

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: February 6, 2004

FROM: Steve Oltmans, General Manager

A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities of the District for the month of January, 2004, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. A Coordination Meeting with the City of Papillion was held on January 12, 2004 at the Natural Resources Center. Items discussed were: West Papillion Creek Channel Project; Trail and Park Projects; Papio Creek Watershed Partnership; West Branch and Tributary Floodplain Mapping; Walnut Creek Recreation Area; Highway 370 Corridor Planning; and, Sewer and Water Study for Southern Sarpy County. A copy of the agenda is attached.
2. On February 3, 2004 a meeting with NRCS and P-MRNRD staff was held to discuss the Pigeon-Jones Watershed and the Silver Creek Watershed. A copy of the agenda is attached for your information.
3. Attached is a thank you note from Brian Wolford, State Executive Director of the Nebraska Farm Service Agency, thanking the GM for use of the NRC Board Room for their Producer Outreach Meeting on December 9, 2003. Over 40 producers from nine states attended the meeting to identify areas where FSA could improve service and program delivery for all US producers.
4. Attached is a thank you note from Patti McArdle, Executive Director of the Nebraska Land Improvement Contractors Association, thanking the GM for speaking at the NLIC Annual Convention on January 14, 2004 in Grand Island, NE.

C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, PERSONAL PROPERTY**: Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of January, 2004. Please review this report and contact me if you have any questions.

- D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL:** Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of January 9, 2004. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **WEST BRANCH CHANNEL PROJECT (84TH TO 96TH Streets) UPDATE:** On January 13, 2004 a property exchange agreement between Bellino Properties, LLC and the District was executed. Bellino accepted the District's offer to exchange properties for the amount of \$60,850 in favor of the District, as outlined in the Board's action of August 12, 2003. The District's offer was valid for 5 months (until January 14, 2004). A copy of the signed agreement is attached.
- F. **NEWS CLIPS:**
- ✓ December, 2003, Public Works Magazine Article – Watershed Management – Nebraska Communities Partner to Plan. A Papillion Creek Watershed Planning Project in eastern Nebraska has been a success because it has established the tools needed for long-term watershed planning and assessment.
 - ✓ January 7, 2004, Omaha World Herald Article – Utilities see problems in lower river flows.
 - ✓ January 8, 2004, Lincoln Journal Star Article – Task force's policy treads water. The Lower Platte South NRD backs recommendations.
 - ✓ January 8, 2004, Omaha World Herald Article – Bulk of stormwater cleanup cost may fall to homeowners.
 - ✓ January 10, 2004, Omaha World Herald Article – Resources district opposes runoff bill. The legislation would authorize fees on property owners for stormwater pollution cleanup.
 - ✓ January 12, 2004, Omaha World Herald Article – Developer, county study access to I-80.
 - ✓ January 22, 2004, Omaha World Herald Editorial Cartoon - Omaha Green Space.
 - ✓ January 22, 2004, Lincoln Journal Star Article – Water plan sees waves of support, opposition. Irrigators argue against the policy, while others say it is a compromise that protects Nebraska water.
 - ✓ January 27, 2004, Lincoln Journal Star Article – Platte cabin owners forced to weigh options. A levee improvement project will require cabins to be raised or the property sold.
 - ✓ January 27, 2004, Omaha World Herald Article – More Omaha trail links sought. Green spaces part of design initiative. Meeting set for Feb. 18.
 - ✓ January 27, 2004, Omaha World Herald Article - Stormwater discussion a wash. Lawmakers accomplish little on the question of who should pay for cleaning up rainwater runoff.
 - ✓ January 28, 2004, Omaha World Herald Article – Cabins' fate: Get up or get out. Hearings are scheduled on raising or removing flood-prone buildings in the way of a levee project.
 - ✓ January 30, 2004, Omaha World Herald Article – Omaha has the edge on Asarco funds. An EPA administrator says the health threat from lead should ensure the city gets a share of a \$130 million settlement.
 - ✓ January-February, 2004, MSW Management Magazine – CRTs as Hazardous Waste: Babies and Bath Water?
 - ✓ February 4, 2004, Omaha World Herald Article – Storm water cleanup bill still swirling. Questions of who should pay the costs remain unsettled.

January 2004

Information & Education Report

Information

- Continued work on Winter 2004 SPECTRUM.
- Made preparations for booth at the Omaha Home and Garden Show at the Quest Center
- Completed minor updates to Overview and Trails slide programs
- Updated Web Site pages
- Chaired and attended NE Chapter PRSA Professional Development Conference
- Assisted with Public Hearing on Western Sarpy project.
- Began work on Recycling page for Web Site.

Education

- Continued planning for Water Works 2004
 - Printed and mailed applications
 - Applied for grant funding
 - Met to discuss event details
- Met with area gym managers to provide information for staff wellness
- Managed 95 volunteer hours
- Attended state education standards correlation meetings
- Interviewed 6 applicants for Education Intern position
- Planned for PLT/WET training at Creighton University
- Edited, Printed, Mailed out Tree/Seed postcards
- Started planning handout to give to students visiting Chalco Hills
- Provided information to staff pedometers, and collected orders

PAPILLION/NRD COORDINATION MEETING
Monday, January 12, 2003
11:30 am – 1:30 pm (Luncheon Meeting)
Natural Resources Center – Chalco Hills Recreation Area/Wehrspann Lake

AGENDA

1. West Papillion Creek Channel Project – Cleveland, Dam
 - a. Channel improvement from 90th Street to Giles Road
 - b. 96th Street Project
2. Trail and Park Projects – Bowen, Hansen
3. Papio Creek Watershed Partnership – Petermann, Woodward, Leming
 - a. New agreement
 - b. NPDES Permit
 - c. Stormwater Fee
4. West Branch and Tributary Floodplain Mapping – Woodward, Dam
5. Walnut Creek Recreation Area – Oltmans, Lee, Hansen, Wagner
 - a. Future plans and Fire Hall
6. Highway 370 Corridor Planning – Dam, Lee
7. Sewer and Water Study for Southern Sarpy County – Oltmans, Hoins
8. Other items of interest
9. Upcoming events

Memo to: Rich Jansen – Director
Pete Rubin – Director
Steve Oltmans – General Manager
Marlin Peterman – Assistant Manager
Paul Woodward
Gerry Bowen
Martin Cleveland
Randy Lee

James E. Blinn, Mayor
Dan Hoins, City Administrator
Jennifer Dam, Planning Director
Paul Wagner, Fire Chief
Lori Hansen, Recreation Director
Marty Leming,
Public Works Director

Meeting Coordinator for Papillion – Rachel Cascio – RCASCIO@Papillion.org
Meeting Coordinator for P-MRNRD – Paul Woodward – pwoodward@paionrd.org

AGENDA FOR PIGEON JONES WATERSHED AND SILVER CREEK WATERSHED MEETING

Omaha Service Center, Lower Conference Room

February 3, 2004

Moderator: Chuck Leinen

Note Keeper: Kelly Fravel

- 10:00 -10:20 am Pigeon Jones Watershed Plan and Land Treatment - Dakota County Staff**
- 10:20 -10:40 am Easement Policy for P-MRNRD, Land Rights, Ingress-Egress, Responsibility, and Who's Obtaining and Scheduling Easements and Responsibility- Ralph Puls**
- 10:40 -11:00 am Pigeon Jones Work Plan Schedule and Revisions - Everyone**
- 11:00 -11:20 am Road Structure Policy for P-MRNRD – Dick Schlener**
- 11:20 -11:40 am Promoting Tools, such as, Contour Incentive Payments and Demonstration Sites – Everyone**
- 11:40 -12:00 pm Engineering Staff Schedule with Access Program – Mitch Keebler**
- 12:00 -12:30 pm Steve Oltmans Welcome to New Employees (Lunch Provided by P-MRNRD)**
- 12:30 -12:50 pm Silver Creek Watershed Plan and Land Treatment - Burt County Staff**
- 12:50 - 1:10 pm Silver Creek - Land Rights, Ingress-Egress, Responsibility, and Scheduling Easements and Responsibility- Terry Schumacher**
- 12:50 - 1:10 pm Silver Creek Watershed Work Plan Schedule and Revisions – Everyone**
- 1:10 - 1:20 pm EQIP Workload for 2003 and sign-up for 2004 – Don Doty**
- 1:20 - 1:40 pm Schedule Local Work Group Proposal Meeting for P-MRNRD – Don Doty**
- 1:40 - 2:00 pm NRCS – Engineering Workload Issues, Contribution Agreements, Request for Proposal and TSP's – Don Doty & Chuck Leinen**
- 2:00 pm Adjourn**

NOTE: The meeting schedule is very tight, therefore be patient with the moderator on timeframes for the presentations. In addition, I will allow short breaks for the notekeeper.



Nebraska Farm Service Agency

United States Department of Agriculture

December 22, 2003

Brian Wolford

State Executive Director

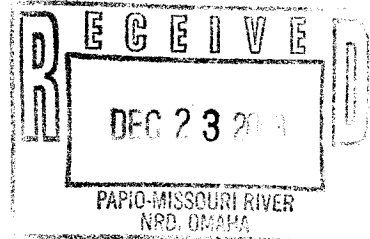
Farm Service Agency
Nebraska State Office
7131 A Street
Lincoln, Nebraska 68510

Telephone:
(402) 437-5581

FAX:
(402) 437-5280

E-mail:
brian.wolford@ne.usda.gov

Mr. Steve Oltmans
Manager, Papio-Missouri River NRD
8901 South 154th, Suite 4
Omaha, NE 68138-3621



Dear Steve:

I would like to take this opportunity to express my sincere gratitude and appreciation for allowing USDA-Farm Service Agency to use your facility for our Producer Outreach Meeting on December 9, 2003.

Over forty producers from nine states attended the meeting to identify areas where FSA could improve service and program delivery for all U.S. producers. Everyone was very impressed with you, your facility and the hospitality of your staff. I am especially appreciative of the snow removal crew keeping ahead of the accumulation so our guests could get to and from their vehicles.

I do want to thank your staff for assisting to tear down the room. I understand that our facilitators went overtime and your staff needed to prepare the room for a meeting that evening. I apologize for any inconvenience that this caused you or your staff.

I sincerely value the partnership we share with you. Thank you for all of your hard work and Happy Holidays to you and your staff.

Sincerely,

Brian Wolford
State Executive Director



NEBRASKA LAND IMPROVEMENT CONTRACTORS ASSOCIATION

811 Skylark Drive • Elkhorn, NE 68022-1308 • Phone (402) 289-2489

January 27, 2004

MR. STEVE OLTMANS
Papio-Missouri River N.R.D.
8901 So. 154th St.
Omaha NE 68138-3621

Dear Mr. Oltmans:

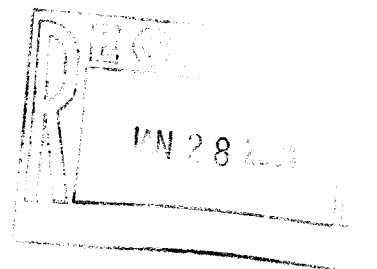
Thank you for speaking to the contractors of the Nebraska Land Improvement Contractors Association on January 14, 2004 in Grand Island.

Your presentation was one of great interest to our people and they were very appreciative of the materials you distributed. We appreciate your time and your expertise.

Sincerely,

(Mrs.) Patti McArdle, Executive Director
Nebraska Land Improvement Contractors Association

Enc. 1



January 2004

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Updated: January 9, 2004

**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 = PFP's Portion Completed

- **Big Papio Channel Project - West Center Road to West Dodge Road (Woodward):**
- **Little Papio:** (Cleveland)
- **Big Papio :** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (W)
 - Land Exchange with Bellino (96th St.) (W)
 - ROW Hearing Documents (84th – Giles) (N)
- **Western Sarpy Dike** (Sklenar, Cleveland):
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Complete easements – three dikes and one drainage ditch (F)
 - Amended drainage ditch easements on Hickey (First National and Bundy Properties) (W)
 - Levee ROW research (RSP, etc.) (W)
 - Cabin ROW Hearing Documents (N)
- **Floodway Purchase Program** (Woodward):
 - Prepare draft Interlocal Agreement for Flood Mitigation Planning and Mapping Assistance Program (P)
 - Floodway Property Purchase Agreements for Proskel Property at Elbow Bend (N)
- **Trail Projects** (Bowen):
 - Bennington Trail Interlocal Agreement (W)

- **Missouri River Corridor Project** (Becic):
 - ✪ California Bend – Final settlement with tenant (Wright's) (W)
 - ✪ Lower Decatur Bend – Appraisal Review, ROW documents and habitat easements (W)
- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Papio Site S-30 – development agreements (F)
 - Silver Creek Site Easements– as needed (W)
 - Release of Site S-7 Easement (W)
- **Papio Watershed Dam Sites:**
 - Dam Site 19 agreement (Petermann) (F)
 - Candlewood Easements (Chris Curzon) (O)
 - Dam Site 13 Agreement (Petermann) (F)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - Storm water Utility Legislation (W)
 - Partnership Interlocal Agreement (W)
- **Rural Water Projects:** (Sklenar)
 - ✪ Water Purchase Agreement for WCRW Country Estates Mobile Home Park (W)
 - ✪ Water Purchase Agreement with Blair and Washington County for WCRW #2 (W)
- **Other:**
 - Aerial photo/GIS Consortium Agreement with MAPA (W) (Woodward)
 - Interlocal Agreement with Bellevue for Missouri Riverfront Development (N) (Becic)
 - Interlocal Agreement for Dakota County Natural Resources Center (W) (Puls)

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
BELLINO PROPERTIES, L.L.C.**

EXCHANGE AGREEMENT

THIS AGREEMENT (hereinafter referred to as "this Agreement") is dated as of this 13th day of January, 2003, by and between BELLINO PROPERTIES, L.L.C. (hereinafter referred to as "BELLINO") and the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (hereinafter referred to as "the DISTRICT").

A.

BELLINO hereby agrees to sell and exchange and the DISTRICT hereby agrees to purchase and accept from BELLINO, certain real property upon the following terms and conditions:

A1. Property. The property of BELLINO to be sold to and exchanged with property of the DISTRICT pursuant to this Agreement consists of the parcels of land in the SW ¼ of Section 22 and NW ¼ of Section 27, Township 14 North, Range 12 East, Sarpy County, Nebraska, herein referred to as "PARCEL A," such PARCEL A being described and depicted in the legal description/diagram attached hereto and incorporated herein by reference as "Exhibit A."

A2. Valuation/Price. For purposes of this Agreement the fair market value of PARCEL A is deemed to be the sum of FORTY-TWO THOUSAND ONE HUNDRED FIFTY DOLLARS (\$42,150.00).

A3. Deed. PARCEL A shall be conveyed by BELLINO to the DISTRICT by Full Warranty Deed free and clear of all mortgages, liens (including real estate taxes), tenants' rights, and other encumbrances except easements and protective covenants now of record (such excepted items hereinafter being referred to collectively as "BELLINO'S PERMITTED EXCEPTIONS").

A4. Title Insurance. Within 45 days after the date of this Agreement, BELLINO shall deliver to the DISTRICT a commitment for a title insurance policy for PARCEL A.

(a) Such commitment shall be issued by an authorized title insurance company in the amount of the agreed fair market value thereof as referred to hereinabove and shall show marketable fee simple title to PARCEL A to be vested in BELLINO, subject only to BELLINO'S PERMITTED EXCEPTIONS aforesaid and liens and encumbrances of an ascertainable amount which may be removed by

the payment of money at the time of closing and which BELLINO may so remove at that time by using a portion of the purchase price to be paid at closing, including deposit of same for BELLINO'S account with the title insurer pursuant to a "title indemnity" or similar escrow arrangement pending removal or release of such liens or encumbrances. The aforesaid policy or commitment shall be conclusive evidence of good title as therein shown as to all matters insured or to be insured by the policy, subject only to the exceptions as therein stated.

(b) If the aforesaid commitment discloses any exceptions to title other than BELLINO'S PERMITTED EXCEPTIONS (hereinafter referred to as BELLINO'S NONPERMITTED EXCEPTIONS), BELLINO shall have 30 days from the date of delivery of the commitment to BELLINO to have BELLINO'S NONPERMITTED EXCEPTIONS removed from the policy or commitment, or, at BELLINO'S expense, to have the title insurer commit to insure against loss or damage that may be occasioned by BELLINO'S NONPERMITTED EXCEPTIONS, and in such event, the time of closing shall be the day following the date of such removal of exceptions or commitment to insure, or the date for closing as provided pursuant to Paragraph 9 hereof, whichever comes later.

(c) If BELLINO fails to have BELLINO'S NONPERMITTED EXCEPTIONS removed, or in the alternative, to obtain the commitment for title insurance specified above as to such exceptions within the specified time, the DISTRICT may, at the DISTRICT'S election, terminate this Agreement or take title as title to PARCEL A then is, in either case by giving BELLINO written notice of the DISTRICT'S election and, in the latter case, by tendering performance on the DISTRICT'S part. If the DISTRICT fails to give notice of such election within ten days after the expiration of the aforesaid 30 days, then the DISTRICT shall be deemed to have elected to take title as it then is, and this transaction shall close in accordance with the preceding provisions hereof. If the DISTRICT shall give notice of the DISTRICT'S election to terminate this Agreement, as aforesaid, within the time provided, then this Agreement shall thereupon, without further action by any party, become null and void and neither party shall have any obligation hereunder.

B.

The DISTRICT hereby agrees to sell and exchange and BELLINO hereby agrees to purchase and accept from the DISTRICT, certain real property upon the following terms and conditions:

B1. Property. The property of the DISTRICT to be sold to and exchanged with property of BELLINO pursuant to this Agreement consists of the parcel of land in the SW ¼ of Section 22, Township 14 North, Range 12 East, Sarpy County, Nebraska, referred to

as "PARCEL B," such PARCEL B being described and depicted in the legal description and diagram attached hereto and incorporated herein by reference as Exhibit "B."

B2. Valuation/Price. For purposes of this Agreement the fair market value of PARCEL B is deemed to be the sum of ONE HUNDRED THREE THOUSAND DOLLARS (\$103,000.00).

B3. Deed. PARCEL B shall be conveyed by the DISTRICT to BELLINO by Full Warranty Deed free and clear of all mortgages, liens (including real estate taxes), tenants' rights and other encumbrances except easements and protective covenants now of record, such excepted items hereinafter being referred to collectively as "the DISTRICT'S PERMITTED EXCEPTIONS".

B4. Title Insurance. Within 45 days after the date of this Agreement, the DISTRICT shall deliver to BELLINO a commitment for a title insurance policy for PARCEL B.

(a) Such commitment shall be issued by an authorized company in the amount of the agreed fair market value thereof as referred to hereinabove and shall show marketable fee simple title to PARCEL B to be vested in the DISTRICT, subject only to the DISTRICT'S PERMITTED EXCEPTIONS aforesaid and liens and encumbrances of an ascertainable amount which may be removed by the payment of money at the time of closing and which the DISTRICT may so remove at that time by using a portion of the purchase price to be paid at closing, including deposit of same for the DISTRICT'S account with the title insurer pursuant to a "title indemnity" or similar escrow arrangement pending removal or release of such liens or encumbrances. The aforesaid policy or commitment shall be conclusive evidence of good title as therein shown as to all matters insured or to be insured by the policy, subject only to the exceptions as therein stated.

(b) If the aforesaid commitment discloses any exceptions to title other than the DISTRICT'S PERMITTED EXCEPTIONS (hereinafter referred to as the DISTRICT'S NONPERMITTED EXCEPTIONS), the DISTRICT shall have 30 days from the date of delivery of the commitment to the DISTRICT to have the DISTRICT'S NONPERMITTED EXCEPTIONS removed from the policy or commitment, or, at the DISTRICT'S expense, to have the title insurer commit to insure against loss or damage that may be occasioned by the DISTRICT'S NONPERMITTED EXCEPTIONS, and in such event, the time of closing shall be the day following the date of such removal of exceptions or commitment to insure, or the date for closing as provided pursuant to Paragraph 9 hereof, whichever comes later.

(c) If the DISTRICT fails to have the DISTRICT'S NONPERMITTED EXCEPTIONS removed, or in the alternative, to obtain the commitment for title insurance specified above as to such exceptions within the specified time, BELLINO may, at BELLINO'S election, terminate this Agreement or take title as title to PARCEL B then is, in either case by giving the DISTRICT written notice of BELLINO'S election and, in the latter case, by tendering performance on BELLINO'S part. If BELLINO fails to give notice of such election within ten days after the expiration of the aforesaid 30 days, then BELLINO shall be deemed to have elected to take title as it then is, and this transaction shall close in accordance with the preceding provisions hereof. If BELLINO shall give notice of BELLINO'S election to terminate this Agreement, as aforesaid, within the time provided, then this Agreement shall thereupon, without further action by any party, become null and void and neither party shall have any obligation hereunder.

C.

C1. Payment Of Difference In Net Values. For the purposes of this Agreement, the difference between the fair market values of the respective premises shall be deemed to be the sum of SIXTY THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$60,850.00), which sum shall be due and payable by BELLINO to the DISTRICT at the time of closing.

C2. Surveys. All surveys which a party may require in connection with the closing of this transaction shall be at the expense of such party.

C3. Title Insurance Premiums. Each party shall pay the premiums for the title insurance for which this Agreement calls such party to provide a title insurance commitment.

C4. Closing. This transaction shall be closed upon a date and at a time to be designated in a written notice mailed by the DISTRICT to BELLINO, such closing date to be not less than 20 days and not more than 60 days following the date of this Agreement. The transaction shall be closed at the DISTRICT'S principal office, in Sarpy County, or at such other time and/or place as may be agreed upon in writing by BELLINO and the DISTRICT.

C5. Delivery of possession. Possession of PARCEL A and PARCEL B shall be delivered at closing, subject to the aforesaid permitted exceptions, or at such subsequent time as may be agreed upon in writing by BELLINO and the DISTRICT.

C6. Revenue Stamps. All documentary stamp taxes shall be paid by the respective grantee of a transaction to the extent that these transactions are not exempt therefrom.

C7. Recordation. This Agreement may be recorded in whole or in part.

C8. Entire agreement. This instrument contains the entire agreement between the parties, and each party agrees that neither party, nor any officers, agents, or employees of the parties, have made any representation or promise with respect to, or affecting the properties subject to this Agreement, not expressly contained herein.

C9. Governing law. The provisions of this Agreement shall be governed by, and construed in accordance with, the laws of the State of Nebraska.

C10. Captions. The captions contained in this Agreement are for convenience only and are not intended to limit or define the scope or effect of any provision of this Agreement.

C11. Time. Time is of the essence of this Agreement.

C12. Default; specific performance. If either party shall default hereunder, the other party shall be entitled to enforce specific performance of this Agreement or may terminate this Agreement.

C13. Notices. All notices herein required shall be in writing and shall be served on the parties at the addresses set out below, or at such other address as either party may hereafter designate in writing for service of notice to itself. The mailing of a notice by certified or registered mail, return receipt requested, or delivery thereof by messenger, shall be sufficient service.

C14. Survival of conditions. The terms and conditions of this Agreement, and all representations, covenants, warranties, and agreements made herein, shall survive the closing of this transaction, and shall not be deemed to have merged or terminated upon closing.

C15. Binding effect. The provisions of this Agreement shall inure to the benefit of, and shall be binding upon, the successors in interest and assigns of the respective parties hereto.

BELLINO PROPERTIES, L.L.C.

Address: 501 OLSON DR 214
EDMUND, NE 68040

By Donald J. Bellino Valerie Bellino

Title: Member Member

PAPIO-MISSOURI RIVER NATURAL
RESOURCES DISTRICT

8901 South 154th Street
Omaha, NE 68138-3621

By W. J. Olson
Title: General Manager

STATE OF NEBRASKA)
) SS.
COUNTY OF SARPY)

On this 02nd day of January, 200⁴3, before me, a Notary Public in
and for said County, personally came Donald J. Bellino and Valerie Bellino,
Members of BELLINO PROPERTIES, L.L.C., to me
personally known to be the identical person whose name is affixed to the above and
foregoing instrument, and acknowledged the same to be his voluntary act and deed and the
voluntary act and deed of said limited liability company.

WITNESS my hand and Notarial Seal the date last aforesaid.

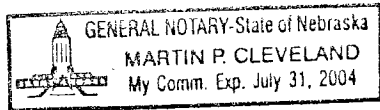


Jennifer L. Fett
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF Sarpy)

On this 13th day of January, 200~~3~~⁴^{MPC}, before me, a Notary Public, personally came STEVEN G. OLTMANS, General Manager of the Papio-Missouri River Natural Resources District, to me personally known to be the identical person whose name is affixed to the above and foregoing instrument, and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said Natural Resources District.

WITNESS my hand and Notarial Seal the date last aforesaid.



Martin P. Cleveland
Notary Public

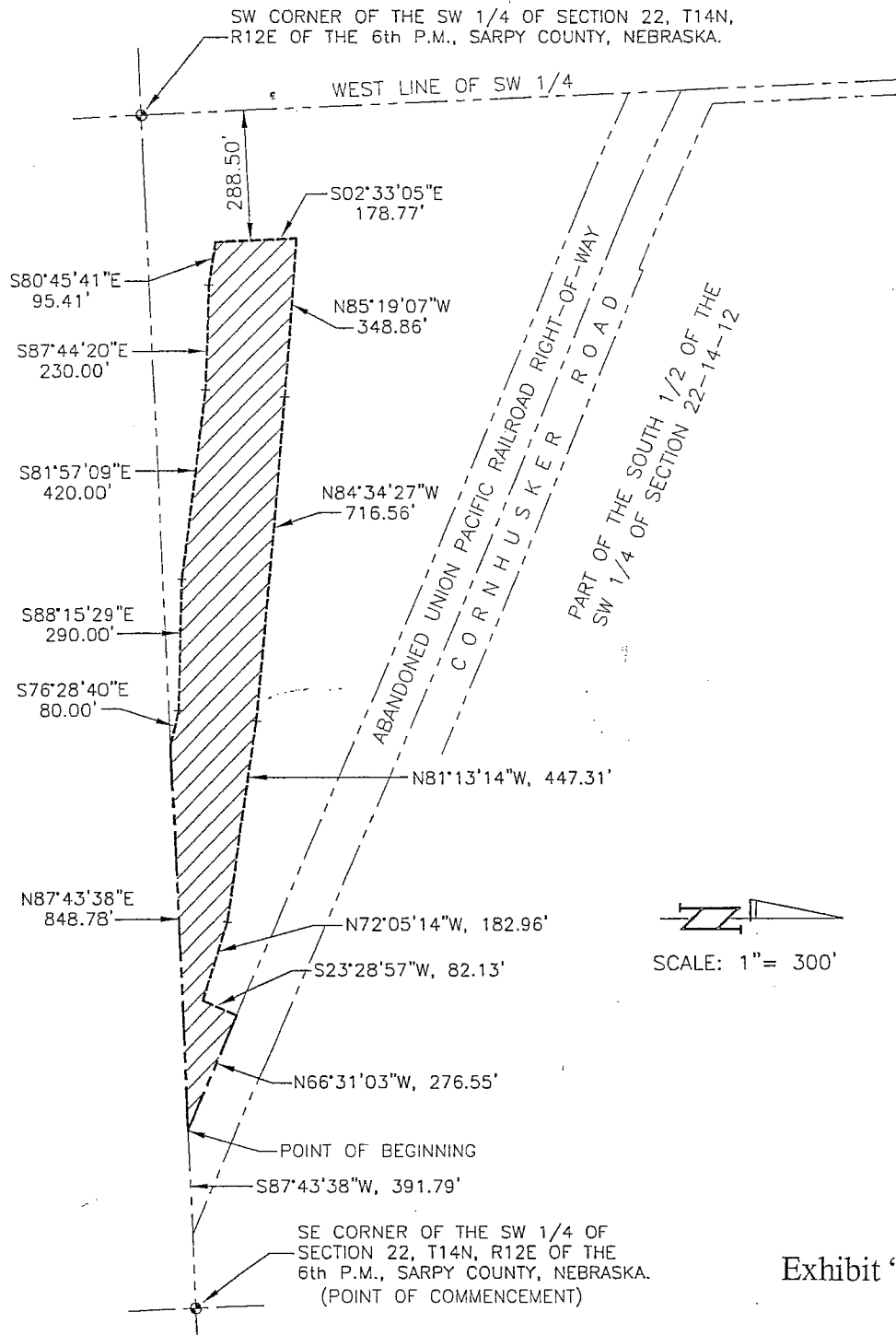


Exhibit "A"

LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 22, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SW 1/4; THENCE S87°43'38"W (ASSUMED BEARING) 391.79 FEET ON THE SOUTH LINE OF SAID SW 1/4 TO THE SOUTHWEST LINE OF THE ABANDONED UNION PACIFIC RAILROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE N66°31'03"W 276.55 FEET ON THE SOUTHWEST LINE OF THE ABANDONED UNION PACIFIC RAILROAD RIGHT-OF-WAY; THENCE S23°28'57"W 82.13 FEET; THENCE N72°05'14"W 182.96 FEET; THENCE N81°13'14"W 447.31 FEET; THENCE N84°34'27"W 716.56 FEET; THENCE N85°19'07"W 348.86 FEET; THENCE S02°33'05"E 178.77 FEET ON A LINE 288.50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4; THENCE S80°45'41"E 95.41 FEET; THENCE S87°44'20"E 230.00 FEET; THENCE S81°57'09"E 420.00 FEET; THENCE S88°15'29"E 290.00 FEET; THENCE S76°28'40"E 80.00 FEET TO THE SOUTH LINE OF SAID SW 1/4; THENCE N87°43'38"E 848.78 FEET ON THE SOUTH LINE OF SAID SW 1/4 TO THE POINT OF BEGINNING. CONTAINING 6.73 ACRES MORE OR LESS.

TD2 FILE NO.: 1202-103-3(EXB)

DATE: JUNE 30, 2003

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

Exhibit "A"

Tax Lot A-1 Legal Description:

Commencing 482.75 ft. west of the north quarter corner of Section 27, T14N, R12E of the 6th P.M., Sarpy County, Nebraska; thence with a deflection angle to the left of 95 degrees 15 minutes and bearing southeasterly to a point on the southerly line of the former Missouri Pacific Railroad right of way; thence northwesterly along said right of way line to a point on the north line of Section 27, thence easterly to the point of beginning. Containing 0.33 acres more or less.

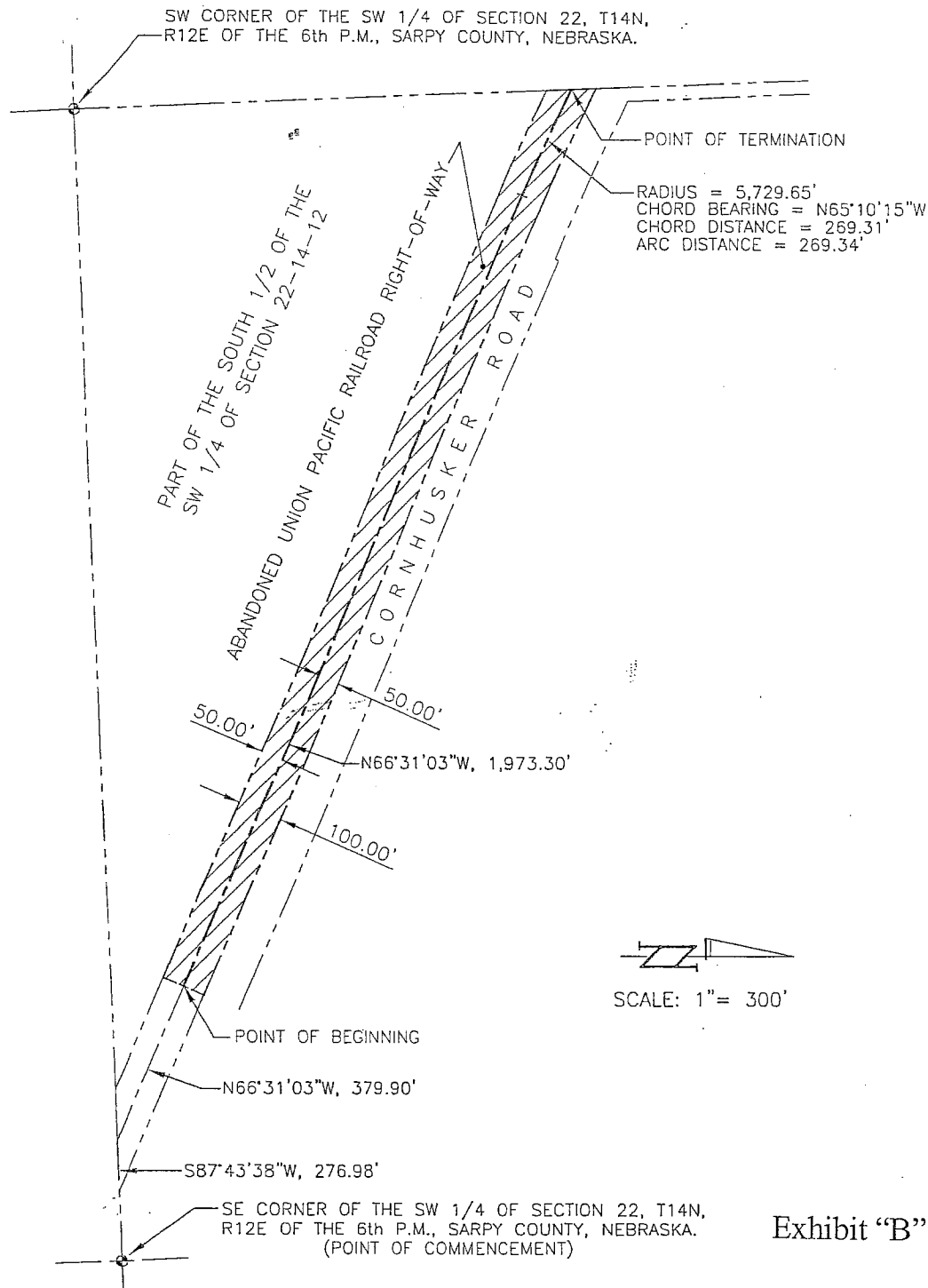


Exhibit "B"

LEGAL DESCRIPTION

PART OF THE 100.00 FOOT WIDE ABANDONED UNION PACIFIC RAILROAD RIGHT-OF-WAY IN THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 22, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, THE CENTERLINE OF SAID 100.00 FOOT WIDE ABANDONED UNION PACIFIC RAILROAD RIGHT-OF-WAY BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SW 1/4; THENCE S87°43'38"W (ASSUMED BEARING) 276.98 FEET ON THE SOUTH LINE OF SAID SW 1/4 TO THE CENTERLINE OF THE ABANDONED UNION PACIFIC RAILROAD RIGHT-OF-WAY; THENCE N66°31'03"W 379.90 FEET ON SAID CENTERLINE TO THE POINT OF BEGINNING; THENCE CONTINUING N66°31'03"W 1973.30 FEET ON SAID CENTERLINE; THENCE NORTHWESTERLY ON SAID CENTERLINE ON A 5729.65 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N65°10'15"W, CHORD DISTANCE 269.31 FEET, AN ARC DISTANCE OF 269.34 FEET TO THE WEST LINE OF SAID SW 1/4 AND THE POINT OF TERMINATION, WITH THE OUTER LIMITS OF SAID 100.00 FOOT WIDE ABANDONED UNION PACIFIC RAILROAD RIGHT-OF-WAY BEING EXTENDED TO MEET THE WEST LINE OF SAID SW 1/4. CONTAINING 5.15 ACRES MORE OR LESS

Nebraska Communities Partner to Plan

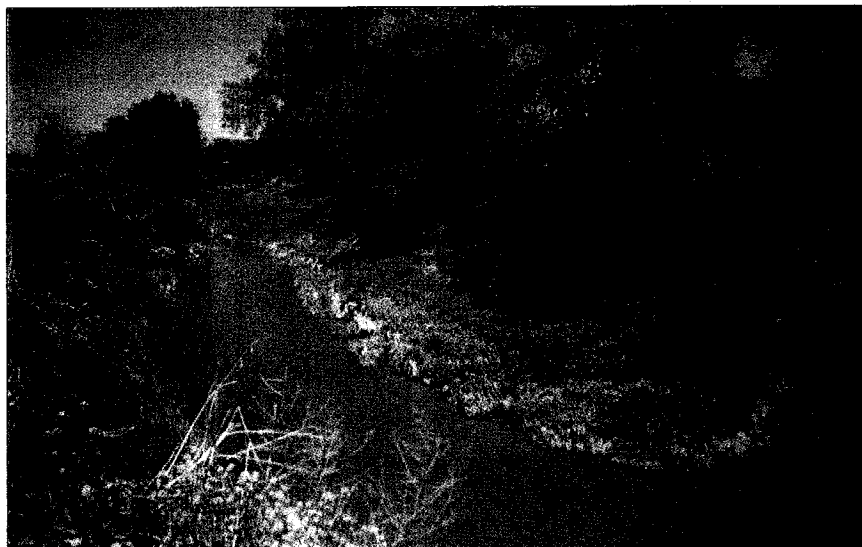
A Papillion Creek Watershed Planning Project in eastern Nebraska has been a success because it has established the tools needed for long-term watershed planning and assessment.

By Lyle Christensen, P.E.

Several communities and two counties in eastern Nebraska have joined forces to improve water quality in the Papillion Creek Watershed and facilitate the Phase II EPA stormwater permitting process. The Papillion Creek Watershed consists of 402 square miles of drainage area, with a complex mixture of urban and rural agronomic land uses.

New growth in the densely populated area—the three counties in the watershed represent more than one-third of the state's population—is currently consuming approximately 4½ square miles per year, causing increased imperviousness and higher resultant surface runoff and water-borne pollution. The Nebraska Department of Environmental Quality has placed many of the area reservoirs on its 303(d) impairment list for sediment and nutrients, and the lower, urban segments of the Big Papillion Creek are listed as impaired for pathogens (fecal coliform contamination).

The consequences of such impairment listings will be the issuance of corresponding Total Maximum Daily Load (TMDL) determinations. TMDLs involve a rather complex process of deriving “safe” allocations of “point” and “non-point” pollution for a particular contaminant. TMDL determinations, in turn, are intended to provide the regulatory basis for either voluntary best management practices or enforceable compliance through the issuance of discharge



Papillion Creek in eastern Nebraska suffers from sediment, nutrients, and fecal coliform bacteria contamination as a result of surface runoff.

permits. Therefore, such pollution sources as existing combined sewer overflows (CSOs), concentrated animal feeding operations, active construction sites, and others are problematic with respect to their negative impact on recreation, aesthetics, and fisheries on the streams and reservoirs throughout the watershed.

PLANNING PARTNERS

In August 2001, nine cities within the watershed formed a partnership with officials from the Papio-Missouri River Natural Resources District (P-MRNRD), Douglas County, and Sarpy County to discuss key surface water issues and facilitate the regulatory processes on a watershed-wide basis.

Dubbed the Papillion Creek Watershed Partnership, the group meets

monthly to address impairment issues in a community-based, watershed-specific manner, aimed at producing cleaner water while sharing resources. The assistant general manager for the district, Marlin J. Petermann, P.E., sees benefits in the partnership. “Utilizing the watershed approach makes sense to the partnership members. Some of them could make tremendous strides toward addressing their own stormwater issues, but yet have very little impact on the overall water quality in the basin,” he says.

Among the goals of the Partnership is to identify the probable sources and extent of targeted pollution and recommend realistic best management practices that can have mutual benefits among the various regulatory programs.

PHOTOS HDR

WATERSHED MANAGEMENT

According to Robert Sink, environmental services manager for the City of Omaha, "The major challenge in the beginning (1999) was educating some of our partners on the regulations that were going to affect

water quality-related data and to the existing GIS mapping.

The H&H modeling efforts for the Papillion Creek basin involved the conversion of outdated, unsupported computer models to the latest U.S.

Army Corps of Engineers models. The Corps' efforts are known as Nex-Gen models, referring to a new—or next—generation of modeling techniques. This includes models that can accept GIS-based information, real-time rainfall data, and advanced dynamic routing routines.

Then, the Nex-Gen models were calibrated to 19 rain-

bacteria with linkages to the H&H modeling and GIS mapping.

The Water Quality Analysis Simulation Program (WASP5) was selected for use in this analysis. WASP5 is capable of 1-, 2-, and 3-D representations and dynamic simulations. It can simulate bacteria concentrations as well as a variety of other water quality parameters, including sediment. The integration of the HEC-HMS and HEC-RAS, and WASP5 models, although not seamless, is facilitated using a relational database that links them together.

DIFFICULT ISSUES LOOM

Modeling for fecal coliform bacteria demonstrated that bacteria levels are highly dependent on surface runoff and sediment transport events. Levels exist well above the state's surface water quality standards for primary contact recreation for the majority of the watershed—even above the metropolitan area.

It is possible that background fecal coliform levels from wildlife alone may be higher than standards currently allow, which would raise troublesome questions from a regulatory enforcement perspective. As a result, it will take a concerted effort among stakeholders and innovative inter-jurisdictional financing to methodically implement best practices to mitigate the H&H and water quality impacts from growth.

For his part, Sink is equally impressed. "Regardless of the size of the jurisdiction, the challenges and hurdles to overcome are remarkably similar, differing primarily on the scope," he says. "The common solutions can therefore be uniformly developed and applied to all communities. This commonality should result in lower costs to the communities and the entities affected by the new requirements." **PW**

—This article was adapted from the winter 2003 issue of *Waterscapes*, a publication of HDR. Christensen, the firm's manager for this project, can be reached at 402-399-1329 or e-mail lychrist@hdrinc.com.



Background fecal coliform levels in the mixed-use Papillion Creek watershed may present substantial hurdles.

their communities directly in the near future and how we as a watershed could effectively and efficiently address those regulations," he recalls.

CHALLENGES MOUNT

The Phase I inventory presented serious challenges to the project team and required 4 to 5 months for collecting and piecing together all information and accurately discerning follow-up action items.

Land use information existed in several forms that had to be put in a GIS format with common land use categories and a 2040 planning window. Hydrology and hydraulic (H&H) information was also difficult to gather, due to age.

Gathering information that could be applied to best practices under EPA regulations required a concerted effort among all the partners. Progress was accelerated using the concept of an innovative, standardized Notice of Intent/Permit Application template, created by HDR and the Partnership.

A master database was created for tracking proposed best practices projects and related Stormwater Phase II compliance activities, such as site inspections and project photos. This tied the information relationally to

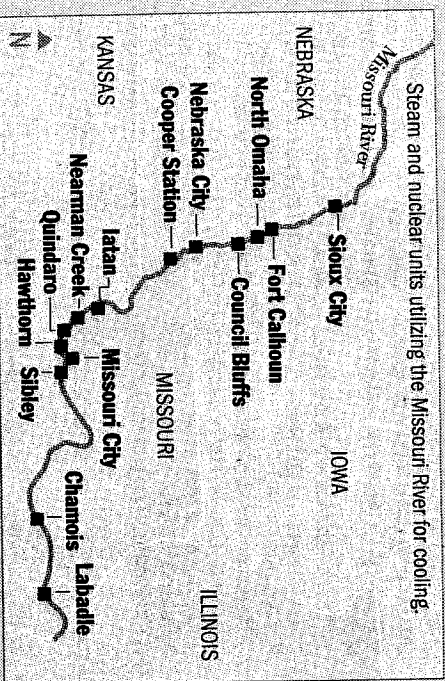
fall/streamflow gauges placed within the basin. Three high-intensity rainfall events were captured and reconstituted within the models. At the end of the calibration process, the models were used to estimate both existing and future flood flows, volumes, and stages (levels).

To more easily explain the complex H&H and water quality modeling findings, a series of color gradient watershed maps were created that clearly show the "hot spots"—impacts from the metropolitan area growth and changes in land use. These findings suggest that an aggressive program of surface runoff attenuation must be continued to mitigate future flooding and erosion problems.

Several forms of water quality modeling were used to assess both present and future fecal coliform contamination within the watershed: historical trend line evaluations by both time and stream mile; statistical regressions, mass loading analyses; and dynamic modeling. A facilitated selection process with City of Omaha and P-MRNRD staff was used to evaluate and select the best dynamic modeling approach for the multiplicity of the water quality issues. The initial focus was on dynamic simulation of

Utilities see problems in lower river flows

Missouri River power plants



DEAN WEINLAUB/THE WORLD-HERALD

By HENRY J. CORDES
and NANCY GARDNER
WORLD-HERALD
STAFF WRITERS
7-23

A power industry-sponsored study indicates that lowering flows on the Missouri River to protect endangered species could lead to higher electrical rates and, in the worst case, rolling or wide-scale blackouts.

But a leading advocate of restoring the river says Nebraska utilities are using "scare-tactic rhetoric." Chad Smith of American Rivers said last summer's low flows on the Missouri provided evidence that changes can be made without harm to electrical customers.

Cynthia Buettner, a spokes-

woman for the Omaha Public Power District, said the utilities included a range of scenarios in the report so decision-makers could consider all possibilities as they work toward a final river management plan.

The report by the Nebraska Power Association has separate analyses by OPPD and the Nebraska Public Power District. The most extreme effects were detailed by OPPD, which did not analyze how probable the scenarios are.

The main reason power plants could have problems has to do with the temperature of the river's water. Power plants use river water to cool equipment and then return warmer

water to the river.

Environmental regulations restrict the temperature of water returned to the river and require plants to cut back operations if discharge water threatens aquatic life. OPPD, for example, cannot discharge water of more than 112 degrees into the river from its nuclear plant at Fort Calhoun.

Another problem with high river temperatures is that they make the water less effective in cooling power plants.

High river temperatures are most likely to occur at the very time that utilities need electricity most: in summer when air conditioners are cranked up. If

See River, Page 2

River: Environmentalist disputes utilities' analyses

Continued from Page 1

power companies can't use their plants along the river, they have to turn to more expensive sources of electricity.

A single day of replacing peak demand with more expensive electricity would cost about \$40,000, OPPD estimates. A full summer of river temperatures at 87 degrees, something that has never occurred, could cost OPPD \$78 million.

The association compiled the report before the U.S. Fish and Wildlife Service raised the pro-

posed low-flow level to 25,000 cubic feet per second.

In general, the service is calling for changes in the river's flow to give threatened species a better chance of surviving.

Blackouts would occur, according to OPPD, if utilities in several states were required to curtail use of the Missouri River plants.

Talk of blackouts didn't sit well with Smith.

"That's the most blatant kind of scare-tactic rhetoric that I've seen on the Missouri River,"

Smith said. "It simply has no place in informed public debate."

Buettner said utilities would do everything in their power to avoid blackouts. Utilities could, for example, seek an emergency waiver of discharge temperatures that would allow power plants to continue operating despite higher temperatures.

NPPD, which is less dependent than OPPD on the Missouri River, was more reserved in its analysis.

NPPD estimated that flows at 21,000 cubic feet per second could increase operating costs at Cooper Nuclear Station by \$7 million a year. That amounts to about a 4 percent increase in the plant's annual budget.

Brian Barels, water resources manager for NPPD, said the new minimum of 25,000 cubic feet per second also would increase costs, but probably not as much. It's possible, he said, that NPPD could incur increased electrical costs of about \$5 million.

Task force's policy treads water

The Lower Platte South NRD backs recommendations.

ALGIS J. LAUKAITIS

Lincoln Journal Star 1-8-04

The Lower Platte South Natural Resources District became the latest NRD to endorse a legislative package crafted by a 49-member water policy task force.

Directors voted unanimously to support the legislation at a special meeting Tuesday in Lincoln.

Roger Patterson, director of the Nebraska Department of Natural Resources, made a presentation on the task force's findings and recommendations before the vote.

The recommendations were contained in a final report released last month by the task force after two years of work. The report outlines proposed changes in state water law and management of groundwater and surface water resources.

Glenn Johnson, general manager of the Lower Platte South NRD, said the directors held the special meeting so they could take a position on the legislation, which is expected to be introduced later this month, possibly Jan. 21. He said that's also the date of the board's monthly meeting, so it may not be possible for directors to testify at a legislative hearing.

"This NRD and all the NRDs through the (Nebraska Association of Natural Resources Districts) are going to be looking at it and taking a position," Johnson said.

Association Director Dean Edson said his group hasn't kept a tally of how many districts have supported the legislation so far.

"I don't anticipate much opposition, if any, from the districts," he said. "We had about 16 people, either directors or managers, that were on that water policy task force."

Nebraska has 23 natural resources districts that roughly follow river basins.

Edson said the legislation will be discussed when the association holds its annual meeting Jan. 27-28

Water Policy Task Force recommendations

The cost of implementing the recommendations made by the governor's Water Policy Task Force could range from \$4.7 million to \$11.1 million. Here are some of the highlights from the group's final report:

- Conduct annual evaluation of state's 13 river basins and issue an annual report, beginning in January 2006, of expected long-term availability of hydrologically connected surface water and groundwater supplies in each basin.
- Modify laws to require management actions be taken by the state Department of Natural Resources and the state's 23 natural resources districts when a river basin is determined to be over appropriated or fully appropriated.
- Identify Platte River Basin above Elm Creek as being overappropriated. That would occur 60 days after the new water legislation takes effect.
- Develop and implement integrated surface water and groundwater management plan within three to five years, once a basin is declared to be overappropriated or fully appropriated.
- Create a five-member Interrelated Water Review Board to settle disputes between the state Department of Natural Resources and NRDs over the development and implementation of integrated management plans. The governor would appoint all of the members.
- Allow temporary and permanent transfers or leases of surface water and groundwater.
- Establish Water Resource Trust Fund to provide grants for interrelated water management activities. Some of the money would come from sales tax receipts.

in Lincoln.

The Lower Platte South NRD covers most of Lancaster and Cass and parts of Otoe, Seward, Butler and Saunders counties.

Its work includes soil and water conservation, flood-control, groundwater management, wildlife habitat restoration and environmental education.

Johnson said the legislation may not have as much impact on the Lower Platte South NRD as it will on some upstream NRDs on the Platte River. However, he said, some parts of the legislation could affect the district's funding and its roles and responsibilities.

Reach Algis J. Laukaitis at 473-7243 or alaukaitis@journalstar.com.

Bulk of storm-water cleanup cost may fall to homeowners

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

Pressure by special interests appears to have succeeded in shifting to homeowners most potential new taxes for managing urban storm water.

The changes to a proposed Nebraska law on funding for federally required storm-water cleanup also appear to eliminate the financial incentive for developers to design projects that reduce runoff.

Legislative Bill 32, which failed to advance last year because of opposition, has been significantly rewritten for this ses-

sion. It is expected to be debated next week in the Legislature.

The bill, which would give some local communities the authority to institute a new storm-water fee, had been opposed by businesses, schools, chambers of commerce and church groups.

Approval of LB 32 would not necessarily mean that the new fees would be instituted or that property taxes would rise. Any tax change would require approval by a local city council or natural resources district.

Under the old bill, the size of the storm-water fee would have been based on the square footage of rooftops, driveways and park-

ing lots on a given property.

That link has been dropped and replaced with a flat amount per home or business category. Homeowners would be charged up to \$50 per year, and industries and businesses would be charged no more than \$1,000 a year.

The old bill had no limits on what a business could have been charged, so an extensive industrial complex could have paid as much as \$95,000 per year.

The new measure would allow, but not require, communities to exempt schools, churches and nonprofit groups.

It also would allow natural resources districts to levy an addi-

tional 3 cents in property taxes, as long as use of the money was restricted to those projects.

Affected communities are urban areas of Douglas, Sarpy, Lancaster and Dakota Counties.

The compromise does not go far enough to allay concerns of many of those opposed to the bill.

The compromise bill was presented Tuesday to members of the Papio-Missouri River Natural Resources District board.

Because costs are no longer tied to the amount of runoff a property generates, there is less incentive for businesses to better manage storm water. That didn't sit well with board member Dick

Connealy. "So we've thrown out the best aspect of the whole dang thing?" he asked.

The changes came about, in part, after a series of public meetings earlier this year, seeking comment on how storm-water controls should be managed. The federal requirements are intended to reduce pollution in lakes and streams.

This compromise addresses one objection to the previous bill, which was that it didn't require rural residents of an affected area to fund improvements.

Under this bill, all residents of an NRD would pay the higher

property taxes. The money would be used for projects to reduce sediment and runoff. For example, work could be done to improve wetlands and stabilize stream banks.

The Papillion Creek is in violation of federal standards before it even reaches Omaha, said Steve Olmans, general manager of the Papio-Missouri NRD.

So no matter how many changes Omaha makes, he said, it won't be able to meet the requirements. By including the whole watershed, the compromise allows the district to consider water quality projects further up-stream.

Resources district opposes runoff bill

■ The legislation
would authorize fees
on property owners
for storm-water
pollution cleanup.

1-10-04
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

Finding new tax money to clean up water pollution isn't coming easily in Nebraska.

This week a local natural resources board refused to endorse a compromise bill now before the Legislature that would have authorized local governments to raise taxes to pay for storm-water pollution controls.

Against the advice of its attorney and top managers, the Papio-Missouri River Natural Resources District board voted 6-4 not to support Legislative Bill 32.

"If you don't adopt this, we get no help from the Legislature," attorney Paul Peters told the board. "I don't think the political climate in Lincoln would allow a different funding source."

For now, the issue affects the urbanized areas of Douglas, Sarpy, Lancaster and Dakota Counties. But eventually a number of other Nebraska communities will have to find money to meet some of the toughest new federal water pollution standards to hit Nebraska in years. No one is sure how much the requirements ultimately will cost.

The Papillion Creek is in violation of federal water quality standards before it reaches Omaha. The six-county Papio district could help reduce that pollution through improved wetlands, dams and bank stabilization projects upstream in the basin.

The dams would bring the side benefit of reducing flooding in the Omaha area, one of the district's chief missions. The Papillion Creek system, which converges in Omaha, is one of the most flood-prone in the state. But the pace of dam construction has

slowed considerably because of a lack of political support and funding.

Marlin Petermann, assistant general manager of the district, told the board the vote was a test of its leadership.

"It's time for somebody to step up to the plate," Petermann said.

Peters acknowledged that the current version of LB 32 was not necessarily the most desirable. A "polluter pays" version died last year under overwhelming opposition.

Churches, schools, hospitals and businesses allied against that version, which would have levied a storm-water fee based on a property's square footage of driveway, parking lot and rooftop. A typical church might have had to pay \$3,400 and a large industrial complex as much as \$96,000.

The current proposal shifts much of the burden onto the property tax, but retains a truncated version of the storm-water fee. Instead of being based on the amount of storm water that might run off properties, the revised storm-water fee sets flat rates and shifts more of the burden to homeowners. No business would pay more than \$1,000. The homeowner fee would be capped at \$50.

Board members cited a number of reasons for voting not to endorse LB 32. Melissa Gardner was troubled by the inequities of the current version, and she and Barb Nichols lamented the loss of incentives for businesses to reduce runoff. Rich Tesar objected to the idea of raising property taxes.

Board member Joe Neary said a better compromise can be found, one that lowers the amount of property taxes that can be levied and reduces the amount of the storm-water fee.

Based on the way the resolution was written, a yes vote was a vote against endorsing LB 32. Voting yes were Neary, Tesar, Tim Fowler, Gardner, Nichols and Pete Rubin. Voting no were John Conley, Fred Conley, Rich Jansen and Jim Thompson.

Developer, county study access to I-80

1-12-04

BY JEFFREY ROBB

WORLD-HERALD STAFF WRITER

Sarpy County is speeding up its consideration of a new Interstate 80 interchange with help from a real estate developer.

The county and Seldin Co. of Omaha are starting an environmental study of an interchange at Pflug Road near the Platte River in western Sarpy County.

Seldin owns property on both sides of I-80 at that location, raising the prospect of another bustling business center if an interchange someday were to be built.

Seldin says it has no firm plans. But the company is interested enough to fund half of the \$15,000 environmental study, with Sarpy County paying the other half.

"If you look at the growth, it's just good planning," said Randy Lenhoff, president of Seldin Co.

Interstate 80 now has four interchanges in Sarpy County — at 126th Street, 144th Street, Nebraska Highway 370 and Nebraska Highway 31. The county also is studying a possible interchange at 180th Street.

A Pflug Road interchange, which would be the farthest west in Sarpy County, isn't a done deal. Although Sarpy County is studying the idea, Nebraska Department of Roads officials have been skeptical that an interchange is needed.

Tim Weander, district engineer for the Roads Department, said the state would help with the project to some extent by rebuilding a bridge over Pflug Road so that it could be incorporated into an interchange. That amounts to a \$1.5 million assist on a \$5 million project.

But Sarpy County — not the state — would have to pay the rest because the state doesn't consider the interchange a high priority. Funding from Congress has been considered but is up in the air.

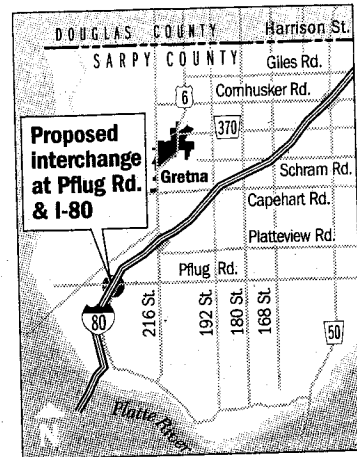
"It's not a need for the state, for the state highway system," Weander said. "It's a need for the county."

Even if the project moves ahead, construction would be years away. Nonetheless, Sarpy County officials are eyeing the county's future western development.

"I think growth is going to continue out that way, for our county at least," Sarpy County Commissioner Tim Gay said.

The county has presented a feasibility study for Pflug Road to the state, and the full environmental study would follow once the state gives the go-

See I-80: Page 2



DARRELL FORBES
THE WORLD-HERALD

house calls, and depends on the pet owners to be her assistants.

It's all gone more smoothly than she expected. Most owners find a good spot in their kitchens or on the floor for examinations.

And the pets themselves sometimes show completely different personalities on their own turf. They're more playful and more forgiving of Lee's poking and testing.

"They're just happy to be home," she said.

When she started making house calls, she would have one

But some of her clients aren't looking forward to it.

They're already asking hopefully, "Will you do house calls when you get your own clinic?"

Lee says she'll make that call when the time comes.

* * *

After going on a call with Lee Friday morning, I decided I definitely wouldn't want a doctor who makes house calls.

Too much pressure. I would make myself more sick by frantically cleaning the house for two hours before she came.



Water plan sees waves of support, opposition

Irrigators argue against the policy, while others say it is a compromise that protects Nebraska water.

BY NANCY HICKS
Lincoln Journal Star

1-22-04

Not everyone agrees with the water law changes proposed by a 49-member water policy task force. The proposal shifts too much power away from local natural resource districts to the state, said a small band of opponents during a Wednesday hearing on a bill — LB962 — that incorporates the task force recommendations.

This measure "takes away the right of a local natural resource district to decide on a moratorium on wells, and transfers the rights to a

state agency," said Peggy Orr, who farms with her husband, Jeff, near North Platte.

"Our rights are being stripped away or reduced every time the Legislature meets," she said, suggesting that the state is bowing to federal pressure.

"It would be nice if you spent as much time defending the individual water right as in appeasing agencies."

Opponents, primarily people associated with groundwater irrigation, spent more than an hour describing the proposal's faults late Wednesday afternoon during a hearing before the Nebraska Legislature's Natural Resources Committee. Many opponents believe the new system would hurt groundwater irrigators, weakening the authority of locally elected natural resource districts.

"The Water Policy Task Force set out to put a chokehold on groundwater irrigation," said Ned Meier, representing Nebraskans First, a

statewide coalition of groundwater irrigators.

But supporters took up more than two hours telling senators that



the plan, a compromise hammered out over 18 months, is necessary to protect Nebraska water and those who use the water.

And both sides agreed adequate funding to pay for proper study and planning is important.

One dry-mouthed supporter brought the issue down to the personal level, when he asked committee aides to get him a glass of water. "I don't care if it's surface water, groundwater or inter-related water, I need a drink of water," said Clayton Lukow, a farmer, irrigator and rancher in Adams County.

Much water under the ground is

linked hydrologically to the water running through streams and rivers. But state law has created two different legal and regulatory systems, one for surface water, another for groundwater.

The task force proposal in LB962 is the latest attempt to make sure users of both systems are treated fairly when there is not enough water to go around.

The system would require regulatory systems be set up in districts where water is being depleted and would create a five-member review board, appointed by the governor, to settle disputes between the state and local NRDs.

It also would allow temporary and permanent transfers and leases of surface and groundwater.

"Wyoming has coal. Colorado has mountains. Yet Nebraska has the most precious resource of all, her water resources," said Lukow, who was a member of the task force.

"The proposal provides a foundation upon which to build future

legislation," he said. "It is a critical first step."

And the proposal was created through consensus, with people representing different interests agreeing on the entire package even if they don't like individual parts, supporters said.

Opponents suggested picking out a few parts of the proposal and abandoning the rest. But supporters said this is an all-or-nothing proposition.

The legislation "has a very delicate balance. The interests have come together on a consensus. Change a few things and you are going to have a free-for-all," said Duane Hovorka, executive director of the Nebraska Wildlife Federation and a task force member.

"If you want to keep your arms in your sockets, you need to stick with the task force proposal," Hovorka told committee members.

Reach Nancy Hicks at 473-7250 or nhicks@journalstar.com.

Platte cabin owners forced to weigh options

A levee improvement project will require cabins to be raised or the property sold.

BY ALGIS J. LAUKAITIS
Lincoln Journal Star

Cabin owners along the Platte River north of U.S. 6 in Sarpy and Saunders counties can voice their opinions on a proposed \$19.8 million levee improvement project at two public meetings on Thursday.

Project officials say the 22 cabin owners will have the option of either elevating their buildings or selling their property. Some property owners would have to raise their cabins by as much as a foot and a half to meet federal requirements.

"We're hoping that between a quarter and a third (of the cabin owners) will take the buyout," said Marlin Petermann, assistant manager of the Omaha-based Papio-Missouri River Natural Resources District, the lead agency for the project.

Petermann said the district is encouraging some cabin owners to sell their property because the buildings are in a floodway, a hazardous area between the Platte River and the Western Sarpy and Clear Creek levees.

The Western Sarpy Levee extends about 7.5 miles north from U.S. 6 along the west side of the Platte. Its sister levee, Clear Creek, extends about 12 miles north from the same highway.

Over the years, floods have caused extensive damage to cabins and homes along that stretch of river. Some of the flooding has occurred when ice jams trapped river water and forced it over the levees into surrounding fields and lake-side developments, such as Thomas Lakes.

In 1993, a massive ice jam sent water into wellfields near Ashland and crippled Lincoln's drinking water supply.

"Every five to 10 years, we see flooding in that area," said Petermann. The last major flood was in 1997.

Officials have been working on a \$19.8 million project to improve the levee system and make it more uniform. In some places, Petermann said, the levee will be raised and in other places it will be lowered. When the work is finished, the levee system, on both sides of the river, should be able to withstand a 50-year-flood.

As part of the project, certain lands, easements and rights of way would have to be acquired in Saunders and Sarpy counties. Peter-

■ Platte

Continued from Page 1B

mann said there are about 13 cabins on the Saunders County side of the river, mostly in the Thomas Lakes area, and nine cabins almost directly across the river on the Sarpy County side, north of the Beacon View area.

The Papio Missouri River NRD and the Lower Platte North Natural Resources District have invited affected cabin owners and other interested individuals to attend either of these two public hearings on Thursday:

■ 11 a.m. at the Lower Platte North NRD office, 511 Commercial Park Road, in Wahoo.

■ 7 p.m. at the Papio-Missouri NRD office, 8901 S. 154th St. in Omaha.

Officials will explain the purpose of the project and the reasons for selecting a particular location or route for the levees. They also will talk about the rights of property owners and the negotiation process for acquiring land and easements through eminent domain.

The public meetings are required by federal law. Some cabin owners already have been con-

tacted, said Tom Mountford, assistant manager of the Lower Platte North NRD.

"We haven't heard anything negative to my recollection," he said. "Nobody is up in arms."

Mountford and Petermann expect more cabin owners to attend the 7 p.m. meeting at the Papio-Missouri NRD office because of its proximity.

The federal government is paying for 65 percent of the project's cost and the other 35 percent will come from the state and the project's sponsors — Lower Platte North, Papio-Missouri River and Lower Platte South natural resources districts.

Petermann said the project was earmarked to receive about \$4 million last fiscal year from the federal government but got only \$500,000.

He said the project's completion depends on funding. Petermann said the Corps of Engineers will be asking for \$6 million next fiscal year. Construction is scheduled to begin this spring.

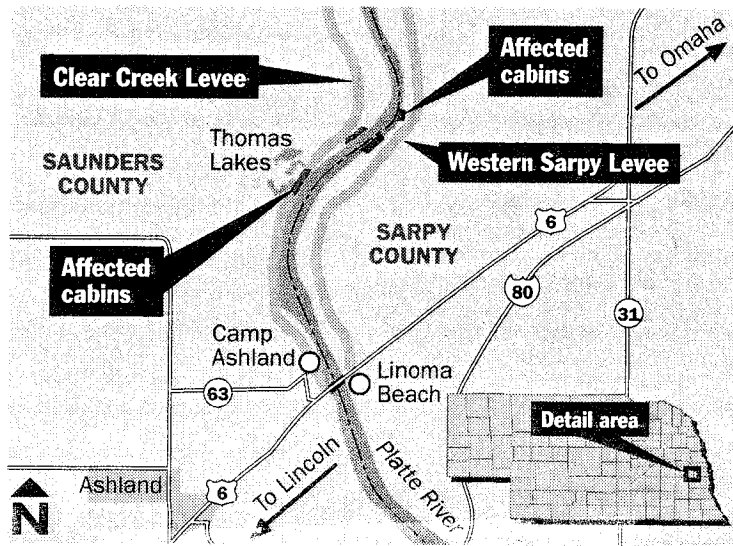
"We're hoping we can complete it in 2006 or maybe early 2007," said Petermann.

Reach Algis J. Laukaitis at 473-7243 or alaukaitis@journalstar.com.

See PLATTE, Page 3B

Levee project impacts cabins on Platte

Improvements to the Western Sarpy/Clear Creek Levee System on the Platte River north of Ashland will force more than 20 cabin owners to raise their buildings or sell their property.



SOURCE: U.S. Army Corps of Engineers

© MATT VAN DRIEST/Lincoln Journal Star

Cabins' fate: Get up or get out

BY JOE DEJKA 1-28-04
WORLD-HERALD STAFF WRITER

With the spring flood season around the corner, a natural resources agency is taking a formal step to acquire or raise 21 flood-prone cabins along the Platte River near Omaha.

The action is to make way for new levees in Sarpy and Saunders Counties, areas hard hit by a 1993 flood and subject to ice-jam flooding.

Two public hearings are scheduled Thursday on the Western Sarpy and Clear Creek Flood Reduction Project.

The hearings are a required legal step before officials with the Papio-Missouri River Natural Resources District can approach landowners with offers.

"We can begin negotiating with them officially 30 days after the hearing," said Marlin Petermann, the district's assistant general manager.

Hearings are scheduled on raising or removing flood-prone buildings in the way of a levee project.

Landowners have the choice of selling out to the district or having the district raise the cabins as much as six feet to avoid the higher floodwaters expected from the new levees, he said.

Petermann said he hopes the district can begin demolishing or raising the cabins this year. The district would prefer to demolish the cabins rather than let the owners stay in a dangerous area, he said.

Margaret Pietryga, whose family owns a recreational cabin on the east bank of the river, said the family isn't interested in selling out, despite the threat of flooding.

Pietryga said she doubts that the district could offer enough money to change their minds.

"If it's an enormous amount, you might reconsider, but I don't look for that," she said.

A 1993 flood on the Platte River caused \$60 million damage, put Lincoln's water supply in jeopardy, closed Interstate 80 for a day and half, washed away county roads and closed state highway bridges for months, Petermann said.

The \$18 million project involves building levees — seven miles on the Sarpy side, 12 miles on the Saunders side — sufficient to handle a 50-year flood.

The first hearing is at 11 a.m. at the Lower Platte North Natural Resources District, 511 Commercial Park Road in Wahoo.

A second, covering the same information, is at 7 p.m. at the Papio-Missouri River Natural Resources District, 8901 S. 154th St. in Omaha.

More Omaha trail links sought

*Green spaces part
of design initiative*

Meeting set for Feb. 18

By JULIA MCCORD

WORLD-HERALD STAFF WRITER

Omaha Parks Director Larry Foster remembers well the day that recreational trails came of age in Omaha.

It was July 4, 1990. More than 300 people, including then-Mayor P.J. Morgan, had gathered in 90-degree heat to dedicate the first segment of the Keystone Trail.

The festivities included a bicycle sprint race, a commemorative walk, and riders on tandem bicycles and old-fashioned high-wheelers.

"It was hot, a beautiful day," Foster said. "We passed out yellow T-shirts with 'Keystone Trail' on them. I still have mine."

Until that time, trails had been largely re-

garded as "wild-eyed, environmentalist, East Coast-West Coast" things, Foster said. But once city officials saw a trail in use, they loved it. So did residents looking for some fresh air and exercise. And so does Omaha By Design.



**Next
Tuesday:**

Protecting
natural
features

What's planned

Omaha is planning trail projects this year along:

The riverfront: Work on a trail from the OPPD power plant in north Omaha to Ida Street and from Miller's Landing to downtown is to start this summer. By fall, construction could start either west or east of Eppley Airfield.

Happy Hollow Boulevard: Work on a trail running from Memorial Park to the vicinity of Metcalfe Park will start this summer.

Standing Bear Lake: The trail would start at 144th Street and run along the lake's south edge. Later work could extend the trail to Tranquility Park near 120th Street and West Maple Road. A grant request is pending. If the request is successful, work could start as early as 2004.

What do you think?

Tell us about your favorite stretches of trail in the Omaha area. E-mail news@owh.com.

The privately funded initiative is exploring ways to make Omaha more visually appealing. Recreational trails and green spaces are part of its plan.

Omaha has done "a very good job" of planning its trail system, said Lively Omaha director Connie Spellman, who is involved with the trail project.

"Now we need to look at places that need to be connected," she said.

Omaha has built recreational trails at a blistering pace since the opening of the Keystone Trail in 1990. The city now has nearly 80 miles of trails.

A partnership forged among the city, the Papio-Missouri River Natural Resources District and Douglas County to share construction and maintenance costs is one reason, Foster said.

"Early on, the NRD and the city and Douglas County decided that trails were bigger than any one of us," he said.

A congressional mandate earmarking 10 percent of federal highway funds for alternative transportation was another. Omaha has received about \$12 million in federal funds for trail construction so far. When other natural resources district projects are added in, the total federal money is \$18.8 million.

The city and the resources district now build about five miles of trails a year at an annual cost of about \$1 million, said Steve Oltmans, general manager of the Papio-Missouri district.

Although the trails network is popular, it has two major weaknesses.

First, most trails follow the Papio Creek and its watershed. This means they run north-south, whereas most major streets connecting neighborhoods with employment and shopping hubs run east-west.

People who want to bike to work or shop find it difficult to do so.

A second problem is that most of the city's established neighborhoods have no access.

Those issues need to be addressed, Spellman said.

Building trails in older neighborhoods is difficult.

Planners must contend with mature trees, driveways, curbs, older homes and, in some cases, irate neighbors.

Omaha's first attempt at building an inner-city trail — a two-mile extension of the Elmwood Trail north along Happy Hollow Boulevard — is a case in point.

The project will use designated bike routes and striped bike lanes in roadways as well as existing sidewalks and two new sections of concrete trail. But the plan was bitterly opposed by a group of residents concerned about safety, maintenance and other issues.

The City Council approved the plan 7-0 last month in spite of the objections.

Matthew Dowd, who lives a block off the proposed trail on North 55th Street, still opposes the trail. He has concerns about safety and what the trail will do to the character of his neighborhood. He wants to hear Omaha By Design's position on putting trails in older neighborhoods.

"I'm interested to see what it thinks," he said, "if adding more concrete to an older, established neighborhood would not be a good thing."

Omaha By Design will discuss the city's green spaces at 6:30 p.m. Feb. 18 at the Scott Conference Center, 6450 Pine St.

There's no doubt that recreational trails have captured the public fancy. Where once neighborhoods resisted them, in many sections of the city people now insist that developers include them in new subdivisions. The city is also constructing trails along some streets as they are rebuilt.

Trails get people out for exercise and fresh air, proponents say. They foster neighborliness. They create green corridors that beautify the city.

And for a tiny but growing number of people, they provide another way to get to work.

Two or three times a week, Mark Crown swings out of his driveway near 45th Street and Morton Avenue, catches the Keystone Trail near 72nd and Pacific Streets and bikes 16 miles to his job at Offutt Air Force Base in Bellevue.

It takes him 50 to 60 minutes depending on traffic, Crown said, but he enjoys it.

"It's a good sort of stress reliever at the end of the day to bike home," he said.

Oltmans, the natural resources district manager, said that by 2010, 3 percent to 4 percent of Omahans could be biking to work.

Storm-water discussion a wash

■ **Lawmakers accomplish little on the question of who should pay for cleaning up rainwater runoff.**

By **MARTHA STODDARD**

WORLD-HERALD BUREAU

1-27-84
LINCOLN — Nebraska lawmakers waded into a controversy Monday about who should get soaked — and how — to pay for cleaning up storm water runoff in urban areas.

Debate on Legislative Bill 32 ended for the day before any of the issues could be resolved. Debate is to resume today.

Based on the experiences of the Natural Resources Committee and local officials, a solution may be hard to come by. Both groups have wrestled with the issue for months, trying to find a way to comply with federal

mandates for dealing with the pollution carried into streams and lakes by rainwater.

The mandates currently apply to the Omaha, Lincoln and South Sioux City metropolitan areas.

"This has been one of the most difficult bills we have ever cussed and discussed," observed State Sen. Carol Hudkins of Malcolm, a member of the Natural Resources Committee.

State Sen. Ed Schrock of Elm Creek, the committee chairman, offered a compromise amendment Monday crafted by Omaha and Lincoln officials.

The compromise would allow local entities to use a mix of property taxes and new storm water fees to comply with the federal mandate.

Natural resources districts would be able to levy 1.8 cents

for every \$100 of assessed valuation for such programs. Cities could charge fees to property owners — up to \$50 a year on residential properties and, for others, up to \$250 a year for low-use properties and up to \$1,000 a year for highest use ones.

"Nothing we do here raises taxes," Schrock pointed out. "It is only permissive. (Cities and NRDs) will have to take the political heat for what they do."

But State Sen. Mike Friend of Omaha argued that the fees and taxes were unnecessary and inequitable. He said local governments could issue bonds to pay for improvements required by the federal law.

"I think it should go back to the localities. They have authority, let them deal with it," he said.

Omaha has the edge on Asarco funds

■ An EPA administrator says the health threat from lead should ensure the city gets a share of a \$130 million settlement.

1-30-04
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

The federal agency cleaning up lead-contaminated yards in Omaha hopes to obtain a "significant portion" of a \$130 million national settlement with Asarco to help pay for the work.

Jim Gulliford, regional administrator for the Environmental Protection Agency, said Thursday that he expects Omaha "probably will be one of the higher-funded sites" receiving Asarco money.

Gulliford cautioned that the settlement money will not be enough to pay the entire bill, so his agency also will turn to the

taxpayer-supported Superfund for money.

The EPA believes that Asarco, a metals processing company, is responsible for the majority of industrial air pollution that scattered lead across thousands of east Omaha yards. Asarco disagrees and is contesting the EPA's allegations.

The Omaha cleanup is expected to cost \$50 million to \$100 million in yard work alone and possibly \$130 million when all costs are included.

The money that Asarco has agreed to contribute to the settlement fund could be used at any one of some 70 sites nationwide that the EPA says it be-

lieves Asarco has contaminated.

A widespread, immediate threat to public health lifts Omaha above some of those other sites in competing for settlement money, Gulliford said.

The agency plans to test about 40,000 yards in east Omaha because it is concerned about the lead's effects on young children. The EPA has targeted Omaha because of high lead readings in the city's yards and in children's blood.

So far, the EPA has tested 15,000 yards in the Omaha area. Yards in every ZIP code east of 45th Street have been tested, with most of the tests done in the target area between Ames Avenue and L Street. The agency has cleaned up 403 high-priority yards.

Last year, the Omaha cleanup received \$1 million from the Asarco settlement. The EPA

spent about \$4 million in Omaha in direct costs last year and about \$6 million total when staffing and other overhead expenses are factored in.

But it is the future years that will be costly because the EPA has yet to begin its full-scale cleanup.

Thursday, after a speech in Omaha to the Nebraska Agribusiness Association, Gulliford reiterated his office's belief that Omaha's cleanup will remain a funding priority in the coming years.

Federal financial support of major environmental cleanups has stagnated for the past couple of years. The Superfund, Gulliford said, has just received a boost in money from Congress.

"We feel pretty good about that in this tight budget climate," Gulliford said.

Beyond the Pail

50 By W.L. Rathje

CRTs as Hazardous Waste: Babies and Bath Water?

What did your children look at longer yesterday: you or a CRT (cathode ray tube, or "picture tube" of a TV or computer monitor)?

The CRT would be a safe bet. A 1999 Kaiser Family Foundation study found that children spent an average of five and a half hours a day—a whopping 38.5 hours a week—ogling the fare on a "boob tube." What is even more surprising—at least to me—is that the study found that 65% of kids aged 8 years and older have TVs in their bedroom. Who says familiarity breeds contempt?



Why should you or I, as solid waste professionals, care? According to the State of California (as well as the States of Massachusetts and Florida), it is not only some of the weird content shown on TV, acted out in computer games, or extolled on Web sites that can harm your children. No, indeed. The danger is far more immediate and physical and even worse than exposure to half-empty containers of household pesticides or oven cleaner. That's because in some parts of the country CRTs are considered a hazardous waste when "spent" and not in "continued use."

On March 20, 2001, in a formal letter, Peggy Harris, P.E., chief of the California Regulatory Programs Division's Hazardous Waste Management Program with the Department of Toxic Substances Control, noted that CRT glass contains concentrations of lead, causing it to exhibit the characteristic of toxicity under both federal and state law. In addition, a lot of CRT glass contains high levels of barium. Therefore, Harris conspicuously concluded—not once, but twice—that when discarded, CRTs are identified as a hazardous waste, and therefore "the disposal of waste CRTs in municipal landfills has always been prohibited in California" and, of course, continued to be—even though most landfill managers didn't realize it.

Further, Harris reminded us all that Cali-

fornia law did not contain exemptions for household or small-quantity generators. Thus, all households, charities, and small recyclers that found themselves in possession of at least one "spent" CRT would have to manage it as a full-fledged hazardous waste in "accordance with all applicable requirements, including generator, transporter and facility requirements," a brain-numbing cacophony of very complex and even more expensive mandatory safeguards.

Thus, when I arrived in California on March 30, 2001, the sound of jaws dropping still was plainly audible.

One reason for the shock among waste managers is that once again the regulatory horse is following the industry's cart—a cart clearly sporting a spiffy new engine. Several studies have concluded the obvious: The faster the pace of innovation, the sooner your brand-new computer platform will no longer be state of the art. Estimates vary but there seems to be a consensus that by 2005 some 300 million personal computers manufactured after 1985 will be obsolete.

Leaving aside the thorny issues of how you determine when a computer or a television is obsolete if it is still running and how you collect accurate data from tens of thousands of small businesses and charities, what's going to happen to all these electronic units that will no longer be used at their first home?

Stanford Resources Inc., in a "baseline report" for the National Safety Council, collected data from 123 firms and concluded through the wonders of numbers that of the 20.6 million units that became obsolete in 1998, only 2.3 million—or 11%—were "recycled"—meaning for this study that they were donated to schools or charities, repaired and/or refurbished, and put back to work in a new location. What about the other 89%? Some were smelted for heavy metals and other valuables (not considered "recycling" for the NSC study) while others found themselves in landfills. But everyone seems to agree that the vast majority still are stored in home basements or attics or in office storerooms. This is due to what the

Garbage Project calls the "Pack Rat Syndrome": Americans hate to throw anything away when it still works, and people buy new computers for new capabilities and features, not because the old one breaks.

Despite the pack rat in so many of us, discard is just a matter of time. It is the image of stored CRTs poised to be unleashed as a tidal wave that has regulators so worried.

I, however, am not so worried. After storing it carefully for four years, I am now ready to dispose of my IBM ThinkPad 755C laptop. I will send this antique to a school for Tibetan refugee children in Nepal. It will no doubt have quite an adventure there. But I also looked up electronics recycling on the Internet for San Francisco and found 228 entries. While nearly half were small businesses, more than half (122) were charities; there were 40 Salvation Army stores alone.

Considering CRTs a hazardous waste suddenly created a severe problem in this rather idyllic scene. Most small businesses and charities don't have and can't afford to buy all of the bells and whistles and special storage facilities and equipment necessary to properly handle a confirmed hazardous waste. That's not such a big problem for large corporations that can afford all of the trimmings when donating a large number of still-functioning PCs to nearby schools, but it will wreak havoc on the current "recycling" of CRTs through small fries—the place where most not-in-continued-use home computers are (or, in California, *were*) likely to wind up.

This, then, was the problem in a nutshell: If CRTs must be treated as a hazardous waste, it will be much more difficult to find a means to repair/refurbish them for reuse. Householders with no reputable outlet might take to dumping old TVs and PCs beside the road or stuffing the unwanted objects into the bottom of trashcans that are picked up and dumped by mechanized systems.

But why are we in this bind? In what way are CRTs so hazardous? Aren't you a little worried about your child—or even yourself—spending so much time in close proximity to a

-OVER-

verifiable hazardous waste?

While some hazardous wastes are never tested, CRTs were subjected to the Environmental Protection Agency's standard toxicity test—the toxicity characteristic leaching procedure, which was designed to simulate leaching conditions that might exist in landfills.

To get down to cases, Professor Tim Townsend and graduate student Steve Musson of the University of Florida's Department of Environmental Engineering collected 36 CRTs. They used a diamond-tipped Dremel tool to grind the CRTs into very small pieces—the largest less than half an inch in size. Next, these pieces were placed in an acid solution and tumbled for 18 hours, after which the solution was tested for lead. For 21 of the CRTs, the resulting leachate exceeded the hazardous waste standard of 5 mg of lead per liter, with concentrations averaging 18.5 mg/l.

By the way, the lead is in the glass to protect viewers, such as you and me, from X-rays generated in the picture-making process. Also note that while a variety of toxics used in computer electronics have been identified as replaceable by a nontoxic alternative by consumer and environmental-concern groups, as far as I am aware, this has not been the case with the lead in CRT glass.

Nevertheless, at this point I have to ask myself how the CRTs are going to create a hazard during transportation or even long-term storage. If you dropped one and it broke, you'd have a much higher risk of getting cut by the leaded glass than of getting lead poisoning. Even in landfills, it is hard to envision how CRT will become mightily crushed and tumbled in an acid solution. But keeping CRTs in use or recycling their constituents seems to be a very worthwhile endeavor.

Actually, if you want to talk about risks from TV and PC CRTs, consider those documented for children exposed to computers at school and to computers and TVs at home:

- Child obesity has been linked to watching CRTs more than five hours a day.
- Playing violent computer games has been linked, especially among boys, to increased aggression.
- There is a significant danger of musculoskeletal injuries if workstations are not specially designed for children.
- There are a variety of physical symptoms that the American Optometric Association

has lumped together as a significant disability called Computer Vision Syndrome.

All of these seem like much more meaningful risk factors in our society today than not treating CRTs as a full-blown hazardous waste. As a result, I am glad to report that following a storm of protests, the State of California now considers CRTs a special waste

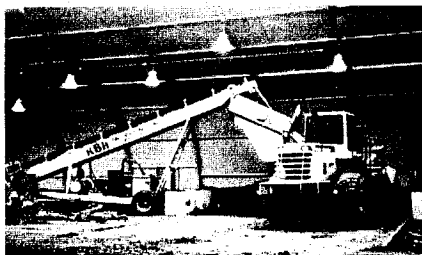
that, when being transported or refurbished for reuse, does not require anything more than normal safe handling.

Sometimes the system works the way it is supposed to work. **MSW**

Contributing Editor W.L. Rathje is founder and director of the Garbage Project.

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Storm water cleanup bill still swirling

BY MARTHA STODDARD

WORLD-HERALD BUREAU 2-4-84

Questions of who should pay the costs remain unsettled.

LINCOLN — As his storm water plan got caught in a political whirlpool Tuesday, State Sen. Ed Schrock of Elm Creek issued a warning to his colleagues:

No matter how much everyone hates the idea, someone will have to pay for cleaning up water that runs off parking lots, house roofs, construction sites and other solid surfaces when it rains and snows in Nebraska's cities.

It could be the average property-tax payer. It could be the owners of the broadest expanses of concrete.

Or it could be the taxpayers supporting whichever level of government gets socked with fines or a major lawsuit for failing to comply with the storm water provisions of the federal Clean Water Act.

"I think the long-term consequences are real, and they are grave," Schrock said. "We're going to dearly pay for this."

But after an hour of often impassioned debate on Legislative Bill 32, lawmakers appeared no nearer a decision Tuesday than at the beginning of the session.

The federal government is requiring urban areas across the country to deal with pollution carried into lakes and streams by rainwater and snowmelt.

The mandate currently applies to the Omaha, Lincoln and South Sioux City metropolitan areas. It is expected to include all other Nebraska cities with more than 10,000 population, said Jay Ringenberg, deputy director of the State Department of Environmental Quality.

Schrock began Tuesday's discussion by urging lawmakers to support his latest attempt at a compromise amendment.

The amendment would put the cost completely on the shoulders of property-tax payers. It would allow cities to levy an additional 5 cents per \$100 of assessed valuation and natural resources districts an additional 1 cent to support storm water programs.

Schrock proposed the amendment after proposals for fee-based or mixed tax-and-fee plans

ran into stiff opposition.

The list of opponents to the original plan, which would have based fees on the amount of impervious surface on a property, included nonprofit groups, churches, schools, automotive dealers, hospitals, gas station owners, retail stores and Realtors.

But Sen. Chris Beutler of Lincoln argued passionately that the latest plan would reverse years of legislative efforts at providing property-tax relief.

Sen. Pat Engel of South Sioux City argued for property taxes instead of fees because cities would be less tempted to use the revenue for other purposes.

And Sen. Arnie Stuthman of Platte Center said it should be up to cities to figure out how to pay for the problems caused by growth.

At that point, Schrock threw up his hands and warned that lawmakers need to come together on a solution or risk costly consequences.

He said he would be willing to try a vote on the original fee plan.

"If it goes down, then we've got to try Plan B," he said.