

# MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: September 2, 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 August, 2004, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. Thank You Letters and Notes:

- Thank you letter from James Blinn, Mayor of Papillion, thanking the GM and staff for providing assistance on July 22, 2004, in the recovery of Jessie Greise. A copy of the letter is attached.
- Thank you letter from Chief Paul Wagner, Papillion Fire & Rescue Department, thanking the District for helping in the rescue efforts on July 22 and 23, 2004. He notes that, "Without your expert assistance and the use of your equipment this incident could easily have gone on much longer." Chief Wagner's letter is attached.

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 August, 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 August 16, 2004. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **PAPIO CREEK WATERSHED PARTNERSHIP MEETING**: The Papio Creek Watershed Partnership met on August 26, 2004 at the Natural Resources Center. Items of discussion were: preparation for NPDES Phase II permits; stormwater legislation; and watershed study action items. A copy of the meeting minutes are attached for your review. A NPDES Permit Subcommittee meeting is scheduled for September 16, 2004 and the next PCWP meeting is scheduled for September 30, 2004.

F. **DEVELOPMENT OF STATE LEGISLATION:** Pursuant to Board direction, the following information is attached for Directors' review:

- Draft legislation regarding Papio Watershed flood control dam and reservoir general obligation bond, prepared by District Legal Counsel, Paul Peters.
- GM's testimony before the Natural Resources Committee regarding LR 404 (Interim study to review the issue of storm runoff requirements as required by the federal Clean Water Act.)
- Marlin Petermann's testimony before the Natural Resources Committee regarding LR 278 (Interim study to develop solutions to keep downstream improvements from being located in potentially hazardous locations downstream of existing dams.)

G. **NEWS CLIPS:**

- ➔ Articles relating to Draft Multi-Reservoir Analysis – Papillion Creek Watershed:
  - ⇒ August 10, 2004, Blair Pilot-Tribune – NRD vows Papio Creek partnership will continue. Dam proposal would affect Kennard plan.
  - ⇒ August 10, 2004, Blair Pilot-Tribune – Letter to the Editor from William J. Burdess – Many questions about dam plan.
  - ⇒ August 11, 2004, Omaha World Herald article – NRD extends olive branch, but Washington County wary.
  - ⇒ August 13, 2004, Omaha World Herald article – Papio NRD approves tax hike for dams.
  - ⇒ August 17, 2004, Washington Co. Pilot-Tribune article – NRD board OK's tax increase for dam project.
  - ⇒ August 27, 2004, Washington Co. Enterprise article -- County says 'no' to dams.
  - ⇒ August 27, 2004 - Omaha World Herald article – Anxiety brews out in the field. A proposal for flood-control dams prompts Washington County farmers to organize in opposition.
- ➔ August 10, 2004 – Blair Pilot-Tribune article -- Sights, sounds – and smells. Neighbor of Douglas County landfill unhappy.
- ➔ August 13, 2004, Omaha World Herald article – Gardner resigns from Papio NRD.
- ➔ August 15, 2004, Omaha World Herald editorial – Urbanizing a county. Growth is good, but urban sprawl makes landscape less appealing in Douglas County.
- ➔ August 19, 2004, Omaha World Herald editorial – Calming the waters. UNL study suggests controls on irrigation won't impoverish Republican River Valley.
- ➔ August 25, 2004, Omaha World Herald article – NRD moves to head off Valparaiso nitrate problem. Phase II designation is a precautionary measure.
- ➔ August, 2004, Omaha World Herald article -- A new idea to help drought areas.

## August 2004

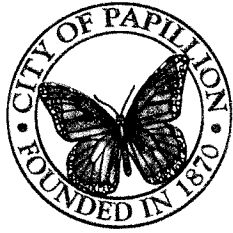
### Information & Education Report

#### Information

- Continued work on Trails and Overview videos. Trails program 90% complete.
- Completed and published Summer 2004 SPECTRUM.
- Staffed Sarpy County Fair booth.
- Updated web site pages.
- Prepared booth for Omaha Blues Festival.
- Began work on Trails brochure and map update.
- Updated and improved photography for Reservoirs display in Visitors Center
- Staffed booth for one day at State Fair for NARD.
- Began work on groundbreaking for Dakota Service Center.

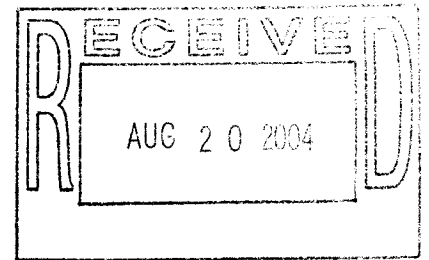
#### Education

- Presented Nature Hike to Lilly's House Daycare (25 students)
- Started planning for fall Chalco Hills Programs
- Started writing and planning Fall Cultivation Newsletter
- Researched Geo-caching regulations, worked with Park Superintendent to draw up regulations for Papio-NRD lands
- Provided materials for NRD booth at the state fair (bird houses, bobbers, fishing rulers)
- Attended Sub Committee Meetings
- Managed 124 volunteer hours
- Attended National Leopold Education Project (LEP) Conference
  - Gave NE year end report
  - Planned for Pheasant Fest 2005
- Started planning for 2 fall LEP workshops
- Worked with Central City Middle School teacher on environmental ethic class
- Arranged for Visitor's Center Hosts for September – October 2004
- Up-dated NRD listing on Volunteer Solutions website



CITY OF PAPIILLION  
James E. Blinn, Mayor

122 East Third Street  
Papillion, Nebraska 68046  
Phone 402-597-2029  
Fax 402-339-0670



August 16, 2004

Steve Altman  
Papio-Missouri Rivier NRD  
8901 S 154<sup>th</sup> Street  
Omaha, NE 68138

Dear Mr. Altman:

I would like to extend a sincere thank you to you and your staff for all the assistance provided to the City of Papillion on July 22, 2004. We had a very unfortunate situation with both the Apartment Fire and the Water Rescue. I was very proud to see all the surrounding communities aide in our city's unfortunate emergencies. I do realize and appreciate how much time was spent on these calls and noticed the efforts every staff person put into these unfortunate tragedies.

One thing that does not go unnoticed is the dedication and commitment you demonstrated during the water rescue emergency. I appreciate and thank you for following through in helping the City of Papillion.

With Warm Regards,

James E. Blinn  
Mayor

JEB: rc



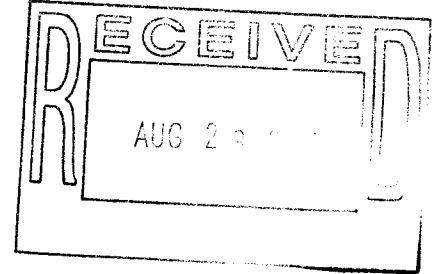
# City of Papillion Fire Rescue Department

146 North Adams Street  
Papillion, Nebraska 68046

Phone: (402) 339-8617 • Fax: (402) 597-1111 • EMERGENCY DIAL 911  
[www.papillion.org](http://www.papillion.org)

August 19, 2004

Papio-Missouri River NRD  
Attn: Steve Altman  
8901 S 154 St  
Omaha, NE 68138



Dear Steve,

I would like to thank you for your assistance in helping to mitigate the unfortunate drowning on July 22, 2004 and July 23, 2004. Without your expert assistance and the use of your equipment this incident could easily have gone on much longer. Your willingness to assist this department and the community is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Wagner".

Chief Paul Wagner  
Papillion Fire & Rescue Department

C  
A  
R  
E  
Working Together For You  
VOLUNTEER  
R

**Report On Purchases  
Construction Services, Professional Services, Personal Property**

August 2004

<b>Date</b>	<b>Project Name</b>	<b>Item / Task</b>	<b>Company</b>	<b>Cost</b>
8/3/04	NRC Office	Upholster office furniture	OBF	\$2,783.24
8/4/04	Computer Equipment	Server for OTG upgrade	Dell	\$3,819.16
8/5/04	Computer Equipment	OTG Backup	CDWG	\$2,553.58
8/5/04	Floodway Purchase Prog	Demolition & removal of contents on Lot 3B, Elbow Bend	Anderson Excavating Co.	\$6,500.00
8/9/04	Papio Crk Levee System	Apply brush control herbicide to NRD channel areas	Chem-Trol	\$10,000.00
8/20/04	Tekamah-Mud 9-A	Install riprap for dam front slope protection	Jensen Construction D.T., Inc.	\$15,000.00
8/1-31/04	Project Maintenance	Rental - rubber tired loader	Nebraska Machinery Co.	\$3,000.00

Updated: August 16, 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. (96<sup>th</sup> St.) (W)
  - Appraisal review (90<sup>th</sup> to Giles) (F)
  - ☛ Purchase Agreements, deeds (90<sup>th</sup> to Giles) (W)
- **Western Sarpy Dike** (Cleveland):
  - Closing with Bundy's (potentially modify ROW/offer) (F)
  - Amended drainage ditch easements on Hickey (First National Property) (P)
  - Levee ROW Documents (RSP, etc.) (P)
  - Cabin ROW Documents, as needed (P)
- **Floodway Purchase Program** (Woodward):
  - Floodway Property Purchase Agreements as needed (F)
  - Flood Mitigation Planning and Mapping Assistant Agreement w/ Blair (F)
- **Trail Projects** (Bowen):
  - Bennington Trail Interlocal Agreement (P)
- **Missouri River Corridor Project** (Becic):
  - California Bend – Final settlement with tenant (Wright's) (W)
  - Lower Decatur Bend – Appraisal Review, ROW documents and habitat easements (P)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
  - Pigeon/Jones Creek Site Easements – as needed (W)
  - Silver Creek Site Easements– as needed (W)
  - Release of Site S-7 Easement (W)
  - ★ Papio Site S-27 (Fox Ridge Estates) Trail Easements (W)
  - D-17 Agreement (Waterford) ROW (P)
  
- **Papio Watershed Dam Sites:**
  - Dam Site 19 agreement ( Petermann) (F)
  - Dam Site 13 Agreement (Petermann) (F)
  
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
  - NRD Bonding Authority Legislation (P)
  
- **Rural Water Projects:** (Sklenar)
  
- **Elkhorn River Public Access Sites** (Sklenar):
  
- **Other:**
  - Interlocal Agreement with Bellevue for Missouri Riverfront Development (P) (Becic)
  - ★ Youth Hunting Agreement with Nebraska Game and Parks Commission (N)



**PAPILLION CREEK  
WATERSHED PARTNERSHIP**

**MEETING MINUTES**



**Meeting on Comprehensive Stormwater Management  
August 26, 2004 - 10 AM to Noon - Board Room  
Natural Resources Center, 8901 S. 154<sup>th</sup> Street, Omaha, NE**

Attendants

The following were in attendance: Laurie Carrette Zook (HDR), Lyle Christensen (HDR), Kent Holm (Douglas County), Mark Wayne (Sarpy County), Joe Soucie (La Vista), David Goedeken (Bellevue), Marty Leming (Papillion), Bob Sink (Omaha), Marty Grate (Omaha), Nina Cudahy (Omaha), Karen Klein (Omaha), Pat Slaven (Omaha), Steve Tonn (Douglas/Sarpy County Extension), Ronald Asch (NDEQ), Donna Luckner (NDEQ), Mike Mallory (NDEQ), Marlin Petermann (P-MRNRD), Steve Oltmans (P-MRNRD), and Paul Woodward (P-MRNRD).

Purpose

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

1. Introductions
  - Marlin Petermann (P-MRNRD) opened the meeting and an agenda and sign-up sheet were distributed.
2. Status of New Interlocal Agreement
  - Paul Woodward (P-MRNRD) handed out up-to-date copies of the Interlocal Agreement with the exception of Ralston's signature page which will be included in the electronic attached with these minutes. He noted that Kennard is still considering their option to join the Partnership, so the final Exhibit "C" listing annual contributions had not been finalized. Kennard will again consider executing the agreement on September 7, 2004.
3. Preparation for NPDES Phase II Permits
  - Paul Woodward (P-MRNRD) handed out a copy of the minutes from the August 11, 2004 NPDES Permit Subcommittee Meeting and briefly reviewed a couple of the major discussion items including plans for monitoring and the development of a master manual. Donna Luckner (NDEQ) related her recent discussions with NDEQ staff concerning their upcoming plan for in-stream monitoring for the area. She said that NDEQ will final its plans by January and then suggested that the October progress report required from Omaha note that more details of the monitoring plan will follow in the April report.

- Paul Woodward (P-MRNRD) reviewed preliminary plans made for a future public meeting during the Subcommittee meeting. The success of the Omaha by Design public meetings was discussed and a similar format had been suggested for the Partnership. Suggested content for the first public meeting focused on an overview of the upcoming NPDES program and a review of possible separate focus group topics. Marty Grate (Omaha) noted that the City needs to provide public education for the CSO program. In addition to the CSO issue, other suggested topics included financing, permits, and watershed master planning. It was decided that a subcommittee meeting would be held on Thursday, September 16, 2004, to further plan the first public meeting. Also, a date for the Public Meeting was set for Wednesday, November 17, 2004 in the evening.

#### 4. Stormwater Legislation

- Marlin Petermann (P-MRNRD) reminded everyone that the Natural Resources Committee of the Nebraska Legislature was planning to have a hearing on August 31, 2004 at 1:30 PM here at the Natural Resources Center. For the fourth consecutive year, the prospect of permissive legislation to allow local governments to charge a stormwater fee will be considered by the legislature and testimony will be taken on the issue at the hearing. Marty Grate (Omaha) explained that Senator Shrock's office had drafted a new version of the bill, but that it was Omaha and Lincoln's opinion that some language needed to be simplified. A tour of stormwater issues in the Omaha Metro had also been planned for the committee on the morning of the hearing beginning at 8:30 AM. Donna Luckner (NDEQ) noted that other 1<sup>st</sup> class cities within the state had been recently sent a letter notifying them that they need to apply for an NPDES permit and that perhaps they also be willing to provide support.
- Marlin Petermann (P-MRNRD) explained that the other issue on the hearing agenda would deal with possible limitations on development in potentially hazardous areas below dams. He discussed current requirements to upgrade some dams to higher design standards if development occurs downstream and the proposed implementation of a zoning overlay district to prevent other dams from having to undergo this expense. Kent Holm (Douglas County) questioned the authority of the state to require local zoning jurisdictions to enforce a new zoning overlay district. Mark Wayne (Sarpy County) also expressed concern for the downstream landowner who might not be getting fairly compensated for restrictions on his/her land. Marlin Petermann (P-MRNRD) concluded the discussion by explaining that this is why we need to study the issue prior to taking any action.

#### 5. Watershed Study Action Items

- Lyle Christensen (HDR) stated a final draft of the Watershed 'Tools' Guidance Manual was complete and was available for download. Those who would like the report on CD should request one from Paul Woodward (P-MRNRD).
- Marlin Petermann (P-MRNRD) noted that a hard copy of the draft Multi-Reservoir Report was available to everyone. He explained that there would likely be few changes

to the draft since the NRD Board recently voted against proposed additional services to prepare another chapter on financing options and ongoing public education. Steve Oltmans (P-MRNRD) said that he anticipated the Board's adoption of the final plan in November. He also reviewed positive outcomes from a recent meeting with the Omaha Planning Department and then noted that other planning agencies impacted by the dams will be contacted following adoption of the plan by the NRD Board.

#### 6. Other Items of Interest

- Kent Holm (Douglas County) reviewed that the County Board had passed a new 3:1 plus 50' creek setback requirement in May. A copy of their resolution and figure were handed out. He explained that most jurisdictions in the area currently have a 3:1 plus 20' setback requirement, but Douglas County felt that the additional 30' provided an additional vegetative buffer to possible contaminants entering the creeks. Marlin Petermann (P-MRNRD) expressed the NRD's support for consistent standards and recommended that the Partnership support and encourage the adoption of this additional setback throughout the Watershed. There were no objections, therefore, it is the consensus of the Partnership to encourage local adoption of the 3:1 plus 50' creek setback requirement.
- Steve Tonn (Douglas/Sarpy Co Extension) updated the Partnership on latest issues being addressed by the Cunningham Lake Watershed Council. He noted that the plan for the next meeting was to get feedback from the technical team. Steve Oltmans (P-MRNRD) asked about the status of the Corps 1135 project for a new sediment basin. Steve Tonn responded that the Corps was continuing to make final plans and should be having a public meeting soon to discuss their plans.
- Marlin Petermann (P-MRNRD) explained that a proposed development in Douglas County had recently planned to treat their sewage at a new package treatment plan and create a new outfall in the Northwest Branch of the West Papio Creek. Kent Holm (Douglas County) discussed a recent meeting with NDEQ and the County Health Department to review potential permits or regulations restricting this proposal. This creek is listed as impaired by NDEQ and has little base flow. After more discussion, it was recommended that the Partnership encourage local jurisdictions to put a moratorium on any new sewage outfalls until TMDLs are created and proper standards can be developed. The recommendation was adopted by consensus.

#### 7. Next Meeting Dates

- The next Partnership meeting will be held on **Thursday, September 30, 2004 at 10:00 AM in the Board Room** of the Natural Resources Center. An NPDES Permit Subcommittee meeting will be held on **Thursday, September 16, 2004, at 10:00 AM in the Lower Level Conference Room** of the Natural Resources Center. The public meeting is tentatively scheduled for Wednesday, November 17, 2004, in the evening.

8. Adjourn

- The meeting adjourned at approximately 11:55 AM. An agenda, attendance list, and the handouts passed out at the meeting are available to those members who were not present at the meeting **upon request**.

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

**Paul F. Peters, P.C., L.L.O.**  
**Taylor, Peters & Drews**  
**Suite 940 Omaha Tower**  
**2120 South 72nd Street**  
**Omaha, NE 68124-2374**  
**(402) 391-3712 FAX (402) 391-3714**  
**E-mail: paul.peters@mindspring.com**

To: Steven G. Oltmans, General Manager  
Papio-Missouri River Natural Resources District

Date: July 20, 2004

Subject: Papio Watershed flood control dam and reservoir general obligation bond  
draft legislation

---

Following is a first draft of the legislation you requested:

Sec. 1. In addition to other powers authorized by law, the board of directors of a natural resources district encompassing a city of the metropolitan class may issue negotiable bonds and refunding bonds of the district, entitled flood control project bonds, with terms as determined appropriate by the board of directors, payable from an annual levy upon the taxable value of all taxable property in the district not exceeding \_\_\_ cents on each one hundred dollars and not subject to levy limitations specified elsewhere in state statutes, the proceeds of such bonds to be used to pay rights-of-way and construction costs for flood control dam and reservoir projects within the district. Any funds raised from such special levy shall be placed in a separate sinking fund and shall be used for retirement of such bonds. For the purpose of making partial payments as rights-of-way acquisition and construction progresses, the board of directors may issue warrants having terms as determined appropriate by the board of directors, payable from the proceeds of such negotiable bonds or from such special annual levy. The board of directors may agree to pay fees to fiscal agents in connection with the placement of such warrants

or bonds of the district. Such warrants and bonds shall be subject to the same conditions as provided by Section 2-3254.07<sup>1</sup> for improvement project area bonds.

Sec. 2. Such a district may enter into cost-sharing agreements with landowners, developers and other cooperators in connection with such dam and reservoir projects, such agreements to contain such terms and conditions as the board of directors, after a public hearing, determines reasonable and in the public interest.

Sec. 3. In such a district's acquisition of rights-of-way for flood control dam and reservoir projects, the amount of any increase in the fair market value of a landowner's remainder resulting from the proximity of the reservoir, or resulting from the landowner's retention of direct access to the reservoir for recreational purposes or retention of other benefit not enjoyed by the public at-large, shall offset severance damages in such amount due to the landowner from the acquisition of such rights-of-way.

Sec. 4. The board of directors may determine that offsetting benefits retained by landowners are only incidental, and that such flood control dam and reservoir are of general benefit to a district and may be carried out with any funds of the district.

---

<sup>1</sup> The text of Section 2-3254.07, cited above, is as follows:

**“2-3254.07. Improvement project; issuance of warrants or bonds; conditions.**

The following conditions shall apply when the board issues warrants or improvement project area bonds to fund the special benefit portion of a project:

(1) Neither the members of the board nor any person executing the warrants or bonds shall be liable personally thereon by reason of their issuance;

(2) The warrants or bonds shall be a debt of the district only and shall state this on their face;

(3) Warrants and bonds of the district are declared to be issued for an essential public and governmental purpose and to be public instruments, and together with interest and income thereon, shall be exempt from all taxes;

(4) Bonds shall be authorized by a majority vote of the board which shall determine the manner and place of their execution. The bonds may be issued in one or more series and shall bear such a date, be payable upon demand or mature at such a time, bear interest at such a rate, be in such a denomination, be in such form, be payable at such a place, and be subject to redemption prior to maturity upon such a term and with such notice, as the board may direct; and

(5) Bonds and warrants issued pursuant to sections 2-3252 and 2-3254.01 to 2-3254.07 may be sold in any manner and for such price as the board of directors may determine.

August 31, 2004

**PAPIO-MISSOURI RIVER  
NATURAL  
RESOURCES  
DISTRICT**



8901 S. 154TH ST.  
OMAHA, NE 68138-3621  
(402) 444-6222  
FAX (402) 895-6543  
[www.papionrd.org](http://www.papionrd.org)

Chairman Schrock and members of the Natural Resources Committee

My name is Steve Oltmans and I am the General Manager of the Papio-Missouri River NRD.

The NRD is here today to request legislative assistance in financing storm water programs and projects, whatever form that financing assistance may take.

This NRD previously supported LB 32, last session's version of the storm water bill, and the NRD is here today because this NRD's Directors are seriously considering a storm water program that would provide very-badly-needed flood protection for the metropolitan area in the Papio Watershed. However, that program needs a new financing mode if it is to be successful.

Under this new NRD storm water program, the NRD would work cooperatively with local developers and others to construct flood control dams at those sites that originally were part of the Corps of Engineers' 1970's Papio Lakes and Tributaries Project, and that are still feasible.

The NRD is seriously considering this program because the NRD has no choice but to do so. The locations that are required for the flood control dam sites soon will be developed for residential, commercial and industrial purposes, and such developments will extinguish the best opportunities to provide Papio Watershed flood protection that the metropolitan area will ever have. The metropolitan area has no time to waste.

The legislature has given the NRDs authority and responsibility over flood control. The metropolitan area now looks to the NRD to provide that flood control, among the many other services that the NRD is expected to perform.

Fortunately, the NRD has been able to provide most of its other services on a pay as you go basis within its annual property tax budget, but for the large sums of money that the contemplated Papio Watershed flood control program will require, the NRD needs a source of revenue, like a storm water utility fee, to fund a part of those costs.

The NRD also needs authority to issue general obligation bonds enabling it to construct the necessary dams at the best sites while they still are available, and spread some of the costs over future property tax levies. The NRD is preparing for the introduction of a bill to provide such general obligation bonding authority, if such authority is not made a part of the storm water legislation.

In closing, it is the view of many that, using one financing method or another, or a combination of financing methods, the Papio Watershed flood control dams must be constructed, and must be constructed now and in the next few years, before it is too late and the sites are gone.

The NRD has proved that it is capable of undertaking such a program. If the Legislature will provide a way for the NRD to raise enough money to finance the NRD's share of the costs, the needed flood protection can be provided.

Thank you.

Following is the language needed for the NRD's to have general obligation bonding authority. This language could be a part of another bill, or could be a free-standing bill:

Sec. 1. In addition to other powers authorized by law, the board of directors of a natural resources district encompassing a city of the metropolitan class may issue negotiable bonds and refunding bonds of the district, entitled flood control project bonds, with terms as determined appropriate by the board of directors, payable from an annual levy upon the taxable value of all taxable property in the district not exceeding \_\_\_ cents on each one hundred dollars and not subject to levy limitations specified elsewhere in state statutes, the proceeds of such



bonds to be used to finance rights-of-way and construction costs for flood control dam and reservoir projects within the district. Any funds raised from such special levy shall be placed in a separate sinking fund and shall be used for retirement of such bonds. For the purpose of making partial payments as rights-of-way acquisition and construction progresses, the board of directors may issue warrants having terms as determined appropriate by the board of directors, payable from the proceeds of such negotiable bonds or from such special annual levy. The board of directors may agree to pay fees to fiscal agents in connection with the placement of such warrants or bonds of the district. Such warrants and bonds shall be subject to the same conditions as provided by Section 2-3254.07<sup>1</sup> for improvement project area bonds.

---

<sup>1</sup> The text of Section 2-3254.07, cited above, is as follows:

**“2-3254.07. Improvement project; issuance of warrants or bonds; conditions.**

The following conditions shall apply when the board issues warrants or improvement project area bonds to fund the special benefit portion of a project:

(1) Neither the members of the board nor any person executing the warrants or bonds shall be liable personally thereon by reason of their issuance;

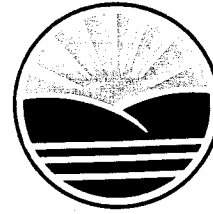
(2) The warrants or bonds shall be a debt of the district only and shall state this on their face;

(3) Warrants and bonds of the district are declared to be issued for an essential public and governmental purpose and to be public instruments, and together with interest and income thereon, shall be exempt from all taxes;

(4) Bonds shall be authorized by a majority vote of the board which shall determine the manner and place of their execution. The bonds may be issued in one or more series and shall bear such a date, be payable upon demand or mature at such a time, bear interest at such a rate, be in such a denomination, be in such form, be payable at such a place, and be subject to redemption prior to maturity upon such a term and with such notice, as the board may direct; and

(5) Bonds and warrants issued pursuant to sections 2-3252 and 2-3254.01 to 2-3254.07 may be sold in any manner and for such price as the board of directors may determine.

# PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT



8901 S. 154TH ST.  
OMAHA, NE 68138-3621  
(402) 444-6222  
FAX (402) 895-6543  
www.papionrd.org

TO: Natural Resources Committee  
FROM: Marlin J. Petermann, Assistant General Manager  
SUBJECT: Testimony concerning LR 278  
DATE: August 31, 2004

Papio-Missouri River Natural Resources District testimony concerning LR 278 – Development Below Non-High Hazard Dams before the Nebraska Legislature’s Natural Resources Committee hearing on August 31, 2004:

- As a result of constructing dams, an area downstream of each structure is considered hazardous due to the unlikely, but potential breach of the dam. This is of particular concern for dams not constructed to High Hazard (Class “C”) Standards.
- In order to provide effective flood and erosion control for the area, the Papio-Missouri River NRD has constructed, owns, inspects and maintains nearly 70 dams.
- Out of these 70 dams, only 6 have been constructed to high-hazard standards.
- As an example, three dams (S-27, S-31, S-32) in Sarpy County south of Hwy 370 were built in the early 1970’s by the USDA, Soil Conservation Service. Development has since occurred below these dams. As a result they are currently being studied by the Natural Resources Conservation Service for potential rehabilitation to bring them to high hazard standards. Engineering costs alone are expected to exceed \$500,000.
- Private dam owners have also been affected by development occurring downstream. For instance, a local homeowners association in Washington County, NE which owns the dam known as Lake Arrowhead is currently facing a mandate from the Nebraska Department of Natural Resources (NDNR) to update their structure to high-hazard standards due to the construction of a subdivision and homes directly downstream. Anticipated construction costs alone for this upgrade are approximately \$120,000.
- After much discussion with other NRDs, state and federal agencies, it seems that basic solutions to this problem fall into two categories. Either
  1. continue to upgrade or remove the dams after their hazard classification changes, or
  2. prevent development from taking place downstream of the dam
- Obviously, from a dam owner’s standpoint, it would be preferable to prevent habitable structures from being placed in the breach inundation area. Possible ways to accomplish this include:
  1. Obtaining land rights, i.e. easements, from landowners downstream to prevent development within the flood hazard area, or
  2. Establish a zoning overlay district, which would restrict and/or prevent development within the flood hazard area.
- After considering these potential solutions, the most practical and cost effective, from an owner perspective, would seem to be to institute a zoning overlay district.
- The NRD/NARD encourages the Committee to have NDNR, along with other state and local stakeholder agencies, study these potential solutions along with their economic, environmental, and legal impacts and bring a report back to the Legislature for consideration.

# NRD vows Papio Creek partnership will continue

## Dam proposal would affect Kennard plan

By Keith Rydberg  
Reporter

Although the Washington County Board of Supervisors recently voted not to join a partnership of entities along the Papillion Creek watershed, the Papio-Missouri River Natural Resources District will continue work to establish the partnership.

Paul Woodward, water resources engineer for the NRD, said Washington County's refusal to join the partnership is unfortunate, but the district is continuing to sign up agencies in Douglas and Sarpy counties. Woodward added the district is also continuing to talk to representatives in Kennard about joining the partnership.

"We are just doing the planning for the partnership without Washington County," Woodward said. "The major benefit the county has in not joining us is they will not have to contribute financially to the project, but the negative factor is they also will not have input regarding the partnership. We believe the county has hurt themselves by not joining the partnership."

The county supervisors voted to withdraw from participation at its July 27 meeting after informally pledging to join the partnership on July 13. The reason for the county's withdrawal focused primarily on the fact the board members believed they should have been informed about a proposed dam project directly from NRD representatives.

The board's motion also

stated the withdrawal from the partnership was a way to protest the dam project and, specifically, a 1,900-acre lake that would be created between Washington and Kennard.

Woodward said the effects on the two villages is unfortunate, but it was the best alternative.

"There were several alternatives we looked at with advantages and disadvantages to each one," Woodward said. "For instance, Dam Site 8C probably has more impact to residences overall, but, if we had gone with Dam Site 2, for instance, there would have been a lot more roads closed in Washington County. The alternatives we went with gave us more for our dollar from a flood control perspective."

Woodward emphasized that the dam proposals are little more than a suggestion at this point. Several aspects, such as how the \$186 million project would be funded, still must be determined. He also said while the dams will impact several properties in and around Kennard and Washington, the possibility of commercial development around the proposed lake area remains low because of the expenses potential developers would have to incur in providing water and sewer access to any new commercial or residential developments.

Water and sewer access were also discussed at the Tuesday, July 3, meeting of the Kennard Village Board as Don Morgan, water and sewer operator for Kennard, addressed NRD representatives in attendance regarding what he and the village should do with a water and sewage project in the city. Morgan said he was dismayed upon learning the dam project was proceeding, especially after he was told in May 2003 no dam project was being developed by

the district.

"The reason that I brought this up with them at the meeting was that we were basically at a standstill as to what we should do with these projects," Morgan said after the meeting. "We did not know if all the talk about the lake project was simply a scuttlebutt, rumor or what it was."

Morgan said he needed to know the status of the dam project and where the proposed lake would lie in order to determine whether continuing with the water and sewer projects would be worthwhile. At the meeting, the NRD representatives told him to continue work on both projects.

Morgan said he is looking to move the village's chlorination system to a new location because a mechanical flaw has caused the current chlorination system to work haphazardly. Morgan said the village's water supply has never been in jeopardy and has always been safe to drink, but moving the chlorinator to a new location would allow more impurities to be taken out of the village's water.

The sewer project would serve to add a third cell to the two-cell lagoon system located south of the village that serves 165 houses. Minor repairs to the present cells may be made as well.

While NRD representatives have told the village board the lake would not jeopardize the project if and when it is built, Morgan said he is still concerned about the proximity of the lake to the lagoon and said the results of the proximity could make the lake unattractive.

"If the 1,900-acre lake is built, we would start to receive water off of the creek to the point where the lake would almost turn into a 1,900-acre lagoon," Morgan said.

NSJF32  
TUESDAY, AUGUST 10, 2004

# Pilot-Tribune

BLAIR, NEBRASKA 68008 16 PAGES, TWO SECTIONS 75¢

8-10-04  
Blair

ingle  
in-  
ill in

4A

The Pilot-Tribune  
Tuesday,  
August 10, 2004  
blairnebraska.com

# Opinion

To submit items  
for the opinion page,  
call Doug Barber at  
426-2222, e-mail to:  
news@pilottribune.com  
or fax to 426-2227

8-10-04  
Blair

## Letters

### 'Many questions about dam plan'

To the editor,  
Higher property taxes for Washington County residents needed to compensate for the lost tax base, the economic loss to the community created by flooding thousands of acres of prime farm land, the possible contamination of the proposed lake because of seepage from the Douglas County landfill, the loss of carbon-absorbing green space and last, but not least, the stress and hardships imposed on the many county residents that will be displaced. These are some of the things that were not addressed in the Papio NRD's impact study as presented at the Washington County Supervisor's meeting.

It was very disappointing that the NRD's focus was so narrow and that they never presented any alternative solutions, if in fact they have any. Mr. Peterman of the NRD maintained the dams were a win-win proposition, when in truth, it is a winning proposition for lakefront developers, a losing proposition for Washington County and an iffy proposition for Omaha.

Point in case, if a cloudburst below the dams occurred, would Omaha sustain a flood?

You don't have to be an engineer to understand the cause of flooding, a rapid influx of water and water stacking caused by a restricted outlet. Could it be the NRD is looking at the wrong end of the watershed? I came to that conclusion when Mr. Peterman alluded to the fact there is still a possibility of flooding in the lower part of the basin.

The proposed dams are designed to handle a 500-year storm (30 inches). Is the outlet channel built to that standard, if not, why not? It is true, the dams would retard the flow, but they are not the only means available.

A more affordable system would be to install flow control structures on the farms in the upper reaches of the basin, such as dry dams, farm ponds, drop tubes, and terraces. This could be done by joining forces with the Soil Conservation Service and, in conjunction with enlarging the outlet channels, would save taxpayers many millions of dollars, while providing the public good affordable flood control.

Why is saving Omaha from the possibility of a flood more important than permanently

flooding thousands of acres in Washington County? Omaha allowed building on the flood plain knowing the risk, or is there really a risk?

The purpose of the NRD is flood control, not to provide lakefront property for developers. I have it on good authority, the dam plan has been on the books since the NRD began channeling. Is it someone's pet project? Have the developers got someone on the NRD's ear? Why was Mr. Peterman not forthcoming to the County Board? Was it the plan to get the project voted on and accepted, then release it to the public? Was there a principled person that was not at ease with what was going on and leaked it to the press?

There are a lot of unanswered questions, \$185,000,000 worth. Will the NRD Board of Directors act with common sense and logic, with responsibility to the taxpayer, or will they spend \$185,000,000 of taxpayers' money and let Washington County residents get stuck with higher property taxes to pay for Omaha's flood protection? Our NRD at work?

William J. Burdess  
Fort Calhoun

# NRD extends olive branch, but Washington County wary

8-11-04

By JEFFREY ROBB

WORLD-HERALD STAFF WRITER

As plans are drawn up for new dam sites around the metropolitan area, some local natural resources officials hope to ease growing concerns in Washington County.

Preliminary results of a Papio-Missouri River Natural Resources District study include plans for 10 new dam sites at a cost of \$186 million. Two lakes — including the largest one in the study — are proposed for Washington County, which has led to opposition there.

Tuesday, a subcommittee of the NRD board approved a resolution meant to address people's concerns that their land and homes could be traded for dam sites and development.

In developing plans for the two Washington County sites, the resolution says, the NRD will aim to minimize the land taken off the tax rolls and maximize the money that property owners receive for land rights.

With Washington County residents in attendance, board member Richard Connealy said he wants to show that the NRD is

taking a different approach to creating the dam sites. Years ago, Washington County fought off similar plans.

The attitude then, Connealy said, was to maximize the land taken and to minimize the money received by land owners.

"We're not going to approve this project in the same way," said Connealy, who represents Washington County.

The resolution will go before the full NRD board Thursday. But not all members are supportive.

The subcommittee voted 3-2

Tuesday. Board member Joe Neary, who voted against the item, said the discussion is still premature, since the study hasn't been approved.

"It's too early for me to make any statement of what we want to do in Washington County, except be a good neighbor," Neary said.

The resolution sets out that the NRD first would complete preliminary plans for the two Washington County dam sites.

Afterward, it would hold a series of public meetings. It would discuss methods to develop the sites that are feasible for the

NRD and acceptable to land owners, area residents and Washington County officials.

Despite the olive branch, Washington County residents still expressed concerns.

Bill Japp, who lives in the middle of the largest proposed lake, said Omaha needs to work on flood control more than Washington County does. He said he's against land being taken away and given to a real estate developer.

Said Kaye Haslam of Kenard, "I hope you don't get your dams. I don't think we need them."

# Papio NRD

## approves tax hike for dams

8-13-04  
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

Over the objections of dam opponents and tax activists, the Papio-Missouri River Natural Resources District on Thursday approved a \$32 million budget that includes a 1-cent increase in its property tax rate to fund dam construction.

The board voted 8-1 in favor of the budget, with board member Joe Neary the sole opponent.

The board also rejected two measures related to the dams.

On a 7-2 vote, the board voted against establishing dam guidelines that aim to minimize the land taken off the tax rolls and maximize the money that property owners receive for land rights. And on a 6-4 vote, the board voted against extending a dam study.

"These are side issues — after you decide you want a project," Neary said. "I don't think this board has decided we're going to do this project."

About 80 people attended the meeting.

The tax increase is for one year, and the money will be earmarked for dam construction. It is anticipated that it would be renewed to fund at least a couple of new dams in Douglas and Sarpy Counties.

Up to 10 dams are proposed for a total cost of \$186 million.

The most controversial dams are in Washington County. And it was two large dams proposed for that county that drew opponents Thursday night. Those at the meeting didn't buy the contention that the dams are needed to reduce flooding in the metropolitan area.

"This is not for flood control," said Kaye Haslam of Kennard. "We're not ignorant. This is for recreation for Omaha."

The proposed tax increase also drew opposition.

Doug Kagan, chairman of Nebraska Taxpayers for Freedom, a taxpayer watchdog group, said the NRD can find other items to trim from its budget to avoid a tax increase.

The 1-cent increase translates into a \$10 increase in taxes on a home valued at \$100,000. This is the NRD's largest increase in 15 years.

# NRD board OK's tax increase for dam project

By Keith Rydberg  
Reporter

The members of the Papio-Missouri River Natural Resources District board of directors approved a 1-cent tax hike at its recent meeting, which will pay part of the financing involved with creating dams in Washington, Douglas and Sarpy counties for flood control along the Papillion Creek Watershed.

The project, as it is proposed, consists of building 10 dams in the three-county area. With the 1-cent increase, the owner of a house valued at \$100,000 would pay \$10 in taxes to support the dam project. The board voted 8-1 to approve the budget. Board member Joe Neary voted against the proposal.

The board also voted 7-2 against approving a resolution that specified the board would complete preliminary plans for dam sites 1 and 3C (the two dams proposed for Washington County) and would conduct a series of public meetings to study and determine development methods most feasible for the district and most acceptable to landowners, citizens and supervisors in the county.

The resolution specified the district's plans would seek to minimize acres taken from the tax rolls, maximize dollars received by the original landowners for land rights, minimize tax dollars spent by the district and maximize the tax valuation for Washington County. Board members Rich Tesar and Fred Conley were in favor of the motion.

The board also voted against approving a recommendation giving Steve Oltmans, general manager of the district, the authority to execute the financing options assessment and to increase the fee paid to HDR Engineering Inc. from \$370,000 to \$434,000 for the engineering firm's work in determining the

best financial options for the dams.

Prior to voting on the two motions, several audience members and board members commented on the proposal itself. Much of the discussion centered on the status of the dam proposal and the potential effects two dams in Washington County would have on the villages of Kennard and Washington.

If the project is approved, an estimated 60 residential and commercial properties in and around both communities would be affected.

Jennifer Andersen of rural Kennard made reference to the financing amendment to the proposal and asked the board members to spend money on considering other alternatives rather than continuing to explore financing alternatives on the project as it is currently proposed.

"This money could be used to explore other flood control alternatives rather than spending money on one option," Andersen said. "We believe that flood control can be achieved by exploring other flood control strategies.

AUG 17 2004

Washington Co.  
Pilot - Tribune  
8/17/04

We are concerned that this resolution does not take into consideration that the draft has not been completed or proposed by the board."

Tesar said that after the Newport Landing Lake was created in northern Douglas County, land valuations increased in the immediate area. By 2008, Tesar said the total land value of the area surrounding the lake will be \$300 to \$400 million.

Todd Andersen said that while the district likes to use Newport Landing as a positive example of what can happen if a dam is built, the district doesn't say how landowners are affected.

"Nobody here has taken into consideration that nobody I have

Continued

# DAMS: *NRD board wants to restore trust*

FROM PAGE 1

talked to wants to sell any of this ground," Andersen said. "We have no problem with development as long as it is done based on the landowner's right to develop. If one guy wants to sell his land to developers, that's fine. That doesn't mean the rest of us have to. We have been on this land for 120 years and none of us feel like we have been asked. There have been no studies done on other ways to stop this flooding."

Kaye Haslam of Kennard said this has been "the summer from hell" for her after dealing with the May 22 hailstorm, then hearing about the NRD's dam proposal.

"It occurred to me that we told you 'no' 20 years ago," Haslam said. "You obviously didn't believe us because this is coming back up again... Please take 'no' as an answer. We don't want these dams. It is not for flood control, so don't keep saying that it is."

John Neary reminded audience members the project remains in a study mode at this point. Neary then made a reference to the Washington County Board of Supervisors' recent withdrawal from the Papio Creek Watershed Partnership and said the dam proposal has strained relations between the NRD and Washington County.

"I feel like I have made a mistake," Neary said. "I have told people in the last couple of days that we were really in a study mode, trying to decide if it was a good idea or not. I thought we were just beginning with this project. The more I read about this, it makes me think we are really rolling here. I guess I missed something because I didn't think we were quite this ready to do this. I am going to vote 'no' on the statement, but that doesn't mean I am against the proposal. It just means I haven't made any conclusions yet.

"I think we have a major prob-

lem in Washington County with trust, but I don't think this (the resolution) is going to help. I don't think we have had enough dialogue to approve anything on this. This is kind of like jumping into deep water and I thought we were going to start in the shallow water. This has gotten out of whack and I don't think this is going to help."

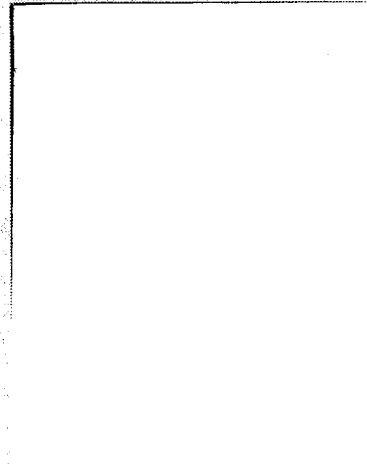
Richard Connealy, who represents Washington County on the NRD board, said he thought it was important the district attempt to mend relations with the Washington County supervisors. He said the success of the dam proposal depends on good relations between both entities.

"We have to have cooperation and the help of the Washington County supervisors to continue on the development of the project in Washington County," Connealy said. "Twenty years ago, the NRD proposal used much different tactics toward Washington County. We are in a study mode and, until we get the sup-

port of the county board, it won't go anywhere but the study mode."

After the votes were taken, Board Chairman Rich Jansen said based upon the comments made at the meeting, the district should, perhaps, look at other alternatives.

"We need to do something because there is a problem; there's definitely a problem," Jansen said.





WASHINGTON COUNTY  
BLAIR, NEBRASKA 68008  
18 PAGES, TWO SECTIONS  
75 CENTS

WASHINGTON COUNTY

# Enterprise

VOLUME 111 ISSUE 34 FRIDAY, AUGUST 27, 2004

BLAIR, NEBRASKA 68008 18 PAGES, TWO SECTIONS 75 CENTS

## County says 'no' to dams

By Keith Rydberg  
Reporter

While the resolution in question is still being written, the Washington County Board of Supervisors unanimously approved a motion expressing the board's formal opposition to a dam project proposed by the Papio-Missouri River Natural Resources District.

Board Chairman Harlo Wilcox brought the idea before the board after receiving a request for the resolution from Merle Andersen of Kennard. While the board approved withdrawing from the Papio Creek Watershed Partnership at its July 27 meeting, mainly because of concern regarding the dam project, Wilcox said the resolution will serve as a formal declaration of the board's standing

on the project.

"He (Andersen) just wanted us to say something to the effect that we very definitely oppose it," Wilcox said. "All we need to say is that we oppose the dams in Washington County."

In a somewhat ironic twist, the board approved the motion before Andersen could arrive at the board meeting to request the resolution in person. Addressing the board, Andersen said the dam project, as currently proposed, would close all east-west roads between Nebraska highways 36 and 91. Because the county board has the final say in closing roads in Washington County, Andersen said he hoped the board's formal opposition to the project would hinder the proposal. The proposal would locate a

total of 10 dams in the Papio Creek watershed, including two in Washington County. While the proposal remains in the study phase, approximately 60 properties in and around Washington and Kennard would be affected by the dams and the ensuing lakes based upon how the proposal currently reads.

- In other business, the board approved giving \$2,500 to the Washington County Visitors Promotion Committee.
- approved law enforcement contracts between the Washington County Sheriff's Office, Fort Calhoun and Arlington. Fort Calhoun will pay the county \$25.13 per hour. Arlington will pay the county \$25.30 per hour.
- scheduled a public hearing on the budget for 9 a.m. September 7.

8-27-04  
[Signature]

# Anxiety brews out in the fields

■ A proposal for flood-control dams prompts Washington County farmers to organize in opposition.

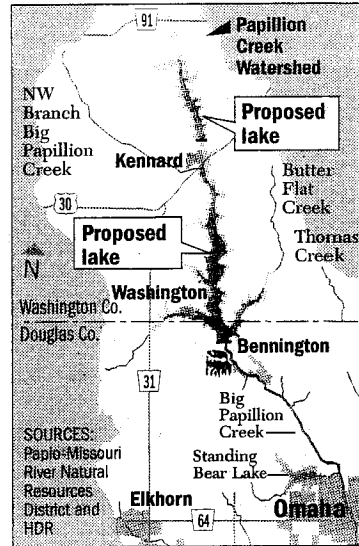
8-27-04  
BY NANCY GAARDER  
WORLD-HERALD STAFF WRITER

WASHINGTON, Neb. — Fields in the Big Papio Creek valley are bursting with corn and soybeans as a bumper crop fattens.

Talk around the coffee shops and kitchen tables should be brimming with optimism, but instead apprehension has dogged this Washington County valley.

The Papio-Missouri River Natural Resources District is eyeing the fertile valley for two lakes — one 1,900 acres and the other 365 acres — to reduce flood potential in west-central Omaha and eastern Sarpy County. The larger lake also would become a recreation and development showcase.

For that to happen, though, the Dreessen family would have to give up its best farmland. So would the Logermans and the Andersens. Larry Stava would lose his horse business. Jim and Sheri Pinegar would lose their home. So would Mike Larimore's 77-year-old mother and 79-year-old aunt. And the Schroers and the Wulfs.



"It's more than just taking people's homes," said Debbie Schroer. "It's taking their past, it's taking their future."

Depending upon their design, the lakes would require 5,640 acres and could affect all or portions of about 100 properties.

The dams are central to a plan to reduce flooding. During a 100-year rainfall, the dams would lower Big Papio flooding by an estimated 8 feet at 120th and Fort Streets and 1 foot at the Sarpy County line. The dams would protect such places as Old Mill and One Pacific Place.

This is the second effort to build massive flood-control lakes in Washington County. Opposition sank an effort in the 1980s.

Opponents have organized again. About 300 people have joined the revived Papio Valley Preservation Association, which is dedicated to stopping the dams. The Washington County Board voted unanimously Tuesday to oppose the dams as now proposed. And a couple of weeks ago, the County Board backed out of a partnership with the NRD, the City of Omaha and others to jointly manage the watershed.

For its part, the NRD board has delayed a study of how to finance the \$107 million cost of the two dams, saying the study would be

See Fields: Page 2

# Fields: Dams not popular in Washington County

Continued from Page 1

premature since the board hasn't decided whether to build them.

But the dams still appear to be in play. Their first real test will come this fall or winter when the NRD board votes on whether to approve a master plan that includes these two and eight other dams. The vote would not be binding, but it would signal the board's intent.

The board has already approved a one-year, 1-cent increase in the property tax rate for dam construction. The tax increase will require an annual vote, and for several years it will fund smaller dams proposed for Douglas and Sarpy Counties.

NRD board member Dick Connealy said he believes the bigger dams won't be built in the face of Washington County opposition.

"We won't even proceed with the dams unless Washington County wants them," he said.

But NRD board member Rich Tesar said the dams deserve study, despite opposition. Tesar said he knows how Washington County families feel. His family was forced from its home for the construction of Interstate 80.

"We need to do some hard discussing," Tesar said. "There may be other options out there, but I don't think I'm prepared to throw in the towel."

The master plan on the table is designed to allow people who would lose their land to benefit from the lakes.

Public lands would consume a smaller perimeter around the lakes, allowing landowners to keep more property for lucrative lakefront developments. But that isn't swaying farmers like Wayne Dreessen.



JAMES R. BURNETT/THE WORLD-HERALD

Tim Dreessen, left, and his father, Wayne, oppose the proposed dam near Washington, Neb. Tim's home, in the background, would be under water.

"We didn't buy this land to speculate on it," said Dreessen. "We love it — the smell, the dirt — and they just want to take that out of our hands."

Dreessen said the economics don't add up for farmers.

Sure, farmers would be able to keep their hilltop land — but that land is less productive, so the whole farm operation would be less stable. And the lakes would flood so many roads, Dreessen said, that farmers would have to drive miles out of their way to reach their remaining fields.

Landowners worry that the NRD will use the enticement of higher land prices as the carrot and the threat of eminent domain as the stick in a successful strategy to take over the valley.

"The biggest power they have is condemnation," Dreessen said. "They can just ruin people. They always say they won't, but they can just badger you until you can't get away from it."

The belief among most of the three dozen property owners interviewed is that the dams' true purpose is to create a place for Omahans to play.

"The only reason they're calling it flood control is to scare the public in Omaha," said Todd Andersen.

Besides, these landowners say, Omaha should do more to restrict development that contributes to flooding.

Steve Jensen, Omaha's assistant planning director, said the city has done much of what it can in the area that would be protected by these dams.

"Of all the things we have done well," Jensen said, "most of that is on the Big Papio."

Farmers counter that the best flood control is to leave their valley in farmland. The hundreds of miles of terraces that they have built and the numerous sediment ponds they have constructed significantly slow rainwater wash-

ing through the valley.

"We've all changed our farming practices," said Tim Andersen. "We're sending very little water down the creek."

But this valley will develop one way or another, urban planners say. To the south, a for-sale sign is posted in a field. Nearby, a \$58 million lake and subdivision have replaced crops. The question, say dam proponents, is whether the valley is converted to acreages and subdivisions that contribute to flooding or whether it is used for flood control.

"The dams are still desperately needed," said Steve Oltmans, general manager for the NRD. They would help protect against the type of flooding that killed seven people in the 1960s.

Since then, creeks and ditches have periodically swollen with rains and taken lives. A homeowner along Cole Creek was washed out of his basement in 1999 and an unsuspecting motorist was swept away this summer after he stepped out of his car into high water.

Neither of these proposed dams would have prevented those tragedies because they occurred in a different part of the watershed. Nor would they reduce the type of urban flooding that has left cars floating on Saddle Creek Road.

But they would help protect Omaha farther west. And Tesar said the dams ultimately would enrich Washington County.

"My main concern is flood control," he said, "but these dams would be a tremendous economic boon to Washington County. They would increase valuations virtually countywide — people are drawn to water."

TUESDAY, AUGUST 3, 2004

# Sights, sounds – and smells

## Neighbor of Douglas County landfill unhappy

By Keith Rydberg  
Reporter

Several landowners in southern Washington County are reminded daily that they are only a few yards from Douglas County as odors from a nearby monofill often permeate the early morning atmosphere.

Rich Mullins, whose Echo Hill Vineyards is near the Washington-Douglas county line on County Road 19, said he has noticed a strong odor coming from the monofill, located near the county line, in recent weeks. Although Mullins said he is unsure exactly what is causing the odor on the monofill, the smell and the sight of the monofill has become a nuisance for him and many of his neighbors who work outside on a daily basis. Mullins said one of the main problems is that while the effects of the monofill are noticed by residents in southern Washington County, the residents can do little about the problem because the monofill is in Douglas County.

"The operators of the landfill are reactive to the community, not proactive," Mullins said. "That's not to say Douglas County has not done a good job, but the Douglas County landfill people put it up against the county line so 50 percent of the people living near it would have no say in its effect. Whenever you have a day when there is low pressure and high humidity, you especially become conscious of the odor. Some days you would swear you were near a hog confinement facility. It is tough when you have customers coming out here from time to time. When you live on a farm, you almost have to accept the



Rich Mullins, owner of the Echo Hill Vineyards near the Douglas County line on County Road 19, stands in his vineyards while a monofill owned by Douglas County can be seen in the background. The monofill has been a cause of controversy among many nearby landowners as they are concerned about the monofill's smell, the possibility of erosion and its perceived unsightliness.

fact that animals smell, but there are no animals raised here and nobody around here raises animals either. Whichever way the wind blows, you can smell it one to two miles away, depending on what type of day it is."

While the monofill's odor is Mullins' biggest concern, he said the monofill is an eyesore as well and can be seen as far away as Fremont. Mullins said seeding the landfill would prevent erosion on the landfill. Such erosion could ultimately lead to the contamination of the nearby Papio Creek.

"It just could be more attractive than it is now," Mullins

said. "At least, the landfill could have been seeded so it is not as noticeable as it is right now. As it is, it is a barren pile of dirt."

Ken Merti, district manager of the Douglas County Landfill, said no seeding has occurred on the monofill because the final grading process on the monofill has yet to be completed. Once the grading is finished, Merti said seeding will occur.

Merti said measures are also underway to at least reduce the odor coming from the monofill. In recent days, workers have been recirculating standing rainwater throughout the monofill to keep the water from becoming stagnant and

to reduce the risk of erosion. Workers are also adding liquid chemicals to the monofill to counteract the stench made by gypsum, which was recently added to the monofill. Merti added the gypsum will not be removed from the monofill, however.

In the meantime, Joe Bushelman, who owns property next to the monofill, remains concerned about what the monofill is doing to the value of his property and other properties near the monofill.

"We thought the problem would be fixed when the operators began to cap off the monofill," Bushelman said. "It stinks worse than ever now."

Local

blairnews.com THE PROGRAM

3A

8-10-04  
Blair

W-H 8-13-04

## Gardner resigns from Papio NRD

Melissa Gardner, who has been active in Nebraska environmental issues, has resigned from the Papio-Missouri River Natural Resources District board and her state position with the Sierra Club.

Gardner is moving to Colorado, said Steve Oltmans, general manager for the NRD. She could not be reached for comment.

Gardner's resignation from the NRD board creates a vacancy on the November ballot. Interested people have until Sept. 1 to obtain about 1,600 signatures to get on the ballot, said Carlos Castillo, Douglas County election com-

missioner.

The other candidate for the seat is Bob Marble, a sales representative for United Distillers and a former candidate for Omaha City Council and the Metropolitan Community College board.

The seat represents central Omaha from roughly 45th Street to 90th Street and Interstate 80 to about Maple Street. The NRD works on flood control, natural resources protection and recreational opportunities.

Gardner also was the conservation organizer for Sierra Club Nebraska.

OMAHA DAILY HERALD FOUNDED 1865  
 OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885  
 OMAHA WORLD-HERALD FIRST PUBLISHED JULY 15, 1889

# Sunday World-Herald

JOHN GOTTSCHALK, *Publisher*

LARRY KING, *Executive Editor* FRANCIS L. PARTSCH, *Editorial Page Editor*

DEANNA J. SANDS, *Managing Editor*

## Urbanizing a county

**A** Sunday drive in rural portions of Douglas County can be an eye-opener to someone who visits those places relatively rarely.

Residential subdivisions sprout almost overnight amid the dwindling cornfields and meadows. Some glades and thickets that were to be seen on the last visit are replaced by golf courses. Strip malls and convenience shops pop up at newly established intersections.

Pricey new homes — some palatial to the point of vulgarity — loom along the bluffs and ridgelines.

Douglas County is a case study in urban sprawl, and it isn't too hard to imagine the total urbanization of everything east of the Platte River between the Sarpy County and Washington County lines.

Growth is desirable; urban sprawl is not in all its forms a blessing. It can degrade the natural character of a city's surroundings, distance the main part of the population from nature's amenities and, for many people, increase the time and expense of commuting to work or school.

Moreover, urban sprawl stretches the city's resources. In parts of west Omaha, population growth has simply outrun the capacity of the street system. That's why it's so difficult to get around on a busy Saturday morning, when thousands of drivers head for shopping and recreational centers.

Sometimes, nature sounds a warning, if only humans will listen. Plans for another residential development were put on hold last week after it was learned that a creek into which

**Growth is good, but urban sprawl makes landscape less appealing in Douglas County.**

the neighborhood's treated sewage would be dumped was already too polluted, in the eyes of the government, to accommodate additional waste.

Developers said they would determine whether their planned treatment plant needed redesigning.

Maybe the issue can be resolved that way. All the same, this points up the problem of developments that have run far west of the city's sewer system. The county's sanitation superintendent said that using the creek to carry off the treated sewage could jeopardize plans for downstream recreational uses.

At one time, city officials talked about encouraging "infill" housing — the use of older neighborhoods as residential building sites. Some success has been achieved. It would be well to keep this idea in the forefront in philosophy, regulation and enforcement of existing standards on new development.

Omaha by Design and neighborhood groups have developed splendid ideas for making the community more appealing, both visually and in substance. One logical consequence of this should be the increasing attractiveness of life in established Omaha neighborhoods.

If that can happen, thoughts of bulldozing away yet another section of forested riverbank should become less enticing to developers and home-seekers. And thoughts of compromising the recreational potential of yet another waterway should become a thing of the past.

OMAHA DAILY HERALD FOUNDED 1865  
 OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885  
 OMAHA WORLD-HERALD FIRST PUBLISHED JULY 15, 1889

# Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*  
 LARRY KING, *Executive Editor* FRANCIS L. PARTSCH, *Editorial Page Editor*  
 DEANNA J. SANDS, *Managing Editor*

## Calming the waters

**A** recent study provided reassurance for people who may have feared that irrigation restrictions would harm the overall economy of the Republican River Valley.

But the impact on individual irrigators is likely to vary, and officials are looking for ways to minimize individual harm.

Regionwide, the study team, led by Ray Supalla, a University of Nebraska-Lincoln professor of agricultural economics, predicted little impact on the economy from reduced water allocations and the retirement of groundwater-irrigated acres.

That's good news for the local communities and water regulators, too. Two of the three natural resources districts along the Republican have been reluctant to limit the amount of underground water pumped by irrigators. Officials at the Nebraska Department of Natural Resources expected controversy over their role as backup regulator.

Restrictions probably will be necessary so Nebraska can comply with the 2003 settlement of a federal lawsuit by Kansas. The suit had charged Nebraska with taking more water than it was entitled to under a 1943 agreement.

In the settlement, Nebraska leaders agreed that groundwater as well as surface water counted against the state's allotment. Thus, restrictions on irrigation wells are part of the settlement.

**UNL study suggests controls on irrigation won't impoverish Republican River Valley.**

Some 55,000 people are employed in the river basin and generate total economic output of about \$4.4 billion a year, Supalla's study found.

Officials have said that irrigation cutbacks might run 10 percent in some years. That would cost the Republican Valley about \$5.6 million, the study estimated.

The worst-case drought scenario considered in the study would reduce the 15-county basin's economy by about \$32.5 million a year. That's a decline in economic output of 1.5 percent that would translate into a 1.1 percent decline in employment.

The study also reassured farmers that, while land values likely would increase at a slower rate under the restrictions, "an absolute decline in average land values is doubtful."

But land values also can be affected by market psychology, particularly in the short run, the researchers said. Translation: Prudent landowners won't run scared.

The report also didn't consider that farm income might include such things as government subsidies for retiring irrigated land or development of a fee-hunting industry, all of which could contribute to the income of landowners and the economic health of the region.

The UNL study offers reassurance that the Republican River settlement can work without knocking a region's economy and its communities down, much less out.

# NRD moves to head off Valparaiso nitrate problem

Phase II designation is a precautionary measure.

8-25-04  
BY ALGIS J. LAUKAITIS  
Lincoln Journal Star

After years of study, the Lower Platte South Natural Resources District says it's time to take additional steps to try and reduce the high levels of nitrates in groundwater in the Valparaiso area.

The Lincoln-based NRD has targeted five square miles as a Phase II Ground Water Management Area. It includes Valparaiso and extends about two miles north; it is nearly 3 miles across at its widest point.

The NRD took the step after at least half of the tested wells consistently showed nitrate levels at 5

parts per million or more. Some wells in the rural areas had levels as high as 30 ppm.

The federal health standard for nitrates is 10 ppm. High nitrate levels can cause health problems in infants, and pregnant women are advised to drink bottled water.

Valparaiso water superintendent Greg Bouc said the village's water supply was safe and the nitrate levels were below the federal health standard, averaging between 5 ppm and 6 ppm.

He said the Phase II designation was a precautionary measure taken by the NRD. The village pumps its water from three wells, two within the city limits and one about 1,000 feet outside of the village boundaries.

"The surrounding area potentially has some contamination of

nitrates that could get into the system down the road," he said. "We want to head it off before it gets here."

Under a Phase II declaration, the NRD will hold a public information meeting in the Valparaiso area soon. It also will establish a committee made up of area residents to help NRD staff develop rules and regulations. Voluntary cost-sharing incentives also will be offered to landowners to help them implement management practices to reduce nitrates. Training programs will be required for anyone who wants to apply nitrogen fertilizers to a field.

Susan Kliment, an employee at the Val Market, said she was surprised to hear about the nitrate problem.

See NITRATE, Page 5B

## ■ Nitrate

Continued from Page 1B

"I didn't realize that there was one," she said.

Kliment, who has lived in Valparaiso for 10 years, said the store was not selling any more bottled water than usual.

Glenn Johnson, general manager of the NRD, said study results showed that fertilization of cropland was the primary source of high nitrate levels in the groundwater.

Johnson said the district took extra steps to ensure that the high nitrate levels "were not an anomaly but a trend." He said staff took samples from lawns, farm fields and pastures.

"We found the highest concentrations in soil in agricultural lands," he said.

The Phase II designation is the second of its kind for the NRD. A much larger area, the Lower Salt Creek Ground Water Reservoir, which includes Waverly, Greenwood and Ashland, was declared a Phase II Ground Water Management Area in 2001.

The entire NRD, which includes most of Lancaster and Cass counties and parts of Otoe, Seward, Saunders and Butler counties, was declared a Phase I Ground Water Management Area in 1996.

Under that designation, the NRD is required to inform and educate residents about the importance of preserving and protecting the groundwater supply.

Johnson said it would take a long time to reduce the nitrate contamination in the Valparaiso area.

"It's taken a long time to get to this point. ... It's not something that is going to turn around very quickly," Johnson said.

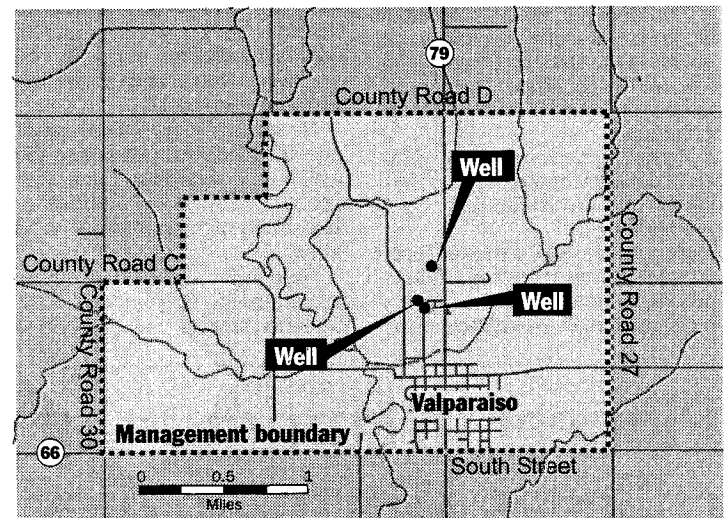
Bouc said he viewed the Phase II designation as a good thing for the community.

"Absolutely. We've got to do something," he said. "If it's management that's going to fix it — what a way to head it off. A new well is very expensive."

Reach Algis J. Laukaitis at 473-7243 or [alaukaitis@journalstar.com](mailto:alaukaitis@journalstar.com).

## Protecting the groundwater

The Lower Platte South Natural Resources District has designated a 5-mile-square area, which includes the village of Valparaiso, as a Phase II Ground Water Management Area. Under the designation, the district plans to use public education, rules and regulations, cost-sharing incentives, training and possibly well spacing to reduce the high levels of nitrates in the groundwater, including these three city wells.



Source: Lower Platte South NRD

D. MATT VAN DRIEST/Lincoln Journal Star



# A new idea to help drought areas

By MARTHA STODDARD  
WORLD-HERALD BUREAU

LINCOLN — Gov. Mike Johanns sought federal help Thursday to encourage Nebraska farmers to shut off center pivots and plant wildlife cover instead of corn.

Johanns sent a proposal to the U.S. Department of Agriculture for a second Conservation Reserve Enhancement Program in drought-stricken areas.

If approved, the plan would cover up to 100,000 acres in the North Platte, Platte and Republican River basins. It also would include Pumpkin Creek.

Farmers would be paid not to grow crops on land that's irrigated with surface water from those rivers or with groundwater drawn from areas next to those rivers.

"This program would provide producers with another option for land use, help in the management of a finite resource, while benefiting fish and wildlife," said Roger Patterson, director of the State Department of Natural Resources.

The areas selected have been hit hard by the drought. They also are areas where water conservation is critical if the state is to comply with major water

agreements.

An agreement governing the Republican River basin requires Nebraska to leave enough water in the river for Kansas. An agreement on the Platte requires leaving enough water for fish and wildlife. Water levels in Lake McConaughy also are critical for recreation.

Under the conservation proposal, farmers would be paid at levels comparable to rent on irrigated land, an average of \$126 per acre, said U.S. Rep. Tom Osborne, R-Neb.

The program would cost an estimated \$158 million over 10 years, with 80 percent coming from the federal government. Existing conservation programs should fulfill the 20 percent match, so no additional state dollars would be needed, Patterson said.

Another \$10 million would be needed to prepare land enrolled in the program. The federal government would split that cost with landowners or other local sources.

Approval of the program is not ensured, Osborne said.

Since introducing the program in 1997, the federal government has signed 29 such conservation agreements with 25 states aimed at various environ-

mental goals, said Charles Chadwell, program manager for the USDA.

Nebraska already has one agreement, signed in 2002, intended to improve water quality in central and eastern counties.

Chadwell said federal officials would look at the area in the new proposal, the environmental concerns, the rates proposed to be paid to farmers and the portion to be paid by various partners. Typically it takes negotiation before an agreement can be reached, he said.

Also Thursday, the U.S. Bureau of Reclamation awarded Nebraska \$354,000 in emergency funding for projects to help producers monitor and minimize damages from the ongoing drought.

The state will use \$113,500 to improve its real-time stream gage monitoring, which water managers can watch on the Internet to make better informed decisions. The other large project is a \$100,000 proposal from the South Platte Natural Resources District for groundwater pumping meters.

In May, \$531,000 was awarded to Nebraska for drought assistance through the same program.