will appeal a decision to declare his cabin too damaged to repair. He said he doubts many of his neighbors will abandon their land because of the value of the land's riverfront tranquility.

"I think more appeals will be coming," Sorich said. "A lot of these properties are repairable."

Blood said after the meeting that the vote was a no-win situation financially. She said she voted for the buyout because it had a fixed dollar amount, as opposed to the open-ended obligation the city may end up having. The human factor was also a decision for her vote, she said.

"It's hard not to feel empathy for people when you're talking about their homes," Blood said.

On the other side, Knutson said he was scared about seeing the city commit to spending \$250,000 — the initial estimated cost the NRD provided Bellevue — as well as added costs and staff time as part of a future budget.

"Sometimes you've got to draw the line," Knutson said.

Both Blood and Preister expressed frustration at how the costs factored into the decision. Blood said she felt the council's hands were tied by cuts at the state and federal level, while Preister said he felt like he was being squeezed by a vise.

"Sometimes, no matter how much we want to help somebody, we simply can't," Blood said.